

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 21, 2022 TIME: 6:15PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:

https://us06web.zoom.us/webinar/register/WN_y1KBXQplQtg2HIEiyFXP5g

6:15PM – ANTICIPATED NON-PUBLIC SESSIONS RELATING AND PURSUANT TO LEGAL ADVICE AND ACQUISITION OF REAL ESTATE – RSA 91-A:3, II (I) & RSA 91-A:3, I (d)

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

PROCLAMATION

1. Greek Independence Day – Vocal Performance by Children of Saint Nicholas Greek Orthodox Church

VII. **ACCEPTANCE OF MINUTES** *(There are no minutes on for acceptance this evening)*

VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

1. *Recognition for Fire Event on February 25, 2022 to Jayceon and Tristan
2. *Recognition of John Cavanaugh for his efforts in raising awareness of the humanitarian crisis in Ukraine

IX. **PUBLIC COMMENT SESSION** *(This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)*

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

Public Hearing/Adoption of Resolutions:

- A. RESOLUTION PURSUANT TO RSA 72:39-b, AMENDING THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) ASSETS DO NOT EXCEED \$500,000.00 WHETHER SINGLE OR MARRIED
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- B. RESOLUTION PURSUANT TO RSA 72:37-b, AMENDING THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) ASSETS DO NOT EXCEED \$500,000.00 WHETHER SINGLE OR MARRIED
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- C. RESOLUTION PURSUANT TO RSA 72:35, MODIFYING THE OPTIONAL TAX CREDIT FOR SERVICE-CONNECTED TOTAL DISABILITY 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 AN OFFICER HONORABLY SEPARATED FROM THE MILITARY SERVICE OF THE UNITED STATES AND WHO HAS TOTAL AND PERMANENT SERVICE-CONNECTED DISABILITY, OR WHO IS A DOUBLE AMPUTEE OR PARAPLEGIC BECAUSE OF SERVICE-CONNECTED INJURY, OR THE SURVIVING SPOUSE OF SUCH A PERSON WHO HAS NOT REMARRIED
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Watson’s Landing Subdivision Easements for Property Located at 1 Clark Drive
2. Request for Public Hearing on Resolution Related to the Feasibility and Design of a New Police Facility and/or Rehabilitation of the Existing Facility

XII. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Request from Seth Bordonaro, of Vieux Port to install a Projecting Sign at 108 Penhallow Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director’s Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***

- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**

- B. Letter from Mark MacKenzie, Granite State Wheelmen Bicycle Club, requesting permission to hold the 48th annual Seacoast Century Bike Ride on Saturday, September 24, 2022 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Paul Rodriguez, Margarita Half Marathon, requesting permission to hold the Margarita Half Marathon & 5K on Sunday, May 1, 2022 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- D. Eversource Petition and Pole License Requests:
- Installation of 1 pole on Rockingham Avenue #63-0736
 - Installation of 1 pole at Intersection of Banfield Road and Walford Lane #63-0729
- (Anticipated action – move to refer to the City Manager with Authority to Act)**

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence **(Sample motion – move to accept and place on file)**
- B. *Presentation from City Assessor on 2022 Statistical Revaluation
- C. Letter from Josh Denton, Commander VFW Post #168, inviting Mayor McEachern, Assistant Mayor Kelley and City Councilors to observe the Welcome Home: End of the Afghanistan War Parade on Sunday, May 1, 2022 at 10:00 a.m. **(Sample motion – move to accept and place on file)**
- D. Letter from Karen Conard, City Manager requesting the Council to conduct her evaluation as per the terms of her Employment Agreement with the City

XIV. MAYOR McEACHERN

1. Appointments to be Considered:
- Reappointment of Rob Capone to the Cable Television & Communications Commission
 - Appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Request for Vote to Appoint Members to Community Power Coalition of NH **(Sample motion – moved that the City Council authorize Kevin Charette, a member of the city's Energy Advisory Committee, to fill Portsmouth's seat on the board of directors of the Community Power Coalition of New Hampshire, and to approve Peter Rice, Director of Public Works, as alternate to that seat)**

B. COUNCILOR TABOR & COUNCILOR COOK

1. *Selection of an Audit Firm for FY2022

C. COUNCILOR DENTON

1. *Fee Committee's recommendation regarding FY23 Prescott Park License Fees (***Sample motion – move to adopt the Fee Committee's recommendation to reduce the FY23 Prescott Park License Fees by 1/3***) (*The discounted Prescott Park license fees would be \$1,080.00 for the New Hampshire Art Association, \$4,679.00 for the Gundalow Company, and \$14,396.00 for the Prescott Park Arts Festival. This recognition of the ongoing pandemic's uncertainty is in line with all their fees being waived in FY21 and their fees being reduced by 2/3 in FY22*)

D. COUNCILOR BAGLEY

1. **Action Items Needing Approval by City Council:**
 - Discussion on Use of Loading Zone as Parking Inventory (***Acceptance of November 16, 2021 minutes authorizes implementation of temporary parking and traffic regulation for creation of loading zones as metered parking inventory for designated times***)
 - Conversion of 3 Unmetered Parking Spaces Adjacent to the Park at Market Street and Russell Street to Zone B (***Acceptance of November 16, 2021 minutes authorizes the conversion of 3 unmetered parking spaces on Market Street to metered spaces in Zone B, Standard Occupancy Zone***)
2. Parking and Traffic Safety Committee Action Sheets and Minutes of the November 16, 2021; January 6, 2022; February 3, 2022 and March 3, 2022 meetings (***Sample motion – move to accept and approve the action sheets and minutes of the November 16, 2021; January 6, 2022; February 3, 2022 and March 3, 2022 Parking and Traffic Safety Committee meetings***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donations to the PortsmouthNH 400th
 - Roberta Keenan - \$50.00
 - Peter & Kathleen Somssich - \$623.00(***Sample motion – move to approve and accept the donations as presented***)
- B. Approval of Clean Water State Revolving Fund (CWSRF) and American Rescue Plan Act (ARPA) Grant for Wastewater Infrastructure Projects (***Sample motion – move to approve and accept grants for the City of Portsmouth up to \$2,080,500.00 from the Clean Water State Revolving Fund as presented***)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Status Update on the Skateboard Park
2. Construction Update from Public Works
3. Payments May be Made Via Cryptocurrency Through Paypal
4. *Funding for Great Bay Waterline Project

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

**Indicates verbal report*

**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager

Date: March 17, 2022
To: Honorable Mayor Deaglan McEachern and City Council Members
From: Karen S. Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of March 21, 2022

X. Public Hearings and Votes on Ordinances and/or Resolutions:

A. Public Hearing and Adoption of Resolution Amending the Elderly Exemption Asset Limit to \$500,000:

Annually, the City of Portsmouth reviews the asset levels for the elderly exemption from property taxes. Attached please find [a resolution amending these limits](#).

I recommend that the City Council move to adopt the resolution as presented.

B. Public Hearing and Adoption of Resolution Amending the Disabled Exemption Asset Limit to \$500,000:

Annually, the City of Portsmouth reviews the asset levels for the disabled exemption from property taxes. Attached please find [a resolution amending these limits](#).

I recommend that the City Council move to adopt the resolution as presented.

C. Public Hearing and Adoption of Resolution Modifying the Optional Tax Credit for Service-Connected Total Disability in the Amount of \$4,000:

During the City Council meeting on March 7, 2022, Councilor Denton and Councilor Lombardi requested that the City Council conduct a public hearing regarding an increase to the Optional Tax Credit for Service-Connected Total Disability to the amount of \$4,000 in accordance with RSA 72:27(a). [Attached is a proposed Resolution](#).

In 2019, the prior City Council voted to increase the tax credit incrementally every year beginning 2019 until it reach the \$4,000 limit by 2027. This increase, if adopted will take effect April 1, 2022.

Provisions within of RSA 72:35 for the Optional Tax Credit for Service-Connected Total Disability state:

The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to \$4,000.

Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person may qualify for the tax credit.

The optional tax credit may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse.

Any person applying for the optional tax credit under this section shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection.

XI. City Manager's Items which Require Action:

1. Watson's Landing Subdivision Easements for Property Located at 1 Clark Drive:

As a part of the approval process for the new subdivision known as Watson's Landing, located off of Clark Drive, the Planning Board required in part that the developer, Chinburg Development LLC, convey three easements to the City. These three easements are as follows: [an Access Easement for Water Service](#), [a Sidewalk and Utility Easement](#), and [an Access Easement for Water Service](#).

The subdivision will be served by City water, and the Blanket Access Easement for Water Services permits City staff to enter onto each of the properties to access valves in order to conduct testing and generally protect City infrastructure. There is also an existing City foot path connecting Clark Drive to Market Street which will be impacted by the development, and the sidewalk and Utility Easement will ensure continued access to this path. Finally, there is an existing City water line crossing the subdivision land from Market Street to Clark Drive, and the Access Easement for Water Service provides City staff with improved access to this water line.

The Planning Board approved these easements through subdivision and site plan approval at its meeting on March 18, 2021. Planning, Public Works, and the Legal Departments have all reviewed and approved these easements. [The recorded easements are attached.](#)

I recommend that the City Council move to accept an Access Easement for Water Service, a Sidewalk and Utility Easement, and an Access Easement for Water Service from Chinburg Development, LLC over property located at Watson's Landing.

2. **Request for Public Hearing on Resolution Related to the Feasibility and Design of a New Police Facility and/or Rehabilitation of the Existing Facility:**

At the request of the City Council following a discussion on the [Policy Facilitate element sheet in the FY23-28 CIP](#), I bring forth this request to formally authorize a bond issue of up to \$1.4 million for costs related to the feasibility and design of a new Police Facility and/or the rehabilitation of the existing facility as approved in the FY22 CIP and to hold a public hearing on the [proposed Bonding Resolution](#) at the April 4, 2022 City Council Meeting.

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption, the proposed Bonding Authorization for the Feasibility and design of a new Police Facility and or rehabilitation of the existing facility, as presented, for the April 4, 2022 City Council meeting. Please note that Bonding Resolutions require a public hearing and a 2/3 roll call vote for adoption.

XII. Consent Agenda:

A. **Projecting Sign License – 108 Penhallow Street:**

Permission is being sought to install a [projecting sign at 108 Penhallow Street](#) that extends over the public right of way, as follows:

Sign dimensions: 41” x 27”

Sign area: 7.6 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, *I recommend approval of a revocable municipal license, subject to the following conditions:*

1. *The license shall be approved by the Legal Department as to content and form;*
2. *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
3. *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

XVI. Approval of Grants/Donations:

A. **Approval of Various Donations for PortsmouthNH 400th:**

The City received various donations to the PortsmouthNH 400th from:

- Roberta Keenan - \$50
- Peter and Kathleen Somssich - \$623

I recommend that the City Council move to approve and accept the donations as presented.

B. Approval of Clean Water State Revolving Fund (CWSRF) and American Rescue Plan Act (ARPA) Grant for Wastewater Infrastructure Projects:

Attached please find a memorandum from City staff regarding a grant for various Wastewater Infrastructure projects.

I recommend that the City Council move to approve and accept grants for the City of Portsmouth up to \$2,080,500 from the Clean Water State Revolving Fund as presented.

XVII. City Manager's Informational Items:

1. Status Update on the Skateboard Park:

Attached please find a memorandum regarding the Skateboard Park from Pillar Design Studios.

2. Construction Update from Public Works:

A memorandum from the Director of Public Works regarding Daniel Street construction in April is attached for your information.

3. Payments May be Made Via Cryptocurrency Through PayPal:

Attached please find information regarding the City accepting cryptocurrency through PayPal.

4. Funding for Great Bay Waterline Project:

As part of the Bill H.R. 2471, the "Consolidated Appropriations Act, 2022, which was signed on March 15, 2022 by President Biden, I am pleased to announce that the Great Bay Waterline Project will be receiving \$600,000 in grant funding from the Federal Government.

The City owns and maintains a 7 mile crosscountry drinking water transmission main that brings treated drinking water from the Madbury Water Treatment Plant to Portsmouth. The 24-inch main carries approximately 60% of the water serving the City's regional water system that includes Portsmouth, Newington, Greenland, New Castle and portions of Madbury, Dover, Durham and Rye. The main crosses the Little Bay, approximately 4,000 ft. to the southwest of the Scammell Bridge (US Route 4). At the crossing, the 24-inch concrete pipe transitions to two 20-inch cast iron pipes from the Durham shore to the Fox Point shore in Newington. The two parallel transmission mains, installed in the 1950s, are approximately 3,200 feet in length across the bay. A dive inspection completed in 2016 observed that portions of the two cast iron pipes have become exposed to salt water and have experienced significant exterior corrosion, with corrosion pits greater than 50% of the pipe wall thickness in some instances. This critical water main requires replacement for the City to maintain a safe, reliable supply of drinking water to the regional water system.

The proposed project involves installing one 24-inch, high density polyethylene pipe (HDPE) on the floor of the bay in a previously disturbed corridor between the existing cast iron pipes crossing Little Bay, with connections to the existing transmission main on the Durham and Newington shores. Several alternatives for water main replacement were evaluated including directionally drilling, establishing a new water main route along existing roads and bridges, and rehabilitating the existing pipes. Installation of a replacement pipe on the channel floor was selected as the most technically feasible and viable solution for providing a reliable drinking water supply from the Madbury drinking water treatment facility.