

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON TUESDAY, JUNE 20, 2023

PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, DENTON, MOREAU, BAGLEY, LOMBARDI, BLALOCK, AND COOK

---

1. On a unanimous voice vote 9-0, **voted** to close the Non-Public Session and seal the minutes.
2. Proclamation – Golden Rule “Sailboat of Peace” – Mayor McEachern read the Proclamation declaring June 22, 2023 as Golden Rule Day in Portsmouth and extended a warm welcome to Golden Rule and its crew, wishing them safe and successful journeys.

Mayor McEachern presented the Proclamation to Diane Stradling who accepted it with thanks and appreciation.

3. Acceptance of Minutes – May 1, 2023 City Council meeting – **Voted** to accept and approve the minutes of the May 1, 2023 City Council meeting.
4. Public Comment Session – There were 24 speakers: Ruben Yzaguirre, Brandie Kramer, Peter Jones, Peter Officer, Manny Garganta, Jackie Cali-Pitts, Shawn Muske, Megan Corsetti, Aaron Garganta, Cammie Saunders, Erik Anderson, Kate Fish (Sherburne School); Sue Polidura (Questions); Nicholas Risteino (Affordable Housing); Irish Mike (American Flag); Francis Cormier (Taxes); Peter Harris (Safety-Outdoor Dining); Paige Trace (Portsmouth); Petra Huda (Bond Resolutions/PHA Process); Sean Maloney (Intersections/Bikers/Taxes); Rick Becksted (Being Fair); Lisa Haggerty-McMahon (179 Union Street Brick Frontage/Sewer Separation Project); Liza Hewitt – *via zoom* (Dangers surrounding Intersection of Congress Street & Maplewood Avenue); and Mark from the Park (Prescott Park Improvements).
5. **Voted** to suspend the rules in order to bring forward Item XIII. A. – Presentation by the Portsmouth Housing Authority Regarding Preliminary Study of Sherburne School Workforce Housing at 35 Sherburne Road.
6. Presentation by the Portsmouth Housing Authority Regarding Preliminary Study of Sherburne School Workforce Housing at 35 Sherburne Road – Thomas Ferrini, Chair of Portsmouth Housing Authority and Adam Ruedig, President of PHA Housing Development Ltd. provided a presentation regarding preliminary study of Sherburne School Workforce Housing. The study included reviewing the opportunity to build below market rate housing at the Sherburne School property. Chair Ferrini reported that the site meets key criteria qualifying it as an attractive site for the development of exactly the type of housing needed in Portsmouth.

President Ruedig addressed site analysis touching on economies of scale, neighborhood context, the historic preservation of Sherburne School building, environmental conditions, traffic, sustainable development opportunity, recreational opportunities, and property taxes.

Chair Ferrini reviewed recommended key milestones for a preliminary analysis, engagement and concept design, design development and construction. He stated that construction could potentially be completed in June 2026 if the process moves forward.

Discussion followed among the City Council relating to process and the development of affordable housing. Mayor McEachern said the next step is to come back to the City Council with a resolution to proceed in conjunction with creating a process to follow.

7. Public Hearing/Second Reading of Ordinance amending Chapter 4, Article I – Food Licensing and Regulations, Section 4.101 – Adoption of the FDA 2022 Food Code, Section 4.102 – Amendments, Additions and Deletions to Food Code, Section 4.103 – Adoption of Specific Parts He-P 2300, as amended, and Section 4.107 – Term of License – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading at the July 10, 2023 City Council meeting.
8. Request for First Reading for Annual Omnibus Ordinance Change – **Voted** to schedule first reading at the July 10, 2023 City Council meeting.
9. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY24 – **Voted** to authorize the City Manager to bring back for Public Hearing and Adoption, the various proposed CIP projects to be bonded, as presented, for the July 10, 2023 City Council meeting.
10. Right of Way Easement Deed for Property Located at the Intersection of Sagamore Grove Road and Sagamore Avenue – **Voted** to authorize the City Manager to accept and record a right of way easement deed in substantially similar form to the easement deed from Sagamore Corner, LLC contained in the agenda packet.
11. Bellamy Source Protection Easement for the Fernald Property – **Voted** to authorize the City Manager to enter into a Grant Agreement to accept up to \$739,000.00 from the State of New Hampshire's Drinking Water and Groundwater Trust Fund's Land Conservation Grant and Loan Program to be used toward this purchase.

**Voted** to authorize the City Manager to enter into a Grant Agreement to accept up to \$25,000.00 from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program to be used toward this purchase.

**Voted** to establish a Public Hearing July 10, 2023 for a supplemental appropriation of \$1,478,000.00 from the Water Enterprise Fund using a grant of up to \$739,000.00 from the New Hampshire Drinking Water and Groundwater Trust Fund, a grant of up to \$25,000.00 from NHDES Local Source Water Protection Program, and the remaining \$714,000.00 from Net Position with the understanding the City staff will pursue additional funding via U.S. Senator Shaheen's Congressionally Directed Funding request to the FY2024 Interior, Environmental, and Related Agencies Appropriations Bill.

12. Consent Agenda – **Voted** to adopt the Consent Agenda.
  - A. Request from Edward Szczepanik, EAD Woodwork, LLC, to install a Projecting Sign at 15 Penhallow Street Unit 2 (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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 James Reynolds, Salt Salon, to install a Projecting Sign at 28 Deer Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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. Letter from Jonathan Day, Portsmouth Halloween Parade, requesting permission to hold the 28<sup>th</sup> Portsmouth Halloween Parade on Tuesday, October 31, 2023 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

13. Email Correspondence – **Voted** to accept and place on file.

14. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Saturday, July 8, 2023 for “Dan Brown’s Wild Symphony” – **Voted** to refer to the City Manager with Authority to Act.

15. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold a Charity Pickleball Tournament at Community Campus on Saturday, September 16, 2023, from 8:00 a.m. to 5:00 p.m. – **Voted** to refer to the City Manager with Authority to Act.

16. Letter from Mark Lefebvre, Pinetree Institute, requesting permission to deliver services within the city at a designated parking space for 2 hours per week – **Voted** to refer to the City Manager with Authority to Act.

17. Appointment to be Considered – James Hewitt to the Safe Water Advisory Group (SWAG) – The City Council considered the appointment of James Hewitt to SWAG to be acted upon at the July 10, 2023 City Council meeting.
18. Appointments to be Voted – **Voted** to approve the following appointments/reappointments:
  - Linnea Grim to the Arts and Nonprofits Committee, President & CEO of Strawberry Banke Museum Representative.
  - Jessica Blasko, Adam Fitzpatrick, Abigail Gindele as an Alternate, Barbara McMillan, Allison Tanner, and Lynn Vaccaro to the Conservation Commission until April 1, 2026
  - Linnea Grim to the Prescott Park Master Plan Implementation Blue Ribbon Committee.
19. Update on Sculpture Design at Bohenko Gateway Park – Councilor Moreau presented the designs for the cutout sculpture that will be installed at the Bohenko Gateway Park.
20. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 1, 2023 meeting – **Voted** to accept and approve the action sheet and minutes of the June 1, 2023 Parking & Traffic Safety Committee meeting.
21. Request for First Reading regarding Amendment to Chapter 7, Article VI – LOADING ZONES, Section 7.601 – LIMITED HOURS LOADING ZONES – **Voted** to schedule first reading of Chapter 7, Article VI – LOADING ZONES, Section 7.601 – LIMITED HOURS LOADING ZONES at the July 10, 2023 City Council meeting.
22. Request for First Reading regarding Amendment to Chapter 7, Article X – TOWING, Section 7.1004 – TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES – **Voted** to schedule first reading of Chapter 7, Article X – TOWING, Section 7.1004 – TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES at the July 10, 2023 City Council meeting.
23. Updates for Administrative Code – **Voted** to request first reading at the July 10, 2023 City Council meeting of changes proposed by the Governance Committee to our Administrative Ordinance, Chapter 1, Articles III and IV. The Governance Committee is submitting these changes to update the language of the ordinance to be gender appropriate, and to require that each committee appoint a Chair annually at their first January meeting. These changes are expected to bring our ordinance in line with current practice.
24. Acceptance of Lead Service Line Sampling Plan and Replacement Plan Grant Program for Portsmouth Water Works and Pease Tradeport - \$75,000.00 – **Voted** to authorize the City Manager to enter into a Grant Agreement with the State of New Hampshire Department of Environmental Services to accept up to \$75,000.00 from the Lead Service Line Sampling Plan and Replacement Plan Grant program. This Funding will be used for data mining and for the development of a service line inventory in Portsmouth that will meet the regulatory requirements associated with the EPA Revised Lead Copper Rule.
25. Acceptance of Grant from Homeland Security for the Police Department - \$31,819.70 – **Voted** to approve and accept the grant as presented.

26. Acceptance of Victims of Crime Act (VOCA) Grant for the Police Department - \$24,759.00 – **Voted** to approve and accept the grant as presented.

27. Acceptance of Donation for the Police Department of Various In-Kind Items – **Voted** to approve and accept the donations as presented.

28. City Manager's Informational Items:

- FlashVote - City Manager Conard reported that FlashVote will roll out tomorrow and we have over 700 residents signed up for the first survey which will contain 5 questions regarding community priorities. She stated that the survey is open for 48 hours with the results publicly available upon completion.
- 147 Congress Street Temporary Construction License – City Manager Conard advised the Council that the sidewalk at the corner of Maplewood and Congress is open to provide a refuge area for pedestrians to use the crosswalk and have adjusted the crossing signals and signage to permit pedestrian crossing at the corner.
- Prescott Park Public Forum Area – City Manager Conard informed the City Council that the City is going to remove all locks from the fence (which it does periodically anyway) and provide signage that makes it clear that no signs, bunting, flags, locks or other items may be affixed to municipal property, including the fence. This will be communicated to all users.
- PDA Update – City Manager Conard provided a brief update on the recent meeting of the Pease Development Authority.
- Audit Firm – City Manager Conard announced that she has signed a contract with CLA, and the staff is ready to move forward with the audit.

29. Miscellaneous Business Including Business Remaining Unfinished at Previous meeting – **Voted** to suspend the rules to take up third and final reading of the Ordinance amending Chapter 4, Article I – Food Licensing and Regulations, Section 4.101 – Adoption of the FDA 2022 Food Code, Section 4.102 – Amendments, Additions and Deletions to Food Code, Section 4.103 – Adoption of Specific Parts He-P 2300, as amended, and Section 4.107 – Term of License.

30. Third and final reading of Ordinance amending Chapter 4, Article I – Food Licensing and Regulations, Section 4.101 – Adoption of the FDA 2022 Food Code, Section 4.102 – Amendments, Additions and Deletions to Food Code, Section 4.103 – Adoption of Specific Parts He-P 2300, as amended, and Section 4.107 – Term of License – **Voted** to pass third and final reading of the ordinance, as presented.

31. Councilor Lombardi announced that there will be a Public Information Session concerning the Mayor's Blue Ribbon Task Force on Historical Archives on Wednesday, June 28, 2023 at 6:30 p.m. in the Levenson Room of the Portsmouth Public Library.

32. Adjournment – At 10:25 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC  
City Clerk