CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 23, 2024 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_KSlylK1gRY-MJ15SlKGy9Q

AGENDA

I. 6:00PM – WORK SESSION – PARKING UTILIZATION STUDY UPDATE
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

VII. ACCEPTANCE OF MINUTES – AUGUST 5, 2024

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. *Recognition of outgoing Director of Water Resources/Deputy Director of Public Works Brian Goetz

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

First Reading of Ordinance:

A. First Reading of Ordinance Amending Chapter 10, Article 6 - Overlay Districts, Section 10.680 – Gateway Neighborhood Overlay District, by Establishing a New Incentive Overlay District Allowing for Higher Density Housing ***(Sample motion – move to pass first reading and schedule a public hearing and second reading to be held at the October 21, 2024 City Council meeting)***

Public Hearing/Second Reading of Ordinance:

B. PUBLIC HEARING AND SECOND READING of Ordinance Amending Chapter 1, Article IV, Section 1.412 – Public Art Review Committee, existing text to be deleted in its entirety and replaced with a brief reference to a new section in Chapter 1, Article XVII relating to public art; and Chapter 1, Article XVII – Funding of Public Art, Sections 1.1700-1.1707 existing text to be deleted in its entirety and replaced with a new Article XVII, retitled Funding, Review and Acquisition of Public Art, inclusive of new Sections 1.1700-1.1709

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

(Sample motion – move to pass second reading and schedule a third and final reading at the October 7, 2024 City Council meeting)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Request to Schedule Joint Work Session on the FY2026-FY2031 Capital Improvement Plan

2. Consideration of Referral of Draft Right-to-Know Policy to Fee Schedule Study Committee

3. Sale of Surplus Police Vehicles

4. Acceptance of Several Easements for Property Located at 53 Green Street

XII. CONSENT AGENDA

A. Request from Roger Leahy, Overland Sheepskin Company, to install two Projecting Signs at 1 Market Square ***(Anticipated action – move to approve the aforementioned Projecting Signs 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 the signs, for any reason, shall be done at no cost to the City; and***
- ***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. Letter from Chris Carragher, Seacoast Paddleboard Club (SPC), requesting permission to hold the 6th Annual Paddleboard event on Sunday, October 27, 2024, from 9:00 a.m. to 11:30 a.m. at the Robert P. Sullivan Boat Launch at Peirce Island ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:

- First Night Portsmouth 2025 – Tuesday, December 31, 2024
- Children's Day – Sunday, May 4, 2025; Noon – 4:00 p.m.
- 48th Annual Market Square Day Festival & 10K Road Race – Saturday, June 14, 2025; 9:00 a.m. – 4:00 p.m.
- 22nd Annual Summer in the Street – Saturday evenings – July 5, 12, 19, 26, August 2, 2025; 5:30 p.m. – 8:30 p.m.

In addition, Pro Portsmouth, Inc. requests the City joins as a sponsor in support of the fireworks' display in the amount of $3,000.00 ***(Anticipated action – move to refer the City Manager with Authority to Act)***

D. Letter from Laurie Mantegari, Scarecrows of the Port, requesting permission to install Scarecrows of the Port in the streets of Portsmouth beginning Tuesday, October 8th through Saturday, November 2nd ***(Anticipated action – move to accept temporary art display and refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. *Presentation on the Community Policing Facility – City Staff

B. Email Correspondence ***(Sample motion – move to accept and place on file)***

C. Letter from Christine Groleau, North Church of Portsmouth, requesting a reduction or waiver of fees associated with the upcoming construction project at 2 Congress Street

D. PPMtv Proposal for Additional Funding and Change in Policy

XIV. MAYOR McEACHERN

1. *Appointment of Sean Clancy as a Regular member and Jillian Harris as an Alternate member to the COAST Board of Directors
2. Appointments to be Considered:
   - Reappointment of Mark Syracusa to the Parking & Traffic Safety Committee
   - Reappointment of Mary Lou McElwain to the Parking & Traffic Safety Committee
   - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee
   - Reappointment of Robert Marchewka to the Economic Development Commission
   - Appointment of Brian Gibb to the Conservation Commission from an Alternate to a Regular member

3. Resignation
   - Adam Fitzpatrick from the Conservation Commission ***(Sample motion – move to accept the resignation with regret and to send a letter of thanks for his service to the City)***

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY & COUNCILOR TABOR

1. *Housing Blue Ribbon Committee Update

B. ASSISTANT MAYOR KELLEY

1. Update from the Legislative Subcommittee and its recommendation to approve the New Hampshire Municipal Association's 2025-2026 Proposed Legislative Principles and Proposed Legislative Policies to be voted on by NHMA members at its policy conference on September 27, 2024 ***(Sample motion – move to approve NHMA's 2025-2026 Proposed Legislative Principles and Legislative Policies)***

C. COUNCILOR COOK & COUNCILOR DENTON

1. *Climate Action Plan related Capital Improvement Plan Additions ***(Sample motion – move to allow Climate Action Plan related Capital Improvement Plan additions by the Sustainability Committee to be submitted past the current deadline)***

D. COUNCILOR COOK

1. *Public Art Review Committee Ordinance Amendment ***(Sample motion – move to amend the current language in the Public Art Review Committee Ordinance as follows: In Section 1.1702 Public Art Commitment, in the first sentence, replace the phrase "all new municipal buildings or for the renovation of existing municipal buildings" with "capital construction appropriations for any public construction project, excluding roadways and associated utilities")***

E. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 5, 2024 meeting ***(Sample motion – move to approve and accept the action sheet and minutes of the September 5, 2024 Parking & Traffic Safety Committee meeting)***
2. Request for First Reading of amendment to Chapter 7, Vehicles, Traffic and Parking, Article X, Towing, Section 7.1004, Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines ***(Sample motion – move to request first reading of the ordinance to be held at the October 7, 2024 City Council meeting)***
3. Renewal of Annual Valet Parking License Agreement for Parade Residence Hotel LLC ***(Sample motion – move to approve the renewal of the Valet Parking License Agreement for Parade Residence Hotel, LLC)***

4. Renewal of Annual Valet Parking License Agreement for Portwalk HI LLC ***(Sample motion – move to approve the renewal of the Valet Parking License Agreement for Portwalk HI LLC)***

E. COUNCILOR MOREAU

1. *Update from the Planning Board meeting on September 19, 2024 regarding GNOD

XVI. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Historic Cemetery Donation - $2,500.00 ***(Sample motion – move to accept the donation from EightKPH LLC in the amount of $2,500.00 to support restoration work at the North Cemetery)***

B. Acceptance of Fire Department Donation - $100.00 ***(Sample motion – move to accept the donation from Allen Hawthorne in the amount of $100.00 to be used at the departments discretion)***

C. *Acceptance of Police Department Grant from the NH Department of Safety - $26,300.00 ***(Sample motion – move to approve and accept the grant for the Police Department as presented)***

D. Acceptance of Police Department Donation - $3,200.00 ***(Sample motion – move to approve and accept the donation for the Police Department as presented)***

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Pease Development Authority Board Meeting Update
2. *Revaluation Informal Hearings Update
3. Report Back on PPMtv Request for Additional Funding and Policy Change
4. *Update on Accessory Dwelling Unit Handbook

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 PORTSMOUTH, NH
DATE: MONDAY, AUGUST 5, 2024 TIME: 7:00PM

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

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau and Lombardi

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

IX. PUBLIC COMMENT SESSION

Lucille Therrien spoke to the proposed location of the new police station and how the residents of Connors Cottage will lose their view and be blocked in by the proposed size of the building.

Erik Anderson said he would not like to see the building demolished, there needs to be reasonable consideration to the neighborhood and their opinions.

Patricia Robinson spoke to living at Connors Cottage and wants to not lose their view. She said it is important to put thought into the aesthetics with such a development here at the Municipal Complex.

Robin Husslage spoke on 361 Hanover development. She said the Islington Street residents reached out to the Planning Director Walker at the time regarding the zoning of 361 Hanover Street. She spoke about having the lot rezoned and discussed that matter with the Planning Director Walker at the Planning Board meeting in 2020. She indicated that the Planning Department agreed that the area should be rezoned, and Planner Cracknell took over and the proposal for zoning is high density. She urged that the area be rezoned.

Nicole LaPierre said she is not antidevelopment but needs assistance from the city. She feels that the neighborhood is not being listened to regarding 361 Hanover Street. At the July Planning Board meeting the developer said that this was already happening.

Marcy Vaughn spoke opposed to the 361 Hanover Street development. She expressed concern regarding the license agreement and the impact it has had on parking at the lot. She asked why the Planning Board did not hold a work session on this matter. She asked why the amendment was removed and who made the decision. She said that the city needs to be more transparent on this matter.

Bill Downey spoke regarding the Times building and asked about whether inspections have taken place and where the reports would be located. He expressed the importance of preserving both sides of the building.

Elizabeth Bratter, Dover, NH said a public hearing and a notice to abutters should take place for any development.

Councilor Blalock moved to suspend the rules to bring forward the Community Policing Facility Update. Seconded by Assistant Mayor Kelley and voted.

City Manager Conard requested Facilities Manager Almeida to provide an update on the Community Policing Facility.

Facilities Manager Almeida provided a brief update on the Community Policing Facility. He reported that a smaller plan is currently being considered. He stated an update with a view of the plans would be provided at an upcoming City Council meeting in September. He stated that the previous design has been moved to the side and we are staying within budget.

Councilor Cook asked how much space is needed per staff member. Facilities Manager Almeida said he would provide information at a future update and follow up with an answer.

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

Public Hearings/Second Reading of Ordinances

A. Public Hearing/Second Reading of proposed Ordinance amending Chapter 10, Article 5A – Character-Based Zoning, Section 10.5A43.33 regarding Building and Story Heights of the Zoning Ordinance

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Planning Manager Stith reviewed the zoning amendments in the Character Districts to require both workforce housing and community space through a Conditional Use Permit (CUP) in exchange for certain incentives. He stated parcels over one acre in size and not located in an incentive overlay district, the incentive is an additional story up to 15 feet, a house or duplex building type and/or a mixed-use building in exchange for 50% community space and workforce housing. He said to clarify, incentive applies to a mix of residential and non-residential uses. He stated that these are minor non-substantive edits.

The City Council spoke in support of moving the ordinance forward.

Jim Smalley said 50% open space requirement makes housing more affordable. He stated right now residents are being priced out because it is driving costs up. He said if there was more supply the housing costs would go down.

Elizabeth Bratter, Dover, NH said she feels a developer would only have to pick one building to create affordable units. She stated a developer could pick the smaller building so they would only have to put in a small number of workforce housing units. She urged the City Council to review the definitions and make community space more clearly defined.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Moreau moved to pass second reading of the proposed zoning amendment to Chapter 10, Article 5A, Section 10.5A43.33 and to schedule third and final reading at the August 19, 2024 City Council meeting. Seconded by Councilor Tabor.

Councilor Bagley said the developer would need to conform with the definition in the zoning ordinance for community space.

Councilor Moreau said the comments made about the “any” under Section B would mean any building in the development. Planner Manager Stith said that is correct.

Assistant Mayor Kelley said this was not an “or”, we were getting open space but not any of the workforce housing. She stated a developer must do both to build that kind of density. She said the open space concept works but we were not getting the housing we wanted.

Councilor Blalock said supply and demand have an impact. He said this is a small step to give some affordable units and below market rate without the additional floor.

Motion passed.

B. Public Hearing/Second Reading of proposed Parking Omnibus Ordinance amending Chapter 7, Article III – Traffic Ordinance, Section 7.330 A. - No Parking; Article III – Traffic Ordinance, Section 7.341 - Driving on Sidewalk; and Article XI, Section 7.1100 E., Speed Limits: 25 mph – Middle Street

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

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Parking & Transportation City Engineer Eby provided a brief presentation on the ordinance. He said there are three sections on the changes and deals with no parking in the city.

Councilor Lombardi spoke in support of the 25-mph speed limit for Middle Street but feels there needs to be added enforcement.

Councilor Cook thanked Councilor Bagley for moving quickly on this ordinance. She said that the neighborhood was pleased to see the ordinance moving through the process of the Council to be put in place.

With no speakers, Mayor McEachern declared the public hearing closed.

Councilor Bagley moved to pass second reading and schedule third and final reading at the August 19, 2024 City Council meeting. Seconded by Councilor Lombardi.

Councilor Bagley said to change a speed limit in NH below 30 mph you would need to conduct an engineering study.

Councilor Blalock said that this ordinance deals with Middle Street and not Middle Road.

Councilor Moreau moved to postpone the ordinance and make an adjustment of Middle Street to *Middle Road*. Seconded by Councilor Blalock and voted.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request to Schedule Work Session on Revaluation – Thursday, September 5, 2024

Assistant Mayor Kelley moved to schedule a work session on the topic of Revaluation on Thursday, September 5, 2024 at 5:00 p.m. Seconded by Councilor Moreau.

Councilor Blalock said he will be unable to attend the work session.

Motion passed.

2. Request to Adopt Local Emergency Operations Plan

City Manager Conard said Fire Chief McQuillen took the initiative to update the Emergency Operations Plan for the City which had not been done since 2017. She thanked Chief McQuillen for his hard work on updating the plan.

Councilor Cook moved to adopt the proposed Local Emergency Operations Plan as presented. Seconded by Councilor Denton.

Councilor Bagley applauded Chief McQuillen's efforts.

Motion passed.

3. Request to Appoint a Motor Vehicle Agent

Councilor Tabor moved to approve the appointment of Deputy Tax Collector Edward Gioioso as the Municipal Registration Agent for Motor Vehicles in the City of Portsmouth and voted.

4. RFQ #52-24 Municipal Property at 35 Sherburne Road Status Update – Recommendations for Next Steps and Policy Decision Guidance Sought

City Manager Conard explained that the City issued a Request for Letters of Interest and Statements of Qualifications from real estate developers and other entities regarding their capacity to design and construct permanent, below-market rate housing on municipally owned property at 35 Sherburne Road. She reported that 8 development firms responded to this Request and scored using the criteria established in the RFQ which included, among other criteria, experience with below market rate housing and professional qualifications. City Manager Conard said the four highest scoring firms were invited to participate in interviews:

- Avesta Housing
- Pennrose
- Portsmouth Housing Authority
- Preservation of Affordable Housing

She stated that the interviews yielded purposeful content and dialogue. She spoke to A Request for Proposals (RFP) to be issued to the four interviewed entities in August.

Assistant Mayor Kelley moved to authorize the City Manager to prepare and issue a Request for Proposals to the four entities interviewed which encompasses the feedback received this evening. Seconded by Councilor Bagley and voted.

5. South Meeting House Next Steps

City Manager Conard reported the city received a single proposal in response to RFP 58-24 – South Meeting House Reuse. She stated the proposal is from the Schleyer Foundation and includes Chinburg Builders, ARCove Architects, and the Portsmouth Music and Arts Center (PMAC). She said the Foundation proposes a significant investment in the historic structure along with an ongoing maintenance program.

Councilor Lombardi moved to authorize the City Manager to begin the negotiation of documents necessary to implement the proposal and to schedule a public meeting for the Schleyer Foundation to share its concept with the public and gather input. Seconded by Councilor Moreau and voted.

6. Request to Schedule a Public Hearing Regarding Supplemental Appropriation for the Hanover Street Garage Project

City Manager Conard requested that the City Council conduct a public hearing for approval of a supplemental appropriation for the Hanover Garage project. She stated we are in year three of a three-year construction project which is scheduled to be complete in August of 2025. She advised the City Council that an additional $1 million in funding is needed to complete the project, due to material and labor prices which per contract are adjusted annually, unforeseen conditions encountered during construction, and additional work in support of pedestrian access and traffic flow improvements requested.

Councilor Bagley moved to schedule a public hearing and vote to authorize a supplemental appropriation of $1 million from the Parking Division fund balance. Seconded by Councilor Cook and voted.

7. Request to Establish Polling Hours for State Primary & Presidential General Elections

City Clerk Barnaby outlined her request for the polling hours for the State Primary and the Presidential General Elections.

Councilor Blalock moved to approve the polling hours as presented: September 10th State Primary Election be established from 8:00 a.m. – 7:00 p.m.; and polling hours be expanded for the Presidential General Election on November 5th from 8:00 a.m. – 8:00 p.m. Seconded by Assistant Mayor Kelley and voted.

Councilors Denton and Blalock spoke in support of expanding the polling hours.

Councilor Blalock moved to suspend the rules to take up the Traffic Ordinance that was previously postponed because the ordinance was correctly written for Middle Street. Seconded by Councilor Bagley and voted.

Councilor Bagley moved to pass second reading and schedule third and final reading at the August 19, 2024 City Council meeting. Seconded by Councilor Lombardi and voted.

Councilor Bagley moved to suspend the rules and bring forward third and final reading of the ordinance. Seconded by Councilor Cook and voted.

Councilor Bagley moved to pass third and final reading of the ordinance. Seconded by Councilor Lombardi and voted.

XII. CONSENT AGENDA

A. Request from Adam, Dean, Joe Leddy, & Jamieson Duston, 48 Maplewood LLC, to install a Projecting Sign at 48 Maplewood Avenue ***(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)***

<u>Planning Director's Stipulations:</u>

- ***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 no cost 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***

Councilor Denton moved 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. Seconded by Councilor Tabor and voted.

<u>Planning Director's Stipulations:</u>

- ***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 no cost 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***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

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

B. Letter from James Knudsen, Knudsen Burbridge, P.C. regarding Estate of Star C. Johnson, Parcel at Map 232, Lot 25 on Marjorie Street, expressing their intention to donate the parcel to the City

Councilor Moreau moved to refer to the Planning Board for a report back. Seconded by Councilor Cook and voted.

C. Letter from Derek R. Durbin, Esq., regarding Release of Interest in Map 236, Lot 74 for area of former Longmeadow Lane

Councilor Bagley moved to refer to the Planning Board for a recommendation. Seconded by Councilor Moreau and voted.

D. Letter from residents of Islington Creek regarding zoning of 361 Hanover Street

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

Councilor Moreau moved to refer to the Planning Board for review and recommendation for the consideration of a zoning change. Seconded by Assistant Mayor Kelley.

Councilor Blalock rescinds his motion and Councilor Lombardi's second to the motion.

E. Letter from Eleanor Bird regarding the loud noises created by the fireworks

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

F. Letter and Petitions from Lucille Therrien and residents of Connors Cottage regarding the proposed expansion of the Police Station

Councilor Tabor moved to accept and place on file. Seconded by Councilor Blalock and voted.

G. Letter from Abigail Gindele requesting the city eliminate mosquito spraying

Councilor Blalock moved to accept and place on file. Seconded by Councilor Moreau and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Considered:
   - Appointment of Scott Chaudoin to the Recreation Board
   - Reappointment of Deborah Chag to the Trees and Public Greenery Committee

The City Council considered the appointments listed above with action to be taken at the August 19, 2024 meeting.

2. Resignations:
   - Robin Albert from the Arts and Culture Commission
   - MaryLiz Geffert as an alternate to the Zoning Board of Adjustment

Councilor Cook moved to accept with regret the resignations of Robin Albert and MaryLiz Geffert with a letter of thanks and appreciation for their service to the city. Seconded by Councilor Bagley and voted.

3. Status of Indoor Sports Complex

Mayor McEachern said he would like to receive a report back from the Recreation Board regarding this matter.

Councilor Blalock moved to refer to the Recreation Board for a report back. Seconded by Councilor Denton and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Great Bay Resource Protection Partnership Stewardship Grant - $10,000.00

Assistant Mayor Kelley moved to authorize the City Manager to enter into a grant agreement to accept and expend funds in the amount of $10,000.00 from the Great Bay Resource Protection Partnership to conduct the Buffer Revival: Enhancing Freshwater Wetland Health and Community Awareness project. Seconded by Councilor Moreau and voted.

B. Acceptance of NHDES Coastal Program Coastal Resilience Grant - $9,486.00

Councilor Denton moved to authorize the City Manager to enter into a grant agreement to accept and expend funds in the amount of $9,486.00 from the NHDES Coastal Program to conduct the Resilience of Wetlands: Enhancing Coastal Protection and Water Quality project. Seconded by Councilor Cook and voted.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Blalock announced that the Portsmouth Booma Post 8 is in the State Championship.

Assistant Mayor Kelley wished Mayor McEachern Happy Birthday.

Councilor Tabor said the Seacoast Green Energy Challenge is taking place between Dover, Newmarket, Durham and Exeter to see which community's residents can do the most to fight climate change.

XIX. ADJOURNMENT

At 9:10 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Moreau and voted.

Kelli L Barnaby

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

SECTION 10.680 – GATEWAY NEIGHBORHOOD OVERLAY DISTRICT

10.681 Purpose

The Gateway Neighborhood Overlay District is hereby created for the purpose of creating additional housing opportunities in certain neighborhoods, and is referred to herein as the GNOD. This overlay shall allow for higher density housing in order to create neighborhoods where residents can live and work. A proposed **development** electing to use the provisions of the GNOD is referred to below as a GNOD **development**.

10.682 Applicability

10.613.70

The provisions of the GNOD shall apply to all land identified on the Zoning Map as the **Gateway Neighborhood Overlay District** (GNOD).

10.682.20

The requirements and provisions of the GNOD shall apply to any **development** containing residential uses, and/or any **development** electing any of the incentives of within the GNOD. If the GNOD overlay options are not a part of a proposed **development**, then the underlying provisions of the zoning district shall apply.

10.683 Standards

10.683.10

All residential or mixed-use GNOD **developments** that include a residential use shall comply with the provisions of Article 5B of this Ordinance, with the following exceptions:

(1) No more than 24 **dwelling unit**s per **building** shall be allowed without providing Incentive Bonus Option(s) as provided herein.
(2) Maximum **building height** for any **apartment building** or **mixed use building** containing residential uses shall not exceed 4 stories or 50 feet without providing Incentive Bonus Option(s) as provided herein.
(3) Maximum **building length** shall not exceed 400 linear feet without an approved conditional use permit.
(4) Front, side, and rear **building setback** from **lot lines** shall be a minimum of 10 feet.
(5) Maximum **building coverage** shall not exceed 75%.
(6) Minimum **open space coverage** shall be 10%.
(7) Except for the above setback requirements, the requirements of Sections 10.5B22.20, .30 and .40, 10.5B33, and 10.5B71 shall not apply to land within the GNOD.

(8) A **development** within the GNOD may include multiple lots owned or controlled by the same person or entity and assembled for a GNOD **development**. A GNOD **development** may contain more than one principal **building** or **building** type on the same **lot**.

10.683.20 Relationship to Other Provisions of this Zoning Ordinance

The provisions of the GNOD shall take precedence over all other provisions of the Zoning Ordinance that directly conflict with the provisions of the GNOD; otherwise, all other provisions shall apply..

10.684 Allowed Uses

In addition to the uses permitted in the underlying district, the following uses shall be permitted within the GNOD:

1. Multifamily Dwelling
2. Assisted Living Facility
3. **Retail Sales** conducted within a **building**
4. **Restaurant**, place of public assembly or function room
5. **Personal Services**
6. Consumer services such as copy shop, bicycle repair, and pet grooming.
7. Health club, yoga studio, martial arts school or similar **use**.

10.685 Parking

In the GNOD, the shared parking provisions of Section 10.1112.62 shall apply, and shared parking shall be permitted on separate lots, whether in common ownership or separate ownership without the requirement of a conditional use permit. The provisions of Section 10.1113 (Location of Vehicular Use Facilities) shall not apply to a GNOD **development**.

10.686 Optional Density Bonus Incentives

Buildings in the GNOD containing residential dwelling units are permitted to be up to four stories and to contain up to 24 units per building as a matter of right. In order to encourage multifamily housing within the GNOD, additional opportunities are provided through the optional incentives below that permit increased **building** heights and increased numbers of dwelling units per building.

The following incentives apply to residential **developments** and mixed use **developments** that include residential uses in the GNOD, with allowable bonuses as indicated in Table 1.

10.686.10 Table 1: Optional Density Bonus Incentives Maximums (If Requirements Are Met)			
Incentive Option	Building Height Stories/Feet	Dwelling Units/Building	Approval Requirements
For All GNOD Developments over 4 Stories, 50 Feet and 24 Units Per Building:			
10.686.10 Public Realm Improvements	5/68	80	Director of Planning and Sustainability
And For Additional Height and Density, *One of the Following*:			
10.686.20 Workforce Housing	6/80	120	Conditional Use Permit by the Planning Board
10.686.20 Payment in Lieu	6/80	120	Conditional Use Permit by the Planning Board
10.686.30 Land Transfer	6/80	120	City Council Approval

10.686.10 Public Realm Improvements Incentive Option

In order to qualify for a **public realm** improvements incentive bonus in the GNOD, as described here and in Section 10.5B73.20, the proposed **public realm** improvements shall be reviewed by the Planning Board as a part of site plan approval. The Planning Board shall then make written comments regarding the proposed public realm improvements to the Director of Planning and Sustainability. To the extent that the Planning Board's comments are not followed or incorporated into the Director of Planning and Sustainability's decision, the Director shall set forth findings relative to the Planning Board's comments.

All public realm improvements shall be subject to administrative approval by the Director of Planning and Sustainability. The Director of Planning and Sustainability shall review all proposed public realm improvements for compliance with Section 10.5B73.20, ensure that proposed public realm improvements are constructed to City standards, and are in the public interest. Public realm improvements under this section shall be permitted on a different lot than the **development**, and the remaining requirements of Section 10.5B73.20 (4) shall not apply to **public realm** improvements within the **GNOD**.

10.686.20 Workforce Housing or Payment in Lieu Incentive Option

The Planning Board may grant a conditional use permit for this optional bonus in accordance with Sections 10.240, et. seq. To qualify for this bonus, a development shall include either or a combination of the following:

(1) Workforce Housing may be provided in accordance with Section 10.5B73.10.

(2) A payment to the City in lieu of providing workforce housing in an amount based on the particular makeup of the development and in accordance with the fees established annually by the Fee Committee and the City Council in the fee schedule.

10.686.30 Land Transfer Incentive Option

In order to facilitate future development of below-market rate housing, there may be appropriate circumstances where applicants may convey real property to the City in lieu of or in conjunction

with meeting the other requirements for workforce housing of the GNOD. However, recognizing the unique nature of land, not all property may be suitable or desirable for this purpose. Therefore, any real property offered to the City pursuant to this section shall be subject to acceptance by the City Council, and in accordance with the following requirements.

(1) In lieu of constructing workforce housing units within a GNOD Development, an applicant may offer real property to the City. Any real property offered to the City shall be suitable for developing workforce housing of a size set forth in section 10.686.40 and shall not require a conditional use permit from the Planning Board. Instead, the conveyance shall be subject to approval and acceptance by the City Council. In exchange for transferring land to the City, the developer shall be permitted to construct buildings up to six stories and 80 feet in height, and to construct up to 120 units per building.

(2) Any applicant must, at their own expense, provide a certificate of title and Phase one environmental report for any property offered to the City Council. All closing costs shall be borne by the applicant. The City Council may request any additional information regarding the offered real property or the proposed transfer, the preparation of which shall be by the applicant.

(3) Any applicant must, at their own expense, demonstrate the suitability of the proposed land to be conveyed to the City for workforce housing purposes. This requirement shall be met by submitting a constraints site plan to the Director of Planning and Sustainability depicting: boundaries, existing and proposed; the setbacks; wetlands and wetlands buffers, if any; rights of way; utility easements; and, other identifiable **development** constraints. The Director of Planning and Sustainability shall provide comments on the proposed site's suitability based on the constraints site plan to the City Council prior to acceptance.

(4) Prior to acceptance by the City Council, the Planning Board shall provide written comments to the City Council regarding the offered real property and its compliance with this Article. Any comments offered by the Planning Board shall be advisory in nature only, but the City Council shall, to the extent that the Planning Board's comments are not followed or incorporated into the City Council's decision, set forth findings relative to the Planning Board's comments.

(5) The City Council shall not accept any real property offered if acceptance would subject the municipality to potential liability as an owner of property under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., RSA 147-A and 147-B, and any other federal or state environmental statute which imposes strict liability on owners for environmental impairment of the real estate involved.

(6) In addition to the circumstances described in paragraph 2, the City Council may refuse to accept any offered real property whenever in its judgment acceptance and ownership

of the real estate would subject the municipality to undesirable obligations or liability risks, including obligations under real estate covenants or obligations to tenants, or for any other reason would be contrary to the public interest.

(7) In order to qualify for this optional incentive, the amount of the proposed land transfer will be dependent on the size of a proposed GNOD as follows:

The developer shall convey at least one contiguous acre of **Developable Upland** to the City for up to twenty acres of **Developable upland** in a proposed GNOD (the Parcel). For a GNOD larger than twenty acres, the size of the Parcel shall increase in the proportion of one acre of **Developable Upland** per each additional twenty acres of **Developable Upland** in the proposed GNOD.

The City Council, at its sole discretion and following a recommendation by the Planning Board, may accept multiple parcels of not less than one acre each, if the City Council determines it is in the best interest of the City.

(8) Any property acquired by the City pursuant to this section shall be primarily utilized for below-market rate housing. The City Council shall designate the appropriate method for procurement, development, form of ownership, disposition and administration of individual parcels of land acquired pursuant to this section.

(9) Any land conveyed under this section shall be conveyed to the City may be conveyed as a condition subsequent to final Planning Board approval(s) and execution of the site review agreement, but in any event shall be conveyed prior to the issuance of a building permit for any project.

(10) If land is conveyed under this section, there shall be no further requirement to meet any specific percentage of workforce housing units in a GNOD as provided in Section 10.5B73.10, unless a building is proposed over 400 linear feet in length, in which case the Bonus Incentive Requirements of Section 10.5B73.10 shall apply.

10.686.40 Transfer of Development Rights Acquired through Land Transfer

(1) Land may be conveyed in conjunction with, or separately from a proposed **development (GNOD conveyance)**. In the event that a GNOD conveyance exceeds the amount required in order to support a proposed **development**, or when land is conveyed separately from any proposed development, the developer or its assigns will receive future credit for a future project or projects in accordance with the standards set forth below.

(2) Following any acceptance of real property by the City Council and successful transfer of fee ownership with warranted title, if there is any excess acreage above what is necessary for a proposed GNOD **development**, the Director of Planning and Sustainability shall notify the Planning Board and the transferor of land of the amount of Land Credit the

developer shall receive, which shall be memorialized in a Proposed Development Incentive Agreement (PDIA), as defined below.

(3) Contemporaneous with any GNOD conveyance, the City and the developer shall enter into a PDIA, which shall specify the amount of land conveyed to the City, the amount if any used for a pending development, and the amount of excess land that may be credited toward a future project in accordance with the GNOD. Any excess land credit may only be used within the GNOD but may be sold or transferred without limitation for GNOD purposes. A sale or transfer of excess credits pursuant to this section is only valid upon written notice of the transfer to the Director of Planning and Sustainability.

(4) The maximum term of any PDIA shall not exceed fifteen (15) years, following which the rights to any unused incentive shall automatically expire and become null and void.

(5) Entering into a PDIA under this section shall not be deemed to supersede or waive any of the other provisions of the GNOD or Article 5B or other applicable provisions of this Ordinance, nor shall any approval be considered to represent the granting of land use approval or vesting for any future **development**.

(6) Future use of the excess land credit to support a future project shall require administrative approval of the Director of Planning and Sustainability, who shall certify to the Planning Board both the amount of land credit used as a part of a **development** and the remaining land credit pursuant to the PDIA.

(7) Excess land credits may be used in full or partial fulfillment of the requirements of a future **development** set forth in section 10.686.20.

Developable Upland

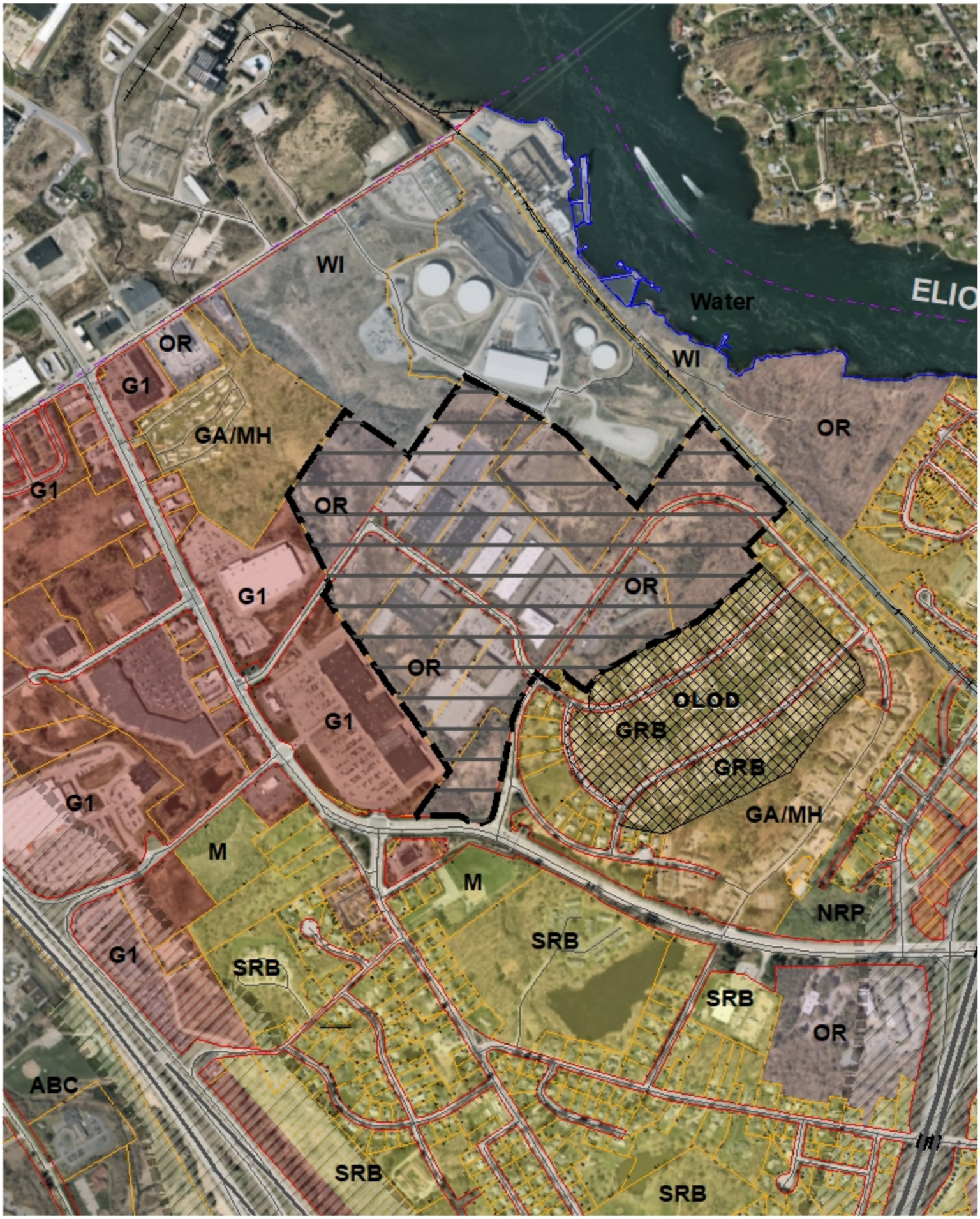
Net land area of property suitable for, or used for, **development**, excluding any: public rights of way or street rights of way platted as a part of the **development**: wetlands; and, wetland buffers.

10.5B41.80

New number 4:

In the GNOD, the minimum **community space coverage** shall be equal to 10% of the total site area of the **development site**.

Effective upon passage.



Legend

GNOD

DRAFT Gateway Neighborhood Overlay District (GNOD)

0 250 500 1,000 Feet

N W E S

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 23, 2024 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 1, Article IV, Section 1.412 – Public Art Review Committee, existing text to be deleted in its entirety and replaced with a brief reference to a new section in Chapter 1, Article XVII relating to public art; and Chapter 1, Article XVII – Funding of Public Art, Sections 1.1700-1.1707 existing text to be deleted in its entirety and replaced with a new Article XVII, retitled Funding, Review and Acquisition of Public Art, inclusive of new Sections 1.1700-1.1709. 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

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KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1,Article IV, Section 1.412 – Public Art Review Committee of the Ordinances of the City of Portsmouth be deleted in its entirety and replaced with the following:

> **A Public Art Review Committee shall be established and shall have the duties and authority as described in Chapter 1, Article XVII, Funding, Review and Acquisition of Public Art.**

That Chapter 1, Article XVII, FUNDING OF PUBLIC ART, Sections 1.1700-1.1707 inclusive of the Ordinances of the City of Portsmouth be deleted in its entirety and replaced with the following new Article XVII, retitled Funding, Review and Acquisition of Public Art, inclusive of new Sections 1.1700-1.1709 as shown in the attached **Exhibit A**.

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.

City Council Policy 2022-02, Public Art Referral and Acquisition Policy is repealed upon passage.

This ordinance shall take effect upon its passage.

APPROVED:

_____

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

_____

Kelli L. Barnaby, City Clerk

Explanatory Note: The proposed revised Chapter 1, Article XVII set forth in Exhibit A consists of: an integration of Chapter 1, Article IV, Section 1.412 into Chapter 1, Article XVII; updates and renumbering of sections of Article XVII ; the incorporation of guidance found in City Council Policy 2022-02 titled Public Art Referral and Acquisition Policy; and the inclusion of language recommended by the Trustees of Trust Funds to better administer the Public Art Trust. For additional information on the changes see the documentation provided as part of the City's Council's vote of August 19, 2024, authorizing First Reading.

EXHIBIT A

ARTICLE XVII: FUNDING, REVIEW, AND ACQUISITION OF PUBLIC ART

Section 1.1700: STATEMENT OF PURPOSE

It is hereby declared that it shall be the public policy of the City of Portsmouth to assist and encourage the participation of its citizens and visitors in the enjoyment of the many benefits which flow from the arts. The City of Portsmouth is committed to acquiring public art by donation, acquisition and commission. Among other activities to this end, the City will allocate a portion of the expense of public building construction and significant building renovation projects to be spent on works of art which shall be available for the benefit of all without additional cost to those persons. Such works of art shall be called public art as defined in more detail herein.

Section 1.1701: DEFINITION OF PUBLIC ART

"Public Art" or "Public artworks" are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site, considering the historical, geographical and social/cultural context of the site and constructed on a scale that is proportional to the scale of the development. "Artwork" – includes but is not limited to, painting, murals, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included in this definition are installations that are technological in nature, 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 functional art objects. Works of art may be temporary, portable, or permanent in nature.

This definition shall not include:

Objects that are mass-produced from a standard design or reproductions of original art works; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art; logos or corporate identity.

Section 1.1702: PUBLIC ART COMMITMENT

One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Five Million ($5,000,000.00) Dollars up to thirty Million ($30,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in

accordance with the terms of this ordinance and the Public Art Trust.

Section 1.1703: PUBLIC ART TRUST

There shall be created a Public Art Trust to serve as a repository of all public art financial contributions generated by application of this ordinance or made by private persons or entities. Such Trust shall be administered for the purpose of implementation of this ordinance. The terms of the Trust shall be consistent with this ordinance and shall be interpreted by reference to this ordinance.

Section 1.1704: EXEMPTION

By a two-thirds (2/3) vote, the City Council may exempt a municipal building from the Public Art Commitment described in Section 1.1701 if the purpose of this ordinance would not be fulfilled due to the building's inaccessibility to the public, location, use or other factors. In those cases, the public art associated with the project should be placed on other publicly owned property within the city, at the determination of the Council. Any Council determination to exempt a building under this provision shall be made no later than the final vote of the Council authorizing the funding for the project. (Amended 06/19/2017; amended 12/05/2022)

Section 1.1705: PUBLIC ART REVIEW COMMITTEE

The City Council hereby establishes a Public Art Review Committee (PARC) for the implementation and review of this ordinance, and all matters related to public art within Portsmouth. Whenever from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to the standing 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 in a non-voting capacity to be designated by the City Manager, a City Councilor in a non-voting capacity, 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 PARC openings 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.

EXHIBIT A

B. Powers and Duties: The PARC shall have the following responsibilities:

1. To foster development and awareness of public art within the City of Portsmouth, and advise the City Manager, City Council, and Land Use Boards with respect to matters relating to the development of public art awareness within the City of Portsmouth.

2. To accept referrals from the City Council or any other public body concerning public art and art issues generally.

3. To provide input on masterplans, zoning ordinances, strategic planning documents as they relate to public art and art issues generally.

4. To collaborate with the City on the acquisition, maintenance and marketing of its public art and develop a stewardship policy.

5. Establish Guidelines for review of public art based on the Public Art Acquisition Policy. The guidelines shall be based on the following criteria:[1]

   - The quality of the artwork; and
   - Appropriateness of the size, scale and materials for the site(s); and
   - Availability of an appropriate site; and
   - Costs of installation and maintenance of artwork; and
   - Condition and durability of the artwork; and
   - Aesthetic merit; and
   - Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials).

6. Initiate public forums where appropriate for determining thematic approaches and location options for public art.

7. Determine recruitment strategies to attract qualified artists for public art projects.

8. To review applications for public art following the Public Art Acquisition Policy, select final proposals, and advise the city on issues related to Percent for Art.

9. Review all applications for sponsored works of public art following the same guidelines as those for the Percent for Art program.

10. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the City or established by the Public Art Review

Committee at the request of the City Council.

11. To recommend to the City Council, as requested, replacement members to the PARC when they arise.

12. Identify and solicit funds to supplement the public art budget.

13. Perform further duties related to public art within the City of Portsmouth that the City Manager may request.

C. Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.

D. Reporting Responsibility: The Public Art Review Committee (PARC) shall include an annual report of their proceedings and programs to City Council. Details of the report include, but are not limited to:

a. Assessing available and potential resources in the Public Art Trust.

b. Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.

c. Assessing the impact of and opportunity for public art projects that advance economic development opportunities.

E. Revenue Development: The PARC may solicit or receive gifts, money or other to be applied to principal or interest into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art.

Section 1.1706: EXPENDITURE OF PUBLIC ART FUNDS

Expenditure of public arts funds shall be determined by the City Council. In authorizing such expenditures the Council shall apply the following protocol and criteria:

A. At least 75% of the principal amount of the public art contribution generated by any particular building project shall be expended for public art on the site of the project, unless subject to the exemption in section 1.1704, with remaining funds placed in the Public Art Trust for maintenance as described in 1.1708, or for other public art purposes. The remaining funds should be kept in the general Public Art Trust without designation for a particular project, to be disbursed at the direction of the City Council with advice from the PARC.

B. In determining the selection of any public art project, the City Council will consider the recommendations of the Public Art Review Committee (PARC), or seek

such other advisory recommendation as the City Council deems appropriate.

C. Upon the authorization by the City Council of a public art project, the administrative and financial implementation of that authorization shall be performed by the administrative officials of the City.

D. The Trustees of Trust Funds shall disburse funds from the Public Art Trust in amounts and at times as shall be specified in one or more written requests from the City Manager acting pursuant to authorization of the City Council. Each request shall identity the amount(s) requested, the purpose of the expenditure, and the public art project or public art concerning which the expenditure pertains and be accompanied by a copy of the Council authorization.

Section 1.1707: ACQUISITION OF PUBLIC ART THROUGH DONATION

In addition to acquisition of public art through expenditure of funds from the public art commitment and expenditure of other financial contributions from the public art trust, the PARC shall have the authority to recommend in favor or against acceptance of suitable donations of art to the City Council. These works of art will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time to time; and to not display a donated piece of art.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

Section 1.1708: MAINTENANCE AND REPAIR OF PUBLIC ART

Public art funds under this ordinance and the Public Art Trust to be created in conjunction herewith shall be available for repair and maintenance of public art, regardless of whether the public art work was initially funded by the Public Art Trust or otherwise. Maintenance needs for existing public art will be identified by the Public Works Department, with advice from the PARC, with cost estimates for same. As per instructions in section 1.1706D, the City Manager, with approval of the City Council, will authorize expenditure of funds from the Public Art Trust.

All donated, acquired or commissioned works of *outdoor* art shall include a cash stewardship donation of approximately 10% of the cost of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art. *Indoor* art may or may not require a stewardship donation, depending on the type of art. The PARC will determine if a stewardship donation is required for a given piece of indoor art, and if so, the amount of the donation. If the artwork is donated, the committee will determine the value of the artwork.

Works from the collection may be considered for removal if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation or for other good cause. Should the Public Art Review Committee determine that a work of art be de-accessioned

due to maintenance or repair challenges, or for any other reason, the committee shall make that recommendation to the City Council for its consideration and action. The City Council retains the authority to remove a work of art after receiving a recommendation for de-accessioning from the PARC. If a piece is decommissioned, the date and reason for withdrawal will be so recorded in the City Art and Artifact Index.

Section 1.1709: FUNDING ACCEPTED

This ordinance authorizes and the Public Art Trust shall provide for the acceptance by the City of donations, grants or contributions to public art which might be approved from time to time by the City Council.

This ordinance also authorizes the Council to accept donations with a designated purpose to commission works of public art to be placed on public property. The commissioning process shall follow the same procedures outlined in the ordinance for public art associated with capital expenditures by the City.

[1] The Trustees of the Portsmouth Public Library have their own policy for art acquisition. PARC will defer to the Trustees of the Library for art acquisition at the Library.

CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. ___

UPDATES TO THE CITY'S RIGHT TO KNOW POLICY

DRAFT

1. **Objective and Purpose**
   Access to government records pursuant to New Hampshire's Right to Know Law (RSA 91-A) is an indispensable tool for the public to use to understand the way local government functions. This policy will allow the City to provide access to government records in a more targeted and efficient manner while saving City staff time and encouraging an efficient use of taxpayer resources.

2. **Definitions**
   a. "Individual electronic communication" includes the communication itself as well as the responses and attachments to each communication, under a single subject line. However, text or chat message threads regarding the same topic shall be considered an individual electronic communication unless a thread exceeds 50 individual messages, at which point a group of 50 messages shall be considered an individual electronic communication.

   b. "Media requestors" means organizations or individuals who publish information in accepted digital, print, or broadcast formats and to standards generally recognized by professional news organizations that do not serve primarily as a platform to promote the interest and/or opinions of a special interest group, government, individual or cause.

3. **Policy**
   A per electronic communication charge of $1 per individual electronic communication, regardless of whether the records are delivered in hard copy or electronically, shall be charged of any requestor subject to the following provisions:

   1. No charge shall be issued for the first 250 individual electronic communications;

   2. No charge shall be issued for the following individuals or entities:
      a. An individual who can demonstrate they are indigent as established by the federal poverty line, as issued each year by the Federal Department

of Health and Human Services;

b. Media requestors;

c. Any individual requesting information where the disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor, except media requestors.

3. Multiple requests from any person or entity to the same public body within a 30-day time period shall be considered one request.

The requestor shall receive an itemized estimate of the cost of making the record available. This estimate shall accompany any written statement of the time reasonably necessary to determine whether the request shall be granted or denied and the reason for the delay, if it is estimated that making the record available will take longer than 5 business days, or as soon as the fee can be ascertained.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on: _____ , 2024.

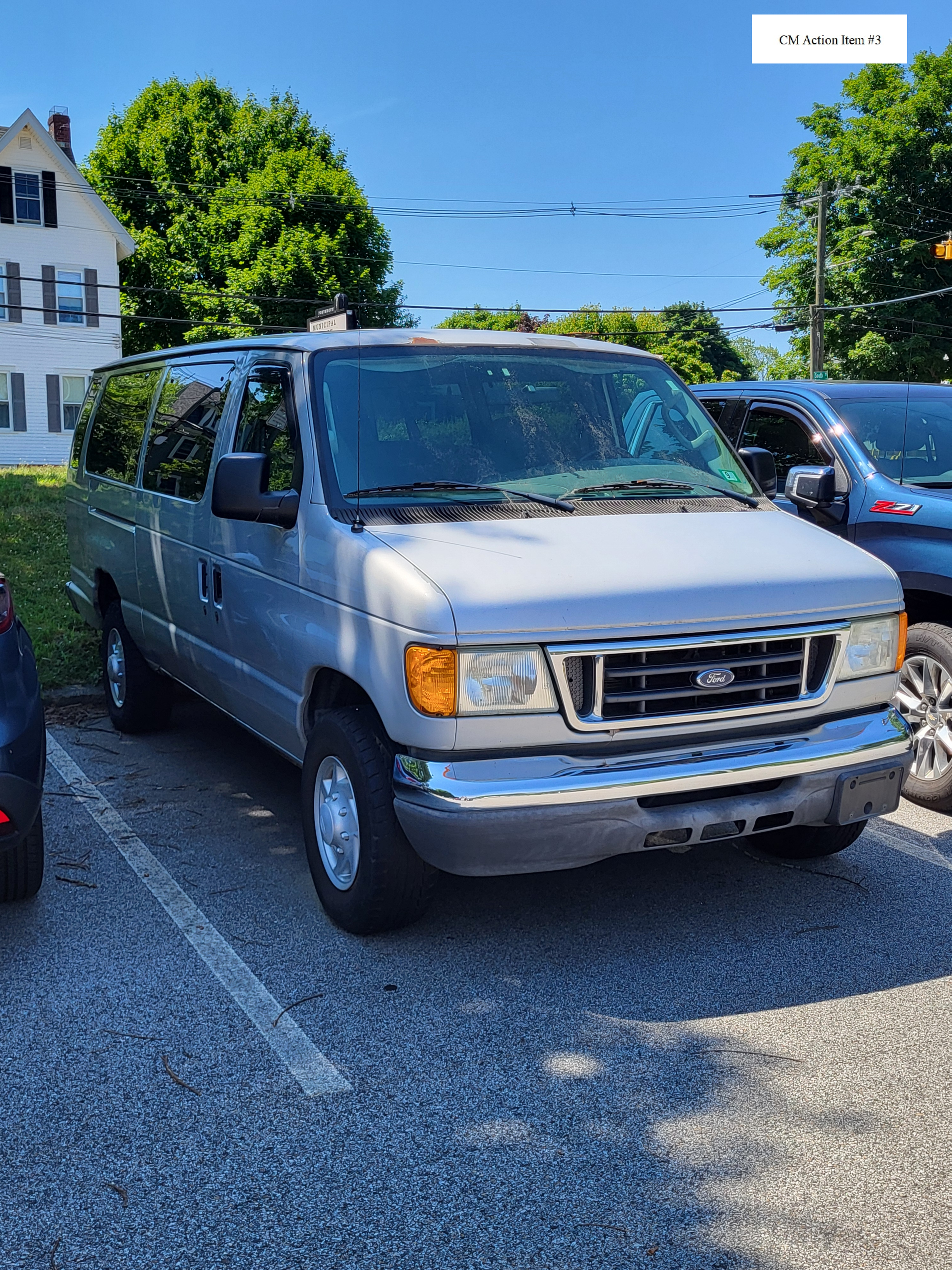
_____

Kelli L. Barnaby, MMC/CNHMC

City Clerk

DRAFT

CM Action Item #3



South St
NISSAN

MUNICIPAL
COMPLEX
City Hall
Police Department
School Department
4

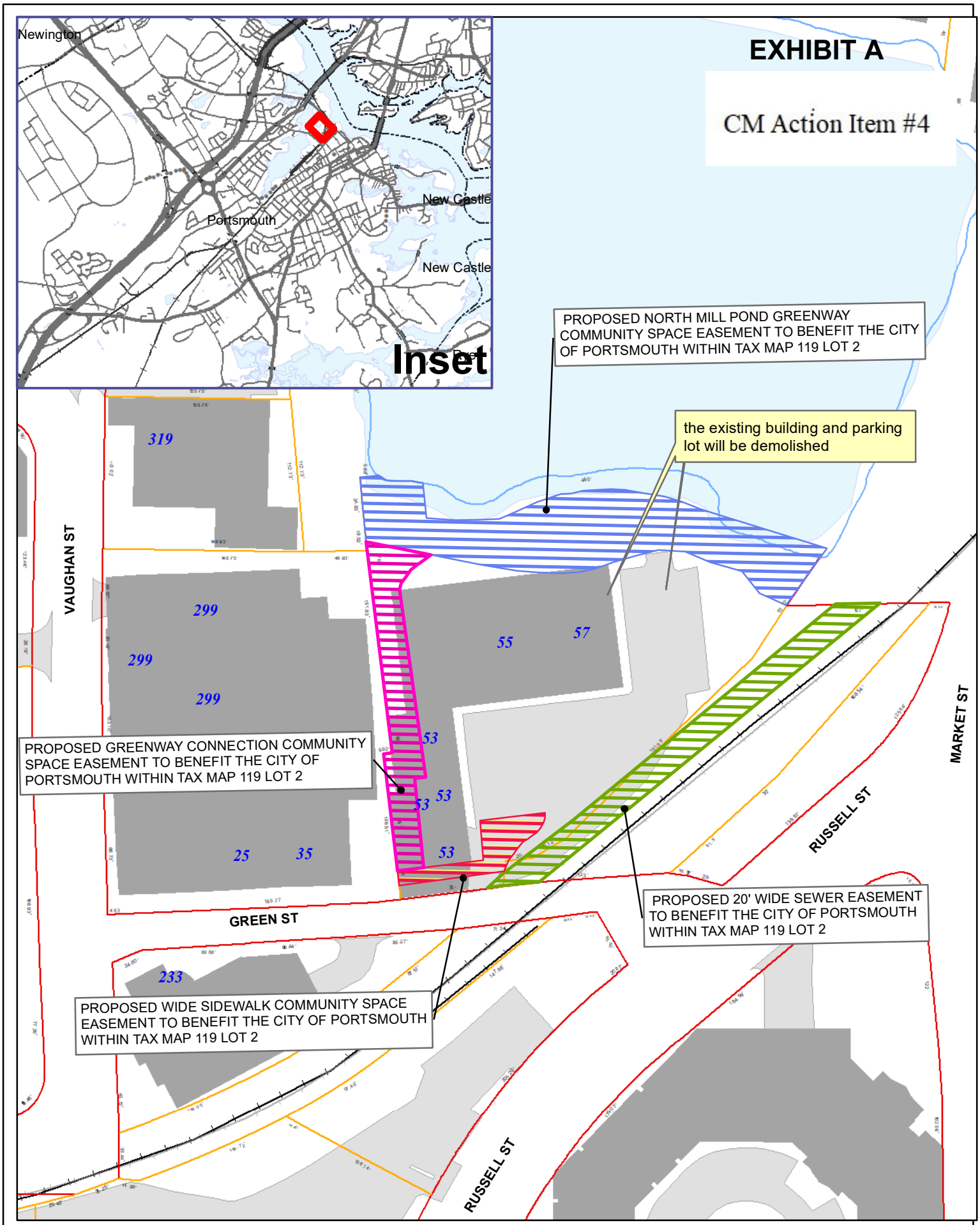
KEEP AWAY
POLICE
CITY OF PORTSMOUTH
21
Ford

POLICE
POLICE
CITY OF PORTSMOUTH
13
9
Ford

POLICE
2
Ford

POLICE CARS FOR AUCTION-2024

(PPD INTERNAL CAR #)	Auction Car #	Vehicle Yr	Make	Model	Mileage	Vin	Known Problems
(#27)	#1	2007	Ford	E-350 XLT Van	100240	1FBSS31L37DA36866	AC Inoperable, Gas tank leaks when full, top of windshield leaks, spider crack in wind shield in front of driver, traction contrtol wheel speed sensor alarm, rusty, battery
(#19)	#2	2011	Nissan	Pathfinder	96900	5N1AR1NBXBC633922	Runs rough, needs a paint job, issue with lift gate struts, battery
(#35)	#3	2015	Chevy	Traverse	131618	1GNKVFKD5FJ364681	Transmission or transfer case makes loud banking noise when shifting, warning lights on, battery
(#21)	#4	2014	Ford	Explorer	120036	1FM5K8AR9EGA70909	Won't stay running, all interior panels not attached, battery
(#13)	#5	2017	Ford	Explorer	106476	1FM5K8AR6HGB92714	Rear breaks shot
(#2)	#6	2011	Ford	Crown Victoria	70260	2FABP7BV6BX159332	Leaking intake maniforld, valve that sticks, may need a new engine, but was running when parked



53 Green Street
Proposed Easements

Map prepared by Portsmouth Department of Public Works

Printed: 9/16/2024

EXHIBIT B

After recording return to:
City of Portsmouth
Planning Department
1 Junkins Ave
Portsmouth, NH 03801

EASEMENT FOR PUBLIC ACCESS AND USE OF COMMUNITY SPACE

THE EASEMENT HEREIN IS GRANTED this _____ day of _____, 2024 by Stone Creek Realty, LLC, a New Hampshire limited liability company with a mailing address of 11 Portwalk Place, Portsmouth, NH 03801 ("Grantor") for consideration of One Dollar ($1.00) paid by the City, and other good and valuable consideration, receipt of which is acknowledged by Grantor, unto the City of Portsmouth, a municipal corporation, with a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire ("City") with quitclaim covenants, an easement for public access to and use of certain community space as set forth herein.

WITNESSETH

WHEREAS, reference is made to a plan entitled "Easement Plan for Stone Creek Realty, LLC (Tax Map 119, Lot 2) 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, and revised through [January 22, 2024] by Doucet Survey LLC and recorded in the Rockingham County Registry of Deeds as Plan #[_____] (the "Easement Plan"); and

WHEREAS, Grantor is the owner of that certain parcel of land shown on the tax maps of the City as [Map 119, Lot 2] as is more specifically described on Exhibit A attached hereto, and is shown on the Easement Plan (the "Property").

NOW THEREFORE, in consideration of the sum of One Dollar ($1.00), to be paid by the City, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, Grantor conveys the easements as follows, located in the City of Portsmouth, County of Rockingham, State of New Hampshire (hereinafter referred to as the "Easement"):

1. **Community Space Easement.** Grantor hereby grants to the City and declares for the benefit of the public a permanent, perpetual, irrevocable, and non-exclusive right to use and enjoy as community space for a greenway solely for recreational purposes on the Property in the area identified on the Easement Plan as "Proposed North Mill Pond Greenway Space Easement to Benefit the City of Portsmouth 15,463 Sq. Ft." as is more particularly described in Exhibit B attached hereto (the "Easement Area"). The Community Space Easement Area may be improved

by (i) the Grantor with permanent fixtures, such as public fountains, benches and other such landscaping features, at its sole expense, and as depicted in the Easement Plan or a Site Plan approved by the Planning Board and (ii) the Grantee with a paved multi-use pedestrian and bicycle path (the "Multi-Use Path"). The construction of any permanent fixtures not depicted in the Site Plan shall be subject to a modified site plan approval by the Portsmouth Planning Board.

The Easement shall be subject to the following terms and conditions:

1. **Terms of Public Use.** The public use of the Easement shall be governed and determined at the sole reasonable discretion of the City, as expressed by the City Manager or the highest ranking administrative officer of the City, subject to the terms and conditions hereof, provided, however, that in no event shall the City charge members of the public a fee or any other form of consideration for access to the Easement Area or the use of the Easement. The City shall provide reasonable notice to the Grantor of an extraordinary event to be scheduled within the Easement Area, but failure to do so shall not be a breach hereof.

2. **Rights to Private Property**. This Easement does not convey any right to the City or the public to access or utilize the private property of the Grantor outside the Easement Area. Grantor's use of the Easements shall be subject to and regulated through the City of Portsmouth's rules and ordinances governing the Portsmouth Rail Trail.

3. **Maintenance of the Easement Area**. Except as provided herein, maintenance of the landscaping within the Easement Area shall be the sole responsibility of the Grantor, its successors or assigns. The City shall have the right but not the obligation to maintain, repair, or replace the Multi-use Path, after providing reasonable notice to the Grantor of the scope and cost of such work, all as reasonably determined by the City and shall have the right to access the Easement Area for such purposes. Such maintenance costs incurred by the City shall be at the sole expense of the City. The City shall, within a reasonable amount of time after substantial completion of any work performed by or on behalf of the City, restore the applicable portions of the Easement Area and the Property that are affected by such work (all such areas collectively being the "Affected Areas") to as near as practicable to the condition that existed immediately prior to the commencement of such work. Such restoration obligation shall include, without limitation, restoring the surface of the land, ground covers, plantings, sidewalks, structures, parking areas, roadways and driveways, and repairing any damage to the turf areas of the Affected Areas using loam and seed of the same type as the grass damaged. The City shall have a corresponding right to reasonably enter onto the surrounding property for the limited purpose of conducting the repair and maintenance activities described herein. Ongoing maintenance of landscaping items, not including the restoration activities described above, shall be the sole responsibility of the Grantee.

4. **Encroachments**. The Easements are subject to all existing encroachments of utilities and improvements on, over and under the Easements.

5. **Covenants Run with the Land**. The Easements granted herein shall be perpetual in nature, shall run with the land and shall benefit and be binding upon the Grantor, its successors and assigns. The Easements shall be recorded in the Rockingham County Registry of Deeds.

6. **City Ordinance Application**. Any use, public or private, of the Easement shall be subject to and comply with the City Ordinances of the City of Portsmouth.

7. **Notices**. Any notice, demand, request, or other communication that either party desires or is required to give to the other under this Easement shall be in writing and either served personally or sent by United States mail, postage prepaid, certified, return receipt requested, and shall be mailed to the parties at the following addresses:

To Grantor:

[_____]

(or as listed and at the address shown on the City's current Tax Records)

To City:

City Manager (or the highest ranking administrative officer)
City of Portsmouth, New Hampshire
1 Junkins Avenue
Portsmouth, NH 03801

8. **Amendment.** The Grantor and the City may mutually agree to amend or modify the provisions hereof, provided that any such amendment or modification is approved by the City Council at a noticed public hearing, in writing and signed by both parties, and is consistent with the purpose and intent of the Zoning Ordinance. No amendment or modification hereof shall take effect unless and until it is recorded in the Rockingham County Registry of Deeds.

9. **Costs and Liabilities**. Neither the Grantor nor the City of Portsmouth shall be liable to the other party or any other person or entity in connection with any entry upon the Property pursuant to the terms and conditions hereof, or on account of any claim, liability, damage, or expense suffered or incurred by or threatened against Grantor or the City or any other person or entity. Notwithstanding the foregoing or any other provision hereof, this instrument is intended to comply with the statutory recreational immunities set forth in RSA 212:34 and RSA 508:14 and nothing in this instrument shall be construed to limit or abrogate the application of RSA 212:34 and RSA 508:14 to the public use of the Easement Area.

10. **Applicable Law**. The provisions hereof shall be construed and interpreted according to the substantive law of the State of New Hampshire.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Port City Realty, Inc. dated December 17, 2018 and recorded in Book 5598, Page 2725 of the Rockingham County Registry of Deeds and by deed of Boston and Maine Corporation dated March 4, 2015 and recorded in Book 5970, Page 1701 of the Rockingham County Registry of Deeds.

This is an exempt transfer pursuant to RSA 78-B:2(I).

IN WITNESS WHEREOF, Grantor and City have executed this Easement for Public Access and Use of Community Space as set forth below.

Grantor:

Stone Creek Realty, LLC

By: _____
Name:
Its:

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ____ day of _____, 202___, before me, the undersigned notary public, personally appeared _____ of _____, a New Hampshire limited liability company, proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the limited liability company.

_____
Notary Public/Justice of the Peace:
My Commission Expires:

The City:

City of Portsmouth, New Hampshire

By: _____
Karen Conard, City Manager

Per vote of the City Council on _____.

STATE OF NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

On this ____ day of _____, 202__, before me, the undersigned notary public, personally appeared Karen Conard, Manager of the City of Portsmouth New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it in his capacity as stated therein and voluntarily for its stated purpose.

_____
Notary Public:
My Commission Expires:

Exhibit A

The Property Legal Description

[to be provided]

Exhibit B

Community Space Easement Legal Description

<u>Proposed North Mill Pond Greenway Community Space Easement</u>

Beginning at a rebar with ID cap LLS #989 marking the a common lot corner between the subject parcel and land of the City of Portsmouth (Tax Map 123, Lot 15) in the City of Portsmouth, County of Rockingham, State of New Hampshire;

Thence N 38° 56' 03" E, a distance of 6.26' to a rebar with ID cap LLS #989;

Thence continuing N 38° 56' 03" E, a distance of 16'+/- to the mean high water line of North Mill Pond;

Thence along the mean high water line of North Mill Pond 21'+/- to a point;

Thence S 51° 15' 45" E, a distance of 31'+/- to a point;

Thence along a curve turning to the right with a delta of 03° 27' 15", a radius of 76.15' and a length of 4.59' to a point;

Thence N 53° 36' 20" E, a distance of 13.20' to a point;

Thence along a curve turning to the left with a delta of 35° 25' 45", a radius of 84.00' and a length of 51.94' to a point;

Thence along a curve turning to the right with a delta of 45° 34' 14", a radius of 154.00' and a length of 122.48' to a point;

Thence N 63° 04' 37" E, a distance of 33.39' to a point;

Thence along a curve turning to the right with a delta of 03° 19' 19", a radius of 126.00' and a length of 7.31' to a point;

Thence N 23° 35' 15" W, a distance of 3'+/- to the mean high water line of North Mill Pond;

Thence along the mean high water line of North Mill Pond 32'+/- to a point;

Thence N 66° 52' 16" E, a distance of 46'+/- to a rebar with ID cap LLS #989;

Thence S 14° 35' 01" E, a distance of 53.52' to a rebar with ID cap LLS #989;

Thence S 14° 35' 01" E, a distance of 6.20' to a point;

Thence along a curve turning to the right with a delta of 52° 33' 44", a radius of 20.05' and a length of 18.40' to a point;

Thence N 85° 32' 47" W, a distance of 34.69' to a point;
Thence along a curve turning to the right with a delta of 14° 12' 42", a radius of 112.00' and a length of 27.78' to a point;

Thence along a curve turning to the left with a delta of 48° 22' 34", a radius of 68.00' and a length of 57.41' to the point of beginning.
Thence S 20° 50' 48" W, a distance of 11.64' to a point;

Thence along a curve turning to the right with a delta of 32° 03' 50", a radius of 112.00' and a length of 62.68' to a point;

Thence S 52° 54' 38" W, a distance of 73.92' to a point;

Thence N 52° 40' 24" W, a distance of 2.47' to a point;

Thence S 53° 30' 33" W, a distance of 45.75' to a point at said land of the City of Portsmouth (Tax Map 123, Lot 15);

Thence along land of said City of Portsmouth the following two courses;

N 52° 57' 56" W, a distance of 15.82' to a rebar with ID cap LLS #738;

Thence N 51° 03' 57" W, a distance of 34.83' to the rebar at the point of beginning.

Said easement area contains 15,463 square feet and is shown as Proposed North Mill Pond Greenway Community Space Easement to Benefit the City of Portsmouth on a plan entitled "Easement Plan for Stone Creek Realty LLC, Tax Map 119, Lot 2, 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, by Doucet Survey, LLC recorded in the Rockingham County Registry of Deeds as Plan #[_____].

EXHIBIT C

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

GREENWAY CONNECTION EASEMENT DEED

Stone Creek Realty, LLC, a New Hampshire limited liability company with a mailing address of 11 Portwalk Place, Portsmouth, New Hampshire 03801, hereinafter, "Grantor" hereby conveys to the **CITY OF PORTSMOUTH**, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, Rockingham County, New Hampshire ("City" or "Grantee") for consideration paid, the following easement located in the City of Portsmouth, New Hampshire for the construction, maintenance and operation of a greenway trail allowing public use of the easement area as a bicycle and pedestrian pathway under such terms and conditions as may be determined by the City.

DESCRIPTION OF EASEMENT AREA

The easement area shall be over the land of Grantor in the location shown as "(3) Proposed Greenway Connection Community Space Easement to Benefit the City of Portsmouth 5,133 Sq. Ft." on that certain plan entitled "Easement Plan for Stone Creek Realty, LLC (Tax Map 119, Lot 2) 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, and revised through [January 22, 2024] by Doucet Survey LLC and recorded in the Rockingham County Registry of Deeds as Plan # [_____] (hereinafter the "Plan", and such easement area, the "Easement Area"). The Plan to be recorded herewith. That easement area is more particularly described as follows:

Proposed Greenway Connection Community Space Easement

Beginning at a rebar with ID cap LLS #738, marking the common lot corner between the subject parcel, land of Vaughan Street Hotel LLC (Tax Map 124, Lot 10) and land of the City of Portsmouth (Tax Map 123, Lot 15) in the City of Portsmouth, County of Rockingham, State of New Hampshire;

Thence along land of said city of Portsmouth N 52° 57' 56" W, a distance of 3.07' to a point;

Thence N 53° 30' 33" E, a distance of 45.75' to a point;

Thence S 52° 40' 24" E, a distance of 2.47' to a point;

Thence S 52° 40' 24" E, a distance of 0.30' to a point;

Thence along a curve turning to the left with a delta of 52° 43' 41", a radius of 36.59' and a length of 33.67' to a point at the proposed building line;

Thence running along the proposed building line the following five courses;

Thence S 53° 59' 18" E, a distance of 126.33' to a point;

Thence N 36° 00' 42" E, a distance of 1.92' to a point;

Thence S 53° 59' 18" E, a distance of 12.00' to a point;

Thence S 36° 00' 42" W, a distance of 9.92' to a point;

Thence S 53° 59' 18" E, a distance of 67.56' to the point;

Thence S 37° 51' 12" W, a distance of 20.08' to a point at land of said Vaughan Street Hotel LLC;

Thence along land of said Vaughan Street Hotel LLC the following three courses;

Thence N 53° 11' 14" W, a distance of 86.64' to a rebar with ID cap LLC #738;

Thence N 36° 56' 03" E, a distance of 6.50' to a rebar with ID cap LLC #989;

Thence N 53° 03' 57" W, a distance of 152.07' to the rebar at the point of beginning.

Said easement area contains 5,133 square feet and is shown as Proposed Greenway Connection Community Space Easement to Benefit the City of Portsmouth on a plan entitled "Easement Plan for Stone Creek Realty LLC, Tax Map 119, Lot 2, 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, by Doucet Survey, LLC and recorded in the Rockingham County Registry of Deeds as Plan # [_____].

TERMS OF EASEMENT

1. **Purpose and Rights:** The Grantee shall have a permanent easement and right of way in, under, across and over the Easement Area for the purpose of constructing, installing, maintaining, and regulating the use of a public bicycle and pedestrian path. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be

necessary, useful or convenient for the exercise of the easement rights herein granted.

2. **Use of the Bicycle and Pedestrian Path:** The Grantee shall have the right to access and use the entire easement area without interference from or by the Grantor. The Grantee reserves the exclusive right to exclude such uses from the easement area as Grantee deems at its sole discretion interfere with the public benefit or safe use of the easement area. The Grantee shall not interfere with the use of any existing permitted driveways and access ways during or after construction of the Bicycle and Pedestrian Path, except as necessary for public safety or otherwise permitted by law.

3. **Grantor's Retained Rights:** Excepting such rights as conferred in this document, the Grantor retains all other rights incident to ownership of the Easement Area insofar as the exercise thereof does not endanger the public or unreasonably interfere with the purpose of this instrument.

4. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devises, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

5. **Compliance with NH RSA 212:34 and NH RSA 508:14:** It is the intent of the parties to provide for "outdoor recreational activity" on the easement area within the meaning set forth in RSA 212:34, and to create a "trail for public recreation use" within the meaning provided in NH RSA 508:14, and accordingly provide the liability protections conferred by the statutes to both Parties.

MEANING AND INTENDING to convey an easement over the premises conveyed to the Grantor by deed of Stone Creek Realty, LLC, dated _____, and recorded at Book _____, Page _____ of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2024.

Stone Creek Realty, LLC

By: _____
Name:
Its:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument acknowledged before me on this ___ day of _____, 2021 by _____the [Manager] of [Cathartes 53 Green Street LLC], a [New Hampshire] limited liability company, on behalf of the limited liability company.

Before me,

_____
Justice of the Peace/Notary Public
My commission expires:
Name: _____
[print]

EXHIBIT D

Return To:
Legal Department
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

WIDE SIDEWALK EASEMENT DEED

STONE CREEK, LLC a [New Hampshire] limited liability company with a mailing address of 11 Portwalk Place, Portsmouth, New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easement with respect to Grantor's real property situate on the Easterly side of Green Street in the City of Portsmouth, State of New Hampshire:

1. **Permanent Easement Area**: A permanent easement for the purpose of installing and maintaining a public sidewalk over the land of GRANTOR in the location shown as "(4) "Proposed Sidewalk Community Space Easement to Benefit the City of Portsmouth 2,051 Sq. Ft." on that certain plan entitled "Easement Plan for Stone Creek Realty, LLC (Tax Map 119, Lot 2) 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, and revised through [January 22, 2024] by Doucet Survey LLC and recorded in the Rockingham County Registry of Deeds as Plan #[_____] (hereinafter "the Plan" and such easement area, the "Permanent Easement Area"). The Plan to be recorded herewith. That easement area is more particularly described as follows:

Proposed Sidewalk Community Space Easement

Beginning at a point on the common lot line between the subject parcel and land of Vaughan Street Hotel LLC (Tax Map 124, Lot 10) said point being N 53° 11' 14" W, a distance of 9.24' from a rebar with ID cap LLS #738 on the northwest side of Green Street in the City of Portsmouth, County of Rockingham, State of New Hampshire;

Thence along land of said Vaughan Street Hotel LLC, N 53° 11' 14" W, a distance of 10.64' to a point;

Thence N 37° 51' 12" E, a distance of 20.08' to a point at the proposed building line;

Thence along the proposed building line the following four courses;

N 35° 57' 50" E, a distance of 8.00' to a point;

Thence N 36° 01' 19" E, a distance of 36.67' to a point;

Thence N 53° 59' 18" W, a distance of 28.92' to a point;

Thence N 36° 02' 56" E, a distance of 38.33' to a point;

Thence N 35° 52' 12" E, a distance of 9.75' to a point;

Thence along a curve turning to the right with a delta of 57° 29' 02", a radius of 20.00' and a length of 20.07' to a point;

Thence along a curve turning to the left with a delta of 32° 52' 01", a radius of 38.00' and a length of 21.80' to a point;

Thence along a curve turning to the left with a delta of 17° 40' 57", a radius of 36.77' and a length of 11.35' to a point;

Thence along a curve turning to the left with a delta of 02° 15' 43", a radius of 36.77' and a length of 1.45' to a point;

Thence along a curve turning to the right with a delta of 07° 59' 51", a radius of 15.00' and a length of 2.09' to a point;

Thence S 37° 26' 47" W, a distance of 4.38' to a point;

Thence S 37° 26' 47" W, a distance of 38.45' to a point;

Thence along a curve turning to the right with a delta of 03° 28' 05", a radius of 240.00' and a length of 14.53' to a point;

Thence S 40° 52' 34" W, a distance of 21.65' to the point of beginning.

Said easement area contains 2,051 square feet and is shown as Proposed Sidewalk Community Space Easement to Benefit the City of Portsmouth on a plan entitled "Easement Plan for Stone Creek Realty LLC, Tax Map 119, Lot 2, 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, by Doucet Survey, LLC and recorded in the Rockingham County Registry of Deeds as Plan #[_____].

2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing and maintaining a public sidewalk. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the

enjoyment of the easement rights herein granted. The Grantee shall have exclusive responsibility for maintaining the public sidewalk.

3. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be restored at the Grantee's expense.

4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or unreasonably interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area or change the grade or slope. Grantor shall not install any pipes under Permanent Easement Area without prior written consent of the Grantee.

5. **Personal Property.** It is agreed that any facilities installed by the Grantee within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.

6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devises, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Stone Creek Realty, LLC dated [INSERT DATE] and recorded in Book [XXXX], Page [XXXX] of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

[signature page follows]

DATED this _____ day of _____, 2024.

Stone Creek Realty, LLC

By: _____
Name:
Its:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument acknowledged before me on this ___ day of _____, 2021 by _____the [Manager] of [Cathartes 53 Green Street LLC], a [New Hampshire] limited liability company, on behalf of the limited liability company.

Before me,

_____
Justice of the Peace/Notary Public
My commission expires:
Name: _____
[print]

EXHIBIT E

Return To:
Legal Department
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

SEWER EASEMENT DEED

STONE CREEK REALTY, LLC, a New Hampshire limited liability company with a mailing address of [PO Box 121, New Castle, New Hampshire 03854], hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easement with respect to Grantor's real property situate on the Easterly side of Green Street in the City of Portsmouth, State of New Hampshire:

1. **Permanent Easement Area**: A permanent twenty (20) foot wide easement for the purpose of a sewage pipe over the land of GRANTOR in the location shown as "(1) Proposed 20' Wide Sewer Easement to Benefit the City of Portsmouth 6,443 Sq. Ft." on a plan entitled, "Easement Plan for Stone Creek Realty, LLC (Tax Map 119, Lot 2) 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, and revised through [January 22, 2024] by Doucet Survey LLC and recorded in the Rockingham County Registry of Deeds as Plan #[_____] (hereinafter "the Plan" and such easement area, the "Permanent Easement Area"). The Plan to be recorded herewith. That easement area is more particularly described as follows:

Proposed 20' Wide Sewer Easement

Beginning at a railroad spike on the northwest side of Green Street in the City of Portsmouth, County of Rockingham, State of New Hampshire said point being the southeast corner of the easement area herein described;

Thence along Green Street S 36° 00' 42" W, running through a railroad spike a distance of 38.21' to a point marking the southwest corner of said easement area;

Thence N 04° 27' 13" E, a distance of 10.79' to a point;

Thence N 04° 27' 13" E, a distance of 6.29' to a point;

Thence N 04° 27' 13" E, a distance of 306.72' to a point marking the northwest corner of said easement area;

Thence N 38° 50' 21" E, a distance of 35.41' to a rebar with ID cap LLS #989 at the northeast corner of said easement area;

Thence S 04° 27' 13" W, a distance of 320.46' to the railroad spike at the point of beginning.

Said easement area contains 6,443 square feet and is shown as Proposed 20' Wide Sewer Easement to Benefit the City of Portsmouth on a plan entitled "Easement Plan for Stone Creek Realty, LLC, Tax Map 119, Lot 2, 53 Green Street, Portsmouth, New Hampshire" dated August 11, 2021, by Doucet Survey, LLC and recorded in the Rockingham County Registry of Deeds as Plan #[_____].

2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a sewer line with its associated pipes, manholes, and appurtenances. The Grantee shall have the right to remove obstructions including pavement, curbing, trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted. The Grantee agrees to preserve access to any driveways and parking areas to the extent reasonably practicable.

3. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be back-filled and restored at the Grantee's expense. Paving and curbing and similar materials shall also be restored at the Grantee's expense.

4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or unreasonably interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, or install any pipes in the Permanent Easement Area without prior written consent of the Grantee.

5. **Personal Property.** It is agreed that the pipes, manholes, and appurtenances related to the public sewer main installed within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee. Pipes, manholes and appurtenances related to any drain lines are the responsibility of the Grantor.

6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devises, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of [Irene N. Peterson and Bank of New

Hampshire, Successor co-Trustees of the Roy D. Peterson Revocable Trust created U/T/A dated March 21, 1996, as amended, dated [March 31, 1999] and recorded in Book [3378], Page [2467] of the Rockingham County Registry of Deeds.

This is an exempt transfer per RSA 78-B:2(I).

[signature page follows]

DATED this _____ day of _____, 2024.

[**Stone Creek Realty, LLC**]

By: _____
Name:
Its:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument acknowledged before me on this ___ day of _____, 2021 by _____the _____ of [Stone Creek Realty, LLC], a New Hampshire limited liability company, on behalf of the limited liability company.

Before me,

_____
Justice of the Peace/Notary Public
My commission expires:
Name: _____
[print]

EXHIBIT F

Return to:
City of Portsmouth
Attn: Legal Department
1 Junkins Avenue
Portsmouth, NH 03801

ACCESS EASEMENT FOR WATER SERVICES

KNOW ALL MEN BY THESE PRESENTS, that [Cathartes 53 Green Street LLC] with an address of 11 Portwalk Place Portsmouth, New Hampshire 03801, for consideration received, grants to the City of Portsmouth, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, with **QUITCLAIM COVENANTS** an easement over, below, along, and across the premises described herein, located at 53 Green Street, County of Rockingham, State of New Hampshire, (Tax Assessor's Map No. 119, Lot 2), and being more particularly described as follows:

> [A certain tract or parcel of land with the buildings therein situated on – ***PROVIDE DESCRIPTION – by reference to a recorded plan or metes and bonds description as may be appropriate.]***

Meaning and intending to convey an easement over the premises conveyed to the within grantor by Deed of Stone Creek Realty, LLC, dated _____ and recorded in the Rockingham County Registry of Deeds at Book _____, Page _____.

Purpose and Rights: The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purpose of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

Retained Rights: Grantor retains the right to freely use and enjoy its interest in the easement area insofar as the exercise thereof does not interfere with the purpose of this instrument.

Easement To Run With Land: All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devises, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

This is an exempt transfer per R.S.A. 78-B:2(I).

IN WITNESS WHEREOF, the parties have executed this document on the _____day of _____, 20__.

[**CATHARTES 53 GREEN STREET LLC**]

By: _____
Name:
Its:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument acknowledged before me on this ___ day of _____, 2021 by _____the [Manager] of [Cathartes 53 Green Street LLC], a [New Hampshire] limited liability company, on behalf of the limited liability company.

Before me,

_____
Justice of the Peace/Notary Public
My commission expires:
Name: _____
[print]

M E M O R A N D U M

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director

DATE: September 4, 2024

RE: City Council Referral – Projecting Signs
Address: 1 Market Square
Business Name: Overland Sheepskin Company
Business Owner: Roger Leahy

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

Sign dimensions: 15” x 40” & 18” x 48”
Sign area: 4.16 sq. ft. & 6 sq. ft.

The proposed signs comply 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 signs, 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.

N
W E
S

0 15 30 60 Feet

Map produced by Planning & Sustainability Department 9-4-24

Request for license
1 Market Square

SIGN 2

- 2-sided blade 15”h x 40”w (area sq ft 4.16) with mountain logo
- Hanging from hooks of existing bracket, rectangle shape, with texture.
- Mountain top protrudes slightly above sign.
- Sign color Brown. SW Turkish Coffee.
- Raised letters, mountain, ESTABLISHED 1973 and lines – color white / HOS ivory
- 1-piece carving, MDO backer
- HDU core with 2 hanging eye hooks.

SIGN 3

- 2-sided blade sign 18”h x 48”w (area sq ft 6) with mountain logo
- Hanging from hooks of existing bracket, rectangle shape, with texture.
- Mountain top protrudes slightly above sign.
- Sign color Brown. SW Turkish Coffee.
- Raised letters, mountain, ESTABLISHED 1973 and lines – color white / HOS ivory
- 1-piece carving, MDO backer
- HDU core with 2 hanging eye hooks.

Sign 1 =
15.0’ from sidewalk to sign bracket
13.1’ from sidewalk to bottom of sign (including a 4” sign clearance off bracket).

Sign 2 = 13.8’ from sidewalk to sign bracket
11.9’ from sidewalk to bottom of sign (including a 4” sign clearance off bracket).

September 10, 2024

Dear Mayor McEachern & City Council Members,

I am writing on behalf of the Seacoast Paddleboard Club (SPC) to seek your approval to host our 6th Annual on Sunday, October 27, 2024, from 9:00 a.m. to 11:30 a.m. at the Peirce Island Boat Ramp. This event, which typically attracts 20 - 30 paddlers, serves as a fundraiser for the Portsmouth Halloween Parade. One hundred percent of the registration fee ($20.00) is donated directly to the Portsmouth Halloween Parade organization via their PayPal account.

Below is our proposed schedule of events for the day. The paddle itself will consist of a short circumnavigation around Round Island.

9:00 a.m. - 10:00 a.m. - Peirce Island Cleanup (materials will be provided by SPC & Blue Ocean Society)
10:15 a.m. to 11:00 a.m. - Costume Paddle & Judging
11:15 a.m. - 11:30 p.m. - Award Ceremony (1st & 2nd Place will be awarded for the following categories: Spookiest, Funniest, Most Creative, Nautical Theme, and best group -- up to six members).

All paddle participants are required to wear proper safety gear, including a PDF and a leash (for paddle boarders). We will once again have an insurance binder issued for this event naming the City of Portsmouth as additionally insured up to $1M. The Park cleanup is open to the general public -- no purchase is necessary.

If you have any questions or recommendations, please let me know. If you'd prefer to speak with me by phone, I can be reached at 603.498.8198.

Thank you for your time and consideration.

Respectfully,
Chris Carragher

Pro Portsmouth Inc.
ARTS • CULTURE • HISTORY • COMMUNITY

RECEIVED
SEP 12 REC'D
CITY MANAGER
PORTSMOUTH, NH

September 9, 2024

Mayor McEachern and the City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Dear Mayor McEachern and Council:

On behalf of Pro Portsmouth, Inc., I am requesting the City's permission to produce the following:

- **First Night Portsmouth 2025,** Tuesday, December 31, 2024.
  Activities TBD, but may include:
  Ice Sculpture – Market Square/North Church
  Fireworks – South Mill Pond – Time TBD (Parrott Avenue plus various lot closures for fire safety zone)
  Street closures – Church Street @ Congress Street – 1pm to midnight (assembly of ice sculpture, heavy pedestrian traffic), Pleasant Street from Porter to the Square at 4pm (Dance: TBD)
- **Children's Day,** Sunday, May 4, 2025; Noon – 4pm.
  Street closure: 11am – 4:30pm – Pleasant Street: State Street to Market Square, no parking on Market Street – Bow Street to ISSCo. entrance (creates an extra pedestrian "lane.")
- **48th Annual Market Square Day Festival & 10K Road Race**,
  Saturday, June 14, 2025; 9am – 4pm
  Street closures – Downtown streets from 5am – 6pm.
  Race course – 9:00am start
  Roving closures along the course, with Marcy Street between Mechanic & Court Streets closed to traffic from 7:30am – 11am.
- **22nd Annual Summer in the Street**, Saturday evenings 5:30pm – 8:30pm – July 5, 12, 19, 26, August 2.
  Street Closures: 4pm (set up) – 9:00pm (clean up) – Pleasant Street – Porter Street to Market Square

P.O. Box 967
Portsmouth, NH 03802-0967
www.proportsmouth.org

First Night Sponsorship:
We respectfully request the City's financial support to defray the costs of the free elements of the event. The combined overall costs of outdoor activities (fireworks, ice sculpture) are once again projected to cost $15,000 this year. Accordingly, we are requesting that, as was the case in prior years, the City joins us as a sponsor in support of the fireworks' display in the amount of $3,000. We would acknowledge the City of Portsmouth as the official sponsor of the fireworks in all promotional materials.

Your consideration of this request is greatly appreciated, and your support will ensure that this event continues to draw thousands of visitors to the City, supporting our local performers, businesses and community as a whole.

I look forward to meeting with you to discuss the permitting process for all of our upcoming events.

Thank you in advance for your consideration.

Best regards,

Barbara Massar
Executive Director

cc: Karen Conard, City Manager

P.O. Box 967
Portsmouth, NH 03802-0967
www.proportsmouth.org

September 18, 2024

City Council
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Portsmouth City Council,

Connecting with the request for permission to put Scarecrows of the Port in the streets of Portsmouth again this year. As in past years, the scarecrows will be placed in designated locations throughout the Portsmouth Downtown area for the 16th year.

We would love to continue this tradition that the community loves so much.

Scarecrows of the Port is still made of volunteers putting up and taking down the Scarecrows of the Port throughout downtown.

At this time, we are planning to put up 45 scarecrows that would be on City Property. We would like to *put up the scarecrows*, **Tuesday October 8th** and *take them down*, **Saturday November 2nd**. The Scarecrows of the Port volunteers will be responsible for placement and removal of the Scarecrows.

As in the past we will provide the City with the COI for insurance coverage for the Scarecrows.

Thank you for your continued support. We are grateful for all your help in continuing to bring happiness to our community with the many smiles the Scarecrows bring.

Sincerely,

Laurie A. Mantegari

Laurie A. Mantegari
Scarecrows of the Port Volunteer

City Council Emails from Tuesday, September 3, 2024 through Wednesday, September 18, 2024

First Name
barbara

Last Name
marino

Email
barbara15825@yahoo.com

Address
1345 ISLINGTON ST
Portsmouth, New Hampshire. 03801

Message
Another year has gone by and there is nothing to protect walkers or alert drivers to the crossing at Islington and the bike path. How about just painting a crosswalk there? I know eventually you want to put in an electronic signal but don't let the perfect be the enemy of the good. Paint the darn crosswalk please

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

First Name
Cathy

Last Name
Baker

Email
catherinejbaker@yahoo.com

Address
127 Gates St
Portsmouth, New Hampshire. 03801-4606

Message
https://www.newscientist.com/article/2444394-part-of-the-atlantic-is-cooling-at-record-speed-and-nobody-knows-why/

Perhaps we should hold off on that very expensive exercise, our Climate Action plan, in the light of cooling in both the Atlantic and Pacific we may decide we need a little CO2 to create a little heat, and keep the plant life, upon which we all depend, alive.

https://atoc.colorado.edu/~vanderwb/5810/flora.html

Things like our Climate Action plan make a great jobs program for govt funded 'scientists' who perpetuate the climate myth, and consultants and sustainability employees, but it is not only a waste of taxpayer money at all levels, but a manipulative excuse for government control of a gullible citizenry. Put that Climate Action plan on hold. How much support is there anyway for something that had 3 public input sessions with less than 30 participants at the last 2, and only double that at the first one, in a city of over 20K people?

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

First Name
Erik

Last Name
Anderson

Email
andy42152@aol.com

Address
38 Georges Terrace
Portsmouth, New Hampshire. 03801

Message
Dear Councilors
NH DOT in their CIP plans had the Portsmouth Sound Barrier project approved, issued a RFP and had 1 bidder submit a bid 4 million over the projected price of 14 million. It was scheduled to begin construction this summer but nothing has happened and the project has gone cold. It is thought that the Gov. and Gov. Council must approve the additional 4 million but it has not appeared on their agenda yet. Is it possible to find out the status of this project (30 years in the making). Thank you for your time and any reply welcome
Erik Anderson

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

First Name

Scott

Last Name
Bornstein

Email
werscoraja@yahoo.com

Address
42 Squid St
Portsmouth, New Hampshire. 03801

Message
Councilors, One of the marks of good leadership is the ability to recognize a problem as it emerges, and address it before it negatively impacts our community. While I am sure some of you are aware, all need to be, and action will need to be taken to protect our city residents.

Recently, my wife was seen at the ER at PRH. The Doctor on duty was the only in-house Doctor handling the 45 beds of the ER. He told us he's currently working 6 days, 6am-9pm. There were 3 Nurses on duty, a ratio of 1:15 beds. My wife was to be admitted, but there was nobody to do the paperwork. 68 hours later she was discharged, from the ER. Now, with Beth Israel Lahey terminating ALS service from Exeter Hospital (just changed to a date in December), and today's announcement that they are eliminating discontinuing pediatric dental, neurology, and podiatry, occupational health and acupuncture the demand on PRH is about to increase exponentially. The ER staffing ratios I shared above are dangerous, potentially life threatening and an open invitation for errors. We have a fantastic, qualified, experienced ER staff, but one that is dangerously small for the need of the communities.

Maybe it is time for our leadership to meet with both PRH (HCA) and BIL (Exeter) and form a solid, safe plan BEFORE a crisis or disaster hits. I thank you for your time, and concern. Be well.

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

Christine Groleau
North Church of Portsmouth
2 Congress Street
Portsmouth, NH 03801

September 3, 2024

Portsmouth City Council
c/o Kelli Barnaby, City Clerk
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Members of the Portsmouth City Council,

I am writing on behalf of North Church of Portsmouth to formally request a reduction or waiver of the fees associated with our upcoming construction project. As a non-profit organization dedicated to serving our community, we are committed to enhancing the accessibility, safety, and functionality of our historic building, located at 2 Congress Street, which will enable us to better serve Portsmouth residents and visitors alike.

Our project aims to make significant improvements that will open our space for broader community use, increase accessibility for individuals with disabilities, and enhance safety measures in and around the building. These enhancements reflect our mission to support and engage with the community, and we believe they will have a positive impact on the City.

As a non-profit entity, we are mindful of the financial challenges associated with such projects. A reduction or waiver of the associated fees would alleviate this financial burden and allow us to allocate more resources directly toward these critical improvements and continuing our mission to serve the residents of Portsmouth and the surrounding community.

We greatly value our partnership with the City of Portsmouth and are grateful for the support the City has provided thus far. We hope that you will consider our request favorably, recognizing the mutual benefit that these improvements will bring to the community.

Thank you for your time and consideration. I am happy to provide any additional information or answer any questions the Council may have. Please feel free to contact me at (603) 475-4968 or cgroleau@comcast.net.

With hope and gratitude,

Christine Groleau
Construction liaison to the Cabinet
North Church of Portsmouth

Cc: Karen Conard

Proposal for the Revised Cable Franchise Fee Policy

PPMtv requests **$48,000** to get through the remainder of **this fiscal year**. We also request that the council revise the 2009 cable franchise fee policy to remit **60%** of the annual fee to PPMtv, with **40%** retained in the City's general fund. This policy is well in-line with the examples set by other cities and their respective stations, both in terms of anticipated amount as well as the percentage cut.

To address concerns surrounding PPMtv's sustainability in the face of dipping fees, we want to reassure that this policy will not deter PPMtv's fundraising efforts. With a new and reinvigorated board, our fundraising efforts are greater than ever and will continue to exceed the average fundraising goals for public access stations in the region.

For further details, please review the attached materials or reach out to us.

PPMtv
PORTSMOUTH PUBLIC MEDIA

Proposal for the Revised Cable Franchise Fee Policy

Why $48,000? Our expenses average $12,000 per month between rent/utilities and salary. We're actively minimizing these costs as much as possible. $48,000 will ensure that we meet the bottom-line in order to stay operational until the changed policy takes effect in July 2025.

Why 60-40? Both in terms of the percentage rate and the average amounts, this is comparable to most nearby stations. Even at a reduced fee, 60% will sustain PPMtv and encourage growth for years to come.

PPMtv
PORTSMOUTH PUBLIC MEDIA

Sustainable Strategies

Fundraising plans include:

- **Grant writing**. Our board is pursuing numerous grants and donors, including (not limited to):
  - Bangor Savings grants
  - Arthur Vining Davis Foundation
  - The Lawrence Foundation
  - Max & Victoria Dreyfus Foundation
  - ITVS Documentary Film Funding (for individual productions)
  - Potential grant-writing assistance from the City
- **Events**. We have several large-scale fundraising events in the works, including:
  - *Holiday Live Fund Drive*: a live holiday variety show scheduled for December, combining live theater and broadcasted production. Funding sources include VIP seating and underwriter slots for the show
  - *Public Domain Movie Nights*: Screenings at our studio space with a suggested donation at door. Minimal expenses and the ability for consistent shows.
  - *Online Art Auction*: Local artists donate their work to be auctioned to PPMtv's benefit - as well as promoted on our channel and other platforms.
- **Sponsors & underwriters**. In addition to our already-significant sponsorship program, we're offering underwriter slots for our existing programs.
- **"Sponsor a stage" program**. An organization can donate annually to have their name on one of our stages.
  - This program extends on a smaller level to our *Wall of Sponsors,* where we're selling 12 backlit slots where a sponsor's logo and name will be displayed.

This is not a comprehensive list.

PPMtv
PORTSMOUTH PUBLIC MEDIA

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

RECEIVED
JUN 10 2024
BY

Renewing applicant

Committee: PTS

Name: Mark Jamesina Telephone: 674-4669

Could you be contacted at work? YES/NO - If so, telephone # 674-4669

Street address: 52 Tapt Rd

Mailing address (if different): PO Box 5272 Ports

Email address (for clerk's office communication): On file

How long have you been a resident of Portsmouth? 1973

Occupational background:

ATTACHED

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving:

ATTACHED

OVER

6/27/2012

Please list any organizations, groups, or other committees you are involved in:

ATTALLKS

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) DICK LAMONTAGNE 176 THATCHER PORTS. NH 603 498-6200
Name, address, telephone number

2) [illegible] 19 COLEMAN [illegible] NH 498-6200
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: _____ Date: 6-7-24

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9.17.2027

Annual Number of Meetings: 12 (2023) Number of Meetings Absent: 1

Date of Original Appointment: 9.7.2021

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

June 7, 2024

TO: City of Portsmouth
Deaglan McEachern, Mayor
Kelli Barnaby, City Clerk

FROM: Mark Syracusa
52 Taft Road, Mail: PO Box 8272, Portsmouth, NH 03802

RE: Appointment Application: Parking, Traffic Safety Committee

Mayor McEachern,

I've been a resident of Portsmouth since 1973, self employed contractor since 1984, volunteer firefighter in New Castle, May 1998 to June 2017 and sat on the Pierce Island Blue Ribbon and Citywide Neighborhood Committee.

I have been an appointed member of the Parking and Traffic Safety Committee since September 18, 2021. I wish to continue volunteering my time in this capacity.

I have a considerable amount of experience and knowledge of the streets, safety and traffic issues as a long time resident of Portsmouth and as a First Responder for 19 years.
My tenure as a volunteer firefighter ended June 2017. I gave myself a couple of years to think of how I can volunteer in the Portsmouth Community. As a firefighter I was on call 24/7, unless I was out of town.

I'm a self-employed contractor and control my professional schedule and time.

I am a member of the Portsmouth Yacht Club, Portsmouth Elks and have been an active participant as a non-Rotarian with the Portsmouth Rotary Club community service projects since the 1980's.

I will continue to attend monthly meeting, site reviews and meet with residents for neighborhood traffic safety concerns.

Thank you for your consideration.

Sincerely,

Mark Syracusa

RECEIVED
AUG 28 2024
By

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

RECEIVED
AUG 28 2024
By

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Parking and Traffic Safety **Renewing applicant**

Name: Mary Lou McElwain Telephone: 603 498 3063

Could you be contacted at work? YES/NO - If so, telephone # N/A

Street address: 259 South St

Mailing address (if different):

Email address (for clerk's office communication): ML259@comcast.net

How long have you been a resident of Portsmouth? It will be 25 yrs. in Oct. 2024

Occupational background:

R.N - retired

Would you be able to commit to attending all meetings? (YES)/NO

Reasons for wishing to continue serving: Few more items of pedestrian and bicycle safety to work on!

OVER

8/15/2024

Please list any organizations, groups, or other committees you are involved in:

Ward 5 - selectperson

Portsmouth Historical Society - volunteer

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Kathi Gray 603 591 0280
Name, address, telephone number

2) Jessie Hunt ~~603~~ 203 623 7684
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Marylou McDermott Date: 8/27/24

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9/17/2027

Annual Number of Meetings: 12 Number of Meetings Absent: 1

Date of Original Appointment: 12/18/2017

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Parking and Traffic Safety **Renewing applicant**

Name: Erica Wygonik, PhD, PE, RSP1 Telephone: 802.683.9653

Could you be contacted at work? YES/NO - If so, telephone # _____

Street address: 319 Lincoln Avenue, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): ericaforportsmouth@gmail.com

How long have you been a resident of Portsmouth? 7 years

Occupational background:

I am a licensed civil engineer in the field of transportation and a certified road safety professional. I have been in this field since 2000. I also have my PhD in transportation engineering.

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving:

I believe public service is important. I have enjoyed my time on the committee, and I think my professional expertise has been useful.

OVER

6/27/2012

Please list any organizations, groups, or other committees you are involved in:

I am the Chair of the Urban Freight Transportation committee for the National Academy of Sciences' Transportation Research Board. I am a member of the Institute of Transportation Engineers.

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Reagan Ruedig; 70 Highland Street, Portsmouth, NH; 603.502.9247
Name, address, telephone number

2) Rebecca Daw; 329 Lincoln Ave, Portsmouth, NH; 603.988.4322
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: _____ Date: 8/18/2024

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 9/17/2027

Annual Number of Meetings: 12 (2023) Number of Meetings Absent: 0

Date of Original Appointment: 12/2/2019 (Alt)
9/18/2023 (Regular)

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

Erica J. Wygonik, PhD, P.E., RSP$_1$

319 Lincoln Ave
Portsmouth, New Hampshire 03801

Professional Engineer, NH #12551
ericaforportsmouth@gmail.com
802.683.9653

Professional Experience

2021-present Vice President, Wall Consultant Group, Salt Lake City, Utah
- Lead the Northeast Region transportation practice
- Manage projects including developing and enacting work plans, schedules, and budgets
- Provide analysis and technical leadership to projects in the traffic operations, transportation planning, and safety practices

2014-2021 Senior Consultant/Director, Resource Systems Group, White River Junction, Vermont
- Lead the traffic operations and freight practices
- Manage 3-5 direct reports, responsible for balancing workload for up to 12 staff, conduct twice-weekly staff meetings for two teams
- Develop and implement business plans for freight, traffic operations, transportation planning, and strategic modeling practices
- Manage projects including developing and enacting scopes, schedules, and budgets
- Provide technical leadership and oversight to projects in the freight, traffic operations, transportation planning, safety, and strategic modeling practices

2009-2014 Graduate Research Assistant, University of Washington, Seattle, Washington
- Oregon Department of Transportation, Capturing Multimodal Comparisons in Freight Prioritization
- National Cooperative Freight Research Program, 32 - Impact of Smart Growth on Metropolitan Goods Movement
- Oregon Department of Transportation, Emissions Reduction in Urban Pickup and Delivery Systems
- Federal Highway Administration, Developing a Framework for Collecting and Sharing Data and Information

2007-2008 Senior Associate, Resource Systems Group, White River Junction, Vermont
- Led the Traffic Operations and Traffic Microsimulation practice areas.
- Developed new staff.
- Continued to develop new business and manage client relationships, develop budgets, provide expert testimony, and develop microsimulation models and conceptual designs.

2000-2007 Associate I/II/III, Resource Systems Group, White River Junction, Vermont
- Led the Traffic Microsimulation practice area, developing budgets and scopes of work.
- Provided expert testimony.
- Developed microsimulation models.
- Developed preliminary and conceptual designs and mitigation measures using analyzed traffic data.
- Completed traffic studies.
- Managed the traffic count program.

Education

Ph.D. University of Washington, Civil & Environmental Engineering (Transportation), 2014
Dissertation title: *Moving Goods in Urban Areas: A Metaheuristic Addressing Logistics, Density & Emissions*

M.S.E. University of Washington, Civil & Environmental Engineering (Transportation), 2010
Thesis title: *Using a GIS-based Emissions Minimization Vehicle Routing Problem with Time Windows(EVRPTW) Model to Evaluate CO_2 Emissions and Costs: Two Case Studies Comparing Changes Within and Between Fleets*
Certificate in Global Trade, Transportation, and Logistics, 2010

B.E. Thayer School of Engineering at Dartmouth College, Engineering, 2007

B.A. Dartmouth College, Cognitive Science, 2000

Selected Peer-Reviewed Publications

A. Goodchild, E. Wygonik, and N. Mayes. (2018) "An analytical model for vehicle miles traveled and carbon emissions for goods delivery scenarios." *European Transport Research Review.* 10:8. https://doi.org/10.1007/s12544-017-0280-6

Wygonik, E. and A. Goodchild. (2017) "Evaluating the Impacts of Density on Urban Goods Movement Externalities." *Journal of Urbanism: International Research on Placemaking and Urban Sustainability.* Vol 10: Iss. 4. Pages 487-499 DOI: 10.1080/17549175.2017.1310745

Wygonik, E. and A. Goodchild. (2016) "Urban Form and Last-Mile Goods Movement: Factors affecting vehicle miles travelled and emissions". *Transportation Research Part D: Transport and Environment.* DOI: 10.1016/j.trd.2016.09.015

Grover, D., E. Wygonik, S. Bucossi, A. Bell, S. Piper, and K. Brewer-Colie (2016). "Estimating Current and Potential Bicycle Usage for Statewide Planning." *Transportation Research Record: Journal of the Transportation Research Board. DOI*: 10.3141/2587-13

Wygonik, E., A. Bassok, A. Goodchild, E. McCormack, and D. Carlson. (2016). "Forecasting Tools for Analyzing Urban Land Use Patterns and Truck Movements: A case study and discussion." *Transportation Research Record: Journal of the Transportation Research Board.* DOI: 10.3141/2547-11

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Wygonik, E., D. Holder, B.S. McMullen, and A. Goodchild. The Current State of Multimodal Freight Project Impacts Estimation. (2014) *Transportation Research Record.*

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Service, Leadership & Community Involvement

City of Portsmouth, New Hampshire, Parking and Traffic Safety Committee (Alternate 2019-2023, Member 2023+)

Urban Freight Transportation, Chair (2022+), Transportation Research Board of the National Academy of Sciences AT025 (member: 2015+)

Freight Transportation Planning and Logistics, Transportation Research Board of the National Academy of Sciences AT015 (2013-2022)

Secretary & Chair of the Website Committee, Seattle Section Younger Member Forum (2009-2011); Fundraising co-chair, Seattle Section Centennial Committee (2011-2013), American Society of Civil Engineers

President, University of Washington Chapter, Chi Epsilon (2009-2011) – Chapter won Susan C. Brown Outstanding Performance Award under my leadership

Microsimulation Joint Subcommittee, Transportation Research Board of the National Academy of Sciences AHB45(1) (2005-2008)

Board of Directors, Upper Valley Transportation Management Association (2001-2008), Past Chair, under my leadership won New Hampshire Planners Association Project of the Year (2008) for the Transportation Friendly Development Checklist

Development Board of Review, Town of Norwich, VT (2003-2004)

Honors & Awards

NH ACEC Silver Award, "Your Guide to Promoting Walking and Bicycling Accommodations in New Hampshire" (2017)

YPT Young Professionals Excellence in Innovation/Research of the Year Award (with Sam Piper & David Grover) (2016)

Chi Epsilon Graduate Fellowship Award (2013)

Henry L. Gray Memorial Fellowship (2011-2012)

Michael Kyte Region X Outstanding Student of the Year (2011)

TransNow University Transportation Center Outstanding Student of the Year (2011)

Eno Leadership Development Conference Fellowship (2011)

Western Region ASCE Outstanding Young Civil Engineer in the Public Sector (2011)

National AICP Student Project Award, Seattle Bike-Share Feasibility Study (2011)

Helene M. Overly Memorial Scholarship, Puget Sound Chapter, Women's Transportation Seminar (2010)

Dwight David Eisenhower Transportation Fellowship Travel Award (2009-2010)

Graduate Student Scholarship, Washington State Section, Institute of Transportation Engineers (2009)

Valle Scholar, University of Washington (2008-2009)

Faculty Award for Academic Excellence, Thayer School of Engineering at Dartmouth College (2007)

Tau Beta Pi, Engineering Honor Society

Chi Epsilon, Civil Engineering Honor Society

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: ECONOMIC DEVELOPMENT **Renewing applicant**

Name: ROBERT MARCHEWKA Telephone: 603-661-4880

Could you be contacted at work? YES/NO - If so, telephone # SAME

RECEIVED SEP 10 2024 By

Street address: 327 SAGAMORE AVE

Mailing address (if different):

Email address (for clerk's office communication): BOB@ONECOMMERCIALREALESTATE.COM

How long have you been a resident of Portsmouth? SINCE 1981

Occupational background:

REAL ESTATE

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: I LOVE THIS CITY!

OVER

8/15/2024

Please list any organizations, groups, or other committees you are involved in:

SEACOAST BOARD OF REALTORS

COMMERCIAL INVESTMENT BOARD OF REALTORS

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) RICHARD SMITH 97 HIGH ST 603-502-0570
Name, address, telephone number

2) JANETTE DESMOND 579 SAGAMORE AVE #48 603-493-9554
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: _____ Date: 9/10/59

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10/1/2028

Annual Number of Meetings: 9 Number of Meetings Absent: 1

Date of Original Appointment: 3/15/2010

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

RECEIVED AUG 1 9 2024 By

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

Committee: Conservation Commission ~~Initial~~ **applicant**

Name: Brian Gibb Telephone: 603.303.9255

Could you be contacted at work? YES ☑ NO ☐ If so, telephone# Same

Street address: 348 Maplewood Ave Apt 2

Mailing address (if different):

Email address (for clerk's office communication): bkgibb@gmail.com

How long have you been a resident of Portsmouth? 10 years

Occupational background:

President/CEO Drummond Group of Healthcare IT companies. Also have a software engineering background and an MBA.

Please list experience you have in respect to this Board/Commission:

I grew up on a farm and our home was near forestry. I gained an appreciation for conversation at an early age from my Father. This caused me to spend much time in states like Colorado, Oregon, New Hampshire and Maine. I owned a 50 acre ranch in Texas for a number of years upon which I worked the land to improve for wildlife. I also own and continue to operate my family's 300 acre generational farm in Illinois.

OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES ☑ NO ☐

Would you be able to commit to attending all meetings? YES ☑ NO ☐

Reasons for wishing to serve:

I am interested in ensuring the proper utilization and protection of natural resources. I ~~love the natural resources that we have here in NH and the seacoast region. I~~ especially like our trees, waterways, mountains, and wildlife.

Please list any organizations, groups, or other committees you are involved in:

Member Society for the Protection of New Hampshire Forests, White Mountains and ~~US National Parks annual contributor. Member with Advocates for the North Mill Pond.~~ Member board of directors with The Chase Home, Cross Roads House, NH SPCA.

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Jaci Grote (NH Rep), 603-235-6287
Name, address, telephone number

2) Tatiana Young, 312-550-4580
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Brian Gilbert Date: 9/12/24

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes XXX No____

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

Kelli L. Barnaby

From: Brian Gibb <bkgibb@gmail.com>
Sent: Thursday, September 12, 2024 12:27 PM
To: Mayor; Samantha Wright
Cc: Barb M; Kelli L. Barnaby
Subject: Con Com Open Position

Mayor McEachern and Chairperson Wright,

I am writing to express my strong interest in being considered for appointment to the Conservation Commission seat that will be vacated now due to Adam Fitzpatrick's resignation announcement last evening.

I did not originally have some of the strong subject matter qualifications and closely related experience that the other commissioners are able to bring to this important work.

I therefore have understood as multiple seats have been vacated and replaced by others not on the commission.

I have now completed almost two years of experience and I have very much enjoyed supporting this important work in service to the city and community.

Since my appointment, I have worked diligently to learn the related ordinance and also its real world application in requests that come before the commission.

I have ensured that I remain focused on the conditional use criteria and avoided personal beliefs or bias with each case to ensure fairness and legality/integrity of process.

I've watched and learned how to communicate with applicants and their supporting teams in a respectful and positive manner that represents the commission and city appropriately.

I've also learned how to work with applicants to achieve their projects within whatever latitude the ordinance criteria allows for and considering the specifics of the property and any precedence.

I've been able to leverage my own professional experience of working with other executives and the public also.

All of this perspective has been reinforced in conversations with other commissioners and unsolicited feedback from multiple applicants.

I have already submitted an application which I believe to be part of the appointment process.

I hope that you will consider my updated qualification as well as the two years of direct experience along with my sincere commitment as you consider who to appoint.

If you have any questions or would like to discuss, I'm open and available to do so.

Thanks to both of you for your own commitments to our great city!

Best regards,
Brian
348 Maplewood Ave

September 13, 2024

Dear Mayor McEachern and City Council,

While I'm not thrilled to shar this news, I will unfortunately be resigning from the Conservation Commission. I have already discussed this with Kate Homet. If you need anything further from me, please let me know.

Thanks,

Adam Fitzpatrick

NH Municipal Association

Proposed Principles

2025-2026

In addition to the established Legislative Policy positions adopted by the New Hampshire Municipal Association membership, the following principles should guide staff in setting priorities during any legislative biennium:

1. Identify and oppose mandates that violate Part 1, Article 28-a of the New Hampshire Constitution.

2. Work to maintain municipalities' share of state-level revenue sources (revenue sharing, meals and rooms tax, highway block grants, municipal bridge, state water and wastewater capital programs, and other state aid). Oppose proposals that reduce revenue unless there is a sustainable identified replacement source. Support efforts that make more sustainable sources for revenue.

3. Advocate to maintain and enhance existing local authority in all areas of local government.

4. Support legislation that provides greater authority to govern more effectively, efficiently, and flexibly at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.

5. Support bills proposed by individual municipal members, except when they conflict with these principles or NHMA's Legislative Policies.

6. Oppose mandated state exemptions or credits from local property taxes without substantial benefits back to municipalities.

7. Advocate for municipal representation on state boards, commissions, and study committees that affect municipal government and have non-legislative members.

8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services at the local level.

9. Support municipal efforts toward effective regional and state cooperation and delivery of municipal and state services.

10. Advocate for local options for economic development and vitality in partnership, including public-private partnerships, with regional and state economic development goals to encourage the overall economic health and social well-being of New Hampshire.

11. Encourage clarity and the elimination of ambiguity in statutory language, especially in areas of decision-making authority.

12. Support the rights of cities and towns to advocate, individually or collectively, for or against legislation and to join, hire, or establish organizations that do so on their behalf.

The legislative principles are not in order of weight or priority. They each carry their own independent value and should be viewed in that fashion when used to determine NHMA's position on a bill or policy.

NH Municipal Association

Proposed Policies

2025-2026

General Administration and Governance

Local Authority and Efficiency

NHMA supports maintaining local government authority without infringement by the state, and supports measures that enable municipalities to exercise existing authority more efficiently and with greater discretion. NHMA also supports state-local partnership and coordination in addressing common issues.

NHMA **supports**:

- Legislation granting towns the same authority to adopt ordinances that cities have under RSA 47:17;
- The authority of municipalities to regulate or limit the use of firearms on municipal property, and to regulate the carrying of firearms by municipal employees while on duty;
- Legislation allowing a town, by vote of its legislative body, to authorize appointment of the town clerk or town clerk/tax collector by the governing body, or by the chief executive officer based on a town charter, with appropriate employment protections to preserve the statutory independence of the office;
- Legislation allowing municipalities to satisfy notice publication requirements through the use of electronic notification rather than newspaper publication, in addition to posting notice in public places;
- Legislation that is supportive of state collaboration with municipalities in addressing homelessness; and,
- Legislation that helps ensure the availability of an adequate public sector workforce.

NHMA **opposes:**

- Repealing or further limiting existing governmental immunity protections or liability caps, or otherwise expanding potential liability for cities and towns; and
- Legislation that detracts from existing local authority.

Right-to-Know Law

NHMA supports the purposes of the Right-to-Know Law: to ensure the greatest possible public access to the actions, discussions, and records of all public bodies, and to ensure government's accountability to the people. NHMA also supports measures to make the law clearer and make compliance with public access requirements easier and less burdensome for public officials and employees and less costly for taxpayers.

NHMA **supports**:

- The ability to recover reasonable labor costs and other costs for responding to voluminous or excessive or commercial record requests, protecting taxpayer dollars and potential privacy concerns of citizens;
- Exemptions from disclosure that are easy to administer and that provide appropriate protection for confidential and other sensitive information;
- The ability of municipalities to directly petition to the Right-to-Know Law Ombudsman;
- Legislation and funding that provide support for education about the Right-to-Know Law; and,
- Authority of municipalities to set the meeting locations, conditions, and modalities (including in-person, remote, or combined in-person/remote) for meetings of councils, boards, committees, and commissions.

Elections

NHMA believes that voting in state and local elections should be simple and convenient without risking election integrity or security, and that election processes should be efficient without imposing undue burdens on local officials.

NHMA **supports**:

- Establishment of an independent redistricting commission to draw election districts fairly and without regard to partisan advantage;
- Local autonomy over town and city elections;
- More frequent state review and approval of electronic ballot-counting devices;
- Registration and voting processes that are not unnecessarily complex or burdensome, either to election officials or to voters;
- The use of secure technology such as electronic poll books to make election processes more efficient;
- Greater flexibility in the processing and counting of absentee ballots; and,
- State assistance for the cost of accommodations for disabled voters in local elections.

Labor and Employment

NHMA recognizes the importance of municipal employees, the need for good working conditions, and the right of employees to organize if they choose. NHMA also believes municipal employers should be free to set reasonable terms and conditions of employment or negotiate the same with their employees or employee representatives, without undue state interference.

NHMA **supports** existing laws governing all public employment and public employee labor relations. NHMA **opposes** changes to legislation that would mandate greater burdens or liabilities on employers.

NHMA **opposes**:

- Legislation creating a mandatory "evergreen clause" for public employee collective bargaining agreements;
- Mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining;
- A right to strike for public employees;
- New mandated employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years;
- Unnecessary limits on municipalities' discretion in making hiring decisions; and,
- Restrictions on municipalities' ability to privatize or use contracted services.

Substance Use, Prevention & Response

NHMA **supports**:

- State funding and other legislation to address substance use disorders for the following efforts:
    - Prevention
    - Treatment
    - Recovery
    - Emergency response
    - Enforcement

NHMA **opposes**:

- Reductions in state funding for substance use disorder or recovery support programs;
- Legislation that makes it more difficult to address the substance use disorder problem in our communities.
- Legislation that authorizes the sale of cannabis unless the following requirements or conditions are included:
    - The processing, manufacture, refinement or sale of cannabis products in any municipality shall only be permitted after the legislative body of that municipality has adopted the provisions of enabling state legislation permitting such activities--"opt-in," not "opt out."
    - Legislation that legalizes the sale of cannabis must include provisions for adequate and sustained funding to municipalities to address the costs associated with legalization because municipalities will be the governmental entities that will have to directly deal with the impacts of legalization.
    - Any legislation allowing for establishments engaged in selling, distributing, growing, or storing cannabis or cannabis products shall include a requirement for a host community agreement with the municipality in which such an establishment is located, which may include provisions such as a community impact fee; a limit on the percentage of sales of total gross receipts that are related to cannabis sales; security

measures for premises; agreements to fund police details when necessary; for crowd or traffic control; and termination of business provisions.

Finance and Revenue

Property Taxes and Related Revenues

NHMA supports legislation that allows municipalities to manage property tax levies in a manner that stabilizes tax rates and ensures equity, fairness, and efficiency in the assessment and collection of property taxes.

NHMA **supports:**

- The continuing right of municipalities to use any recognized method of appraisal upheld by the New Hampshire judicial system;
- Legislation to ensure that:
  o property taxes are assessed to the proper owner by requiring that all owner name changes be separately filed at the registry of deeds when such an owner change is not created by a transfer of the property, and
  o all liens, whether of a private or institutional nature, be filed at the registry of deeds, and that all changes to the name of a recorded lienholder be similarly filed;
- A legislative commission to study assessment and collection of property taxes and/or municipal utility fees on manufactured housing on land of another and on transient-type properties;
- Legislation ensuring fairness and accuracy in property tax exemptions including ensuring that all household income and assets are taken into account;
- Legislation that prohibits the use of the income approach by a taxpayer in any appeal of assessed value if the taxpayer refuses to provide such information as requested by the municipality;
- A legislative commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects;
- A study commission of local enabling legislation to allow for a uniform homestead exemption for resident owners on the principal place of residence.

NHMA opposes:

- Legislation that directly or indirectly increases property taxes, including but not limited to new or expanded mandatory exemptions or credits, or changes in the process for valuing, assessing, or taxing specific classes of properties;
- Legislation that undermines the basic goals of the current use program or reduces the 10-acre minimum size requirement for qualification for current use beyond those exceptions now allowed by the rules of the Current Use Board;
- Legislation that expands the definition of "charitable" in RSA 72:23-l unless the state reimburses municipalities for the commensurate loss of property tax base;
- An assessment methodology for big box stores that employs comparisons to "dark store" properties abandoned or encumbered with deed restrictions on subsequent use.

State Aid and Non-Property Tax Revenues

NHMA supports funding of state aid to municipalities, supports legislation authorizing local control over non-property tax revenue streams, and opposes legislation that reduces, suspends, or eliminates existing local taxes, fees, or state aid.

NHMA **supports**:

- Full restoration of revenue sharing under RSA 31-A;
- A state transportation policy that provides adequate and sustainable funding for state and municipal infrastructure and transportation systems and maintains at least the 12 percent share of state highway funds distributed to municipalities;
- Legislation authorizing the establishment of local option fees and providing for periodic adjustments to statutory fees to compensate for factors including, but not limited to, the effects of inflation, such as an increase in the maximum optional fee for transportation improvements;
- Legislation to ensure the collection of unpaid bills for ambulance and other emergency services;
- Reimbursement from the state for the cost of municipal services provided to state-owned properties;
- Legislation amending motor vehicle registration enforcement laws to ensure collection of all state and local registration fees owed by New Hampshire residents;
- Legislation amending RSA 36-A:5 II to allow trustees of trust funds to invest conservation funds instead of only the town treasurer, if voted by the legislative body;

NHMA **opposes**:

- Legislation that would repeal the dedicated fund created to share 30% of state meals and rooms tax revenue with municipalities along with any further reduction to the percentage shared, or any further reduction to the state meals and rooms tax.
- Diversion of state highway funds for state non-transportation network purposes.

New Hampshire Retirement System (NHRS)

NHMA supports the continuing existence of a retirement system for state, municipal, school, and county government employees that is secure, solvent, fiscally healthy, and financially sustainable, and that both employees and employers can rely on to provide retirement benefits for the foreseeable future.

NHMA **supports**:

- Restoration of up to 35% of the state's share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan, with the goal being a 35% re-instatement of the state contribution;
- Inclusion of participation by municipal officials designated by NHMA on any legislative study committee or commission formed to research alternative retirement system benefits plans or designs; and,

- Performance of an actuarial analysis of any legislation proposing benefits changes or other plan changes that may affect employer contribution rates.

NHMA **opposes**:

- Legislation expanding benefits that increase current or future employer contribution costs;
- Legislation that assesses additional charges on employers beyond NHRS board-approved rate changes;
- Legislation that expands the eligibility of NHRS membership to positions not currently covered by the plan; and,
- Legislation further restricting a municipality's ability to employ NHRS retirees in part-time positions or the imposition of any fees or penalties associated with such employment.

Education Funding

NHMA supports a revenue structure for funding an adequate education to meet the state's responsibilities as defined by the constitution, statutes, and the common law with revenue sources that are predictable, stable, and sustainable.

NHMA **supports**:

- A revenue structure that is not disruptive to the long-term economic health of the state;
- A revenue structure that is efficient in its administration; and,
- A revenue structure that is fair to citizens.

NHMA **opposes**:

- Retroactive changes to the adequate education funding distribution formula after the notice of grant amounts has been provided to local governments;
- Education funding changes that would directly result in a reduction of the amount of municipal state aid and revenue sharing;
- Education funding changes that create a conflict in statute with any other taxing authority, tax statute, existing exemption or credit or create technical issues within the tax collection process.

Infrastructure, Development, and Land Use

Energy, Environment, and Sustainability

NHMA supports preservation and enhancement of municipal energy, climate, and sustainability planning for communities, protection of the natural environment, and implementation of clean and renewable energy, while recognizing the need for municipalities to manage their resources and the natural environment without undue cost.

NHMA **supports**:

- Legislation that broadens municipalities' ability to install and use renewable energy sources, including higher caps or elimination of caps on net energy metering;
- Legislation that provides financial and other assistance to municipalities for conservation techniques and installation and maintenance of renewable energy sources;
- Legislation that allows municipalities to adopt local environmental regulations that are no less stringent than those implemented by the state;
- Legislation that enables municipalities to enact measures that promote local energy and land use systems that are both economically and environmentally sustainable;
- Legislation that protects and preserves local natural resources and public infrastructure, builds community resilience, and fosters adaptation to climate change and mitigates its risks;
- Policies that support customer and community choice in energy supply and use competitive market-based mechanisms to promote innovation, cost effectiveness, and sustainability; and
- Legislation that provides state or federal assistance to municipalities to promote environmental justice and to mitigate environmental impacts faced by their residents, and to drive early local engagement in decision processes.

NHMA **opposes:**

- Legislation that overrides local determinations of appropriate energy sources and regulations.

Water Resources Protection, Control, and Management

NHMA supports measures enabling municipalities to protect, control, and efficiently and safely manage water infrastructure and its resources. NHMA believes the State should support its commitments to municipalities for water infrastructure programs and that any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA **supports**:

- Legislation that provides state or federal investment in maintaining and improving ~~the state's~~ critical water infrastructure, including, but not limited to, dams, public drinking water systems, wastewater systems, stormwater systems, and surface and groundwater;
- Legislation that encourages regional and innovative solutions to drinking water, wastewater, stormwater, and surface and groundwater issues; and,

- Regulation of emerging contaminants at appropriate and feasibly achievable levels when supported by relevant scientific and technical standards that are broadly accepted by peer review and cost-benefit analyses, when coupled with appropriate state or federal funding.

NHMA **opposes**:

- Enactment of stricter drinking water, wastewater, stormwater, or surface water and groundwater regulations for municipalities unless any costs of compliance are funded by the state or federal government or responsible party.

Solid Waste Management

NHMA recognizes the need for efficient, economical, and environmentally sensitive mechanisms for solid waste management which allow municipalities to use the most appropriate disposal systems. NHMA believes any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA **supports**:

- Programs that support municipal, regional, and state strategies to manage solid waste through reduction, reuse, recycling, resource recovery, composting, and other measures, while maintaining local control;
- State programs that address existing and emerging contaminants at no additional cost to municipalities; and,
- Fees or assessments on solid waste or recycling that are used to provide direct support or enhancement of local or regional solid waste, household hazardous waste, and recycling programs.

Housing

NHMA recognizes the need for diverse, affordable, and workforce housing in New Hampshire and the responsibility of each municipality to afford reasonable opportunities for the development of diverse, ~~and~~ affordable, and workforce housing. NHMA believes municipalities should have discretion in how to satisfy this responsibility and supports legislation that enables municipalities to find innovative ways to ensure an adequate supply of housing.

NHMA **supports**:

- Legislation that allows municipalities to require the inclusion of affordable and diverse housing opportunities as part of new housing developments;
- Financial and other incentives to municipalities to encourage development of diverse, ~~and~~ affordable, and workforce housing, including but not limited to municipal per unit grants;
- Financial and other incentives that assist homeowners in FEMA designed flood areas such as with the elevation of residential dwellings;
- Legislation that provides state funding to the regional planning commissions that helps municipalities in meeting their housing needs;
- Statewide efforts to provide housing for those experiencing homelessness or at risk of homelessness and for those recovering from substance use disorder, subject to reasonable municipal regulation;

- Policies that encourage documentation and financial traceability of cash and bartered rental transactions;
- Legislation and policies that encourage creative and flexible approaches to meeting housing needs of current and future demographics in different regions; and,
- Legislation which promotes a collaborative approach between the state, municipalities, and other key stakeholders to address the state's housing shortage.

NHMA **opposes**:

- Legislation and policies that ~~allow for or~~ encourage housing practices that exclude people from ~~and~~ or decrease the availability of quality, affordable housing; and,
- Legislation that erodes local control over land use decisions.

Land Use

NHMA supports the long-standing authority of municipalities to regulate land use matters with minimal interference from the state.

NHMA **supports**:

- Legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions; and,
- Legislation that supports the adoption of more recent editions of the national/international building and fire codes after review and recommendation by the Building Code Review Board and/or the State Fire Control Board.
- Legislation and policies that take into consideration the value of conservation, natural resources, and open space.

NHMA **opposes**:

- Legislation that limits municipal control in implementing statewide priorities in zoning and land use regulation;
- New state mandates requiring municipalities to allow specific types of housing; and,
- All other statewide land use mandates.

Information Technology, Communications, and Cybersecurity

NHMA supports initiatives to make the most current information and communication technology accessible to New Hampshire communities, so long as local authority over land use regulation and safety issues is not compromised.

NHMA **supports**:

- Legislation that allows for the responsible, ethical and transparent use of Artificial Intelligence (AI) technologies by New Hampshire municipalities to enhance public services, improve operational efficiency, reduce costs, enhance security, manage risk and engage more effectively with the community.

- Legislation that increases the ability of municipalities, especially those in rural and remote areas, to facilitate and advance access to reliable broadband technology to the premises in their communities;
- Legislation that provides flexibility for municipalities in accessing poles and pole attachments, including legislation that directs the New Hampshire Public Utilities Commission to adopt the FCC rule on access to poles called "One-Touch-Make-Ready" in order to facilitate bringing high-speed fiber optic cable to service all New Hampshire communities, homes, and businesses by internet service providers (ISPs) in an expedient and cost-effective manner;
- Legislation that provides state and federal investment, including grants, for installation of high-speed fiber optic broadband technology to serve all New Hampshire communities, homes, and businesses;
- Legislation that requires or encourages and incentivizes providers to disclose information to local government relative to access and broadband connections provided in the municipality to help municipalities better understand and address the needs of their community; and,
- State investment in cybersecurity assistance to municipalities to protect data and infrastructure.

NHMA **opposes**:

- Legislation that would promote discrimination in the administration of government, the violation of privacy of the citizens we serve, or create or promote threats to public safety.
- Legislation that limits municipalities' ability to prevent or regulate deployment of technologies that would interfere with the management of the right of way; and,
- Statewide mandates on cybersecurity practices unless any associated costs are funded by the state or federal government.

Transportation

NHMA supports state policies that ensure access for all users to convenient, efficient, reliable, cost effective, safe, and sustainable multi-modal transportation systems in New Hampshire.

NHMA **supports**:

- Appropriate funding for state and local modes of transportation, including but not limited aviation, transit, bicycle, and multi-modal facilities;
- Continued state and federal investment in public transportation systems and projects designed to support access to vital services, economic, and recreational opportunities within communities, link communities and regions, and reduce vehicle congestion on New Hampshire's roads; and,
- Programs and funding sources that would appropriately recover and distribute the impact of vehicles used on local and state transportation infrastructure.

NHMA **opposes**:

- Any action or inaction by the State that results in the downshifting of maintenance responsibilities for transportation infrastructure (road, bridge, culvert, drainage) to municipalities.

Economic Development, Recovery, and Vitality

NHMA supports allowing municipalities to implement measures to foster economic development which allows for the preservation and creation of jobs and vitality within our communities.

NHMA **supports**:

- Legislation that allows for local adoption of more options and more flexibility to provide incentives for economic recovery and development; and,
- Expansion and more flexibility of state tax credit and exemption programs to foster economic recovery, development, and vitality.

NHMA **opposes**:

- Legislation that makes it more burdensome to implement economic recovery, development, and vitality measures.

2024 NHMA Policy Conference
Floor Proposal
City of Lebanon

The City of Lebanon proposes that the language in bold italics be added to the 2025-2026 Legislative Policies section on Educating Funding.

Education Funding

NHMA supports a revenue structure for funding an adequate education to meet the state's responsibilities as defined by the constitution, statutes, and the common law with revenue sources that are predictable, stable, and sustainable.

NHMA **supports**:

- A revenue structure that is not disruptive to the long-term economic health of the state;
- A revenue structure that is efficient in its administration; and,
- A revenue structure that is fair to citizens.
- ***Recission of the tax cuts in the Interest & Dividends Tax, Business Profits Tax and the Business Enterprise Tax; and the revenue from the restored taxes to be added to the Education Trust Fund.***

NHMA **opposes**:

- Retroactive changes to the adequate education funding distribution formula after the notice of grant amounts has been provided to local governments;
- Education funding changes that would directly result in a reduction of the amount of municipal state aid and revenue sharing;
- Education funding changes that create a conflict in statute with any other taxing authority, tax statute, existing exemption or credit or create technical issues within the tax collection process.
- ***Reductions in state taxes that could be used to address the education funding issue in the state such as the Interest & Dividends Tax, Business Profits Tax and the Business Enterprise Tax.***

New Hampshire Municipal Association
2025-2026 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) _____Wendi Rathgeber_____ **Date**_____August 8, 2024_____ **Town of** _Waterville Valley_ **Title of Person Submitting Policy** ____Selectboard Member_____

Floor Policy Proposal approved by vote of the governing body on (date) ____August 7, 2024_____

To see if NHMA will SUPPORT/OPPOSE: Support the prevention of the disposal of municipal solid waste, or any other waste, generated outside of New Hampshire in New Hampshire landfills. Furthermore, we request NHMA support in encouraging the state of New Hampshire to act expeditiously to plan for near and long term municipal solid waste disposal, as well as waste reduction initiatives.

Municipal interest to be accomplished by proposal:

Municipalities need to provide affordable disposal of property owners' municipal solid waste by removing competition for space in existing and potential future landfills. There is also a need to provide assurance to New Hampshire property owners that the removal of solid waste will be a service that can be expected in the future.

Explanation:

Many municiplities in New Hampshire rely on large regional landfills for the disposal of their property owners' trash. The disposal companies that operate in New Hampshire are allowed to accomodate waste from surrounding New England states and beyond (which, in turn, do NOT allow neighboring states' trash to be disposed of in their landfills). Competition for the limited waste disposal resource drives up costs for NH municipalities thereby increasing local taxes. Corporations that bring in other states' solid waste ought not profit at this endeavor at the expense of New Hampshire taxpayers.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.

PARKING and TRAFFIC SAFETY COMMITTEE
ACTION SHEET

8:30 A.M. – September 5, 2024
Conference Room A

PRESENT: **Members**: Chairman Andrew Bagley, Steve Pesci, Public Works Director Peter Rice, City Manager Karen Conard, Deputy Police Chief Mike Maloney, Fire Chief Bill McQuillen, Mark Syracusa, Mary Lou McElwain, Erica Wygonik, Dave Allen (alternate)

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

ACTION ITEMS FOR CITY COUNCIL
• Portwalk Place, voted to renew annual valet parking license agreement for Parade Residence Hotel LLC. • Portwalk Place, voted to renew annual valet parking license agreement for Portwalk HI LLC. • Chapter 7, Section 7.1004, Voted to recommend approval of changes to Ordinance to City Council.

- **Roll Call**

- **Financial Report: Voted** to accept and place on file Financial Report dated July 31st, 2024.

- **Public Comment Session:** There were 10 speakers. Meredith and Jay Kobzik and Nancy Yarmac spoke regarding speeding on Islington Street. Dave Rheaume spoke regarding the proposed all-way stop at McDonough Street and Langdon Street. Jane Mitchell Pate, Greg Hebert, Joni Lane and Bryce Pate spoke regarding the Greenleaf Avenue sidewalk project and proposed traffic changes in the Hillside Drive neighborhood, and Matthew Glenn (Z) and Jonathan Sandberg (Z) spoke regarding the proposal to eliminate the separate left turn lane on Congress Street at Islington Street and spoke regarding removing parking along Middle Street at Cass Street.

- **Congress Street, proposal to reduce lanes and widen sidewalk on Congress Street between Chestnut Street and Maplewood Avenue: Voted** to have staff continue to develop proposal, incorporating suggestions and comments from meeting, and report back closer to start of construction.

- **Portwalk Place, request to renew valet license agreements for Portwalk HI LLC and Parade Residence Hotel LLC: Voted** to approve renewal of both license agreements.

- **Middle Street, request to remove parking near intersection of Cass Street: Voted** to schedule site visit and put out flyer notifying abutters of meeting.

- **Hill Street, request for signage to address vehicles turning around in private street: Voted** to refer to staff to post signage as deemed appropriate.

- **City Ordinances, Chapter 7, proposed changes to Section 7.1004: Voted** to approve changes as presented.

- **Hancock Street at Washington Street, request for all-way stop:** **Voted** to schedule site visit and refer to staff for further evaluation and report back.

- **McDonough Street, request for all-way stop at Langdon Street:** **Voted** to approve STOP signs on McDonough Street to create all-way stop-controlled intersection.

- **Police monthly accident report:** Informational; no action required.

- **City road construction projects update:** Informational; no action required.

- **State legislation update:** Informational; no action required.

- **Seacoast Greenway Rail Trail rules:** Informational; no action required.

Respectfully submitted by: Eric Eby

PARKING and TRAFFIC SAFETY COMMITTEE

PORTSMOUTH, NEW HAMPSHIRE

CITY HALL 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 **September 5th, 2024**

MINUTES

I. CALL TO ORDER

Councilor Andrew Bagley called the meeting to order at 8:30 AM.

II. ATTENDANCE

Members Present:
Chairman Andrew Bagley
Vice Chair Steve Pesci
Public Works Director Peter Rice
City Manager Karen Conard
Deputy Police Chief Mike Maloney
Erica Wygonik
Fire Chief William McQuillen
Mark Syracusa
Mary Lou McElwain
Dave Allen (alternate)

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

Chairman Bagley announced that Vice Chair Steve Pesci would be stepping down from the committee and thanked him for his five years of service to the committee.

III. FINANCIAL REPORT

[00:06:17] Mark Syracusa moved to accept the financial report dated July 31st, 2024, seconded by Mary Lou McElwain. Motion carried 9-0.

IV. PUBLIC COMMENT

[00:09:04] There were 10 speakers: Meredith and Jay Kobzik and Nancy Yarmac spoke regarding speeding on Islington Street and Dave Rheaume spoke regarding the proposed all way stop at McDonough Street and Langdon Street. Jane Mitchell Pate, Greg Hebert, Joni Lane and Bryce Pate spoke regarding the Greenleaf Avenue sidewalk project and proposed traffic changes in the Hillside Drive neighborhood, and Matthew Glenn (Z) and Jonathan Sandberg (Z) spoke regarding

the proposal to eliminate the exclusive left-turn lane on Congress Street at Islington Street and spoke regarding removing parking along Middle Street at Cass Street.

V. PRESENTATIONS

[00:33:15] Proposed Congress Street modifications between Chestnut Street and Maplewood Avenue, by Department of Public Works.

VI. NEW BUSINESS

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

A. [00:33:21] Congress Street, proposal to reconfigure section of Congress Street between Chestnut Street and Maplewood Avenue, to reduce number of lanes and widen sidewalk. Peter Rice moved to have staff continue to develop the proposed changes and incorporate suggestions and comments made in the meeting and report back closer to the start of construction. City Manager Karen Conard seconded and the motion passed 9-0.

[00:52:35] Committee Chair Bagley requested a motion to suspend the rules and bring up Item A under old business. Peter Rice made the motion and City Manager Karen Conard seconded. The motion passed unanimously.

[00:52:44] Old Business: Greenleaf Avenue, report back on public meeting for sidewalks and traffic calming. Eric Eby gave an update on the next steps of the sidewalk project. No motion was made.

B. [00:58:42] Portwalk Place, request to renew annual valet parking license agreement for Portwalk HI LLC, by business owner. Peter Rice moved to approve renewal of annual valet license agreement for Portwalk HI LLC. Mark Syracusa seconded and the motion passed 9-0.

C. [00:59:01] Portwalk Place, request to renew annual valet parking license agreement for Parade Residence Hotel LLC, by business owner. Peter Rice moved to approve renewal of annual valet license agreement for Parade Residence Hotel LLC, seconded by City Manager Karen Conard. The motion passed unanimously.

D. [01:00:36] Middle Street, request to remove parking at intersection with Cass Street. Mark Syracusa moved to schedule a site visit and notice abutters of meeting. A discussion followed regarding the noticing of abutters and how the Committee notices residents. City Manager Karen Conard requested to modify Mark Syracusa's motion to request that a flyer go out to abutters ahead of the site visit. The motion passed 9-0.

E. [01:02:10] Hill Street, request for signage to address vehicles turning around in private street at end of Hill Street. Peter Rice motioned to refer to staff to post signage as deemed appropriate. Mary Lou McElwain seconded and the motion carried 9-0.

F. [01:05:15] City Ordinances, Chapter 7, Vehicles, Traffic and Parking, proposed changes to Section 7.1004 Towing or Immobilization of Motor Vehicles for Non-Payment of Parking

Fines. Parking Director Ben Fletcher and Assistant City Attorney Jane Ferrini spoke regarding the proposed changes. Peter Rice moved to approve changes to Section 7.1004 as presented. Steve Pesci seconded the motion, and the motion passed 9-0.

G. [01:09:14] Hancock Street at Washington Street, request for all-way stop, by resident. Steve Pesci moved to schedule a site visit and refer to staff for further evaluation and report back, Erica Wygonik seconded, and the motion passed unanimously.

VII. OLD BUSINESS

A. [01:10:12] McDonough Street, request for all-way stop control at intersection with Langdon Street, by residents. Mary Lou McElwain moved to approve installation of STOP signs on McDonough Street to create all-way stop control at intersection with Langdon Street. City Manager Karen Conard seconded the motion, and the motion carried 9-0.

VIII. INFORMATIONAL

A. [01:13:06] Police monthly accident report
B. [01:13:39] City road construction projects update. Eric Eby additionally commented that the City was awarded a CMAQ grant to remove the traffic signal at Coakley Road and the Route 1 Bypass.
C. [01:16:47] Proposed state legislation update
D. [01:18:54] Seacoast Greenway Rail Trail rules

IX. ADJOURNMENT

Chairman Bagley adjourned the meeting at 9:49 AM.

Respectfully submitted,
Tyler Reece
Associate Engineer
Department of Public Works

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING, 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):

Section 7.1004: ~~TOWING OR~~ IMMOBILIZATION OR TOWING OF ~~MOTOR~~ VEHICLES FOR NON-PAYMENT OF PARKING ~~FINES~~ PENALTIES

A. PURPOSE

Notwithstanding any other provisions of these Ordinances, motor vehicles may be ~~**towed and stored, or otherwise**~~ immobilized by an ~~**mechanical**~~ Immobilization Device for non-payment of Parking Violations ~~**fines**~~**,** in accordance with the following terms and conditions**.**

B. DEFINITIONS

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 performsance of**~~ to perform the duties contained in this section and other duties associated with the operation of the Parking Clerk's Office, including but not limited to maintaining parking records, reviewing and rendering decisions on parking appeals, and collecting payment of Parking Penalties.

2. OWNERSHIP OR CONTROL: The fact that a ~~**motor**~~ vehicle which is ~~**illegally parked**~~ subject to a Parking Violation is registered in the name of a person, business, or corporation ("Owner'), shall be considered prima facie proof that the Owner ~~**such person, business, or corporation**~~ was in control of the ~~**motor**~~ vehicle at the time of such Parking Violation or that the Owner ~~**such person, business, or corporation**~~ had authorized the use of ~~**such**~~ the ~~**registered motor**~~ vehicle.

3. IMMOBILIZATION AND TOW RECORD: The Parking Clerk's Office shall maintain records of all vehicles that individually or in combination with other vehicles owned by the same Owner, have accumulated unpaid Parking Penalties in excess of two hundred and fifty dollars ($250). The Parking Clerk's Office will send a letter by first class mail to the registered Owner of vehicle(s) listed on the Immobilization and Tow Record if owner vehicle records are available. A vehicle included in the Immobilization and Tow Record is subject to being immobilized by an Immobilization Device or towed and held in storage pending final resolution of unpaid Parking Penalties.

4. IMMOBILIZATION DEVICE: A vehicle boot, wheel clamp, windshield blocking device, or any other apparatus which may be used for the purpose of immobilizing a vehicle listed in the Immobilization and Tow Record.

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5. 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 vehicle that that is subject to a Parking Violation, including but not limited those violations listed in Article IX, Section 7.901 of the Chapter~~: **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 two hundred fifty dollars on any or all vehicles at any time registered to the owner of said vehicle as shown on the records and is**~~ and any vehicle included in the Immobilization and Tow Record maintained by the Parking Clerk.

6. PARKING PENALTIES: This Chapter sets forth parking and traffic rules and regulations. Violating these parking and traffic rules and regulations subjects the Owner of a vehicle to different forfeitures, penalties, fees and fines. For purposes of this Chapter, all such forfeitures, penalties, fees and fines are referred to collectively as Parking Penalties.

7. PARKING VIOLATION: A Parking Violation is any violation of the parking and traffic rules and regulations of the City of Portsmouth.

C. **NOTICE**

Any vehicle included in the Immobilization and Tow Record shall receive Notice of immobilization or towing for nonpayment of Parking Penalties. Notice shall be either posted on the vehicle or sent by first class mail at the address listed in state motor vehicle records. The Notice shall include the following:

~~**At any time subsequent to the accumulation of unpaid parking fines in excess of 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 Notice by certified mail to the registered owner of said vehicle or vehicles at the address on the registration.**~~

1. A statement that describes that the Owner has accumulated unpaid Parking Penalties for Parking Violations on the vehicle or other vehicles registered in the Owner's name and failure to resolve all unpaid Parking Penalties within seven (7) calendar days from the date of the Notice will result in immobilization or towing and storage of the vehicle pending such resolution;

2. A reference to the website where the Owner may review records used to comprise the Immobilization and Tow Record;

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3. A reference to the website where the Owner may make payment of unpaid Parking Penalties prior to immobilization or towing of the vehicle;

4. Contact information for the Parking Clerk's Office; and

5. A statement that the Owner may contact the Parking Clerk's Office to arrange a review or hearing to review the information used to comprise the Immobilization and Tow Record before the expiration of the Notice period.

~~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 within 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.**~~

D. REVIEW OR HEARING REQUEST

~~**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.**~~

Prior to immobilization or towing and storage of a vehicle listed on the Immobilization and Tow Record, the Owner may request a review or hearing regarding the information used to comprise the Immobilization and Tow Record by contacting the Parking Clerk's office. Owner may request an online or in person meeting with a Parking Clerk during posted office hours. If, after any review or hearing, the Parking Clerk confirms the information on the Immobilization and Tow Record, and if payment for the outstanding Parking Penalties is not received prior to the Notice period expiring, the vehicle will be immobilized or towed. The decision of the Parking Clerk shall be final, subject only to judicial review.

~~**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**~~

DRAFT

~~contained in the notice mailed.~~

E. ~~TOWING/STORAGE OR~~ IMMOBILIZATION OR TOWING/STORAGE

Upon the determination~~-~~ that any vehicle which is listed on the Immobilization and Tow Record is ~~Tow and Immobilization List pursuant to Article 6 above~~ parked on any public way or in any municipal lot, and payment of unpaid Parking Violations has not been received by the Parking Clerk prior to the expiration of the Notice period, ~~parked on any public way or in any municipal parking lot, the car~~ the vehicle may be immobilized or ~~may be~~ towed and stored.

F. RELEASE OF ~~TOWED OR~~ IMMOBILIZED OR TOWED VEHICLES; REMOVAL FROM ~~LIST~~ IMMOBILIZATION AND TOW RECORD: ~~Motor~~

Vehicles may be removed from the ~~Tow or Immobilization List~~ Immobilization and Tow Record, released from storage after towing or may have Immobilization Devices removed in the following manner:

1. By order of the Parking Clerk after review or hearing;

2. By payment in full of all Parking Penalties attributed to or arising out of the Parking Violations referenced in the Immobilization and Tow Record; ~~contained in the Notice issued pursuant to Article 4 Section C above;~~

3. By posting a cash bond with the Parking Clerk's Office in any amount sufficient to make payment in full of all Parking ~~fines~~ Penalties arising out of the Parking Violations contained in the Immobilization and Tow Record ~~issued pursuant to Article 4 Section C above~~ to allow a judicial determination of the violations pursuant to State law;

4. By a judicial determination resolving the ~~said~~ Parking Violations in accordance with State law and the payment of any Parking Penalties arising out of such determination; or

5. Payment of all fees and charges incurred by the City for the immobilization, towing and storage of the vehicle.

G. UNAUTHORIZED REMOVAL OF IMMOBILIZATION DEVICE

Any person removing an immobilization device without authority shall be guilty of a violation punishable by a fine of not more than ~~$500~~ $1,000.

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.

DRAFT

APPROVED:

_____
Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

_____
Kelli L. Barnaby, City Clerk

DRAFT

LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License**: The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 1 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Parade Residence Hotel LLC ("the Owner ") and is associated with the Marriott Residence Inn and the Portsmouth Harbor Events & Conference Center.

2. **Use**: Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:

   - The hours of operation for valet parking services are 24 hours per day, seven days per week.
   - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
   - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
   - This License is exclusive and is for the benefit of the Owner of the Licensed Area.

3. **Signage**:

   - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine the

placement of sign poles and will have final approval over the size and content of signs.

- This License agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.

4. **Term**: This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.

5. **Payment Terms**: Licensee has tendered and the City has accepted $1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.

6. **Indemnification**: Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.

7. **Insurance**: At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than $1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than $300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.

8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.

9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.

11. **Revocation**: The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

CITY OF PORTSMOUTH

Dated:_____

By:_____
Karen Conard, City Manager

Pursuant to vote of the City Council on
_____.

ULTIMATE PARKING II, LLC
d/b/a LAZ Parking

Dated:_____

By:_____
Print Name:_____
Print Title:_____

LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License**: The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 2 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Portwalk HI LLC ("the Owner ") and is associated with the Hampton Inn & Suites.

2. **Use**: Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:

   - The hours of operation for valet parking services are 24 hours per day, seven days per week.
   - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
   - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
   - This License is exclusive and is for the benefit of the Owner of the Licensed Area.

3. **Signage**:

   - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine

the placement of sign poles and will have final approval over the size and content of signs.

- This License Agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.

4. **Term**: This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.

5. **Payment Terms**: Licensee has tendered and the City has accepted $1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.

6. **Indemnification**: Licensee agrees to Indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.

7. **Insurance**: At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than $1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than $300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.

8. **Maintenance of Area**: Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.

9. **Damage**: Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws**: This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.

11. **Revocation**: The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

CITY OF PORTSMOUTH

Dated:_____

By:_____
Karen Conard, City Manager

Pursuant to vote of the City Council on
_____.

ULTIMATE PARKING II, LLC
d/b/a LAZ Parking

Dated:_____

By:_____
Print Name:_____
Print Title:_____

h\rps\agr\valet agrs\portwalk/2023-24/hampton

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:	September 12, 2024
Department/ Contact Person:	Suzanne Woodland, Deputy City Manager Susan Sterry, Historic Cemetery Com. Co-Chair
Donation Amount:	$2,500.00

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Yes. Fund 13 Miscellaneous Grants

Is there a particular purpose intended with this donation:

Improvements to North Cemetery

Other Information/Special Conditions:

Historic Cemetery Committee Co-Chair Susan Sterry secured a donation from EightKPH LLC, the co-owner and developer of 163 Deer Street, for purposes of supporting the Committee's efforts to improve North Cemetery. Specifically, in consultation with the Department of Works, these funds could be by the Department of Public Works to remove the wooden fence that is in disrepair along a portion of the property and recondition the landscaping in that area.

Donor Information

First & Last Name:	
Business Name:	EightKPH LLC
Address*:	233 Vaughn Street Unit 301, Portsmouth NH
Phone*:	617-901-7993
Email*:	NA

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.

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:	9.9.2024
Department/ Contact Person:	Portsmouth Fire Department Fire Chief William McQuillen
Donation Amount:	$100.00

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Yes. Portsmouth Fire Department

Is there a particular purpose intended with this donation:

No. At Department Discretion

Other Information/Special Conditions:

Donor Information

First & Last Name:	Allen Hawthorne
Business Name:	
Address*:	420 FW Hartford Drive, Portsmouth NH
Phone*:	
Email*:	

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.

071

420 F.W. HARTFORD DRIVE, PORTSMOUTH, NH 03801

(603) 591-5497 • EMAIL: ahawth@aol.com

Chief William McQuillen
Portsmouth Fire Department
170 Court Street
Portsmouth, NH 03801

September 5, 2024

To Chief McQuillen:

I am writing, belatedly, to express my gratitude for the emergency services of a team of four or five Portsmouth firefighters (presumably from Station No. 2) who promptly responded to my call about 7:19 pm on July 13, 2024, regarding the sounding of a CO alarm in my home in the Woodlands.

Their instruments quickly confirmed my monitor's detection of carbon monoxide gas in my home as they began a thorough inspection of the premises. They opened main floor and basement windows, sliders, and doors, and set up several large blowers to ventilate the interior spaces and continued to check the levels of CO until safe readings were obtained.

The crew examined the three CO monitors I had installed and advised me that I should replace them all that very evening, adding a fourth monitor, which I did. They even checked the level of CO absorbed into my blood stream with a finger-tip sensor. I appreciated the clear, friendly manner in which they answered my questions and explained the steps they were taking to make my home safe again.

They concluded that the CO gas had come from the exhaust of a new gasoline-fueled pressure washer used that day to thoroughly clean my attached two-car garage.

I am enclosing a personal check for a modest contribution to your department's greatest need, recognizing that the services of your firefighters are invaluable.

With sincerest thanks,

AD Hawthorne

Allen D. Hawthorne

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:	9/18/24
Department/ Contact Person:	Chief Mark Newport/Asst. Jackie Burnett
Donation Amount:	$3,200

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Portsmouth Police Department's Honor Guard

Is there a particular purpose intended with this donation:

Tina Miles wanted to give back to the Honor Guard following their involvement in her late husband's funeral services. She learned they are funded primarily through donations and wanted to ensure they have enough funds available to them to provide the same support she received to others during a time in need.

Other Information/Special Conditions:

The Police Department has a standing operating policy relative to the receipt of donations. Donations are reviewed initially by the Chief and are then considered by the Police Commission during public session. The Police Commission voted to accept this donation at the September 17th, 2024 meeting.

Donor Information

First & Last Name:	Tina Miles
Business Name:	
Address*:	Portsmouth, NH 03801

Gift and Donation Submission Form

Phone*:	Unknown
Email*:	Unknown

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

City Hall, 1 Junkins Avenue
Portsmouth, New Hampshire 03801
smwoodland@cityofportsmouth.com
(603) 610-7240

Suzanne M. Woodland
Deputy City Manager / Regulatory Counsel

Date: September 18, 2024

To: Karen S. Conard, City Manager

From: Suzanne M. Woodland, Deputy City Manager / Regulatory Counsel

Re: Report Back on PPMtv Request for Additional Funding and Policy Change

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This memorandum serves as a report back to the City Council regarding PPMtv's request for additional funding and a policy change. The report back was requested in follow up to PPMtv's presentation at the September 3, 2024 City Council meeting and includes references to a September 17, 2024 communication from PPMtv to the City Council (included under Written Communications), which requests an additional $48,000 in funding for this fiscal year and a change in the City Council policy to allocate 60% of franchise fee revenues received annually by the City from Comcast to PPMtv.

Staff recommends that if the City Council is inclined to support PPMtv's request for additional funding for FY25, the City Council may direct the City Manager to provide $48,000 to PPMtv from the next quarterly franchise fee payment from Comcast. With this and no other change to the existing policy relating to the treatment of franchise fees, there will be no impact to the taxpayer or tax rate for FY25. This will resolve the immediate need for PPMtv for the current fiscal year. It essentially makes available to them next month the portion of franchise fees that would have been provided to them next year according to current policy. So, this is tomorrow's funding made available today while they work to identify alternative revenue opportunities.

If there is a desire on the part of the City Council to consider a further change to the existing policy relating to the use of the franchise fees, that change could be considered in early 2025 as part of the City's annual budget process. This would allow time for the City Council and the public to evaluate the impact of the revaluation and assess the City's budget priorities in the normal process.

Additional information is provided below as background and context.

Background

Pursuant to the City's television franchise agreement with Comcast, Comcast is obligated to distribute programming for up to two public education and government (PEG) channels (with a third channel optional upon certain conditions). One channel, Channel 22, managed by City staff, broadcasts the City's government meetings and programming. This channel has been in operation for over 20 years and is exclusively used for government business and events. A second channel, which went live in 2010, is operated by PPMtv, a non-profit organization, which produces and broadcasts non-governmental programming.

In 2006, the Cable Commission conducted a resident survey which suggested local support for one or more additional PEG channels. In follow up to the survey results, the Cable Commission made efforts to identify a legal framework, an initial board of directors, and sufficient funding to get started. Among the points of consensus between the Cable Commission and the City Council, was that the new public access channel should be managed by a separate legal entity to preserve the artistic integrity and independence of the shows produced.

Over the course of the next three years, the City Council supported the development of a second PEG channel for the purpose of creating and distributing original non-governmental programming through several mechanisms. First, it agreed to negotiate and include in the television franchise agreement with Comcast the ability to broadcast on a second channel if there was sufficient original programming to warrant it. Second, the City Council established the Cable Television Public Access Charitable Trust ("Trust") to allow for the accumulation of funds to help support the new channel. A copy of the Trust is attached. Third, the City Council agreed to a policy that would direct a portion of the franchise fees collected from Comcast annually to the Trust.

The policy, first adopted by the City Council at its August 3, 2009 meeting, directed that all franchise fees received above the baseline of $360,000 annually be directed to the Trust. At the time, the intention was that the operation of a second channel would have no impact to the taxpayer or tax rate. Last fiscal year (FY2024), the City received $445,164 in franchise fees. The City recorded the first $360,000 in the General Fund and the remainder was recorded to the Trust for the benefit of PPMtv operations.

The City has been seeing a slow decline in franchise fee revenues since FY2018 as more and more residents move to streaming services. The rate of decline over the last seven years is approximately 2.5%, but last year saw a more significant decline. There is no opportunity to increase the amount of franchise fees collected; the City already receives 5% of the gross annual revenues generated from Portsmouth television subscribers which is the maximum percentage the City can receive under the law.

PPMtv annually submits its budget to the City's Public Access Financial Advisory Committee and makes a request for release of some portion of the Trust funds to support its operations. Attached is a spreadsheet showing the receipt of franchise fees by fiscal year, the amount transferred to the Trust, and the amount expended from the Trust to support PPMtv operations.

Since PPMtv's inception in FY2010, the City has received a total of $7,127,135 from Comcast which has supported the City's General Fund in the amount of $5,400,000 (76%) and placed $1,727,135 (24%) into the Trust. Of that amount, $1,726,855 (virtually 100%) has been distributed directly to PPMtv. This equates to an average of $115,124 per year

to PPMtv.

Costs to support Channel 22 total $224,453 for FY2025, with costs incorporated into the City's General Fund budget across multiple departments.

The City estimates that the franchise fees for FY25 will be approximately $407,000.

PEG Channels in Other Communities

There is no legal requirement to maintain a PEG channel. For those communities that have one or more PEG channels, communities vary in the way they organize and manage their PEG channels; some communities manage all of their PEG channels under the municipal umbrella while others maintain separate legal entities such as Portsmouth.

Communities vary in how and to what extent they fund public access. There is no legal requirement to use the franchise fee for PEG channels only. To the contrary, it is assumed that there is a municipal cost to managing the franchise agreement and the public rights-of-ways in which the television infrastructure sits regardless of the operation of PEG stations.

PPMtv previously provided information on PEG channels and funding levels for the cities of Nashua, Londonderry and Concord among others. The City Manager's office identified the following additional information from New Hampshire communities:

> Lee - After assessing viewership and other factors, the town shut down their community channel and focused on streaming meetings, e-blasts, and other media options.
>
> Lebanon - The city stopped supporting PEG channels several years ago, taking the $145,000 in franchise fee revenue and transitioning to a Teams platform with livestreaming of meetings. The city provides zero dollars to cable TV channels now.
>
> Keene - The City runs their government channel (as Portsmouth does) and contracts out for the public channel. Keene is experiencing the same as Portsmouth – diminishing revenues. When their current contract is up in a year or two, they will have to re-evaluate.
>
> Swanzey - A few years ago, the town separated the franchise fee revenue from the public access TV expenses. The town now pays the public access TV station in Keene to film its meetings.
>
> Bedford - The town operates 3 channels – Government, Education, and Public Access (actually 4, with the 4th being HD that simulcasts programming from the other channels, just in HD), plus the town's low power FM radio station. All channels, radio, and programming are paid for with the cable franchise fee (5%). The town is working on sponsorships (likely being called underwriting) for the 3 sports seasons to generate additional revenue.

Derry - The town operates 3 channels: Government, Education and Public Access. They too are experiencing a reduction in cable revenues and have built a 10-year projection with declining revenues throughout that period to help figure out their service capacity moving forward. Their cable director has direct oversight, management and production of the Government and Public Access channels. The Town has been allocating approximately $50K to the School District to support the Educational Channel which is now under review considering the declining revenue situation and that School Board meetings are now held in the Town Council meeting room and staffed by the Cable Division.

Durham – The town has only has one channel.

Miscellaneous

The City has previously encouraged PPMtv and WSCA to consider carefully opportunities to collaborate, share space, and to otherwise look for partnership opportunities given each entity's fiscal constraints. Conversations among the two organizations took place during PPMtv's evaluation of its space needs as it looked for an alternative location to the South Meeting House. The City has had separate conversations with PPMtv over the last several years regarding the declining franchise funding and the need to explore alternative funding sources.

On and off over the years, City staff and members of the Cable and Broadband Internet Commission have reached out to explore opportunities for greater collaboration and possible synergies between the schools and PPMtv, but no ongoing substantive program has ever been established. Early on, studio space at the High School was explored but did not come to fruition.

City of Portsmouth
Comcast Franchise Fee

Cable Franchise Fee History	During FY 10 **for FY 11**	During FY 11 **for FY 12**	During FY 12 **for FY 13**	During FY 13 **for FY 14**	During FY 14 **for FY 15**	During FY 15 **for FY 16**	During FY 16 **for FY 17**	During FY 17 **for FY 18**	During FY 18 **for FY 19**	During FY 19 **for FY 20**	During FY 20 **for FY 21**	During FY 21 **for FY 22**	During FY 22 **for FY 23**	During FY 23 **for FY 24**	During FY 24 **for FY 25**
													Received FY 22	**Received FY 23**	**Received FY 24**
													119,184.79	**121,229.92**	**113,924.32**
													121,902.37	**122,316.98**	**111,725.29**
													121,807.53	**120,393.05**	**110,737.74**
													121,346.10	**114,075.10**	**108,776.73**
Total Cable Franchise Fee	403,555	425,399	439,770	461,166	468,551	494,683	516,751	533,407	512,949	486,627	495,754	481,103	**484,240.79**	**478,015.05**	**445,164.08**
% change from previous year		5.4%	3.4%	4.9%	1.6%	5.6%	4.5%	3.2%	-3.8%	-5.1%	1.9%	-3.0%	0.7%	-1.3%	-6.9%
Amount that stays in the City's General Fund	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000	360,000
Cable Television Public Access Charitable Trust receives	43,555	65,399	79,770	101,166	108,551	134,683	156,751	173,407	152,949	126,627	135,754	121,103	124,241	118,015	85,164
change from previous Year		50%	22%	27%	7.30%	24.07%	16.39%	10.63%	-11.80%	-17.21%	7.21%	-10.79%	2.59%	-5.01%	-27.84%
Distributed to PPMtv	43,555	65,399	79,770	101,166	108,500	5% from previous year **113,925**	5% from previous year **119,621**	5% plus $35,000 to upgrade to HD **160,602**	50% of Budget plus $15,000 donation match **157,721**	Voted to send all above $360,000 **126,627**	Voted to send $125,000 **125,000**	Voted to send $127,468 **127,468**	Voted to send $135,000 **135,000**	Voted to send $175,500 **175,500**	Voted to send $87,000 87,000
Change from previous Year		50%	22%	27%	7%	5%	5%	34%	-2%	-20%	-1%	1.97%	5.91%	30%	-50%
Difference between Trust Received and Trust Distributed	-	-	-	-	51	20,758	37,130	12,805	(4,772)	(0)	10,754	(6,365)	(10,759)	(57,485)	(1,836)
*Trust Balance	-	-	-	-	51	20,809	57,939	70,744	65,972	65,972	76,726	70,361	59,601	2,116	281

* Note the Trust balance fluctuates depending on investment of the Trust Funds.

Total Cable Franchise Fee			
Highest	FY17	$533,407	
	FY24	$445,164	
	Reduction since 2017	($88,243)	-16.5%

	Total Years 15 FY10-FY24		**Average per year**
Total Cable Franchise Fee	7,127,135	100%	475,142
Amount that stays in the City's General Fund	5,400,000	76%	360,000
Cable Television Public Access Charitable Trust receives	1,727,135	24%	115,142
	% of Trust Received Funds		
Distributed to PPMtv	1,726,855	100%	115,124
	281	0%	

CABLE TELEVISION PUBLIC ACCESS CHARITABLE TRUST

The City of Portsmouth, a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "City") and its Trustees of Trust Funds, Charter Officers of the City with a principal place of business of Prescott Park, Shaw Building, Marcy Street, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "Trustees") hereby enter this agreement of Trust for the purposes and under the terms and conditions established herein.

1. RECITATION OF FACTS AND STATEMENT OF PURPOSE:

Beginning in 2005, the City's Cable Commission began the process of negotiating a renewal of the cable television franchise agreement with Comcast of Maine/New Hampshire Inc. As part of the renewal process, the Cable Commission conducted ascertainment hearings in September of 2005 as well as in April and August of 2006. During those hearings, the Portsmouth community expressed an interest in public access programming. The City already operates a government channel. The Cable Commission also conducted a survey through the auspices of the University of New Hampshire to evaluate Comcast's performance and to measure interest in public access. The survey results confirmed that there is interest in the Portsmouth community for public access programming.

In October of 2008, the City of Portsmouth and Comcast of Maine/New Hampshire Inc entered into a renewal of a cable television franchise agreement to cover a ten year term commencing November 1, 2008. Comcast agreed under this franchise agreement to provide a second PEG channel, that channel to become available on September 15, 2009. This channel could be used for either educational and/or public access programming depending on the wishes of the City. This second channel is in addition to the existing government channel and no changes are anticipated to the government channel. The City will also have the opportunity to initiate a third PEG channel on February 1, 2010.

The City's Cable Commission anticipates that a not-for-profit public access corporation, duly authorized by the City Council to operate a new public access channel, will be established (hereinafter the "Access Corporation"). The mission of the Access Corporation would be to make the sharing of local news, views, and information readily accessible to residents, and nonprofit and

business organizations of Portsmouth. The Access Corporation would, for example, air programs reflecting the interests of a broad range of individual residents, local business and nonprofit organizations; involve all members of the community – diverse ages, socio-economic status and technological abilities; employ multiple methods of producing and delivering content in order to simplify the ability of producers to create and viewers to access content; and embrace available and emerging technology for efficiency of operations.

In order to facilitate the development and operation of a channel dedicated to public access programming, the City Council of the City of Portsmouth has determined that it is appropriate to create a Charitable Trust to serve as a repository for funds dedicated to such a purpose.

Therefore, the City of Portsmouth and its Trustees of Trust Funds establish this Trust to serve as a repository of all funds directed to the Trust from any person or any entity and to establish the terms and conditions under which those funds shall be accumulated and expended for the purposes of public access.

2. **TRUST ASSETS:**

The Trustees of Trust Funds shall hold all funds from any source including without limitation those dedicated by the City Council, received from Comcast or other cable television provider, or contributed by individual or corporate donors, to be administered in accordance with this Trust agreement.

The Trustees shall hold, invest and reinvest the assets of the Trust, together with all additions thereto, either in savings or special notice accounts or in such investments as allowed by the laws of the State of New Hampshire, and may collectively invest such funds with other funds held by the Trustees for the sole purpose of obtaining a higher yield on the investments so collectively invested. The funds of this Trust shall be accounted for separately by the Trustees along with any interest earned on these funds.

3. **USE OF TRUST ASSETS:**

The assets and income held and produced by the Trust may be expended for the purpose of facilitating the development, broadcast and distribution of public access programming over cable television facilities, the internet and other mediums of broadcast that may be developed and for no other purpose except as expressly authorized herein.

The "development and broadcast of public access programming" shall expressly include without limitation efforts to develop and operate an Access Corporation as described in paragraph 1 above. Those efforts may include the acquisition by lease or purchase of equipment and studio space, as well as the

retention of employees or contractors for training, operation and the production of programming purposes.

To oversee the use of Trust assets, there shall be a three member Public Access Financial Advisory Committee established as follows:

A. One member appointed by the Portsmouth City Council,

B. One member appointed by the City Manager of the City of Portsmouth, and

C. One member appointed by the Cable Commission, its successor, or like committee.

All members of the Public Access Financial Advisory Committee are to serve at the pleasure of the appointing authority; however, each appointment of a member shall specify a term no greater than three years.

Annually, no later than July 1st, the Public Access Financial Advisory Committee shall review and approve a budget prepared by the Access Corporation outlining expenditures from the Trust Funds for the ensuing fiscal year. Such a budget shall be adopted in consultation with relevant officials of the City of Portsmouth, the Cable Commission or its successor and the public at large.

The Trustees of Trust Funds shall disburse funds from the Trust only when provided with written certification by a City official authorized by the City Manager certifying that either:

A. The disbursement is consistent with the annual budget previously approved by the majority of the three member Public Access Financial Advisory Committee for the purposes authorized by this Trust; or

B. The disbursement is expressly authorized by the City Manager of the City of Portsmouth in writing for the purposes authorized by this Trust.

4. **TERMINATION:**
If an Access Corporation has not been established by January 1, 2019, the City Council may terminate this Trust and direct the funds as it deems to be in the best interest of the City, including to direct the funds to the general fund.

5. **OVERSIGHT AND ENFORCEMENT:**
The administration of this Trust and the expenditure of any funds therefrom shall be subject to the oversight of the Charitable Trust Unit of the Office of the Attorney General of the State of New Hampshire, which entity may enforce the terms and conditions of this trust by proceeding in equity or otherwise.

THE CITY OF PORTSMOUTH

Dated: 8-25-09

John P. Bohenko, City Manager

Pursuant to vote of the City Council on August 3, 2009.

TRUSTEES OF TRUST FUNDS

Dated: 8/20/2009

Lea Aeschliman

Dated: 8/25/09

Phyllis Eldridge

Dated: 8/20/09

Brad Lown

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