

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 21, 2023 TIME: 5:30PM

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_1Sie0VztRoah1T6BP3RpLQ

5:30PM - ANTICIPATED NON-PUBLIC SESSIONS ARE BEING HELD IN CONFERENCE ROOM A

1. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- 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. *Exemplary Public Servant

- VII. ACCEPTANCE OF MINUTES – NOVEMBER 16, 2022; DECEMBER 5, 2022 AND DECEMBER 14, 2022
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
- 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 ORDINANCES AND/OR RESOLUTIONS

Continued Public Hearing – Capital Improvement Plan (CIP):

- A. *CAPITAL IMPROVEMENT PLAN (CIP) FY 2024-2029
 - PRESENTATION (*Presentation was held at the January 18, 2023 Work Session*)
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Action on CIP will take place at the March 6, 2023 City Council meeting)

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 QUALIFYING TAXPAYERS(S) HAVE A NET INCOME OF NOT MORE THAN

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

OPTION 1 is 8.7%

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

Single	\$50,137 increase of \$4,013
Married	\$ 6,598 increase of \$5,490

OPTION 2 is 2.55%

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

Single	\$47,300 increase of \$1,176
Married	\$64,717 increase of \$1,609

OPTION 3

Proposed increase of Elderly Exemption

Do Nothing

The elderly exemption shall remain unchanged except as amended hereby.

(Sample motion – move to adopt Option 1 or Option 2) (If Option 1 or Option 2 is adopted, the elderly exemption shall remain unchanged except as amended hereby)

- 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 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

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

OPTION 1 is 8.7%

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

Single	\$50,137 increase of \$4,013
Married	\$68,598 increase of \$5,490

OPTION 2 is 2.55%

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

Single	\$47,300 increase of \$1,176
Married	\$64,717 increase of \$1,609

OPTION 3

Proposed increase of Disabled Exemption

Do Nothing

The disabled exemption shall remain unchanged except as amended hereby.

(Sample motion – move to adopt Option 1 or Option 2) (If Option 1 or Option 2 is adopted, the elderly exemption shall remain unchanged except as amended hereby)

D. RESOLUTION THAT PURSUANT TO 72:27-a, THE CITY OF PORTSMOUTH HEREBY READOPTS THE PROVISIONS OF THE ALL VETERANS' TAX CREDIT PURSUANT TO RSA 72:28,B, TO BE THE SAME AMOUNT AS THE OPTIONAL VETERANS' TAX CREDIT UNDER RSA 72:28, ON THE TAXES DUE ON THE RESIDENTIAL REAL ESTATE OF ANY RESIDENT WHO IS A VETERAN, AS DEFINED IN RSA 21:50, AND, SERVED NO LESS THAN 90 DAYS ON ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND CONTINUES TO SERVE OR WAS HONORABLY DISCHARGED OR AN OFFICER WHO CONTINUES TO SERVE OR WAS HONORABLE SEPARATED FROM SERVICE; OF THE SPOUSE OF SURVIVING SPOUSE OF SUCH RESIDENT, PROVIDED THAT TRAINING FOR ACTIVE DUTY OR STATE ACTIVE DUTY BY A MEMBER OF THE NATIONAL GUARD OR RESERVE SHALL BE INCLUDED AS SERVICE UNDER THIS PARAGRAPH; PROVIDED HOWEVER THAT THE PERSON IS NOT ELIGIBLE FOR AND IS NOT RECEIVING A CREDIT UNDER RSA 72:28 or RSA 72:35

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

(Sample motion – move to adopt the Resolution as presented)

- E. RESOLUTION THAT PURSUANT TO 72:27-A, THE CITY OF PORTSMOUTH HEREBY READOPTS THE PROVISIONS OF THE OPTIONAL VETERANS; TAX CREDIT PURSUANT TO RSA 72:28,II IN THE AMOUNT OF \$750 ON THE TAXES DUE ON THE RESIDENTIAL REAL ESTATE OF ANY RESIDENT WHO IS A VETERAN AS DEFINED IN RSA 21:50 AND, SERVED NOT LESS THAN 90 DAYS ON ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES IN ANY QUALIFYING WAR OR ARMED CONFLICT LISTED IN THIS SECTION, AND, CONTINUES TO SERVE OR WAS HONORABLY DISCHARGED OR, AN OFFICER WHO CONTINUES TO SERVE OR WAS HONORABLE SEPARATED FROM SERVICE OR, THE SPOUSE OF SURVIVING SPOUSE OF SUCH RESIDENT PROVIDED THAT TRAINING FOR ACTIVE DUTY BY A MEMBER OF THE NATIONAL GUARD OR RESERVE SHALL BE INCLUDED AS SERVICE UNDER THIS SUBPARAGRAPH, OR WHO WAS TERMINATED FROM THE ARMED FORCES BECAUSE OF SERVICE-CONNECTED DISABILITY OR, THE SURVIVING SPOUSE OF SUCH RESIDENT, OR THE SURVIVING SPOUSE OF ANY RESIDENT WHO SUFFERED A SERVICE-CONNECTED DEATH

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

(Sample motion – move to adopt the Resolution as presented)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Approval of Proposed Memorandum of Agreement for Portsmouth School District Paraeducators and Portsmouth Police Civilian Employees Association – Newly Revised
2. Approval of Collective Bargaining Agreement with Portsmouth Non-Supervisory Cafeteria Personnel
3. Approval of Portsmouth Supervisory Management Alliance Memorandum of Understanding Re: Assistant Chief Plant Operator
4. Temporary Construction License for 89/99 Foundry Place

XII. CONSENT AGENDA

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

- A. Request from Tyler & Ryan McGill, Summer Sessions, to install a Projecting Sign at 82 Congress 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 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. Request from Tyler & Ryan McGill, Noa Café, to install a Projecting Sign at 86 Congress 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 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*

- C. Request from Lori Dennehy, Sea Love, to install a Projecting Sign at 60 State 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 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*

- D. Letter from Phil von Hemert, Sail Portsmouth, requesting permission to hold the Sail Portsmouth Maritime Event on Thursday, July 27, 2023, the Parade of Sail and Friday, July 28, 2023 through Monday, July 31, 2023 for the touring of two ships, moored at the Commercial Fish Pier and the Prescott Park Marina (***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. Letter from Perry Silverstein regarding outdoor dining rate structure (***Sample motion – move to accept and place on file***)

XIV. MAYOR McEACHERN

- 1. *Appointments to be Voted to the Public Arts Review Blue Ribbon Committee:
 - Paul Burke
 - M. Christine Dwyer
 - Ellen Fineberg
 - Beth Hartnett
 - Jen Meister
 - Alyssa Murphy
 - Nancy Pearson
 - A. Robert Thoresen
 - Robert White
 - Mara Witzling

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR, COUNCILOR DENTON, COUNCILOR COOK

- 1. Community Power – approve Energy Aggregation Plan to create a Community Power Program for Portsmouth (***Sample motion – move to approve the Energy Aggregation Plan as developed by the Energy Advisory Committee in February 21, 2023 City Council packet, and submit it to the Public Utilities Commission for approval***)

B. COUNCILOR MOREAU

- 1. Outdoor Dining Policy February Updates 2023 (***Sample motion #1 – move to suspend the rules to bring forward the outdoor dining policy for action and discussion***) (***Sample motion #2 – move to change the policy based on updates attached in the February 21, 2023 City Council packet***)

C. COUNCILOR BAGLEY

- 1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 2, 2023 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the February 2, 2023 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR COOK

- 1. *Report back from the Governance Committee on a proposed change to the Fee Study Committee

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Donation for the Skateboard Park Lighting Fund - \$1,717.00 (***Sample motion – move to accept the donation for Skateboard Park Lighting Fund as presented***)
- B. Approval of Emergency Management Performance Grant Agreement - \$79,910.00 (***Sample motion – move to accept the terms of the Emergency Management Performance Grant as presented in the amount of \$79,910.00 for Emergency Operations Center equipment. Furthermore, the City Council acknowledges that the total cost of this project will be \$79,910.00, in which the city will be responsible for a 50% match (\$39,955.00). Further, City Manager Conard, Mayor McEachern and Fire Chief McQuillen are authorized to sign all documents related to the grant***)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. *McIntyre Update
- 2. Report Back on Expanded Study Area to Include Outdoor Dining for Market Square Master Plan Improvement Project (*In City Manager’s Comments*)
- 3. Market Street and Commercial Alley Utility Code Compliance Project (*In City Manager’s Comments*)
- 4. Pease Wastewater Treatment Facility – Update of CIP Element Sheet
- 5. *Skateboard Park Update

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: February 16, 2023

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of February 21, 2023

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

A. Public Hearing Regarding Capital Improvement Plan (CIP) FY2024- 2029:

In accordance with Section 7.7 of the City Charter, the City Council is conducting a public hearing at this evening's City Council meeting regarding the [proposed Capital Improvement Plan for FY 2024 – FY 2029](#). In addition to this evening's public hearing, the City Council held a work session on January 18, 2023. At the work session, a presentation of the proposed CIP was made by City staff. Copies of the plan were made and are still available to the public [via the City's website](#). As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council.

I recommend that at the City Council meeting on Monday, March 6, 2023, City Council adopt the Capital Improvement Plan as presented.

B. Public Hearing and Adoption of Resolution – Elderly Exemption:

On February 6, 2023, the City Council voted to bring forward a public hearing and first reading regarding the Elderly Exemption income and asset levels. Annually, the City of Portsmouth reviews income and asset levels for the Elderly Exemption and makes recommendations as to these levels pursuant to RSA 72:39-b.

Last year, the City Council adopted resolution #2-2022 and resolution #5-2022 which increased the asset level for qualifying elderly taxpayers. The current elderly exemption income levels are \$46,124 for a single taxpayer, \$63,108 for married taxpayers; the current asset limit is \$500,000.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$235,000
- Age 75-79 \$285,000
- Age 80 + \$335,000

Option 1:

This year the 2023 increase for Social Security recipients is 8.7%.

If the City Council wishes to adjust the income level for elderly taxpayers by the Social Security cost-of-living increase, this would increase the limits as follows:

- Single \$50,137 increase of \$4,013
- Married \$68,598 increase of \$5,490

Option 2:

This year the November to November ten-year rolling average of the Boston-Cambridge-Newton, MA-NH consumer price index is 2.55%.

If the City Council wishes to adjust the income level for elderly taxpayers by the November to November consumer price index, this would increase the limits as follows:

- Single \$47,300 increase of \$1,176
- Married \$64,717 increase of \$1,609

Option 3:

Do Nothing

Statute does not require an annual adjustment in income, asset or exemption amounts. Existing levels can remain capped as they currently exist.

Any adjustment if approved would be for assessments as of April 1, 2023 for Tax Year 2023 (FY24). In order to comply with the DRA assessment review cycle per RSA 75:8-a, all taxpayers wishing to continue to receive the elderly exemption will be required to refile an application along with the necessary documentation on or before April 15, 2023. All new applicants will be required to file the same on or before April 15, 2023.

[Attached for your information is the estimated tax impact of the elderly and disabled exemptions for FY23 and a Town/City comparison](#) indicating what other City and neighboring communities' income and assets limits are for the elderly exemption.

I recommend that the City Council move to adopt Option 1 or Option 2. If Option 1 or Option 2 are adopted, the exemption shall remain unchanged except as amended hereby.

C. Public Hearing and Adoption of Resolution – Disabled Exemption:

On February 6, 2023, the City Council voted to bring forward a public hearing and first reading regarding the Disabled Exemption income and asset levels. Annually, the City of Portsmouth reviews income and asset levels for the Disabled Exemption and makes recommendations as to these levels pursuant to RSA 72.37-b.

Last year, the City Council adopted resolution #1-2022 and resolution #4-2022 which increased the asset level for qualifying disabled taxpayers. The current disabled exemption income levels are \$46,124 for a single taxpayer, \$63,108 for married taxpayers; the current asset limit is \$500,000.

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$235,000.

Option 1:

This year the 2023 increase for Social Security recipients is 8.7%.

If the City Council wishes to adjust the income level for disabled taxpayers by the Social Security cost-of-living increase, this would increase the limits as follows:

- Single \$50,137 increase of \$4,013
- Married \$68,598 increase of \$5,490

Option 2:

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If the City Council wishes to adjust the income level for disabled taxpayers by the November to November consumer price index, this would increase the limits as follows:

- Single \$47,300 increase of \$ 1,176
- Married \$64,717 increase of \$ 1,609

Option 3:

Do Nothing

Statute does not require an annual adjustment in income, asset or exemption amounts. Existing levels can remain capped as they currently exist.

Any adjustment if approved would be for assessments as of April 1, 2023 for Tax Year 2023 (FY24). In order to comply with the DRA assessment review cycle per RSA 75:8-a, all taxpayers wishing to continue to receive the elderly exemption will be required to refile an application along with the necessary documentation on or before April 15, 2023. All new applicants will be required to file the same on or before April 15, 2023.

Attached for your information is the estimated tax impact of the elderly and disabled exemptions for FY23 and a Town/City comparison indicating what other City and neighboring communities' income and assets limits are for the elderly exemption.

I recommend that the City Council move to adopt Option 1 or Option 2. If Option 1 or Option 2 are adopted, the exemption shall remain unchanged except as amended hereby.

D. Public Hearing and Adoption of Resolution – All Veterans Tax Credit:

On February 6, 2023, the City Council voted to bring forward a public hearing and first reading to re-adopt and increase the credit amount of the All Veterans Tax Credit to be the same as the Optional Veterans Tax Credit.

The re-adoption is required due to the New Hampshire Legislature passing, and Governor Sununu signing into law House Bill 1667 (Chapter 121, Laws of 2022), amending eligibility criteria for certain veterans property tax credits. Effective on July 26, 2022, the bill amended RSA 72:28, the “Standard and Optional Veterans Tax Credit,” and RSA 72:28-b, the “All Veterans Tax Credit,” to expand the eligibility requirements of the veterans tax credit to include individuals who have not yet been discharged from service in the Armed Forces.

Under RSA 72:27-a, IV amendments to tax credits and exemptions which require adoption will only apply “in a municipality which previously adopted the provision only after the municipality complies with the procedure” specified in RSA 72:27-a, II, unless otherwise expressly required by law. Nothing in HB 1667 created an exception to this re-adoption requirement.

- **The All Veterans Tax Credit**, at the existing amount or at a new amount, must be *readopted* pursuant to RSA 72:27-a to remain in place and include the expanded eligibility effective April 1, 2023 tax year.
- If the All Veterans Tax Credit is not readopted, the Standard Veterans Tax Credit will be in place for the April 1, 2023 tax year, which will include the expanded eligibility requirements.

Current impact on the City’s revenue due to the increase in the Optional and All Veterans credits amounts are as follows:

	Current Exemption Amount 2022	Increase of 8.7 % SS	New Exemption Amount 2023	
Single	\$ 46,124.00	\$ 4,012.79	\$ 50,136.79	
Married	\$ 63,108.00	\$ 5,490.40	\$ 68,598.40	
Credit	# Receiving Tax Credit	Current \$500 Credit Amount	Proposed \$750 Credit Amount	Additional Revenue Loss
Optional Veterans	660	\$ 500.00	\$ 750.00	\$ 165,000.00
All Veterans	69	\$ 500.00	\$ 750.00	\$ 17,250.00
Totals	729			\$ 182,250.00

Note: The current tax rate of \$15.20 would be decreased to a difference of .03 cents on the current tax rate if the tax credit was expanded.

Any adjustment if approved would be for the 2024 Fiscal Year, 2023 Tax Year. New applicants must submit an application and required documentation by April 15, 2023 in order to qualify.

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

E. Public Hearing and Adoption of Resolution – Optional Veterans Tax Credit:

On February 6, 2023, the City Council voted to bring forward a public hearing and first reading to increase and re-adopt the Optional Veterans Tax Credit from \$500.00 to \$750.00.

The re-adoption is required due to the New Hampshire Legislature passing, and Governor Sununu signing into law House Bill 1667 (Chapter 121, Laws of 2022), amending eligibility criteria for certain veterans’ property tax credits. Effective on July 26, 2022, the bill amended RSA 72:28, the “Standard and Optional Veterans Tax Credit,” and RSA 72:28-b, the “All Veterans Tax Credit,” to expand the eligibility requirements of the veterans’ tax credit to include individuals who have not yet been discharged from service in the Armed Forces.

Under RSA 72:27-a, IV amendments to tax credits and exemptions which require adoption will only apply “in a municipality which previously adopted the provision only after the municipality complies with the procedure” specified in RSA 72:27-a, II, unless otherwise expressly required by law. Nothing in HB 1667 created an exception to this re-adoption requirement.

- **The Optional Veterans Tax Credit**, at the existing amount or at a new amount, must be *readopted* pursuant to RSA 72:27-a to remain in place and include the expanded eligibility effective for the April 1, 2023 tax year.

- If the Optional Veterans Tax Credit is not readopted, the Standard Veterans Tax Credit will be in place for the April 1, 2023 tax year, which will include the expanded eligibility requirements.
- The existing All Veterans Tax Credit will remain in place for the April 1, 2022 tax year.

Current impact on the City’s revenue due to the increase in the Optional and All Veterans credits amounts are as follows:

	Current Exemption Amount 2022	Increase of 8.7 % SS	New Exemption Amount 2023	
Single	\$ 46,124.00	\$ 4,012.79	\$ 50,136.79	
Married	\$ 63,108.00	\$ 5,490.40	\$ 68,598.40	
Credit	# Receiving Tax Credit	Current \$500 Credit Amount	Proposed \$750 Credit Amount	Additional Revenue Loss
Optional Veterans	660	\$ 500.00	\$ 750.00	\$ 165,000.00
All Veterans	69	\$ 500.00	\$ 750.00	\$ 17,250.00
Totals	729			\$ 182,250.00

Note: The current tax rate of \$15.20 would be decreased to a difference of .03 cents on the current tax rate if the tax credit was expanded.

Any adjustment if approved would be for the 2024 Fiscal Year, 2023 Tax Year. New applicants must submit an application and required documentation by April 15, 2023 in order to qualify.

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

XI. City Manager’s Items Which Require Action:

1. Approval of Proposed Memorandum of Agreement for Portsmouth School District Paraeducators and Portsmouth Police Civilian Employees Association – Newly Revised:

Attached please find a memorandum from the City’s Labor Negotiator, Tom Closson, along with a newly revised Memorandum of Agreement with the Portsmouth School District Paraeducators and Portsmouth Police Civilian Employees Association.

I recommend that the City Council move to approve the revised agreement as presented.

2. Approval of Collective Bargaining Agreement with Portsmouth Non-Supervisory Cafeteria Personnel:

Attached please find a memorandum from the City’s Labor Negotiator, Tom Closson, along with a proposed Collective Bargaining Agreement with the Portsmouth Non-Supervisory Cafeteria Personnel.

I recommend that the City Council move to approve the proposed agreement as presented.

3. **Approval of Portsmouth Supervisory Management Alliance Memorandum of Understanding Regarding Assistant Chief Plant Operator:**

Attached please find a memorandum from the City’s Labor Negotiator, Tom Closson, along with a proposed Memorandum of Understanding (MOU) regarding the Assistant Chief Plant Operator position.

I recommend that the City Council move to approve the MOU as presented.

4. **Temporary Construction License for 89/99 Foundry Place:**

On November 20, 2017, and as amended in October 20, 2020, the Planning Board granted site plan approval for the development of a mixed use building for property at 89/99 Foundry Place, (former address 181 Hill Street) located in Character District 5, at Tax Map 138, Lot 62 (“Property” “Lot 6”). The Property was conveyed to Foundry Place, LLC on December 13, 2017 (Book 5878, Page 2856). Foundry Place, LLC (current owner) intends to convey the property to Residences at Foundry Place, LLC (future owner) so both entities will execute and be bound by the terms of this temporary construction license.

The Construction Mitigation and Management Plan (CMMP), signed in October 2022, identified temporary encumbrances for project-related work during the project’s construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. Licenses are subject to the “License Fee for Encumbrance of City Property” policy. However, on Monday, October 17, 2022, the City Council voted to authorize the City Manager to execute a settlement agreement for a breach of contract lawsuit brought by Deer Street Associates against the City in March 30, 2021 (known as the parking agreement law suit).

That settlement included, among other things, the waiver of any and all license fees payable to the City for use/encumbrance of City property applicable to construction to the projects approved for Lot 6.

The License is a request to use 60 square feet of pavement and 1,112 square feet of unimproved land that abuts the Subject Property along Foundry Place for 550 days, from March 20, 2023 through September 19, 2024. The request for a License is to enable the Owner to construct the project and provide a safety perimeter for the public along Foundry Place. Signage will be required to redirect pedestrians. The Owner will be required to apply for separate flagging permits when deliveries encumber Foundry Place.

The Legal and Planning Departments have reviewed and approved the form of the attached License.

If the Council agrees to grant the temporary construction license for use of 60 square feet of pavement and 1,112 square feet of unimproved land along Foundry Place that abuts the Property, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept the temporary construction license for the term of March 20, 2023 through September 19, 2024 as requested.

XII. Consent Agenda:

A. Projecting Sign Request – 82 Congress Street:

Permission is being sought to install a projecting sign at [82 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 34.5” x 48.5”

Sign area: 11.6 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.*

B. Projecting Sign Request – 86 Congress Street:

Permission is being sought to install a projecting sign at [86 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 47” x 36”

Sign area: 11.75 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.*

C. Projecting Sign Request – 60 State Street:

Permission is being sought to install a projecting sign at [60 State Street](#) that extends over the public right of way, as follows:

Sign dimensions: 18” x 18”

Sign area: 2.25 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 Donation for the Skateboard Park Lighting Fund - \$1,717:

[Attached please find a donation form from the Recreation Department](#) requesting acceptance of \$1,717 for the Skateboard Park Lighting Fund.

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

B. Approval of Grant for the Fire Department - \$39,955:

In July of 2022 the Fire Department submitted an application for Emergency Management Performance Grant (EMPG), for the City’s Emergency Operations Center (EOC) at Fire Station 2 for new office equipment and furniture.

This grant is a matching grant in the amount of \$39,955 from the Department of Safety, and the City has previously spent this amount in FY22 as part of our match for the technology upgrades installing new computer and video equipment in an effort to make the EOC more modern and have the latest technology.

I recommend that the City Council move to accept the terms of the Emergency Management Performance Grant as presented in the amount of \$79,910 for Emergency Operations Center Equipment. Furthermore, the City Council acknowledges that the total cost of this project will be \$79,910, in which the City will be responsible for a 50% match (\$39,955). Further, City Manager Conard, Mayor McEachern and Fire Chief McQuillen are authorized to sign all documents related to the grant.

XVII. City Manager’s Informational Items:

1. **McIntyre Update:**

City Attorney Susan Morrell and I will provide an update on the McIntyre Redevelopment Project at this evening’s meeting.

2. **Report Back on Expanded Study Area to Include Outdoor Dining for Market Square Master Plan Improvement Project:**

In response to a request from the City Council at its January 23, 2023 meeting to consider expanding the study area and scope of work from what was originally contemplated in the Market Square Master Plan Improvement Project (MSMPIP), the following is provided for your information.

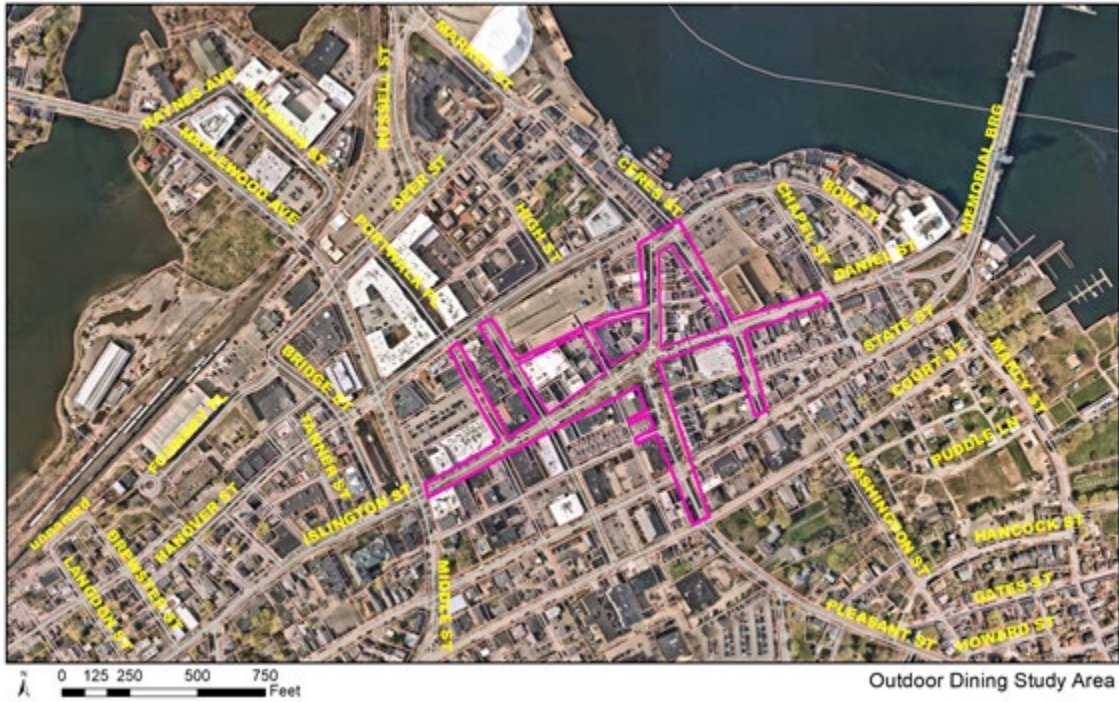
In 2020, with a CIP allocation of \$100,000, the City went through an RFQ process and had selected a contractor to conduct the MSMPIP. That proposal included in its scope three program areas as follows:

- Background Information - existing conditions, site analysis, traffic analysis, information gathering and goal setting with stakeholders;
- Community Engagement - graphics production, a series of public meetings, an alternative analysis of different designs, a draft and final vision plan including an opinion of costs for various designs; and
- Master Plan – annotated Master Plan scenarios including site details, final site plans, cost opinion updates, 3-D renderings, a presentation to the City Council and the public, and a final report.

Importantly, the selected contractor estimated the total project costs to be in excess of \$200,000. Due to COVID-19 conditions and concerns with the budget allocation, the City scaled back the scope (namely the level of detail for each of the Master Plan scenarios) and deferred the project until such time as additional funding could be added to the project budget. Thus, the current CIP request is to add \$50,000 to the project in FY2025.

In January, City Council asked that the scope be expanded to include a review of outdoor dining within an expanded study area beyond Market Square. After review by staff, we recommend that an additional task and expanded study area be added to the MSMPIP. This item would be a separate task and deliverable within the project that would include the expanded areas shown on the map below. Importantly, the added scope would be limited to consider outdoor dining on public streets and sidewalks as requested by the City Council.

As presented in the CIP, staff contemplates the MSMPIP would cost \$150,000 and the additional scope for outdoor dining would require an additional \$50,000 bringing the entire project cost to \$200,000. In order to accomplish both the MSMPIP and the additional study for outdoor dining, an additional \$100,000 would be required and this could be accomplished by adding \$100,000 to the CIP and the budget line-item for this project.



3. Market Street and Commercial Alley Utility Code Compliance Project:

There are several identified issues with the utility infrastructure in Market Street and Commercial Alley that need to be addressed. These are listed below:

- Until's natural gas main on Market Street from Bow Street to Market Square has lost the integrity of its cathodic protection jacket. The main is a steel line and because the coating has been impacted, the line is starting to corrode. Until needs to replace the main in its entirety and reconnect all the different gas services to the new main.
- During the 1970's Market Square revitalization, all the electrical and communication infrastructure was pushed to the "back alley's".. (Penhallow, Fleet, Porter etc.) Because of this, multiple properties in Commercial Alley have electric and communication service lines that fly over roof tops of other buildings. Providing service wires in this manner is no longer acceptable under today's electrical codes. In addition, the electrical demands of today's buildings far exceed the capacity of many of these existing wires. To remedy this situation, Eversource is partnering with Consolidated Communications and Comcast to rewire Commercial Alley via new underground ducts. This will lead to the eventual removal of all overhead wires in the alley.
- Sanitary Sewer Issues on Market Street. The sanitary sewer main on Market Street is currently about 130 years old. Last December, Public Works crews repaired a large sink hole that formed in the middle of Market Street. The cause of the sink hole was soil infiltration into the sewer via old sewer services that are no longer in service. To remedy this and extend the sewer line's useful life, City Staff plan to install a PVC liner into the sewer main. This liner will coat the interior surface of the pipe to minimize the potential for future sink holes while at the same time reinforcing the sewer main.

In order to complete these very necessary repairs, a collaborative project involving Eversource, Until, Comcast, Consolidated Communications and the City via the Public Works Department Staff is planned. We propose to start work on all these repairs in mid-April and work together to minimize the disruption to Market Street and Commercial Alley's businesses and residents.

The project timeline is as follows:

- Start work in early April (10th or 17th, to be determined based on weather). Market Street will need to be closed to through traffic for approximately three weeks during this time so that the following can occur:
 - Until work in Market Street will replace the gas main and upgrade the services.
 - Eversource, Comcast and Consolidated will begin installing the new conduit ducts under Commercial Alley.
 - The Public Works Department will also work on realigning a small section of water main in order to install a new sewer manhole and install the liner inside the sanitary sewer line.

It is our intent that the sidewalks remain open to walking business traffic and deliveries. It is also our intent that work on Fridays would be minimized and that no work would occur after 1PM on Friday or on the weekend days. Efforts will be made to open the road each night as well as weekends.

- After the underground work is complete, the restoration work will begin. The Sidewalk and Commercial Alley areas that were disturbed will be repaired in May. Outside dining can also begin as once road impacts are completed.
- Full use of the area will resume by Memorial Day until mid-October when outside dining will need to be disassembled and the DPW will repave and repaint the roadway.

Each utility will pay for its own work and restoration expenses (repaving and brick repairs) will be apportioned among the appropriate parties based on the impacts created.

City staff plan to have a public meeting with all affected parties on Friday, February 24th so that businesses and residents may plan for the disruption. In addition, regular public meetings will be held as necessary. Public Works will develop signage as necessary to guide the public and let them know that the businesses are open.

In addition to on-site DPW staff, the Assistant City Manager for Economic and Community Development, Sean Clancy, will serve as the primary point of contact for all businesses.

4. **Pease Wastewater Treatment Facility – Update of CIP Element Sheet:**

[Attached please find a memorandum](#) and [supporting documentation](#) from Deputy City Manager/Deputy City Attorney Woodland regarding an update to the Pease Wastewater Treatment Facility's CIP Element Sheet.

5. **Skateboard Park Update:**

I will provide a verbal update on the Skateboard Park at this evening's meeting.