

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, JUNE 21, 2022

PORTSMOUTH, NH
TIME: 6:00PM

Assistant Mayor Kelley moved to adjourn the Non-Public Session until the end of the City Council meeting. Seconded by Councilor Tabor and voted.

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, Lombardi, Blalock (7:40 p.m.) and Cook

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATIONS:

1. United States Constitution Day

Mayor McEachern read the Proclamation declaring June 21, 2022 as United States Constitution Day marking the 234th birthday of the US Constitution.

Sue Polidura portraying John Langdon's sister Elizabeth, accepted the Proclamation with thanks and appreciation.

2. Juneteenth 2022 in Portsmouth

Assistant Mayor Kelley read the Proclamation declaring Juneteenth 2022 in Portsmouth and urged all members of the community to learn more about the Emancipation Proclamation and history behind this holiday. Further, to join in celebrations, commemorations and other programs and tributes organized by community members such as the Black Heritage Trail of NH, the Seacoast African American Cultural Center and Black Lives Matter Seacoast.

VII. ACCEPTANCE OF MINUTES – MAY 2, 2022 & MAY 9, 2022

Assistant Mayor Kelley moved to accept and approve the minutes of the May 2, 2022 and May 9, 2022 City Council meetings. Seconded by Councilor Blalock and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Portsmouth High School Boys Track Team Division 1 State Champions

Mayor McEachern recognized the Boys Track Team for their Division I State Championship. Athletic Director Koz read the names of each student while Mayor McEachern presented each student with a plaque in recognition of their achievements and winning the Division I State Championship.

2. Portsmouth High School Girls Lacrosse Team Division II State Champions

Mayor McEachern recognized the Girls Lacrosse Team for their Division II State Championship and noted that they are all honor students. He further stated that this is the Girls 5th Consecutive Win. Athletic Director Koz read the names of each student while Mayor McEachern presented each student with a plaque in recognition of their achievements and winning the Division II State Championship.

3. Portsmouth High School Boys Lacrosse Team Division II State Champions

Mayor McEachern recognized the Boys Lacrosse Team for their Division II State Championship. Athletic Director Koz read the names of each student while Mayor McEachern presented each student with a plaque in recognition of their achievements and winning the Division II State Championship.

IX. PUBLIC COMMENT SESSION

Andrea Amico spoke regarding PFAS being a part of the turf field and asked where is the accountability on not getting what we asked for, a PFAS free turf field. She said the City is accepting the PFAS because they are considered low levels and she expressed her opposition to this and said the field is not safe.

Roy Helse spoke regarding PFAS testing for the turf fields. He would like to know the standard for testing. He also addressed the number of variances being granted to large developments by the Land Use Boards.

Caroline McCoy said she gathered signatures on a petition to keep the brick sidewalks on State Street. She said the neighborhood is not in support of replacing the brick with concrete. She said the neighborhood wants to maintain the beauty and history of the area.

Trevor Ristow thanked the City Council for opening the discussion regarding brick sidewalks on State Street. He said if safety was a concern there would be no brick sidewalks. He said the neighborhood does not support concrete and asked the Council to preserve the brick sidewalks.

Vicki Fox David said the historic district is along their property line and stated no city money has been spent for the installation of brick sidewalks and granite curbing. She said she understands the value that brick sidewalks bring to a neighborhood.

Amy Mae Court said the Council will be accepting funds for lighting up the skateboard park this evening and thanked those Councilors that attended and supported the recent Skateboard Park fundraiser.

Dave Cosgrove thanked the City Councilors that contributed to the skateboard park and those that donated time and skills at the fundraiser. He announced the success of the fundraiser and reported \$15,000.00 was raised.

Olivia Annunziata Blaisdell & Emily Stoke thanked the City Council for supporting their letter regarding Indigenous Peoples' Day. She urged the City Council to vote in favor of replacing Columbus Day with Indigenous Peoples' Day.

Petra Huda spoke opposed to the approval of the Memorandum of Agreement with 1386A because it is monies over and above the FY22 budget. She said that this item should have a public hearing before a vote is taken.

Bill Carmada asked that brick sidewalks remain on State Street because it is part of the charm of the City. He spoke in support of the City maintaining the brick sidewalks for the residents of the area.

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

First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee

Assistant Mayor Kelley moved to pass first reading and hold a public hearing and second reading at the July 11, 2022 City Council meeting. Seconded by Councilor Bagley.

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

- B. First reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics

Councilor Cook moved to pass first reading and hold a public hearing and second reading at the July 11, 2022 City Council meeting. Seconded by Councilor Lombardi.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 1. Approval of Local 1386A Memorandum of Agreement

City Manager Conard said this would allow the City more flexibility in hiring and take effect upon approval. She said \$13,000.00 would come from the water side and \$72,000.00 from the Sewer side.

Councilor Bagley spoke to the complexities of these positions and the operation of equipment.

Deputy Public Works Director Goetz spoke to the Peirce Island Wastewater Treatment Facility and the complexities of running the facility. He said these are 24/7 operations with required skills and certification.

Councilor Cook asked if we are having challenges hiring and keeping staff in these positions. Deputy Public Works Director Goetz reported that there are currently 4 openings and the MOA Portsmouth will be more competitive.

Councilor Moreau said the increases for this are already in our budget and therefore we did not need to have a public hearing.

Councilor Tabor said we need to pay for the skills needed and all operators are trained.

Councilor Tabor moved to approve the proposed Memorandum of Agreement with Local 1386A as presented. Seconded by Councilor Lombardi and voted.

Assistant Mayor Kelley moved to suspend the rules to bring forward Item XVI. D. – Acceptance of Memorial Bench Donation in Memory of Vernon Boardman - \$2,200.00. Seconded by Councilor Tabor and voted.

Mayor McEachern said that this is an honor to accept and highlight this donation.

XVI. APPROVAL OF GRANTS/DONATIONS

D. Acceptance of Memorial Bench Donation in Memory of Vernon Boardman - \$2,200.00

Nancy Pearson came forward to speak on the donation. She stated that Vernon was a fixture in the City. She said the bench would be located in the redesigned area of Commercial Alley which will be accessible to all. She stated the bench will be granite and will match Charlie Howard's bench which will be located in the same area. She spoke to the Go Fund Me page that she is establishing to raise funds for the bench.

Assistant Mayor Kelley moved to accept and approve the Memorial Bench Donation in memory of Vernon Boardman, as presented. Seconded by Councilor Blalock and voted.

Councilor Denton moved to suspend the rules in order to bring forward Item XIII. B. – Letter from We Speak, Portsmouth High School, requesting the City Council permanently approve Indigenous Peoples' Day (not alongside "Columbus Day") and support public recognitions and acknowledgments in honor of Indigenous Peoples' lands in Portsmouth. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- B. Letter from We Speak, Portsmouth High School, requesting the City Council permanently approve Indigenous Peoples' Day (not alongside "Columbus Day") and support public recognitions and acknowledgements in honor of Indigenous Peoples' lands in Portsmouth

Councilor Denton moved to refer this request for a vote at the July 11, 2022 City Council meeting. Seconded by Councilor Bagley and voted.

XII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

2. Approval of Extension to Fire Chief Todd Germain's Employment Agreement

City Manager Conard said that this is to acknowledge the retirement of Fire Chief Germain.

Assistant Mayor Kelley moved to approve the proposed extension with Fire Chief Germain as presented. Seconded by Councilor Tabor and voted.

3. Urbanized Shoreland Exemption for 57 Salter Street
- XIII.D. Letter from Attorney Sherilyn Burnett Young, regarding application for Urbanized Shoreland Exemption – 57 Salter Street

City Manager Conard said this was before you at the May 2, 2022 City Council meeting. She reported that at the May 19th Planning Board meeting they voted to recommend the City Council approve the exemption for 57 Salter Street.

Councilor Moreau moved that the City Council find that the 57 Salter Street property meets the criteria for an Urbanized Shoreland exemption pursuant to RSA 483-B:12 as outlined in the April 25, 2022 and June 10, 2022 letters and attachments submitted by the Thompson's legal counsel and included in the City Council packet; and further to authorize the City Manager to submit an exemption application consistent with this finding. Seconded by Assistant Mayor Kelley.

Councilor Cook said the request to look at broader policies is critical because there are properties that abutt the water and we will be seeing more property that no longer meets NH requirements. She said she could see this being a problem in other areas.

Motion passed.

4. City Council Policy 2010-02 – Sidewalk Materials

City Manager Conard said this is a conversation on sidewalk materials and spoke to the current policy. She spoke to the bidding process for brick or brick accent and the costs involved.

Public Works Director Rice spoke regarding the labor intensive costs which are a major portion of this project. He said Public Works is recommending the use of brick accent.

Councilor Bagley said in speaking with people with accessibility issues, they prefer concrete but we can make a safe sidewalk out of brick. Public Works Director Rice said the older style brick freezes quicker and the brick accent is safer if maintained.

Assistant Mayor Kelley asked if there are projects we would need to delay to install the brick. Public Works Director Rice said it would delay other sidewalk installations.

Councilor Denton asked because we need to spend additional funds will it require a public hearing. Public Works Director Rice said the funds were appropriated for sidewalks in the budget. He stated the change in material happens and the CIP allows for this flexibility.

Councilor Tabor said it is hard to go from brick sidewalks to concrete, but we need to think of what is best for the City and he will support keeping brick sidewalks and the charm of the neighborhood.

Assistant Mayor Kelley said additional costs are paid by benefiting parties. Public Works Director Rice said on a consistent manner it has. He said this is a difficult policy and often times it is not received well. Assistant Mayor Kelley said this is a sensitive subject and other neighborhoods don't have sidewalks. She said overall we need to be mindful of all neighborhoods.

Councilor Cook said the south end typically have brick sidewalks. She asked if there is a process to review neighborhoods and their designation to the historic district. Public Works Director Rice said the policy allows for sections outside the historic district.

Deputy City Manager/Deputy City Attorney Woodland said the City Council could end the current policy in place and look at redrafting it. Public Works Director Rice said we need an answer this evening to move the project forward.

Councilor Bagley moved to revisit the brick sidewalk policy and refer the policy to the Governance Committee to report back with more equitable solutions and recommendations. Seconded by Councilor Moreau.

Mayor McEachern said it is a policy that gives no mechanism for the City to repeal it if the Council wanted to.

Motion passed.

Councilor Bagley moved to approve without residential payment for brick on the section identified by the City Manager. Seconded by Councilor Lombardi.

Councilor Tabor said if you look at areas with brick sidewalks they tend to get higher values and this may pay for itself.

Councilor Blalock said we need to be fair to all neighborhoods. He said the Historic District area have brick sidewalks but they get more challenges for improvements to their home. He said we need to think about every neighborhood.

Discussion followed among the City Council on this matter.

Mayor McEachern said he does not like the policy because it sets a bad precedent. He said we need to find a way to fund this more equitably and he will support the motion.

On a roll call vote 8-1, motion passed. Councilors Tabor, Denton, Moreau, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Assistant Mayor Kelley voted opposed.

5. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to begin in FY23

City Manager Conard said the request is to set public hearings for improvements and projects in the CIP. She said staff will be on hand to answer any questions at the July 11th City Council meeting.

Councilor Lombardi moved to authorize the City Manager to bring back for public hearing and adoption, the various proposed CIP projects, as presented, for the July 11, 2022 City Council meeting. Seconded by Councilor Tabor.

Councilor Bagley said it is structured to keep the skate park moving forward as quickly as we can.

Councilor Cook said in the first resolution there is funding for replacement of turf field. City Manager Conard said it would have funding in place for when the project will move forward.

Deputy City Manager/Deputy City Attorney Woodland said that the School Board and Recreation Board are supportive of turf field rather than a grass field.

Councilor Denton said he tried in the past to have a grass field but we put a bid out for an organic field. He would like the City to do a bid alternate for the replacement of the field. City Manager Conard said that is what we did in the past.

Mayor McEachern said we will have an opportunity to find bid alternates. He said we will have a broader conversation.

Motion passed.

6. License Extension for 60 Penhallow Street

City Manager Conard said this is an extension for 60 Penhallow Street. She spoke to the Building Inspector working with the contractors on this project. She stated we will be prohibiting contractors from parking in the spaces along the sidewalk area.

Councilor Bagley moved to authorize the City Manager to finalize and execute a new license for 60 days as presented, waving the license fee due to the public's access to sidewalks along Penhallow Street and Daniel Street due to the pass through staging. Seconded by Councilor Tabor.

Councilor Cook said that last time McNabb Properties came before the Council we were told it was the last time requesting an extension. She has many questions surrounding the request and project. She said abutters have been told one thing and another is done.

Mayor McEachern said this is not an extension of the current license because of the pass through. He said we are getting sidewalks back and parking spots but we need to create the staging.

City Manager Conard said that this is a new request and the terms will change.

Building Inspector Wolph reported that scope of this request is limited with no encumbrance of sidewalks will take place and all parking will be returned. He said his experience with the McNabb team is they have been quick to work with us and do what we request. He said they need to remind their workers of the complaints coming in. He said by July 3rd all brick will be down and parking will be back and big changes will be coming forward in the months ahead.

Councilor Cook said she has spoken with abutters and they're concerned to come before the City Council and speak because of fear of retaliation. She said there needs to be improved communication.

Building Inspector Wolph said he was not aware that abutters were not on the email listing and feels they should be in order to plan their week and weekend. He stated the McNabb team would provide that outreach and add the list of names that are not part of the listing currently.

Mayor McEachern said we need a better line of communication and the City needs to have involvement. He said it is important to recognize Building Inspector Wolph and his staff for their work on this matter. He stated the City has pushed back and received the sidewalks back which is a better outcome for the City and businesses.

Councilor Cook said we have many retailers downtown that have suffered and continue to suffer. She said it benefits us to get parking revenue but does not benefit the retailers. She said it is critical to find alternatives for people to park in the general area. She said she remembers clearly that it was said to the Council that the project would be completed by July 4th.

Discussion continued regarding the project.

On a roll call vote 8-1, main motion passed. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Mayor McEachern voted in favor. Councilor Cook voted opposed.

Councilor Bagley moved to enhance communication by the creation of a QR Code for individuals to sign up and learn more about the project with a report back to the City Council regarding improvement communications. Seconded by Councilor Blalock and voted.

At 9:35 p.m., Mayor McEachern declared a brief recess. At 9:40 p.m., Mayor McEachern called the meeting back to order.

7. Parson Woods Easements at 83 Peverly Hill Road

City Manager Conard said this is a request to accept a Conditional Use Permit for which 10 easements are being presented this evening.

Councilor Tabor moved to authorize the City Manager to accept and record the ten (10) easement deeds and a Declaration of Restrictions in substantially similar form to the easement deeds from Parson Woods Investments, LLC contained in the agenda packet. Seconded by Councilor Moreau.

Councilor Moreau said that this went before the Planning Board and there will be 80 acres open to the public to use and public ways to get you on the trails.

Motion passed.

XII. CONSENT AGENDA

Eversource Petitions and Pole License Requests:

- Installation of 1 pole on Pierce Island Road #63-0648
- Installation of 1 pole on Rockland Street #63-0656
- Installation of 1 pole on Union Street #63-0682
- Installation of 4 poles on Commerce Way #63-0693
- Installation of 1 pole on Gates Street #63-0715
- Installation of 1 pole on Pleasant Street #63-0716
- Installation of 1 pole on Lang Road #63-0718
- Installation of 1 pole on Cottage Street #63-0719
- Installation of 1 pole on Junkins Avenue #63-0660
- Installation of 1 pole on Borthwick Avenue #63-0722

(Anticipated action – move to refer to the City Manager with Authority to Act)

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

XIII. PRESENTATION AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- C. Letter from Steve Miller requesting the city release the paper street between 38 and 28 Thornton Street (Ruth Street)

Councilor Moreau moved to refer to the Planning Board for report back to the City Council. Seconded by Assistant Mayor Kelley and voted.

Councilor Cook moved to suspend the rules to bring forward Items XV. B.1. – Lister Academy and B.2. – Update on Portsmouth NH 400th Signature Events. Seconded by Assistant Mayor Kelley and voted.

XV. CITY COUNCIL MEMBERS

B. COUNCILOR MOREAU

1. Lister Academy Property

Councilor Moreau moved to request that the City Manager, investigate obtaining an engineer to do feasibility study on possible future uses of the current Lister Academy property which is owned by the City located at 35 Sherburne Road, in preparation for supporting the 2022-2023 goals of the City Council, and if there would be ARPA funds available to complete this work. Seconded by Councilor Denton.

Councilor Denton said residents are asking if there is a committee regarding the Community Campus that it be an opened process and allows residents to give their opinions. Mayor McEachern said that he has not created a Blue Ribbon Committee but it is in the collection of projects. He said we would use that more as a place for our priorities but if City Councilors wants to create a Blue Ribbon Committee around that we could look at that.

Councilor Bagley thanked Councilor Moreau for bringing this matter forward.

Motion passed.

2. Update on the Portsmouth NH 400th Signature Events

Councilor Moreau announced the Three Signature Events for the Portsmouth NH 400th:

- *June 3rd – Portsmouth NH 400 Parade*
- *August 28th – Community Street.life! Dinner on Congress Street*
- *September 9th – 10th – Air Show at Pease*

She said further information may be obtained at www.PortsmouthNH400.org.

XIV. MAYOR McEACHERN

1. Appointments to the COVID Response Task Force Blue Ribbon Committee

- Andrea Ardito
- Will Arvelo
- Kathy Beebe
- Linda Briolat
- Whitney Brown
- Amber Buttermore
- Abbie Frank
- Janet Laatsch
- Tania Marino
- Laurie McIntosh
- Lori Waltz
- Meme Wheeler
- Molly Wilson

Mayor McEachern announced the above listed individuals are appointed to the COVID Response Task Force Blue Ribbon Committee.

2. Appointment to be Voted

- Reappointment of Martin Ryan to the Historic District Commission

Assistant Mayor Kelley moved to reappoint Martin Ryan to the Historic District Commission until June 1, 2025. Seconded by Councilor Lombardi and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

1. Anthropogenic Climate Change

Councilor Denton moved for a report back from the City Manager consisting of an initial estimate on the amount to date, that the City of Portsmouth has spent and is currently planning to spend on infrastructure to mitigate the impacts of anthropogenic climate change; to include but not limited to, improvements to our wastewater treatment plants, sewers, and seawalls. Seconded by Councilor Cook and voted.

C. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of June 2, 2022

Councilor Bagley moved to accept and approve the action sheet and minutes of the June 2, 2022 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley and voted.

D. COUNCILOR BLALOCK

1. Student Government Day

Councilor Blalock said he participated in Student Government Day at Portsmouth High School in his junior and senior years and he feels it is important to engage youth that can learn from participating.

Councilor Blalock moved to refer to the City Manager for report back regarding the re-establishment of Student Government Day. Seconded by Assistant Mayor Kelley and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Donation from John Chagnon to the Cemeteries - \$1,500.00

Assistant Mayor Kelley moved to approve and accept to donation for use by historic cemeteries. Seconded by Councilor Moreau and voted.

B. Acceptance of Donation from Barbara Malandri to the Portsmouth NH 400th - \$100.00

Councilor Bagley moved to approve and accept the donation as presented. Seconded by Councilor Blalock and voted.

C. Acceptance of Donation from Johanna Jackson to the Skateboard Park - \$51.50

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

E. Acceptance of Community Development Block Grant Funds - \$523,706.00

Assistant Mayor Kelley moved to authorize the City Manager to apply for, accept and expend Community Development Block Grant in the amount of \$523,706.00 from the U.S. Department of Housing and Urban Development. Seconded by Councilor Moreau and voted.

F. Acceptance of Various Donations from the Skateboard Park Fundraiser

Assistant Mayor Kelley moved to accept and approve the donations as presented. Seconded by Councilor Bagley

Mayor McEachern said he would like individuals listed that have donated and to have a policy developed to work with staff to accept donations.

Councilor Cook advised the Council that the Governance Committee will look into developing a policy for donations and report back to the City Council.

Motion passed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Update on the Sagamore Avenue Sewer Extension Project

City Manager Conard reported there will be a report back on public interest at the August 1, 2022 City Council meeting.

2. Pannaway Manor and Maple Haven Sidewalk Status

City Manager Conard advised the Council that staff will schedule additional public meetings with the neighborhoods to gauge the support for bidding the sidewalk work this fall for spring of 2023 construction.

3. Update on Status of Police Station Facility

City Manager Conard advised the Council that the Public Works Department will have the RFQ advertised for July 1st, and then proceed with the Request for Proposal phase.

4. Report Back on PFAS Sampling of New Athletic Field

Elizabeth Denly, TRC Vice President, PFAS Initiative Leader & Chemistry Director and Dr. Karen Vetrano, TRC Risk Assessment and Toxicology Manager were present via zoom to speak regarding PFAS Sampling. Dr. Vetrano reported that the new health advisories from the EPA are for drinking water and are interim values. Ms. Denly informed the Council that the health advisories were for PFOA and PFOS and these two chemicals were not present in the samples. She went on to explain how the samples were tested. Dr. Vetrano explained possible scenarios which could have led to the PFAS getting into the walnut infill.

Councilor Cook moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Assistant Mayor Kelley and voted.

5. McIntyre Update

City Manager Conard reported that the Project Committee meets every Tuesday at 10:00 a.m. regarding the McIntyre.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Bagley advised the City Council that Parking and Traffic Safety Committee will review federal holiday's from a parking perspective.

XIX. ADJOURNMENT

At 10:40 p.m., Councilor Blalock moved to adjourn. Seconded by Assistant Mayor Kelley and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK