

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JUNE 20, 2023 TIME: 6:00PM

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_aRkzW5t7Q6-XYx7GpS3vGg

6:00PM - ANTICIPATED NON-PUBLIC SESSIONS ARE BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT – RSA 91-A:3, II (a)
2. 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. *Golden Rule “Sailboat of Peace”

- VII. **ACCEPTANCE OF MINUTES – MAY 1, 2023**
- 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**

Public Hearing/Second Reading of Ordinance:

- A. 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 (**Sample motion – move to pass second reading and hold third and final reading at the July 10, 2023 City Council meeting**)
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Request for First Reading for Annual Omnibus Ordinance Change
2. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY24
3. Right of Way Easement Deed for Property Located at the Intersection of Sagamore Grove Road and Sagamore Avenue
4. Bellamy Source Protection Easement for the Fernald Property

XII. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda – move 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 28th Portsmouth Halloween Parade on Tuesday, October 31, 2023
(Anticipated action – move to refer to the City Manager with Authority to Act)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation by the Portsmouth Housing Authority Regarding Preliminary Study of Sherburne School Workforce Housing at 35 Sherburne Road
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***
- C. 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” ***(Sample motion – move to refer to the City Manager with Authority to Act)***
- D. 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. ***(Sample motion – move to refer to the City Manager with Authority to Act)***
- E. Letter from Mark Lefebvre, Pinetree Institute, requesting permission to deliver services within the city at a designated parking space for 2 hours per week ***(Sample motion – move to refer to the City Manager with Authority to Act)***

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
- James Hewitt to the Safe Water Advisory Group (SWAG)
2. *Appointments to be Voted:
- Appointment of Linnea Grim to the Arts and Nonprofits Committee, President & CEO of Strawberry Banke Museum Representative
 - Reappointment of Jessica Blasko to the Conservation Commission
 - Appointment of Adam Fitzpatrick to the Conservation Commission
 - Reappointment of Abigail Gindele to the Conservation Commission as an Alternate
 - Reappointment of Barbara McMillan to the Conservation Commission
 - Reappointment of Allison Tanner to the Conservation Commission
 - Reappointment of Lynn Vaccaro to the Conservation Commission
 - Appointment of Linnea Grim to the Prescott Park Master Plan Implementation Blue Ribbon Committee

XV. CITY COUNCIL MEMBERS

A. COUNCILOR MOREAU

1. Update on Sculpture Design at Bohenko Gateway Park

B. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 1, 2023 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the June 1, 2023 Parking & Traffic Safety Committee***)
2. Request for First Reading regarding Amendment to Chapter 7, Article VI – LOADING ZONES, Section 7.601 – **LIMITED HOURS LOADING ZONES** (***Sample motion – move 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***)
3. A PTS Action item from the June 1, 2023 meeting also includes an amendment to Chapter 7, Article X – Towing, Section 7.1004 that increases the amount of outstanding fines that trigger the boot and tow penalty from \$150 to \$250.

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** (***Sample motion – move 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***)

C. COUNCILOR COOK

1. Updates for Administrative Code (***Sample motion – move 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***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Lead Service Line Sampling Plan and Replacement Plan Grant Program for Portsmouth Water Works and Pease Tradeport - \$75,000.00 (***Sample motion – move 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 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***)
- B. Acceptance of Grant from Homeland Security for the Police Department – \$31,819.70 (***Sample motion – move to approve and accept the grant as presented***)
- C. Acceptance of Victims of Crime Act (VOCA) Grant for the Police Department - \$24,759.00 (***Sample motion – move to approve and accept the grant as presented***)
- D. Acceptance of Donation for the Police Department of Various In-Kind Items (***Sample motion – move to approve and accept the donations as presented***)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Update on FlashVote
2. Amendment to Pedestrian Crossing Plan for 147 Congress Street Temporary Construction License
3. Prescott Park Public Forum Area
4. *PDA 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 COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 1, 2023

PORTSMOUTH, NH
TIME: 7:00 PM

Assistant Mayor Kelley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Bagley and voted.

III. CALL TO ORDER [7:00 p.m. or thereafter]

Mayor McEachern called the meeting to order at 7:10 p.m.

IV. ROLL CALL

Present: Mayor McEachern, Assistant Mayor Kelley, Councilor Tabor, Councilor Denton, Councilor Moreau, Councilor Bagley, Councilor Lombardi, Councilor Blalock and Councilor Cook.

V. INVOCATION

PROCLAMATION

1. Jewish American Heritage Month

Mayor McEachern read the Proclamation declaring the month of May 2023 as Jewish American Heritage Month and presented the Proclamation and letter from Congressman Chris Pappas to several community members who accepted with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES – APRIL 3, 2023 CITY COUNCIL MEETING

Councilor Tabor moved to accept the minutes of April 3, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

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*)

Beth Margeson – discussed the McIntyre building stating that the decision of the Council will have an impact on generations of citizens in the future. She stated that no vote should be taken tonight as the building isn't going anywhere and should have a special meeting on this issue separately. She concluded that the process has been a failure but it is not going away and the Council should go forward in a thoughtful and forward manner.

Sue Polidura – discussed a recent discovery brought forward by Ted Jankowski which the city may already own the McIntyre building from a senate bill 1589 in 2003-2004 which became law under HR-2673 and is a valid appropriation. She read the law and requested the Council pursue this further. She stated that the appropriation in the bill was for the government to build a new federal building, which they did not do and instead rented from Michael Kane's company.

Esther Kennedy – stated she agrees with the previous speakers and feels that we should buy the property and put deed restrictions in place. She stated we can sell the property after 3 years. She stated that 2 of the Councilor's fathers have spoken about this issue and did not want to go forward with the agreement with Kane. She further stated she was taken aback by comments made in the

press by Mr. Kane and asked if the Council saw the agreement signed by the City Manager and City Attorney. She concluded stating that the McIntyre building is ugly but it is crucial to the downtown and can be made into what we want and wants a public hearing held and research if it is already ours as previously mentioned.

Rick Becksted – stated that he doesn't feel that the current City Council knows the facts and truth about the McIntyre and discussed a non-public session held on October 27, 2021 where they all reviewed a draft letter of termination and took a unanimous vote. He stated that the process has been backwards and should have followed the same as other public/private partnerships. He stated that the GSA is a tenant of Michael Kane and talks to him daily. He concluded that the Council needs to make the decision, not the City Manager.

Petra Huda – thanked SoBo Square for their transparency regarding the McIntyre and wonders why information came from them and not the City. She stated the City Manager has not been truthful for 5 months with late-night updates that everything is fine until it wasn't. Secondly, she asked what is the rush as there is no deadline. She stated the GSA is giving a double-standard on obtaining the building. She stated the city has to pay fair-market value as determined by the GSA, but if it goes out to private sale, the bidder can offer less. Finally, regarding the report from the city staff, she stated there is bogus information from city staff in Section 4 A, cost to refurbish city hall, and asked why the amount is always doubled when it involves the city and gave examples of bids that were less. She reviewed the Assessor's assessment which used 2019 pre-pandemic figures and then stated that the post-pandemic figures for office space was dropping. She finally reviewed the bonding resolution that is transferring money to where the staff is telling them to, but encouraged the Council to use it for the Skateboard park.

Peter Whelan - stated the Council is making a big decision tonight and feels it should be done at a Special meeting as it is a 200-year decision on a critical piece of property. He stated if we want another Portwalk Place, then take the vote tonight. He stated they fired the developer at the end of their term and put it back out to bid and it is a tragedy that we can't get the property for \$1.00. He stated the residents want to preserve the property but there is more information needed.

Paige Trace – discussed the vote on the McIntyre property stating she doesn't think they should be voting this evening. She reviewed her history of serving on the subcommittee while she was a City Council member which resulted in the firing of SoBo Square from the project. She asked about City Manager Item #2 which is not in the Council packet.

Duncan MacCallum – asked the Council to continue to pursue the purchase of the McIntyre building although he had previously been against it. He stated that the city should control it through rezoning the property to limit its uses.

Paul Mannle - stated that everything that has happened up to now should be forgotten and has no bearing on going forward. He stated this is 2 acres in the downtown and it is a no-brainer to purchase the property. He referred to the City Manager's memo stating that it is all doom and gloom in regards to going forward. He stated that 15 years ago he brought forward the idea of purchasing the Frank Jones property and if we had done so, we could have put affordable housing there.

Bill Downey (via zoom) - stated that this is a significant decision and feels that there should have been a special meeting to deal with it. He continued that it is not how we start but how we finish and feels that we haven't exhausted the opportunities for this property. He stated that if we want another Portwalk

Place, then don't buy it, or we can do something to make it a vibrant area. He concluded by recalling a statement from Paul McEachern that we can't have too many parks.

Mayor McEachern closed the public comment and stated that he enjoys when people reference his father.

Councilor Lombardi moved to suspend the rules to bring forward Item XI.A.1 – Report Back on Negotiated Sale Process and Fair Market Value for Acquisition of McIntyre Property. Seconded by Councilor Bagley and voted.

1. Report Back on Negotiated Sale Process and Fair Market Value for Acquisition of McIntyre Property (***Sample motions: 1) move to authorize the City Manager to communicate to the GSA that the City is not interested in participating in a negotiated sale process; or 2) move to authorize the City Manager to communicate to the GSA that the City is interested in participating in a negotiated sale process and is prepared to commit to taking the necessary procedural steps in the next ninety days to borrow the sum of up to \$25 million for the purchase price***)

Mayor McEachern read sample motion #1 as to what had been moved and postponed from the April 17, 2023 meeting.

“Move to authorize the City Manager to communicate to the GSA that the City is not interested in participating in a negotiated sale process”

City Manager Conard gave a brief outline of the memo included in the Council packet stating that the GSA is very interested in understanding where the city wishes to go with this and are looking for closure. She stated this information was worked on by many individuals within the City government. She explained that if the Council were to decide to go forward with the purchase, other projects in the Capital Improvements Plan would need to be revisited. She further stated that the term “negotiated sale” is a misnomer as the GSA has dictated what they consider fair market value. She stated we are here tonight to understand the commitment that the city needs to state to continue on the path of the negotiated sale. Regarding the competitive sales process she stated the GSA will not provide any buyer with authorization with plans in advance or conduct an appraisal. She concluded that out of 6 scenarios involving the city the one ruled out by the GSA is the option that the City purchases it and puts deed restrictions on it. She addressed Paige Trace's public comment regarding City Manager Item #2 not being included in the packet and agreed that was not included but is not a part of this discussion.

City Attorney Morrell further clarified that Item #2 addresses that the GSA has indicated that they will continue to allow the City to utilize the parking lot through Indigenous People's Day even if we do not pursue purchase of the property.

Mayor McEachern stated he sent a letter to the GSA, which is on the city website, reiterating questions as to why this is not being offered to us for \$1.00, and referenced the funding that was authorized for them to build a new facility at Pease Tradeport, etc.

Councilor Denton read the motion that he made on April 17, 2023 and offered an amendment as follows, if the second, Councilor Bagley agrees:

“Move to authorize the City Manager to communicate to the GSA that the City will not be proceeding in a negotiated sale process at fair market value”

Councilor Bagley agreed to the amendment.

Councilor Denton stated that the costs to residents as outlined in the City Manager’s memo solidifies his belief that the McIntyre should go to private auction over the city having to pay fair market value. However, this small amendment will still allow the city to acquire the McIntyre if the GSA does come back and says that the building does belong to the City. He stated if it doesn’t go this way, then anyone who wants to submit a bid, including anyone who has in the past, will be able to do so.

Councilor Bagley stated that in relation to the GSA’s “negotiated” sale and “fair market value” of \$25,000,000.00, he feels we should go through the open bid process.

Councilor Tabor stated he does support a negotiated sale even though it is the riskier way to go. He stated any chance to create a public space is the way we should proceed. He stated that \$25,000,000.00 is not a good number to start with, but if we buy the pie and keep a piece, then we can control what happens and have a public, green space.

Councilor Cook clarified that the GSA is looking for the Council decision prior to the next meeting with them tomorrow. City Manager Conard confirmed.

Mayor McEchern asked if we tell the GSA that we are going to schedule a Special Meeting to allow more public comment, will the negotiated sale option be taken away.

City Attorney Morrell stated that the indications are that the GSA has lost patience with the process and would be surprised if they allow another delay.

Councilor Blalock thanked the staff for putting this report together and asked for clarification that none of the current CIP projects could be utilized in the McIntyre. City Manager Conard confirmed.

Councilor Blalock stated the building was very attractive for \$1.00 but not for \$25,000,000.00. He stated the path to purchasing the building now is too risky and too narrow as it does not provide any of the services that the City should provide. He feels we have learned a lot through this long process and referenced former Councilor Lown, Former Mayor Blalock and Paul McEachern, that the City should not be a property developer.

Councilor Lombardi stated that if we paid the fair market value as well as the remediation costs of the building, then it would be too much. He stated he is still struggling on which way to vote because the property is very valuable to the city but the impact to the tax rate and the bonding of other projects in front of us, could all be impacted by this.

Councilor Moreau asked for more explanation of the 106 program and what the restrictions would mean going forward. City Manager Conard stated the restrictions will run with the property regardless.

Deputy City Manager Woodland referred to an example of a covenant included in the packet and explained that there are a number of covenants and environmental risks, not only historic, related to the conveyance of the property and the GSA have started the 106 process which means that whoever purchases the property will have to go back to the Division of Historic Resources for approval. We are looking to let the GSA know that the City wants to be a part of the 106 process. She stated that we

have dealt with this with other projects such as the Dobles Center, the Armory, etc. so we are familiar with it.

Councilor Moreau asked if those negotiations and restrictions will affect the value of the property and the price we can get for it. Deputy City Manager Woodland stated yes.

Councilor Bagley appreciates all of the public input received and stated that we have been working on this for a long time, which means we haven't worked on other issues. He stated that it would cost potentially \$500.00 per household, per year if we went through with the purchase. He stated that many of our parks have been donated to the city and feels that there are upcoming financial hardships coming due to the ending of COVID funding which could be addressed with this money.

Councilor Cook stated she has thought about what the ideal is for this property and would love to see a legacy property and park space with public benefit, but if purchased for the asking price, it doesn't include any improvements or whether we can resell pieces for even close to that value. She continued that it doesn't take into account that it has inherent remediation issues and historic restrictions. She stated we would be on the hook for more money than for just the park that if we were to just purchase another parcel of land. She continued that just a couple of blocks away is Prescott Park and we have not been able to fund the improvements that have been recommended in the Master Plan. She stated expending these funds would delay other improvements being planned in the city including park/field improvements, police facility, street repairs, etc. She stated that in the south end of the city, a \$500.00 impact usually doubles for that neighborhood. She stated if she was going to spend a significant amount of money on a park, she would like to see it be done in an area where there aren't any currently.

Councilor Tabor reiterated he is advocating buying the building and keeping a portion for a public space and the rest would become a taxable income stream.

Assistant Mayor Kelley stated she agrees with much of what Councilor Cook said regarding the many projects that are still waiting to be done and this is the best decision for the long run.

Mayor McEachern asked Principal Planner Cracknell to update the Council on innovative zoning as had been presented previously.

Principal Planner Cracknell provided a report on innovative zoning to better assure the community on how to achieve better results whether for this project or others in the downtown area and gateway zone. He stated that through this process we could recalibrate the carrots and sticks that go with the incentives and adjust the numbers to achieve most, if not all, of the public benefits being envisioned with the community plan for the McIntyre property. He stated this would allow private developers to provide these benefits through the conditional use permit process, through fair trade with the city, and make sure the code requires what we are looking for to improve outcomes.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern stated that there are a lot of people who care very passionately about this issue and have spent a lot of time talking about a building, but it is really about our future. He stated it is about our downtown that sometimes feels like it belongs to the economic drivers and not the residents. He stated the alternative to change is to not change, and then fade away. He stated that there have been many, many hours spent over the last 3 Councils on this issue but he is sure that the control that we would have in spending \$25,000,000.00 is not worth it and would not provide clarity. He stated he would like to better understand the zoning issues and if they have any bearing on the fair market value.

He stated that the GSA is giving us the opposite of a negotiated sale and not telling us the price, and not where that figure comes from or taking into account the remediation issues, restrictions etc. He stated that it is important where this ends after 20 years, and it is frustrating that we can't get answers. He stated the process is prohibitive for the city to be able to participate in the open bid process because we have to have a public hearing to spend the money. He concluded that he cannot support the motion because we have to deliver this to the GSA in this fashion with so many uncertainties.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Discussion ensued regarding various scenarios of counter offers and possible time extensions. City Manager Conard and City Attorney Morrell clarified that the GSA was expecting a decision from the Council this evening but they would be glad to bring forward the Council suggestions if directed to do so.

Motion passed on an 8-1 roll call vote. Councilor Tabor voted opposed.

Recess/Reconvened 8:55 p.m. – 9:05 p.m.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

Public Hearing/Second Reading of Ordinance:

- A. Public Hearing/Second Reading of Ordinance amending Chapter 10 – Accessory Dwelling Unit, Section 10.430 – Use Regulations – Use is permitted by right through Administrative Approval, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts – Administrative Approval, Section 10.814 – Accessory Dwelling Units – Purpose and Eligibility, Section 10.814.40 – Additional Standards for Detached Accessory Dwelling Units, Section 10.814.50 – Architectural Design Standards, Section 10.814.60 – Review and Approval Process, Section 10.814.70 – Post-Approval Requirements, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking – Location of Parking Facilities on a Lot, Article 15 – Definitions – Section 10.1530 – Terms of General Applicability – Accessory Building or Structure, Accessory Dwelling Unit (ADU), Deletion of Garden Cottage and Addition of Gross Living Area (GLA)

Mayor McEachern read the legal notice and explained that the presentation was given at a recent work session. He opened the public hearing asking if anyone wished to speak:

Esther Kennedy – asked for clarification that there have been no additional changes to the ordinance which was confirmed by City Attorney Morrell and Mayor McEachern. Ms. Kennedy continued stated that a lot of people have done a lot of work on this ordinance and hopes it will be adopted so we can move on to other things.

Peter Loughlin – stated he is in favor of the proposed changes that have been thoughtfully worked out and the precise wording the committee has worked out is very important. He stated that people often speak about how much Portsmouth has changed but he feels it hasn't changed that much in many areas with the exception of the North End. He stated the residential neighborhoods that surround the various gateways/entrances to the city remain unchanged but is concerned if the ADU ordinance is poorly handled, for example, eliminate the minimum parking requirements, it could impact every block of every residential neighborhood in the city. He stated it is a false choice to ask if we want people or parking and should not be directed by the market but made through the City Council.

Liza Hewitt – stated she agrees with Mr. Loughlins’ comments and thanked the Land Use Committee members for accepting all ideas and appreciates Councilors Moreau, Assistant Mayor Kelley and Councilor Blalock for accepting all public comment and not dismissing ideas that are different from theirs. She stated it was a good discussion and a good process.

Paige Trace – also thanked Peter Loughlin for his comments. She stated that she was surprised by Councilor Cooks’ comments that some people who spoke during the process were taking too long or weren’t from the city but appreciates Councilor Moreau for a good process. She stated that having design elements are useful for people traveling from one spot to an ADU spot.

Petra Huda – stated she participated in most of the meetings and thanked those who listened and for the Planning staffs’ hard work. She thanked the Council for not accepting the amendments previously brought forward.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

Councilor Moreau moved to pass second reading and hold third and final reading at the May 15, 2023 City Council meeting, seconded by Assistant Mayor Kelley.

Councilor Bagley stated that Richmond, Virginia voted 12-0 to eliminate parking minimums as have Dover, NH, Auburn, ME and other cities/towns but although it is not going to be the case here in Portsmouth, he will support this ordinance as currently there are only two ADU applications a year.

Mayor McEachern stated that Dover does have other parking programs in place and we can certainly look at other options in the future. He thanked the Land Use Board and the citizens who participated.

Councilor Moreau stated she is proud of this ordinance compromise. She stated she knows it is not perfect and there may be more improvements coming forward in the future.

Motion passed on a 9-0 vote.

Councilor Moreau moved to suspend the rules to hold third and final reading. Seconded by Assistant Mayor Kelley and voted.

Councilor Moreau moved to pass third and final reading. Seconded by Assistant Mayor Kelley and voted.

Third and Final Reading of Ordinance:

- B. Third and Final Reading of Ordinance amending Chapter 1, Article IV, Section 1.411 – Cemetery Committee – Membership and Term

Councilor Lombardi moved to pass third reading of the ordinance as presented. Seconded by Assistant Mayor Kelley and voted.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Report Back on Negotiated Sale Process and Fair Market Value for Acquisition of McIntyre Property (Previously addressed)
2. Approval of License Agreement with GSA

Councilor Tabor moved to authorize the City Manager to execute the proposed license agreement with GSA, seconded by Councilor Bagley.

Mayor McEachern stated that it was previously referenced that this document was not a part of the Council packet and how do we move forward if that is the case.

City Manager Conard clarified that things were still being finalized at the time of the publication of the packet and wasn't included. She stated that this can be brought back at the May 15th meeting.

Councilor Denton asked if this can be extended for 2 weeks before action is taken on the new agreement.

City Manager Conard stated she will convey verbal approval to the GSA and that it will be voted on May 15th.

Councilor Tabor rescinded the motion, Councilor Bagley as seconder agreed.

3. Resolution for the Authorization for Transfer of Balance of Bond Proceeds After Completion of the Project

City Manager Conard explained this is to transfer bond proceeds that are no longer needed for a project for which they were initially borrowed to pay the costs of another capital project in accordance with RSA 33:3-a (II) and a two-thirds vote is required to authorize this transfer of bond proceeds.

Councilor Bagley moved to adopt the resolution as presented, seconded by Councilor Blalock.

Councilor Moreau asked why we are using it for the DPW fueling station and not something else.

Public Works Director Rice explained that we have received notice for the Department of Environmental Services to address the fuel station which is used by Fire, Police and Department of Public Works and is a major asset. He stated that the bid came in higher than anticipated but it is ready to move forward.

Councilor Bagley referred to a public comment that we could use the funds for the skateboard park but clarified that is already funded.

City Manager Conard stated that the first phase has been funded.

Motion passed.

4. Month-to-Month South Meeting House Lease Agreement for Portsmouth Public Media, Inc. (PPMtv)

City Manager Conard explained that this is a short-term agreement as they are looking for a new location.

Assistant Mayor Kelley moved to approve the attached month-to-month lease of the South Meeting House for PPMtv, seconded by Councilor Bagley.

Councilor Cook recused herself as she is a member of the Friends of the South End.

Deputy City Manager Woodland explained that it has been a challenge for the tenants to maintain the structure which is a requirement per the agreement so they have made some payment to the City.

Councilor Bagley asked what is the process to have a new tenant.

City Manager Conard stated we will assist PPMtv find a new location and then will come back to the Council for a long-term use of the building.

Mayor McEachern asked that the Council be notified when they will be vacating the building.

Motion passed 8-0, Councilor Cook recused.

5. Bicycle Pedestrian Path Easement for Property Located at 2255 Lafayette Road

Councilor Moreau moved to authorize the City Manager to accept and record a Bicycle/Pedestrian Path Easement in substantially similar form to the easement deed from Mastoran Restaurants, Inc. contained in the agenda packet, seconded by Councilor Blalock.

Councilor Moreau stated that charging stations will be installed.

Motion passed.

XII. CONSENT AGENDA

Councilor Blalock moved to adopt the Consent Agenda. Seconded by Councilor Lombardi and voted.

- A. Request from Joe Kelley, Thirsty Moose Taphouse, to install a Projecting Sign at 15 Congress 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***

B. Request from Aaron Smith, Salud LLC, to install a Projecting Sign at 90 Fleet 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. Request from Alex Budd, OTTO Portsmouth, to install a Projecting Sign at 110 Brewery Lane (***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***

D. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Friday, May 12, 2023 for TEDxPortsmouth and Tuesday, May 16, 2023 for Primex3 Making Waves Summit (***Anticipated action – move to refer to the City Manager with Authority to Act***)

E. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold a boot drive for Muscular Dystrophy Association on Saturday, August 12, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Councilor Bagley moved to accept and place on file. Seconded by Councilor Lombardi and voted.

- B. Letter from Tom Taylor, Honored American Veterans Afield (HAVA), requesting permission to reserve space at the Prescott Park Dock on July 12, 2023 for event to promote awareness of veterans' mental health & suicide issue

Councilor Denton moved to refer to City Manager with authority to act and waive any associated fees, seconded by Councilor Bagley.

Councilor Cook asked about the timing of the event and whether there would be a concert being held at the same time.

City Manager Conard stated they will address the logistics with the organization.

Motion passed on an 8-0 voice vote. Councilor Blalock out of Chambers.

XIV. MAYOR McEACHERN

1. Reappointments to be Voted to the Cemetery Committee
- Eva Boice
 - Celeste Brooks
 - Deirdre (Dee) Forte
 - Michael Griffin
 - Duncan MacCallum
 - Sue Polidura
 - Susan Sterry

Assistant Mayor Kelley moved to reappoint the above listed members to the Cemetery Committee in accordance with Chapter 1, Section 1.411. Seconded by Councilor Bagley and voted.

2. Appointment to be Considered:
- Peter Splaine to the Cemetery Committee

The appointment of Peter Splaine to the Cemetery Committee was considered and will be voted at the May 15, 2023 City Council meeting.

3. Acceptance of Resignations
- Jason Huett from the Cable and Broadband Internet Commission

Assistant Mayor Kelley moved to accept with regret and to send a letter of thanks and appreciation for his service to the city. Seconded by Councilor Bagley and voted.

- Dave McDonald from the Zoning Board of Adjustment

Assistant Mayor Kelley moved to accept with regret and to send a letter of thanks and appreciation for his service to the city. Seconded by Councilor Blalock and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

1. Climate Action Plan Event Flier

Councilor Denton stated that the Climate Action Plan event will be held on May 4, 2023 in the City Council Chambers.

Mayor McEachern asked if there should be a Notice of Quorum posted for any Council members that may attend.

City Manager Conard stated yes, and she will work with the City Clerk's office.

B. COUNCILOR COOK

1. Donation Policy

Councilor Cook moved to adopt the amended policy as presented, seconded by Councilor Bagley.

Councilor Cook explained that there was a change under scope 2.1 and 2.2 as the Trustees of the Trust Funds have their own policy.

Councilor Lombardi stated that a lot of time and input from experts has been put into this and feels it has been a good effort.

Motion passed.

2. Review and Recommend Changes to Parking Requirements in City Ordinance

Councilor Cook moved to request a review by the Land Use and the Parking, Traffic & Safety Committees of the City parking requirements, and request a report back by the August 7th City Council meeting on recommendations that would increase housing affordability and reduce dependency on motor vehicles, seconded by Councilor Bagley and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda this evening)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Pease Development Authority Update

City Manager Conard gave a brief update on various Pease Development Authority issues discussed at the recent PDA meeting.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Blalock stated that he will be requesting funding for School Resource Officers in the upcoming budget. He discussed his positive experience with “Officer Friendly” during his school days and whether the funds will be allocated from School, Police, donations, etc. it needs to be funded.

Assistant Mayor Kelley congratulated the Portsmouth Debate Team who will be attending the Nationals in Kentucky and asked everyone to support the students. She stated it is important to honor academic achievement as well as sports.

Councilor Lombardi stated he would like to revisit making an offer to the GSA in an amount represented by remediation costs subtracted from the city’s appraisal cost.

Councilor Tabor stated he would second that as a motion.

After further discussion, City Attorney Morrell and Deputy City Manager Woodland clarified that the GSA expects a decision to be presented at the meeting tomorrow morning and that the only option presented to the City is purchase at fair market value which they state is \$20-25 million.

Mayor McEachern stated that the Council accomplished what they wanted to do tonight and are sending a clear message and if they come back with a counter-offer, a special meeting can be called for consideration. He stated that as Facilities Manager Joe Almeda and Public Works Director Rice have left the meeting, questions regarding remediation issues cannot be addressed at this time.

Councilor Lombardi clarified that he did not make a motion. No action taken.

Councilor Tabor announced that the Community Power letters will be arriving in mailboxes today.

Mayor McEachern announced the upcoming Letter Carrier “Stamp out Hunger” can drive is being held on May 13, 2023.

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

Assistant Mayor Kelley moved to adjourn at 10:27 p.m. Seconded and voted unanimously.

Respectfully submitted:

Valerie A. French
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, June 20, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed 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. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE
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KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 4, Article I – **FOOD LICENSING AND REGULATIONS**, Section 4.101 – **Adoption of the FDA 2009 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**, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE I: FOOD LICENSING AND REGULATIONS

Section 4.101: Adoption of the FDA 2022 Food Code

That a certain document, three copies of which are on file in the office of the City Clerk of the City of Portsmouth, New Hampshire being marked and designated as the *Food Code, 2009 2022 Recommendations of the United States Public Health Service/Food and Drug Administration and Annexes* “FDA Food Code” as published by the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration be, and is hereby adopted, subject to the following amendments, additions and deletions.¹

If specific provisions of the FDA Food Code are not referenced below, the text remains as written.

¹For a copy of the FDA Food Code, **2009 2022** go to
<https://www.fda.gov/food/guidanceregulation/retailfoodprotection/foodcode/ucm2010396.htm>.**foodcode2009**
<https://www.fda.gov/food/fda-food-code/food-code-2022>

Section 4.102: Amendments, Additions and Deletions to Food Code

1-201.10 Food Establishment.

(2) ~~(B)~~(b) These facilities must be in compliance with Portsmouth Health Department’s Guidelines.

Add subsection to read as follows:

4-301.13 Drainboards.

Dual drainboards must be integral to warewashing sinks, in addition, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be

provided per necessary **UTENSIL** holding before cleaning and after **SANITIZING**.

Add new subsection to read as follows:

~~4-302.13~~ ~~Temperature Measuring Devices, Manual Warewashing.~~

~~(B) In hot water mechanical **WAREWASHING** operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the **UTENSIL** surface temperature.~~

Change subsection to read as follows:

4-501.16 Warewashing Sinks, Use Limitation.

(A) A warewashing sink may not be used for handwashing as specified under §2-301.15, **and or** drawing potable water, wash produce, or thaw foods.

Annex ~~2009~~ **2022**, Annex 1, Section 8-905.10 through 8-908.20 and replace with the following:

Section 8-905.10 **FOOD LICENSING BOARD OF APPEALS**

SECTION 8.905.12 LIMITATION OF AUTHORITY

An appeal shall be based on a claim that the Health Officer or Health Department staff improperly interpreted or applied the **2009 2022** FDA Food Code as adopted in this Chapter. The Board may hear and decide appeals from the denial, suspension or revocation or a Food License but shall have no authority to waive requirements of the **2009 2022** FDA Food Code as adopted in this Chapter.

SECTION 8.905.15 PROCEDURE FOR HEARING AND DECISION

Add the following as first paragraph of subsection:

Annex ~~2009~~ **2022**, Annex 7, Model forms Guides and Other Aids.

Model forms are adopted as amended by the Portsmouth Health Department.

Section 4.103 Adoption of Specific Parts He-P 2300, as amended:

Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Food (“He-P 2300”) published as of the date this Chapter is adopted, are hereby adopted subject to the following amendments, additions and deletions. Any section not referenced is not adopted.

Adopt the following definitions:

He-P 2301 DEFINITIONS (as defined in He-P 2300, unless otherwise noted):

- (a) “Acid foods”
- (b) “Acidified foods”
- (c) “Applicant”
- (d) “Bed and breakfast”
- (e) “Beverage”
- ~~(f) “Bulk food”~~
- ~~(g)~~(f) “Caterer”
- (g) “Certified food protection manager” means the person in charge who has shown proficiency of required information through passing a test that is part of an accredited program or as stated in 2-102.12(A) of the Food Code.**
- (h) “Change of ownership” Change of ownership means any time a controlling interest in a sole proprietorship, joint venture, partnership, corporation, limited liability company, or any other kind of entity is transferred to another sole proprietor, joint venture, partnership, corporation, limited liability company or any other kind of entity. The transfer of a business entity to a trust and its controlling interest to a trustee for estate planning purposes will not be deemed a change of ownership, provided that the transfer is not made to avoid compliance with this Chapter.
- (i) “Continental breakfast”
- (k) “Corrective Action Plan (CAP)”
- (l) “Critical control point”
- (m) “Critical limit”
- (n) “Department” means the Portsmouth Health Department.**
- (ab) “Low acid foods”
- (av) “Soup kitchen”
- (aw) “Time/Temperature Control for Safety (TCS) food”
- (p) “Food”
- (q) “Food Code” means the US Department of Health and Human Services, Public Health Services, Food and Drug Administration, Food Code, 2022 edition.**

- (r) "Food establishment" means "food service establishment" as defined in RSA 143-A:3, IV, or "retail food store" as defined in RSA 143-A:3, VII.
- (s) "Food processing plant"
- (u) "Foodborne disease outbreak"
- (x) "Immediately endangers public health or safety"
- (y) "Imminent health hazard"
- (z) "License"
- (aa) "License holder"
- (ab) "Low-acid foods" means "low-acid foods" as defined by 21 CFR 114.3(d), namely, "any foods, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity (aw) greater than 0.85. Tomatoes and tomato products having a finished equilibrium pH less than 4.7 are not classed as low-acid foods."
- (ac) "Major food allergen"
- (ad) "Mobile food unit" means a food service establishment mounted on wheels or otherwise designed to be immediately moveable **and works out of a licensed commissary.**
- (af) "Package"
- (ah) "Potentially hazardous food"
- (al) "Public water system" means "public water system" as defined in RSA 485:1-a, XV
- (ap) "Regulatory authority"
- (aq) "Remodeled"
- (ar) "Retail food store" means "retail food store" as defined in RSA 143-A:3, VII
- (as) "Sanitization"
- (au) "Sewage"

Adopt the following subsection in its entirety:

He-P 2304.15 Trade Secrets and Confidentiality

- (a) The department shall treat as confidential, in accordance with RSA 350-B, information that meets the criteria specified in RSA 350-B for a trade secret and is contained on inspection report forms. In the plans and specifications submitted as specified under He-P 2304.12 and in any HACCP plans submitted.
- (b) Consumer complaints received regarding illness or sanitation of a food establishment shall have the name, address, and phone number or other identifying information of the individual making the complaint maintained as confidential and such information shall not be released without written permission of the complainant.

Adopt the following subsection as amended:

He-P 2305.02 Correction of Deficiencies Identified During an Inspection of Food Processing Plants

- (a) All deficiencies identified in the inspection report shall be corrected at the time of inspection, as practicable.**
- (b) For food processing plants; if any violation is found during an inspection and cannot be corrected immediately and permanently in the presence of the inspector, the applicant or licensee shall:**
 - (1.) Agree to temporarily correct the violation and to permanently correct it in a specified time frame, not to exceed 10 calendar days after the inspection; or**
 - (2.) Complete a Corrective Action Plan (CAP) in the presence of the inspector in accordance with He-P 2305.03**

Adopt the following subsection as amended:

He-P 2305.03 Corrective Action Plan (CAP):

- (a) When a deficiency identified in the inspection report cannot be corrected either immediately and permanently in the presence of the inspector or permanently within 10 calendar days after the inspection, pursuant to He-P 2305.02(b), the licensee shall complete, date, and sign, at the time of inspection, a Corrective Action Plan form provided by the inspector, including:**
 - 1. How the licensee intends to correct each deficiency;**
 - 2. The date by which each deficiency shall be corrected; and**
 - 3. What measures will be put in place to ensure that the deficiency does not recur.**
- (b) The department shall review and accept each CAP that:**
 - 1. Achieves compliance with RSA 143, RSA 143-A, He-P 2300;**
 - 2. Addresses all deficiencies and deficient practices as cited in the inspection report;**
 - 3. Prevents a new violation of RSA 143, RSA 143-A, He-P 2300, or Chapter 4 as a result of the implementation of the CAP, and**
 - 4. Specifies the date upon which the deficiencies will be corrected.**

- (c) The department shall verify the implementation of any CAP that has been accepted by:
 - 1. Reviewing materials submitted by the licensee; or
 - 2. Conducting a follow-up inspection;
- (d) If the department finds the licensee to be out of compliance with the CAP by the specified completion date at the time of the next inspection, the department shall:
 - 1. Revoke the license in accordance with Section 4.107 Term of License.

Section 4.107 Term of License.

Food service licenses shall be issued upon compliance with all of the provisions of this Chapter. All annual licenses expire September 30th. Seasonal licenses are valid from April 15 through October 15 of the calendar year. Temporary licenses are valid for the length of the event, **not to exceed a period of 3 days.**

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, 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: June 15, 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 June 20, 2023

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

A. **Public Hearing and 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:**

The City's Food Licensing and Regulations Ordinance, Chapter 4, (aka the City's Food Code Ordinance) was last amended in late 2017. At that time, the City Council adopted amendments to our Food Code Ordinance (Chapter 4) by adopting the 2009 version of the FDA Food Code with local amendments, along with portions of the NH Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Food, with local amendments.

The [proposed amendments to Chapter 4](#) include the adoption of the recently released 2022 version of the FDA Food Code with local amendments. Adopting the most recent version of the 2022 FDA Food Code is necessary in order to maintain the "uniform system of provisions that address the safety and protection of food offered at retail and in food service" (FDA.gov). The amendments to Chapter 4 also include adding definitions and other sections of He-P 2300 that specifically apply to food processing/food manufacturing plants.

The adoption of both these updated codes, along with our local amendments, is necessary for our Retail Food program and our Manufactured Food program to align with our State regulatory partners for regulatory consistency. Additionally, adopting the updated codes will allow us to take advantage of newer, more efficient food service inspection software.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the July 10th City Council meeting.

XI. City Manager's Items Which Require Action:

1. Request for First Reading for Annual Omnibus Ordinance Change:

Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee to be presented to the City Council. This year's omnibus changes are detailed on the attached sheets, and address changes to one-way streets, taxicab stands, and speed limits.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article I, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 3-4 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration. If adopted, the following sections of the ordinance would be amended: Chapter 7, Article III, Traffic Ordinance, Section 7.336A, One-Way Streets; Chapter 7, Article IVA, Bus Stops and Taxicab Stands, Section 7A.408, Taxi Stands Designated; and Chapter 7, Article XI, Speed Limits, Section 7.1100E, Speed Limit 25MPH.

The attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary regulations implemented by the Parking and Traffic Safety Committee over the past 12 months.

I recommend that the City Council move to schedule first reading at the July 10, 2023 City Council meeting.

2. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY24:

I am requesting that the City Council establish a Public Hearing on each of the proposed Bonding Resolutions for the July 10, 2023 City Council meeting for projects identified to begin in FY24 ([respective Resolutions and CIP element sheets are attached](#)).

GENERAL FUND

Various City Projects - \$17,350,000

a. [Police Station Upgrades - \\$400,000](#)

This funding will address identified Police Department building safety concerns and building projects.

b. [Land Acquisition - \\$500,000](#)

This project funds the purchase of land that has been determined to be protected for conservation and recreation. Ownership is usually sought to secure environmentally sensitive areas to purchase the development rights to a particular parcel, or for some municipal use. Protection may also be provided through the purchase of development rights by way of conservation easements and/or restrictions. Funds can be used as match for leverage on existing grant programs and to support and supplement the City's existing Conservation Fund. Acquisition of land is consistent with the goals and visions stated in the City Master Plan and Open Space Plan.

c. [Outdoor Pool Upgrades - \\$1,500,000](#)

This project will be constructed in several phases. The first phase will include upgrades to the pool filter, liner, and pump house. This first phase was bid but exceeded available funds. The FY24 request is for the required additional monies to cover that first phase of the project. The second phase will include the construction of a new pool house. FY28 funds will be sought for the design of the updated pool house with projected construction in FY29.

d. [Citywide Facilities Capital Improvements - \\$500,000](#)

This project funds projects that maintain City facilities.

e. [Elwyn Park Sidewalks Traffic Calming - \\$1,500,000](#)

This project will provide safe pedestrian connections and traffic calming throughout the Elwyn Park Neighborhood. A feasibility study has been completed using prior year capital funding which identified priority streets within the neighborhood for the addition of sidewalks and recommended traffic calming measures.

f. [Borthwick Avenue Bike Path - \\$400,000](#)

This funding will construct a new multi-use path along Borthwick Avenue. This path would start at the Route 1 Bypass intersection with Borthwick Avenue/Hodgdon Way and travel approximately 2400' along Borthwick Avenue toward Portsmouth Regional Hospital to connect the existing sidewalk and bike routes that currently end at the intersection of Eileen Dondero Foley Avenue. This path would thus finish the

pedestrian link on Borthwick Avenue and connect the West End to the planned rail trail.

g. [Sagamore Avenue Sidewalk - \\$300,000](#)

This project will construct a sidewalk along Sagamore Avenue from Odiorne Point Road to the old Moose Club access road.

h. [Citywide Sidewalk Reconstruction Program - \\$800,000](#)

The Public Works Department completed a conditional sidewalk assessment of City maintained sidewalks. The assessment contains detailed information on 74 miles of sidewalk. These sidewalks are not included in parks, fields and other City maintained facilities. The results give staff a clear depiction of the overall conditions. This project consists of sidewalks identified as poor to fair condition. Reconstruction work is based on need, and is coordinated with other street and utility improvement projects.

i. [Street Paving Management and Rehabilitation - \\$4,000,000](#)

The Pavement Condition Management Program started in 1993. An annual report updating the City's pavement management system is completed as part of this program. City road conditions are evaluated, the road network conditions and budget requirements are analyzed, and road-paving programs are developed. The report provides funding recommendations to maintain street conditions at current levels. These are capital costs, and are implemented over a two-year period with an expected life of 20 years. The operational budget includes maintenance costs with an expected life of 10 years.

j. [Pease Tradeport Street Rehabilitation - \\$3,200,000](#)

Per the Municipal Services Agreement between the City of Portsmouth and Pease Development Authority, the City provides public work services in the non-airfield area of the Pease International Tradeport. Services include maintaining and repairing roads, streets, bridges and sidewalks. FY24 funding will complete Corporate Drive.

k. [Edmond Avenue Upgrades - \\$1,050,000](#)

This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low-pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety. As such, an additional \$550,000 was added to the project during the FY24 budget process.

1. [Islington Street Improvements - \\$2,500,000](#)

This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years' funding. Phase 2b (from Cornwall Street to Maplewood Avenue) requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City's Long Term Control Plan.

m. [Union Street Reconstruction - \\$700,000](#)

This project is part of the City's ongoing Combined Sewer Overflow (CSO) Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. Additional sewer funding will be used from the previous years' CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

School Capital Projects – (\$2,350,000 New + \$1,500,000 Repurposed = \$3,850,000)

a. [School Facilities Capital Improvements - \\$550,000](#)

The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. These appropriations are used for buildings and grounds improvement projects including paving, roofing, energy efficiency improvements, infrastructure replacement, and security improvements.

b. [Fit-Up of Community Campus Space for RJ Lister Academy - \\$1,800,000 New Bonding and \\$1,500,000 of Repurposed Funds](#)

The City's acquisition of the Community Campus property made space available to relocate Robert J Lister Academy from the aging Sherburne School. Space on the lower level of Community Campus formerly occupied by Families First will provide a suitable location for the Lister Academy program. Fit-up of that square footage will require renovation of many small clinical rooms and offices into appropriately sized school classrooms and program spaces.

In addition to seeking new money, the City seeks to repurpose \$1,500,000 originally authorized for Elementary School Facilities to support the fit-up of Community Campus Space for RJ Lister Academy.

PARKING FUND

Parking Funds Projects - \$1,250,000

a. [Foundry Place Parking Offices - \\$1,250,000](#)

This is a revamp of project FY19 #BI-19-PW-40: Foundry Garage Parking Offices. That project was put on hold in 2018 until the use of the garage could be reexamined after opening. The garage has been in use for some time now and this project would address the buildout of the 4500 sf of office space to accommodate the Parking Division's three groups of employees in one location. The cost of the project bonding will be covered by parking revenues only; no general fund monies (including property taxes) will be used for this project.

WATER FUND

FY24 Water Projects - \$9,276,500

a. [Annual Water Line Replacement - \\$1,000,000](#)

The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their useful life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes.

b. [New Groundwater Source - \\$2,000,000](#)

This project consists of constructing, permitting and connecting a new groundwater supply well, adjacent to the existing Collins Well, into the Portsmouth water system. This project is important to ensure long-term sustainability of the water supply.

c. [Greenland Well Treatment - \\$2,500,000](#)

This project involves installing groundwater treatment at the Greenland Well to address potential PFAS regulations soon to be established by the EPA.

d. [Dover Water Emergency Interconnection - \\$1,726,500](#)

The Cities of Portsmouth and Dover have been working for a number of years to create an interconnection between their two water systems across the soon to be replaced General Sullivan Bridge. This interconnection would link four communities to the north of the bridge and eight communities to the south. The bridge is currently in design with construction set to begin in late 2023. Costs would be split between the two cities. Due to the importance of

this connection for emergency purposes, the New Hampshire Drinking Water and Groundwater Trust approved \$223,000 of funding to cover the design costs. Representative Pappas also included this project in recent congressional funding

earmarks totaling \$3,452,972, which would cover 50% of the anticipated project costs. The other 50% would be split between the two communities. However, we will continue to seek state funding assistance due to the regional benefit of this project.

e. [Edmond Avenue - \\$500,000](#)

This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety. As such, an additional \$550,000 was added to the project during the FY24 budget process.

f. [Islington Street Improvements - \\$850,000](#)

This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years' funding. Phase 2b (from Cornwall Street to Maplewood Avenue) requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City's Long Term Control Plan.

g. [Union Street Reconstruction - \\$700,000](#)

This project is part of the City's ongoing Combined Sewer Overflow (CSO) Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. Additional sewer funding will be used from the previous years' CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

SEWER FUND

FY24 Sewer Projects - \$6,915,000

a. [Annual Sewer Line Replacement - \\$1,000,000](#)

The wastewater collection system consists of more than 120 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their useful life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes.

b. [Long Term Control Related Projects - \\$300,000](#)

The City has a combined sewer collection system and is required by the Environmental Protection Agency to implement a Long Term Control Plan to reduce and otherwise mitigate combined sewer overflows. The City is moving forward with a Supplemental Compliance Plan (SCP) that stipulates sewer separation projects to be constructed. The SCP sewer separation projects are funded under other items. This project includes the costs for study, design and construction of other Long Term Control Plan projects, such as a Long Term Control Plan Update, infiltration and inflow identification and removal, sump pump removal programs, and other mitigations projects.

c. [Woodbury Avenue Sewer Separation - \\$250,000](#)

This funding allows for the construction of drainage infrastructure on Woodbury Avenue from Farm Lane to Rockingham Avenue. This project will remove catch basins along Woodbury Avenue that are currently connected to the sewer. A new drainage outfall will be constructed at Rockingham Avenue. This work will be coordinated with the repaving of Woodbury Avenue.

d. [Sewer Service for Sagamore Avenue Sewer Extension - \\$365,000](#)

This request is to allow a continuation of the Sagamore Avenue Sewer Extension Project. This water quality project facilitates the removal of septic systems from an environmentally sensitive area of the City. The project is in the next phase in converting existing septic systems to pumped sewer connections.

e. [Fleet Street Utilities Upgrades/Streetscape - \\$2,000,000](#)

The City is moving forward with a sewer separation project on Fleet Street. It is required through the City's Long Term Control Plan and Supplemental Compliance Plan. The project includes water, sewer, drainage upgrades along with full streetscape rework and other pedestrian enhancements. Funding for this work will come from the Water and Sewer Enterprise Funds and the General Fund. Given the scope of this project, it will need to be completed in phases. The FY24 funding is for construction of a new drain line from Hanover Street to the North Mill Pond. Phase 2 will be from Fleet Street from Hanover Street to Court Street as well as a potential expansion of the project limits as determined during the design. The expansion could include portions of Congress Street, State Street and Vaughan Mall. The Downtown Aerial Utilities Underground (BI 21 PW 43) project is funded to bury the Fleet Street overhead utilities. The Market Square Upgrade project (TSM-15-PW-61) will be coordinated with this project.

f. [Edmond Avenue Improvements - \\$200,000](#)

This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low-pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In

addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety. As such, an additional \$550,000 was added to the project during the FY24 budget process.

g. [Islington Street Improvements - \\$2,100,000](#)

This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years funding. Phase 2b (from Cornwall Street to Maplewood Avenue) requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City's Long Term Control Plan.

h. [Union Street Reconstruction - \\$700,000](#)

This project is part of the City's ongoing Combined Sewer Overflow (CSO) Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. Additional sewer funding will be used from the previous years' CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

I recommend the City Council move 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. (Please note that Bonding Resolutions require a Public Hearing and Adoption by two-thirds roll-call vote).

3. **Right of Way Easement Deed for Property Located at the Intersection of Sagamore Grove and Sagamore Avenue:**

On January 27, 2022, the Portsmouth Planning Board granted Site Plan Approval to demolish the existing mixed-use structure and construct a 6-unit residential structure totaling 21,066 square feet of gross floor area, 21 parking spaces as well as associated utilities, lighting, landscaping, and site improvements. Said property is shown on Assessor Map 201 Lot 2 and is located in the Mixed Residential Business (MRB) district.

Subsequent to the approval, City staff identified that the existing Sagamore Grove right of way, as articulated in the exiting Easement Deed, does not include approximately 124 square feet of the new, proposed roadway approved on January 27, 2022. Therefore, on June 16, 2022, the Planning Board voted to recommend the City Council accept a right of way easement incorporating this additional section of proposed roadway into the City's existing right of way known as Sagamore Grove. [The enclosed easement deed](#) would incorporate this section of proposed roadway into the City's existing Sagamore Grove right of way. [The attached drawing](#) depicts the area to be added to the right of way.

Adoption of [the enclosed easement](#) will allow for public access and city maintenance of the road.

The Department of Public Works and Planning Department recommend acceptance of this additional section of right of way. The Legal Department has reviewed the enclosed easement deed for form.

I recommend that the City Council move 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.

4. **Bellamy Source Protection Easement for the Fernald Property:**

The City's Water Division has been actively identifying and protecting properties adjacent to the City's surface water supply, the Bellamy Reservoir ([see attached map](#)). The City has partnered with Southeast Land Trust (SELT) for the negotiation, due diligence, and the preparation of a conservation easement on an approximately 45-acre portion of the Property owned by Jodi Fernald (heir of deceased owners, David and Sheila Fernald), 'Fernald Parcel' on the attached map, in order to benefit the protection of the City's primary water supply. In June 2023, a purchase and sale agreement for this conservation easement was executed. This agreement is contingent upon City Council approval, City Council authorization of funds, easement boundary survey, finalizing easement documents, and an environmental site assessment.

The Property was appraised by Stark & Webster Valuations, LLC in June 2022. A conceptual build-out analysis was also performed to assist with the valuation. This analysis resulted in the development potential for seven house lots on the property. The estimated value of the whole parcel without an easement was \$1,550,000. The value of an easement on 45 acres of the approximately 52-acre parcel was appraised as \$1,435,000. This easement area excludes two areas around the existing houses on the property.

In addition to the value of the conservation easement of \$1,435,000, there are costs for the property survey, conservation easement preparation, an environmental site assessment and baseline documentation that are estimated by Southeast Land Trust as \$43,000. The total cost for the acquisition of the conservation easement is \$1,478,000. Grant funding for up to \$739,000 from the NH Drinking Water and Groundwater Trust Fund (DWGTF) has been approved by the DWGTF Advisory Commission ([see attached letter](#)).

Also, a \$25,000 grant from the NHDES Local Source Water Protection program has been awarded for this project ([see attached letter](#)).

Funds for the purchase of this conservation easement have also been requested by US Senator Shaheen in her Congressionally Directed Spending (CDS) Request to the FY 2024 Interior, Environment, and Related Agencies Appropriations Bill. The CDS request is for \$714,000. If CDS funds are appropriated, the City will not need to provide additional funds for the purchase of the Fernald Conservation Easement.

Funds from these grants are reimbursed after the expenditures have been made. In order to proceed with purchase of this easement, a supplemental appropriation from the Water Fund \$1,478,000 would need to be authorized to cover the purchase, with the understanding that grant reimbursements will be allocated back to this account. If the CDS funds are not appropriated, \$714,000 would be used from the Water Enterprise Net Position.

The subject parcel is a valuable parcel with respect to the protection of the Bellamy Reservoir. This parcel is highly desirable for development due to its extensive road frontage, limited areas of poorly drained soils, high elevation areas and overlooks to the Bellamy Reservoir. The property has approximately 3,900 feet of shoreline along the Bellamy Reservoir, and over 5,000 feet of frontage along abutting roads. The development of residential lots has the potential to greatly affect surface water quality through direct impacts of chemical runoff, septic system leachate, and stormwater sediment loading; and indirect impacts in terms of higher nutrient loading which can cause an increased likelihood of harmful algal blooms and impacts to dissolved oxygen concentrations. For these reasons, efforts to protect land that has the greatest potential to impact water quality, such as the Fernald's property, are important for the long-term management of the Portsmouth water supply.

City Staff recommends the City Council authorize the City Manager to take the following actions:

- Enter into Grant Agreement with the State of New Hampshire to accept up to \$739,000 from the NH Drinking Water and Groundwater Trust Fund to assist with the purchase of the conservation easement; and
- Enter into Grant Agreement with the State of New Hampshire to accept up to \$25,000 from the NHDES Local Source Water Protection program; and
- Establish a public hearing date for a supplemental appropriation for the purchase of the conservation easement through the allocation of funds from the Water Enterprise Fund Net Position. City staff will present details of this conservation easement project during the public hearing.

I recommend that the City Council:

- *Move to authorize the City Manager to enter into a Grant Agreement to accept up to \$739,000 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; and*
- *Move to authorize the City Manager to enter into a Grant Agreement to accept up to \$25,000 from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program to be used toward this purchase; and*
- *Move to establish a Public Hearing July 10, 2023 for a supplemental appropriation of \$1,478,000 from the Water Enterprise Fund using a grant of up to \$739,000 from the New Hampshire Drinking Water and Groundwater Trust Fund, a grant of up to \$25,000 from NHDES Local Source Water Protection Program, and the remaining*

\$714,000 from Net Position with the understanding that 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.

XII. Consent Agenda:

A. Projecting Sign License – 15 Penhallow Street Unit 2:

Permission is being sought to install a projecting sign at [15 Penhallow Street Unit 2](#) that extends over the public right of way, as follows:

Sign dimensions: 44” x 34”

Sign area: 10.4 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 License – 28 Deer Street:

Permission is being sought to install a projecting sign at [28 Deer Street](#) that extends over the public right of way, as follows:

Sign dimensions: 36” x 24”

Sign area: 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.*

XIII. Presentations and Written Communications:

A. **Presentation by the Portsmouth Housing Authority Regarding Preliminary Study of Sherburne School Workforce Housing at 35 Sherburne Road:**

Tom Ferrini, Adam Ruedig and Kathy Bergeron from Portsmouth Housing Authority and Housing Development, Limited will [present on behalf of this effort](#).

XVI. Approval of Grants/Donations:

A. **Acceptance of Lead Service Line Sampling Plan and Replacement Plan Grant Program for Portsmouth Water Works and Pease Tradeport - \$75,000:**

The City has been awarded a grant for \$75,000 from the Lead Service Line Sampling Plan and Replacement Plan Grant. The funding from this grant 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 and Copper Rule. [Attached please find the award letter and Grant Agreement](#) for reference.

I recommend that the City Council move 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 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.

B. **Acceptance of Grant from Homeland Security for the Police Department - \$31,819.70:**

At the June 9, 2023 Special Police Commission meeting, the Board of Police Commissioners approved and accepted a 2022 Homeland Security Grant in the amount of \$31,819.70 from the NH Department of Safety for reach and rescue equipment for the Seacoast Emergency Response Team (SERT).

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

C. **Acceptance of VOCA Grant for the Police Department - \$24,759:**

At the May 16, 2023 Special Police Commission meeting, the Board of Police Commissioners approved and accepted a 2023 Victims of Crime Act (VOCA) Grant in the amount of \$24,759 from the NH Department of Justice for the expenses incurred and services rendered for direct victim services, including expenses for personnel.

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

D. Acceptance of Donation for the Police Department of Various In-Kind Items:

The Police Department has organized a wellness initiative, originally called the “May Miles Competition”, in order to prioritize Officer wellness. This year, the initiative is taking place in July and being called the “July Jog Competition” – same purpose and goal. [The attached donations that were received from Runner’s Alley](#) will act as prizes for the winners of the competition.

At the April 18, 2023 Police Commission meeting, the Commission reviewed and approved the donation of the in-kind items.

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

XVII. City Manager’s Informational Items:

1. Update on FlashVote:

The City has now received the requisite number of signups to enable us to send our first FlashVote survey this week, focusing on the general topic of community priorities. These surveys are meant to be brief (under five minutes) and a statistically valid form of community input. The survey is open for 48 hours with the results publicly available upon completion.

For more information and to sign up, go to: <https://portsnh.co/flashvote>.

2. Amendment to Pedestrian Crossing Plan for 147 Congress Street Temporary Construction License:

As you recall from the June 5, 2023 City Council meeting, Lucky Thirteen Properties, LLC, (“Owner”) is making improvements to property it owns at 147 Congress Street. Their encumbrance permit expired on June 13, 2023 and the Council approved a temporary construction license for the Owner to encumber the sidewalks along Maplewood and Congress.

Prior to approving the license, Councilors asked the Owner’s representative questions about how pedestrians would cross the intersection because the sidewalks at the corner of Maplewood and Congress would be closed. Prior to the submission of the license, the Owner had worked with the Department of Public Works to create a pedestrian crossing plan to ensure appropriate signage was posted to redirect pedestrians when the sidewalks were closed. However, last week, staff and the Owner observed that pedestrians were ignoring the signs and still crossing at the intersection over to the corner of Maplewood and Congress and standing in the street because the sidewalks were closed. Staff and the Owner agreed to immediately open up the sidewalk at the corner of Maplewood and Congress in order 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 of Maplewood and Congress.

The change to the pedestrian crossing plan recommended by staff last week was immediately agreed to and implemented by the Owner to protect public safety. I wanted to update the Council regarding the change to the pedestrian crossing plan at this intersection. Any slight adjustment to the license area and fee will be administratively approved and posted to the viewpoint system.

3. **Prescott Park Public Forum Area:**

[Attached please find an update from the Legal Department](#) regarding the fencing in Prescott Park.

4. **PDA Update:**

I will plan to provide a verbal update regarding the Pease Development Authority following their most recent Board meeting on June 15th.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING of the ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

[Explanatory note not part of ordinance. The following amendments to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

A. Amend: Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.336, A: One-Way Streets.

Section 7.336, A: ONE-WAY STREETS

- 24. Raynes Avenue: westerly from Vaughan Street to Maplewood Avenue.**
- 35. Vaughan Street: northerly from Maplewood Avenue to Raynes Avenue.**

B. Amend: Chapter 7, Article IVA – BUS STOPS AND TAXICAB STANDS, Section 7A.408: Taxi Stands Designated

Section 7A.408: TAXI STANDS DESIGNATED

The following areas are hereby designated as Taxi stands:

- ~~a. Hanover Street: southerly side, first parking space west from Fleet Street from 7:00 p.m. to 6:00 a.m.~~
- ~~b. Market Street:

 - ~~1. easterly side, second parking space from Market Square.~~
 - ~~2. easterly side, south for a distance of 40 feet, beginning at Bow Street, from 7 p.m. to 6 a.m., Monday through Sunday~~~~
- e. A. Pleasant Street: easterly side, first parallel parking space north of State Street.**
- ~~d. State Street: northerly side, 40 feet east from Pleasant Street for a distance of 20 feet, from 7 p.m. to 6 a.m., Monday through Sunday~~

C. Amend: Chapter 7, Article XI – SPEED LIMITS, Section 7.1100, E: Speed Limits:25 MPH

Section 7.1100: SPEED LIMITS:

E. Speed Limit: 25 MPH

- 7. Islington Street**
 - 10. Middle Road, from Peverly Hill Road to Middle Street**
 - 12. Parrott Avenue**
 - 17. Summit Avenue**
-

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

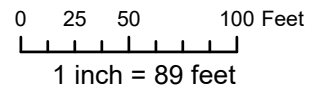
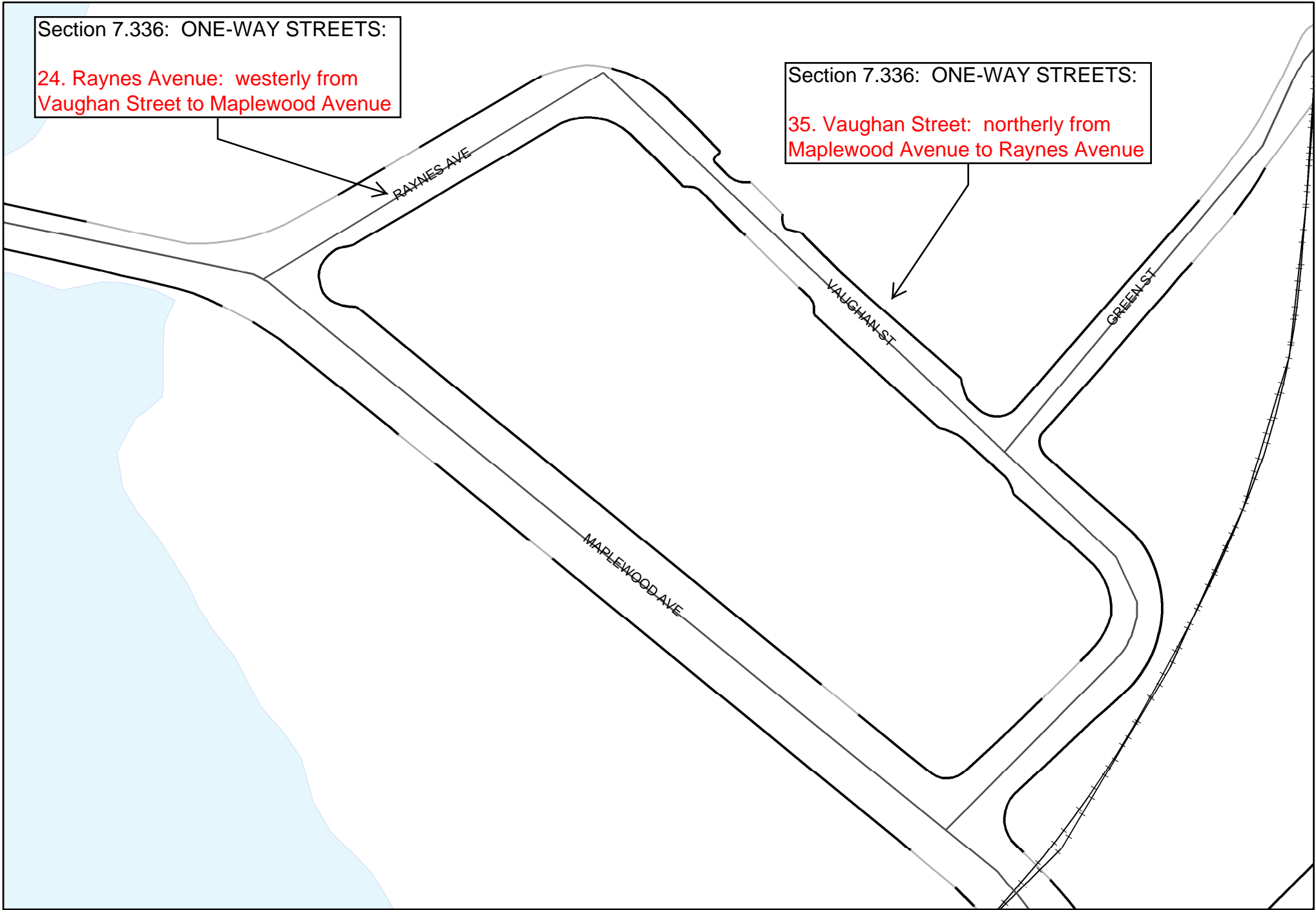
ADOPTED BY COUNCIL:

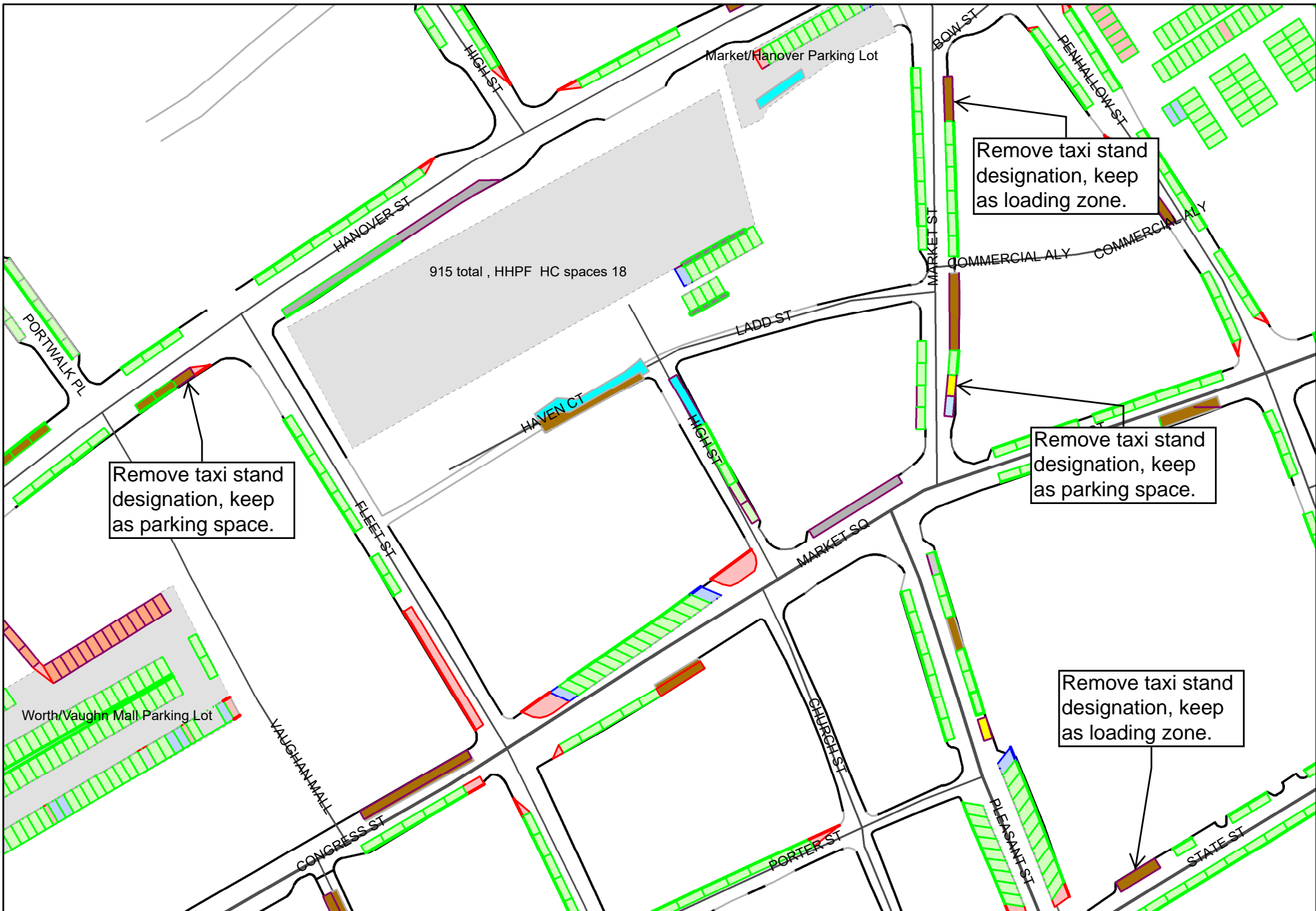
Section 7.336: ONE-WAY STREETS:

24. Raynes Avenue: westerly from
Vaughan Street to Maplewood Avenue

Section 7.336: ONE-WAY STREETS:

35. Vaughan Street: northerly from
Maplewood Avenue to Raynes Avenue





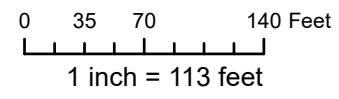
Remove taxi stand designation, keep as parking space.

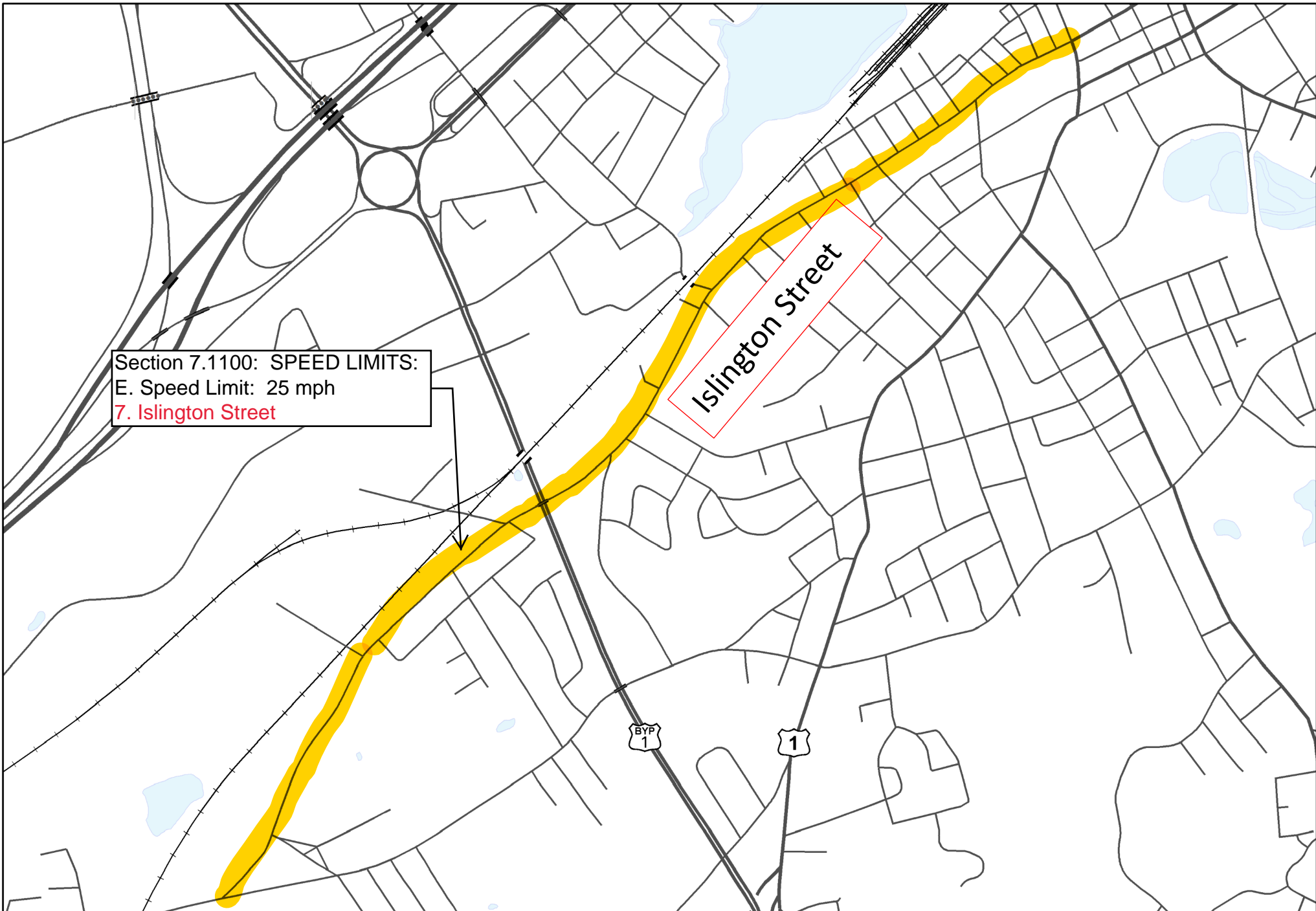
Remove taxi stand designation, keep as loading zone.

Remove taxi stand designation, keep as parking space.

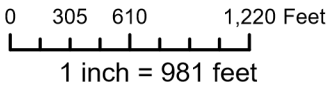
Remove taxi stand designation, keep as loading zone.

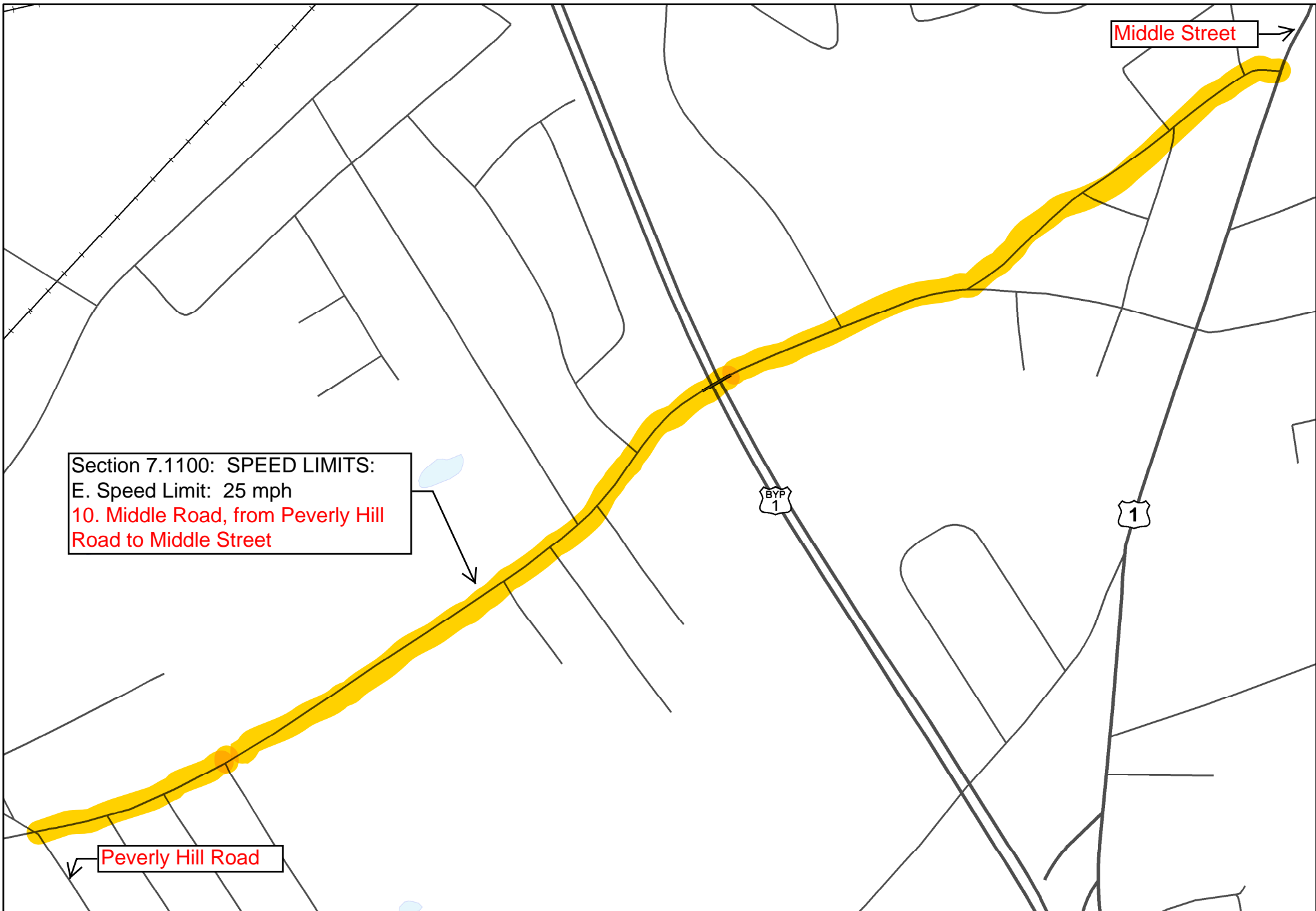
915 total, HHPF HC spaces 18





Section 7.1100: SPEED LIMITS:
E. Speed Limit: 25 mph
7. Islington Street





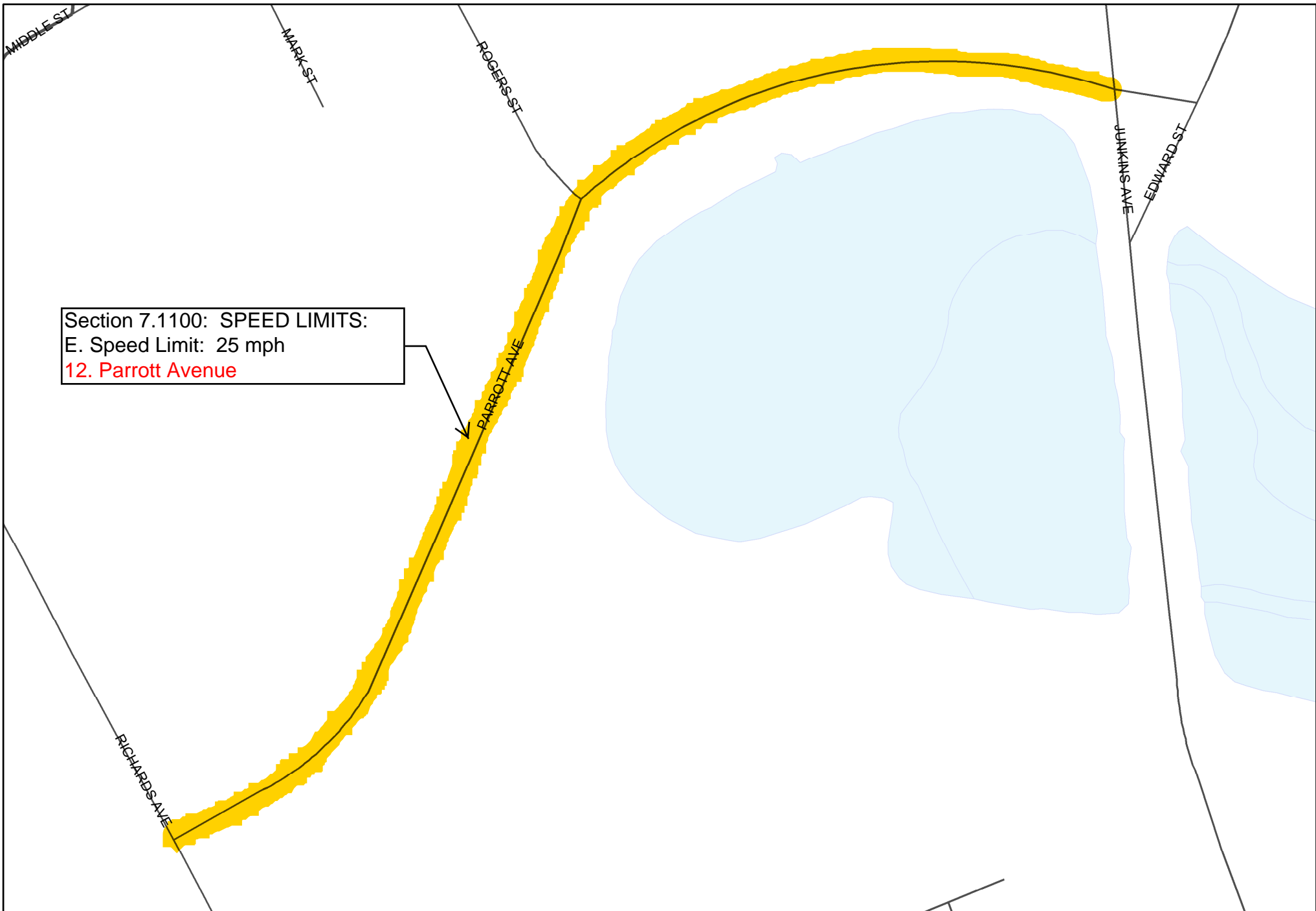
Section 7.1100: SPEED LIMITS:
E. Speed Limit: 25 mph
10. Middle Road, from Peverly Hill
Road to Middle Street

Middle Street

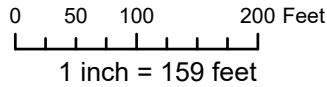
Peverly Hill Road

0 130 260 520 Feet
1 inch = 408 feet





Section 7.1100: SPEED LIMITS:
E. Speed Limit: 25 mph
12. Parrott Avenue



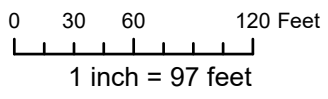
Section 7.1100: SPEED LIMITS:
E. Speed Limit: 25 mph
17. Summit Avenue

SOUTH ST

JENKINS AVE

ROCKAWAY ST

SUMMIT AVE



**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-THREE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # XX – 2023

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SEVENTEEN MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$17,350,000) FOR COSTS RELATED TO POLICE STATION UPGRADES, LAND ACQUISITION, OUTDOOR POOL UPGRADES, CTIYWIDE FACILITIES CAPITAL IMPROVEMENTS, ELWYN PARK SIDEWALKS TRAFFIC CALMING, BORTHWICK AVENUE BIKE PATH, SAGAMORE AVENUE SIDEWALK, CITYWIDE SIDEWALK RECONSTRUCTION PROGRAM, STREET PAVING; MANAGEMENT AND REHABILITATION, PEASE TRADEPORT STREET REHABILITATION, EDMOND AVENUE UPGRADES, ISLINGTON STREET IMPROVEMENTS AND UNION STREET RECONSTRUCTION.

RESOLVED:

THAT, the sum of up to **Seventeen Million Three Hundred Fifty Thousand Dollars (\$17,350,000)** is appropriated Police Station Upgrades, Land Acquisition, Outdoor Pool Upgrades, Citywide Facilities Capital Improvements, Elwyn Park Sidewalks Traffic Calming, Borthwick Avenue Bike Path, Sagamore Avenue Sidewalk, Citywide Sidewalk Reconstruction Program, Street Paving; Management; and Rehabilitation, Pease Tradeport Street Rehabilitation, Edmond Avenue Upgrades, Islington Street Improvements and Union Street Reconstruction, including the payment of costs incidental or related thereto.

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Seventeen Million Three Hundred Fifty Thousand Dollars (\$17,350,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least twenty (20) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

BI-21-PD-13: Police Deficiencies & Repair Project



Department	Police Department
Project Location	Police Department
Project Type	Rehabilitation of a Facility
Commence FY	2021
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: A 2014 space needs study of the police facility identified deficiencies in the space allocated to the police department, as well as, operational deficiencies in function. In addition, a 2018 public presentation from a public safety architect provided insight into some of the unique needs and requirements of a police facility. Although a funding request for a new facility has been included in the CIP plan since 2015, other citywide projects have had to take precedence. A new police facility is still the goal, and preliminary steps have been taken with monies appropriated for this effort. In the interim, the current facility has needed significant repair and upgrades to make it safe and functional. Although initial projects were identified in FY21, the funding has been used to cover mold and asbestos abatement, and restoration of the areas after the contaminated materials were removed. Luckily, some of the restoration work overlapped with projects originally identified. With the abatement project coming to a close in FY23, the department will resume working on the projects that have been on hold. It should be noted: if the police department moves into a new facility, all the necessary repairs done to the current facility will benefit any city department moving into the space. The remaining projects include: upgrade HVAC filtration in the range, security, ADA compliance, server room upgrade, RDC (redundant/disaster recovery center) upgrade at Fire Station II, dispatch upgrade, updating old lighting throughout the PPD, evidence processing and submittal areas upgrade, renovation of former generator rooms for equipment storage, archive space, and gym area, K9 office conversion, and upgrade back parking lot surface and security fencing.

Studies Identified & Useful Website Links:

- [Police Department Facility Study](#)
- [Portsmouth Police Department Homepage](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

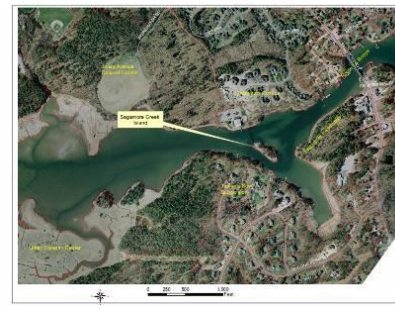
This project will end in FY24. The projected 400K in FY25 and FY26 has been removed.

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$400,000						\$400,000	\$1,200,000	\$1,600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$400,000	\$0	\$0	\$0	\$0	\$0	\$400,000	\$1,200,000	\$1,600,000



BI-95-PL-21: Land Acquisition

Department	Planning Department
Project Location	Citywide
Project Type	Land Acquisition
Commence FY	Ongoing
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Description: This project funds the purchase of land that has been determined should protected for conservation and recreation. Ownership is usually sought to secure environmentally sensitive areas to purchase the development rights to a particular parcel, or for some municipal use. Protection may also be provided through the purchase of development rights by way of conservation easements and/or restrictions. Funds can be used as match for leverage on existing grant programs and to support and supplement the City's existing Conservation Fund. Acquisition of land is consistent with the goals and visions stated in the City Master Plan and Open Space Plan.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	Y
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- [Open Space Plan](#)
- [Master Plan 2025](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

Due to funding constraints within the debt schedule, proposed funding was added to FY29 but was removed from FY26 through FY28.

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	3%							\$0	\$50,000	\$50,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	97%	\$500,000	\$500,000				\$500,000	\$1,500,000	\$0	\$1,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$500,000	\$500,000	\$0	\$0	\$0	\$500,000	\$1,500,000	\$50,000	\$1,550,000



BI-15-PW-34: Outdoor Pool Aquatics Upgrade and Pool House

Department	Public Works and Recreation Department
Project Location	99 Pierce Island Road
Project Type	Rehabilitation of a Facility
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal (\$5,001 to \$50,000)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project will be constructed in several phases. The first phase will include upgrades to the pool filter, liner, and pump house. This first phase was bid but exceeded available funds. The FY24 request is for this required additional monies to cover that first phase of the project. The next phase will include the construction of a new pool house. FY28 funds will be used for the design of the updated pool house with projected construction in FY29.

Studies Identified & Useful Website Links:

- [Outdoor Pool Page](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

Project transferred to Public Works in FY24. (RC to PW)

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	1%					\$100,000		\$100,000	\$0	\$100,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	99%	\$1,500,000					\$3,250,000	\$4,750,000	\$5,500,000	\$10,250,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,500,000	\$0	\$0	\$0	\$100,000	\$3,250,000	\$4,850,000	\$5,500,000	\$10,350,000

BI-01-PW-45: Citywide Facilities Capital Improvements

Department	Public Works Department
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: The Public Works Department is responsible for maintaining all General Fund municipal facilities. These facilities serve multiple uses. Many facilities need to be updated due to age and usage. A backlog of projects is shown on the next page.

Studies Identified & Useful Website Links:

- [Facility Condition Assessment 2015](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$500,000	\$500,000	\$1,000,000	\$500,000	\$500,000	\$1,000,000	\$4,000,000	\$3,000,000	\$7,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$500,000	\$500,000	\$1,000,000	\$500,000	\$500,000	\$1,000,000	\$4,000,000	\$3,000,000	\$7,000,000

BI-01-PW-45 : Citywide Facilities Capital Improvements

- 95 Mechanic Street
- City Hall Archive
- City Hall Dept. Renovations
- City Hall Masonry Repointing And Sealing
- City Hall Slate Roof Repairs/Replacement
- City Hall New Carpet Throughout
- City Hall New Paint Throughout
- DPW Complex
- Connor's Cottage Basement / Drainage Project
- Connor's Cottage Basement and Tunnel Renovations
- Library HVAC Controls
- South Meeting House
- Facilities Safety Inspection Action Items
- Discovery Center Handicap Accessibility



TSM-17-PL-63: Elwyn Park Traffic Calming and Pedestrian Improvements

Department	Planning Department & Public Works
Project Location	Elwyn Park (McKinley Rd, Harding Rd, Van Buren Rd, Fillmore Rd)
Project Type	Construction or Expansion of a Public Facility, Street or Utility
Commence FY	2022
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	Y
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project will provide safe pedestrian connections and traffic calming throughout the Elwyn Park Neighborhood. A feasibility study has been completed using prior year Capital funding which identified priority streets within the neighborhood for addition of sidewalks and recommended traffic calming measures.

- Studies Identified & Useful Website Links:
- [Elwyn Park Sidewalks and Traffic Calming Project Page](#)
 - Elwyn Park Sidewalk Study June 2020
 - [Bicycle and Pedestrian Plan 2014](#)
 - [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	11%							\$0	\$180,000	\$180,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	89%	\$1,500,000						\$1,500,000	\$0	\$1,500,000
Other	0%							\$0	\$0	\$0
Revenues (parking)	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$1,500,000	\$180,000	\$1,680,000



TSM-23-PL-64: Borthwick Avenue Bike Path

Department	Planning Department
Project Location	Connection to Hampton Branch Trail via Route 1 Bypass & Eileen Dondero Foley Ave
Project Type	Construction or Expansion of a Public Facility, Street or Utility
Commence FY	2023
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y

Description: This project could construct a new multi-use path along Borthwick Ave. The path would start at the Route 1 Bypass intersection with Borthwick Ave/Hodgdon Way and travel approximately 2400' along Borthwick Ave toward the Portsmouth Hospital to connect to the existing sidewalk and bike routes that currently end at the intersection of Eileen Dondero Foley Ave. This path would thus finish the pedestrian link on Borthwick Ave and connect the West End to the planned rail trail.

Studies Identified & Useful Website Links:
<ul style="list-style-type: none"> • Bicycle and Pedestrian Plan 2014 • FY23-FY28 CIP (Prior Year) Project Sheet
Notes of Changes in Funding Plan from FY23-28 CIP:

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$400,000						\$400,000	\$0	\$400,000
Other	0%							\$0	\$0	\$0
Revenues (parking)	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$400,000	\$0	\$0	\$0	\$0	\$0	\$400,000	\$0	\$400,000



TSM-19-PW-68: Sagamore Avenue Sidewalk

Department	Public Works Department
Project Location	Sagamore Ave
Project Type	Construction or Expansion of a Public Facility, Street or Utility
Commence FY	2023
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	Y
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y



Description: Project will construct a sidewalk along Sagamore Avenue from Odiorne Point Road to the old Moose Club access road.

Studies Identified & Useful Website Links:
<ul style="list-style-type: none"> FY23-FY28 CIP (Prior Year) Project Sheet

Notes of Changes in Funding Plan from FY23-28 CIP:
Project to be coordinated with the Sagamore Sewer project (EF-22-SD-93)

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$300,000						\$300,000	\$0	\$300,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$300,000	\$0	\$0	\$0	\$0	\$0	\$300,000	\$0	\$300,000



TSM-95-PW-69: Citywide Sidewalk Reconstruction Program

Department	Public Works
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: The Public Works Department completed a conditional sidewalk assessment of City maintained sidewalks. The assessment contains detailed information on 74 miles of sidewalk. These sidewalks are not included in parks, fields and other City maintained facilities. The results give staff a clear depiction of the overall conditions. This project consists of sidewalks identified as poor to fair condition. Reconstruction work is based on need. Reconstruction work is coordinated with other street and utility improvement projects.

- Studies Identified & Useful Website Links:
- [Roads & Sidewalks Project Page](#)
 - [Sidewalk Condition Index 2018](#)
 - [Public Works Homepage](#)
 - [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$800,000				\$800,000	\$400,000	\$2,000,000	\$1,600,000	\$3,600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$800,000	\$0	\$0	\$0	\$800,000	\$400,000	\$2,000,000	\$1,600,000	\$3,600,000

TSM-95-PW-69: Citywide Sidewalk Reconstruction Program

PROPOSED CAPITAL IMPROVEMENTS ON EXISTING SIDEWALKS:

- Bartlett St
- Edmond Avenue
- Kensington Road
- Lawrence Street
- Mendum Avenue
- Summit Avenue
- Willard Avenue
- Sherburne Rd/Greenland Rd (near Borthwick/Pannaway)
- TJ Gamester
- Miscellaneous

The list above represents a backlog of high priority sidewalk projects as identified by the Conditional Sidewalk Assessment and other capital projects. The amount of work completed depends on available funds and construction bid prices.



TSM-94-PW-78: Street Paving, Management, and Rehabilitation

Department	Public Works Department
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)

Description: The Pavement Condition Management Program started in 1993. An annual report updating the city’s pavement management system is completed as part of this program. City road conditions are evaluated, the road network conditions and budget requirements are analyzed, and road-paving programs are developed. The report provides recommended funding to maintain street conditions at current levels. These are capital costs. They are implemented over a two-year period with an expected life of 20 years. The Public Works operational budget includes maintenance costs with an expected life of 10 years. A list of streets needing improvements is on the next page.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y

- Studies Identified & Useful Website Links:
- Pavement Management Index 2020 (draft)
 - [Pavement Management Index](#)
 - [Department of Public Works Projects Page](#)
 - [Roads & Sidewalks Project Page](#)
 - [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:
 FY24 Funding was increased due to an increased scope and increased material costs. FY26 funding was delayed due to funding constraints.

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$4,000,000				\$4,000,000	\$2,000,000	\$10,000,000	\$11,000,000	\$21,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$4,000,000	\$0	\$0	\$0	\$4,000,000	\$2,000,000	\$10,000,000	\$11,000,000	\$21,000,000

TSM-94-PW-78: Street Paving, Management, and Rehabilitation

PROPOSED CAPITAL IMPROVEMENTS FISCAL YEAR 2024

STREETS LISTING:

- Middle Street
- Woodbury Ave (Bartlett to Market Street)
- Pannaway Manor
- Atlantic Heights (Phase 2)
- Maple Haven
- Michael Succi Dr
- Morning Street
- Miscellaneous

The list above represents a backlog of high priority pavement projects as identified by the Pavement Management Index and other capital projects. The amount of work completed depends on available funds and construction bid prices.



TSM-11-PW-79: Pease International Tradeport Roadway Rehabilitation

Department	Public Works Department
Project Location	Pease International Tradeport
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: Per the Municipal Service Agreement between the City of Portsmouth and Pease Development Authority, the City will provide public work services in the non-airfield area of the Pease International Tradeport. Services include maintaining and repairing roads, streets, bridges and sidewalks. A list of streets needing improvements is on the next page. FY24's funding is to complete Corporate Drive.

- Studies Identified & Useful Website Links:
- Pavement Management Index 2020 (draft)
 - [Pavement Management Index](#)
 - [Department of Public Works Projects Page](#)
 - [Roads & Sidewalks Project Page](#)
 - [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

FY24 Funding was increased due to an increased scope and increased material costs. FY26 funding was delayed due to funding constraints.

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$3,200,000				\$1,000,000	\$500,000	\$4,700,000	\$4,000,000	\$8,700,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$3,200,000	\$0	\$0	\$0	\$1,000,000	\$500,000	\$4,700,000	\$4,000,000	\$8,700,000

TSM-11-PW-79: Pease International Tradeport Roadway Rehabilitation

PEASE INTERNATIONAL TRADEPORT FOR FISCAL YEAR 2024

STREETS LISTING:

- Airline Avenue
- Aviation Avenue
- Corporate Drive
- Newfields Street
- Rochester Avenue
- Rye Street
- Miscellaneous

The list above represents a backlog of high priority pavement projects in the Pease International Tradeport as identified by the Pavement Management Index and other capital projects. The amount of work completed depends on available funds and construction bid prices.



COM-23-PW-102: Edmond Avenue

Department	Public Works Department
Project Location	Edmond Ave from Maplewood Ave to Woodbury Ave
Project Type	Construction or expansion of a new public facility or public infrastructure
Commence FY	2023
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Reduce (will reduce Operating Costs)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y



Description: This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety.

Notes of Changes in Funding Plan from FY23-28 CIP:

An additional \$550,000 to accommodate resident request for sidewalk has been added for sidewalks.

Studies Identified & Useful Website Links:

- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

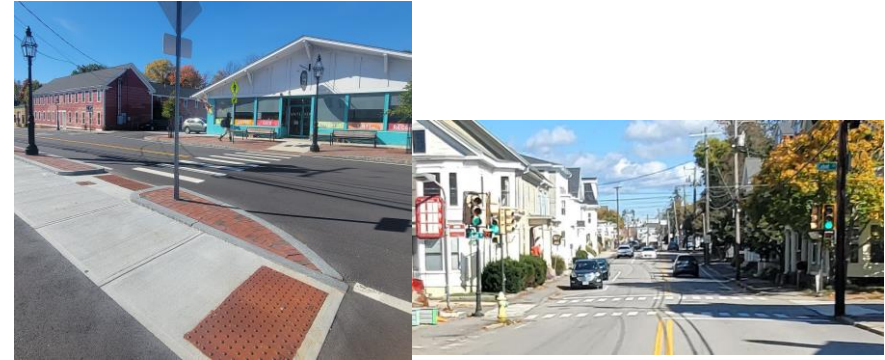
COM-23-PW-102: Edmond Avenue

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	3%							\$0	\$60,000	\$60,000
	GF-Bond/ Lease	56%	\$1,050,000						\$1,050,000	\$0	\$1,050,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	3%							\$0	\$60,000	\$60,000
	Bond/Lease	26%	\$500,000						\$500,000	\$0	\$500,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	1%							\$0	\$20,000	\$20,000
	Bond/Lease	11%	\$200,000						\$200,000	\$0	\$200,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		59%	\$1,050,000	\$0	\$0	\$0	\$0	\$0	\$1,050,000	\$60,000	\$1,110,000
Total Water Fund		30%	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	\$60,000	\$560,000
Total Sewer Fund		12%	\$200,000	\$0	\$0	\$0	\$0	\$0	\$200,000	\$20,000	\$220,000
Totals			\$1,750,000	\$0	\$0	\$0	\$0	\$0	\$1,750,000	\$140,000	\$1,890,000



COM-03-PW-107: Islington Street Improvements

Department	Public Works Department
Project Location	Islington Street from Albany Street to Congress Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years funding. Phase 2b from Cornwall Street to Maplewood Avenue requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City’s Long Term Control Plan.

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
- [CSO Supplemental Compliance Plan 2017](#)
 - [Public Works Department](#)
 - [Sewer Department](#)
 - [FY21-26 CIP page](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

COM-03-PW-107: Islington Street Improvements

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	46%	\$2,500,000						\$2,500,000	\$0	\$2,500,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	16%	\$850,000						\$850,000	\$0	\$850,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	39%	\$2,100,000						\$2,100,000	\$0	\$2,100,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		46%	\$2,500,000	\$0	\$0	\$0	\$0	\$0	\$2,500,000	\$0	\$2,500,000
Total Water Fund		16%	\$850,000	\$0	\$0	\$0	\$0	\$0	\$850,000	\$0	\$850,000
Total Sewer Fund		39%	\$2,100,000	\$0	\$0	\$0	\$0	\$0	\$2,100,000	\$0	\$2,100,000
Totals			\$5,450,000	\$0	\$0	\$0	\$0	\$0	\$5,450,000	\$0	\$5,450,000

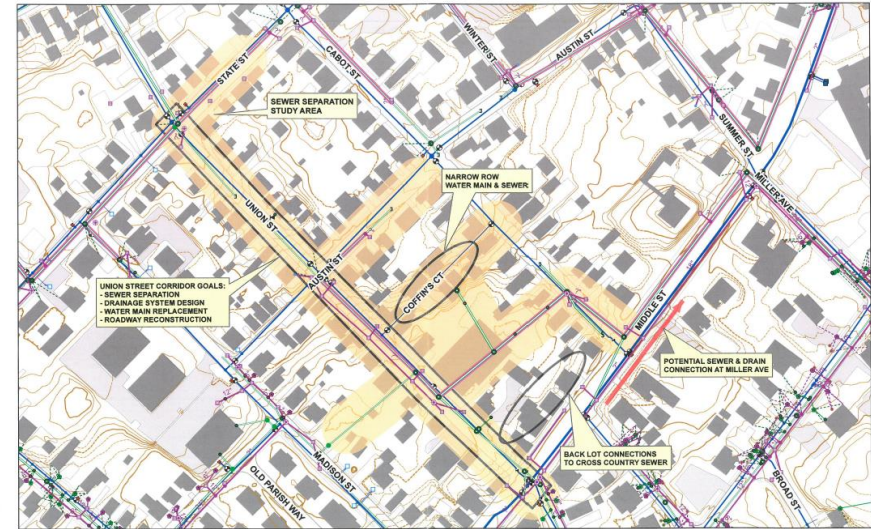


COM-17-PW-108: Union Street Reconstruction

Department	Public Works Department
Project Location	Union Street
Project Type	Construction or Expansion of Public Infrastructure
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

FIGURE 1: UNION STREET RECONSTRUCTION



Description: This project is part of the City's ongoing Combined Sewer Overflow Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. The project will also address side streets, including Coffins Court, Cabot Street and sections of Austin Street. Additional sewer funding will be used from the previous CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
 - [Public Works Department](#)
 - [Sewer Department](#)
- [CIP FY22-27 Original Phase Element Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

Prior Year Funding is from the original phase of the project COM-17-PW-100 from FY22-27

COM-17-PW-108: Union Street Reconstruction

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	31%	\$700,000						\$700,000	\$1,000,000	\$1,700,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	40%	\$700,000						\$700,000	\$1,500,000	\$2,200,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	3%							\$0	\$150,000	\$150,000
	Bond/Lease	26%	\$700,000						\$700,000	\$700,000	\$1,400,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		31%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$1,000,000	\$1,700,000
Total Water Fund		40%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$1,500,000	\$2,200,000
Total Sewer Fund		28%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$850,000	\$1,550,000
Totals			\$2,100,000	\$0	\$0	\$0	\$0	\$0	\$2,100,000	\$3,350,000	\$5,450,000

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-THREE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # XX – 2023

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TWO MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$2,350,000), TOGETHER WITH THE TRANSFER OF UNEXPENDED BOND PROCEEDS IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000), FOR A TOTAL APPROPRIATION OF THREE MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$3,850,000), TO PAY COSTS RELATED TO SCHOOL FACILITIES IMPROVEMENTS AND FIT-UP OF COMMUNITY CAMPUS SPACE FOR ROBERT J LISTER ACADEMY.

RESOLVED:

THAT, the sum of up to **Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000)** is appropriated for making School Facilities Improvements and Fit-Up of Community Campus Space for the Robert J. Lister Academy, including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, (i) the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act, and (ii) the sum of **One Million Five Hundred Thousand Dollars (\$1,500,000)**, initially borrowed to pay costs of upgrading elementary school facilities, as authorized by vote of the City Council on July 11, 2022, but which is no longer needed to pay costs of those improvements, shall be transferred to pay costs of the project described herein, in accordance with RSA 33:3-a(II);

THAT, the expected useful life of the projects is determined to be at least twenty (20) years; and

THAT, this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

BI-07-SC-15: School Facilities Capital Improvements



Department	School Department
Project Location	District Wide
Project Type	Rehabilitation of Existing Facilities
Commence FY	Ongoing
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Minimal (\$5,002 to \$50,000)



Description: The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. These appropriations are used for buildings and grounds improvement projects including paving, roofing, energy efficiency improvements, infrastructure replacement, and security improvements.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- [Portsmouth School Department Homepage](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

- 1) Removes \$450,000 from FY24 in PHS mechanical infrastructure and Districtwide energy projects and focuses on paving and roofing needs
- 2) Introduces \$650,000 in both FY25 and FY26 for multi-phase paving and exterior lighting work and roof replacement at Portsmouth High School
- 3) Anticipates \$1,000,000 in FY27 to continue ongoing capital upgrades in the athletic complex, physical security, interior upgrades, and energy work

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$550,000	\$650,000	\$650,000	\$1,000,000			\$2,850,000	\$3,100,000	\$5,950,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$550,000	\$650,000	\$650,000	\$1,000,000	\$0	\$0	\$2,850,000	\$3,100,000	\$5,950,000

BI-07-SC-15: SCHOOL FACILITIES CAPITAL IMPROVEMENTS

<u>Facility/School</u>	<u>Improvement Project</u>	<u>FY24</u>	<u>FY25</u>	<u>FY26</u>	<u>FY27</u>	<u>FY28</u>	<u>FY29</u>	<u>Totals</u>
District Wide	Paving / Exterior Lighting Improvements	\$300,000	\$400,000	\$400,000	\$200,000			\$1,300,000
District Wide	Roof Replacement	\$250,000	\$250,000	\$250,000	\$250,000			\$1,000,000
High School	Athletic Complex Upgrades (Irrigation, Infrastructure)				\$225,000			\$225,000
High School	Security Upgrades - Doors & Hardware, Surveillance				\$100,000			\$100,000
High School	Interior Upgrades - Painting / Wall Tile				\$125,000			\$125,000
High School	Energy Efficiency Upgrades Lighting/Mechanical				\$100,000			\$100,000
R.J. Lister Academy	Life Safety, Security and Mechanical Infrastructure							\$0
District Wide	Mechanical Infrastructure Upgrades							\$0
District Wide	Flooring Improvements							\$0
Total District Wide City Capital Improvement		\$550,000	\$650,000	\$650,000	\$450,000	\$0	\$0	\$2,300,000
Total High School Capital Improvement		\$0	\$0	\$0	\$550,000	\$0	\$0	\$550,000
Total R.J. Lister Academy Capital Improvement		\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL IMPROVEMENTS		\$550,000	\$650,000	\$650,000	\$1,000,000	\$0	\$0	\$2,850,000



BI-24-SC-17: Fit-Up of Community Campus Space for RJ Lister Academy

Department	School Department
Project Location	Community Campus
Project Type	Rehabilitation of an Existing Facilities
Commence FY	2023
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal (\$5,002 to \$50,000)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: The City’s acquisition of the Community Campus property made space available to relocate Robert J Lister Academy from an aging Sherburne School. Space on the lower level of Community Campus formerly occupied by Families First will provide an excellent location for the Lister Academy program. Fit-up of that square footage will require renovation of many small clinical rooms and offices into appropriately sized school classrooms and program spaces.

- Studies Identified & Useful Website Links:
- [Portsmouth School Department Homepage](#)
 - [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:
 New project – replaced FY23’s project Sherburne School (BI—23-SC-13)

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$1,800,000						\$1,800,000	\$0	\$1,800,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,800,000	\$0	\$0	\$0	\$0	\$0	\$1,800,000	\$0	\$1,800,000

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-THREE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION #XX – 2023

A RESOLUTION AUTHORIZING THE BORROWING OF UP TO ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000) THROUGH THE ISSUE OF BONDS AND/OR NOTES FOR COSTS RELATED TO THE DESIGN AND CONSTRUCTION OF FOUNDRY PLACE PARKING OFFICES.

RESOLVED:

THAT, the sum of up to **One Million Two Hundred Fifty Thousand Dollars (\$1,250,000)** is appropriated for costs associated with the design and construction of Foundry Place Parking Offices, including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **One Million Two Hundred Fifty Thousand Dollars (\$1,250,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT the expected useful life of the project is determined to be at least twenty (20) years, and;

That this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

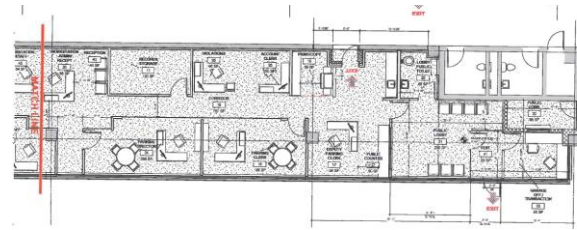
ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**



BI-24-PW-48: Foundry Place Parking Offices

Department	Public Works – Parking and Transportation Division
Project Location	Foundry Garage
Project Type	Other
Commence FY	2024
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Description: This is a revamp of project FY19 #BI-19-PW-40: Foundry Garage Parking Offices. That project was put on hold in 2018 until the use of the garage could be reexamined after opening.

The garage has been in use for some time now and this project would address the buildout of the 4500 sf of office space to accommodate the Parking Division's three groups of employees in one location.

The cost of the project bonding will be covered by parking revenues only, no general fund monies (including property taxes) will be used for this project.

Studies Identified & Useful Website Links:

- Parking Operations Offices Plan (as part of Construction Specifications of 8/2017)
 - [FY19-24 CIP page](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease (Parking)	100%	\$1,250,000						\$1,250,000	\$0	\$1,250,000
Other	0%							\$0	\$0	\$0
Revenues (Parking)	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$1,250,000	\$0	\$0	\$0	\$0	\$0	\$1,250,000	\$0	\$1,250,000

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-THREE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # XX – 2023

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO NINE MILLION TWO HUNDRED SEVENTY-SIX THOUS AND FIVE HUNDRED DOLLARS (\$9,276,500) RELATED TO ANNUAL WATER LINE REPLACEMENT, NEW GROUNDWATER SOURCE, GREENLAND WELL TREATMENT, DOVER WATER EMERGENCY INTERCONNECTION, EDMOND AVENUE WATERLINE RECONSTRUCTION, ISLINGTON STREET IMPROVEMENTS AND UNION STREET RECONSTRUCTION.

RESOLVED:

THAT, the sum of up to **Nine Million Two Hundred Seventy-Six Thousand Five-Hundred Dollars (\$9,276,500)** is appropriated for Annual Water Line Replacement, New Groundwater Source, Greenland Well Treatment, Dover Water Emergency Interconnection, Edmond Avenue Waterline Reconstruction, Islington Street Improvements and Union Street Reconstruction including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Nine Million Two Hundred Seventy-Six Thousand Five-Hundred Dollars (\$9,276,500)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

THAT the expected useful life of this project is determined to be at least thirty (30) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

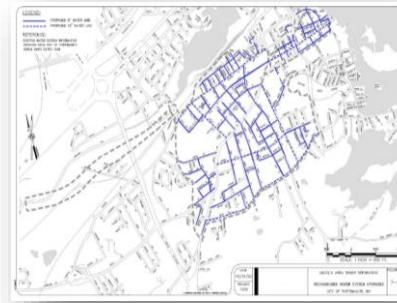
ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**



EF-02-WD-83: Annual Water Line Replacement

Department	Public Works – Water Division
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (Ongoing)
Impact on Operating Budget	Negligible (<\$5,001)



Description: The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- [Water System Master Plan 2013](#)
 - [Water Department](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	95%	\$1,000,000		\$1,000,000		\$1,000,000		\$3,000,000	\$6,500,000	\$9,500,000
Other	0%							\$0	\$0	\$0
Revenues	5%							\$0	\$500,000	\$500,000
PPP	0%							\$0	\$0	\$0
	Totals	\$1,000,000	\$0	\$1,000,000	\$0	\$1,000,000	\$0	\$3,000,000	\$7,000,000	\$10,000,000



EF-18-WD-86: New Groundwater Source

Department	Public Works – Water Division
Project Location	Citywide
Project Type	Construction or Expansion of a Public Facility, Street or Utility
Commence FY	2018
Priority	B (needed within 4 to 6 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project consists of constructing, permitting and connecting a new groundwater supply well, adjacent to the existing Collins Well, into the Portsmouth water system. This project is important to ensure long-term sustainability of the water supply.

Studies Identified & Useful Website Links:

- [Water Projects Page](#)
- [Water System Master Plan 2013](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

This project has been moved out an additional year to allow for the necessary time to continue with new source development, permitting and design of supporting infrastructure.

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	88%	\$2,000,000						\$2,000,000	\$500,000	\$2,500,000
Other	0%							\$0	\$0	\$0
Revenues	12%							\$0	\$350,000	\$350,000
PPP	0%							\$0	\$0	\$0
Totals		\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$2,000,000	\$850,000	\$2,850,000



EF-24-WD-89: Greenland Well Treatment

Department	Public Works - Water Division
Project Location	Public Works Water
Project Type	Construction or expansion of a new facility or infrastructure.
Commence FY	2024
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Moderate (\$50,000 to \$100,000)



Description: This project involves installing groundwater treatment at the Greenland Well to address potential PFAS regulations soon to be established by the EPA.

- Studies Identified & Useful Website Links:
- [Wastewater & Sewer Division of the DPW Webpage](#)

Notes of Changes in Funding Plan from FY23-28 CIP:
New project.

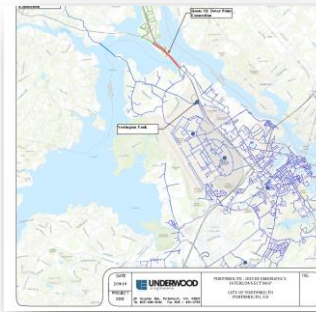
Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$2,500,000						\$2,500,000	\$0	\$2,500,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$2,500,000	\$0	\$0	\$0	\$0	\$0	\$2,500,000	\$0	\$2,500,000



EF-24-WD-90: Dover Water Emergency Interconnection

Department	Public Works - Water Division
Project Location	General Sullivan Bridge between Dover and Newington
Project Type	Construction of a new facility or infrastructure.
Commence FY	2024
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal (\$5,001 to \$50,000)



Description: The Cities of Portsmouth and Dover have been working for a number of years to create an interconnection between their two water systems across the soon to be replaced General Sullivan Bridge. This interconnection would link four communities to the north of the bridge and eight communities to the south. The bridge is currently in design with construction set to begin in late 2023. Costs would be split between the communities. Due to the importance of this connection for emergency purposes the New Hampshire Drinking Water and Groundwater Trust approved \$223,000 of funding to cover the design costs. Representative Pappas also included this project in recent congressional funding earmarks totaling \$3,452,972, which would cover 50% of the anticipated project costs. The other 50% would be split between the two communities. However, we will continue to seek state funding assistance due to the regional benefit of this project.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	Y
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

- Studies Identified & Useful Website Links:**
- Emergency Water Interconnection Preliminary Design Report

Notes of Changes in Funding Plan from FY23-28 CIP:

New Project

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$1,726,500						\$1,726,500	\$0	\$1,726,500
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,726,500	\$0	\$0	\$0	\$0	\$0	\$1,726,500	\$0	\$1,726,500



COM-23-PW-102: Edmond Avenue

Department	Public Works Department
Project Location	Edmond Ave from Maplewood Ave to Woodbury Ave
Project Type	Construction or expansion of a new public facility or public infrastructure
Commence FY	2023
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Reduce (will reduce Operating Costs)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y



Description: This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety.

Notes of Changes in Funding Plan from FY23-28 CIP:

An additional \$550,000 to accommodate resident request for sidewalk has been added for sidewalks.

Studies Identified & Useful Website Links:

- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

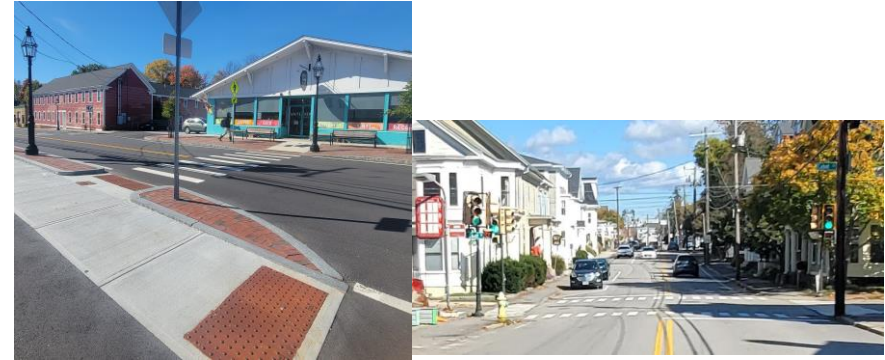
COM-23-PW-102: Edmond Avenue

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	3%							\$0	\$60,000	\$60,000
	GF-Bond/ Lease	56%	\$1,050,000						\$1,050,000	\$0	\$1,050,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	3%							\$0	\$60,000	\$60,000
	Bond/Lease	26%	\$500,000						\$500,000	\$0	\$500,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	1%							\$0	\$20,000	\$20,000
	Bond/Lease	11%	\$200,000						\$200,000	\$0	\$200,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		59%	\$1,050,000	\$0	\$0	\$0	\$0	\$0	\$1,050,000	\$60,000	\$1,110,000
Total Water Fund		30%	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	\$60,000	\$560,000
Total Sewer Fund		12%	\$200,000	\$0	\$0	\$0	\$0	\$0	\$200,000	\$20,000	\$220,000
Totals			\$1,750,000	\$0	\$0	\$0	\$0	\$0	\$1,750,000	\$140,000	\$1,890,000



COM-03-PW-107: Islington Street Improvements

Department	Public Works Department
Project Location	Islington Street from Albany Street to Congress Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years funding. Phase 2b from Cornwall Street to Maplewood Avenue requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City’s Long Term Control Plan.

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
- [CSO Supplemental Compliance Plan 2017](#)
 - [Public Works Department](#)
 - [Sewer Department](#)
 - [FY21-26 CIP page](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

COM-03-PW-107: Islington Street Improvements

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	46%	\$2,500,000						\$2,500,000	\$0	\$2,500,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	16%	\$850,000						\$850,000	\$0	\$850,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	39%	\$2,100,000						\$2,100,000	\$0	\$2,100,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		46%	\$2,500,000	\$0	\$0	\$0	\$0	\$0	\$2,500,000	\$0	\$2,500,000
Total Water Fund		16%	\$850,000	\$0	\$0	\$0	\$0	\$0	\$850,000	\$0	\$850,000
Total Sewer Fund		39%	\$2,100,000	\$0	\$0	\$0	\$0	\$0	\$2,100,000	\$0	\$2,100,000
Totals			\$5,450,000	\$0	\$0	\$0	\$0	\$0	\$5,450,000	\$0	\$5,450,000

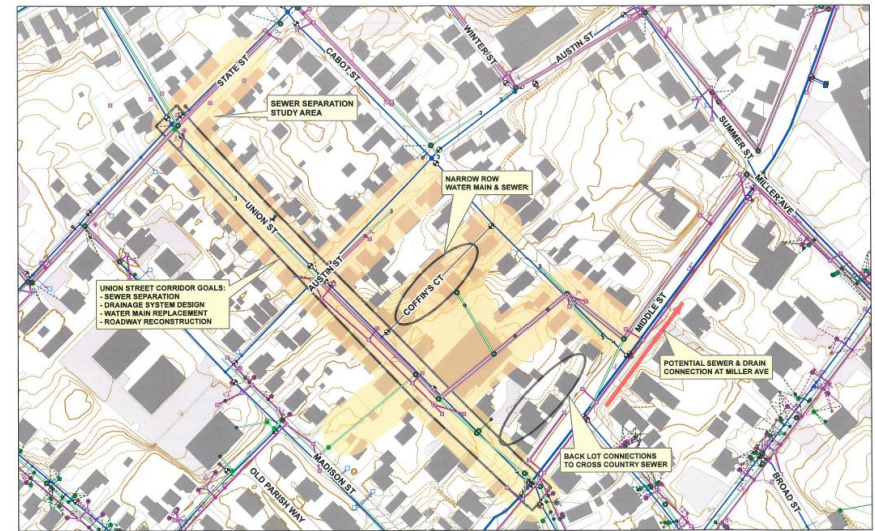


COM-17-PW-108: Union Street Reconstruction

Department	Public Works Department
Project Location	Union Street
Project Type	Construction or Expansion of Public Infrastructure
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

FIGURE 1: UNION STREET RECONSTRUCTION



Description: This project is part of the City's ongoing Combined Sewer Overflow Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. The project will also address side streets, including Coffins Court, Cabot Street and sections of Austin Street. Additional sewer funding will be used from the previous CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
 - [Public Works Department](#)
 - [Sewer Department](#)
- [CIP FY22-27 Original Phase Element Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

Prior Year Funding is from the original phase of the project COM-17-PW-100 from FY22-27

COM-17-PW-108: Union Street Reconstruction

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	31%	\$700,000						\$700,000	\$1,000,000	\$1,700,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	40%	\$700,000						\$700,000	\$1,500,000	\$2,200,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	3%							\$0	\$150,000	\$150,000
	Bond/Lease	26%	\$700,000						\$700,000	\$700,000	\$1,400,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		31%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$1,000,000	\$1,700,000
Total Water Fund		40%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$1,500,000	\$2,200,000
Total Sewer Fund		28%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$850,000	\$1,550,000
Totals			\$2,100,000	\$0	\$0	\$0	\$0	\$0	\$2,100,000	\$3,350,000	\$5,450,000

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-THREE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # XX – 2023

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SIX MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$6,915,000) FOR COSTS RELATED TO ANNUAL SEWERLINE UPGRADES, LONG TERM CONTROL RELATED PROJECTS, WOODBURY AVENUE SEWER SEPARATION, SEWER SERVICE FOR SAGAMORE AVE SEWER EXTENSION, FLEET STREET UTILITIES UPGRADES/STREETSCAPE, EDMOND AVENUE IMPROVEMENTS, ISLINGTON STREET IMPROVEMENTS AND UNION STREET RECONSTRUCTION.

RESOLVED:

THAT that the sum of up to **Six Million Nine Hundred Fifteen Thousand Dollars (\$6,915,000)** is appropriated for Annual Sewerline Upgrades, Long Term Control Related Projects, Woodbury Avenue Sewer Separation, Sewer Service for Sagamore Ave Sewer Extension, Fleet Street Utilities Upgrades/Streetscape, Edmond Avenue Improvements, Islington Street Improvements and Union Street Reconstruction including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Six Million Nine Hundred Fifteen Thousand Dollars (\$6,915,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

THAT the expected useful life of the project is determined to be at least thirty (30) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

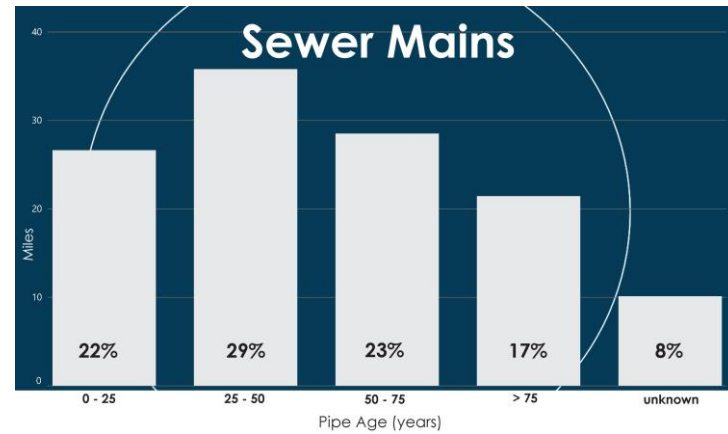
ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**



EF-12-SD-92: Annual Sewer Line Replacement

Department	Public Works – Sewer Division
Project Location	Citywide
Project Type	Upgrade of Existing Facilities
Commence FY	Ongoing
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	Y
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: The wastewater collection system consists of more than 120 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes.

Studies Identified & Useful Website Links:

- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	77%	\$1,000,000		\$1,000,000		\$1,000,000		\$3,000,000	\$2,000,000	\$5,000,000
Other	0%							\$0	\$0	\$0
Revenues	23%							\$0	\$1,500,000	\$1,500,000
PPP	0%							\$0	\$0	\$0
	Totals	\$1,000,000	\$0	\$1,000,000	\$0	\$1,000,000	\$0	\$3,000,000	\$3,500,000	\$6,500,000



EF-16-SD-95: Long Term Control Plan Related Projects

Department	Public Works – Sewer Division
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)

Description: The City has a combined sewer collection system and is required by the Environmental Protection Agency to implement a Long Term Control Plan to reduce and otherwise mitigate combined sewer overflows. The City is moving forward with a Supplemental Compliance Plan (SCP) that stipulates sewer separation projects to be constructed. The SCP sewer separation projects are funded under other items. This project includes the costs for study, design and construction of other Long Term Control Plan projects, such as a Long Term Control Plan Update, infiltration and inflow identification and removal, sump pump removal programs, and other mitigations projects.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	Y
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- [Infiltration and Inflow Study 2016](#)
- [Post Construction Monitoring Plan 2017](#)
- [CSO Supplemental Compliance Plan 2017](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

\$300,000 moved from FY25 to FY24 to align with requirements of the Supplemental Compliance Plan where the project begins in October 2023 (FY24).

Added \$2M for potential future projects to be identified in FY24 study.

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	3%							\$0	\$100,000	\$100,000
Bond/ Lease	85%	\$300,000		\$1,000,000	\$1,000,000	\$1,000,000		\$3,300,000	\$0	\$3,300,000
Other	0%							\$0	\$0	\$0
Revenues	13%							\$0	\$500,000	\$500,000
PPP	0%							\$0	\$0	\$0
Totals		\$300,000	\$0	\$1,000,000	\$1,000,000	\$1,000,000	\$0	\$3,300,000	\$600,000	\$3,900,000



EF-20-SD-97: Woodbury Avenue Sewer Separation

Department	Public Works – Sewer Division
Project Location	Woodbury Avenue from Farm Lane to Rockingham Avenue
Project Type	Construction or Expansion of a Public Facility, Street, or Utility
Commence FY	2023
Priority	B (needed within 4 to 6 years)
Impact on Operating Budget	Negligible (<\$5,000)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	Y
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: Construct drainage on Woodbury Avenue from Farm Lane to Rockingham Avenue. This project will remove catch basins along Woodbury Avenue that are currently connected to the sewer. A new drainage outfall will be constructed at Rockingham Avenue. This work will be coordinated with the re-paving of Woodbury Avenue.

Studies Identified & Useful Website Links:

- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

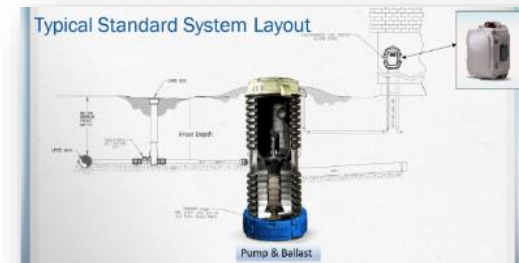
Notes of Changes in Funding Plan from FY23-28 CIP:

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	81%	\$250,000						\$250,000	\$0	\$250,000
Other	0%							\$0	\$0	\$0
Revenues	19%							\$0	\$60,000	\$60,000
PPP	0%							\$0	\$0	\$0
	Totals	\$250,000	\$0	\$0	\$0	\$0	\$0	\$250,000	\$60,000	\$310,000

EF-22-SD-98: Sewer Service Funding For Sagamore Avenue Area Sewer Extension



Department	Public Works – Sewer Division
Project Location	Portions of Sagamore Ave and Wentworth House Rd; Cliff Rd, Walker Bungalow Rd and Sagamore Grove
Project Type	Construction or Expansion of A Public Facility, Street or Utility
Commence FY	2022
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Description: The City has approached this project in order to obtain pricing for the private side work for converting existing septic systems to

a pumped sewer connection. Bids were received in August 2021 and pricing was found to be higher than anticipated. The project will be re-bid and updated prices obtained. City staff will present updated cost information to the City Council in order to conclude an approach to the cost sharing proposal. This item sets aside funds in anticipation of City Council action.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	Y
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- Consent Decree Second Modification.
- [Sagamore Ave Sewer Extension Project Page](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

New bid received in 2022, funding was lowered.

		FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$365,000	\$365,000	\$365,000	\$365,000	\$365,000	\$365,000	\$2,190,000	\$1,500,000	\$3,690,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$365,000	\$365,000	\$365,000	\$365,000	\$365,000	\$365,000	\$2,190,000	\$1,500,000	\$3,690,000



COM-20-PW-101: Fleet Street Utilities Upgrade and Streetscape

Department	Public Works Department
Project Location	Fleet Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	Y
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	Y
Responds to a Citywide Goal or Submitted Resident Request	

Description: The City is moving forward with a sewer separation project on Fleet Street. It is required through the City's Long Term Control Plan and Supplemental Compliance Plan. The project includes water, sewer, drainage upgrades along with full streetscape rework and other pedestrian enhancements. Funding for this work will come from the water and sewer enterprise funds and the general fund (property taxes).

Given the scope of this project, it will need to be completed in phases. The FY24 funding is for construction of a new drain line from Hanover St. to the North Mill Pond. Phase 2 will be Fleet Street from Hanover Street to Court Street as well as a potential expansion of the project limits as determined during the design. The expansion could include portions of Congress Street, State Street and Vaughan Mall. Downtown Aerial Utilities Underground (BI-21-PW-43) project is funded to bury the Fleet Street overhead utilities. Market Square Upgrade project (TSM-15-PW-61) will be coordinated with this project.

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
- [CSO Supplemental Compliance Plan 2017Public Works Department](#)
- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

Added funding to FY23 in order to design and construct a new drainage outfall to North Mill Pond, that is needed to accommodate separate drainage.

COM-20-PW-101: Fleet Street Utilities Upgrade and Streetscape

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	18%			\$2,000,000				\$2,000,000	\$0	\$2,000,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	18%			\$2,000,000				\$2,000,000	\$0	\$2,000,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	64%	\$2,000,000		\$3,000,000				\$5,000,000	\$2,200,000	\$7,200,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		18%	\$0	\$0	\$2,000,000	\$0	\$0	\$0	\$2,000,000	\$0	\$2,000,000
Total Water Fund		18%	\$0	\$0	\$2,000,000	\$0	\$0	\$0	\$2,000,000	\$0	\$2,000,000
Total Sewer Fund		64%	\$2,000,000	\$0	\$3,000,000	\$0	\$0	\$0	\$5,000,000	\$2,200,000	\$7,200,000
Totals			\$2,000,000	\$0	\$7,000,000	\$0	\$0	\$0	\$9,000,000	\$2,200,000	\$11,200,000



COM-23-PW-102: Edmond Avenue

Department	Public Works Department
Project Location	Edmond Ave from Maplewood Ave to Woodbury Ave
Project Type	Construction or expansion of a new public facility or public infrastructure
Commence FY	2023
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Reduce (will reduce Operating Costs)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y



Description: This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety.

Notes of Changes in Funding Plan from FY23-28 CIP:

An additional \$550,000 to accommodate resident request for sidewalk has been added for sidewalks.

Studies Identified & Useful Website Links:

- [FY23-FY28 CIP \(Prior Year\) Project Sheet](#)

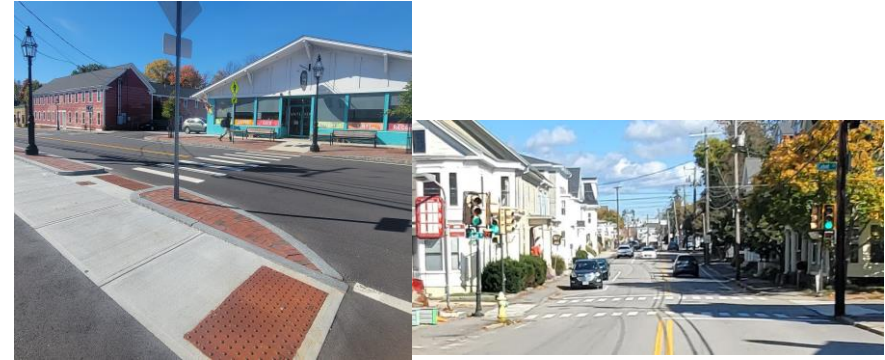
COM-23-PW-102: Edmond Avenue

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	3%							\$0	\$60,000	\$60,000
	GF-Bond/ Lease	56%	\$1,050,000						\$1,050,000	\$0	\$1,050,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	3%							\$0	\$60,000	\$60,000
	Bond/Lease	26%	\$500,000						\$500,000	\$0	\$500,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	1%							\$0	\$20,000	\$20,000
	Bond/Lease	11%	\$200,000						\$200,000	\$0	\$200,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		59%	\$1,050,000	\$0	\$0	\$0	\$0	\$0	\$1,050,000	\$60,000	\$1,110,000
Total Water Fund		30%	\$500,000	\$0	\$0	\$0	\$0	\$0	\$500,000	\$60,000	\$560,000
Total Sewer Fund		12%	\$200,000	\$0	\$0	\$0	\$0	\$0	\$200,000	\$20,000	\$220,000
Totals			\$1,750,000	\$0	\$0	\$0	\$0	\$0	\$1,750,000	\$140,000	\$1,890,000



COM-03-PW-107: Islington Street Improvements

Department	Public Works Department
Project Location	Islington Street from Albany Street to Congress Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years funding. Phase 2b from Cornwall Street to Maplewood Avenue requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City’s Long Term Control Plan.

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
- [CSO Supplemental Compliance Plan 2017](#)
 - [Public Works Department](#)
 - [Sewer Department](#)
 - [FY21-26 CIP page](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

COM-03-PW-107: Islington Street Improvements

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	46%	\$2,500,000						\$2,500,000	\$0	\$2,500,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	16%	\$850,000						\$850,000	\$0	\$850,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	39%	\$2,100,000						\$2,100,000	\$0	\$2,100,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		46%	\$2,500,000	\$0	\$0	\$0	\$0	\$0	\$2,500,000	\$0	\$2,500,000
Total Water Fund		16%	\$850,000	\$0	\$0	\$0	\$0	\$0	\$850,000	\$0	\$850,000
Total Sewer Fund		39%	\$2,100,000	\$0	\$0	\$0	\$0	\$0	\$2,100,000	\$0	\$2,100,000
Totals			\$5,450,000	\$0	\$0	\$0	\$0	\$0	\$5,450,000	\$0	\$5,450,000

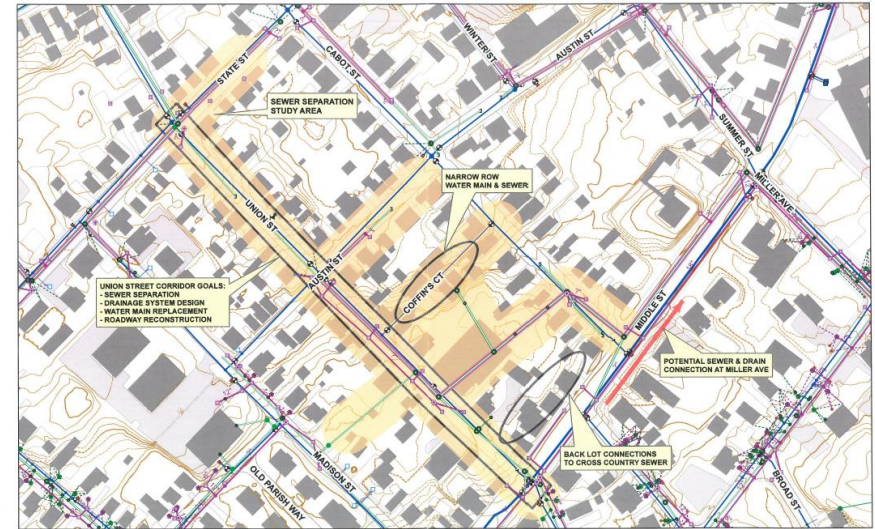


COM-17-PW-108: Union Street Reconstruction

Department	Public Works Department
Project Location	Union Street
Project Type	Construction or Expansion of Public Infrastructure
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

FIGURE 1: UNION STREET RECONSTRUCTION



Description: This project is part of the City's ongoing Combined Sewer Overflow Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. The project will also address side streets, including Coffins Court, Cabot Street and sections of Austin Street. Additional sewer funding will be used from the previous CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
 - [Public Works Department](#)
 - [Sewer Department](#)
- [CIP FY22-27 Original Phase Element Sheet](#)

Notes of Changes in Funding Plan from FY23-28 CIP:

Prior Year Funding is from the original phase of the project COM-17-PW-100 from FY22-27

COM-17-PW-108: Union Street Reconstruction

			FY24	FY25	FY26	FY27	FY28	FY29	Totals 24-29	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	31%	\$700,000						\$700,000	\$1,000,000	\$1,700,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	40%	\$700,000						\$700,000	\$1,500,000	\$2,200,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	3%							\$0	\$150,000	\$150,000
	Bond/Lease	26%	\$700,000						\$700,000	\$700,000	\$1,400,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		31%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$1,000,000	\$1,700,000
Total Water Fund		40%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$1,500,000	\$2,200,000
Total Sewer Fund		28%	\$700,000	\$0	\$0	\$0	\$0	\$0	\$700,000	\$850,000	\$1,550,000
Totals			\$2,100,000	\$0	\$0	\$0	\$0	\$0	\$2,100,000	\$3,350,000	\$5,450,000

EASEMENT DEED

NOW COMES **Sagamore Corner, LLC**, a New Hampshire limited liability company with an address of 273 Corporate Drive, Suite 150, Portsmouth, New Hampshire, 03801, and grants to the **City of Portsmouth, New Hampshire**, a municipal corporation with an address of 1 Junkins Avenue, Portsmouth, New Hampshire, 03801, with QUITCLAIM COVENANTS, a public right of way for all purposes for which a public way may be utilized across the following described parcel of land:

New Easement Area:

A certain tract or parcel of land lying on the easterly side of Sagamore Avenue, a public right of way and the southerly side of Sagamore Grove, a public right of way in Portsmouth, County of Rockingham, State of New Hampshire, as depicted on the "Recording Site Plan" for the "Proposed Multifamily Residential Development, 960 Sagamore Road, Portsmouth, NH 03820" for Sagamore Corner, LLC, prepared by Altus Engineering, Inc., to be recorded, said tract being bounded and described as follows:

Beginning at a survey spike set in the pavement on the easterly side of said Sagamore Ave and the southerly side of said Sagamore Grove, said spike bears South 13° 03' 20" East (NH State Plane Coordinate System, NAD 1983) a distance of 31.07 feet from the northwest corner of land of Sagamore Corner, LLC Assessor's Parcel 201-2, thence by the southerly sideline of Sagamore Grove South 88° 01' 26" East a distance of 34.45 feet to a point;

Thence continuing over land of said Sagamore Corner, LLC, Assessor's Parcel 201-2, South 79° 30' 43" West a distance of 33.30 feet to a point on the easterly sideline of Sagamore Ave;

Thence by the sideline of said Sagamore Ave North 13° 03' 20" West a distance of 7.44 feet to the true point of beginning.

Said easement contains 124 square feet.

Meaning and intending to convey an access easement across the premises conveyed to Sagamore Corner, LLC by Warranty Deed of Wentworth Corner, LLC dated November 3, 2021, recorded at Rockingham County Registry of Deeds at Book 6350, Page 364.

Sagamore Grove Right of Way:

The above described “new easement area” shall be added to the existing easement and public right of way for Sagamore Grove as described in the Acknowledgment and Release from the owners of Sagamore Grove to the City of Portsmouth, recorded at Rockingham County Registry of Deeds at Book 3231, Page 469. With the addition of the easement area described above, the public right of way for Sagamore Grove is described as follows:

A certain tract or parcel of land lying on the easterly side of Sagamore Avenue in Portsmouth, County of Rockingham, State of New Hampshire, bounded and described as follows:

Beginning at the northwest corner of land of Sagamore Corner, LLC, Assessor’s Parcel 201-2 and the southwest corner of land now or formerly of 955 Sagamore Realty Trust thence by land of said Sagamore Realty Trust and land now or formerly of the William L. Pingree 2013 Rev Trust South $88^{\circ} 00' 32''$ East (NH State Plane Coordinate System, NAD 1983) a distance 254.00 feet to an iron pipe found;

Thence by land of said Pingree 2013 Rev. Trust and land now or formerly of Lucian Szmyd and Diane M. Szmyd South $74^{\circ} 18' 32''$ East a distance of 47.13 feet to a point at land now or formerly of Walter J. Allen;

Thence across said Sagamore Grove and land of said Allen South $21^{\circ} 13' 37''$ West a distance of 31.32 feet to an iron rod set at land of said Allen;

Thence over land of said Sagamore Corner, LLC, Assessor’s Parcel 201-2 on the following courses:

North $72^{\circ} 30' 59''$ West a distance of 40.41 feet to a found iron rod;

North $88^{\circ} 01' 26''$ West a distance of 208.02 feet to a point;

South $79^{\circ} 30' 43''$ West a distance of 33.30 feet to a point on the easterly sideline of said Sagamore Avenue;

Thence by said Sagamore Avenue North $13^{\circ} 03' 20''$ West a distance of 38.41 feet to the point of beginning.

Reference is made to RCRD Bk 3231 Pg 469 and RCRD Plan D-25616.

Dated this ____ day of April, 2022.

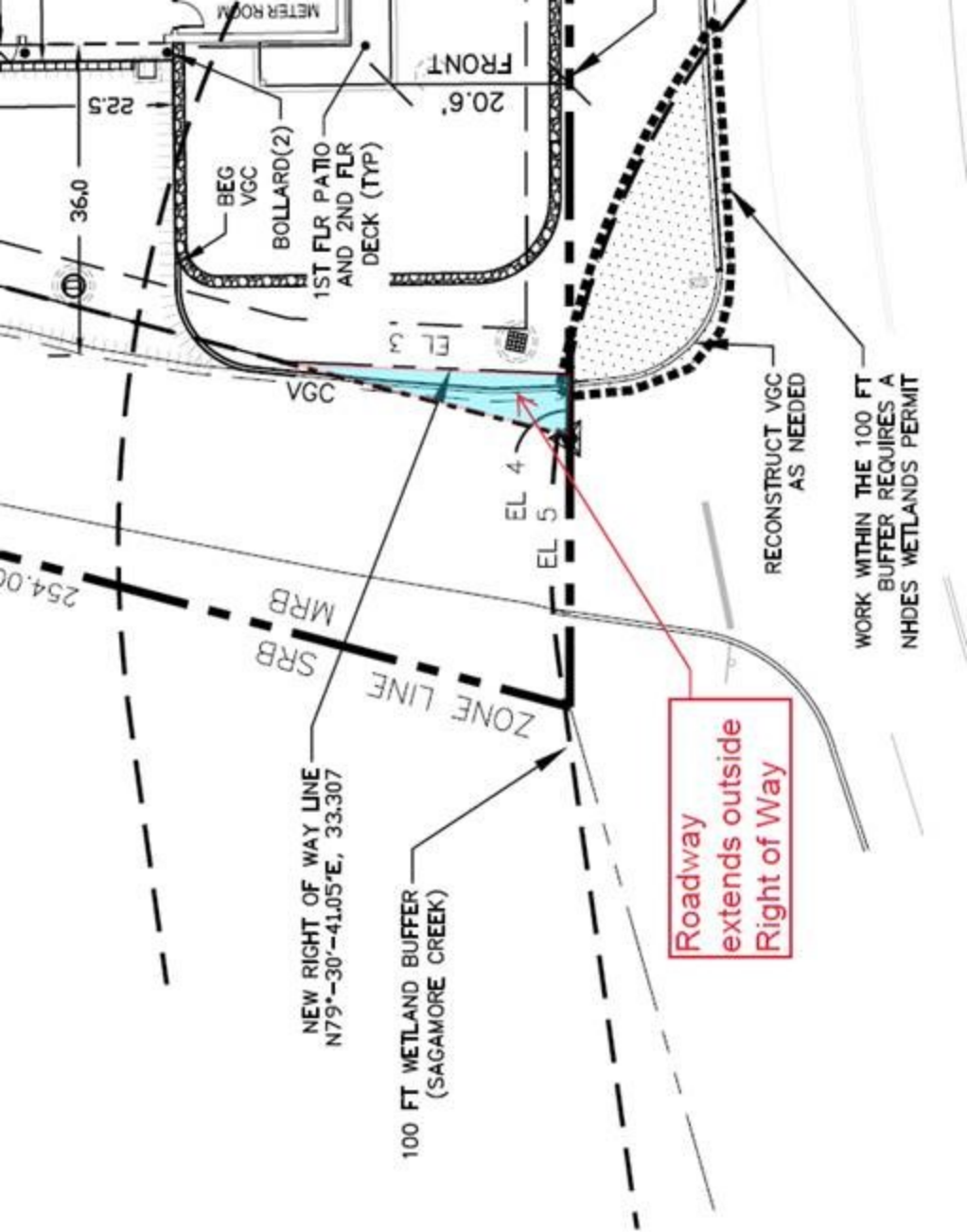
Sagamore Corner, LLC

By: _____
Eric S. Katz, Member

State of New Hampshire
County of Rockingham

Then personally appeared Eric S. Katz, as member of Sagamore Corner, LLC, and acknowledged that he executed the above Easement Deed as his free act and deed on behalf of the limited liability company, before me, this ____ day of April, 2022.

Notary Public/Justice of the Peace
My Commission Expires:



METER ROOM

FRONT

20.6'

BEG VGC

BOLLARD(2)

1ST FLR PATIO AND 2ND FLR DECK (TYP)

EL 2

VGC

RECONSTRUCT VGC AS NEEDED

WORK WITHIN THE 100 FT BUFFER REQUIRES A NHDES WETLANDS PERMIT

254.00

MRB

SRB

ZONE LINE

NEW RIGHT OF WAY LINE
N79°-30'-41.05"E, 33.307

100 FT WETLAND BUFFER
(SAGAMORE CREEK)

Roadway extends outside Right of Way

EL 4

EL 5



The State of New Hampshire
Department of Environmental Services

CM Action Item #4

Robert R. Scott, Commissioner



January 23, 2023

Mr. Albert Pratt
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Subject: 2023 Local Source Water Protection Program Grant: SWP-344

Dear Mr. Pratt:

Congratulations on your successful application to the 2023 Local Source Water Protection Grant Program to complete work described in the *Bellamy Reservoir Conservation Easement – Fernald Parcel* grant application. The Department of Environmental Services intends to award **\$25,000** to The City of Portsmouth for this important project.

To award the grant funds, we must enter into a grant agreement, approved by the Governor and Council. Enclosed is the grant agreement paperwork. **Please review these documents carefully.** If everything is satisfactory, please submit the following:

- 1. Original, signed, and initialed grant agreement (attached).**
Please print the grant agreement and exhibits **single-sided**.
- 2. Original, signed, and notarized Certificate of Vote of Authorization (example attached).**
- 3. Certificate of Good Standing.**
- 4. Certificate of Insurance.**

The Certificate Holder should be "State of New Hampshire, Department of Environmental Services, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095."

Once the required paperwork is submitted, the process will begin for Governor and Council approval. **Please note work cannot be completed until approval from the Governor and Council is received.** Since these grants are made possible by federal funding of New Hampshire's environmental programs, applicants are expected to go through a competitive bid process for contractor selection for construction services. Competitive bidding is not required for non-construction or planning projects. Applicants are requested to make a good faith effort to utilize disadvantaged businesses for any services, equipment and/or supplies purchased. A list of disadvantaged businesses is available at <http://www.nh.gov/dot/business/contractors.htm>. We look forward to working with you on your source water protection project. Please contact me at 271-2950 or Melissa.E.Macheras@des.nh.gov if you have any questions.

Sincerely,

Melissa Macheras
Drinking Water and Groundwater Bureau



NEW HAMPSHIRE DRINKING WATER & GROUNDWATER TRUST FUND



Commission Members

Bill Boyd, *Chair*

Vacant, *Vice Chair*

Linda Gould, Member of
NH House of
Representatives

Peter Petrigno, Member of
NH House of
Representatives

Vacant, Member of NH
Senate

Vacant, Member of NH
Senate

Josh Elliott, Governor's
Designee

Rachel Miller, NH State
Treasury

Michele Roberge, Division
of Public Health

Robert R. Scott, NH
Department of
Environmental Services

Michael Bergeron, NH
Economic Development

Michael Dionne, NH Fish
and Game Department

Jason Gagnon, NH Water
Pollution Control
Association

Rick Russman, State &
Regional Land Trust
Member

Marco Philippon, NH Water
Works Association

Bruce Breton, Town
Selectman

Bernie Rousseau, Public
Member

Andrea Kenter, Public
Member

Debra Paul, Public Member

Vacant, Public member

December 2, 2022

Al Pratt
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

Subject: 2022 Drinking Water and Groundwater Trust Fund, Source Water Protection Grant Program Funding Award Selection for LG36-Portsmouth Fernald, Bellamy Reservoir HAC.

Dear Mr. Pratt,

Congratulations! On behalf of the Drinking Water and Groundwater Trust Fund (DWGTF) Advisory Commission, it is with great pleasure we offer a Source Water Protection Grant of \$739,000 toward the cost of purchasing a conservation easement on the Fernald property which will protect +/- 45 acres of land in the Hydrologic Area of Concern of the Bellamy Reservoir.

The next step to secure your award is to enter into a grant agreement with the NH Department of Environmental Services, subject to approval by Governor and Council (G&C).

Attached is a draft grant agreement for your review, as well as an outline of next steps in the grant process with a checklist of the due diligence documents that are required prior to requesting payment of the grant.

If you have any questions, please contact Molly Thunberg 603-271-2862 at WSLP@des.nh.gov.

Sincerely,

Cheryl Bondi, PhD.
DWGTF Administrator | NHDES MtBE Remediation Bureau

Attachments: Grant Agreement
Document Checklist and Grant Overview

Cc: Matthew Taylor, MtBE Remediation Bureau Administrator, NHDES
Pierce Rigrod, Drinking Water and Groundwater Bureau, NHDES

United States Senate

WASHINGTON, DC 20510

April 4, 2023

The Honorable Patty Murray
Chair
Senate Committee on Appropriations
United States Senate
S-128, The Capitol
Washington, D.C. 20510

The Honorable Susan Collins
Vice Chair
Senate Committee on Appropriations
United States Senate
S-128, The Capitol
Washington, D.C. 20510

The Honorable Jeff Merkley
Chair
Senate Committee on Appropriations
Subcommittee on Interior, Environment and
Related Agencies
United States Senate
Washington, D.C. 20510

The Honorable Lisa Murkowski
Ranking Member
Senate Committee on Appropriations
Subcommittee on Interior, Environment and
Related Agencies
United States Senate
Washington, D.C. 20510

Dear Chair Murray, Vice Chair Collins, Chair Merkley and Ranking Member Murkowski:

I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending items that I have requested in the Fiscal Year 2024 Interior, Environment and Related Agencies Appropriations Bill, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Sincerely,



Jeanne Shaheen
United States Senator

Congressionally Directed Spending Requests Submitted by Senator Jeanne Shaheen to the FY 2024 Interior, Environment, and Related Agencies Appropriations Bill

Project Location	Recipient Name	Project Purpose	Amount Requested <i>(in thousands)</i>
Bedford, NH	Town of Bedford	Funding would be used to construct sewer systems to the densely populated area around Sebbins Pond and allow for removal and remediation of single-family on-site wastewater disposal systems, thereby improving water quality for the impaired waterbody of Sebbins Pond.	\$9,000
Conway, NH	U.S. Forest Service	Funding would be used for planning and design for a new net-zero facility to replace the Saco Ranger Station, which provides visitor services to over 60,000 people annually.	\$1,200
Durham, NH	University of New Hampshire	Funds will support research related to water quality and pollution: specifically, understanding changes in nuisance seaweeds that are related to nitrogen from wastewater treatment plants, stormwater and septic tanks.	\$1,150
Durham, NH	Town of Durham	Funds would be used to complete necessary utility upgrades as part of Durham’s Madbury Road Complete Streets project, which includes replacing existing water and sewer infrastructure along the 6,500 foot long corridor.	\$4,800
Durham, NH	Town of Durham	Funds would be used to complete necessary upgrades to the Town's wastewater treatment facility, which includes replacing existing interior mechanical equipment for two primary and two secondary clarifiers.	\$2,300
Grafton County, NH	Fish and Wildlife Service	Funding will support the acquisition of a conservation easement on 4,143 acres on a significant tract of timber land in an area of New England that is rich in natural resources.	\$500

Hooksett, NH	Town of Hooksett	The funds would be used for the construction of sanitation facilities including a sewer pump station and sewer mains to service the commercial area near Exit 10 or Route 93 in Hooksett, New Hampshire.	\$9,000
Lancaster, NH	Town of Lancaster	The Town of Lancaster intends to use funds to finalize a phased comprehensive water, sewer, drainage, roadway and sidewalk infrastructure improvement project situated at the northern end of Summer Street.	\$3,000
Lancaster, NH	Town of Lancaster	The Town of Lancaster proposes construction of a 500,000-gallon concrete water storage tank adjacent to the water plant to provide additional storage capacity, provide adequate fire flow and pressure, and reduce demand-related stresses on the system that compromise levels of residuals.	\$2,500
Manchester, NH	Currier Museum of Art	The Currier Museum of Art will use funds for the systems required for the restoration of the historic and community-centered Chandler House in Manchester, NH.	\$500
Manchester, NH	City of Manchester	Funds would be used to make improvements to Bass Island Park, to the boat launch and peninsula on the Piscataquog River in order to prevent erosion and improve stormwater control.	\$91
Manchester, NH	City of Manchester	Funds would be used to design and construct much needed improvements to the Manchester Wastewater Treatment Plant's 50 year old generators, substation, and the outlying pump station's generators.	\$26,000
Manchester, NH	City of Manchester	These funds would be used to help fund the \$223 million construction contract that will build the Cemetery Brook Drainage Tunnel.	\$20,000
Milford, NH	Town of Milford	Funds would be used to design and construct proposed municipal drinking water system improvements for the Town of Milford.	\$3,960

Milford, NH	Town of Milford	Funds would be applied to the UV Disinfection Building improvements which focus on energy efficiency and operational efficiency. The \$2.6M UV Building upgrade retrofits the existing building to add high-efficiency aeration blowers, bulk chemical storage tanks, and flood protection.	\$2,600
Moultonborough, NH	Lake Winnepesaukee Association	Funds will be used to implement best management practices at three to four high priority sites identified in the 2022 watershed-based plan. The identified projects will mitigate stormwater runoff and erosion from steep slopes and private gravel roads around the lake.	\$150
Portsmouth, NH	City of Portsmouth	Funds would be used to purchase a conservation easement on a 45-acre parcel that directly abuts the Bellamy Reservoir in Madbury.	\$714
Portsmouth, NH	City of Portsmouth	Funding would be used to plan and design a replacement for Portsmouth's largest and most critical pumping station.	\$3,750
Rochester, NH	City of Rochester	Funding would be used to fund the final design and construction of the proposed Cocheco Well Improvement Project. The proposed improvement project will provide a building addition to the water treatment facility to house new Greensand Plus filters and chemical feed systems.	\$2,500
Rockingham County, NH	Town of Salem	Funds would be used to provide safe, clean drinking water from Manchester Water Works to the communities of Derry, Windham, Salem, Plaistow, and Atkinson, along with two private water companies Pennichuck Water Works and HAWC.	\$28,000
Rye, NH	Town of Rye	Funds would be used to design and construct a 4-mile sewer line from North Hampton to Portsmouth, and assist with making the needed connections.	\$10,000

Statewide	University of New Hampshire	Funding would expand UNH's capacity to analyze and help respond to the state's PFAS problem in partnership with municipalities, state government and private industry.	\$1,788
Tilton, NH	Town of Tilton	Funds will be used to restore Tilton Island Park Bridge, the only cast and wrought iron footbridge of its kind in the country. Funds will be used for removal, dismantling, and repair of the bridge and final re-installation.	\$500

M E M O R A N D U M

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: May 16, 2023

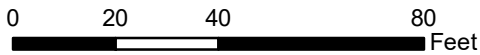
RE: City Council Referral – Projecting Sign
Address: 15 Penhallow Street Unit 2
Business Name: EAD Woodwork, LLC
Business Owner: Edward Szczepanik

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 44" x 34"
Sign area: 10.4 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:

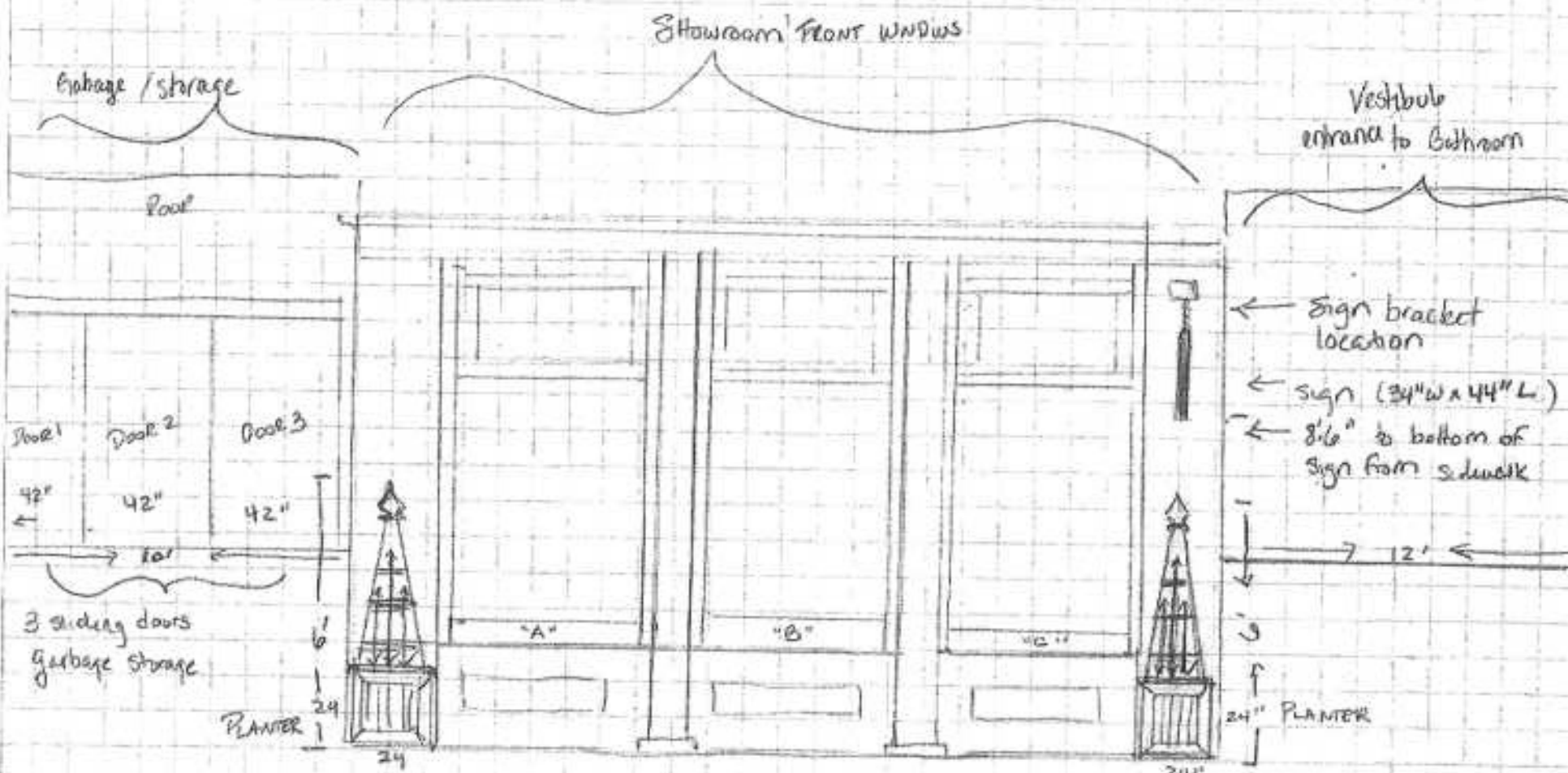
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal 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.



**Request for license
15 Penhallow Street Unit 2**

Approved

OWNER 5-11-2023



Garbage / storage

Showroom FRONT WINDOWS

Vestibule
entrance to Bathroom

Pool

Door 1 Door 2 Door 3

42" 42" 42"

3 sliding doors
Garbage Storage

PLANTER

24"

"A"

"B"

"C"

← Sign bracket location

← sign (34" W x 44" L)

← 8 1/2" to bottom of sign from sidewalk


← 12"

24" PLANTER

24"

WINDOWS MEASURE 61" Long x 89" H (5'1" x 7'5")

A = PROVIDING A SECOND CHANCE FOR URBAN TREES
BECAUSE EVERY TREE HAS A STORY...

B =  **EAD Woodwork**
ceiling, furniture, Urban lumber

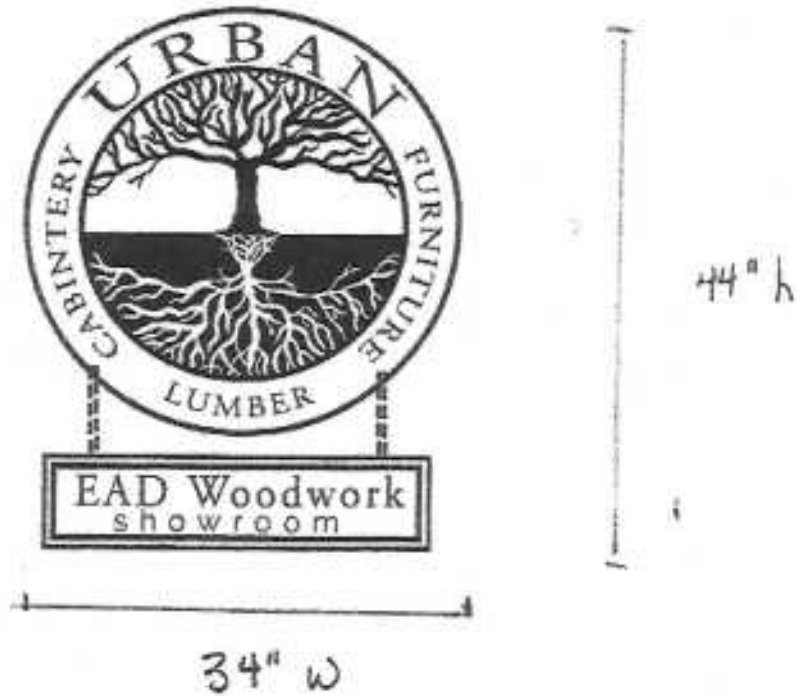
C = SAWYER, DRYER, CABINET + FURNITURE MAKER
FOR A SUSTAINABLE FUTURE.

Two lines total height 6"
Font: PALEWAY length 59"

Two lines total height 8" x 55" L
Font: ~~GARAMOND~~ PALEWAY

Two lines total height 6"
Font: PALEWAY length 59"

HANGING SIGN EAD Woodwork 15 PENTHALLOW ST
(177 STATE (PENTHALLOW
RETAIL UNIT a)



Natural or stained composite or wood
w/ high contrast lettering (logo^{base} is r/w)

Approved 
owner 5-11-2023


ELECTRICAL OUTLET (existing)
BRACKET FOR SIGN HERE

BOTTOM OF SIGN
8'6"

8'6"

M E M O R A N D U M

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: June 5, 2023

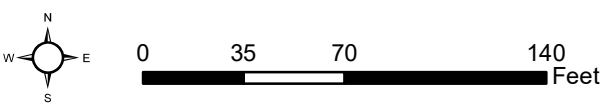
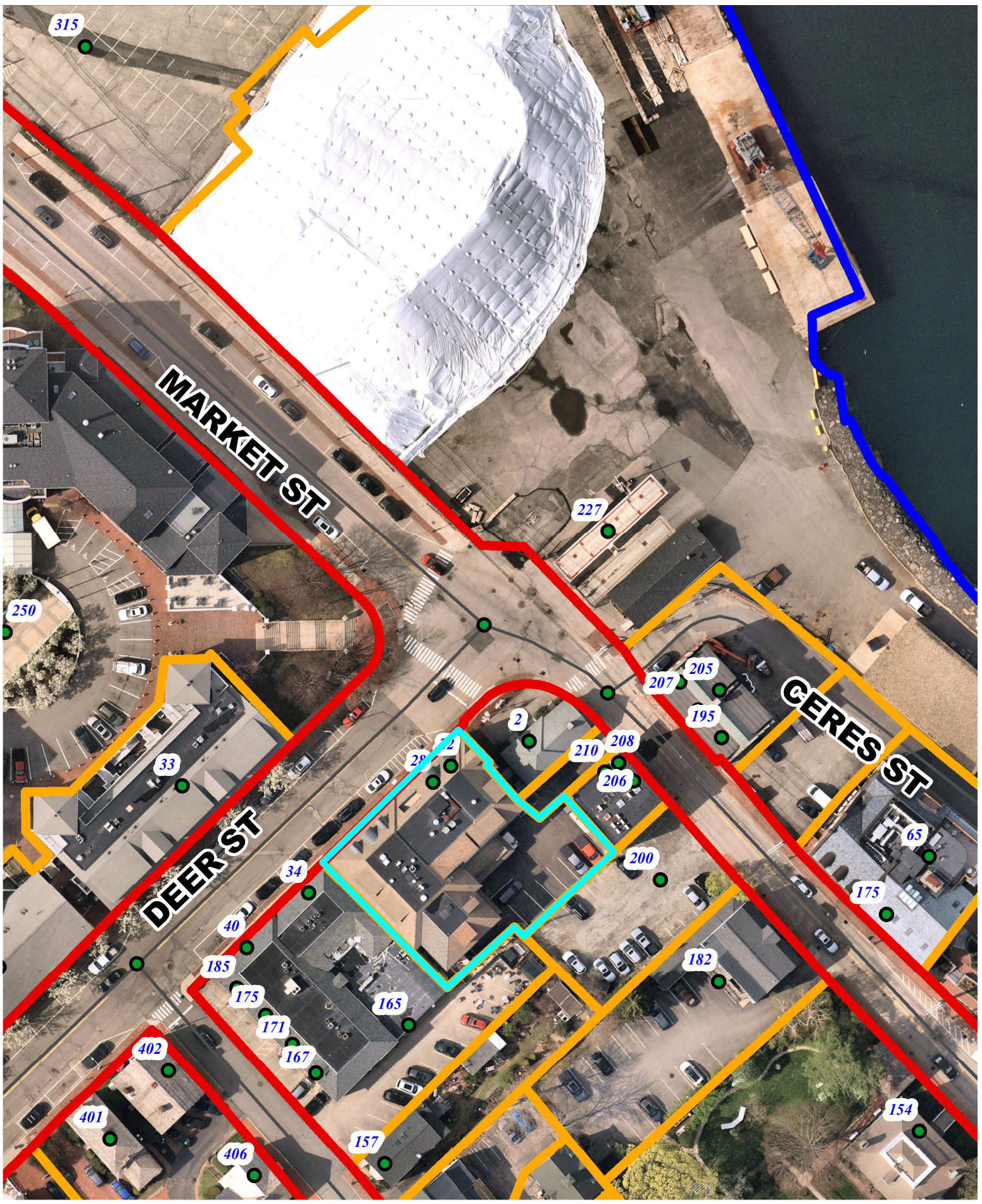
RE: City Council Referral – Projecting Sign
Address: 28 Deer Street
Business Name: Salt Salon
Business Owner: James Reynolds

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 36" x 24"
Sign area: 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.



**Request for license
28 Deer Street**



PortsmouthSign.com
603-436-0047

REVISION:

All orders under \$250 include 1 revision only.
All orders over \$250 include 2 revisions only.
Additional revisions will be charged at \$25 per revision.

PLEASE NOTE:

Designs are NOT actual size and color may vary depending on printer and/or monitor.

5/31/2023

RETURN SIGNED TO: service@portsmouthsign.com

I understand this design is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be unless otherwise specified. I have carefully reviewed this proof and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

SIGNATURE: _____ Date: _____

©COPYRIGHT 2023, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

MEMBER

NORTHEAST STATES
SIGN ASSOCIATION




INTERNATIONAL
SIGN ASSOCIATION

The Chamber
COLLABORATIVE
of Greater Portsmouth



QUANTITY: 1
 SIZE: 36" x 24" (6 sq. ft.)
 MATERIAL: 3/4" PVC
 SS or 2S: Double-sided

 <p> PortsmouthSign.com 603-436-0047 </p>	<p>REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 2 revisions only. Additional revisions will be charged at \$25 per revision.</p> <p>PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p>5/3/2023</p> <p>I understand this design is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be unless otherwise specified. I have carefully reviewed this proof and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.</p> <p>SIGNATURE: _____ Date: _____</p>	<p>RETURN SIGNED TO: service@portsmouthsign.com</p>
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June 1, 2023

To: City Council of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

From: The Portsmouth Halloween Parade
P.O. Box 119 Portsmouth, NH 03802

Honorable Mayor McEachern and City Councilors:

I am writing today to request permission to hold the 28th Portsmouth Halloween Parade, this year to take place on Tuesday, October 31st. We would like to once again step off from Peirce Island at 7:00pm. The parade would stage and organize on the island beginning at 6pm. We would like to utilize the boat launch, Four Tree Island parking lot, and the Outdoor Pool lots for marchers and their vehicles.

The parade route itself will remain the same (see attached map). We recognize that we have benefited greatly from the efforts of the Department of Public Works over the years, who provide barricades, large vehicles to harden to corners, and cleanup. We would ask that they assist us once again in these matters, in addition to closing down the affected streets beginning at 5:30 pm, or whatever time they deem fitting. The plan would be to reopen them no later than 8:30pm.

We will of course carry the usual insurance that is required. Further, we would work with Police and Fire Departments who ensure a safe and entertaining parade, and to whom we are very grateful for all their planning and assistance. We look forward to your response. Thank you.

Sincerely,



Jonathan Day
Board of the Portsmouth Halloween Parade

cc/ Karen Conard, City Manager
Jessica Griffin, Assistant to the City Manager
Joanna Diemer, Administrative Assistant

PHP Route

Important Points



Staging Area



END at Prescott Park



Pause At Marcy & State



Pause in the Square



Pause at State & Pleasant

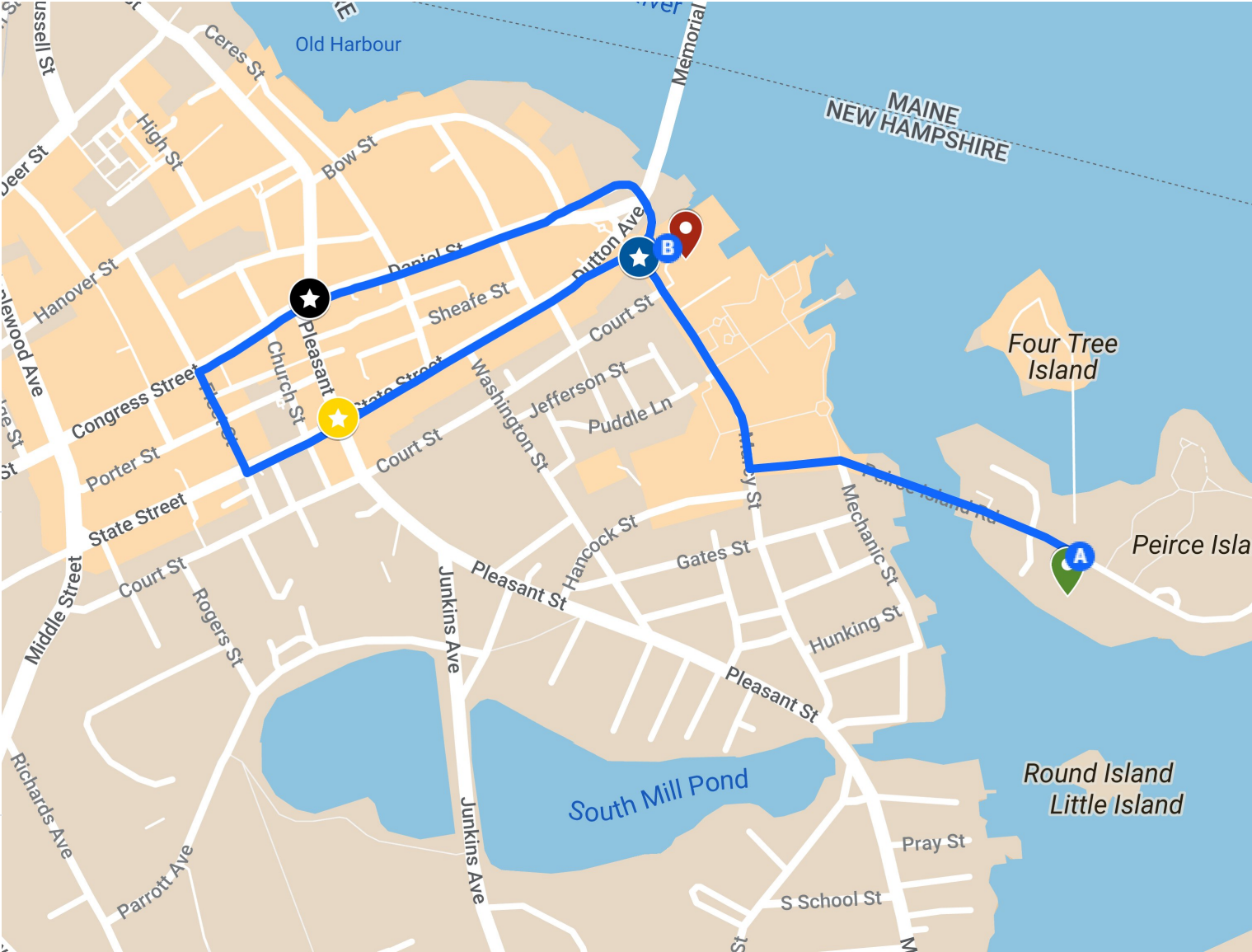
2023 PHP Parade Route



Peirce Island Rd, Portsmouth,
NH 03801, USA



10 State Street, Portsmouth,
NH 03801, USA





Preliminary Study
Sherburne School Workforce Housing
35 Sherburne Road

June 2023

Key Points

In response to a request by Mayor McEachern, the Portsmouth Housing Authority, and its affiliated non-profit PHA Housing Development Ltd., has prepared this report reviewing the opportunity to build below market rate housing at the Sherburne School property at 35 Sherburne Road.

There is a strong, well documented need for additional housing to be built in Portsmouth. One of the most critical shortfalls in our housing supply is below market rate rental housing available to members of Portsmouth's workforce.

The Sherburne School site meets key criteria qualifying it as an attractive site for the development of exactly the type of housing needed in Portsmouth. Among the criteria reviewed are the following:

- Economies of Scale
- Neighborhood Context
- Historic Preservation
- Environmental Conditions
- Traffic
- Sustainable Development Opportunities

Timing Matters. A large constituency of city residents and members of the local workforce frequently cite the urgent need for affordable workforce housing, but the development cycles for new housing can be slow. Permitting and constructing new housing in Portsmouth can take years. The proper policy response to the severe shortage of affordable housing calls for action now in order for, to the maximum amount feasible, quality new housing units can be placed in service without delay.

The Portsmouth Housing Authority

The Portsmouth Housing Authority was created by the City of Portsmouth in 1953 for the purpose of providing safe, decent, affordable housing for low- and moderate-income citizens. The PHA owns and manages 12 properties with 668 rental apartments in the city at Gosling Meadows, Pleasant Street, State Street, Woodbury Manor, Feaster, Margeson, Atlantic Heights, Connors Cottage, Lafayette School, Wamesit Place and Ruth Lewin Griffin Place.

Since 1996, the PHA has used the federal Low-Income Housing Tax Credit program to finance new affordable housing development. In 1995, in order to take advantage of the LIHTC program, the PHA formed an affiliated non-profit entity, PHA Housing Development Ltd., providing a Conveyances ownership structure that allows these properties to remain permanently affordable for Portsmouth residents.

In partnership with the City of Portsmouth, the PHA used the LIHTC program to create 60 new Senior Housing units in the Atlantic Heights School in 1996, Cottage Hospital in 2003, Lafayette School in 2010, and the 64 Workforce Housing units at Ruth Lewin Griffin Place in 2022. The PHA provides property management and asset management services to all properties in its portfolio, and from time to time, provides this service to other affordable housing developments in the city.

The PHA currently houses nearly 1,000 Portsmouth residents including families, seniors, people with disabilities, and members of the local workforce. The PHA also manages 459 Housing Choice Vouchers (Section 8) providing over \$3 million in annual subsidies to local landlords who agree to rent to low-income households. The PHA also hosts a Resident Services program, preschool, higher education incentive program, and after-school and summer programs for children and families.

The PHA and its properties are heavily regulated, requiring a high level of transparency and disclosure on a continual basis. The US Department of Housing and Urban Development, New Hampshire Housing, the Internal Revenue Service, and investors review and score financial statements, policies, property management metrics and physical condition of our properties.

The PHA is locally controlled by a six-member Board of Commissioners appointed by the Mayor of Portsmouth for five-year terms. The PHA appoints a six-member Board of Directors of PHA Housing Development Ltd. Two of these members serve on both boards. 100% of our leadership are volunteers and are residents of Portsmouth. To learn more about the PHA, please go to www.porthousing.org.



Purpose

In response to Portsmouth's ongoing affordable housing crisis, PHA Housing Development LTD., (LTD), a 501©3 non-profit affiliate of the Portsmouth Housing Authority (PHA), offered to study the potential redevelopment of the property currently home to the Lister Academy. To conduct this study, Portsmouth Housing requested a 90-day Right of Entry, and further pledged to cover all costs associated with this study.

The following report reflects our preliminary analysis of the Sherburne School site. Given the strong community interest in this topic, any decision to further consider development of the site is subject to additional community conversations and further deliberations of the Council. The Commissioners and Directors of the Portsmouth Housing Authority, PHA Housing Development Ltd., and the community stakeholders we represent, welcome this opportunity to present a factual analysis of the site and the policy context wherein the decision to proceed should be considered.

Policy Context

Expanding the supply of permanently affordable housing in Portsmouth is a long-standing and well-documented priority, as evidenced by the numerous committees, reports, studies, and plans that have been formally adopted by successive City Councils for decades (see Appendix), and more recently evidenced by the over 500 applicants to the new Ruth Lewin Griffin Place Workforce Housing at 160 Court Street. A recent statewide UNH Survey Center poll published in March 2023 shows that by far, the most important challenge facing New Hampshire is the lack of affordable workforce housing for our residents.

If the city fails to address the shortage of affordable housing here, it risks losing the social and economic vitality it treasures – vitality driven, in part, by those who are employed in public services, our thriving creative economy, world-class hospitality industry and many other sectors. Notwithstanding this broad community consensus that there is a serious housing shortage in the city, only 60-units of permanently affordable housing have been built in the past half-century, until the introduction of the 64 new rental units at Ruth Lewin Griffin Place in 2022. Despite explosive growth in luxury housing and commercial development within the community, our affordable housing inventory has not kept up.

The Critical Need for Housing

In August 2022, Portsmouth Housing commissioned an independent analysis of housing market conditions for Portsmouth. The results were entirely consistent with the policy direction embraced by City Councils over the past several decades, adding important new context to the discussion. Portsmouth’s population has steadily increased since 2000; the Millennial generation, a key component of the community workforce, comprises the largest segment of this population. However, the growth in recent years has been driven by high-income households, leaving little to no housing options for more moderate-income members of our workforce. **In other words, Portsmouth continues to gentrify, while the vast majority of our workforce including current and often long-term members of our community must find other housing options outside of the city.**

The New Hampshire Office of Energy and Planning estimates that between now and the end of this decade, subject to variables in job growth, Portsmouth could support 1,500 new rental units affordable to people making under 80% of the area median income. Vacancy rates for both owner and rental housing remain exceptionally low (<2%) and with high demand from higher income households, prices have risen sharply since 2019. Millennials (25–34), who represent a higher share of renters, are facing higher percentage increases in rents compared to home prices in a tightening market.

These trends are causing younger residents to seek housing options outside Portsmouth. Indeed, according to data provided by the US Department of Housing and Urban Development, nearly 38% of renter households and 28% of homeowners, are considered “cost burdened”, spending more than 30% of their household income on rent. Fifteen percent (15%) of these renters are spending more than 50% of income on housing.

Ten Largest Occupation Categories, Portsmouth 2021*

Position	# Positions	Adj Median Earnings **
Office/Administrative Support	4,787	\$31,988
Sales	3,890	\$25,623
Food Preparation and Serving	2,804	\$20,561
Transportation/Moving	2,389	\$26,150
Management	2,149	\$92,892
Computer/Mathematical	1,832	\$70,311
Business/Financial Operations	1,769	\$57,297
Production	1,718	\$32,818
Healthcare Practitioners/Technical	1,685	\$60,936
Healthcare Support	1,350	\$25,392

The demand for affordable workforce housing is perhaps best illustrated by this chart which quantifies the number of persons employed in Portsmouth with annual earnings which would qualify them for affordable workforce housing such as that proposed for the Sherburne School site (or equivalent).

*(EMSI 2022.1-QCEW Employees)

**Median earnings below 80% Area Median Income highlighted in yellow

Site Analysis

When evaluating sites for new construction of affordable housing, Portsmouth Housing considers the following site characteristics to ensure the proposed development will respond to the needs of future residents, existing neighbors, and financial feasibility.

Economies of Scale - With all new developments, Portsmouth Housing seeks to identify sites that will accommodate 40 or more units of housing. This scale of development is responsive to the extraordinary housing need, and offers economies of scale in development and operation, thereby enabling Portsmouth Housing to develop, own and manage to the highest possible standard. Based upon our initial site review, the 5 acres of land at Sherburne School offers a potential opportunity to develop greater than 40 units of affordable housing, and therefore is an attractive candidate.

Neighborhood Context - The Sherburne School parcel abuts Interstate 95, a densely developed office and industrial complex, and a small neighborhood of approximately 19 single-family homes to the south. The Pannaway Manor neighborhood sits to west of the site, on the opposite side of I-95, and is largely screened from the Sherburne School site. Portsmouth Housing believes the development of a four-story multifamily housing structure provides a reasonable land use transition between the high-density commercial development to the north, and the single family homes to the south and west. The design of a multifamily housing development at Sherburne School site would necessitate a careful evaluation of the local design context, height, massing, and materials.

The portion of the site identified for the proposed multifamily building(s) behind the school building is located approximately 13 feet below the street grade, which would enable a 4-story building to “read” like a 3-story structure, largely obscured by the existing Sherburne School building, and designed to standards of the Noise Overlay District. Should the Council decide to proceed with a housing development at the site, Portsmouth Housing will ensure the development is consistent with the neighborhood context.

Sherburne School Building Historic Preservation – According to City records, the Sherburne School building is approximately 17,000 s.f single-story structure built around 1930 and is currently home to the Lister Academy. The school building is well suited for adaptive reuse in its current form, and will provide an important bridge between the history of the site and any new development. If the City or any other entity does not wish to adequately fund the redevelopment and operations for a mix of uses at the site, including the use of the school building for something other than housing, Portsmouth Housing recommends the preservation and adaptive reuse of the building for housing.

Site Analysis

Environmental conditions - Portsmouth Housing is committed to expending significant resources to confirm the sufficiency of soils and the absence of incompatible environmental conditions. Initial observations by our Architecture and Engineering team suggest that there are no subsurface conditions that would render the site incompatible with multifamily residential use, providing that the design will carefully evaluate and mitigate roadway noise conditions. The site is well served by municipal services (e.g., public water, sewer, gas, electric) but a more detailed evaluation of public infrastructure will occur if the Council elects to proceed with consideration of the site. (See Appendix)

Traffic - Portsmouth Housing engaged traffic engineers to conduct a full traffic study of potential impacts the site and its surroundings. (See Appendix) This study shows that traffic from this proposed housing development is all primary trips and adds 9 new trips in the AM Peak Hour and 42 new trips during the PM Peak Hour. That is less than one new trip per minute during peak hours. Therefore, only minor impacts are caused to the study area intersections. The existing intersections will operate acceptably with adequate reserve capacity in opening and future years.

Sustainable Development Opportunity - Portsmouth Housing is committed to the highest possible sustainability standards. The recently developed Ruth Lewin Griffin Place was named Building of the Year by the US Green Building Council's NH Chapter as the highest scoring LEED project in NH in 2022. In considering the Sherburne School site, Portsmouth Housing has directed its team to pursue an even higher standard for the development, such as Passive House or Net Zero development. The site offers excellent solar access, and the team is well qualified to achieve these goals.

Recreational Opportunities - The developable portion of the site is currently improved by a softball field. While new, less land intensive recreational opportunities can be included in a new development, this field will need to be relocated in order to allow a viable scale of housing to be built. Recently, the City Council adopted a new Capital Improvement Plan reprioritized \$100,000 to FY24 and \$3,000,000 to FY25 for construction of additional turf fields in the city.

Property Taxes - Any workforce housing developed by the PHA will contribute payments to the City consistent with NH RSA 72:23-k.

Answers to Additional Questions

Workforce Housing Defined – Consistent with the high demand in for workforce housing in the city, Portsmouth Housing recommends a workforce housing be developed at the site. NH Housing defines workforce housing in part as permanent housing, intended as a primary year-round residence that is available to households regardless of age, and is best provided near places of employment. Workforce housing can include, but is not limited to, subsidized housing, affordable housing, and mixed-income housing. It refers to a broad range of places to live, meeting the needs of families and individuals that represent the majority of New Hampshire’s diverse workforce. The term affordable housing is generally used to describe housing in which the cost of rent and utilities is at or below 30% of gross income of a household.

Permanent Affordability – Any new rental housing development sponsored by Portsmouth Housing will utilize the federal Low-Income Housing Tax Credit program to fund the project. The LIHTC program is highly regulated by the New Hampshire Housing Finance Authority and will include a 99-year affordability covenant. In Portsmouth Housing’s 70-year history, none of the housing we own and manage has been converted into market rate housing.

Management – All PHA management and operations are locally controlled. The PHA serves as property manager and asset manager for all properties in PHA’s owned and managed portfolio. The physical condition of our properties is subject to routine inspections by our regulators, including the accounting and use of capital reserve funds and maintenance operating budgets. Our regulators also approve and monitor admissions policies, compliance, financial statements, and budgets associated with managing these assets.

Zoning – As is the case for other Portsmouth Housing developments on City owned properties at Connors Cottage and Lafayette School, the Sherburne School property is in a Municipal (M) zone. The zoning designations for the butting parcels to the Sherburne School site include Industrial (I), Office Research (OR), and Single Residence B (SRB).

Project Funding - The PHA and its properties are funded by rental income, federal contracts, fees, and grants, not by Portsmouth taxpayers. Any housing developed at Sherburne School will be paid for, financed, leased and managed by the PHA and its affiliates.

Conveyances – The PHA anticipates that a new housing development at Sherburne School will be best served by the City maintaining ownership of the property, and granting a land lease to the development.



Process – Timing

As explained before, the only way to produce affordable housing is by utilizing the Federal Low-Income Housing Tax Credit Program. This is the same program Portsmouth Housing used to bring \$7.8 million to the city for the Ruth Lewin Griffin Place Workforce Housing which opened in June 2022, and could bring as much as \$16 million in outside funds to the city for a housing development at Sherburne School.

Given the limited supply of these LIHTC, and the strict deadlines in which to apply for them, the earliest opportunity for the city to produce new affordable housing is late 2026. Because of these rigid deadlines, this can only be achieved if building permits and entitlements are in hand by August 2024. **Delay beyond this date will cause people in Portsmouth’s workforce to spend an additional year being cost – burdened, impairing their ability invest in education, build assets, and become productive members of our community.**

Additionally, further delaying new housing development now also delays subsequent projects. Our severe shortage of affordable workforce housing is a result of our underbuilding housing for decades. Correcting this shortage will require more than one new affordable housing development to be built in the city.

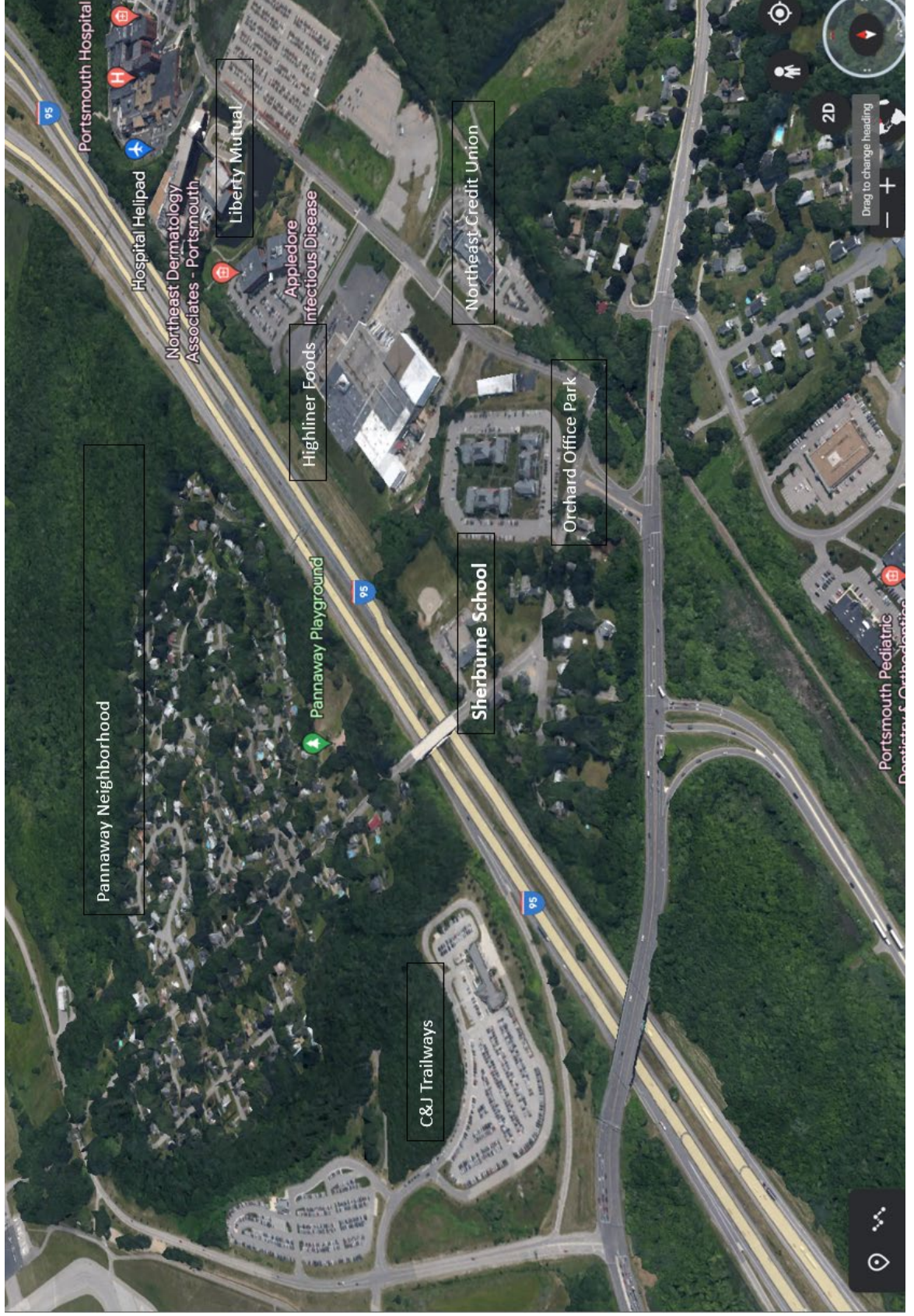
Measured by our recent history, even if we are successful in creating new housing by 2026, Portsmouth could lose more affordable housing units than we are able to build. This will further add to the unhealthy imbalance of our housing stock, while Portsmouth rents continue to rise.

Process – Recommended Key Milestones

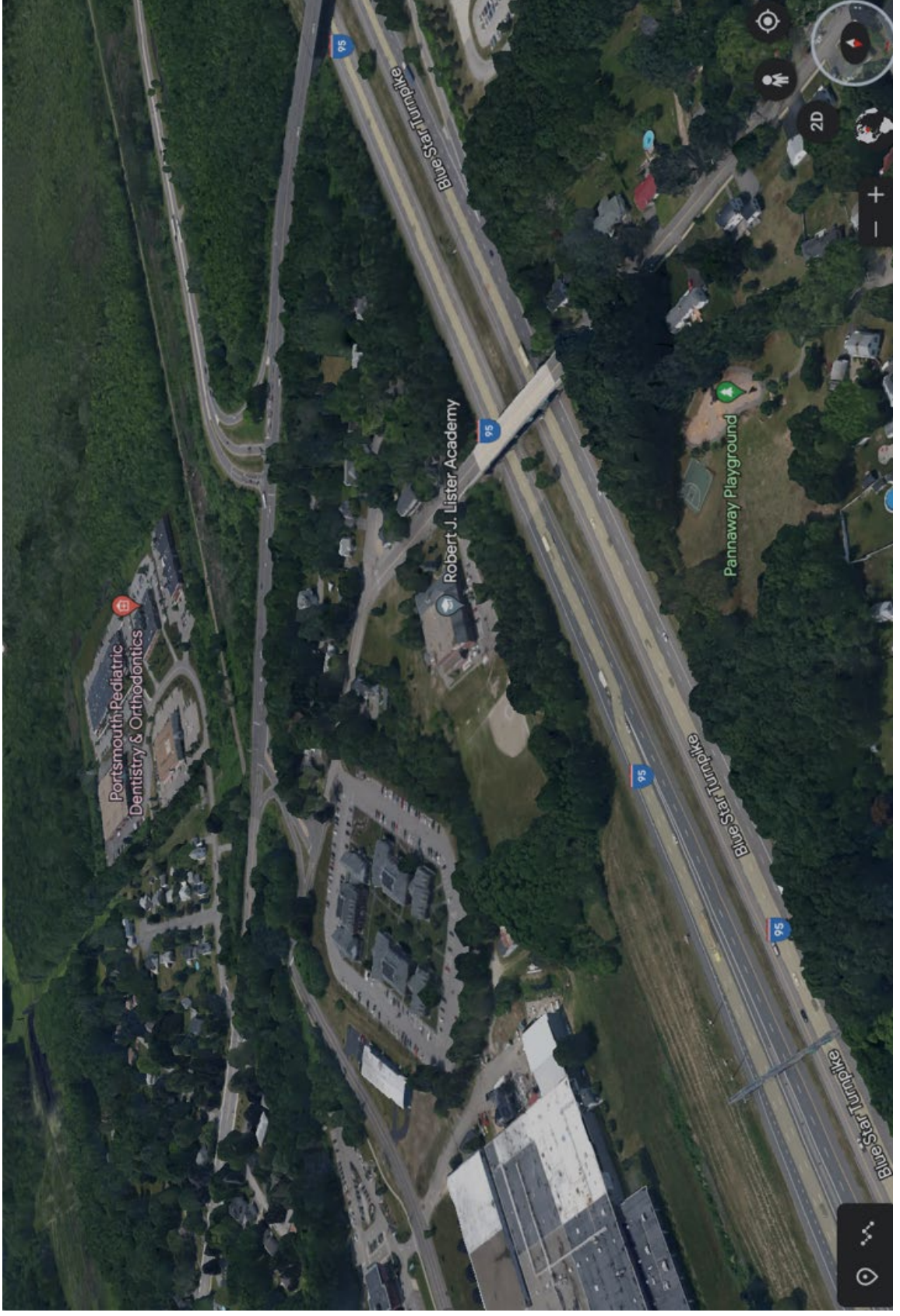
If we are to complete construction and fully occupy new workforce housing in Portsmouth by 2026, the PHA recommends key milestones arranged as follows.

Preliminary Analysis	Engagement & Concept Design	Design Development	Construction
January - June 2023	June - November 2023	November 2023 - April 2024	December 2024 - June 2026
PHA Financial Commitment	Community Engagement	Detailed Design and Engineering	Construction Drawings and Building Permits
Site Review and Due Diligence	Identify Preferred Development Concept	Permitting and Entitlements	Secure Construction Bids/Contract
Identify Alternative Development Concepts	Preferred Concept Schematic Design	Design Development Contract Pricing	Financial Closing
Present Findings to Council	Present Findings to Council	Present Findings to Council	Construction Start
City Council Resolution to Proceed	City Council Resolution on Disposition	Ground Lease Agreement	Construction Completion

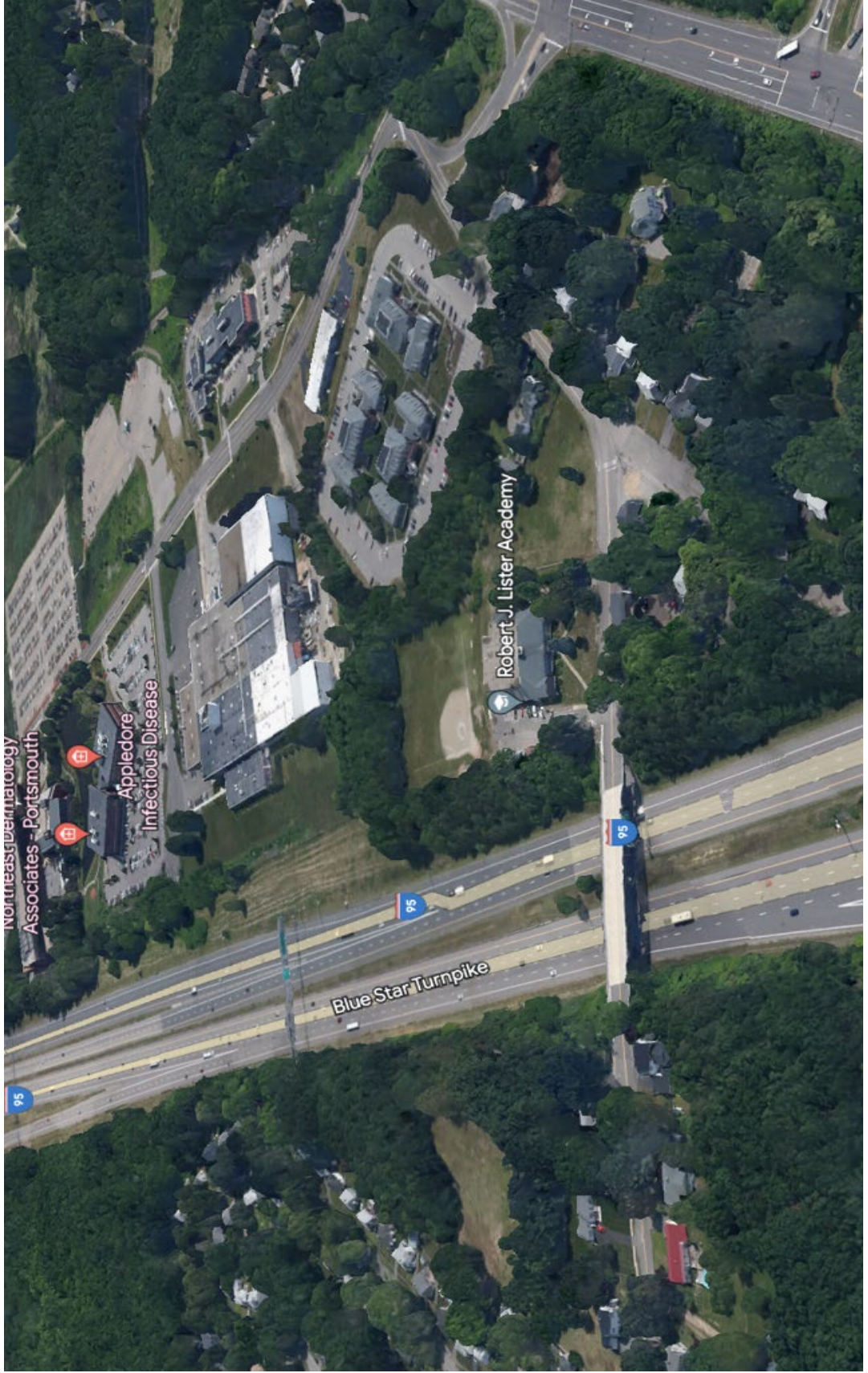
Appendix – Neighborhood Context



Appendix – Neighborhood Context



Appendix – Neighborhood Context



Appendix — Existing Conditions



Appendix — Zoning Map



Appendix

- 2005 City of Portsmouth Master Plan
<https://files.cityofportsmouth.com/files/planning/MasterPlanFinalComplete-Aug2005.pdf>
https://files.cityofportsmouth.com/files/planning/MP_ExistingConditionsFinal-May05.pdf
- 2008 City of Portsmouth Blue Ribbon Commission on Housing
<https://files.cityofportsmouth.com/agendas/2008/misc/house052908m.pdf>
<https://files.cityofportsmouth.com/agendas/2008/misc/house100208m.pdf>
<https://www.cityofportsmouth.com/planportsmouth/housing-reports-data>
- 2016 City of Portsmouth Blue Ribbon Commission on Housing
<https://files.cityofportsmouth.com/agendas/2016/misc/CNCAgenda2016-11-15.pdf>
https://files.cityofportsmouth.com/files/planning/HousingComReport_November2016.pdf
- 2016 City of Portsmouth Housing Policy
https://files.cityofportsmouth.com/files/planning/HousingComReport_November2016.pdf
- 2017 City of Portsmouth EDC Business Retention & Expansion Report
<https://files.cityofportsmouth.com/files/planning/BREPortsmouthReport10.18.17.PDF>
- 2017 Portsmouth Listens Study Circle Final Report
<https://portsmouthlistens.org/wp-content/uploads/2020/12/Affordable-Housing-Dialogue-Final-Report-2017.pdf>
- 2017-2020 PHA Strategic Plan
<https://pha.mintleafmarketing.com/assets/10ca25a4-f3a0-4d80-8640-9862980dc02f-pdf/PHA%202017%20Strategic%20Plan.pdf>
- 2025 City of Portsmouth Master Plan
<https://view.publitas.com/city-of-portsmouth/portsmouth-master-plan-adopted-2-16-2017/page/1>

Appendix

- 2022 Portsmouth Housing Development Ltd. Market Study
<https://pha.mintleafmarketing.com/assets/73f71e40-66f1-47ad-8e2e-dee0b0f05907-pdf/Portsmouth%20Market%20Analysis%20FINAL%2009.09.2022.pdf>
- NH Housing 2023 Statewide Housing Needs Assessment
<https://www.nhhfa.org/wp-content/uploads/2023/04/2023-NH-Statewide-Housing-Needs-Assessment.pdf>
- Rockingham Planning Commission 2022 Housing Needs Assessment
<https://www.therpc.org/RHNA>
- UNH Survey Center March 21, 2023 Poll
https://scholars.unh.edu/survey_center_polls/732/
- Sherburne School SRW Engineers Environmental Site Assessment 2023
<https://pha.mintleafmarketing.com/assets/b24a222e-92db-4872-b89f-21786893c5af-pdf/Sherburne%20School%20Phase%20I%20ESA.pdf>
- Sherburne School Traffic Study – TF Moran
<https://pha.mintleafmarketing.com/assets/067bcc7c-af57-42be-8969-36579f6b21e1-pdf/2023%20TF%20Moran%20Sherburne%20Traffic%20Study.pdf>

This report authored by
PHA Housing Development Ltd., for the
City of Portsmouth
June 2023

Portsmouth Housing Authority

Tom Ferrini, Chair
Kara Rodenhizer, Vice-Chair
Daniel Main, Treasurer
Robin Pickering, Assistant Treasurer
Kathleen Bergeron, Commissioner
Michael Griffin, Commissioner

PHA Housing Development Ltd.

Adam Ruedig, President
Katherine Kane, Vice President
Kathleen Bergeron, Treasurer
Thomas Ferrini, Secretary
John Bohenko, Director
Ernie Carrier, Director

Craig W. Welch
Executive Director
603-436-4310 x 118
CraigWelch@nh-pha.com
www.porthousing.org



CITY COUNCIL E-MAILS

Received: June 5, 2023 (after 5:00 p.m.) –June 15, 2023 (before 9:00 a.m.)

June 20, 2023 Council Meeting

Submitted on Wed, 06/07/2023 - 08:59

Full Name

Marta Hurgin

Email

marta.hurgin@gmail.com

Subject

Leaf Blowers

Address

111 New Castle Avenue

Message

Hi all -

I know our world has more pressing problems, but I think our city needs to think seriously about a leaf blower ordinance. From May until November the high pitched whining pitch of leaf blowers is inescapable in the city from 8 am to 6 pm. I want landscapers to do their job and for homeowners to use them if they wish, but the incessant leaf blowing (for really on aesthetic purposes) is affecting our quality of life - and air quality. Many towns throughout the country have passed leaf blower ordinances. There are a number of solutions beyond an outright ban.

1. Obligate landscapers to use electric leaf blowers. They are widely available for purchase. They are quieter and much better for the environment. Do you know gas leaf blowers spew more toxins into the air than a trip taken by a pick up truck! This is an easy solution to assist in our air quality. See <https://www.nytimes.com/2021/10/25/opinion/leaf-blowers-california-emissions.html>
2. And these are not mutually exclusive solution. Obligate landscapers to only use them during certain days or times. At least we can ensure that we are not subjected to the noise and pollution every day.

Portsmouth will not be alone! These ordinances are being passed around the country for good reason! Please act now for a simple solution to add to the quality of life for everyone in the city.

<https://www.usatoday.com/story/news/nation/2023/04/30/gas-leaf-blower-mower-bans-spread-us-fight-climate-change/11746893002/>

<https://marbleheadcurrent.org/2023/05/03/marblehead-town-meeting-beefs-up-leaf-blower-ban/>

<https://www.cbsnews.com/losangeles/news/gas-powered-leaf-blowers-now-banned-in-pasadena/>

<https://www.boston.com/news/local-news/2022/03/08/lexington-leaf-blowers/>

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

Submitted on Wed, 06/07/2023 - 15:47

Full Name

Joel Brown

Email

joelrobertbrown@gmail.com

Subject

Thank you! RFQ Sports Complex

Address

211 Union St

Message

City Councilors, Thank you for moving forward with the RFQ for a Sports Complex. I'm well aware of these partnerships in Massachusetts and they are all extremely successful. This type of complex will add a great deal of enjoyment to the entire Portsmouth community. Skating with friends and family with people of all ages enjoying this facility is what we can look forward to. Having the privilege of being the Portsmouth High Boys Hockey Coach I can assure you this Complex goes well beyond hockey. As a swimmer and Life Guard in Portsmouth I know how special both pools are to our city. Young children learning to swim and people in their 90's swimming several times per week. The indoor complex will be a fun place for people of all ages too. Lastly I would like to offer my help. My best friend worked closely with <https://essexnorthshore.org/> on their indoor sports complex. It's been several years and they remain thrilled with the partnership. These partnership are really cash positive. As a successful business person, proud resident of Portsmouth, Head Hockey Coach at Portsmouth High School and City Lifeguard I am happy to help in any way possible. <https://www.linkedin.com/in/joel-brown-3935527/>. Thank you Coach Joel Brown

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, 06/09/2023 - 13:06

Full Name

Erik Anderson

Email

andy42152@aol.com

Subject

Sherburne School

Address

Portsmouth, , New Hampshire. 03801

Message

Dear Councilors,

With the publication in today's Portsmouth Herald (6/8/23) on the city councils intentions pertaining to work force housing at the Sherburne School sight there was me3ntion of a "Blue Ribbon" committee that would work in any development of that facility. This message would volunteer my time and commitment to such a committee. I am a resident of Pannaway Manor who has great interest and concern with regard to this subject and would appreciate participation in this process. Thank you for your time and welcome any reply.

Erik Anderson

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

Submitted on Tue, 06/13/2023 - 16:21

Full Name

Pamela Barrett

Email

pambarrettnh@gmail.com

Subject

McIntyre building

Address

Portsmouth, New Hampshire. 03801

Message

Why are you letting the building go to auction? It makes no sense to me when it is needed for housing. Some of you ran for a seat on the council and agreed that housing was the number one priority. You can obviously see The handwriting on the wall when a developer owns the building.. I would like to know why the city did not purchase it.

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



June 12, 2023

Portsmouth Mayor McEachern and City Council
1 Junkins Ave.
Portsmouth, NH 03801

Mayor McEachern and City Council,

The Music Hall respectfully submits this request to The City of Portsmouth to grant approval for the closure of Chestnut Street on Saturday, July 8, 2023 for “Dan Brown’s Wild Symphony with Portsmouth Symphony Orchestra” taking place at The Music Hall Historic Theater. The event itself will begin at 3PM and conclude at 4PM. We request that Chestnut Street be closed from 11AM to 5:30PM on Saturday, July 8, 2023. The expected attendance for this event is approximately 500 guests. Out on Chestnut Street, the hope is to host a brief and festive street fair for attendees of this special event. Due to the family nature of the performance, we hope to offer facepainting, a roaming magician, a photobooth, popcorn/cookies and Seacoast’s Kona Ice Truck. None of the festivities will inhibit emergency vehicles from entering Chestnut Street. A rough diagram of the layout on Chestnut Street is attached. Alcohol will not be served outside for this event, and the popcorn/cookies served will be prepared indoors. The Music Hall team will provide waste receptacles and do a full sweep of the street to ensure it is kept clean and trash-free. Porter Street will remain unobstructed for the duration of the event.

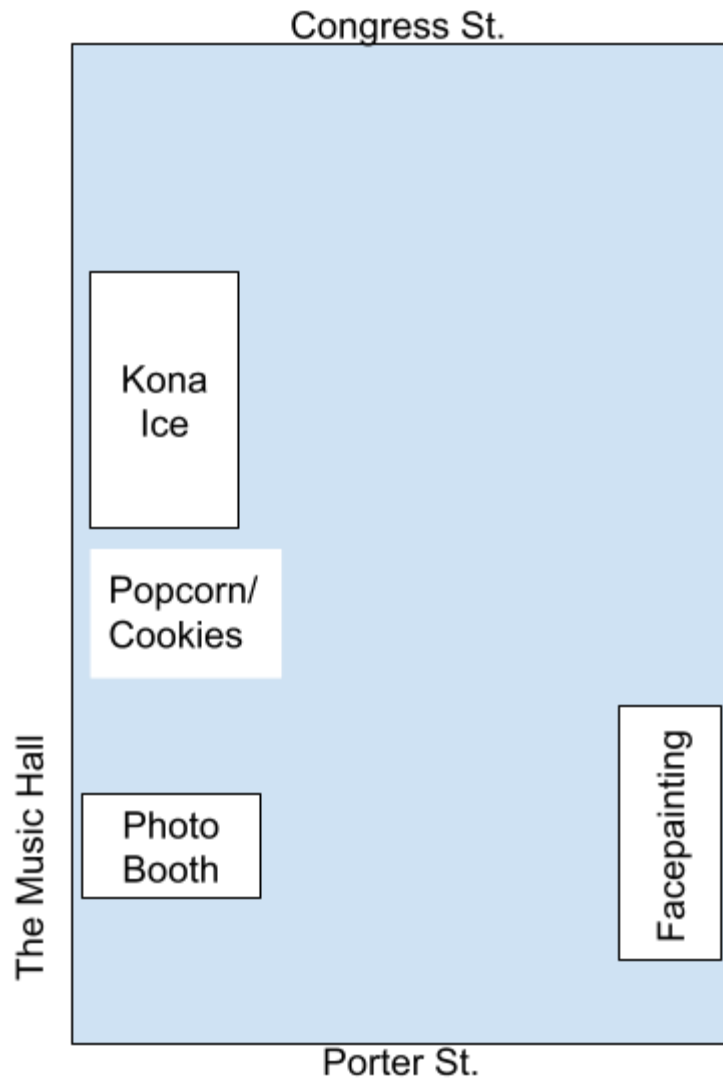
Thank you very much for your time and consideration,

Sincerely,

A handwritten signature in black ink that reads "Tina M. Sawtelle". The signature is written in a cursive, flowing style.

Tina Sawtelle
Executive Director, The Music Hall
28 Chestnut St.
Portsmouth, NH 03801
tsawtelle@themusichall.org

The Music Hall
28 Chestnut St. Portsmouth, NH 03801



received
6/12/23



PORTSMOUTH PROFESSIONAL FIRE FIGHTERS

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
LOCAL 1313

P.O. BOX 207 • PORTSMOUTH, NH 03802-0207

June 1, 2023

Mayor Deaglan McEachern and City Council
Portsmouth City Hall
1 Junkins Ave.
Portsmouth, NH 03801

Honorable Mayor McEachern and members of the City Council:

The International Association of Firefighters (IAFF) is the largest contributor to the Muscular Dystrophy Association (MDA) nationwide. The Portsmouth Professional Firefighters Local 1313 membership are proud members of the IAFF and have annually supported the MDA with their fundraising efforts for many years. Last year the members of Local 1313 raised over \$6,000 through our Fill-the-Boot campaign.

The IAFF and MDA are always looking for opportunities to raise money. Portsmouth Professional Firefighters would like to hold a Charity Pickleball Tournament at Community Campus on September 16, 2023, from 8 am to 5 pm. Our committee is still working on the details for the event. The event will have approximately 100 participants. All proceeds from entries and donations would go to MDA. Once again, we are asking for the City Council to support our efforts in assisting the MDA.

The Portsmouth Professional Firefighters began its fundraising efforts for MDA over 15 years ago. Each year the money collected has benefited afflicted children from Portsmouth, the surrounding seacoast, and across the State of New Hampshire. This year our goal is to raise \$10,000 for this worthy cause, and with the City Council's support, we believe we can achieve this.

The Portsmouth Professional Firefighters look forward to working with you on this and would like to thank you for your continued support in our efforts to help the MDA. If there are any questions or concerns, please feel free to contact Firefighter Ezekiel Tappin at 603-315-9187.

Sincerely,

Allan Scholtz, Secretary
Portsmouth Professional Firefighters Local 1313



info@pinetreeinstitute.org
206 Old Rd. Eliot ME 03903 207.965.0565
36 Maplewood Ave., Portsmouth NH 03801 603.610.8281

Date: June 14, 2023

To: Honorable Mayor & City Council Members

From: Greater Portsmouth Recovery Coalition (GPRC) Harm Reduction Subcommittee

Mark Lefebvre, Director of Community Engagement, Pinetree Institute
Honorable Tina Nadeau, NH Superior Court
Lauren McGinley, Executive Director, NHHRC
Kim McNamara, Director Public Health, City of Portsmouth
Meghan Stewart, Program Coordinator, Pinetree Institute

cc: Karen Conard, City Manager

Re: Request for Harm Reduction Parking Space Designation - 2 Hours per Week

In an effort to make a direct impact on the prevention of both fatal and non-fatal overdoses as well as prevent the transmission of infectious disease and help manage and reduce the incidence of infection in people who use drugs, New Hampshire Harm Reduction Coalition (NHHRC) is requesting permission to deliver services within the city at a designated location with our mobile overdose prevention van. The ideal location would be near a COAST bus stop such as the Community Campus site on Campus Drive.

This van will provide to people who use drugs (PWUD) accessible education, safe disposal of syringes, distribution of naloxone, and linkage to treatment/recovery services. The van is fully equipped with harm reduction supplies such as clean syringes, safe injection kits, and injection alternatives that greatly reduce health consequences like infection and death. Education and information about available treatment and recovery services are also an important part of this effort.

Harm Reduction is a series of evidence-based practical strategies used to reduce the negative consequences of drug use. These CDC- and SAMSHA-recommended services have been proven to decrease transmission of diseases, increase access to treatment, improve public safety, and prevent Fentanyl-related deaths, while also opening the door to treatment and recovery.

The van is also hosted in cities such as Concord and Manchester. With the lack of harm reduction services in Rockingham County, the mobility of this van would be an asset to caring for PWUD and their loved ones, and our overall community.

Mark Lefebvre, Program Director
Greater Portsmouth Recovery Coalition
mark@pinetreeinstitute.org
603-502-8900

Date: June 14, 2023

Greater Portsmouth Recovery Coalition

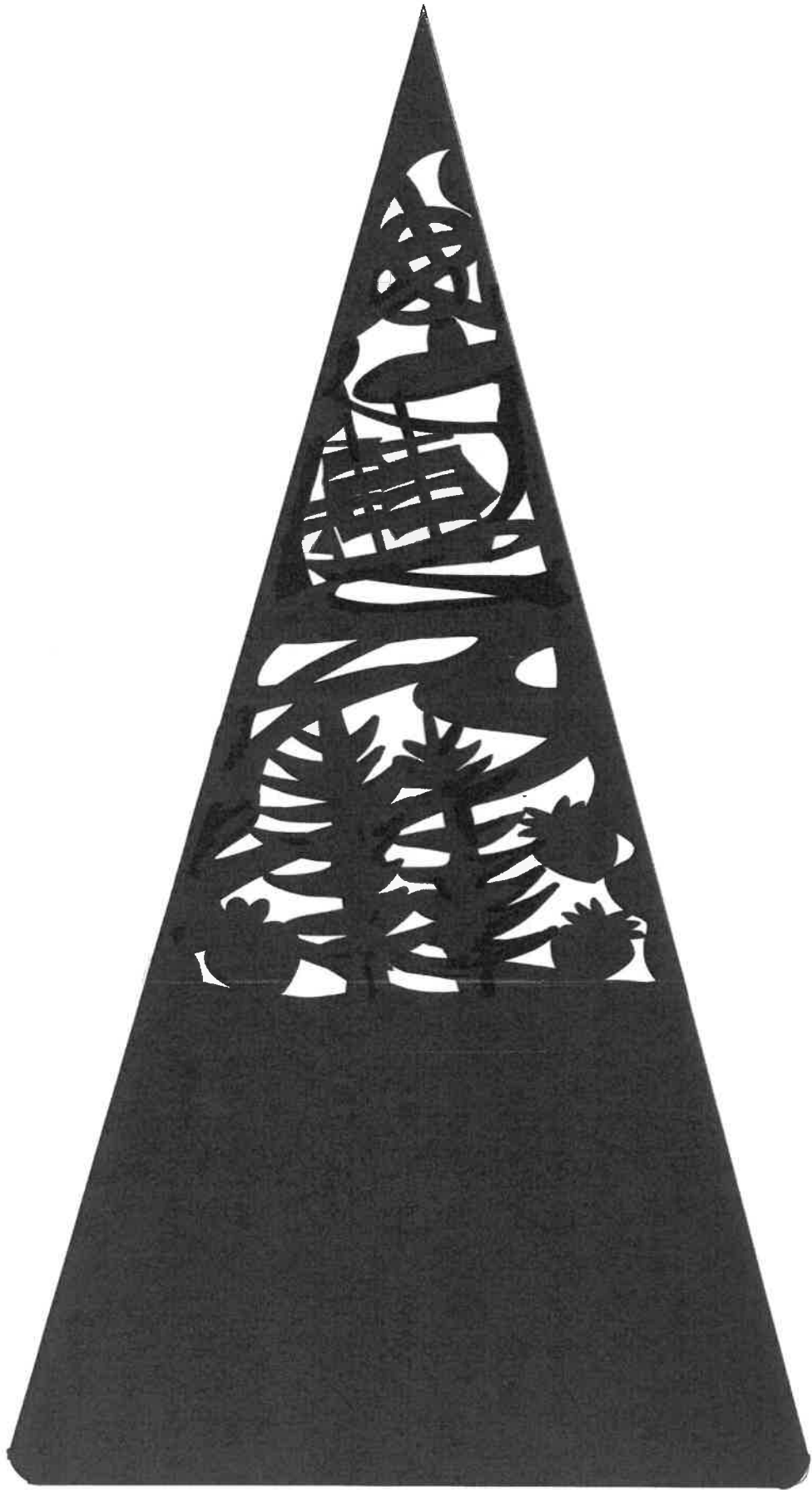
June 8, 2023

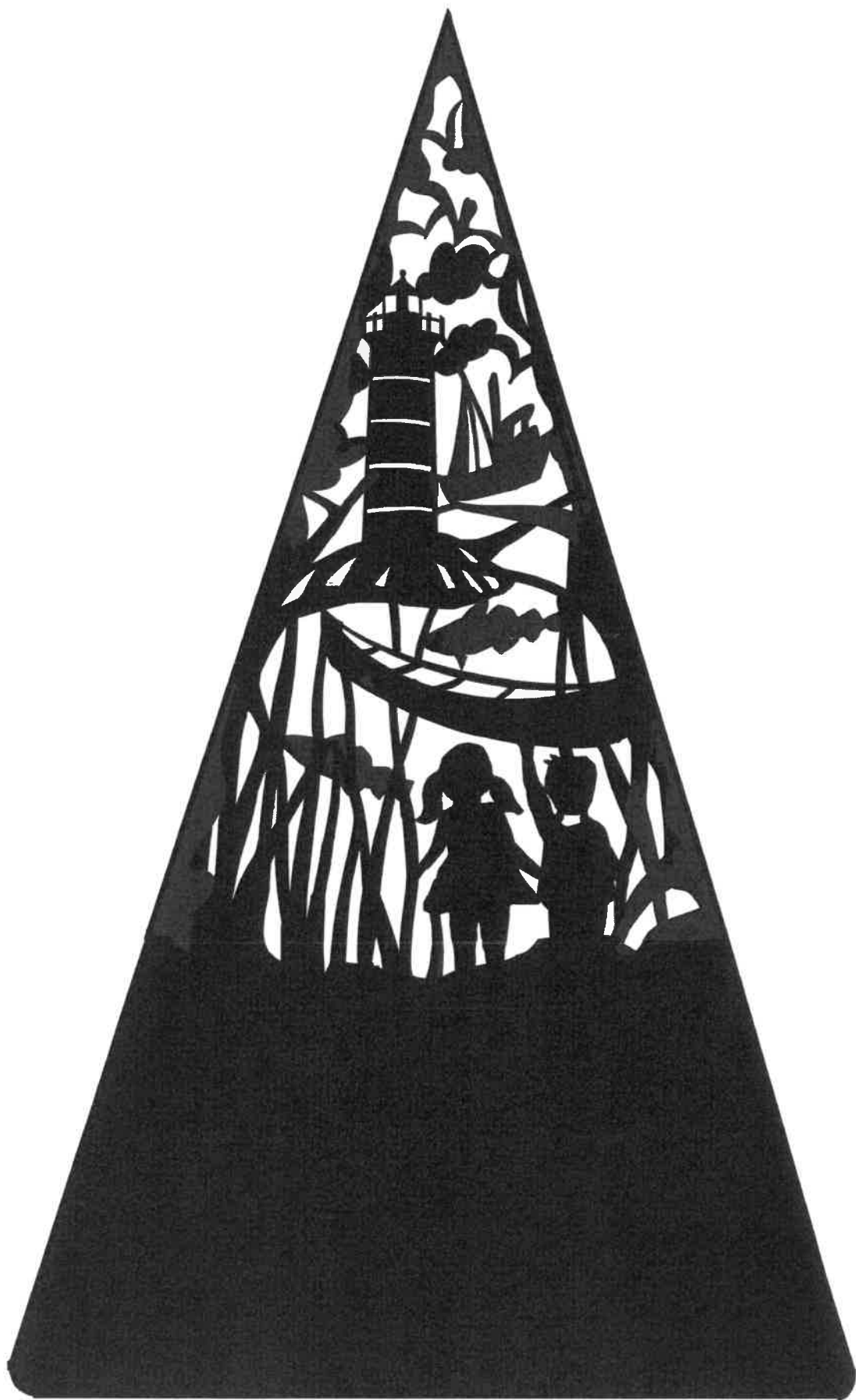
Safe Water Advisory Group Member

In June 2021, SWAG member and Portsmouth resident Lindsey Carmichael resigned from the SWAG due to moving out of state and no longer living in the local area. The SWAG has not yet replaced her open position. City of Portsmouth resident Jim Hewitt has been following the work of the SWAG and sending emails with information and suggestions for the SWAG. We recommend inviting Jim Hewitt to join the SWAG to fill the vacant position left open by former Portsmouth resident Lindsey Carmichael. We feel Mr. Hewitt would be an appropriate SWAG member given he is engaged in water issues, is a Portsmouth resident, and an engineer.

Andrea Amico, Co-Chair

Brian Goetz, Co-Chair





PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – June 1, 2023
Conference Room A

PRESENT: Members: Deputy Police Chief Mike Maloney; Public Works Director Peter Rice; Erica Wygonik; Mary Lou McElwain; Steve Pesci; Harold Whitehouse; Mark Syracuse; Stefanie Casella, Planning Department; Fire Chief Bill McQuillen

City Staff: City Engineer Eric Eby, Parking Director Ben Fletcher, Associate Engineer Tyler Reese

ACTION ITEMS FOR CITY COUNCIL

- Chapter 7, request to raise the threshold for boot and tow for unpaid parking tickets from the current \$125 to \$250: **Voted** to approve raising the threshold for boot and tow for unpaid parking tickets, from \$125 to \$250.
- Loading Zones, approval of change in parking hours at select locations. (Specific information was not provided at time of last month's vote): **Voted** to approve change in parking hours at specified loading zones.
- Islington Street and Middle Road, speed limit trials: **Voted** to maintain 25 MPH speed limit on a permanent basis.

- Roll Call
- Financial Report: **Voted** to accept and place on file Financial Report dated April 30, 2023.
- Public Comment Session: There were sixteen speakers: Anne Poubeau, Martin Ryan, Claire Prout, Randall Leach, Bill Blum, Elizabeth Bratter, Beth Lamontagne-Hall, Becky Vardell, William Davis (Z), Rick Becksted (Z), Anna Leijon-Guth (Z), Teresa Hill (Z), and Nancy Johnson (Z) gave feedback regarding the mini-roundabout trial at Bartlett and Thornton Streets. Liza Hewitt voiced support for keeping speed limits on Islington and Middle Road at 25 mph. Ms. Hewitt also expressed concerns that the jersey barriers downtown with screens and/or plantings on them are obstructing traffic views. Carl Diemer requested speed bumps on Aldrich Road.
- Presentation by Wall Consulting Group on State Street 2-way traffic modeling
- Bartlett Street, report back on mini-roundabout at Thornton Street: **Voted** to continue the pilot for 30 days.
- Court Place, request to relocate handicap parking space, by South Church: **Voted** to relocate handicap parking space.

- **Chapter 7, request to raise the threshold for boot and tow for unpaid parking tickets from the current \$125 to \$250:** Voted to approve raising the threshold for boot and tow for unpaid parking tickets, from \$125 to \$250.
- **Islington Street and Middle Road, speed limit trials:** Voted to keep speed limits at 25 MPH on a permanent basis.
- **Loading Zones, approval of change in parking hours at select locations:** Voted to approve change in parking hours at specified loading zones.
- **Monthly Accident Report from Police:** Informational; no action required.
- **Mayor's bike ride:** Informational; no action required.
- **Islington Street reconstruction Phase 2 begins June 5:** Informational; no action required.
- **Adjournment:** Voted to adjourn 10:10 A.M.

Respectfully submitted by: Leila Birr

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

Members of the public also had the option to join the meeting over Zoom.

8:30 AM

June 1, 2023

MINUTES

I. CALL TO ORDER

Vice Chairman Steve Pesci called the meeting to order at 8:30 a.m.

II. ATTENDANCE

Members Present:

Vice Chairman Steve Pesci
Public Works Director Peter Rice
Deputy Police Chief Mike Maloney
Fire Chief William McQuillen
Stefanie Casella, Planning Department
Erica Wygonik (Alternate)
Harold Whitehouse
Mary Lou McElwain
Mark Syracuse

Absent

Chairman Andrew Bagley

City Staff Present:

Parking Director Ben Fletcher
City Engineer – Parking, Transportation and Planning Eric Eby
Associate Engineer Tyler Reece

III. FINANCIAL REPORT

[00:02:46] Peter Rice moved to accept the Financial Report dated April 30, 2023, and place it on file, seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

IV. PUBLIC COMMENT (15 MINUTES)

This is the time for all comments on any of the agenda items or non-agenda items.

[00:03:06] There were sixteen speakers: Anne Poubeau, Martin Ryan, Claire Prout, Randall Leach, Bill Blum, Elizabeth Bratter, Beth Lamontagne-Hall, Becky Vardell, William Davis (Z), Rick Becksted (Z), Anna Leijon-Guth (Z), Teresa Hill (Z), and Nancy Johnson (Z) gave feedback regarding the mini-roundabout trial at Bartlett and Thornton Streets. Liza Hewitt voiced support for keeping speed limits on Islington and Middle Road at 25 mph. Ms. Hewitt also expressed concerns that the jersey barriers downtown with screens and/or plantings on them are obstructing traffic views. Carl Diemer requested speed bumps on Aldrich Road.

[00:43:40] Peter Rice made a motion to bring item VII.A. forward after the State Street presentation, seconded by Mark Syracuse.

V. PRESENTATIONS

[00:44:40] State Street 2-way traffic modeling, by Wall Consulting Group.

[01:04:15] Peter Rice moved to allow questions outside of public comment on the presentation, seconded by Harold Whitehouse. Councilor Beth Moreau and Planning Board Chairman Rick Chellman spoke.

VII. OLD BUSINESS

A. [01:15:41] Bartlett Street, report back on mini-roundabout at Thornton Street. Mark Syracuse moved to continue the pilot for 30 days with observation and documentation, seconded by Peter Rice. **Motion carried 9-0.** Eric Eby will prepare a frequently asked questions document.

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

A. [01:33:31] Court Place, request to relocate handicap parking space, by South Church. Peter Rice made a motion to relocate handicap parking space on Court Place, as shown on plan. Seconded by Mary Lou McElwain. **Motion passed on unanimous vote, 9-0.**

B. [01:33:49] Chapter 7, request to raise the threshold for boot and tow for unpaid parking tickets from the current \$125 to \$250. Peter Rice moved to approve raising the threshold for boot and tow for unpaid parking tickets, from \$125 to \$250. Seconded by Mary Lou McElwain. **Motion passed on a unanimous vote, 9-0.**

VII. OLD BUSINESS

- B. [01:37:33] Islington Street and Middle Road, speed limit trials. Peter Rice moved to keep speed limits at 25 MPH, seconded by Mark Syracuse. **Motion passed unanimously, 9-0.**
- C. [01:38:01] Loading Zones, approval of change in parking hours at select locations. Peter Rice made a motion to approve the change in parking hours at specified loading zones. Seconded by Erica Wygonik. **On a unanimous vote motion passed 9-0.**

VIII. INFORMATIONAL

- A. [01:40:01] Monthly Accident Report from Police.
- B. [00:40:31] The Mayor's bike ride will be held on June 11, due to rain on the original date.
- C. [01:41:01] Islington Street reconstruction Phase 2 begins June 5.

IX. MISCELLANEOUS

[01:41:37] Erica Wygonik inquired about the work being done at Summer and Middle Streets.

X. ADJOURNMENT

[01:42:16] Harold Whitehouse moved to adjourn at 10:10 a.m., seconded by Mary Lou McElwain. **On a unanimous vote, motion passed 9-0.**

Respectfully submitted,

Leila Birr
Administrative Assistant
Department of Public Works

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article VI – LOADING ZONES, Section 7.601 – **LIMITED HOURS LOADING ZONE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE VI: LOADING ZONES

Section 7.601: LIMITED HOURS LOADING ZONES

The following locations are established as “Limited Hours Loading Zones” during “Loading Zone Hours” which are defined as Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below. During Loading Zone Hours only licensed commercial vehicles, vehicles marked for commercial purposes and unmarked noncommercial vehicles with Loading Zone Permits may utilize Limited Hours Loading Zones for up to 30 consecutive minutes if actively engaged in loading or unloading product, merchandise or equipment. At all other times these Loading Zones shall be open parking for all vehicles.

1. Bow Street: northerly side beginning 40 feet west from Chapel Street and continuing west for a distance of 70 feet **from 6:00 AM to 3:00 PM** ~~in addition to~~ Monday through Saturday, ~~this location shall also be a loading zone~~ **and on Sunday** from 6:00 a.m. to 12:00 p.m.
2. Brewster Street: easterly side, beginning 40 feet north of the northerly curblineline of Islington Street and running 40 feet in the northerly direction, between the hours of 7 AM and 3 PM, Monday through Friday.
- ~~3. Bridge Street: westerly side, beginning 50 feet north from the intersection of Bridge Street and Islington Street for a distance of 40 feet.~~
- ~~4.~~**3.** Congress Street:
 - a. northerly side, beginning 9 feet west from the intersection of Fleet Street and Congress Street running for a distance of 136 feet **from 6:00 AM to 3:00 PM Monday through Saturday, and on Sunday from 6:00 AM to 12:00 PM.**
 - b. southerly side, beginning 130 feet east from the intersection of Fleet Street and Congress Street running for a distance of 49 feet **from 6:00 AM to 3:00 PM Monday through Saturday, and on Sunday from 6 AM to 12:00 PM.**

- ~~5-4.~~ Daniel Street: southerly side, beginning 37 feet west from Penhallow Street for a distance of 65 feet **from 6:00 AM to 3:00 PM Monday through Saturday, and on Sunday from 6:00 AM to 12:00 PM.**
- ~~6-5.~~ Deer Street: southerly side, west from Market Street a distance of 60 feet **from 6:00 AM to 9:00 AM Monday through Saturday, and on Sunday from 6:00 AM to 12:00 PM.**
- ~~7-6.~~ Hanover Street:
- a. northerly side, beginning at a distance of 106 feet from the western most point of the southwesterly curblineline of Market Street for a distance of 45 feet.
 - b. southerly side, beginning at the westerly curblineline of Fleet Street and running westerly for 90 feet, from 6:00 a.m. to 11:00 a.m.
 - c. all parking spaces on the northerly side between Portwalk Place and Maplewood Avenue from 6:00 a.m. to 9:00 a.m.
- ~~8.~~ ~~High Street: easterly side, in a southerly direction from Ladd Street a distance of 50 feet.~~
- ~~9-7.~~ Market Street:
- a. easterly side, south for a distance of 50 feet, beginning at Commercial Alley **from 6:00 AM to 3:00 PM Monday through Saturday, and on Sunday from 6:00 AM to 12:00 PM.**
 - b. easterly side, south for a distance of 40 feet, beginning at Bow Street from 6:00 a.m. to 7:00 p.m. ~~In addition, from 7:00 p.m. to 6:00 a.m., Monday through Sunday, this area shall be designated as a taxi stand per Section 7A.408.~~
 - c. westerly side between Russell Street and Deer Street, from November 1st through March 30th, 2:00 a.m. to ~~5:00 p.m.~~ **12:00 PM** Monday **through** Friday, ~~2:00 a.m. to 1:00 p.m. Saturday.~~
- ~~10-8.~~ Pearl Street: easterly side from a point thirty feet (30') north of Islington Street to a point seventy feet (70') north of Islington Street.
- ~~11-9.~~ Penhallow Street: westerly side, beginning at Commercial Alley and running northerly for a distance of 45 feet. ~~In addition to Monday through Saturday, this location shall also be a loading zone from 6:00 a.m. to 12:00 p.m. on Sunday~~ **from 6:00 AM to 3:00 PM Monday through Saturday, and on Sunday from 5:00 PM to 8:00 PM.**
- ~~12-10.~~ Pleasant Street: easterly side, beginning 94 feet south of the southerly curblineline of Daniel Street and running southerly for a distance of 45 feet **from 6:00 AM to 9:00 AM Monday through Saturday, and on Sunday from 6:00 AM to 12:00 PM.**

13-11. State Street:

- a. northerly side, beginning 40 feet east from Pleasant Street for a distance of 40 feet. ~~In addition, from 7:00 p.m. to 6:00 a.m., Monday through Sunday, this area shall be designated as a taxi stand per Section 7A.408.~~
- b. southerly side, beginning 20 feet west from Atkinson Street for a distance of 57 feet **from 6:00 AM to 3:00 PM Monday through Saturday, and on Sunday from 6:00 AM to 12:00 PM.**

14-12. Vaughan Street: westerly side, beginning at the intersection with Raynes Avenue and running southerly for a distance of 60 feet, from 6 AM to 9 AM.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article X TOWING, Section 7.1004 – **TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE X: TOWING

Section 7.1004: TOWING OR IMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES

A. Notwithstanding any other provisions of these Ordinances, motor vehicles may be towed and stored, or otherwise immobilized by a mechanical device for non-payment of parking fines, in accordance with the following terms and conditions:

1. **PARKING CLERKS:** The City Manager is hereby authorized to designate one or more Parking Clerks. The Parking Clerk may be any individual employed by the City of Portsmouth whose position of employment is conducive to the performance of the duties contained in this section.
2. **OWNERSHIP OR CONTROL:** The fact that a motor vehicle which is illegally parked is registered in the name of a person, business, or corporation, shall be considered prima facie proof that such person, business, or corporation was in control of the motor vehicle at the time of such parking or that such person, business, or corporation had authorized the use of such registered motor vehicle.
3. **ILLEGALLY PARKED:** The term "illegally parked" as used in this particular section and all other sections concerning PARKING in the Ordinances of the City of Portsmouth shall mean:

Any motor vehicle which is parked beyond the time limit for which money has been deposited in the metered space occupied by that particular motor vehicle, any vehicle parked beyond the time limit permitted in a restricted time free parking area, any vehicle parked beyond the time permitted at a restricted time- metered parking space, any vehicle parked in a designated no-parking zone, and any vehicle although legally parked, which on that particular date and time, has accumulated five or more unpaid

parking violations or which has accumulated unpaid parking violations in an amount in excess of ~~one hundred twenty-five dollars (\$125.00)~~ **two hundred fifty dollars (\$250.00)** on any or all vehicles at any time registered to the owner of said vehicle as shown on the records maintained by the Parking Clerk.

4. NOTICE: At any time subsequent to the accumulation of unpaid parking fines in excess of ~~one hundred twenty-five dollars (\$125.00)~~ **two hundred fifty dollars (\$250.00)** on any or all vehicles at the time registered to the owner of any vehicle on the records maintained by the Parking Clerk, the Parking Clerk may send a Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.
 - a. The date, time, and location of the violations leading to the issuance of the notice;
 - b. A statement to the clear effect that failure to resolve the violations prior to a certain specified date not less than five (5) days subsequent to the date of the notice, will lead to towing or immobilization of the vehicle pending such resolution;
 - c. A statement that the recipient of the notice may contact the Parking Clerk to arrange a hearing on the subject of the violations.
5. HEARING: At the request of any recipient of a notice pursuant to this section, the Parking Clerk shall arrange a hearing at the Clerk's office. Such hearing shall be scheduled during normal business hours of City Hall. The Parking Clerk shall conduct and preside over all hearings scheduled under this section. The hearings shall be informal and the rules of evidence shall not apply. At such hearings the owner of the motor vehicle which is the subject of the hearing may present any defense of law or fact which is relevant to the issue of whether or not the subject vehicle should be placed on the list of vehicles subject to towing or immobilization. The decision of the Parking Clerk shall be final, subject only to judicial review.
6. TOW OR IMMOBILIZATION LIST: The Parking Clerk shall maintain a list of vehicles which are subject to being towed and held in storage or immobilized by a mechanical device pending final resolution of unpaid parking violations. Contained on this list shall be all motor vehicles for which the notice specified in Article

4 above was provided. Motor Vehicles shall not be placed on the said list in the event that the Parking Clerk, after hearing, orders otherwise, or in the event that the fine is paid in full for all of the violations contained in the notice mailed.

7. TOWING/STORAGE OR IMMOBILIZATION: Upon the determination that any vehicle which is listed on the Tow or Immobilization List pursuant to Article 6 above is parked on any public way or in any municipal parking lot, the car may be immobilized or may be towed and stored.
8. RELEASE OF TOWED OR IMMOBILIZED VEHICLES; REMOVAL FROM LIST: Motor Vehicles may be removed from the Tow or Immobilization List, released from storage after towing or may have immobilization devices removed in the following manner:
 - (1) By order of the Parking Clerk after hearing;
 - (2) By payment in full of all parking fines attributable, arising out of the violations contained in the notice issued pursuant to Article 4 above;
 - (3) By posting a cash bond with the Parking Clerk in any amount sufficient to make payment in full of all parking fines arising out of the violations contained in the notice issued pursuant to Article 4 above to allow a judicial determination of the violations pursuant to State law;
 - (4) By a judicial determination resolving the said violations in accordance with State Law and the payment of any fine arising out of such determination.
 - (5) Any person removing an immobilization device without authority shall be guilty of a violation punishable by a fine of not more than \$500.00.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III – **BOARDS**, and Article IV – **COMMISSIONS AND AUTHORITIES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE III: BOARDS

Section 1.301: CREATION

There shall be established the following Boards in the City of Portsmouth:

- A. Planning Board
- B. Recreation Board
- C. Board of Library Trustees
- D. Personnel Advisory Board
- E. Board of Trustees of the Trust Funds
- F. Zoning Board of Adjustment
- G. Building Code Board of Appeals

Section 1.302: APPOINTMENTS, TENURE AND REMOVAL

- A. All appointees to Boards shall serve for the term appointed or until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term or until a successor shall have been appointed and qualified.
- B. **At the first meeting of the Board, Commission, or Authority in January of each year, the committee shall elect a Chair, unless a procedure is otherwise specified in the enabling section of the ordinance.** Records of attendance shall be kept by the Chair~~men~~ of Boards and Commissions appointed by the City Council. The attendance records of Boards and Commissions shall be reported to the City Council on an annual basis. If a member notifies the Chair~~man~~ of the Board or Commission prior to a meeting that **s/he/they** will not be able to attend the meeting due to sickness, vacation or out of town business travel, such absence will be considered an excused absence and so noted in the minutes of the meeting and the attendance sent to the Council. The City Council shall declare vacant the office of any member who has unexcused absences from more than one-third of the regularly scheduled meetings of the board or commission in any calendar year.
- C. In the case of appointees who must be removed pursuant to State Statute, the Chair~~man~~ of the Board or Commission shall notify the City Council in writing of any members in violation of the previous paragraph and such violation may be found by the City Council to be neglect of duty and may be grounds for dismissal.

- D. Every member of a board, commission or committee of the City, whose term is to expire, shall receive a notice from the City Clerk sixty (60) days prior to the expiration of his or her term. A copy of the notice shall be sent to the City Council. Public notice of the upcoming vacancy shall be advertised in the local newspaper.
- E. Eligibility for appointment to Municipal Boards shall be limited to residents of the City of Portsmouth. Any individual who is a resident of the City at the time of appointment to a Municipal Board shall become ineligible to remain on that Municipal Board in the event that the individual shall discontinue residency in the City. (Adopted 9/22/97)

Section 1.303: PLANNING BOARD

- A. Membership: The Planning Board of the City shall consist of nine (9) members and two (2) alternate members, specifically; (Adopted 1/23/95)
 - 1. The City Manager, or the designee of the City Manager with the approval of the City Council, who shall be an ex-officio member;
 - 2. An administrative official of the City selected by the City Manager who shall be an ex-officio member;
 - 3. A member of the City Council selected by the Mayor with the approval of the Council, who shall be an ex-officio member;
 - 4. Six residents of the City appointed by the Mayor with the approval of the City Council.
 - 5. Two (2) alternates who shall be residents of the City appointed by the Mayor with the approval of the City Council. (Adopted 1/23/95)
- B. Term: All Planning Board members shall serve as such without compensation and the appointed members shall hold no other municipal office except ward official, election official and checklist supervisors. The term of each appointed member shall be three (3) years. The Mayor shall apportion appointments so that no more than three appointments occur annually. (Amended 6/3/2002)
- C. Powers: The Planning Board shall have those powers and perform those duties identified by State law and local ordinance. (Amended 3/22/93)

Section 1.304: RECREATION BOARD

- A. Membership: The Recreation Board shall consist of ten members, namely the City Manager as a member ex-officio and nine persons appointed by the Mayor.
- B. Term: All board members shall be residents of Portsmouth and shall serve for a three year term without compensation. Appointments will be apportioned and appointed members shall hold no other municipal office.

- C. Functions: The Recreation Board shall perform the following functions:
1. Assist the Recreation Director in planning a city wide recreation program.
 2. Advise the City Manager in regard to recreational policy.

Section 1.305: BOARD OF LIBRARY TRUSTEES

- A. Membership and Term: The Board of Library Trustees shall consist of nine members and at least one of these members shall be a member of the Board of Education. All members shall be approved by the Mayor and shall be subject to the approval of the City Council. With the exception of the first appointments made under this authorization, all appointments shall be for a three year term and no member shall be eligible for more than two consecutive terms. First appointments made under this authorization shall be for such terms as will provide for three member's terms to expire each year.
- B. Powers and Duties of the Board of Library Trustees:
1. Adopt bylaws, rules and regulations for the conduct of its own business and choose its own officers.
 2. To determine objectives which will result in the continuing growth and improvement of library services and to establish policies necessary for the attainment of these objectives.
 3. Establish policies necessary for the operation of the library.
 4. Finances:
 - a. Prepare the annual budget for the Library in consultation with the librarian and present the same to the City Manager.
 - b. Receive and expend the income from all trust funds, donations and bequests made to the City for the benefit of the Library in accordance with the wishes of the done.
 - c. Expend all monies received from fines, payments for lost or damaged books, fees for providing non-resident services and other miscellaneous income.
 5. To recommend to the City Manager the appointment of the City Librarian and staff librarians.
 6. To prepare and present annual reports to the City covering all phases of the operation of the Library and to make an annual report to the N.H. State Library as may be required by the State Library Commission.
 7. Saving Clause: To perform all other acts necessary for the management and control of the Library.

Section 1.306: PERSONNEL ADVISORY BOARD

- A. Establishment: The Personnel Advisory Board shall be established in conformity with Section 49 of the Amended Charter of the City of Portsmouth, 1947, as amended.
- B. Functions: The Personnel Advisory Board shall perform the following functions:
 - 1. Exercise all power and perform all duties as stated in Section 49 of the Amended Charter of 1947, as amended.

Section 1.307: BOARD OF TRUSTEES OF TRUST FUND

- A. Establishment: The Board of Trustees of the Trust Funds shall be established in conformity with Section 67 of the amended charter of the City of Portsmouth, 1947.
- B. Functions: The Board of Trustees of Trust Funds shall perform the following functions:
 - 1. Exercise all power and perform all duties as stated in Section 67 of the amended Charter of 1947.
 - 2. Receive all trust funds which may donated or bequeathed to the City or any department thereof, unless otherwise provided or required.
 - 3. Distribute income and principle in accordance with the purpose for which the trusts were established.

Section 1.308: ZONING BOARD OF ADJUSTMENT

- A. Membership and Term: The Zoning Board of Adjustment shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of Portsmouth, appointed for terms of five years by the Mayor with the approval of the City Council. Appointments shall be apportioned, and the Board shall annually elect a Chair~~man~~ for its membership. Members and alternates shall serve without compensation and shall hold no other municipal office except ward official, election official and checklist supervisors. The Mayor shall submit the names of appointees to the council within thirty days after a vacancy occurs. (Amended 6/3/2002; amended 03/15/2021)
- B. Functions: The Zoning Board of Adjustment shall perform the following functions:
 - 1. Exercise all power and perform such duties as stated in Chapter 673:3 of New Hampshire Revised Statutes Annotated. In addition the Board shall have those powers as set forth in the Zoning Ordinance of the City of Portsmouth, Chapter 10, of this revised Code of Ordinances. (Amended 6/3/2002)

Section 1.309: BUILDING CODE BOARD OF APPEALS

It is the intent of the City of Portsmouth to establish a Building Code Board of Appeals. This ordinance authorizes the City Council to establish said Board and directs the reader to Chapter 12 of these Ordinances (City Building Code), for the specifics regarding the appeal process, membership, member qualifications, conflicts of interest, hearings, board decisions, and administration of the Building Code Board of Appeals. (Adopted 7/9/90)

ARTICLE IV: COMMISSIONS AND AUTHORITIES

Section 1.401: RESIDENCY REQUIREMENT

Eligibility for appointment to Commissions and Authorities of the City of Portsmouth shall be limited to residents of the City of Portsmouth. Any individual who is a resident of the City at the time of appointment to a Commission or Authority shall become ineligible to remain on that Commission or Authority in the event that the individual shall discontinue residency in the City. (Adopted 9/22/97)

Section 1.402: ECONOMIC DEVELOPMENT COMMISSION

- A. Membership and Term: The Economic Development Commission shall consist of nine (9) qualified regular members and one alternate member. They shall be appointed by the Mayor subject to the approval of the City Council for a term of four years. The Mayor and City Manager shall also serve as ex-officio members of the Economic Development Commission whose terms shall correspond to their respective tenure of office. (Amended 9/22/97)
- B. Powers and Duties: The Commission shall encourage the establishment of business and industry in Portsmouth and the surrounding area and promote the welfare of local industry and general business. (Adopted as amended 12/03/90)
- C.
 - 1. The Commission shall make recommendations to the City Council concerning the acquisition, bonding, developing, building, leasing and mortgaging of commercial and industrial land and buildings and other matters incidental to attracting business and industry to Portsmouth. (Adopted as amended 12/03/90)
 - 2. It shall be the general responsibility of the Economic Development Commission to increase and sustain the business and personal prosperity of all residents of this community while protecting and maintaining the quality of our natural environment and historic and cultural assets. This process should consist of the encouragement of a broad, productive community effort to coordinate and enhance the utilization of all community resources involved in any respect with economic development. The process should further ensure that adequate financing sources are available to those qualified enterprises, which desire to start up, expand, and/or locate in our Community. (Adopted as amended 12/03/90)

Section 1.403: HISTORIC DISTRICT COMMISSION

There is hereby established an Historic District Commission and it shall have the powers prescribed in RSA 31:89a - 31:89(l) together with any amendments hereinafter enacted by the General Court and as further defined in this Section and in Article X, Chapter 10 of the Zoning Ordinances of the City of Portsmouth.

A. Membership and Term

1. **Membership:** The Historic District Commission shall consist of seven members and two alternates appointed by the Mayor with the approval of the City Council. One of the members shall be a City Council member and another may be a Planning Board member as provided by State Law. At least two members shall be residents of the Historic District and at least one member shall be a person owning or being employed in a business within the Historic District. All appointees must be residents of Portsmouth. All members are required to have demonstrated interest in and commitment to promote the purposes of historic districting as stated in this Ordinance. A member's term serving at the time of enactment of this Ordinance shall not be affected. Future appointments, however, shall be filled in accordance with the provision of this Section. (Amended 9/21/98; Amended 11/22/2010; amended 03/15/2021)
2. **Term:** The members of the Commission shall be appointed for three-year terms. In the event a vacancy is created, an interim appointment shall be made in accordance with the procedures described above to complete the unexpired term. All members shall serve without compensation.
3. **Attendance:** Records of attendance shall be kept by the Commission. The attendance records shall be reported to the City Council on an annual basis. If a member notifies the Chair~~man~~ of the Commission prior to a meeting that ~~s/he/they~~ will not be able to attend the meeting due to sickness, vacation, or business obligations such absence will be considered an excused absence and so noted in the minutes of the meeting. The appointed alternate shall serve in the absence of a member. The City Council shall declare vacant the office of any member who has unexcused absences from twenty-five percent or more of the regularly scheduled meetings of the Commission in any quarter.

B. Organization, Meetings and Rules

1. The Commission shall annually elect a Chair~~man~~, Vice-Chair~~man~~ and Secretary from the appointed members and create and fill such other offices, as it may deem necessary to fulfill its work during the first meeting of July. The Commission shall meet at the call of the Chair~~man~~ and at such other times as the majority of the Commission may determine, and shall adopt rules for the orderly conduct of meetings. Minutes of all meetings shall be kept and all records and meetings of the Commission shall be open to the public.

2. Quorum: In order for the Historic District Commission to issue a Certificate of Approval or Notice of Disapproval, at least five members must be present to constitute a quorum for the conduct of such business, and a majority of the members voting in the affirmative shall be required to issue a Certificate of Approval. (Adopted 9/25/89)

C. Powers and Duties

1. The Historic District Commission, consistent with the powers specified in the preamble of this Section, shall review and approve or disapprove all applications for construction, alteration, repair, moving and/or demolition of buildings or structures located within an historic district(s) before any building, demolition, or other permit may be issued by the Building Inspector, subject, however to the provision of the Scope of Review as specified in Article X, Section 10:1004. The review shall be limited to the exterior of the building(s) or structures and shall not apply to the interiors thereof.
2. The Building Inspector shall notify the Chair~~man~~ of the Historic District Commission within seven working days after receipt of any application for permit, which is subject to the Scope of Review and conditions of this Ordinance.
3. It shall be the duty of the Commission to file with the Building Inspector or other duly delegated authority, either a Certificate of Approval or a Notice of Disapproval following the review and determination of the application. Said certificate shall be filed with the Building Inspector within thirty calendar days after the filing of the application for said certificate, unless the applicant shall agree in writing to a longer period of time. No building permit shall be issued until a Certificate of Approval signed by the Chair~~man~~ or Vice-Chair~~man~~ has been filed with the Building Inspector. In the case of disapproval, such notice shall be binding upon the Building Inspector and no permit shall be issued. Failure to file said certificates within the specified period of time shall be deemed to constitute approval of the Historic District Commission.
4. The Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer and such other administrative officials who may possess information pertinent to the application. The Commission may request advice from such professional, educational, cultural or other groups as may be deemed necessary for the determination of a reasonable decision. The Historic District Commission may request the City Manager to have persons present whose input is deemed necessary.
5. The Commission may request such technical assistance and consultants as may be deemed necessary to carry out the purpose of this Ordinance subject to funding, if necessary, by the City Council.

6. The Historic District Commission shall have the power to adopt by-laws, rules and regulations necessary for the conduct of business providing the same have been approved by the City Council. The Commission also shall prepare and issue guidelines to assist the applicants in determining the appropriateness of the applicant's proposal.
- D. Appeal: Any person aggrieved by a final decision of the Historic District Commission shall have a right of appeal to the Board of Adjustment as provided by State Law. Any such appeal shall be filed with the Board of Adjustment within thirty days of the date of final decision of the Historic District Commission. Any person aggrieved may apply to the Commission for a rehearing. Upon the filing of application for rehearing, which must include a written statement with reasons for the request, the Commission shall either grant or deny the same. In the event such a rehearing is granted, the Commission shall schedule the rehearing for the next regularly scheduled Commission meeting, except at the request of the Petitioner. (Adopted 9/25/89)

Section 1.404: HOUSING AUTHORITY

- A. Membership, Qualifications, Tenure: The Housing Authority shall consist of five commissioners appointed by the Mayor to apportioned five year terms. The qualifications, tenure, and succession of the said commissioners shall be those set forth in Chapters 203-5 through 203-7 of the N.H. RSA.
- B. Power: The Housing Authority shall constitute a public body corporate and politic, exercising public and essential governmental functions within the provisions of Chapter 203-8 N.H. RSA, and all other provisions of the Housing Authority Law of N.H. as contained in said Chapter 203.

Section 1.405: CONSERVATION COMMISSION

- A. Authority to Establish, Purpose: The City Council of the City of Portsmouth, New Hampshire, hereby does adopt the provisions of Chapter 36-A of the RSA of the State of New Hampshire which chapter authorizes the establishment of a conservation commission, for the promotion and development of the natural resources and for the protection of watershed resources of the City.
- B. Establishment, Duties and Powers: There hereby is established the Portsmouth Conservation Commission which shall consist of seven members and two alternates to be appointed by the Mayor with the approval of the Council. The duties and powers and terms of membership shall be set forth in said Chapter 36-A. (Amended 8/16/99)

Section 1.406: CABLE AND BROADBAND INTERNET COMMISSION (amended in its entirety 2/26/96; amended 01/23/2023)

- A. Membership, Qualifications, Tenure: The Cable and Broadband Internet Commission shall consist of five (5) commissioners and one alternate commissioner appointed by the Mayor subject to confirmation by the City Council. Of the initial appointments, three shall be of three (3) years and two shall be for

two (2) years. Thereafter, all appointments including the alternate commissioner shall be for a term of three years. The alternate commissioner shall attend all Commission meetings and may vote at any time when there are less than five commissioners otherwise voting. (Amended 10/3/05)

Commissioners shall be residents of the City of Portsmouth at the time and during the terms of their appointments. Commissioners shall be familiar with the general concepts underlying the operation of cable television as well as the delivery of broadband internet services via multiple physical transport methods.

- B. The Commission shall have the authority to establish standing sub-committees on matters pertaining to the operation and performance of cable and broadband internet companies within the City.

Such subcommittees shall serve in an advisory capacity to the Cable and Broadband Internet Commission.

- C. Powers: The Commission shall oversee the operation of the existing Cable Television Franchise Agreement and any future agreements, which the City Council may approve as well as assist in the negotiation of such agreements. The Commission may, as the need arises, consider the availability and quality of Broadband Internet services delivered via any physical transport (which includes physical cable or over-the-air delivery) and work to understand the needs and desires of the citizens of the city of Portsmouth. Further, the committee may work with relevant providers to meet those needs and desires as appropriate and as guided by the City Council.

- D. The Commission shall meet as often as deemed appropriate and necessary to insure the proper operation of the Franchise Agreement. The Commission shall, upon request of the City Council, submit written or verbal reports of its activities.

**Section 1.407: PORTSMOUTH HOUSING ENDOWMENT FUND
ADVISORY BOARD**

- A. The PHEF Advisory Board shall consist of seven (7) voting members, specifically:
 1. A realtor maintaining an office in the City of Portsmouth (residential real estate), who shall be a resident of Portsmouth;
 2. A residential real estate banker, who shall be a resident of Portsmouth;
 3. A local appraiser, who shall be resident of Portsmouth;
 4. A City resident;
 5. A representative of the Portsmouth Housing Corporation;
 6. An administrative official of the City from the Bureau of Community & Economic Development, who shall be an ex-officio member;

7. An administrative official of the City from the Legal Department, who shall be an ex-officio member.

All members shall be appointed by the Mayor and Council with the exception of the City officials who shall be designated by the City Manager.

- B. Term: The appointed members of the Board shall serve a three-year term and shall serve without compensation.

C. Powers:

1. Formulate general policies regarding the operation of the program including application criteria;
2. Establish specific policies as the need may arise dictated by the program demands;
3. Advise the City Manager and City staff with regard to the operation of the program;
4. The Advisory Group shall not have the authority over the investment of the PHEF Trust, which function shall remain with the Trustees of the Trust Funds.

- D. Meetings: The Advisory Group shall meet at least semi-annually and may be called by the City Manager, the City staff representatives or upon the request of the Advisory Board on five (5) days notice, which notice may be waived in an emergency.

Section 1.408: PARKING AND TRAFFIC SAFETY COMMITTEE
(Adopted 11/21/2011)

The Parking and Traffic and Safety Committee shall be established and shall have the duties and authority as described in Chapter 7, Article I of these ordinances.

Section 1.409: TREES AND PUBLIC GREENERY COMMITTEE (Adopted 10/21/2013; Amended 08/01/2022)

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of ten (10) voting members including the following: a City Councilor, the City Manager or designee; the Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City staff members listed above, shall be appointed by the Mayor with the approval of City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

Section 1.410: AUDIT COMMITTEE

There shall be a permanent Audit Committee established and maintained for the purpose of advising the City Council on the adherence to the City Charter-Section 7.4 INDEPENDENT AUDIT.

- A. **Membership and Term:** The Audit Committee shall have six (6) voting members who shall be appointed by the Mayor and confirmed by the City Council, three members shall be City Councilors, with a City Councilor selected by majority vote of voting members of the Committee to be the Chair. The Audit Committee members who are not City Councilors shall serve for a three-year term and possess experience in finance, accounting, auditing, and/or financial management and reporting. The City Manager shall be a member of the Committee with voice, non-voting. In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed by the Mayor to fill the remainder of the term of the vacant member. The terms of the City Council members of the Committee shall be for two (2) years coterminous with the term of the City Council.
- B. **Duties and Powers:** The primary purpose of the Audit Committee is to recommend an external auditor to the City Council. In the event the auditor identifies any serious exceptions, the Audit Committee shall advise and work with the City council as to next steps.

Section 1.411: CEMETERY COMMITTEE (Amended 05/01/2023)

- A. **Membership and Term:** The Cemetery Committee shall consist of not less than seven (7) or more than eleven (11) regular members. The members shall be appointed by the Mayor subject to the approval of the City Council. The first four (4) members appointed after adoption of this ordinance shall be appointed to terms of three (3) years commencing as of the date of completed appointment. Thereafter, all appointments shall be for terms of two (2) years. All appointments to fill vacancies shall serve the remainder of the vacant term. A quorum shall be a majority of the existing appointed members at any given time.

- B. Powers and Duties: The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting municipal cemeteries, including the solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Cemetery Trust Fund. Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances.
- C. It shall be the responsibility of the Cemetery Committee to encourage the restoration, preservation, and safeguarding of Portsmouth's historic cemeteries and their history for future generations.

Section 1.412: PUBLIC ART REVIEW COMMITTEE

- A. Membership and Term: The Public Art Review Committee (PARC) will consist of between seven and eleven members. Members shall include one member of city staff to be designated by the City Manager and the rest shall be community members. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Other than the City Manager's appointment, the members shall be appointed by the Mayor, with approval from the Council, to staggered terms varying from two to three years.

The PARC shall be chaired by a member of the local arts community and shall interview or make recommendations to the Mayor, as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.

- B. Public Art Defined: For purposes of this Public Art Review Committee, "public art" shall be defined as artwork located in or on a public space such as a municipal facility, park, right-of-way, or other municipally owned or controlled property. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch or other structures intended for ornament or commemoration. Also include in this definition is any installation that is technological in nature or includes carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass plastics and other materials. Landscape items include the artistic placement of natural materials and other function art objects. Works of art may be portable as well as permanent.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



Karen Conard
City Manager
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

June 8, 2023
VIA EMAIL

Subject: Lead Service Line Sampling Plan and Replacement Plan Grant
Portsmouth Water Works (PWSID 1951010) and Pease Trade Port (PWSID 1951020)
Project# LSL-19

Dear Ms. Conard,

Thank you for submitting an application to the Lead Service Line Inventory, Sampling Plan and Replacement Plan Grant Program. The Department of Environmental Services (NHDES) intends to award a **grant in the amount of \$75,000** to Portsmouth Water Works and Pease Trade Port.

To award the grant funds we must enter into a Grant Agreement and obtain Governor and Executive Council approval. Please review the attached grant agreement documents carefully and if everything is acceptable, please complete the documents as follows:

1. Print the attached Grant Agreement and have the authorized representative sign page 1 and initial and date pages 2 and 3.
2. Print the attached Exhibits A-C and have the authorized representative sign, initial and date the bottom of each page.
3. Submit an original [Certificate of Vote](#) signed and notarized.
4. Submit a current certificate of insurance in compliance with our coverage requirements as outlined in the Grant Agreement. The Certificate Holder should be "State of New Hampshire, Department of Environmental Services, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095."

Please return **single-sided hard copy versions** of the completed documents to my attention at the address below:

NH Department of Environmental Services
29 Hazen Dr, PO Box 95
Concord, NH 03302-0095

Please note that any work funded by the grant cannot be completed until after the Governor and Council's approval.

Please submit all paperwork at your earliest convenience. Once the required paperwork is returned, NHDES will submit the funding package to Governor and Council for approval.

If you have any questions about this grant agreement please don't hesitate to reach out.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Nistico". The signature is written in black ink on a light-colored background.

Stephanie Nistico
Environmental Program Manager
New Hampshire Department of Environmental Services
Drinking Water and Groundwater Bureau
(603) 271-0867
stephanie.h.nistico@des.nh.gov

Attachments: Grant Agreement
Exhibits A-C

GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby
Mutually agree as follows:
GENERAL PROVISIONS

1. Identification and Definitions.

1.1. State Agency Name NH Department of Environmental Services		1.2. State Agency Address 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095	
1.3 Grantee Name: Portsmouth Water Works		1.4 Grantee Address 1 Junkins Ave, Portsmouth, NH 03801	
1.5. Grantee Phone # (603) 610-7201	1.6. Account Number 03-44-44-441018-5564-072	1.7. Completion Date 12/31/2024	1.8. Grant Limitation \$75,000
1.9. Grant Officer for State Agency Stephanie Nistico		1.10. State Agency Telephone Number 603-271-0867	
If Grantee is a municipality or village district: "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Grantee Signature 1		1.12. Name & Title of Grantee Signor 1 Karen Conard, City Manager	
Grantee Signature 2		Name & Title of Grantee Signor 2	
Grantee Signature 3		Name & Title of Grantee Signor 3	
1.13 State Agency Signature(s)		1.14. Name & Title of State Agency Signor(s) Robert R. Scott, Commissioner Department of Environmental Services	
1.15. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required)			
By: Assistant Attorney General, On: / /			
1.16. Approval by Governor and Council (if applicable)			
By: On: / /			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as “the State”), the Grantee identified in block 1.3 (hereinafter referred to as “the Grantee”), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as “the Project”).

3. AREA COVERED. Except as otherwise specifically provided for herein, the Grantee shall perform the Project in, and with respect to, the State of New Hampshire.
4. EFFECTIVE DATE: COMPLETION OF PROJECT.
- 4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.16), or upon signature by the State Agency as shown in block 1.14 (“the Effective Date”).
- 4.2. Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.7 (hereinafter referred to as “the Completion Date”).
5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT.
- 5.1. The Grant Amount is identified and more particularly described in EXHIBIT C, attached hereto.
- 5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT C.
- 5.3. In accordance with the provisions set forth in EXHIBIT C, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.
- 5.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.
- 5.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.
6. COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS. In connection with the performance of the Project, the Grantee shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Grantee, including the acquisition of any and all necessary permits and RSA 31-95-b.
7. RECORDS and ACCOUNTS.
- 7.1. Between the Effective Date and the date seven (7) years after the Completion Date, unless otherwise required by the grant terms or the Agency, the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.
- 7.2. Between the Effective Date and the date seven (7) years after the Completion Date, unless otherwise required by the grant terms or the Agency pursuant to subparagraph 7.1, at any time during the Grantee’s normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, “Grantee” includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these provisions
8. PERSONNEL.
- 8.1. The Grantee shall, at its own expense, provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.
- 8.2. The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.
- 8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.
9. DATA; RETENTION OF DATA; ACCESS.
- 9.1. As used in this Agreement, the word “data” shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2. Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4. On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT. Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.
11. EVENT OF DEFAULT: REMEDIES.
- 11.1. Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as “Events of Default”):
- 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
- 11.1.2 Failure to submit any report required hereunder; or
- 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
- 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.
- 11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:
- 11.2.1 Give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and
- 11.2.2 Give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the Grantee during the period from the date of such notice until such time as the State determines that the Grantee has cured the Event of Default shall never be paid to the Grantee; and
- 11.2.3 Set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and
- 11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.
12. TERMINATION.
- 12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the “Termination Report”) describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.
- 12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee’s breach of its obligations hereunder.
- 12.3. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Grantee hereunder, the Grantee, may terminate this Agreement without cause upon thirty (30) days written notice.
- 12.4. CONFLICT OF INTEREST. No officer, member of employee of the Grantee, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
14. GRANTEE'S RELATION TO THE STATE. In the performance of this Agreement the Grantee, its employees, and any subcontractor or subgrantee of the Grantee are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Grantee nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
 15. ASSIGNMENT AND SUBCONTRACTS. The Grantee shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Grantee other than as set forth in Exhibit B without the prior written consent of the State.
 16. INDEMNIFICATION. The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or subcontractor, or subgrantee or other agent of the Grantee. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.
 17. INSURANCE.
 - 17.1 The Grantee shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
 - 17.1.1 Statutory workers' compensation and employees liability insurance for all employees engaged in the performance of the Project, and
 - 17.1.2 General liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
 - 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Grantee shall furnish to the State, certificates of insurance for all renewal(s) of insurance required under this Agreement no later than ten (10) days prior to the expiration date of each insurance policy.
 18. WAIVER OF BREACH. No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Grantee.
 19. NOTICE. Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
 20. AMENDMENT. This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
 21. CONSTRUCTION OF AGREEMENT AND TERMS. This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
 22. THIRD PARTIES. The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
 23. ENTIRE AGREEMENT. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
 24. SPECIAL PROVISIONS. The additional or modifying provisions set forth in Exhibit A hereto are incorporated as part of this agreement.

EXHIBIT A
SPECIAL PROVISIONS

DWSRF LEAD SERVICE LINE – FY 2022 STATE Drinking Water SRF Grant

Federal Funds paid under this agreement are from a Grant to the State from the U.S. Environmental Protection Agency, Drinking Water State Revolving Fund Set-Asides under CFDA #66.468. All applicable requirements, regulations, provisions, terms and conditions of this Federal Grant are hereby adopted in full force and effect to the relationship between this Department and the grantee.

FEDERAL FUNDING ACCOUNTABILITY and TRANSPARENCY ACT (FFATA). The Subrecipient shall comply with the terms of the FFATA by providing NHDES with their Unique Entity Identifier (UEI), and all applicable Executive Compensation Data information as required under the FFATA. On April 4, 2022, the unique entity identifier used across the federal government changed from the DUNS Number to the Unique Entity ID generated by www.SAM.gov.

SAM REGISTRATION: The Subrecipient must have an active registration with the System for Award Management (SAM) (<https://www.sam.gov>).

GENERALLY ACCEPTED ACCOUNTING PROCEDURES: The Subrecipient, if a governmental entity, shall maintain project accounts in accordance with the Generally Accepted Accounting Principles (GAAP), including standards relating to the reporting of infrastructure assets as issued by the Governmental Accounting Standards Board (GASB). The full text of Governmental Accounting Reporting Standards is available through the GASB website at: <http://www.gasb.org>

RECORDKEEPING REQUIREMENTS: The Subrecipient must maintain records and financial documents for five years after all funds have been expended or returned to the State and/or Treasury. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

Subrecipient must agree to provide or make available such records to the State and Treasury upon request, and to the Government Accountability Office (“GAO”), Treasury’s Office of Inspector General (“OIG”), and their authorized representative in order to conduct audits or other investigations.

SINGLE AUDIT REQUIREMENTS: Recipients and subrecipients that expend more than \$750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements. Recipients and subrecipients may also refer to the Office of Management and Budget (OMB) Compliance Supplements for audits of federal funds and related guidance and the Federal Audit Clearinghouse to see example and single audit submissions.

CIVIL RIGHTS COMPLIANCE: The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply, and shall include in every contract or agreement funded with these funds this same requirement to comply, with Title VI of the Civil Rights Act of 1964, which prohibits recipients of

Grantee Initials _____
Date _____

federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, NHDES may collect and review information from subrecipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients and subrecipients (see 28 CFR 42.406).

PERIOD OF PERFORMANCE: This agreement will commence upon approval of Governor and Council and the Project, including all reports required by this Agreement, shall be completed in its entirety prior to the completion date shown in block 1.7 of Form Number G-1.

PROCUREMENT, SUSPENSION AND DEBARMENT: Recipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in circumstances where at least one of the conditions below is true: the item is below the micro-purchase threshold; the item is only available from a single source; the public exigency or emergency will not permit a delay from publicizing a competitive solicitation; or after solicitation of a number of sources, competition is determined inadequate. Subrecipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320.

Subrecipient shall fully comply with Subpart C of 2 C.F.R. Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business With Other Persons," as implemented and supplemented by 2 C.F.R. Part 1532. subrecipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 C.F.R. Part 180, entitled "Covered Transactions," and 2 C.F.R. § 1532.220, includes a term or condition requiring compliance with 2 C.F.R. Part 180, Subpart C. subrecipient is responsible for further requiring the inclusion of a similar term and condition in any subsequent lower tier covered transactions. subrecipient acknowledges that failing to disclose the information required under 2 C.F.R. § 180.335 to NHDES may result in the delay or negation of this assistance agreement, or pursuance of administrative remedies, including suspension and debarment. Subrecipients may access the System for Award Management (SAM) exclusion list at <https://sam.gov/SAM/> to determine whether an entity or individual is presently excluded or disqualified.

Grantee Initials _____
Date _____

By entering into this agreement, the subrecipient certifies that the subrecipient is not debarred or suspended. Furthermore, the subrecipient certifies that no part of this contract will be subcontracted to a debarred or suspended person or firm.

PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT:

As required by 2 CFR 200.216, subrecipients, are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Recipients, Subrecipients, and borrowers also may not use federal funds to purchase:

- a. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
- b. Telecommunications or video surveillance services provided by such entities or using such equipment.
- c. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Consistent with 2 CFR 200.471, costs incurred for telecommunications and video surveillance services or equipment such as phones, internet, video surveillance, and cloud servers are allowable except for the following circumstances:

- a. Obligating or expending funds for covered telecommunications and video surveillance services or equipment or services as described in 2 CFR 200.216 to:
 - (1) Procure or obtain, extend or renew a contract to procure or obtain;
 - (2) Enter into a contract (or extend or renew a contract) to procure; or
 - (3) Obtain the equipment, services, or systems. Certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the System for Award Management exclusion list which can be found at <https://www.sam.gov/SAM/pages/public/index.jsf>

Grantee Initials _____
Date _____

OTHER SPECIAL PROVISIONS

A. In addition to the above special provisions, the following provisions as required by federal regulations apply to this Agreement:

1. Changes to the Scope of Services or reallocation of grant funds require NHDES approval in advance. Payments will be made based on submitted invoices. Work must be completed and request for reimbursement must be made by the completion date listed on the grant agreement (section 1.6).

2. **Allowable costs.** All costs charged to this Agreement shall be eligible, necessary, and reasonable for performing the tasks outlined in the approved project scope of services. The costs, including match, shall be incurred during the period of performance of the project, and shall be allowable, meaning that the costs must conform to specific federal requirements detailed in 2 CFR part 200 Subpart E.

3. **Property Management.** The Contractor shall comply with the property management and procedures detailed in 2 CFR Part 200 Subpart D, if applicable.

4. **Restrictions on Lobbying.** The Contractor shall comply with the terms of 15 CFR part 28 and 2 CFR Part 200 Subpart E which prohibit the use of federal Contract funds to influence (or attempt to influence) a federal employee and requires the submission of Standard Form LLL ("Disclosure of Lobbying Activities") if nonfederal funds have been used to influence (or attempt to influence) a federal employee.

5. **Drug-Free Workplace.** The Contractor shall comply with the terms of 2 CFR part 1329 which require that as a condition of the Agreement, certification that they maintain a drug-free workplace. By signing and submitting the Agreement, the Contractor certifies that he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity associated with the Agreement.

6. **Protection for Whistleblowers.** The Contractor shall comply with the terms of 41 U.S.C. §471 regarding Whistleblower protections. As described in 41 USC §471 "an employee of a contractor, subcontractor, grantee, or subgrantee or personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant."

Grantee Initials _____
Date _____

EXHIBIT B
SCOPE OF SERVICES

Portsmouth Water Works

Portsmouth Water Works will use funding for data mining and for the development of a service line inventory which will meet the requirements of the revised lead and copper rule set by the federal standards. The data mining activities and service line inventory will take place at Portsmouth Water Works and Pease Trade Port drinking water systems.

Following the classification of the service lines, Portsmouth Water Works will review the drinking water sampling plans, develop a plan for the lead services replacements, and provide customer education efforts through outreach materials.

Deliverable: Submit the database with the updated sampling plan and all educational/outreach material to NHDES.

Invitation for NHDES participation in meetings and workshops is a requirement. Quarterly progress report forms must be completed by grant recipients or their subcontractor and submitted to NHDES every three months, beginning with the first full 3-month quarter after grant approval from the Governor and Council.

EXHIBIT C
METHOD OF PAYMENT

Work must be completed and request for reimbursement must be made by the completion date listed on the grant agreement (section 1.7). NHDES shall pay to the Grantee the total reimbursable program for eligible work which shall not exceed the Grant Limitation of \$75,000.

Reimbursement requests for program costs shall be made no more than once per calendar month by the Grantee using the approved reimbursement form as supplied by NHDES, which shall be completed and signed by the Grantee. The reimbursement form shall be accompanied by proper supporting documentation based upon direct costs incurred. The Grantee will maintain adequate documentation to substantiate all project related costs. All work shall be performed to the satisfaction of NHDES before payment is made.

All work must be completed prior to the completion date in this Grant Agreement to be eligible for reimbursement.

Grantee Initials _____
Date _____

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

DATE: JUNE 12, 2023
TO: KAREN CONARD, CITY MANAGER
FROM: STEFANY SHAHEEN, PORTSMOUTH POLICE COMMISSION CHAIR
MARK D. NEWPORT, CHIEF OF POLICE
RE: GRANTS

On behalf of Chair Stefany Shaheen~

At the June 9th, 2023 Special Police Commission Meeting, the Board of Police Commissioners approved and accepted the following grant:

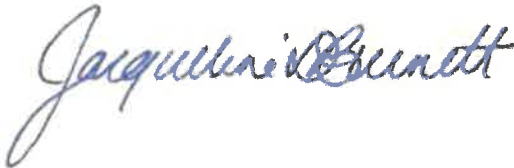
- a. **The 2022 Homeland Security Grant in the amount of \$31,819.70 from the NH Department of Safety for search and rescue equipment for the Seacoast Emergency Response Team (SERT).**

At the May 16th, 2023 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

- a. **The 2023 Victims of Crime Act (VOCA) Grant in the amount of \$24, 759 from the NH Department of Justice for the expenses incurred and services rendered for direct victim services, including expenses for personnel.**

We submit the information to you pursuant to City Policy Memorandum #94-36 and respectfully request for this item to be added to the agenda for the City Council's consideration and approval at their June 20th, 2023 meeting.

Respectfully submitted,



Jacqueline D. Burnett
Office of the Chief

copies: Business Asst. Patti Smallwood
Business Ops. Mgr. Karen Senecal

Portsmouth Police Department “May Miles Competition”

Objective:

The Portsmouth Police promote a safe and healthy work environment and have our staff physically ready to handle any challenges that may arise during their course of duty. By partnering with local businesses and organizations, we will encourage Officers and civilian staff to engage in physical activity by creating a department outdoor running competition and use prizes as incentives for involvement. Before the start of the competition, a running coach will give a short presentation to staff and their significant others on best practices for running, getting started, and common misconceptions. We will utilize a competition-style event department-wide, including a leaderboard and prizes for the winner. This initiative is beneficial for physical health, but as we included significant others and spouses, this could be used to spend time with one another, encouraging quality time and conversation.

Audience:

This competition is open to all members of the Portsmouth Police Department, both sworn and civilian.

Execution:

From May 1st, 2023, until May 31st, 2023, the Portsmouth Police will launch the May Miles initiative.

Department members will compete against one another in a “who ran the most miles” event. Utilizing the free app STRAVA, members will sign up and join the Portsmouth PD team. The number of miles the member runs will be recorded on the app, and a leaderboard will be generated. Participation is voluntary and is designed to be completed at the individual’s own pace.

At the end of the event, the member with the most May Miles will be awarded a free pair of running shoes donated by the Altra Running Shoes company.

Runner-ups will receive a gift basket from our local running store, Runner’s Alley, and all members who compete will receive 20% off their purchases at Runner’s Alley.

General rules include that the miles must be recorded on Strava, and you must be associated with the Portsmouth Police Team. Spouses and significant others are not only invited but encouraged to join.

Please note that only members of the Portsmouth Police will be eligible for prizes.

After May Miles, during the first week of June, the department will hold a department PT test for Officers to complete and earn a Chief’s Day.

Prizes:

First place will receive a complimentary pair of Altra running shoes donated by Altra.

Runner-ups will receive gift baskets from Runner’s Alley. **number of runner-ups and prizes are TBD**

Partnerships:

Altra Running Footwear

Altra was founded on an innovative approach to running shoes. Altra aims to unleash human potential by inspiring the world to move naturally.

Contribution: Altra has offered to donate a free pair of their best-selling running shoes to the winner of the Portsmouth Police Running into Summer Competition. They have also offered to come to Police Headquarters with various styles of their shoes and speak with staff and families about their product, and do running evaluations with a local running coach.

Altra Point of Contact:

Tara Metcalf
Altra Footwear Representative
07-630-4276
tara_metcalf@vfc.com

**Runner's Alley Portsmouth**

Since opening in 1997, Runner's Alley has become a hub of running activity, offering weekly group runs year round, as well as structured training groups several times a year. Runner's Alley is the store where runners, walkers, and fitness enthusiasts can find the gear they want and the advice they need to keep them doing the activities they love.

Contribution: Runner's Alley will donate gift baskets for runner-ups in the competition. Department members with proper ID will receive 20% off their purchases during May. Complimentary feet scanning, measurement, and assessment of participants.

Point of Contact:

Will Meinke
Manager Runner's Alley
203-984-2430
William.Meinke@RunnersAlley.com

The logo for Runner's Alley consists of the words "RUNNER'S ALLEY" in white, bold, sans-serif capital letters, centered within a solid red rectangular background.

Mercuria Running

Mercuria Running is a group of running coaches that work with runners of all ages, paces, and distances, from children to masters, beginners to elites, from the 5k distance to ultra-marathons.

Contribution: Coach Keri-Ann Rugg will conduct a live running seminar, roughly 30-45 minutes long, held at Police Headquarters. This will occur roughly 7-14 days before the start of the competition.

All members of the department and their spouses or significant others are invited.

Coach Keri-Ann will talk about getting started with running, motivation, best practices, safety, and common misconceptions.

Point of Contact:

Keri-Ann Rugg
Running Coach
603-582-0444
Keri-ann@mercuriarunning.com



Disclaimer:

Although this is a department-sponsored event, no member will be eligible for overtime or comp time by participating. Running shall be done during non-duty hours.

Participation in this event is strictly voluntary and shall be non-punitive or a cause of embarrassment for any member.

Participants should consult with their physician or other medical care professionals before starting this or any other fitness program to determine if it is right for you. This is particularly true if you (or your family) has a history of high blood pressure or heart disease, or if you have ever experienced chest pain when exercising or have experienced chest pain in the past month when not engaged in physical activity, smoke, have high cholesterol, are obese, or have a bone or joint problem that could be made worse by a change in physical activity. Do not start this fitness challenge if your physician or other medical care professional advises against it. If you experience faintness, dizziness, pain, or shortness of breath at any time while exercising, you should stop immediately.

If you think you are having a medical or health emergency, call 911 immediately.

Gift and Donation Submission Form

Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	6-12-23
Department/ Contact Person:	Police Department – Chief Mark Newport/ Jackie Burnett
Donation Amount:	In kind – running shoes, gift baskets and 20% discount for Runner’s Alley.

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Is there a particular purpose intended with this donation:

The police department has organized a wellness initiative, originally called the “May Miles Competition”, in order to prioritize officer wellness. For obvious reasons, we are now calling it the “July Jog Competition” – same purpose and goal. The donations will act as prizes for the winners of the competition.

Other Information/Special Conditions:

First place prize: Altra running shoes donated by Altra.
Runner-ups prize: gift baskets from Runner’s Alley.

Donor Information – see above.

First & Last Name:	
Business Name:	Altra & Runner’s Alley
Address*:	
Phone*:	
Email*:	

Gift and Donation Submission Form


Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk () indicates it will not be publicly distributed.*



CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: June 13, 2023
TO: KAREN S. CONARD, CITY MANAGER
FROM: SUSAN G. MORRELL, CITY ATTORNEY 
RE: PRESCOTT PARK PUBLIC FORUM AREA

The Legal Department has been conducting a careful review of the uses of Prescott Park and its facilities. This review has been triggered in part by the questions surrounding use of the so-called public forum area. The Legal Department expects to come forward with a package of updated regulations for the Park covering all areas.

In the interim, 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.

SGM/smr

cc: Peter Rice, Public Works Director