

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 3, 2024

PORTSMOUTH, NH  
TIME: 7:00PM

- I. **WORK SESSION**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**

Mayor McEachern opened the meeting at 7:10 p.m.

**Councilor Tabor moved to leave the Non-Public meeting and seal the minutes. Seconded by Assistant Mayor Kelley and voted.**

### IV. **ROLL CALL**

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

- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

Mayor McEachern led the Pledge of Allegiance.

### VII. **ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)***

### VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

### IX. **PUBLIC COMMENT SESSION *(This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)***

Francesca Marconi Fernald, Police Commissioner – spoke in favor of the proposed police facility site stating we are lucky to have a safe city due to our Police Department.

Sue Polidura – spoke opposed regarding the solar panel ordinance stating that St. John’s Church is going to be requesting an array on their annex building which is on the National Register of Historic Places and if this ordinance goes through, they can do it without Historic District Commission approval.

Joe Caldarola – spoke regarding the solar panels ordinance stating he hopes it gets referred to a public hearing so there is more time to speak. He showed an example of a house with panels on the front of the house which he does not feel looks bad and concluded that we either want to be energy efficient or not.

Kerry Vautro – stated as a member of the Portsmouth Advocates of the Historical Society, she is requesting that the current version of the solar panel not be passed but to bring forward the version passed by the Planning Board.

Buzz Scherr, Police Commissioner – spoke to the picture of the new police facility in the Portsmouth Herald stating that this is being misunderstood because it is just a massing exercise and not a designed building. He discussed the history of the vetting of the current site

recommendation for the last 10 years which began with the 2014 Needs Assessment and requested the Council support the recommendation.

Jim Lee - stated as a realtor he wanted to bring attention to the Month of June being "Home Ownership" Month.

Esther Kennedy – stated she was a member of the Historic District Commission for many years and thanked them for their work and feels that they are being unfairly attacked. She stated that people are coming to Portsmouth for the history and feels the Council needs to support the Historic District Commission and feels that the Council owes Dan Brown an apology from their action on May 20<sup>th</sup>.

Manny Garganta – spoke to the new police facility location stating he agrees to the need but not the proposed location. He spoke to the Credit Union on Borthwick Avenue that is up for sale and feels that should be looked at and listed various amenities of the property.

Irish Mike – spoke to the police facility stating that this should have been addressed 10 years ago and there have only been band-aids placed on the building to address the various issues including mold. He stated that the Police Department has cleaned up the downtown area so that people feel safe, and we also shouldn't be compared to other communities.

Petra Huda – spoke to the proposed police facility stating that the City Manager comments seem to be missing a lot of information and agrees that the rendering in the paper is ugly. She also stated that there has been an individual appointed to a committee that does not live in Portsmouth and is against the Council policy. She stated the issue regarding the Character Based Zoning ordinance should be referred to a public hearing and concluded stating that solar panels that are visible do not belong in the Historic District.

Emma Stratton, Executive Director of the Historic Society and member of the Arts and Cultural Commission – spoke opposed to the solar panel ordinance in its current form and requested the Council support the Planning Board version to emphasize historic preservation.

Susan Denenberg – spoke opposed to the proposed location of the police facility stating that it will block light, air and views and would prefer an alternate location or an annex. She stated she doesn't feel it needs to be decided tonight. She then addressed the budget increase which is mostly due to personnel and retirement costs and there is a large senior population in Portsmouth and not everyone who lives here is wealthy.

Nancy Pearson – spoke to the various committees and boards she has served over the years and has always voted in favor of energy initiatives as a City Councilor but not for impacts to the Historic District. She stated that this is not an either/or issue and we already have solar panels in the Historic District. She stated we just celebrated our 400<sup>th</sup> anniversary and we need to look at things differently because once something is gone it is destroyed forever.

Kate Coyle, Police Commissioner – spoke in favor of the police facility location stating it is an opportunity to proceed with a true city campus. She stated we cannot spend money on the design without a commitment to the location and then the community can get involved and they encourage and hope that they will.

Peter Gilligan, Kingston, NH – stated he appreciates that members outside of the community are allowed to speak and feels that the people of Portsmouth take pride in their ownership of property.

Mary Lou McElwain – spoke against the proposed location of the police facility although she is in favor of a new facility. She stated we will lose a lot if the current location is chosen.

Richard Candee, York, ME - served on the Historical Archives Committee with Councilor Lombardi and urges the Council to adopt the Planning Board version of the solar panel ordinance.

Andrew Samonas, Planning Board member – urged the Council to adopt the Planning Board version of the solar panel ordinance and feels this is a good starting point.

## **X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS**

### **A. CONTINUATION OF PUBLIC HEARING REGARDING FY25 BUDGET (*Continuation of Budget Public Hearing held on May 13, 2024*)**

Mayor McEachern opened the continuation of the Budget Public Hearing:

Byron Matto, School Board member – feels the Council should pass the school department budget as proposed by the School Board which does include the modular classrooms at Dondero School. He stated that the community hasn't been involved in the redistricting process and there is not time to do it this late in the school year. He stated he will continue to look for a solution, but it is not reasonable to do it now.

Tish Campbell, School Board member – requested the Council to adopt the school department budget as presented stating they have already lost 5 positions. She stated she understands that redistricting/modular classrooms are a passionate subject, but they have been used before. She concluded that redistricting would affect many families and will take time.

Petra Huda – distributed a handout addressing various budget items that she still has questions about.

Esther Kennedy – stated that many people she speaks with are on fixed income with more people choosing to retire here. She stated that the budget and water/sewer increases are a lot for people to absorb and feels that she hasn't heard a lot of discussion amongst the Council on the budget. She stated it is the job of the City Manager and School Superintendent to present an expensive budget, but it is the Council's job to question it.

Nancy Novelline Clayburgh, School Board member- (via zoom) – stated the school budget is a 6.5% increase over last year which is necessary to maintain services. She stated she understands that people are tired of hearing COVID talk, but there are still effects. She concluded by highlighting the various recognitions received by schools in Portsmouth.

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

## **Adoption of Proposed Budget Resolutions:**

- B. Adoption of Budget Resolutions for Fiscal Year July 1, 2024, through June 30, 2025 (FY25)
- Resolution No. 5-2024 – Municipal Fees

**Councilor Denton moved to adopt Resolution #5-2024 – Municipal Fees. Seconded by Councilor Moreau.**

Councilor Cook discussed various fees and the need for pro-rating.

City Manager Conard stated that these are handled on a case-by-case basis.

Councilor Cook addressed yard waste disposal and thanked the fee committee for recognizing contractors but asked how we determine a contractor versus a resident.

Public Works Director Peter Rice explained there are residential passes and contractors can call and make arrangements for pickup at the street and if they go to the facility, the staff will make the determination accordingly.

Councilor Lombardi asked if all fees are based on the actual expense of the services.

City Manager Conard stated that is historically how they are derived but we want to be equitable and not be a money maker.

**Motion passed on a 9-0 roll call vote.**

- Resolution No. 6-2024 – General Fund Expenditures

**Assistant Mayor Kelley moved to adopt Resolution #6-2024 – General Fund Expenditures, seconded by Councilor Blalock.**

Councilor Bagley stated he supports the school budget and the modular classrooms for the next school year until redistricting can be addressed. He stated he has concerns with the CIP levels for the Police facility and Prescott Park.

Councilor Cook requested Superintendent of Schools Zach McLaughlin come to the podium.

Councilor Cook spoke regarding the modular classrooms, asking if they could be used for the special classes such as Art and Music instead.

Superintendent McLaughlin stated they may be able to but the rooms they use within the building aren't designed for all day classes as there are no windows.

Assistant Mayor Kelley asked about the timeline to date regarding redistricting, why in the interim there hasn't been outreach to the parents to see if they would be willing to relocate temporarily to Little Harbour.

Superintendent McLaughlin explained that he came to Portsmouth as Superintendent in July 2022 and a study committee of 4 members was created. He stated there was outreach to stakeholders, realtors, etc. and found that it was not necessary to redistrict at that time. He continued that they did look at the new developments that were being built which were going to be within the Little Harbour district which had a declining population so would be able to absorb the increase. He stated in the Spring of 2023 there was an increase in enrollment for the 4<sup>th</sup> grade class at Dondero which they hadn't expected and a swell in the 5<sup>th</sup> grade due to turnover of existing property within Elwyn Park. He stated that the Redistricting Committee did not meet a lot and there are too many moving parts to doing anything before the fall school season which is why we need the modulars.

Assistant Mayor Kelley stated she will support the modulars at this point as she has spoken with teachers and parents but is concerned that the Redistricting Committee only met twice and wants the Redistricting Committee to be more diverse and inclusive. She stated the City Council shouldn't have to deal with line items, but it is hard to spend \$95,000.00 on modulars when they could be used on other things.

Councilor Blalock stated he supports the modulars as he was in a modular classroom and didn't have any issues with it.

Councilor Bagley stated that the disruption of COVID was part of the reason why they couldn't deal with the redistricting and knows that it needs to be done but feels the School Board is right to take it slowly as we are dealing with kids not statistics.

Mayor McEachern thanked the School Board members who spoke at the Public Hearing. He then asked if the plan for the modular classrooms has been disseminated to the parents.

Superintendent McLaughlin stated not yet. He stated this was in limbo because he did not anticipate that this was going to be a controversial issue and out of respect to the Council, he held back.

Discussion ensued regarding the criteria and data needed to deal with the redistricting and the lack of time to do so at this time in the school year for the next school year.

Mayor McEachern stated he is disappointed that parents affected weren't brought into the process as he feels it could be a strategic way to handle this at this time. He asked if there will be bathrooms in the modulars and what the cost will be.

Superintendent McLaughlin stated it wasn't a part of the original plan, but they are now trying to adjust the location to allow for hookups. He stated he will not have answers until the end of the week.

Councilor Cook stated she has concerns with the safety of the kids in the modulars and if they are going back and forth to use the bathrooms.

Superintendent McLaughlin explained that with the relocation of the modulars there will be a covered walkway to the building. He stated that these are all issues that are still being addressed.

Mayor McEachern stated that the School Board has line-item authority, and they will support the modular classrooms, but he hopes that if there are significant concerns from the parents that the administration and school board will look at alternatives. He stated he understands that they have been thinking about this for a long time, but once people hear about it then it may become an issue.

Assistant Mayor Kelley asked Police Chief Newport about a potential duplication within the budget. Karen Senecal of the police department clarified the issue.

Mayor McEachern asked about the unfilled positions and if they are likely to be filled by the end of the calendar year.

Chief Newport responded they are hopeful they will be filled by the end of summer, but they cannot control attrition.

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

- Resolution No. 7-2024 – Water Fund Expenditures

**Councilor Tabor moved to adopt Resolution #7-2024 – Water Fund Expenditures, seconded by Lombardi. Motion passed on a 9-0 roll call vote.**

- Resolution No. 8-2024 – Sewer Fund Expenditures

**Councilor Cook moved to adopt Resolution #8-2024 – Sewer Fund Expenditures, seconded by Councilor Bagley. Motion passed on a 9-0 roll call vote.**

- Resolution No. 9-2024 – Special Revenues, Debt Service Fund, Portsmouth Housing Endowment Trust, and Committed Fund Balances for Necessary Expenditures

**Councilor Moreau moved to adopt Resolution #9-2024 – Special Revenues, Debt Service Fund, Portsmouth Housing Endowment Trust and Committed Fund Balance for Necessary Expenditures, seconded by Councilor Bagley. Motion passed on a 9-0 roll call vote.**

- Resolution No. 10-2024 – Investment Policy

**Councilor Cook moved to adopt Resolution #10-2024 – Investment Policy, seconded by Councilor Tabor. Motion passed on a 9-0 roll call vote.**

**Mayor McEachern called for a recess at 9:20 p.m. and reconvened at 9:35 p.m.**

### **First Reading of Ordinance:**

- C. First Reading of Ordinance amending Chapter 10, Article 6, Section 10.633.20 by adding a new numbered paragraph 28 “Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alterations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alterations to existing structures” ***(The first reading of this ordinance as amended was postponed at the May 6, 2024 Council meeting)***

**Councilor Denton moved to pass first reading and schedule public hearing and second reading at the July 15, 2024 City Council meeting. Seconded by Councilor Blalock.**

**Councilor Moreau moved to suspend the rules to bring forward Councilor Moreau Item XV-B.1 – Planning Board’s recommendation to the City Council regarding revised Solar Panel Amendments. Seconded by Assistant Mayor Kelley and voted.**

**B. COUNCILOR MOREAU**

1. Planning Board’s recommendation to City Council regarding revised Solar Panel Amendments

Councilor Moreau invited Reagan Ruedig, Chair of the Historic District Commission and Rick Chellman, Chair of the Planning Board to address the Council.

Chair Chellman stated that his research has found that Portsmouth is actually more lenient than other communities regarding this issue and the Planning Board recommendation brings compromise.

Chair Ruedig stated the Historic District Commission will continue to work on the administrative approvals.

**Councilor Moreau moved to amend by substituting the ordinance with the proposed ordinance approved by the Planning Board at its May 16, 2024 meeting, seconded by Councilor Cook.**

**Councilor Denton moved to amend the Planning Board Ordinance Proposal by moving Section 10.633.32, Items 1-6 to become Item 28 under Section 10.633.20 – Staff Level Exemptions from Certificate of Approval, seconded by Councilor Blalock.**

Councilor Cook stated this amendment ignores some language in Item #7 regarding visibility. She continued that this could also mean that we are contradicting Secretary of the Interior guidelines because we have funding for the Memorial Bridge which is under the National Register of Historic Places.

Councilor Lombardi stated that the Portsmouth Historic District is an important resource and opposes Councilor Denton’s amendment.

Councilor Moreau stated this puts everything on staff and that is not good.

Chair Ruedig reiterated that the Historic District Commission will be having further discussions on administrative rules.

Discussion ensued regarding staff approval versus Board approval.

**Motion to adopt amendment passed on a 5-4 roll call vote. Assistant Mayor Kelley, Councilor Cook, Councilor Moreau and Councilor Lombardi voted opposed.**

**Motion to refer Planning Board recommended Ordinance as amended to a public hearing and second reading on July 15, 2024 passed on a 6-3 roll call vote. Councilors Bagley, Moreau and Lombardi voted opposed.**

**Councilor Denton moved to suspend the rules to continue the meeting past 10:30 p.m. Seconded by Councilor Blalock and voted 8-1. Assistant Mayor Kelley voted opposed.**

## XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

### A. CITY MANAGER CONARD

#### 1. Community Policing Facility – Affirmation of Location

**Councilor Denton moved to affirm the municipal campus as the preferred site for the community policing facility, with the understanding that staff will present firmer cost and schedule estimates at the 30% design stage. Seconded by Assistant Mayor Kelley.**

City Manager Conard stated that the image of the police facility that appeared in the Portsmouth Herald is not a design but was a massing exercise. She continued that the Farmer's Market will stay in the current location and the design phase will do what it can to maintain the view. She stated the direction was to use as much of the existing building as possible and they are still refining details.

Assistant Mayor Kelley asked when the last public discussion was held and are there any more scheduled.

Deputy City Manager Woodland stated that the last public discussion was held at community campus and there wasn't any public input. She stated if there is interest in another one, they can schedule it. She stated the committee is going to review the input from the work session, etc. but are looking for an answer on the site before they are able to go forward.

Councilor Cook asked why they haven't looked at the back of the building to add on.

Public Works Director Rice stated the area in the back is tight and they would have to relocate the police department while they did the work and it was a high cost. He stated if the Council wants to do this option, then they would find a way to make it work.

Councilor Lombardi requested a 3 Dimension display be created.

Councilor Moreau asked if there could be a smaller front and also a back addition. She also requested that the cherry trees not be affected.

Public Works Director Rice stated the trees are already being affected by saltwater erosion and they have started planting more saplings to replace them and will continue to do so.

Councilor Moreau asked about the Northeast Federal building that had been mentioned during public comment.

Public Works Director Rice stated he and Facilities Manager Almeida have toured the building and site and feel that it would require a lot of infrastructure work. He stated the direction from the Council had been to stay on campus.

Councilor Bagley stated that there have only been 2 work sessions and there is only one Councilor on the committee. He continued that he has been surprised by what has been presented and is still concerned with the high cost and not getting enough data and input.

Councilor Blalock stated we can't keep going down this road and doesn't feel this needs to be on campus and should be in the gateway. He stated he doesn't want to make a mistake.



Councilor Tabor stated he has heard the concerns from neighbors that this will ruin the view but feels as a member of the committee, if it doesn't go in this location then the cost will go up significantly and then it will not happen. He stated we cannot keep delaying this but agrees that there needs to be more input.

Councilor Cook stated she still has serious reservations but feels if it is done it should be on the municipal campus. She discussed the cost and affordability to the citizens and we should be looking at wants versus needs. She stated we have a police station, and we need to renovate some areas. She stated that the needs assessment done in 2014 and 2022 was the same and wants to see real data on why we are so different from Dover and Salem for example.

Mayor McEachern asked for more information regarding the NECU building on Borthwick Avenue.

Public Works Director Rice and Building Inspector Shanti Wolfe addressed some concerning issues such as water damage and various code issues.

Mayor McEachern stated he prefers the campus feel and likes the Farmer's Market being here as well and continued that it is the Council's job to make the decisions and get input as we go forward. He stated this proposal does what we asked the committee to do and costs 30 million less than if it was off campus.

Councilor Cook stated she will vote in favor of this location but wants to see plans for the back of the building as well.

**Motion passed on a 7-2 roll call vote. Councilors Bagley and Moreau voted opposed.**

2. Character-Based Zoning Ordinance Clarification

**Councilor Cook moved to refer the attached zoning ordinance amendment to the Planning Board for a recommendation at its June 20, 2024 meeting, and provide a report back at the City Council meeting on July 15, 2024. Seconded by Councilor Lombardi.**

**Councilor Moreau moved to amend to also bring back for a first reading at the July 15, 2024 City Council meeting. Seconded by Assistant Mayor Kelley and voted.**

**Main motion as amended passed on a 9-0 vote.**

## **XII. CONSENT AGENDA**

*At the request of Assistant Mayor Kelley, Item C was removed from the Consent Agenda.*

**Councilor Moreau moved to adopt Items A, B and D of the Consent Agenda. Seconded by Councilor Denton. Motion voted.**

- A. Request from Friends of the Music Hall dba The Music Hall Members Club, to install a Projecting Sign at 104 Congress Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations:**

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

- B. Request from Lisa Venn, Opal Luxe Salon, to install a Projecting Sign at 206 Market Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations:**

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and*
- A. *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

- D. Letter from Annie Zampitella, Wentworth-Douglass Hospital and Conventures, Inc., requesting permission to hold 2024 Seacoast Cancer 5K, Sunday, September 15, 2024. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Sandy Clark Kaddy, Seacoast African American Cultural Center, requesting permission to hold the 3<sup>rd</sup> Juneteenth Freedom Walk, Wednesday, June 19, 2024

**Councilor Moreau moved to refer to the City Manager with Authority to Act, seconded by Councilor Lombardi. Motion passed on an 8-0 vote. Assistant Mayor Kelley abstained.**

**XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. Email Correspondence

**Councilor Blalock moved to accept and place on file, seconded by Councilor Tabor. Motion voted.**

- B. "Accessory Dwelling Unit (ADU) Handbook" as presented by Paige Trace at the May 20, 2024, City Council meeting

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

#### **XIV. MAYOR McEACHERN**

1. Appointments to be Considered:

- a. Appointment of Robert Sullivan to the Mayor's Blue Ribbon Sister City Committee

The appointment of Robert Sullivan to the Mayor's Blue Ribbon Sister City Committee was considered and will be voted on at the June 17, 2024, City Council meeting.

2. Appointment to be Voted:

- a. Appointment of Amy-Mae Court to Recreation Board

**Councilor Blalock moved to appoint Amy-Mae Court to the Recreation Board. Seconded by Assistant Mayor Kelley and voted.**

3. Request for a report back from Legal regarding ordinance consolidation

Mayor McEachern requested a report back from the Legal Department regarding ordinance consolidation as there are instances of duplication and conflicting ordinances that should be addressed and suggested the Governance Committee also review this information.

#### **XV. CITY COUNCIL MEMBERS**

##### **A. COUNCILOR BLALOCK**

1. Update from the Mayor's Blue Ribbon Sister City Committee

Councilor Blalock gave a brief update of activities involving several of our Sister Cities and that more out-reach will be held as members are added to the committee.

##### **B. COUNCILOR MOREAU**

2. Planning Board's recommendation to City Council regarding revised Solar Panel Amendments

*Previously addressed*

#### **XVI. APPROVAL OF GRANTS/DONATIONS**

*(There are no grants or donations on for approval this evening)*

#### **XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

1. Pease Development Authority Update

City Manager Conard reported the Pease Development Authority met on May 23, 2024, and bid farewell to Peggy Lamson who had served many years and welcomed Brian Semprini.

She stated they also learned that the National Visa Center has signed on to stay in their current facility for another 5 years through 2029.

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

**XIX. ADJOURNMENT**

**At 11:20 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded and voted unanimously.**

Respectfully submitted,

VALERIE FRENCH  
DEPUTY CITY CLERK