

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 7, 2022

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Tabor moved to postpone the remainder of the Non-Public Session until the end of the City Council meeting. Seconded by Councilor Blalock.

On a unanimous roll call vote 9-0, motion passed.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:05 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

V. INVOCATION

Mayor McEachern asked that Portsmouth think of the citizens of Ukraine as they fight to defend their homeland and really for democracy itself, the right to live and exist the way they choose. He stated that they are up against insurmountable odds, but it feels as though their spirit is something that we can all take pride in, elevate, and put our own struggles in the context of what it means to struggle for the very life that you wish to live. Mayor McEachern asked everyone to join in a moment of silent prayer.

VI. PLEDGE OF ALLEGINANCE

Mayor McEachern led in the Pledge of Allegiance to the Flag.

PROCLAMATION

1. Women's History Month

Mayor McEachern read the proclamation declaring March as Women's History Month.

VII. ACCEPTANCE OF MINUTES – FEBRUARY 7, 2022; FEBRUARY 10, 2022; AND FEBRUARY 22, 2022

Councilor Denton moved to accept and approve the minutes of the February 7th, February 10th and February 22nd City Council meetings. Seconded by Councilor Moreau and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. New Hampshire State Spelling Bee – Portsmouth Middle School 7th Grader, Aadhavan Veerendra

Mayor McEachern presented Addy with a Mayor's Award and a City of Portsmouth coin in recognition of his third consecutive state spelling bee championship.

IX. PUBLIC COMMENT SESSION

Arthur Clough read from the City Charter regarding pecuniary interests and spoke to Assistant Mayor Kelley's own business and the ability to place tables in chairs on the sidewalks.

Mark Brighton spoke to what he feels is an ethics concern related to Assistant Mayor Kelley.

Petra Huda asked why was the Audit Committee here and why that not announced directly on the agenda.

Bill Downey spoke regarding his disappointment with the lack of transparency with the McIntyre issue and said without transparency, democracy fails.

Barbara Massar, Pro Portsmouth, announced that Pro Portsmouth is returning to their regular schedule for Children's Day, Market Square Day Festival and the Summer in the Street program and further information is available on their website. She spoke to the church property on Spinney Road that is up for sale and how that would make a great non-profit center.

Lisa Rapaport thanked the City Council for making the meetings available via zoom for the public. She spoke in support of allocating \$50,000.00 for the climate action plan and \$150,000.00 for the electrical vehicle charging stations in the City.

Chris Maden, Raymond, NH, asked for approval of his request to hold the Maritime Folk Festival in September.

Hershey Hirschkop, South Berwick, Maine, asked for approval by the Council for the Seacoast Outright PRIDE Parade being held on Saturday, June 25, 2022.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Continued Public Hearing – Capital Improvement Plan (CIP) / Adoption of CIP:

(Continued Public Hearing that was held open per action of the City Council at the February 22, 2022 meeting.

Mayor McEachern reopened the public hearing and called for speakers.

Sue Polidura spoke on behalf of the Cemetery Committee, she outlined the history of cemeteries in the City and the many historic people buried in those cemeteries. She cited RSA 289 which outlines the responsibility of the City to maintain and care for cemeteries. She said we need to ensure that funding and maintenance is available for the cemeteries.

Susan Sterry spoke to the request of the Cemetery Committee for additional funding. She addressed the various needs of the cemeteries and the condition assessment report done for the city in 2013. She said the committee will begin fundraising as a joint effort for improvements to the cemeteries. She requested that \$40,000.00 be dedicated for the next 5 years to keep the project moving forward.

Rebecca O'Brien (via zoom), spoke in support of funding for the climate action plan and the electric vehicle charging stations in the CIP. She said she is pleased to see these needs identified in the CIP.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Denton moved to adopt the Capital Improvement Plan as presented. Seconded by Councilor Moreau.

Councilor Tabor moved to amend the CIP to take \$1.4 million in FY22, \$2.8 million in FY23 and \$38 million in FY25 for the new Police Facility. Seconded by Assistant Mayor Kelley.

Councilor Cook asked if this funding would allow exploration of design, renovations, and expansion of the current facility. City Manager Conard said we would need additional time to review renovations of the current facility.

Mayor McEachern spoke in favor of moving forward and coming back when the funds will be appropriated.

On a unanimous roll call vote 9-0, motion passed.

Councilor Denton moved to amend the CIP by the addition of \$150,000.00 in FY24, FY25, FY26, FY27 and FY28 for a combination of level 2 120/208 volt single phase and level 3 480 volt three phase electric vehicle charging stations throughout Portsmouth to include Parking Zone A. Seconded by Councilor Cook.

Councilor Denton said this amendment will continue the City's leadership on electric vehicle charging stations. He said it may make sense to have level 2 charges in the downtown. He spoke to the possibility of private organizations working with the City on this matter.

Councilor Cook said we understand that infrastructure for electrical needs in our downtown need to be addressed and we need to plan ahead.

Councilor Lombardi said the Economic Development Commission has been speaking on this matter and feels it is important to begin and complete this as a partial solution to the climate issues we are facing. He also spoke in support of the electric vehicle charging stations as there are more electric vehicles on the roads today.

Councilor Tabor said that States on the leading edge are looking for charging stations every 50 miles in their communities.

Mayor McEachern asked if this project would be available for federal grant monies, as shovel ready projects. City Manager Conard said that is correct.

On a unanimous roll call vote 9-0, motion passed.

Assistant Mayor Kelley moved to amend the CIP by increasing the Historic Cemetery Improvements by \$15,000.00 for FY23, FY24, FY25, FY26, FY27 and FY28.

Mayor McEachern said doing this shows our commitment to help with fundraising.

On a unanimous roll call vote 9-0, motion passed.

Councilor Moreau moved to amend the CIP by moving the Elwyn Park Traffic Calming FY24 funds of \$160,000.00 to FY23 and that the FY25 funds of \$1.5 million be moved to FY24. Seconded by Councilor Bagley.

Councilor Blalock spoke in support of the motion and the project.

Mayor McEachern asked Public Works Director Rice if this effects providing service if it moved up one year. Public Works Director Rice said that this is a reasonable approach to move the project forward. He said currently they have many projects on their plate and will require a review of workloads, but we would look to get the project done expeditiously.

On a unanimous roll call vote 9-0, motion passed.

Councilor Cook moved to amend the Climate Action Plan by increasing the funding to \$100,000.00 for FY23. Seconded by Councilor Denton.

Mayor McEachern asked what the timeline would be for the project. Councilor Denton said in FY23 the RFP would be issued followed by a selection and then we would come back to the City Council for approval.

Councilor Cook said the committee is looking towards how to move the scope forward and develop a plan for FY23.

On a unanimous roll call vote 9-0, motion passed.

On a unanimous roll call vote 9-0, main motion to adopt the Capital Improvement Plan as amended passed.

Mayor McEachern requested that staff develop a project tracker of the CIP process that residents could follow.

Public Hearing/Adoption of Resolutions:

- B. RESOLUTION PURSUANT TO RSA 72:39-b THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTION SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN

OPTION 1

Proposed increase of Elderly Exemption by the Social Security cost-of-living increase

Single	\$46,124 increase of \$2,196
Married	\$63,108 increase of \$2,708

OPTION 2

Proposed increase of Elderly Exemption by the November to November consumer price index

Single	\$44,829 increase of \$ 901
Married	\$61,638 increase of \$1,238

OPTION 3

Proposed increase of Elderly Exemption

Do Nothing

The elderly exemption shall remain unchanged except as amended hereby.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Tax Assessor Lentz said that the change would add \$.8 to the tax rate overall.

Finance Director Belanger indicated that \$6,500.00 equals \$.1 on the tax rate.

With no speakers, Mayor McEachern closed the public hearing.

Councilor Bagley moved to adopt Option 1 – Proposed increase of Elderly Exemption by the Social Security cost-of-living increase:

Single \$46,124.00 increase of \$2,196.00

Married \$63,108.00 increase of \$2,708.00

Seconded by Councilor Moreau.

On a unanimous roll call vote 9-0, motion passed.

- C. RESOLUTION PURSUANT TO RSA 72:39-b THE CITY HEREBY AMENDS THE DISABLED EXEMPTION BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTION SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYERS(S) HAVE A NET INCOME OF NOT MORE THAN

OPTION 1

Proposed increase of Disabled Exemption by the Social Security cost-of-living increase

Single \$46,124 increase of \$2,196

Married \$63,108 increase of \$2,708

OPTION 2

Proposed increase of Disabled Exemption by the November to November consumer price index

Single \$44,829 increase of \$ 901

Married \$61,638 increase of \$1,238

OPTION 3

Proposed increase of Disabled Exemption

Do Nothing

The disabled exemption shall remain unchanged except as amended hereby.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern declared the public hearing close.

Councilor Bagley moved to adopt Option 1 – Proposed increase of Disabled Exemption by the Social Security cost-of-living increase:

Single \$46,124.00 increase of \$2,196.00

Married \$63,108.00 increase of \$2,708.00

Seconded by Councilor Moreau.

On a unanimous roll call vote 9-0, motion passed.

Mayor McEachern said he would like to see the asset levels increased to \$500,000.00. He said the current level of \$175,000.00 excludes many residents from qualifying for the exemptions.

Councilor Tabor moved to bring back a Resolution increasing the asset limits from \$175,000.00 to \$500,000.00 at a future City Council meeting. Seconded by Assistant Mayor Kelley and voted.

Councilor Tabor said that this is a real issue that cause people from qualifying for the exemptions and he is pleased the limit is being increased.

Assessor Lentz said she would review every application for qualifying for the exemptions until April 15th.

Councilor Denton moved to suspend the rules in order to bring Item XV. A. forward – Service-Connected Total Disability Tax Credit. Seconded by Councilor Lombardi and voted.

Councilor Denton moved to increase the Service-Connected Total Disability Tax Credit from \$3,500.00 to \$4,000.00 prior to April 1, 2022. That pursuant to RSA 72:35, the City of Portsmouth hereby adopts an optional tax credit in the amount of \$4,000.00 as of April 1, 2022 on the taxes due on the residential property of any veteran who has been honorably discharged or honorably separated from military service and; who has a total and permanent service-connected disability; OR is a double amputee or paraplegic because of the service-connected injury; OR is the surviving spouse of a qualified veteran and has not remarried. Seconded by Councilor Lombardi.

Motion passed.

Councilor Denton informed the Council that there are currently 45 veterans that will qualify for the exemption.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Report Back on 77 Meredith Way Request to Restore Involuntarily Merged Lots

City Manager Conard reported that the City Assessor and Planning Board have reviewed the request and recommend its denial.

Councilor Bagley informed the City Council and City Manager Conard that the owners are in the middle of finding a new attorney and would like the matter postponed until the April 18th City Council meeting.

Councilor Bagley moved to postpone until the April 18, 2022 City Council meeting. Seconded by Councilor Moreau and voted.

Councilor Bagley stated that this may be withdrawn completely and would like to see the Council allow the owners to evaluate other alternatives with their new counsel.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern are there other legal avenues to preclude the Council from voting on this tonight.

Councilor Moreau said that Planning Board decision was based on information from the owners. She said the parcel was merged and owners consented to it. She advised the Council that the deed does not speak to three lots. She stated she would reach out to the owners on this matter.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Motion passed.

XII. CONSENT AGENDA

- A. Letter from Hershey Hirschkop, Seacoast Outright, requesting permission to hold the PRIDE Parade on Saturday, June 25, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Ilysse Sirmaian, Portsmouth Babe Ruth, requesting approval to place temporary signage at Leary Field during the 2022 baseball season ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting permission to hold on Saturday, September 24, 2022 and Sunday, September 25, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

Councilor Moreau moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Moreau and voted.

- B. Report Back from Economic Development Commission regarding the inclusion of funding for EV Charger Installation in Capital Improvement Plan

Councilor Tabor moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.

C. Cemetery Committee's Historical Cemeteries Restoration Project

Councilor Cook moved to refer to the City Manager to establish a date for a presentation by the Cemetery Committee at a future City Council meeting. Seconded by Assistant Mayor Kelley and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
 - Duncan MacCallum to the Cemetery Committee
 - Elaine Apatang-Butts to the Citywide Neighborhood Blue Ribbon Committee
 - Kathleen Boduch to the Citywide Neighborhood Blue Ribbon Committee
 - Lawrence Cataldo to the Citywide Neighborhood Blue Ribbon Committee
 - William Gatchell to the Citywide Neighborhood Blue Ribbon Committee
 - Lori Soloway to the Citywide Neighborhood Blue Ribbon Committee
 - Peter Somssich to the Citywide Neighborhood Blue Ribbon Committee
 - Anne Weidman as an Alternate to the Economic Development Commission
 - Heinz Sauk-Schubert as an Alternate to the Historic District Commission
 - Jeff Stern to the Library Board of Trustee
 - Jason Brewster to the Peirce Island Committee
 - Francesca Marconi Fernald to the Peirce Island Committee
 - Chris Gallot to the Peirce Island Committee
 - Steven Marison to the Peirce Island Committee
 - Stephen Philp to the Peirce Island Committee
 - Devan Quinn to the Peirce Island Committee
 - John Simon to the Peirce Island Committee
 - Richard Smith to the Peirce Island Committee
 - Marc Stettner to the Peirce Island Committee
 - William Townsend to the Peirce Island Committee
 - Kathleen Bergeron to the Portsmouth Housing Authority
 - Lauren Krans to the Recreation Board
 - Phyllis Eldridge to the Zoning Board of Adjustment

Assistant Mayor Kelley moved to appoint the following individuals to various boards and commissions:

- **Duncan MacCallum to the Cemetery Committee until December 31, 2023;**
- **Elaine Apatang-Butts; Lawrence Cataldo, William Gatchell, Lori Soloway, and Peter Somssich to the Citywide Neighborhood Blue Ribbon Committee until December 31, 2023;**
- **Anne Weidman as an Alternate to the Economic Development Commission until October 1, 2025;**
- **Heinz Sauk-Schubert as an Alternate to the Historic District Commission until June 1, 2024;**
- **Jeff Stern to the Library Board of Trustee until October 1, 2024;**

- **Jason Brewster, Francesca Marconi-Fernald, Chris Gallot, Steven Marison, Stephen Philp, Devan Quinn, John Simon, Marc Stettner, and William Townsend to the Perice Island Committee until December 31, 2023;**
- **Kathleen Bergeron to the Portsmouth Housing Authority filling the unexpired term of Craig Jewett until April 1, 2024;**
- **Lauren Krans to the Recreation Board filling the unexpired term of Rich Blalock until April 1, 2023;**
- **Phyllis Eldridge to the Zoning Board of Adjustment filling the unexpired term of Jim Lee until April 1, 2022**

Seconded by Councilor Blalock and voted.

C. COUNCILOR MOREAU

1. Land Use Committee Update:
Goals and Objectives

A. Increase diversity of housing types and price points.

B. Remove regulatory barriers for housing diversification in neighborhoods (eg. Accessory

Dwelling Units) – while considering context sensitive design and impacts to traffic, on street

parking and other infrastructure impacts.

C. Restructure incentives to deliver greater public benefit in workforce housing construction.

D. Identify other regulatory updates where by-right density can be conditioned with performance standards

E. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing

F. Establish 2 Working Groups within the Committee: Supported Market and Regulatory

Minutes of Committee Attached

Councilor Moreau provided an update regarding the Land Use Committee. She spoke to the goals and objectives outlined above, and stated the committee wants to ensure they align with the City Council. She said if any councilor has anything they want the committee to review to provide her the information to bring it forward.

Councilor Denton requested the Committee consider amending the zoning of commercial areas to allow for housing, to increase workforce housing incentives, and eliminate single family residential zones.

Mayor McEachern suggested the Committee review density bonuses and create a separate webpage for things related to zoning as a resource for residents.

D. COUNCILOR BAGLEY

1. Comprehensive COVID Bounce-Back Plan

Councilor Bagley moved for a report back from City staff on developing a comprehensive COVID Bounce-Back Plan similar to the previous COVID task forces. Seconded by Councilor Denton.

Councilor Bagley and Councilor Blalock spoke to joining Fire Chief Germain once a month at the Little Harbour School for the Sunshine Squad, which brightens the kid's day.

Assistant Mayor Kelley commended Councilor Bagley and Councilor Blalock for taking part in the programming and stated she would like to see other elementary schools replicate this low cost, high benefit plan.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Grant Award from the Drinking Water and Groundwater Trust Fund - \$111,500.00

Assistant Mayor Kelley moved to approve and accept the grant for the City of Portsmouth to accept up to \$111,500.00 from the Drinking Water and Groundwater Trust Fund as presented. Seconded by Councilor Tabor and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEM

1. Further Update from the Inspection Department

City Manager Conard said this is a follow-up from Chief Building Inspector Wolph regarding the work of the department to get rid of the backlog of permits and the processing of new permits.

Councilor Moreau thanked Chief Building Inspector Wolph for his work handling these issues and moving the department forward.

Councilor Cook thanked City Manager Conard for the report. She is encouraged to see the efforts streamlined.

Councilor Blalock spoke to how well Chief Building Inspector Wolph handled this matter.

City Manager Conard also thanked Deputy City Manager/Deputy City Attorney Woodland and Assistant City Attorney Ferrini for their help with this matter.

Mayor McEachern said government needs to be efficient and provide trust to residents. He said he spoke with Mr. Wolph and he is a great leader and supportive of his team. He stated that Mr. Wolph is consistently moving forward with the process and thanked City Manager Conard for her work on this matter

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Denton moved outdoor dining fees be waived for food service establishments on City property that abide by the composting requirements of the Single-Use Disposable Ordinance. Seconded by Councilor Tabor and voted.

XIX. ADJOURNMENT

At 9:30 p.m., Councilor Moreau moved to adjourn the public meeting and to continue the Non-Public Session from earlier. Seconded by Assistant Mayor Kelley.

On a unanimous roll call vote 9-0, motion passed.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK