

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 4, 2022

PORTSMOUTH, NH
TIME: 6:00PM

Councilor Lombardi moved to exit the Non-Public Session and seal the minutes. Seconded by Assistant Mayor Kelley.

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

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer in memory of Eugene Fisk who recently passed away.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. Sexual Assault Awareness Month

Assistant Mayor Kelley said she is a survivor of sexual assault and read the Proclamation whereby Mayor McEachern declared April as Sexual Assault Awareness Month.

Councilor Moreau said she shares in Assistant Mayor Kelley's support of Sexual Assault Awareness Month and urged anyone needing help not to hesitate to contact Sexual Assault Support Services for assistance.

VII. ACCEPTANCE OF MINUTES – MARCH 7, 2022

Assistant Mayor Kelley moved to approve and accept the minutes of the March 7, 2022 City Council meeting. Seconded by Councilor Tabor and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Recognition for Fire Event on February 25, 2022 to Jayceon and Tristan

Mayor McEachern presented Mayor's Awards for Jayceon and Tristan in recognition of their swift action during a fire event in their home.

2. Thank you to Nancy Carmer for 36 Years of Service to the City

Mayor McEachern stated that Portsmouth is the City of the Open Door and that door needs to be kept open and Nancy Carmer has done that for Portsmouth. He presented and recognize Nancy with a City of Portsmouth Coin for her 36 years of service to the City.

Councilor Lombardi moved to suspend the rules to allow Nancy Carmer to say a few words. Seconded by Assistant Mayor Kelley and voted.

Ms. Carmer thanked Mayor McEachern and the City Council for this recognition. She spoke to the various projects she was a part of during her 36 years with the City and how important they were to the City.

Councilor Denton moved to suspend the rules to bring forward Item XIII. C. – Letter from Luke Wentworth requesting the consideration of installing a basketball court and/or basketball hoop at the Plains Playground. Seconded by Councilor Lombardi and voted.

Mayor McEachern read Luke's letter regarding his request. Mayor McEachern said that this is a basketball community and Luke has provided a persuasive argument for the installation of a basketball hoop at Plains Playground.

Councilor Blalock moved to refer Luke's letter to the Recreation Board and Recreation Director Henley. Seconded by Lombardi and voted.

Mayor McEachern thanked Luke for his gift and said that he would keep it in his office here at City Hall.

Assistant Mayor Kelley moved to suspend the rules to take up Item XIV. 2. – Recognition of John Leith. Seconded by Councilor Cook.

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

Mayor McEachern spoke to the 30 years of service given by John Leith to the Portsmouth Housing Authority and presented Mr. Leith with a City of Portsmouth Coin in recognition of his 30 years as a board member.

Councilor Moreau moved to suspend the rules to allow Tom Ferrini, Chair of the Portsmouth Housing Authority to speak regarding John's service. Seconded by Councilor Cook.

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

Chairman Ferrini said he asked John what he was most proud of from his service on the Housing Authority. He said John indicated it was the development of Wamesit Place and the Ruth Lewin Griffin Workforce Housing projects. Chairman Ferrini thanked Mr. Leith for his service and dedication to the Housing Authority.

IX. PUBLIC COMMENT SESSION

Mark Brighton read a statement from Assistant Mayor Kelley's private twitter account that he felt was inappropriate and said she should apologize for it.

Roy Helse requested when changing an ordinance that a review of how the changes will effect taxpayers and to have an open discussion on the matter.

Esther Kennedy spoke regarding affordable housing in the City and feels that the Council is not thinking about the residents. She urged the City Council to work with small businesses and moving parking does not help make sure the businesses are accessible.

Sue Polidura spoke to a letter written by Christopher White on the audit process. She said the process followed to allow Melanson one more year to conduct the audit was a flawed vote. She said the City should not have taken their bid and the only one that should have qualified would have been CLA. She asked the Council to reverse their vote on this matter.

Petra Huda said the Audit Committee process was flawed because of staff. She stated the RFP was created by staff and therefore, not independent. She said until a contract is signed by the firm, the name of the firm is never brought forward.

Chris White said the purpose of the Audit Committee was to bring the City into compliance. He stated he feels the City is further from meeting that goal or from having an independent audit. He said using the same firm again is wrong and makes no sense.

Paige Trace said the City Council works for all the residents and said there has been a lack of transparency by the Council. She addressed the potential increases to the budget and asked that the City Council find their voice and ask questions throughout the process.

X. PUBLIC HEAIRNG AND VOTE ON ORDINANCE AND/OR RESOLUTION

Public Hearing/Adoption of Resolution:

- A. RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES OF UP TO ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000.00) DOLLARS FOR COSTS RELATED TO THE FEASIBILITY AND DESIGN OF A NEW POLICE FACILITY AND REHABILITATION OF THE EXISTING FACILITY

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Acting Police Chief Maloney spoke to the request for the authorization of \$1.4 million and the goal towards meeting that. He stated he understands both sides as a resident and employee of the City. He spoke to the history of the buildings and how the current building was not ever intended to be a Police Station. He said the building does not meet the needs for a modern Police Department with community policing. He provided an update on the facility and the mold issues. He addressed the mold abatement and remediation for health and safety violation filed with the Department of Labor by employees. He said there have been funds spent on improvements and remediation but amount to little changes, as the space needs to be redesigned. He addressed concerns regarding secure parking areas, the inability to accommodate additional female officers due to a lack in bathroom facilities, storage areas for secure information, etc.

Mayor McEachern thanked Acting Chief Maloney for the presentation.

Councilor Cook thanked Acting Chief Maloney for his work and said the presentation helps the Council to frame and answer questions. She asked what the process is after the funds are bonded and at what point do we have discussions.

Police Commissioner Shaheen said the bond authorization would provide for a needs assessment and moving the project forward. She spoke to the need for a preliminary design for a facility and the creation of a work group made up of City Councilors, Police Commissioners and staff.

Assistant Mayor Kelley asked how long would it take for the report to be completed. Acting Chief Maloney stated 9 to 12 months.

Councilor Tabor suggested a tour of the facility for the City Council and Mayor McEachern agreed, stating that a tour would be beneficial.

Assistant Mayor Kelley said she toured the building and expressed her shock at the conditions. She said we are losing candidates to other communities due to the condition of the facility.

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

Police Commissioner Scherr said he was skeptical regarding funding for the facility until he was elected to the Police Commission. He said the department has needed a new facility for the last 8 years. He said the current space is not ideal and there is an urgent need to have a new facility. He spoke to the recent conference he and others attended regarding building new police stations. He said as time passes the costs to build a new facility increases and we need to move forward with this project.

Dick Bagley said he was chair of the Blue Ribbon Committee for replacing a Police Commissioner and saw the condition of the building during his service on the Committee. He said that the building is a disgrace, it has health issues and the police deserve a new facility. He encouraged the City Council to approve the funding which is being requested.

Sue Polidura said a new facility is an urgent matter, which needs to be addressed in a timely manner. She spoke regarding the possibility of having more than one station for the department into the future.

Commissioner Coyle said she came to the Police Commission skeptically as to their needs for a new facility. She said the need is significant and there is a need for a facility to assist in community policing.

Commissioner Shaheen spoke to the need to move forward with the bonding. She said we need a facility to support the work of the Police Department. She addressed the conditions of the building and how they are inadequate to meet the needs of the department. She expressed a debt of gratitude for Public Works Director Rice and Facilities Manager Almeida work on the building.

Patricia Bagley provided her support in moving the bond request forward. She said she has toured the facility in the past and she was appalled at the conditions. She stated that the City is behind in giving the officers what they need for a facility.

Councilor Tabor moved to adopt the Resolution as presented. Seconded by Assistant Mayor Kelley.

Councilor Cook said she values our Police Department and this is the start of a long process. She stated she would like to bring the community into the process. She said a new facility would be a significant impact on the City and we must be mindful to bring this back to the City Council for updates.

Councilor Blalock said he supports this request and the Council needs to be transparent in the process as it moves forward.

Councilor Tabor said he worked and ran an organization that had a building that was too small and it was transformative for them when they built a new facility. He spoke to the importance of community policing and the need to think long term.

Councilor Bagley said we must determine the best path forward and move quickly in determining what is feasible.

Councilor Lombardi said he concurs with Councilor Bagley's comment. He said the current facility is inadequate and a new location and building is needed.

Mayor McEachern said the role of government and why we choose to come together is due to advantages and we are lucky to have a Police Commission in the City. He said we have a City Council that is dedicated to the needs of the community and expressed his appreciation and efforts for the presentation this evening. He said how we vote will determine our ability to police in the future. He said he would like to see this in front of the City Council as much as possible.

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

Councilor Denton moved to suspend the rules in order to bring forward Item XI. A.3. – Request from the Police Commission for a Performance Bonus for Chief of Police. Seconded by Councilor Blalock.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

3. Request from the Police Commission for a Performance Bonus for Chief of Police

City Manager Conard said the Police Commission following Chief Newport's evaluation has approved a one-time bonus of \$3,000.00 for the Police Chief.

Commissioner Shaheen said the chief's review was extraordinary and his contract has a provision for a bonus. She said the Commission involved prior commissions and the current commissioner's comments and considerations, when approving the one-time bonus. She said if Chief Newport was not currently in training at Quantico he would be present this evening to address any questions of the Council.

City Manager Conard said that the Police Chief's contract is unique in allowing a bonus.

Councilor Denton moved that the City Council confirm the request for Chief of Police Newport to receive a \$3,000.00 bonus per the terms of his contract. Seconded by Councilor Lombardi.

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

1. License Agreement with Strawberry Banke for Property Located at 81 Washington Street

City Manager Conard said the agreement proposes adding two parking spaces to Strawberry Banke's property located at 81 Washington Street. She stated if the City Council grants this license to Strawberry Banke, it would still be required to obtain a driveway permit from the Public Works Department.

Councilor Moreau moved to authorize the City Manager to negotiate and execute a revocable license to Strawberry Banke Museum, Inc. to cross Parcel S-3 to access 81 Washington Street for the purposes of parking, as depicted on the plan contained in the City Council packet. Seconded by Councilor Lombardi.

Assistant Mayor Kelley stated she currently sits on the Board and asked should she recuse from voting on this matter. City Attorney Sullivan advised Assistant Mayor Kelley that she could vote on this matter.

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

2. Request to Extend Prescott Park Arts Festival 2022 Season Dates

City Manager Conard said this is a request to extend their 2022 season dates for three additional events.

Councilor Denton moved to extend the Prescott Park Arts Festival's 2022 season to include the requested dates: June 10th, June 16th and September 5th. Seconded by Councilor Cook.

Councilor Tabor said he would be abstaining from the vote because he serves as the Chair of the Prescott Park Arts Festival.

On a roll call vote 8-0, motion passed. Councilor Tabor abstained from voting on this matter.

4. Union Cemetery Listing on State Register of Historic Places

City Manager Conard spoke to an inventory of the historic features of the Union Cemetery prepared some years ago by City staff, which was presented to the NH Division of Historic Resources. She said NH Division of Historic Resources have indicated that this inventory is sufficient to move forward with the process for listing the cemetery on the State Register of Historic Places.

Councilor Moreau moved to authorize the City Manager to proceed to take the additional steps to have the Union Cemetery listed on the State Register of Historic Places. Seconded by Councilor Blalock.

Mayor McEachern thanked the Cemetery Committee for their work on this overlooked part of the City.

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

5. Temporary Construction License for 45 Market Street

City Manager Conard reported to the Council that the owner has experienced a small delay in receipt of materials, which will require more time than initially anticipated to complete the portion of the project that requires staging on city sidewalks.

Councilor Blalock moved to authorize the City Manager to waive the license fee and execute and accept the temporary construction license for the term of 18 days to encumber the sidewalk with pass-through staging at 45 Market Street as requested. Seconded by Councilor Lombardi.

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

6. Approval of the Superintendent's Contract

City Manager Conard advised the City Council that the contract has been approved by the School Board.

Councilor Lombardi moved to approve the contract as presented. Seconded by Councilor Blalock.

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

7. McIntyre Update

Mayor McEachern announced that the City Council will be holding a Special City Council meeting on Wednesday, April 6, 2022 regarding McIntyre.

8. Request to Schedule Public Hearing on April 18 to Accept Second Tranche of ARPA Funds

City Manager Conard said the City is set to receive the second tranche of ARPA funds in the amount of \$6,440,140.00, and as such a public hearing will need to be scheduled to accept the funds.

Councilor Moreau moved that the City Council schedule a public hearing to accept the second tranche of ARPA funds at the next City Council meeting on April 18, 2022. Seconded by Councilor Lombardi.

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

9. Actions Related to Community Campus Acquisition

- A. Request to Schedule a Public Hearing on April 18th to Consider Resolution of \$10,000,000.00 for Community Campus Acquisition and Rescind Prior Funding Resolution

City Manager Conard said that there is a three prong approach to acquiring Community Campus. She spoke to the previous Council passing a resolution to authorize the purchase of Community Campus using various funding sources to include Trusts, Special Revenue, Capital Outlay, ARPA, and Borrowing. She stated since the passage of that resolution, the federal government has published its Final Rule on the use of ARPA Grant funds effective April 1, 2022.

City Manager Conard said in order to avoid potential limitations on possible future uses of the Community Campus property, she is recommending that the Council rescind the December 20, 2021 resolution and replace it with one that utilizes Trusts, Special Revenue, Capital Outlay and Borrowing.

Councilor Cook moved that a public hearing be established at the City Council meeting of April 18, 2022 to consider the proposed Resolution to replace the Community Campus funding sources. Seconded by Councilor Moreau.

Councilor Moreau said this will provide flexibility for the City Council.

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

- B. Request to Schedule a Public Hearing on April 18th to Appropriate \$5,260,000.00 in ARPA Funds for Certain Projects

Councilor Lombardi moved that a public hearing be established at the City Council meeting on April 18, 2022 to consider this second proposed Resolution to use ARPA funds for the four projects described below. Seconded by Councilor Moreau.

Projects:

- *Multi-Purpose Recreation Fields-Lighting*
- *Citywide Sidewalk Reconstruction Program*
- *Street Paving, Management and Rehabilitation*
- *Islington Street Phase 2*

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

- C. Request to Schedule a Listening Session on April 11th on Spending ARPA Funds for this Purpose

Councilor Tabor moved that a listening session relative to the use of ARPA funds for the purposes outlined above be schedule for April 11, 2022. Seconded by Councilor Moreau.

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

XII. CONSENT AGENDA

- A. Letter from Katie Johnson, Yoga in Action, requesting permission to use Prescott Park as the site of their annual series: "Yoga in the Park" at the Whale Statue lawn for a one-hour class each Tuesday at Noon from June through August (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- B. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 17th Annual Seacoast Half Marathon on Sunday, October 30, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Debra Smith, Friends of the South End, requesting permission to hold the annual Fairy House Tour event at Prescott Park on Saturday, September 24, 2022 and Sunday, September 25, 2022 from 10:00 a.m. – 3:00 p.m. and Peirce Island for parking ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Richard Clyborne, Gundalow Company, requesting permission to hold the 12th annual Round Island Regatta on Saturday, August 27, 2022 and the use of the Peirce Island launch ramp and related parking area to facilitate this event ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from JerriAnne Boggis, Black Heritage Trail, requesting permission to use public spaces for the Juneteenth celebration at the African Burying Ground Memorial, Sunday, June 19, 2022 from 2:00 p.m. – 4:00 p.m. and Church Street between Court Street and State Street, Monday, June 20, 2022 all day ***(Sample motion – move to refer to the City Manager with Authority to Act)***

Councilor Denton moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley.

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

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

- B. Letter from Perry and Kristin Silverstein regarding Outdoor Dining and a Letter from Michael Levandowski, LeRoux Kitchen, requesting that the parking spaces that the City Council eliminated to provide outdoor seating be returned as parking spaces

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

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

At 9:40 p.m., Mayor McEachern called for a brief recess. At 9:50 p.m., Mayor McEachern called the meeting back to order.

XIV. MAYOR McEACHERN

1. "Love in Kilnerry" Proclamation

Mayor McEachern said this proclamation was created at the request of Steve Scott for the movie "Love in Kilnerry". He announced that a special screening of the film will be held on April 9, 2022 at Portsmouth High School.

3. Appointments to be Considered:

- Appointment of Lynn Vaccaro to the Conservation Commission
- Appointment of Celeste Brooks to the Cemetery Committee
- Appointment of Jody Record to the Library Board of Trustees

The City Council considered the appointments outlined above which will be voted on at the April 18, 2022 City Council meeting.

4. Appointments to be Voted:

- Reappointment of Rob Capone to the Cable Television & Communications Commission
- Appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee
- Appointment of Alana Rooke to the Arts & Non Profits Blue Ribbon Committee

Councilor Denton moved the reappointment of Rob Capone to the Cable Television & Communications Commission until April 1, 2025; appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee and appointment of Alana Rooke to the Arts & Non Profits Blue Ribbon Committee. Seconded by Councilor Tabor.

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

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON & COUNCILOR LOMBARDI

1. Request to Waive Peirce Island Fees for military, military dependents, veterans, and veteran caregivers

Councilor Denton moved for a report back on the costs associated with waiving the following non-resident daily fees for military, military dependents, veterans, and veteran caregivers: \$2 for children and \$4 for adults to use Peirce Island Outdoor Pool; \$10 for kayaks, canoes, and any other non-motorized water craft to use Peirce Island Boat Launch; and \$20 for motorized water craft, jet skis, and/or sail boat to use the Peirce Island Boat Launch. Seconded by Councilor Lombardi.

Councilor Denton said that this is a report back to see what costs we would incur by waiving these fees.

Councilor Lombardi said he supports the idea to study this request.

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

B. COUNCILOR COOK

1. Update on Governance Committee Work

Councilor Cook reported that the Governance Committee has been discussing the rules of the City Council and have brought forward the recommended changes. She stated the Committee is also discussing the Ethics Ordinance and reviewing the structure of a Charter review. She advised that a detailed report will be brought forward to the City Council mid-year for their review.

2. Proposed changes recommended by the Governance Committee to the Rules and Orders of the Portsmouth City Council

City Attorney Sullivan advised the Council that a suspension of the rules would need to take place for action to occur this evening on the recommended changes to the Rules and Orders of the City Council.

Councilor Cook moved to suspend the rules to take action on the proposed changes recommended by the Governance Committee to the Rules and Order of the City Council. Seconded by Councilor Blalock.

On a roll call vote 6-3, motion passed. Councilors Tabor, Denton, Moreau, Lombardi, Blalock and Cook voted in favor. Assistant Mayor Kelley, Councilor Bagley and Mayor McEachern voted opposed.

Councilor Lombardi moved to accept the changes to the Rules and Orders of the Portsmouth City Council proposed by the Governance Committee. Seconded by Councilor Blalock.

Councilor Tabor inquired as to the change to the Public Dialogue Session, whereby three City Councilors would be attendance with no minutes kept. He said he feels there was a benefit when the entire City Council participated in the Public Dialogue Sessions.

City Attorney Sullivan stated that without a quorum, notice and minutes are not required.

Councilor Tabor asked if it was properly noticed why minutes couldn't be taken.

Councilor Cook stated the change was made to reflect the reality of practices. She said it is difficult to record minutes and capture the entire dialogue. She said that the Mayor would rotate City Councilors and designate three at a time to attend the sessions.

Councilor Denton said when public dialogue was created it was difficult to get a benefit from it. He explained how a topic would be assigned, and the City Manager would need to move between the two sessions. He further stated that people also, did not want to be on camera and it did not work well. He feels this system will work better and is a step in the right direction.

Councilor Lombardi said the public dialogue could also take place outside of the Council Chambers, perhaps at a location within each of the five wards.

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

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Skateboard Park
 - Summer Sessions - \$1,025.00

Assistant Mayor Kelley moved to approve and accept the donation as presented. Seconded by Councilor Blalock.

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

- B. Acceptance of Grant from the NH Department of Justice through the 'Victims of Crime Act' (VOCA) for expenses incurred and services provided for direct victim services, to include expenses for personnel - \$24,759.00

Assistant Mayor Kelley moved to approve and accept the grant for the Police Department as presented. Seconded by Councilor Moreau.

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on COVID-19 Bounce Back Plan
2. Bridge Street Lot Closure
3. Sagamore Avenue Area Sewer Extension Project Update
4. EPA Mandated Industrial Pretreatment Program
5. NHDES Public Hearing regarding Pease Aviation Partners, LLC Application for Wetland Permit

City Manager Conard announced that the NHDES will be conducting a Public Hearing on Wednesday, April 6, 2022, beginning at 4:00 p.m. to receive public comment on an application from Pease Aviation Partners, LLC for property located at Exeter Street.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Tabor requested that the City Council receive a tour of the Police Station in groups of 3.

XIX. ADJOURNMENT

At 10:20 P.M., Councilor Moreau moved to adjourn. Seconded by Assistant Mayor Kelley.

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK