

CITY COUNCIL E-MAILS

Received: March 16, 2023 (after 9:00 a.m.) – March 20, 2023 (before 5:00 p.m.)

March 20, 2023 Council Meeting

ADDENDUM

Submitted on Thu, 03/16/2023 - 13:01

Full Name

Ann Strachan

Email

astrachan@granitepathways.org

Subject

Request to present to the Council regarding ARPA funds' distribution

Address

155 Brewery Lane, Suite 102

Message

Dear City Councilors,

I am the director of Seacoast Pathways, a psycho-social mental health recovery clubhouse in Portsmouth serving adults with mental illness. Our program is part of Granite Pathways of which Safe Harbor Recovery Center in Portsmouth is also a subsidiary.

I am requesting to make a brief presentation to the Council at an upcoming meeting about the positive impact and vital resources that Seacoast Pathways and Safe Harbor Recovery Center bring to the Portsmouth community. We have an updated Public Health Funding Application for ARPA funds that I will distribute to Council members. ARPA funding will allow both programs to expand operations and overall capacity to meet the wide-ranging recovery needs of individuals and their families to overcome challenges associated with mental illness and substance use disorder, each greatly benefiting the Portsmouth community.

I understand that decisions for ARPA funding distribution is on the docket and want to be sure that City Councilors are well aware of our value and importance, and that our funding request is strongly considered.

Sincerely,

Ann Strachan

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Fri, 03/17/2023 - 06:43

Full Name

Guy Spiers

Email

spiersg48@gmail.com

Subject

Insist on revenue sharing for McIntyre Project or get out.

Address

241 South St

Message

I was a proponent of revenue-sharing on this project ever since I heard that the City would be contributing to the development/construction fund. It is only fair to share. If Sobow cannot see the logic in that, then we must get out. I read in the Herald that there is an impasse not only on revenue-sharing, but also on termination rights. I don't understand the situation regarding termination rights. Terminate what, exactly? I thought that if the city doesn't apply to buy the land/building from the NPS by a certain date, then the project is terminated. What is there to argue about? Is it that Sobow says there is an agreement to buy and that by not buying we will be sued? It would be good for the Council to explain this termination impasse in more detail for the public, because it isn't understood as well as the revenue-sharing impasse. Thank you, Guy Spiers

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Sun, 03/19/2023 - 21:21

Full Name

Matthew Glenn

Email

matt.glenn@seacoastbikes.org

Subject

Recreational Needs Study and equitable access

Address

34 Harrison

Message

Mayor and Councilors,

Some thoughts on the recreational needs study.

<https://www.seacoastonline.com/story/opinion/columns/2023/03/18/glenn-as-portsmouth-recreation-programs-grow-so-should-access/70018159007/>

Last Monday the results of the new Portsmouth Recreational Needs Study were presented to the City Council following months of workshops, surveys, and consultant work. It was fascinating to hear how our community assets (playing fields, pools, senior center, playgrounds, and so on) compare to comparably sized cities, and what residents feel are the greatest needs. I knew of the desire for more outdoor field space, for indoor fields, and an ice hockey rink, but of course this study was far more comprehensive— I encourage you to find it on the Recreation Department webpage <https://www.cityofportsmouth.com/recreation/>. In particular I was impressed that one of three main goals identified was to improve connectivity and mobility by enhancing “walkability, bikeability, and universal access throughout the community.”

As a bike commuter and a resident who plays in sports leagues on Portsmouth fields, swims in the pools, and brings my elementary age children to Rec Department sports and activities, I often think about transportation access, and it was good to hear that so many other families think the same. Many would love to avoid the long drives to Hampton, Epping, and Dover for indoor soccer, baseball, and hockey, and many hockey players and coaches came out Monday night to ask for a Portsmouth rink. Beyond that, I know that parents would love to have the freedom to allow their children to access rink and field-space safely on their own outside a car. There has been much press recently about the “15 minute city” concept where all essential services (work, housing, shopping, medical, and play) can be found within the distance of a short walk or bike ride. A related idea is the “child friendly city”, where children can access recreation without being shepherded everywhere in a minivan. In some ways we are fortunate to already have that in Portsmouth, especially for those who live near Leary and Clough Fields, the South Mill Pond courts and playground, and the Connie Bean Center. Other neighborhoods benefit from proximity to the High School and indoor pool, Senior Center, or Spinnaker Point, among others, but in many places bike and foot access need to be improved.

One big theme in the report was around positioning Community Campus off Route 1 as a hub. The Recreation Department has already moved their offices there and built a large new turf field with prep work done for a second. There is room for more growth, but how does that align with the goal of safe access outside a car? Coast Bus will take you there, but only once an hour, not on Sunday, and you need to remember to notify the driver. I bike there regularly to play sports and have brought my kids to soccer by tandem bike, but for more people to feel comfortable doing that, we really need to follow the national shift toward creating multi-use paths that are separate from car traffic. Fortunately there are projects in the works. The NH Seacoast Greenway (rail trail) will be built in the next year, and the Recreation study shows abundant public enthusiasm for that and for more off-road trails. City planners have considered turning the sidewalk along route 33 into a path, which could connect the rail trail and future Skate Park to Peverly Hill road, soon to have a multi-use path. That will take you past the YMCA to the city Public Works driveway, where earlier plans proposed a direct bike and pedestrian connection to the new Community Campus fields. With a small effort, that access point could be opened up at the same time as the Peverly Hill path. And at the state level, there are plans to add a bike and foot path alongside Route 1 south of Wilson Road, and to include a pedestrian activated stop light at the end of West Road for Community Campus access from Elwyn Park. If NHDOT could be convinced to extend the planned path along Route 1 north into downtown it would be a truly terrific asset to the community.

All of this takes time and prioritization from city government, but the reality is that bike improvements are relatively cheap and also provide important recreational benefits. I remain hopeful after hearing from Mayor McEachern, Councilor Cook, and the Placework consultant about the importance of equity in our recreational offerings. Equity includes easy access for those who may not drive due to youth or old age, disability, and financial means. Better transit and better bike paths benefit the kid on a skateboard as well as the adult in a motorized wheelchair. Portsmouth has many excellent recreational programs and facilities and as they expand I hope that equitable access can as well.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Mon, 03/20/2023 - 11:34

Full Name

Peter Harris

Email

peterbharris@gmail.com

Subject

Gerry Duffy's letter in council pack for tonight

Address

249 Islington St, Apt 1

Message

Please refer to this article and MA Supreme court ruling from NY Times on March 17th 2023, Please read and observe.

Residents' Right to Be Rude Upheld by Massachusetts Supreme Court

In an age of division, the court ruled that towns could not mandate polite discourse at public meetings. One official called the decision "very dispiriting."

March 17, 2023

Louise Barron and her husband, Jack, filed a lawsuit after she was threatened with removal from a Southborough Select Board meeting in December 2018 for criticizing the board.

Louise Barron and her husband, Jack, filed a lawsuit after she was threatened with removal from a Southborough Select Board meeting in December 2018 for criticizing the board. Sophie Park for The New York Times

In a decision that jangled the nerves of some elected officials, the Massachusetts Supreme Judicial Court last week reaffirmed a basic liberty established by the founding fathers: the right to be rude at public meetings.

The ruling sent waves of consternation across the state, where many local select board and school committee members have emerged battle-scarred from the coronavirus pandemic and its fierce disputes over masks, vaccines and remote learning. Stemming from a lawsuit filed against the town of Southborough, Mass., by a resident who said selectmen had silenced her unlawfully, the decision pushed back against attempts to mandate good manners.

"On its face it's very dispiriting," said Geoff Beckwith, executive director of the Massachusetts Municipal Association, which until last week had been nudging towns to develop civility guidelines for meetings. "Will it encourage the very few, very vocal individuals whose goal is to be disruptive? The S.J.C. is saying that's the price of true freedom of speech."

In a state with a long, proud tradition of grassroots democracy, where people still sit shoulder to shoulder in high school auditoriums each spring to quarrel over budgets at annual town meetings, fierce debate is a hallmark of civic engagement. Still, some observers caution that unchecked unpleasantness could have unintended consequences: fewer volunteers to take on the often thankless work of running town boards, for example, and fewer opportunities for public comment, which are not required by law.

Those concerns were not enough to sway the state's high court. It struck down as unconstitutional Southborough's "civility code" for public comment at meetings, which required "respectful and courteous" discourse "free of rude, personal or slanderous remarks." It reversed an earlier Worcester County Superior Court ruling for the town, which lies between Boston and Worcester and has about 10,000 residents. Decorum, the new decision concluded, was not a top priority for the cousins John and Samuel Adams when they drafted Article 19 in the Massachusetts Constitution, ratified in 1780. By laying out the right to request "redress of the wrongs done them, and of the grievances they suffer," the justices noted, they aimed to protect the colonists' freedom to rail against King George III, disparaged at the time as "the Royal Brute," in a profane and ungracious manner.

"There was nothing respectful or courteous about the public assemblies of the revolutionary period," the court wrote in its opinion. "There was also much that was rude and personal, especially when it was directed at the representatives of the king and the king himself."

Louise Barron, who filed the lawsuit with her husband, Jack, and a Southborough neighbor, said she had sparred with town leaders for years over spending decisions and records requests. But she was stunned to be threatened with removal from a Southborough Select Board meeting in December 2018 for criticizing the board.

"I didn't go in with any anticipation of a knock-down, drag-out, but surprise, surprise," Ms. Barron, 71, said in an interview. She described herself as civic-minded and "oppositional."

"She's always ladylike," her husband added.

"I buck the system," Ms. Barron said.

In her comments to the board that night, she said, she was trying to hold the town accountable for breaking the state's open meeting law, a violation that the state attorney general's office had confirmed. "I know it's not easy to be volunteers in town, but breaking the law is breaking the law," she said at the lectern in the mostly empty chamber, holding a homemade sign that said "STOP SPENDING" on one side and "STOP BREAKING OPEN MEETING LAW" on the other.

After a board member, Daniel L. Kolenda, cut her off and accused her of "slander" against "town officials who are doing their very best," Ms. Barron told him, "Look, you need to stop being a Hitler. You're a Hitler. I can say what I want."

As seen in a video of the exchange, Mr. Kolenda then stopped the meeting, stood and pointed angrily at her. Ms. Barron said he called her "disgusting" and told her she would be escorted out if she did not leave.

Mr. Kolenda, an Army veteran who has said that his experience in Iraq inspired him to run for office, is no longer on the board. He did not return a call from a reporter on Thursday.

Shaken, Ms. Barron went home and has not attended a meeting of any town board since; she sued the town in 2020. "Now I think I should have stayed," she said, "and made them call the police."

The court found that her reference to Hitler was "certainly rude and insulting," but was protected speech nonetheless. The town's insistence on civility "appears to cross the line into viewpoint discrimination: allowing lavish praise but disallowing harsh criticism of government officials," the ruling said.

"Although civility can and should be encouraged in political discourse," the justices wrote, "it cannot be required."

An attorney for the town, John J. Davis, said in a statement that the court's decision "effectively warns local officials against enforcing even modest rules of order and decorum at public meetings." He predicted it would lead to "less free speech, not more, as public comment

sessions may soon become a thing of the past.”

In the years since the Barrons filed their lawsuit, some observers say, public meetings around the country have grown more contentious, fueled by pandemic-related disruption and deepening political division. In Oxford, Mass., near the Connecticut border, the select board chairman called the police during a meeting in 2021 and demanded that they remove the vice chairwoman, after she read a statement calling for more government transparency.

“You want me to remove a selectman?” the officer asked when he showed up, as seen in a video clip. (He did not remove her.)

The now-former board member who was targeted, Meghan Troiano, said she had lobbied for years to add a regular public comment period at meetings, a move the board chairman opposed. She believes the Supreme Judicial Court made the right call in the Southborough case.

“They shut me down and wouldn’t let me speak because they didn’t like what I was saying,” said Ms. Troiano, who resigned from her town’s board in frustration six months later. “People still have a right to speak and be heard even if you don’t agree with them.”

Experts say the best way to encourage civil behavior is to treat people civilly in the first place, and in a way that they perceive to be fair.

“The people in power have to set the tone,” said Lauren Park, a researcher in organizational psychology.

A critical component is how leaders handle criticism, said Jodi R.R. Smith, a longtime etiquette consultant in Boston. Defensiveness is not recommended.

“The difference between a good and bad politician, or executive, is how they handle someone giving negative feedback,” Ms. Smith said.

“Imagine the difference if a board, instead of getting defensive, said, ‘This person is not feeling heard’, and then said, ‘Tell us more’.”

In Southborough, the selectman who became angry after Ms. Barron called him “a Hitler” addressed the episode at a later meeting, where he said he was “sorry that I became visibly upset with the resident.” He explained that her insult was “so inflammatory” that it caused “heightened emotion.”

That was not good enough for Ms. Barron, who said her entire court case might have been prevented by an apology that was more direct.

With such a gesture, she said, “This would have been put to bed.”

Link to article https://www.nytimes.com/2023/03/17/us/massachusetts-public-meeting-discourse.html?unlocked_article_code=YJc2SmMh5IGU7BqKNPIEgnOEVMZfsj86Vp6ibK979LXScyTh1UsPJn8Ok1cmSoWL2_A2l5AWtMEd7Jc eoh6iW4rW8LH4svNb5_Afl50C3m6Qu0GBntOvhA9fyv3z75RlOhPDxR5nS93N62joByo04yZ5TuWeXcyl6drujFzMaGqyiRuL9CDHdAy0NSF-v2hrvQLLDkDkEjnhpxBITtV4VZLL8dilhpxH3wjoeDtxwlvssugLJRouGH5W-sOLqarTYpaAgVCRtaXfSgmzuTJyrd-R4N4VNrX0k9JgRbQcTbOv_Ooq2wUugfSFTVgsdY3kQSrlsSS1w0uf4mQK5izPhqfMeM6Gi047_NO&smid=em-share

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

Submitted on Mon, 03/20/2023 - 14:29

Full Name

Peter Harris

Email

peterbharris@gmail.com

Subject

Mark Brighton and Gerry Duffy's letter to council

Address

249 Islington St, Apt 1

Message

I sent you all a story earlier on the latest MA Supreme court ruling settled free speech. Mark's words may not be pleasant to your ears, but he is exercising his right of free speech aka First Amendment rights. Now as I said the decorum may not make you feel good. But I can share that many residents, aka voters, agree with and applaud Mark. His words of free speech and are his to share, they are hardly hurtful. How disappointed do you think Mark must feel to have to say those thing to you about things you are doing as councilors

Myself, as a resident, and others that stand with Mark, disagree with many of your policy decisions, that are impactful to us and our finances. When you make a decision, and you ignore our interest, and without explanation, remember you are there to represent all residents not just one pub that a councilor wishes to have better terms for outdoor dining than the city gives to other restaurants.

When a council member has a financial interest in a restaurant, there is a direct impact to their finances, and they are voting for their own interest. That is unethical, and they should recuse themselves.

I ask for a response from the council, as to why councilors Rick Blalock and Asst Mayor Jo Kelley have yet to recuse themselves on any restaurant related decisions including outdoor dining? The have ownership in two separate eating establishments (Old Ferry Landing and Cup a Joe). No one on the council has ever acknowledged this. Terrible optics for me as a resident and all residents of Portsmouth.

McIntyre, this city council has put our cities finances at jeopardy which directly impacts property tax rates. My largest overall expense as a resident. I cannot afford for you to be managing cities finances in this manner. You were elected to serve residents, and had a perfectly great opportunity to escape from Michael Kane RedgateKane / Sobow Square at the beginning of your term, and then you turn the rights over to the city manager, and took a back seat, and now we have no way out. and a major lawsuit developing to perform. What happened, we don't know, there was no transparency. We have a right to know how you are spending the cities finances. Please tell us what happened in the last year. Stop hiding, and disappointing us.

Peter Harris

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes