

Revised Agenda to add Councilor Bagley to Councilor Cook's item regarding Meeting Notices via SMS/Email and Councilor Cook's item regarding Rule 30 Amendment is under her name only.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JANUARY 16, 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_XU-SZphjT6CNY-x3k8yxBA

6:45 PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. *Consideration of Legal Advice – RSA 91-A:3, II (I)*

AGENDA

- *Regular portion of City Council meeting to begin at 7:00 p.m.*

- I. **6:00PM - WORK SESSION – 2023 AUDIT RESULTS, MATT HUNT, CLA**
Zoom link: https://us06web.zoom.us/webinar/register/WN_abGZOi-AQMxCBx1fGngnkuw
- 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**

PRESENTATIONS

1. Portsmouth High School Football Team – Celebration of their Season
2. Holiday Light Contest Winners

PROCLAMATIONS

1. Harold Whitehouse
2. Stalking Awareness Month

VII. **ACCEPTANCE OF MINUTES – NOVEMBER 9, 2023; NOVEMBER 13, 2023; NOVEMBER 20, 2023 AND DECEMBER 4, 2023**

VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

1. Safe Water Advisory Group (SWAG) (*no presentation*)

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 6, License, Article XVII – Outdoor Dining Encumbrance Permit, Section 6.1701- 6.1707 (*Sample motion – move to pass first reading and schedule a public hearing and second reading at the February 5, 2024 City Council meeting to amend Chapter 6, Licenses, Article XVII, Outdoor Dining Encumbrance Permit, Sections 6.1701 – 6.1707*)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Confirmation of City Council Goals
2. Proposed Amendment Relative to Solar Panels
3. Adoption of Legislative Principles
4. Revocable License for Arcadis U.S., Inc. for Property Located at 124 Bartlett Street
5. *City Council and Planning Board Joint Listening Session – Places to Live Study Circle Dialogue Report Out

XII. CONSENT AGENDA

- A. Request from Chet Schrader, Rounders Brewing Company d/b/a Lithermans Brewing Company, to install a Projecting Sign at 103 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. Letter from Maria Stephanou of Alzheimer's Association requesting to hold 2024 Annual Seacoast Walk to End Alzheimer's on Sunday, October 6, 2024.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. *Community Policing Facility Update – Suzanne Woodland, Deputy City Manager; Peter Rice, Public Works Director; and Mark Newport, Police Chief
- B. Letter from Mike Comeau, Portsmouth Water Taxi, requesting permission to attach sign to the chain link fence next to the public docks ramp, also placement of a sandwich board sign on the dock (***Sample motion – move to refer this request to the City's Legal Department for a report back***)

- C. Letter from Marcia MacCormack regarding appeal to eliminate the Waterfront Business designation from Salter Street (***Sample motion – move to refer this request to the City’s Legal Department for a report back***)
- D. Email Correspondence (***Sample motion – move to accept and place on file***)
- E. Request for Public Hearing Pursuant to RSA 673:13 for the Removal of Mr. James Hewitt from the Planning Board (***Sample motion – move to schedule a Public Hearing at the February 5, 2024, City Council meeting to determine if Mr. James Hewitt should be removed from the Planning Board pursuant to RSA 673:13***)

XIV. MAYOR McEACHERN

- 1. *Ethics Committee Drawing by Lot
- 2. Approval of City Council Rules and Orders
- 3. Ratification of City Council Policies
- 4. Ratification of Blue Ribbon Committees
 - African Burying Ground Memorial Park Blue Ribbon Committee
 - Citywide Neighborhood Committee
 - Governance Committee
 - Housing Committee
 - Portsmouth Energy Advisory Committee
 - Safe Water Advisory Group
 - Sister Cities Committee
 - Task Force on Portsmouth Historical Archives
- 5. *Reappointments to the Rockingham County Planning Commission:
 - Beth Moreau, City Council Representative
 - Peter Britz, Planning and Sustainability Director (Alternate member)
- 6. Appointments to be Considered:
 - Donald Brabant as a regular member of the Audit Committee
 - Jeff Abrams as a regular member of the Cable and Broadband Internet Commission
 - Gary Lowe as a regular member of the Cable and Broadband Internet Commission
 - Talia Sperduto as an alternate member of the Conservation Commission
 - Jody Record reappointment as an alternate member of the Zoning Board of Adjustment

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY AND COUNCILOR TABOR

- 1. Housing and Sherburne School Next Steps

B. COUNCILOR BLALOCK

1. *Report Back on Potential Sister City or Friendship City with the City of Nelson, New Zealand (***Sample Motion – move to refer to Sister Cities Blue Ribbon Committee for a report back to the City Council***)

C. COUNCILOR COOK AND COUNCILOR BAGLEY

1. *Meeting Notices Via SMS/Email (***Sample motion – move to request a report back from the City Manager on the possibility of an SMS or email triggered notice system, based on sign-up by keyword, to alert residents of topics of interest on any public meeting agenda to drive increased resident participation and attendance at city meetings***)

D. COUNCILOR COOK

1. Rule 30 Amendment (***Sample motion – move to adopt Rule 30 as proposed in the attached memorandum from the Deputy City Manager***)

E. COUNCILOR BAGLEY

1. **Action Item Needing Approval by City Council:**
 - Woodbury Avenue Speed Cushion Plan (***Sample motion – move to approve revised speed cushion plan for Woodbury Avenue, with 6 speed cushions***)
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the November 29, 2023 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the November 29, 2023 Parking & Traffic Safety Committee meeting***)
3. **Action Item Needing Approval by City Council:**
 - 2 Russell Street (***Sample motion – move to approve requested changes to on-street parking on Deer Street and Russell Street as presented on approved site plans for project with modifications as proposed by DPW, with the inclusion of bicycle signage at locations as approved by the DPW traffic Engineer, and the continuation of sharrows on Russell Street to Market Street***)
4. Parking & Traffic Safety Committee Action Sheet and Minutes of the January 4, 2024 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the January 4, 2024 Parking & Traffic Safety Committee meeting***)

F. COUNCILOR MOREAU

1. Gateway Rezoning (***Sample motion – move to request that an ordinance amendment be drafted to change the zoning of the “consensus properties” as described in the memorandum and that the drafted ordinance amendment be sent to the Planning Board for its consideration and recommendation in February with the intention to bring back an ordinance amendment for first reading at the City Council meeting in March***)

2. *Home Occupation Definition and Regulations – Zoning Ordinance (***Sample motion – move to request a report back from the City Manager on how we might continue to advance the discussion during this next City Council session recognizing and balancing the City Council priorities such as housing, other ordinance amendments that are already further along in the development process, and staff workload***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to Department of Public Works from Mark Falzone, Scenic America - \$1,500.00 for the Planting of a Memorial Tree in Recognition of Dr. Geoffrey Clark (***Sample motion – move to accept and approve the donation to the Public Works Department in the amount of \$1,500.00 for the planting of a Memorial Tree in the right of way of 152 Middle Street in Recognition of Dr. Geoffrey Clark***)
- B. *Acceptance of Grant for the Senior Center – \$10,000.00 (***Sample motion – move to approve and accept the grant as presented***)
- C. *Grant for the Police Department – \$12,499.00 (***Sample motion – move to approve and accept the grant as presented***)
- D. *Grant for the Police Department – \$14,403.29 (***Sample motion – move to approve and accept the grant as presented***)
- E. Donation for the Police Department – \$7,000.00 (***Sample motion – move to approve and accept the donation as presented***)
- F. Donation for the Police Department – \$2,500.00 (***Sample motion – move to approve and accept the donation as presented***)
- G. *Acceptance of Violence Against Women Act (VAWA) Grant – \$25,025.00 (***Sample motion – move to approve and accept the grant as presented***)

VII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Report Back on Jones Avenue Scrapyard
2. * Pease Development Authority Update

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**

The Council Chambers

City Hall

Portsmouth, NH

A Proclamation

- Whereas:** It was with the deepest sadness that the City learned of the passing last week of Harold Whitehouse, a lifelong resident of Portsmouth for his 95 years whom many say exemplified the best of Portsmouth; and
- Whereas:** After service to his country in the United State Navy, Harold served his second love (next to his 56 years with his beloved wife, Ruth) – the City of Portsmouth – for more than three decades, contributing, participating, and fulfilling Job #1 as Citizen to the end; and
- Whereas:** Harold served on the City Council for 16 years, on the School Board for 12 years, as Police Commissioner for two years and as a member of the Parking & Traffic Safety Committee right up through his decision to step down on September 7, 2023; and
- Whereas:** Harold also volunteered his time for 60 years as a poll worker, defending the institutions of our democracy and welcoming voters new and old as Ward 5 greeter; and
- Whereas:** Harold took part in the City’s 350th celebration in 1973 and in our 400th, and must have decided he was leaving us in good hands as he passed the torch to the next generation; and
- Whereas:** The plaque on Harold “Whitey” Whitehouse Bridge that was dedicated in June 2018 reads, “Military Veteran. Civic Volunteer. South Ender.” So many of us were honored to have worked alongside him, watching his working-class principles shine through as he served his community, to have shared in his joy in living and to have called him, “Friend.”; and
- Whereas:** The people of the City will keep the memory of his unique personality, which reflected his roots in the South End the way it used to be, and his unmatched love of the City, which showed in his public service and his private conversations, alive in the future as an element of the history of the City.

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim January 16, 2024, as

Harold Whitehouse Day

and call upon the residents of Portsmouth to pause and remember his dedication and to model themselves as citizens on the best of what he taught us.



Given with my hand and the
Seal of the City of Portsmouth,
on this 16th day of January 2024


Deaglan McEachern, Mayor of Portsmouth

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** January was declared National Stalking Awareness Month in 2011 because stalking is prevalent in every community and affects all people regardless of age, socio-economic status, sexual orientation, gender, race, religion, or nationality; and
- Whereas:** One in every three women and one in every six men are victims of stalking in their lifetimes; and
- Whereas:** Stalking can upend the lives of victims and their families, forcing them to make tough decisions including changing jobs, relocating homes, or even hiding their addresses through state offered programs to protect themselves and their families; and
- Whereas:** In 2024, President Biden has called on all Americans to speak out against stalking and to support the efforts of advocates, courts, service providers and law enforcement to help those who are targeted and send the message to perpetrators that these crimes will not go unpunished; and
- Whereas:** The City of Portsmouth has employed a Victim Witness Advocate since 1999 with funding from the Violence Against Women Act to work with the Portsmouth Police Department to support victims of stalking; and
- Whereas:** The City works with Haven, one of twelve crisis centers across the state to provide 24/7 support to victims of sexual assault, domestic violence, sexual harassment, and stalking; and
- Whereas:** The City reminds everyone that confidential, local help is available, 24 hours a day, at the HAVEN Violence Prevention and Support Hotline: 603-994-SAFE; and
- Whereas:** The City of Portsmouth stands with all New Hampshire Prosecutors as sentries on the front lines, advocating on behalf of victims of stalking; and

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim January 2024 in Portsmouth as

Stalking Awareness Month

And call on our citizens to come together to reaffirm our commitment to ending stalking and supporting survivors.



Given with my hand and the
Seal of the City of Portsmouth
on this 16th day of January 2024

Deaglan McEachern, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: THURSDAY, NOVEMBER 9, 2023

PORTSMOUTH, NH
TIME: 6:00 PM

I. CALL TO ORDER

Mayor McEachern called the meeting to order at 6:00 p.m.

II. ROLL CALL

Present: Mayor McEachern, Councilors, Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

Absent: Assistant Mayor Kelley

III. INVOCATION

Mayor McEachern asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

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

V. CANVASS OF THE VOTE OF THE NOVEMBER 7, 2023 MUNICIPAL ELECTION

Mayor McEachern said we are here this evening to Canvass the Vote of the November 7, 2023 Municipal Election. He extended his congratulations to all candidates that were elected. He advised the City Council that we have received an inquiry from a defeated candidate that may request a recount.

City Clerk Barnaby provided the City Council with copies of the November 7, 2023 Municipal Election results and requested the City Council accept the results as presented.

The following positions were elected:

City Council 2 year term

Mayor Deaglan McEachern
Assistant Mayor JoAnna Kelley
Councilor John Tabor
Councilor Kate Cook
Councilor Josh Denton
Councilor Rich Blalock
Councilor Andrew Bagley
Councilor Beth Moreau
Councilor Vincent Lombardi

School Board 4 year term

"Pip" Clews
Patricia "Tish" Campbell
Byron Matto
David "Leigh" Hudson

Fire Commission 4 year term

Michael Hughes

Police Commission 4 year term

Francesca Marconi Fernald

Ward Moderators 2 year term

Stephen Pesci – Ward 1
Susan Denenberg – Ward 2
Joan L. Hamblet – Ward 3
Sharon Nichols – Ward 4
Brian Wazlaw – Ward 5

Ward Clerks 2 year term

James Splaine – Ward 1
William Tucker – Ward 2
Damon Thomas – Ward 3
Sarah LaChance – Ward 4
Donald Margeson – Ward 5

Ward Selectmen 2 year term

Lisa Bellanti, Nancy Brown, and Janet M Phelp – Ward 1
William McClure, Allen McGee, and Diane Stradling, – Ward 2
Elaine Apatang-Butts, Leslie A. Cartier, and Thomas Holbrook – Ward 3
Amy Abbott, Bernice E. Brody, and Jeffrey A. Brody – Ward 4
Mary Lou McElwain, Kimberly Meuse, and Paul O'Connor – Ward 5

Registrar of Voters 2 year term

Penny Reynolds – Ward 1
Candace Thayer – Ward 2
Angelynne Hinson – Ward 3
Marcia Main – Ward 4
Laura Spelke – Ward 5

Registrar of Voters At Large 2 year term

Barbara Ward

Question 1: - KENO in City of Portsmouth

Yes 2,442
No 2,652

City-Wide Statistics

Registered Voters	15,525
New Registered Voters	172
Total Registered Voters	15,697
Ballots Cast	5,745
Percentage Voted	36.6%

Councilor Moreau moved to approve and accept the November 7, 2023 Municipal Election Results as presented by City Clerk Barnaby. Seconded by Councilor Lombardi and voted.

VI. ADJOURNMENT

At 6:05 p.m., Councilor Moreau moved to adjourn. Seconded by Councilor Lombardi and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, MMC/CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 13, 2023

PORTSMOUTH, NH
TIME: 7:00 PM

III. CALL TO ORDER

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

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

IV. ROLL CALL

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

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

Mayor McEachern stated that long-time residents George and Barbara Remick have relocated to New Jersey to be with family. He thanked them for their service to the Quilts of Valor project and other volunteer efforts and they will be greatly missed by the City of Portsmouth.

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

Mayor McEachern opened the Public Comment Session:

Jim Lamond – spoke regarding the Work Session on the new Police Facility stating that the proposal of the Clough Drive field should be removed from the list. He stated that its proximity to Little Harbour School and the safety and traffic issues should eliminate its consideration.

Kent Hubbard – stated he hopes and expects that the Police Department will get a facility that will meet its needs but also feels that the Clough Drive site is inappropriate for that use. He explained that its current use as a field/open space is much needed and would not want the history of the name “Clough Field” to be lost.

Chris Hackett – thanked Commissioner Shaheen for her support of the Police Department and need for a new facility. He stated that he is also against the use of Clough Field for that purpose due to its close proximity of children and the various individuals who would be in the area that should not be around children.

Brian and Lindsay Pappas – live in the area of Clough Drive and are also opposed to the police facility being located there for safety reasons and the loss of the field/open space.

Leslie Allen – appreciates the Police and all they do and agrees that they deserve a new facility, but it should not be at Clough Drive.

Jeff Dyer – thanked the City Council and Police Department for their work in often thankless jobs and stated he doesn't want to lose Clough Field as it is much used and needed by various local groups.

David Marvez – stated he is concerned with the Clough Drive location as well as the City Hall Lower Parking lot option due to its proximity to both Little Harbour School and the Middle School.

Dick Bagley – stated he feels that the locations that are on the list are being considered as they are city-owned property but feels that other factors need to be taken into consideration as well such as the rising costs the longer we wait. He stated that we agree that we need a new facility but we don't want it to be obsolete before it is finished and feels that salaries are what brings people here to work.

Pat Bagley – stated years ago she toured the current Police Department location and was appalled and embarrassed by the working conditions and feels that our police department deserve our investment in them and it will just cost more and more if we do not move quickly.

Cliff Hodgdon – stated he feels that the Granite Street location is the best option for the Police Facility and also doesn't want to see the current City Hall building sold and then have to relocate elsewhere.

Seeing no one else wishing to speak, Mayor McEachern closed Public Comment.

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

First Reading of Ordinances:

- A. First Reading of Ordinance amending Chapter 6, Article XVII, Sections 6.1701-6.1707 - Outdoor Dining Encumbrance Permit

Councilor Bagley moved to pass first reading and schedule a public hearing and second reading at the December 4, 2023 City Council meeting to amend Chapter 6, Licenses, Article XVII, Outdoor Dining Encumbrance Permit, Sections 6.1701-6.1707, seconded by Councilor Tabor.

Councilor Cook stated she was going to make a different motion as this was not what was presented by the Economic Development Commission and wants to postpone the first reading.

Mayor McEachern inquired what is different from this version.

Councilor Cook stated that loading zones are taken away and the reference to the number of cars.

Original motion was rescinded.

Councilor Cook moved to refer back to the Legal Department for revisions to reflect the Economic Development Commission recommendations at the January 16, 2024 meeting. Seconded by Councilor Moreau and voted.

- B. First Reading of Ordinance amending Chapter 1, Article III, Section 1.304 – Recreation Board Membership

Councilor Blalock moved to pass first reading, refer this amended ordinance to the Governance Committee and hold second reading and public hearing at the December 4, 2023 City Council meeting, seconded by Councilor Moreau.

Councilor Blalock stated that this is to clarify and define the terms and membership that has been in place but not codified.

Discussion ensued regarding potential changes to the membership and suggestion that the Governance Committee could review it in the future.

Assistant Mayor Kelley suggested that the Recreation Board should bring forward any recommendations if they want a change.

Motion passed.

- C. First reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure

Councilor Cook moved to pass first reading and hold second reading and public hearing at the December 4, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

Second Reading of Ordinance:

- D. Second Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure

Councilor Denton moved to adopt the amendments proposed by Councilor Denton and to hold second reading and public hearing at the December 4, 2023 City Council meeting, seconded by Councilor Bagley.

Discussion ensued.

- Voted to split the motion to exclude Item C, (*blue text*) ~~of \$100.00 or more, in excess of \$100.00~~, from the vote.
- **Voted** to adopt Councilor Denton amendments (*blue text*) in Items B and F on a 9-0 roll call vote.
Remaining amendment Item C (*blue text*):
- **Voted** to add back the deleted text and change to “each contribution **of \$100.00 or more and candidates will disclose the number of donations under \$100.00 and the total sum thereof**, since the last municipal election..... and “all such contributions **in excess of \$100.00** shall be reported...”
- **Voted** on a 6-3 roll call to change the amount in Item C from ~~\$100.00~~ to **\$50.00**. Assistant Mayor Kelley, Councilors Tabor and Lombardi voted opposed.
- **Voted** on a 5-4 roll call to amend Item I. Public Records: by eliminating the proposed (*red text*) amendment **...and shall be published on the City website.**, Councilors Tabor, Denton, Bagley and Cook voted opposed.

Councilor Moreau moved to hold second reading and public hearing on the ordinance amendment as amended including **red text** items from original amendment at the December 4, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted unanimously.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Approval of the 2024 City Council Calendar

Councilor Bagley moved to approve the proposed schedule for 2024 meetings as presented. Seconded by Councilor Blalock and voted.

2. Grays Lane Right of Way Easement

Councilor Moreau moved to authorize the City Manager to accept a right of way easement over land at 219 Sagamore Avenue from Thomas and Deirdre Hammar (Tax Map 221 Lot 19) Seconded by Councilor Blalock and voted.

3. Revocable License for 217 Austin Street

Councilor Moreau moved to authorize the City Manager to execute and deliver a Revocable License allowing Owners of 217 Austin Street to replace their existing steps and install pavers on City property. Seconded by Assistant Mayor Kelley and voted.

XII. CONSENT AGENDA

- A. Request from Ashley Dumont, Coastal Thyme Holistic Skin + Wellness, to install a Projecting Sign at 208 Market Street (***move to approve the aforementioned Projecting Sign License Agreement 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 Andrea Schwanbeck, Brass Tacks Photography, to install a Projecting Sign at 78 Fleet Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations:

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

Councilor Blalock moved to adopt the Consent Agenda as presented. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

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

B. Letter from John Stebbins, Procon, requesting for accent lighting to be affixed to the city street light pole at the corner of Maplewood Avenue and Raynes Avenue to illuminate the sculpture, Hard on the Wind

Assistant Mayor Kelley moved to refer to the City Manager with Authority to Act. Seconded by Councilor Bagley and voted.

C. Memo from Public Arts Review Committee regarding "Love Locks" Fence

Councilor Bagley moved to accept and place on file, seconded by Councilor Blalock.

Councilor Denton moved to suspend the rules to move to allow Chris Dwyer of the Public Arts Review Committee, to speak on the issue. Seconded by Councilor Bagley and voted.

Public Arts Review Committee member Chris Dwyer reviewed the report from PARC which concluded that the "Love Locks" Fence does not meet the qualifications of public art, but there are alternatives in dealing with these installations which are all over the world.

City Manager Conard stated that the Department of Public Works is replacing the entire fence with black/vertical fencing but will look at sections that can be preserved and placed elsewhere.

Motion passed.

D. Letter from Hearth Market, LLC, requesting permission to hold an Outside Beer Garden Event at Hearth Market from 2:00 p.m. to 8:00 p.m.

Councilor Denton moved to refer to the City Manager with Authority to Act, seconded by Assistant Mayor Kelley.

Assistant Mayor Kelley thanked Sean Clancy and the Mayor for bringing this forward and hopes that it will become an annual event and add other events as well.

Councilor Bagley stated that the retailers came up with the idea and Sean Clancy made it happen.

Motion passed.

XIV. MAYOR McEACHERN

Mayor McEachern announced the Holiday Lighting contest would be taking place within the next few weeks with winners to be announced at the December 18, 2023 Council meeting.

1. Resignations:

- Michelle Consolazio from the Citizens Advisory Committee
- Jonathan Sandberg from the Citizens Advisory Committee
- Allison Tanner from the Conservation Commission
- A. Robert Thoresen from the Public Art Review Committee
- John Kennedy from the Sustainable Practices Blue Ribbon Committee

Mayor McEachern announced the names of the individuals who have submitted resignations and thanked them for their service.

Councilor Cook stated she has served with several of the individuals and thanked them for their services.

Councilor Moreau thanked Allison Tanner for her many years of service to the Conservation Commission.

Councilor Moreau moved to accept the resignations and send letter of thanks and appreciation of service. Seconded by Councilor Lombardi and voted.

2. Appointments to be Considered:

- *Herb Lloyd to the Sustainability Committee
- *Aubrey Gewehr to the Sustainability Committee
- *Effie Malley to the Sustainability Committee
- *Jessica Blasko to the Sustainability Committee
- *Steve De Trolio to the Sustainability Committee
- *Bert Cohen to the Sustainability Committee
- *Torey Brooks to the Sustainability Committee
- William Lyons (application submitted) to the Sustainability Committee
- *Chas Sullivan (application submitted) to the Sustainability Committee

The above referenced appointments were considered and will be voted at the December 4, 2023 City Council meeting.

3. Appointments to be Voted:

- Annelise Hartley to the Citizens Advisory Committee

- Kirsten Barton to the Citizens Advisory Committee
- Sachiko Akiyama to the Cultural Planning Subcommittee

Councilor Blalock moved to approve the above stated appointments. Seconded by Assistant Mayor Kelley and voted.

4. Request Report Back regarding Status of Jones Avenue MAC Metals

Assistant Mayor Kelley moved to refer to the Legal Department for a report back at the December 4, 2023 City Council meeting. Seconded by Councilor Tabor and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON & COUNCILOR COOK

1. Draft Solar Array Overlay District

Councilor Denton moved that the City Manager report back on the best way to pursue the creation of a Solar Array Overlay District in our zoning ordinance. Seconded by Councilor Cook and voted.

B. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 5, 2023 meeting

Councilor Bagley moved to accept and approve the action sheet and minutes of the October 5, 2023 Parking & Traffic Safety Committee meeting. Seconded by Councilor Lombardi and voted.

2. Parking and Traffic Safety Committee Action Sheet and Minutes of the November 2, 2023 meeting

Councilor Bagley moved to accept and approve the action sheet and minutes of the November 2, 2023 Parking & Traffic Safety Committee meeting. Seconded by Councilor Lombardi and voted.

Councilor Bagley stated that the Parking Needs Assessment will be discussed at the next Parking and Traffic Safety Committee meeting which will be held in the evening.

Councilor Moreau requested a Notice of Possible Quorum be posted for that meeting.

City Manager Conard stated that the Parking Utilization Advisory Committee will be holding a meeting on November 13, 2023 and will also have a Notice of Possible Quorum posted for this meeting.

3. State Street Two-Way Study – Results

Councilor Bagley gave a brief update of the results of the State Street Two-Way Study stating that it would be beneficial for retail, pedestrians, bicyclists. He stated this is a part of a bigger community discussion of the Market Square Master Plan.

Discussion ensued regarding the possible improvements this change could provide to traffic flow, safety, etc.

Discussion ensued regarding funding alternatives and affects on other intersections and possibility of a conceptual trial, which City Manager Conard clarified could not be done.

C. COUNCILOR COOK

1. Draft Changes to the Sidewalk Policy

Councilor Cook moved that the Governance Committee requests review and approval of their recommended changes to the City Council sidewalk policy, seconded by Councilor Bagley.

Deputy City Manager Woodland stated that the intention is to have uniformity and fairness going forward. She clarified that it is a policy so the City Council can vote to make variations by petition if they want to do so.

Councilor Cook clarified that there is State RSA regarding rock sidewalks and that they remain because they are historic on lower Fleet Street and Marcy Street.

Motion voted.

2. Ethics and Transparency Policy

Councilor Cook moved that the Governance Committee requests review and approval of a new Ethics and Transparency Policy created to provide guidance on Ethics and Transparency Matters. Seconded by Councilor Tabor and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of the Pre-Disaster Mitigation Grant - \$965,333.33

Assistant Mayor Kelley moved to authorize the City Manager to enter into a Grant Agreement with the State of New Hampshire Department of Safety to accept \$965,333.33 with a City match of 25% from the Pre-Disaster Mitigation Grant Program. Seconded by Councilor Bagley and voted.

B. Acceptance of the Internet Crimes Against Children (ICAC) Grant, Supplement 2 - \$381,221.00

Assistant Mayor Kelley moved to approve and accept the grant presented. Seconded by Councilor Moreau and voted.

C. Acceptance of the Bulletproof Vest Grant - \$11,437.50

Assistant Mayor Kelley moved to approve and accept the grant as presented. Seconded by Councilor Moreau and voted.

D. Acceptance of Donation to the Police Department of a Television Monitor from The Home Depot for investigative purposes

Assistant Mayor Kelley moved to approve and accept the donation as presented. Seconded by Councilor Moreau and voted.

E. Acceptance of Donation for maintenance of historic cemeteries from Elise Parham in honor of Portwalk Place - \$100.00

Assistant Mayor Kelley moved to approve and accept the donation as presented. Seconded by Councilor Lombardi and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

City Manager Conard gave a brief update on the following items.

1. Update on Flashvote
2. Shop Around Town Event Announcement
3. *Food Permit Annual Update
4. *Right of Entry – Former Jones School Site at Pease

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Bagley discussed the Hillside Drive area stating that the approximately 40 residences in the area have recently lost the cut-through that they were able to access Lafayette Road safely and are requesting that sidewalks be added to the Capital Improvement Plan.

Councilor Blalock stated that the Hillside Drive residents did a great job presenting their case at the Parking and Traffic Safety Committee meeting.

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

Assistant Mayor Kelley moved to adjourn at 9:30 p.m., seconded and voted unanimously.

Respectfully submitted:

Valerie A. French
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 20, 2023

PORTSMOUTH, NH
TIME: 6:00 PM

I. CALL TO ORDER

Mayor McEachern called the meeting to order at 6:00 p.m.

II. ROLL CALL

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

III. REQUEST FOR RECOUNT OF SCHOOL BOARD ELECTION RESULTS OF NOVEMBER 7, 2023 MUNICIPAL ELECTION

Mayor McEachern reported that City Clerk Barnaby received a letter from Genevieve Becksted Muske, a defeated School Board candidate, requesting a recount of the School Board race from the Municipal Election held on Tuesday, November 7, 2023.

Assistant Mayor Kelley moved to authorize the City Clerk to conduct a recount of the School Board race from the November 7, 2023, Municipal Election, to be held on November 27, 2023, beginning at 9:00 a.m. in the Eileen Dondero Foley Council Chambers. Seconded by Councilor Bagley.

On a unanimous roll call vote 9-0, motion passed.

IV. ADJOURNMENT

At 6:15 p.m., Councilor Bagley moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: DECEMBER 4, 2023

PORTSMOUTH, NH
TIME: 7:00PM

Assistant Mayor Kelley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Tabor 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, Denton, Moreau, Bagley, Lombardi, and Cook

ABSENT: Councilor Blalock

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.

Assistant Mayor McEachern moved to suspend the rules to take up Item XIII. B. – Letter from Cody Bureau requesting the city alternate every other year between white and colored lights on the Christmas Tree in Market Square. Seconded by Councilor Tabor and voted.

Mayor McEachern accepted an \$1,100.00 donation from the Bureau Family to the City for the colored lights for the Christmas Tree.

VII. ACCEPTANCE OF MINUTES

There are no minutes on for acceptance this evening.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Presentation of the Blue Ribbon Committee on Historical Archive – Tom Watson

Tom Watson provided a detailed review of the final report and recommendations regarding Historical Archives.

Recommndations:

1. City Council vote to continue the Blue Ribbon Task Force on Historical Archives to pursue the following recommendations;
2. The city and participating institutions jointly pursue a conservation assessment in 2024 to quantify the number of archives to be stored from each participating institution and the space required to properly steward them. The estimated cost is \$150,000.00;

3. The Task Force develop and recommend to the City Council the most appropriate legal entity under which the Archive will operate;
4. The Task Force review and recommend which organizations will make up the consortium and how they will be represented in the operations of the Archive;
5. The Task Force develop and recommend a funding plan that includes the city and participating organizations, as well as the availability of public and private resources;
6. The Task Force recommend suitable locations to house the Archive and the City Council earmark the preferred location for future development as the Archive;
7. The Task Force pursue such other issues and make other recommendations that are related to the establishment of the Archive.

In closing, Tom requested the City Council support the work of the Committee and the recommendations as outlined.

Councilor Cook asked what the costs relate to in number 2 of the recommendations. Tom said it is an estimate on assignments for all organizations.

Assistant Mayor Kelley asked if the Committee has reached out to other organizations such as the African Burial Ground, Friends of the South End, etc. Tom said it is early in the process and it was more appropriate to look at major organizations first. He said other organizations would be part of the process.

Councilor Lombardi moved to continue the Blue Ribbon Committee on Historical Archives to pursue the recommendations outlined in their report of November 30, 2023. Seconded by Councilor Cook and voted.

IX. PUBLIC COMMENT SESSION

Kevin Lafond spoke in support of the Blue Ribbon Committee on Historical Archives and their recommendations.

Tom Ferrini said it was unanimous that the city needs to build work force housing. He said it is rare that so many people agree on a topic.

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

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 1, Article IV – Commission and Authorities – Public Art Review Committee

Councilor Cook moved to pass first reading and hold a public hearing and second reading at the December 18, 2023 City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Cook said the amendment is to add a City Councilor as a non-voting member.

Motion passed.

Public Hearings/Second Reading of Ordinances:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article III, Section 1.304 – Recreation Board Membership

Assistant Mayor Kelley moved to pass second reading and hold third and final reading at the December 18, 2023 City Council meeting. Seconded by Councilor Moreau.

- **PRESENTATION**

There was no presentation on the ordinance change.

- **CITY COUNCIL QUESTIONS**

Councilor Cook said the Governance Committee reviewed the changes to this ordinance and recommend the Council pass this as presented.

- **PUBLIC HEARING SPEAKERS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Motion passed.

Councilor Cook moved to suspend the rules to take up third and final reading at this time. Seconded by Assistant Mayor Kelley and voted.

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

- C. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure

- **PRESENTATION**

There was no presentation on the ordinance change.

- **CITY COUNCIL QUESTIONS**

There were no City Council questions.

- **PUBLIC HEARING SPEAKERS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Cook moved to pass second reading. Seconded by Councilor Bagley and voted.

Councilor Moreau moved to suspend the rules in order to take up third and final reading at this time. Seconded by Councilor Tabor and voted.

Councilor Moreau moved to pass third and final reading as presented. Seconded by Councilor Bagley and voted.

- D. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure

- **PRESENTATION**

There was no presentation on the ordinance change.

- **CITY COUNCIL QUESTIONS**

There were no City Council questions.

Councilor Cook moved to amend Article IX, Section 1.902 published in the City Council packet to reflect the changes in the document that were approved on November 13, 2023. Seconded by Councilor Moreau and voted.

- **PUBLIC HEARING SPEAKERS**

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

Tom Nies said he is in favor of changing the election disclosure. He said that the reports should be on the website for viewing by the public, but addresses should not be publicized. He stated there were no reports filed by the organization that supported the Keno Question. He indicated that follow-up on the reports needs to take place to make sure they are being filed accordingly.

After three calls and no further speakers, Mayor McEachern declared the public hearing closed.

Assistant Mayor Kelley said she would like to remove addresses and just include city/town where the donor resides in and asked if that would cause a delay in moving the ordinance forward.

Councilor Moreau said we removed it from the website to make sure addresses were not readily searchable.

Councilor Cook moved to amend Section I – Public Records to read all election financial disclosures shall be public records and that names, towns and amounts of donors shall be published on the City website. Seconded by Assistant Mayor Kelley and voted.

Councilor Cook moved to pass second reading as amended. Seconded by Assistant Mayor Kelley and voted.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Bagley moved to suspend the rules to take up third and final reading of the ordinance. Seconded by Assistant Mayor Kelley and voted.

Councilor Cook moved to pass third and final reading of the ordinance. Seconded by Assistant Mayor Kelley and voted.

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

5. Portsmouth Indoor Pool Liquidating Charitable Trust

City Manager Conard reported that SIPP would like to discontinue its existence as a nonprofit corporation and place its remaining funds, approximately \$185,000.00, in a trust to benefit the Pool.

Assistant Mayor Kelley moved to authorize the City Manager to execute the Portsmouth Indoor Pool Liquidating Trust with a correction of a typographical error. Seconded by Councilor Moreau and voted.

1. Supplemental Appropriation for Outside Counsel Litigation Fees

City Manager Conard said that the City is engaged in two complex litigation matters that are being handled by outside counsel and require additional funds. She stated based on estimates the Legal Department is requesting an additional \$450,000.00.

Councilor Lombardi moved to schedule a Public Hearing on the Proposed Supplemental Appropriation from Unassigned Fund Balance of \$450,000.00 for Outside Counsel Legal Fees at the December 18, 2023 City Council meeting. Seconded by Councilor Moreau.

Councilor Cook said she would like to see such funds be budgeted for next year.

Motion passed.

2. Approval of Memorandum of Agreement for Portsmouth School Clerical Employees

Assistant Mayor Kelley moved to approve and accept the proposed MOA as presented. Seconded by Councilor Lombardi and voted.

3. Approval of Memorandum of Agreement for Association of Portsmouth School Teachers

Assistant Mayor Kelley to approve and accept the proposed MOA as presented. Seconded by Councilor Lombardi and voted.

4. Approval of Memorandum of Agreement for Portsmouth City Employees – AFSCME Local #1386A

Assistant Mayor Kelley to approve and accept the proposed MOA as presented. Seconded by Councilor Lombardi and voted.

XII. CONSENT AGENDA

- A. Request from Ellen Bruton, Terpsichore, LLC, to install a Projecting Sign at 9 Commercial Alley (***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. Letter from Michaela Kneuer, Big Brothers Big Sisters of New Hampshire, requesting permission to close Pleasant Street on Saturday, September 21, 2024 from 1:00 p.m. to 4:00 p.m. for the 16th Annual Stiletto Sprint (rain date September 22, 2024) (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Assistant Mayor Kelley moved to adopt the Consent Agenda. Seconded by Councilor Moreau and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation regarding Housing Navigator Update by Howard Snyder

Howard provided an overview presentation regarding the Housing Navigator Update. He spoke regarding the outreach that will be taking place over the next 4 to 5 weeks with a public facilitator leading the outreach. Kyle Talente representing RKG spoke regarding the financial perspective and how that would affect the city.

Councilor Moreau said she would like the city to create housing trusts to help homeowners. Kyle spoke regarding market rates and values in the city.

Councilor Cook asked if the analysis assumes parking requirements. Kyle said yes, it values zoning and not requiring parking would lower the costs and would increase the return.

Howard spoke to there being study circles for reviewing information with data.

Assistant Mayor Kelley asked if this is repetitive to what was done in 2017 and are we spending time repeating to gather the same information. Howard stated that the needs and challenges have shifted since 2017.

Mayor McEachern said there are broad things considered with the work being done and our master plan kicks off this year. He said we need more affordable housing for all areas of income in the city.

C. Email Correspondence

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

At 9:10 p.m., Mayor McEachern called a brief recess. At 9:20 p.m., Mayor McEachern called the meeting back to order.

XIV. MAYOR McEACHERN

1. Holiday Parking

Assistant Mayor Kelley moved to authorize the City Manager to establish free holiday parking from December 16th to December 24th. Seconded by Councilor Lombardi.

Councilor Moreau said she would like to see free parking in the downtown.

Councilor Bagley said short time parkers can't find parking. He stated 90% of park mobile users are from outside the city.

Assistant Mayor Kelley said she would like a report back on the ability to validate parking. City Manager Conard said when you drive in the parking garage you have a 15-minute grace period and that would be changed to 3 hours for the garage.

Parking Director Fletcher joined the meeting via zoom and stated that creating this for parking downtown would require the chalking of tires of every vehicle and after three hours the task is performed again. He said we need to maintain a three-hour limit.

Mayor McEachern said business owners need to say we want a change. He would like to see this for small businesses. He feels we should create free parking at the garages.

Councilor Cook said she is concerned with parking not turning over downtown. She said the intent of a parking program is to have adequate parking downtown.

Councilor Bagley said short term turn over is the most ideal and what drives revenue, is people on the streets.

Councilor Tabor said we have a great system we developed. He said he supports free parking in the garages.

Councilor Denton moved to amend the motion to authorize the City Manager to establish 3 hours of free holiday parking in the garages from December 16th through December 24th. Seconded by Councilor Bagley.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said it is not wise to make decisions on what we think the businesses need. He stated we are governed by the people, and it leads, instead of meeting the needs. He said this is about taking a break and doing by following the data and following our hearts.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Councilor Lombardi said the residents expect free parking during this time of year.

Mayor McEachern asked how much revenue we lose and could we start this sooner. City Manager Conard said we lost \$300,000.00 and we could extend it to January 1st.

Councilor Bagley suggested we have the period from December 11th through January 1st.

Assistant Mayor Kelley said she offers the following friendly amendment to start December 11th through January 2nd for 3 hours of free parking in both parking garages. Councilors Denton and Bagley accepted the friendly amendment by Assistant Mayor Kelley.

Motion passed as amended.

On a roll call 6-2, voted to pass the main motion as amended to establish 3 hours of free holiday parking in the garages from December 11, 2023 through January 2, 2024. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley and Cook voted in favor. Councilor Lombardi and Mayor McEachern voted opposed.

2. Resignation
 - Abigail Gindele from the Conservation Commission

Assistant Mayor Kelley moved to accept the resignation of Abigail Gindele from the Conservation Commission with a letter of thanks to be sent acknowledging her service to the city. Seconded by Councilor Lombardi and voted.

3. Appointments to be Considered:
 - Stephen Buzzell to the Cemetery Committee
 - Kelly DeCourcy to the Citizen Advisory Committee
 - Susan Durling to the Citizen Advisory Committee
 - Alice Carey to the Conservation Commission

- Maria Peppas to the Library Board of Trustees
- Tyler McLaughlin to the Library Board of Trustees
- Rick Chellman to the Planning Board
- Paul Giuliano to the Planning Board
- Peter Weeks to the Trustees of the Trust Fund
- Emma Stratton to the Arts & Cultural Commission
- Courtney Perkins to the Arts & Cultural Commission
- Karen Rosania to the Arts & Cultural Commission
- Robin Albert Lehman to the Arts & Cultural Commission
- Linnea Grim to the Arts and Cultural Commission
- John Elias “Eli” Kaynor to the Arts and Cultural Commission
- Kenneth Goldman to the Arts and Cultural Commission
- Jason Goodrich to the Arts and Cultural Commission
- Genevieve Aichele to the Arts and Cultural Commission
- Jeffrey Cooper to the Arts and Cultural Commission
- Catherine Saarela to the Arts and Cultural Commission
- Theresa MacDowell to the Arts and Cultural Commission
- Lennie Mullaney to the Public Art Review Commission

The City Council considered the appointments outlined above to be voted upon at the December 18, 2023 City Council meeting.

4. Appointments to be Voted:
 - Herb Lloyd to the Sustainability Committee
 - Aubrey Gewehr to the Sustainability Committee
 - Effie Malley to the Sustainability Committee
 - Jessica Blasko to the Sustainability Committee
 - Steve De Trolio to the Sustainability Committee
 - Bert Cohen to the Sustainability Committee
 - Torey Brooks to the Sustainability Committee
 - William Lyons to the Sustainability Committee
 - Chas Sullivan to the Sustainability Committee

Councilor Denton moved to appoint Herb Lloyd, Aubrey Gewehr, Effie Malley, Jessica Blasko, Steve De Trolio, Bert Cohen, Torey Brooks, William Lyons and Chas Sullivan to the Sustainability Committee. Seconded by Councilor Lombardi and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR, COUNCILOR MOREAU AND COUNCILOR BLALOCK

1. Report Back on the CIP Citizen Request Meeting

Councilor Moreau provided a report back on the Capital Improvement Plan Citizen Request Meeting. She said that these are projects that are not high priority. She said we are looking to see if LCHP grants may be available for replacing park equipment at Little Harbour School.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of ARPA Funds for the Fleet Street Roadway Reconstruction - \$519,500.00

Councilor Moreau moved to authorize the City Manager to enter into an ARPA Grant Amendment No. 1 with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion to the existing grant agreement. Seconded by Councilor Bagley and voted.

- B. Acceptance of Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant - \$460,000.00

Councilor Moreau moved to authorize the City Manager to enter into a Grant Agreement with the United States Department of Transportation to accept \$460,000.00 from the CRISI Grant Program. This funding will be used to perform preliminary engineering and development of specifications and cost estimates to replace the Bartlett Street bridge near the intersection of Bartlett and Cate Street. Seconded by Councilor Bagley and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Jones Avenue Scrap Yard Report Back to City Council

City Manager Conard reported that the property has recently faced complaints regarding the operation of the scrap metal yard and increased truck traffic on Jones Avenue. She stated that the increased traffic stems both from the operations of the scrap yard and the city project of the Union Street Sewer Separation. She advised the Council that City staff are working with the owner of the property to identify alternative properties within the City to use as laydown when the Union Street Project resumes in the Spring. In addition, the staff continues to be willing to work generally with property owners to bring properties into compliance with the current zoning scheme.

2. Disposition of the McIntyre Property

City Manager Conard advised the City Council that on Friday the GSA closed on the property which terminates the license agreement between GSA and the City. She stated that Mr. DiLorenzo will monetize the parking he owns privately, with a separate private vendor operating the parking.

Assistant Mayor Kelley requested a report back from the Legal Department on content for signage adjacent or close to the parking lots.

3. Pease Development Authority Board Meeting Update

City Manager Conard provided an update of the Pease Development Authority Board Meeting that was held on November 16, 2023.

- The arrivals hall project will begin shortly.
- The fulfillment center lease was approved, and they broke ground in November.
- Pease Gulf Course was named the Small Business of the Month by the Collaborative Greater Chamber of Commerce.

- Allegiant will be discontinuing its Nashville flights.
- Miles Greenway was named the Assistant Port Director.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

The City Council requested that City Attorney Morrell and City Clerk Barnaby investigate whether the City Council needs to take quick action in order to hold a Special Election by the end of March, 2024 to fill the vacant State Representative seat for District 21.

XIX. ADJOURNMENT

At 10:15 p.m., Councilor Moreau moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

Safe Water Advisory Group

City Council Report 01/08/2024

Background:

The City of Portsmouth Safe Water Advisory Group (SWAG) was approved by the Portsmouth City Council on October 5, 2020 “as an advisory group related to Safe Drinking Water”. The mission of the SWAG is to review and communicate the latest science on the health and environmental effects of drinking water contaminants (with a heavy focus on PFAS), to monitor federal and state level legislative changes, and to anticipate policy changes that could impact the city of Portsmouth. It is important to note that SWAG meetings have consistently covered topics on the City’s water quantity, quality, preservation and conservation efforts, and projects pertaining to the water master planning through the City’s annual Capital Improvement Plan process and other engineering studies.

The SWAG held an initial meeting on December 15, 2020, to discuss format, schedule, and a mission for the group. The SWAG members voted to have 2 co-chairs, Brian Goetz (Deputy Director of Public Works) and Andrea Amico (Portsmouth resident and PFAS community leader), leading the group in setting agendas, organizing meeting content and speakers, and facilitating the meetings. The City of Portsmouth maintains a website for the SWAG with reference documents, meeting minutes, videos of meetings, membership, and more. Since the SWAG formed, they have met quarterly.

Membership:

The SWAG membership consists of representatives from the Portsmouth City Council, NH State Legislature, City of Portsmouth staff (DPW, Fire Department, and Health Department), Portsmouth School Board, Portsmouth residents, and an environmental scientist. The SWAG’s current membership consists of the following members:

City Councilors: Richard Blalock, Vincent Lombardi
Community Members: Andrea Amico, Katrie Hillman, Rich DiPentima, James Hewitt
City of Portsmouth Fire Department: William McQuillen
City of Portsmouth Water Department: Brian Goetz
City of Portsmouth Health Department: Kim McNamara
City of Portsmouth School Board: Elizabeth Barrett
Environmental Scientist: Dr. Laurel Schaider
NH State Representative David Meuse
NH State Senator Rebecca Perkins Kwoka

The SWAG had 2 changes in membership this term. School Board member Hope Van Epps stepped down from the SWAG in the Fall of 2022 and School Board member Elizabeth Barrett was assigned to the SWAG in her place in December 2022. There was an open community member position that had remained vacant since 2021 when a prior SWAG member resigned after moving out of state. The open community member spot was filled by City of Portsmouth resident James Hewitt in September 2023. City staff, Mason Caceres, Water Quality Specialist II, Al Pratt, Water Resources Manager and Stephanie Seacord, Public Information Officer, attended meetings and provided water quality data and information to the group.

SWAG Meetings:

The SWAG met 5 times in 2022, 4 times in 2023, and covered a variety of topics, received quarterly updates from the City water department, received legislative updates from elected officials, and hosted several guest speakers. The SWAG hosted a Community Drinking Water Forum for the public in May 2022 at City Hall. SWAG members attended a tour of the Pease drinking water plant on Grafton Rd in December 2022. Below are the meeting dates, agenda, and guest speakers who presented to the SWAG in 2022-2023:

2022 – 5 meetings total:

February 22, 2022:

- Welcome & Introductions
- Healthy Homes & Lead Poisoning Program - presented by Beverly Baer Drouin, NH Division of Public Health
- Lead & Copper Regulations and City of Portsmouth Activities - presented by Al Pratt, Water Supply Operations Manager for the City of Portsmouth DPW/Water Division
- Q&A
- 2021 Year in Review and PFPrA Update
- Community Drinking Water Forum
- Future Meetings & Goals
- Public Comment

April 20, 2022:

- Welcome & approval of minutes (Andrea Amico, SWAG co-chair)
- Community Drinking Water Forum review (Brian Goetz, Deputy Director, City of Portsmouth DPW and SWAG co-chair & Andrea Amico)

- o Topics
- o Materials
- o Discussion
- NH Legislative review – water bills - State Representative David Meuse
- Portsmouth Water System Quarterly Update
- PFPrA Update
- Q&A
- Public Comment

May 3, 2022:

Community Drinking Water Forum hosted by the SWAG

Video of the forum is here:

https://www.youtube.com/watch?v=98ShsRM_UEo&list=PLNWsoVwtYMQtbrxFp6ew178h7ojcRrygu&index=7&t=5199s

August 30, 2022:

1. Welcome, introductions, hybrid meeting logistics
2. Water Forum Update - Brian Goetz
3. Water Supply Update - Brian Goetz and Al Pratt
4. Update on results from PFAS tap sampling projects - Andrea Amico
 - PFPrA
 - Total Organic Fluorine
 - Short chain PFAS bioaccumulation
 - Discussion on future testing opportunities
5. US EPA updated Health Advisories - Overview - Dr Jonathan Petali, Ph.D. Toxicologist, Environmental Health Program. New Hampshire Department of Environmental Services
 - City's response
 - Dust sampling from recent Security Water, Colorado study
 - SWAG Q&A / Discussion
6. Lead & Copper sampling update
 - Status of recent water system samples
 - Consideration of free City lead water testing project
 - School board efforts and follow up since Feb 2022 SWAG meeting
7. SWAG Discussion of future meeting topics and goals
8. Final questions or closing thoughts
9. Public Comment

December 7, 2022:

1. Welcome and Introductions
 - a. Thanks to Hope Van Epps

- b. Welcome Liz Barrett
2. Approval of August 2022 Minutes
3. Tour of Pease Drinking Water Treatment Facility
4. Water supply update
5. PFPrA update
6. Lead effort updates
7. Discussion of future SWAG meeting topics
8. Public comment

2023 – 4 total meetings:

March 7, 2023:

1. SWAG survey results
2. Year in review 2022
3. Legislative update / EPA MCL update
4. Dover NH Tolend Landfill presentation (Dover City staff and their engineering consultant)
5. Q&A
6. Public Comment

June 7, 2023:

1. Water Supply Update & Master Plan
2. Water Sampling Overview
3. SWAG Membership
4. Lead update
5. EPA PFAS regulation update
6. PFPrA update
7. Public Comment

September 20, 2023:

1. Welcome & Introductions - New member - Jim Hewitt
2. Seacoast Drinking Water Commission – Private Well Sampling Initiative - Amy Hudnor, M.S., Private Well Coordinator, NHDES Drinking Water & Groundwater Bureau
3. Water Supply Update
4. Master Plan Update
5. Water Quality Report
6. PFBA results
7. Pending PFAS MCLs
8. Lead Sampling Update
9. PFPrA Update
10. Recommendations to City Council by end of year
11. Public Comment

December 13, 2023:

1. Seacoast Private Well Workshop Update
2. Water Supply Update
3. Water Projects Update
4. Lead Update
5. SWAG Annual Report
6. Public Comment

Notable Updates from 2022-2023:

Changes in regulations coming soon:

The U.S. Environmental Protection Agency (EPA) issued four lifetime health advisories for several PFAS on June 15, 2022. Health advisories issued for two contaminants – perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) – replaced and drastically lowered health advisory levels (HALs), which EPA had published approximately six years ago. In May 2016, EPA had set the HAL for individual or combined concentrations of PFOA and PFOS at 70 parts per trillion ("ppt"). The June 2022 HAL for PFOA is 0.004 ppt – a level 17,500 times lower than the May 2016 HAL. For PFOS, the June 2022 HAL is 0.02 ppt, a level 3,500 times lower than the May 2016 HAL. The two remaining PFAS-related health advisories EPA published on June 15, 2022 – for GenX chemicals and for PFBS – were entirely new and were set at 10 ppt and 2,000 ppt respectively.

On March 14, 2023 EPA released proposed National Primary Drinking Water regulations for PFOA, PFOS and four other PFAS. EPA is proposing to set a Maximum Contaminant Level (MCL) of 4.0 parts per trillion (ppt) for PFOA and 4.0 ppt for PFOS and is proposing to address four additional PFAS (GenX, PFBS, PFNA, and PFHxS) as a mixture using a Hazard Index. A Hazard Index accounts for the increased risk from mixtures of PFAS.

These upcoming regulations, if finalized by the EPA, will impact the City of Portsmouth by having to install treatment for PFAS above the MCLs at the Portsmouth well, the Collins well, and the Greenland well. The Greenland well is currently out to bid to have well treatment designed and constructed and \$2.5 million has been approved for this project. The City of Portsmouth has been proactive in getting preliminary design plans in place for PFAS treatment using granular activated carbon (GAC) of these wells to set the stage for full design if the 4 ppt MCLs are promulgated by the EPA. The City has also been in discussions with the US Air Force re: reimbursement for costs associated with the Collins well and the Portsmouth well as both are in the Southern well field close to the former Pease Air Force Base. It is also important to note that these regulations could have impacts to private well owners impacted by PFAS contamination near the Coakley landfill who may currently have PFAS levels in their wells below the current NH state MCLs for PFAS, but may be above the EPA's MCLs once finalized.

More expansive PFAS testing results:

PFPrA:

Testing for Pease had the opportunity to participate in a Pilot Study with the Natural Resources Defense Council (NRDC) to test tap samples from communities across the country for a more expansive, targeted list of PFAS in June 2021. An initial residential tap sample from the City of Portsmouth was analyzed as part of the pilot study by Eurofins Labs for 70 targeted PFAS. The tap sample results showed 7 PFAS found in the Portsmouth tap sample totaling 50.1 parts per trillion (ppt). One PFAS was detected that had never been tested for before - PFPrA at 35 ppt. This was reported to the City Council at a meeting in December 2021. Andrea Amico requested NH DES and the US EPA to conduct sampling and analysis of PFPrA of Portsmouth municipal water to see if this result could be replicated and confirmed. NH DES and US EPA agreed to test additional samples in 2022 and NRDC agreed to fund 2 additional tap samples in 2023, as well. A summary of the PFPrA findings from 2022-2023 are below:

<u>Date</u>	<u>PFPrA Results</u>	<u>Lab</u>
June 2021	PFPrA = 35 ppt	Eurofins lab - CA
March 2022	PFPrA = 2.1 ppt	Eurofins lab - PA
March 2022	PFPrA = non detect*	EPA ORD - NC
April 2023	PFPrA = 13 ppt	Eurofins lab - CA
June 2023	PFPrA = non detect **	Eurofins lab - CA

** Non detect, but the detection limit used by the EPA was 10 parts per trillion (ppt) meaning any levels of PFPrA below 10 ppt would be interpreted as non detect

** Non detect, but had an elevated reporting limit, nearby interference PFBA

PFPrA was detected in 3 of the 5 samples analyzed for PFPrA. Brian Goetz, Al Pratt, and Andrea Amico participated in a call in July 2023 with NRDC, EPA Office of Research and Development (ORD), Eurofins labs, and NH DES to discuss the results. No additional testing will be performed at this time. EPA released a tox profile on PFPrA with the key points: PFPrA has been detected in surface and waste waters in or around manufacturing facilities; no human studies have been done on PFPrA, but there are 7 animal studies, 30 supplemental studies; a total uncertainty factor of 300 was applied when creating the tox profile. You can read the EPA PFPrA tox value document here: https://cfpub.epa.gov/si/si_public_record_Report.cfm?dirEntryId=358291&Lab=C_PHEA . Reverse osmosis is effective at filtering out PFPrA if individuals are concerned about this PFAS in their water.

NRDC published a peer reviewed paper on their tap water sampling study with the key findings:

- The 70 analyte PFAS test method highlights need for expanded testing of PFAS in drinking water
- Samples collected from Alaska, Alabama, Arizona, California, Colorado, Florida, Louisiana, Massachusetts, Maine, Michigan, Minnesota, North Carolina, New Hampshire, Oregon, South Carolina, and Texas.
- PFAS detected in 30 of 44 drinking water samples
- Found 26 unique PFAS, including 12 not covered by EPA Methods 537.1 or 533
- Ultrashort chain PFPrA detected in most samples with PFAS
- UCMR5 reporting requirements predicted to underreport PFAS

NRDC's peer reviewed paper published in June 2023 can be found here:

<https://www.sciencedirect.com/science/article/pii/S0048969723015966?via%3Dihub#ab0015>

There is also a resource paper with a summary on PFPrA issued by the Clean Cape Fear Public Utility Association published in August 2023 that can be found here:

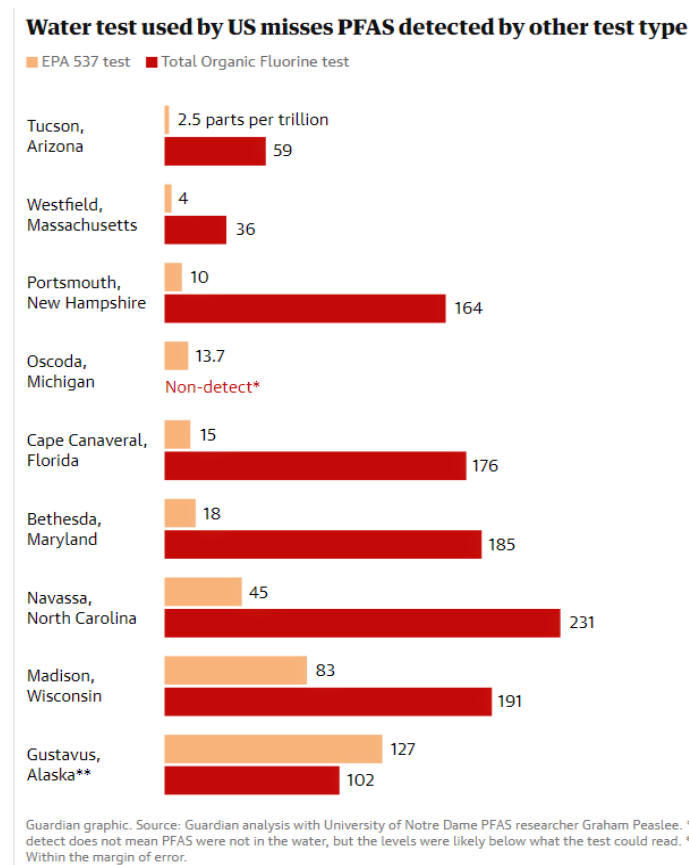
<https://www.cfpua.org/DocumentCenter/View/15390/PFPrA-White-Paper-8-3-23?bidId=%27>

Total Organic Fluorine:

A reporter from The Guardian reached out to PFAS communities across the country requesting tap samples for a project looking at PFAS levels using a standard US EPA

method vs a Total Organic Fluorine (TOF) method. Andrea Amico worked with City staff to collect tap samples of Portsmouth municipal water in March of 2022 for this project. Nine other communities also participated in the project and submitted tap samples. The sample for the EPA method was sent to Eurofins and the sample for the TOF method was sent to Dr Graham Peaslee at the University of Notre Dame. The Portsmouth tap sample had 10 ppt of PFAS using the EPA 537 method and 164 ppt using the TOF method. The TOF method does not analyze for specific compounds (only total fluorine). Dr Graham Peaslee thinks the difference in results from the EPA method and the TOF method could be due to ultra short chain PFAS that cannot currently be tested for using targeted testing methods.

Here is a summary of the results from all the communities that were tested in this project:



You can read the Guardian article here: <https://www.theguardian.com/us-news/2022/jul/06/us-drinking-water-pfas-toxic-forever-chemicals-epa-tests>

City receives award for source water protection:

NHDES Commissioner Robert E. Scott presented the 2023 Source Water Protection Award to the City of Portsmouth at the NHDES's annual Source Water Protection Conference, saying, "This award is presented to Portsmouth for the City's multi-year effort to protect high-priority water supply lands around the Bellamy Reservoir. This effort stands out as a model in terms of protecting critical water supply lands that serve to protect the reservoir, a primary source of drinking water for the City."

In addition to the award, the City of Portsmouth DPW Water | Wastewater | Stormwater Division presented a session on "Protecting Portsmouth's Surface Water Supply." Al Pratt and Duane Hyde, Land Conservation Director for Southeast Land Trust, offered a case study examining how "planning, outreach, land protection grants, and the City's partnership with Southeast Land Trust, the Town of Madbury and landowners have created opportunities for the protection of the Bellamy Reservoir."

Protecting the Bellamy Reservoir and its watershed is critical to maintaining water supply quality for the long-term in the Portsmouth Water System because the Reservoir is the primary supply of the fresh water treated at the City's Madbury Water Treatment Facility and delivered to regional communities around the seacoast. NHDES honored the City with the 2023 Drinking Water Source Protection Award for its efforts to acquire and conserve land that surrounds or includes wetlands, rivers, streams, and larger bodies of water like the Reservoir to protect the City's water resources from the pressures of development and help the Portsmouth Water System provide quality drinking water.

Lead water testing initiative:

After learning more about the prevalence of lead in children in Portsmouth from NH DHHS Beverly Drouin at the SWAG meeting in February 2022, the SWAG discussed the City offering a free lead water testing program to City residents and customers buying municipal water. To customers served by the Portsmouth drinking water system. The City Council approved \$2,500 in funding for the FY24 budget. Outreach began during the fall of 2023 and sampling is ongoing with over 41 customers requesting samples to date.

On November 30, 2023, the Superintendent of Portsmouth School Department, Dr Zachary McLaughlin, emailed the school community that lead testing done at the Portsmouth school departments in 2023 revealed lead detected above the new state standard of 5 parts per billion (ppb) in 41 water outlets throughout the school buildings. Dr McLaughlin and Ken Linchey (Director of Buildings & Grounds/Maintenance) presented more detailed information and data on the lead testing to the SWAG at our

December 13, 2023 meeting. The school department reported that all the water outlets above the state standard for lead have been taken off line or have posted signs advising against drinking water. Repeat testing is currently underway and plans to remediate all the fixtures above the state standards are being scheduled. There is also a plan to take samples from the main water line at Little Harbor School to see if that is a possible source of lead.

Pease Million Air Fuel Farm Project:

Questions and concerns were raised by State Representative David Meuse at the June 7, 2023 SWAG meeting re: the potential plan of a fuel farm being installed at Pease by the company Million Air. The Newington Selectman also wrote a letter addressed to the PDA and to the Newington residents in June 2023 expressing concerns about the project. It was not an agenda item for that meeting therefore the discussion was brief. A follow up meeting was scheduled on June 27, 2023, with Andrea Amico, Brian Goetz, Al Pratt, Suzanne Woodland, NH State Representative David Meuse, and NH State Representative Robin Vogt at Portsmouth City Hall. The community concerns about the fuel farm project, the impacts to nearby wetlands, and the close proximity of the fuel farm to the Haven well (a primary drinking water source for the Pease Tradeport that is already significantly impacted by PFAS contamination) was discussed. The plan formulated in the meeting was the City of Portsmouth would request that the Pease Development Authority (PDA) host a meeting to share more information about the project and to hear from the community re: concerns. Suzanne Woodland emailed the PDA Executive Director Paul Breen on July 14, 2023 requesting PDA host a meeting. Andrea Amico followed up to the initial email to Mr Breen clarifying the request for a community meeting and with questions from the community. Mr Breen did not respond to the email. At this time, the SWAG will continue to monitor the status of this project as new updates become available.

Water Master Plan:

In 2023 the City Council voted to remove the Master Water Plan from the Capital Improvement Plan (CIP) which was inserted by the City's Planning Board. Despite the Water Master Plan being formally taken out of the CIP, Brian Goetz and other City water operations staff have been actively working on various aspects of the Water Master Plan and the effort is ongoing. Currently, aspects of that plan are being addressed by a study being performed by an engineering consultant which includes tank inspections, flow tests and hydraulic model updates. Other aspects of water supply planning over the years were detailed in the City's June presentation to the SWAG as part of their water supply update. This information is shared quarterly as part of the ongoing Water Supply Update. This presentation is available on the SWAG webpage.

Water legislation summary:

The summary below has been provided by NH State Representative and SWAG member David Meuse:

Bill #	Description	Analysis	Committee	Status	Sponsors
HB 2	Budget trailer bill	1. Changes the name of the PFAS loan fund to the PFAS response fund, and adds duties to the department of environmental services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media. 2. Also establishes the cyanobacteria mitigation loan and grant program and the cyanobacteria mitigation fund and makes an appropriation of \$1,000,000 for the fund. Municipalities and community and non-profit, lake and river watershed association may apply to NH DES for funding.	Finance	Passed in the House and Senate and signed by the governor. It mirrors HB 212 and HB 276 (see below) and effectively absorbs and replaces both bills.	Rep. Weyler, Rock. 14

HB 205	Relative to testing of private wells	This bill requires that installers of new well pumps test the water for certain contaminants. This bill also requires that property buyers be notified of the presence of certain contaminants in well water before the execution of a contract for purpose.	Resources & Recreation	Tabled in House; dead for 2023	Rep. Meuse, Rock. 37; Rep. Grote, Rock. 24; Rep. Edgar, Rock. 29; Rep. Malloy, Rock. 24; Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Balboni, Rock. 38; Sen. Altschiller, Dist 24
HB 212-FN-A	appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances	This bill: I. Changes the name of the PFAS loan fund to the PFAS response fund. II. Adds duties to the department of environmental services relative to investigating, testing, and monitoring for PFAS in soil, groundwater, surface water, wastewater, air, biota, and other media. III. Makes an appropriation to the PFAS response fund.	Resources & Recreation	Passed in House; referred to and RETAINED by House Finance Committee. (The provisions of HB 212 were mirrored in HB 2—effectively ending the need for HB 212.)	Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Rombeau, Hills. 2; Rep. Dunn, Rock. 16; Rep. Lascelles, Hills. 14; Sen. Chandley, Dist 11; Sen. Carson, Dist 14
HB 242-FN	relative to banning PFAS in food packaging	This bill bans the use of food packaging containing perfluoroalkyl and polyfluoroalkyl substances (PFAS).	Commerce	Referred for Interim Study	Rep. Dunn, Rock. 16; Rep. N. Murphy, Hills. 12; Rep. Rung, Hills. 12; Rep. W. Thomas, Hills. 12; Rep. K. Perez, Rock. 16; Sen. Carson, Dist 14

HB 247	relative to protective well radii	This bill removes encroachment waivers, requires the use of a setback reduction form, and removes certain requirements for amended septic system plans.	Resources & Recreation	Passed in House and Senate and signed by the governor.	Rep. McConkey, Carr. 8; Rep. Jonathan Smith, Carr. 5; Rep. Avellani, Carr. 4
HB 276-FN-A	establishing the cyanobacteria mitigation loan and grant fund	This bill establishes the cyanobacteria mitigation loan and grant program and the cyanobacteria mitigation fund.	Resources & Recreation	Passed in House and RETAINED by House Finance Committee. Note: this bill was absorbed into HB2, effectively ending the need for it.	Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Darby, Hills. 11; Rep. Coker, Belk. 2; Rep. J. MacDonald, Carr. 6; Rep. Crawford, Carr. 3
HB 310	requiring developers to secure hydrology analysis certifying adequate water capacity and potability when building new subdivisions	This bill requires developers to secure certain hydrological analysis for subdivisions.	Resources & Recreation	Killed in House	Rep. McGhee, Hills. 35; Rep. Grill, Hills. 18; Rep. Spier, Hills. 6
HB 342-FN	relative to lead testing in children	This bill establishes a blood lead level testing requirement for children entering day care and public schools.	Health, Human Services, Elder Affairs	Vetoed by the governor after passage in the House and Senate.	Rep. N. Murphy, Hills. 12; Rep. W. Thomas, Hills. 12; Rep. Rung, Hills. 12; Rep. Newell, Ches. 4; Rep. Vail, Hills. 6; Rep. Meuse, Rock. 37
HB 398	relative to notice of PFAS contamination prior to the sale of real property	This bill requires certain notice of PFAS and other groundwater contamination prior to the sale of real property.	Resources & Recreation	Recommended Ought to Pass with Amendment. Full	Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12

				Housevote coming in January.	
HB 414-FN	relative to health insurance coverage for preventative PFAS care	This bill requires insurers to cover preventative PFAS care.	Commerce	Recommended Inexpedient to Legislate. Full House vote coming in January.	Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12
HB 465-FN	restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products	This bill restricts the use of per and polyfluoroalkyl substances in rugs, carpets, and aftermarket stain and water resistant treatments sold in New Hampshire.	Commerce	Referred for Interim Study	Rep. Ebel, Merr. 7; Rep. Rung, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Grote, Rock. 24; Rep. Malloy, Rock. 24; Rep. Mooney, Hills. 12; Rep. Dunn, Rock. 16; Rep. B. Boyd, Hills. 12; Rep. Merner, Coos 1; Sen. Watters, Dist 4; Sen. Chandley, Dist 11; Sen. Ricciardi, Dist 9; Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5
HB 534	relative to water assistance for natural disasters	This bill creates a water assistance fund to be used to repair and replace drinking water treatment sources damaged by natural disasters. The bill also makes an appropriation to the fund.	Resources & Recreation	Died in committee of conference after the House and Senate could not agree on an appropriation. (The House	Rep. B. Boyd, Hills. 12; Rep. Petrigno, Hills. 43; Rep. L. Gould, Hills. 2; Rep. Hakken-Phillips, Graf. 12; Sen. Rosenwald, Dist 13

				wanted \$2,500,000 and the senate \$500,000).	
HB 56	relative to permits for the siting of new landfills	This bill establishes a formula for determining the distance for which a new landfill shall be located from a perennial river, lake, or coastal water.	Env. & Ag.	Passed in House; Killed in Senate	Rep. M. Murray, Hills. 37; Rep. Massimilla, Graf. 1; Rep. Almy, Graf. 17; Rep. Petrigno, Hills. 43; Rep. Hamer, Hills. 19; Rep. Stapleton, Sull. 6; Rep. Simpson, Rock. 33; Sen. Watters, Dist 4
HB 592	relative to buffers around wetlands	This bill exempts temporary impacts and small impervious surface impacts projects from local overlay districts and permits for construction, excavation, or filling near wetlands.	Resources & Recreation	Killed in House	Rep. Horgan, Straf. 1
HB 602-FN	relative to landfill siting	This bill establishes additional requirements for siting of landfills as permitted by the department of environmental services.	Env. & Ag.	Recommended Ought to Pass with Amendment. Full House vote coming in January.	Rep. Simon, Graf. 1; Rep. Mooney, Hills. 12; Rep. Rung, Hills. 12; Rep. Rochefort, Graf. 1

SB 123-FN	Relative to the adoption of ambient groundwater quality standards by the department of environmental services	This bill allows the commissioner of the department of environmental services to adopt certain ambient groundwater standards.	Energy and Natural Resources	Passed in Senate and House and signed by the governor.	Sen. Watters, Sen. Perkins-Kwoka, Sen. Gray, Sen. Award, Sen. Altschiller, Rep. Rung, Rep. Notter, Rep. Healey, Rep. Thomas
SB 159-FN-L	Establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire(Formerly 'relative to permits for the siting of new landfills')	This bill establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire.	Energy and Natural Resources	Passed in Senate and House and signed by the governor	Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Rep. N. Murphy, Hills. 12; Rep. Read, Rock. 10; Rep. Bouldin, Hills. 25; Rep. Fedolfi, Hills. 30
SB 211-FN	Relative to background investigations of solid waste and hazardous waste facility permit applications	This bill adds to the requirements of background investigation and criminal records checks for solid waste and hazardous waste facility permit applicants.	Energy and Natural Resources	Passed in Senate and House and signed by the governor.	Sen. Pearl, Sen. Lang
SB 60	relative to water quality	This bill makes changes to the timeline for certifications by the department of environmental services of activities that may result in a discharge into surface water bodies.	Energy and Natural Resources	Passed in Senate and House; not yet signed by the governor.	Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Avar, Dist 12; Rep. Renzullo, Hills. 13
SB 61	relative to surface water setbacks for landfills	This bill enables the department of environmental services to adopt rules relative to surface water setbacks for landfills.	Energy and Natural Resources	Died after the House failed to concur with a Senate amendmen	Sen. Avar, Dist 12; Sen. Lang, Dist 2; Sen. Ward, Dist 8; Sen. Watters, Dist 4; Sen. Carson, Dist 14

				t.	
SB 62	relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund	This bill clarifies landowner liability provisions relative to the hazardous waste cleanup fund and updates references to the term hazardous wastes and hazardous substances. The bill is a request of the department of environmental services.	Energy and Natural Resources	Passed in Senate and House and signed by the governor.	Sen. Avar, Dist 12; Sen. Watters, Dist 4; Sen. Murphy, Dist 16

Update on the SWAG Recommendations to Portsmouth City Council in 2021 – UPDATES IN BLUE:

- The SWAG to be reinstated in 2022 with the new incoming City Council - plan for quarterly meetings, scheduled in advance for the entire year. Mayor elect Deaglan McEachern made a motion at the SWAG meeting on November 22, 2021, to reinstate the SWAG for next year and the motion was unanimously approved by all present SWAG members. **Completed Feb 2022.**
- The SWAG will host a community drinking water forum with Q&A in 2022 to educate the community on water quality in the City of Portsmouth. It is recommended that the forum take place during National Drinking Water week in May 2022 with the format, content, and structure to be planned by the SWAG. SWAG members will gather input from the community beforehand on topics and questions to be addressed at the forum. Content would include PFAS Awareness and Education throughout the City of Portsmouth. Additional activities could be coordinated with DPW, School Department, Health Department, and Fire Department. **Completed May 2022.**
- The DPW currently provides periodic updates on water quality and quantity through their website, however, they are in various documents. It was suggested that a quarterly newsletter to community members be created to combine all

water related issues. DPW will work with SWAG to update their format and provide a draft to the SWAG to review and provide feedback. **A Quarterly Water Supply Status Report is posted on the water webpage at: <https://www.cityofportsmouth.com/publicworks/water/supply-status>**

This information is also presented by water supply staff at every quarterly SWAG meeting and all meetings are open to the public, meeting minutes are kept, and meetings are video recorded and placed on the City's You Tube channel.

- The SWAG will continue to monitor developments regarding contaminants of emerging concern. **Completed and ongoing with many discussions and presentations occurred on this during 2022-2023 and will likely continue.**
- The SWAG will continue to monitor for legislation at the State & Federal level that will help address water quality issues in the City. City staff and SWAG members should testify at State hearings on water contamination legislation that is pertinent to the City and community. **Completed and ongoing with multiple legislative updates given by SWAG member and NH State Representative David Meuse as well as guest speakers who presented on EPA proposed regulations.**
- The SWAG will collaborate with NH DES to identify and outreach private well owners in the City of Portsmouth to inform them on water testing recommendations and available labs. **Completed Nov 2023.**
- The SWAG continue monitoring developments related to the PFPrA finding closely and work with the City of Portsmouth, NH DES, and US EPA for guidance on performing additional testing. The City of Portsmouth should explore options for funding additional samples (tap and water sources) from Portsmouth to be analyzed by Eurofins or other certified laboratories for the 70 PFAS targeted list to confirm PFPrA findings from the pilot study. Andrea Amico has also made a request to NH DES to ask US EPA for their technical assistance in analyzing additional samples from Portsmouth for PFPrA in a letter sent on 11/30/2021. **Completed 2022 & 2023.**
- City of Portsmouth needs to improve community education on PFAS and other contaminants of concern (e.g., lead) and on safe disposal of PFAS-containing items (e.g., water filters at their end life, Teflon pans, etc). **Partially completed with the Community Drinking Water forum in May 2022 and outreach on lead awareness and testing done by SWAG members in 2023. Still need to**

provide opportunities for safe disposal of PFAS containing items for City residents.

Though not directly related to the City's drinking water system's water quality, some members of the committee had the following recommendations:

- The SWAG should discuss the potential impacts on drinking water from Coakley Landfill in more depth at future meetings. **Not completed but included as part of the Coakley Landfill Group's work. Information on the ongoing work and meetings is located on the City's website at:**

<https://www.cityofportsmouth.com/legal/coakley-landfill>

- City of Portsmouth should conduct additional and more comprehensive PFAS testing of the new artificial turf at Community Campus. If PFAS are detected in the turf, additional PFAS testing of water running off the turf should be routinely tested for PFAS to monitor for leaching into the surrounding wetlands and storm water. **Partially completed in 2022 when the City paid for additional PFAS testing of the Community Campus artificial turf and PFAS was detected in the turf. No additional PFAS testing of water run off from the turf, surrounding wetlands, or storm water drainage system has been conducted and the environmental impacts of the turf to the surrounding area, including wetlands, are currently unknown.**

SWAG Recommendations to Portsmouth City Council in 2023:

- The SWAG to be reinstated in 2024 by the City Council - plan for quarterly meetings, scheduled in advance. DPW will continue to provide quarterly updates on water quantity, water quality, ongoing City projects pertaining to drinking water and water conservation, and updates and progress on master planning to the SWAG as well as keep that information on their website, in the annual drinking water quality report, and other documents.
- The SWAG will continue to monitor developments regarding contaminants of emerging concern and discuss advanced PFAS testing opportunities to get ahead of additional PFAS that may be in the water that is not currently tested for by EPA methods.
- The SWAG will continue to monitor for legislation at the State & Federal level that will help address water quality issues in the City. City staff and SWAG

members should testify at State hearings on water contamination legislation that is pertinent to the City and community.

- The City will continue with design and construction of the Greenland Well treatment system and preliminary designs of PFAS treatment for the Collins, and Portsmouth wells in preparation of pending EPA MCLs for PFAS with those updates being provided to the SWAG.
- The SWAG will continue to monitor developments and advancing of the science related to PFPrA and other emerging PFAS chemicals detected in the City drinking water.
- The SWAG will continue to monitor the lead testing and remediation efforts at the Portsmouth School Department.
- City of Portsmouth to consider providing alternative disposal options of PFAS-containing items (e.g., water filters at their end life, Teflon pans, etc).
- City of Portsmouth should continue to stay engaged on the Million Air project at Pease and encourage the PDA to host a community meeting on the status of the project, the impact to wetlands, the protections put in place to prevent water contamination, the protocols to address potential spills or leaks, and allow community Q&A with PDA and key project stakeholders.
- City Council should consider funding additional free lead water testing to residents once the initial \$2500 is exhausted as this is a valuable service to our residents in a city with old housing stock and documented exposure to some residents in the City.
- City of Portsmouth should be willing to participate in testing opportunities for emerging contaminants and contaminants of concern - especially when no cost to the City - to better understand what contaminants may be in the water supply.

Though not directly related to the City's drinking water system's water quality, some members of the committee had the following recommendations:

- The SWAG should discuss the potential impacts on drinking water from Coakley Landfill in more depth at future meetings.
- City of Portsmouth should conduct routine PFAS testing of water running off the artificial turf fields to determine if there are environmental impacts to the surrounding wetlands and storm water drainage system.

References:

SWAG Overview Document: https://www.cityofportsmouth.com/sites/default/files/2021-04/SWAG_overview_final_04062021.pdf

City of Portsmouth SWAG webpage meeting and presentation information:
<https://www.cityofportsmouth.com/citycouncil/safe-water-advisory-group>

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, LICENSE, Article XVII – OUTDOOR DINING ENCUMBRANCE PERMIT, Sections 6.1701- 6.1707, 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):

CHAPTER 6 LICENSE

ARTICLE XVII- OUTDOOR DINING ENCUMBRANCE PERMIT

Section 6.1701: STATEMENT OF PURPOSE

The City Council determines that it is a lawful purpose to temporarily encumber sidewalks, loading zones and parking spaces for outdoor dining through the City's issuance of an Outdoor Dining Encumbrance Permit, which will balance the shared use of the public realm by city residents, visitors, restaurant owners and other downtown businesses. The Council encourages outdoor dining under the conditions set forth in this ordinance because it enhances the economic vitality of the City, will ensure Americans with Disabilities Act ("ADA") accessibility and preserve access to downtown businesses while maintaining the safe flow of vehicular and pedestrian traffic. This permit does not limit or impact the availability of other permits and licenses.

Section 6.1702: TERM

Outdoor Dining Encumbrance Permits will be issued annually for a term beginning May 1st through the day after Indigenous Peoples' Day.

Section 6.1703: FEE

The Fee Schedule Study Committee shall establish the annual fee for Outdoor Dining Encumbrance Permits based on the Economic Development Commission's fee considerations for the first year of the effective date of the ordinance. For each successive year, the Outdoor Dining Encumbrance Permit fee shall be established in accordance with Chapter 1, Article XVI, relative to the adoption of fees by City Council budget resolution.

Section 6.1704: AUTHORIZED LOCATIONS FOR OUTDOOR DINING

Outdoor dining is permitted on city sidewalk(s), parking spaces and loading zones. Outdoor Dining is prohibited on all city streets, except on streets if traffic is less than 1,000 vehicles a day, and the design and location is approved by City Staff, including the Fire Department, for public safety.

Section 6.1705: PERMIT APPLICATION PROCESS

The City Manager or their designee will create online forms for the Outdoor Dining Encumbrance Permit. The Content of the Application shall include, but not be limited to, the following:

A. Applicant, Owner and Abutter Information, which shall include:

1. The name and contact information for the representative of the Applicant (food establishment entity (“Entity”));
2. City Tax Map and Lot and name of Owner of building where Entity is located; and
3. If any portion of the outdoor dining area is in front of an abutter’s property, the City Tax Map and Lot of the abutting building(s), name of Owner and a statement of permission from first floor occupants of abutting building(s).

B. Plan: Every Application will include a Plan, created by Applicant with assistance from City Staff, with sufficient detail that shall include the following:

1. Location:

The Plan will show that the outdoor dining area is in a permitted location.

2. Existing Conditions:

The Plan shall include the existing conditions of the public infrastructure in the encumbered area, which includes but is not limited to, curb lines, light poles, signpost, bike racks, street trees, tree grates, manhole covers, meters, sidewalk curb cuts, fire hydrants, Fire Department connections and proximity in feet to crosswalks and intersections, if applicable. City Staff will work with Applicant to identify existing conditions on the Plan.

3. Layout and Compliance with Design Standards:

The Plan shall also show ingress and egress to the encumbered area and the layout of all objects in the encumbered area, including the dimensions and materials of tables and chairs, lighting and power sources, heaters, stands, A-frame signs, parklets, barriers and planters. The layout will comply with Design Standards recommended by the Economic Development Commission, which will

be reviewed and approved along with this ordinance, and as further amended by the City Council.

C. Compliance:

Prior to issuance of permit, Applicant will acknowledge receipt of and compliance with the Design Standards. Applicant shall also provide confirmation that it has the permission from the New Hampshire State Liquor Commission to serve alcohol in the outdoor dining encumbrance area, if applicable, and will comply with all state statutes, rules and regulations of the New Hampshire State Liquor Commission and all other City ordinances, rules and regulations.

Section 6.1706 DUTIES OF APPLICANT UPON ISSUANCE OF PERMIT

Every Applicant that is issued an Outdoor Dining Encumbrance Permit shall:

- A. Agree to permit the City to conduct all reasonable inspections of the outdoor dining encumbrance area;
- B. Comply with all applicable governing laws, Codes, City ordinances, state statutes, Design Standards and City rules, regulations and policies;
- C. Maintain and install all infrastructure in the encumbered area in a safe, clean and appropriate manner and take all action necessary to protect the public safety;
- D. Refrain from damaging the encumbered area and to restore it to its original condition upon termination of the permit;
- E. Refrain from operating outdoor dining after expiration of the permit or at any time during periods of revocation or suspension;
- F. Remove all Applicant's property from the encumbered area by the day after Indigenous Peoples' Day or within 24 hours after the encumbered area is no longer used for outdoor dining. If Applicant fails to remove its property from the encumbered area, the City will remove and store the property for 48 hours. The Applicant will be assessed a \$250 removal and storage fee. If the removal and storage fee is not paid or the property is not retrieved by the Applicant before the expiration of the 48-hour storage period, the Applicant will forfeit ownership of the property to the City; and
- G. Comply with all terms, conditions and other additional requirements set forth in the permit, including but not limited to an agreement to indemnify the City and to name the City as an additional insured in an amount prescribed in the permit and payment of permit fee.

Section 6.1707 DENIAL, SUSPENSION, REVOCATION AND PENALTIES

- A. Denial and Temporary Suspension:

The City may deny or temporarily suspend the Outdoor Dining Encumbrance Permit if it would interfere with special events or for any maintenance or construction which requires closure of streets, sidewalks, loading zones or parking spaces.

B. Suspension and Revocation:

The Outdoor Dining Encumbrance Permit will be suspended or revoked for breach of the terms and conditions of the permit and for failure to comply with this ordinance. The permit will be suspended 48 hours after receipt of written notice from the City. No 48 hours' notice is required if it is an emergency.

C. Penalties:

If the Applicant violates the provisions of this ordinance, it shall be subject to all penalties set forth in City Ordinance, Chapter 1, Article XIII and all other additional remedies permitted by law.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

City of Portsmouth
Outdoor Dining Design Standards | Best Practices

The following represents best practices for the design of outdoor dining:

Objectives

- Regulate the safety and flow of pedestrian and vehicular traffic.
- Define a standard of visual appropriateness and streetscape conformity within historic downtown Portsmouth.
- Create outdoor dining spaces easily usable by people with disabilities.

Furniture

- Restaurants must provide sturdy tables and chairs suitable for outdoor use and capable of withstanding different weather conditions. Tables made of metal, finish grade wood and sturdy recycled materials are encouraged. Seating must be properly finished such that there is no rust, splintering or deterioration.
- Tables may not exceed 30" in height.
- Tables must accommodate people who use wheelchairs either by using either movable seating, no less than a 19" deep tabletop overhang, or a space for a wheelchair.
- No advertisements or logos on umbrellas.

Barriers: Sidewalks

- Sturdy barriers such as freestanding sectional fencing, rope or chain are acceptable, not to exceed 36" in height. Barriers may not be supplemented with plants or other materials that cause the height to exceed 36". No advertisements are allowed on barrier fencing. Stanchions with rope or chain are permitted for sidewalk use.
- Entry access to dining spaces to be no less than 44" wide.
- Materials not manufactured for fencing or pedestrian control, including but not limited to buckets, food containers, tires, tree stumps, pallets, etc. may not be used as components of barriers. Chain link fencing, plastic, vinyl, chicken wire or cyclone fencing are not permitted. Alternative materials may be used with City approval.

Barriers: Parking Spaces, Loading Zones and Travel Lanes

- Maximum barrier height of 3 feet (36").
- Planters may be used as part of or on top of barriers; combination barriers/plants/greenery are not to exceed 6' feet (72") in height above the street. Maximum total height not to exceed 3 feet (36") within 20 feet of an approach to a crosswalk .

- City-provided jersey barriers will be used on the leading edge of dining areas and may also be used on other edges for safety, to be determined by City.
- Alternate barriers must have approval from the City.

Platforms, Parklets

- Platforms or parklets must be used in all on-street dining in both parking spaces, loading zones and travel lanes, unless the space is curbless.
- Platforms and parklets must be flush with the curb to create a seamless extension of the sidewalk.
- Platforms and parklets are limited to a maximum width of the on street parking space so as to not encroach upon any travel lanes, or not more than 10' in the case of diagonal parking spaces.
- Platforms and parklets will be built from durable materials such as wood or metal.
- Parklets may extend taller than 3 feet (36"), The space above 36" must be primarily transparent (see-through) to maintain visibility of street level activity. In no case should height exceed 6 feet (72").



CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager

Date: January 11, 2024

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of January 16, 2024

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

A. First Reading of Ordinance Amending Chapter 6, License, Article XVII- Outdoor Dining Encumbrance Permit, Section 6.1701 – 6.1707:

For First Reading is an ordinance creating an Outdoor Dining Encumbrance Permit. This re-drafted ordinance was reviewed and endorsed by the Economic Development Commission (EDC) at its January 5, 2024 meeting. In summary, the proposed ordinance creates an Outdoor Dining Encumbrance Permit that will be administered through the City's online permitting system. Outdoor dining will be permitted on sidewalks, in parking spaces, and in loading zones. It will be prohibited on streets, except on streets if traffic is less than 1,000 vehicles per day and the design and location is approved by City Staff, including the Fire Department, for public safety. If a dining area is proposed in front of an abutter, permission from the abutter is required. Fees are to be established by the Fee Schedule Study Committee. Suspension or revocation of a permit may occur due to special events, construction projects, or emergencies. A penalty structure is also included to encourage compliance.

[The Outdoor Dining Encumbrance Permit Ordinance](#), if adopted, should be accompanied by a [City Council policy setting forth the Outdoor Dining Design Standards/Best Practices](#) ("Design Standards"). These Design Standards were also reviewed and endorsed by the EDC at its January 5, 2024 meeting. The EDC recommended that the Design Standards not be included in the ordinance, and stand as a policy, to allow a faster process and more flexible approach to address changing conditions.

I recommend that the City Council vote to pass first reading and schedule a public hearing and second reading at the February 5, 2024 City Council meeting to amend Chapter 6, Licenses, Article XVII, Outdoor Dining Encumbrance Permit, Sections 6.1701-6.1707.

Assuming the Council passes second reading of the Ordinance at its meeting of February 5, 2024, the Council will be asked to adopt the Design Standards as a City Council policy and rescind City Council Policy No. 2012-02, Policy Regarding Use of City Property For Sidewalk Cafés Providing Alcohol Service.

By way of background, at its September 18, 2023 meeting, the City Council reviewed the Economic Development Commission’s Recommendations Regarding Outdoor Dining on Municipal Property (“EDC’s Recommendations”) and voted to refer the EDC’s Recommendations to the Legal Department for the purpose of drafting an ordinance. The EDC’s Recommendations sought to balance the competing interests for use of the public realm, with the goal of enhancing the economic vitality of the City, ensuring ADA accessibility, preserving access to downtown businesses and maintaining the safe flow of vehicular and pedestrian traffic. The EDC’s Recommendations also included incorporating staff recommendations.

Staff from Inspections, Fire, Health, Planning, Public Works, Legal and Economic Development Departments reviewed the EDC’s Recommendations and drafted a proposed ordinance that was brought forward for first reading at the November 13, 2023 City Council meeting. Staff had made several recommendations that differed from the EDC’s Recommendations, namely prohibiting outdoor dining in loading zones and not allowing any exceptions to the prohibition against outdoor dining in the travel way.

The City Council did not pass first reading at its November 13, 2023 meeting and requested City staff re-write the ordinance to make the language more user-friendly and to reincorporate the recommendations of the EDC.

Staff will be available at the meeting to answer questions.

XI. City Manager’s Items Which Require Action:

1. Confirmation of City Council Goals:

As the City begins to prepare and plan for the FY25 Budget, I would like to request confirmation from the City Council of their Citywide Goals for this upcoming fiscal year. These Goals should be reviewed and evaluated by each City Council to ensure they remain relevant to the City and adhere to City priorities. The [Citywide Goals for FY24](#) are attached and also outlined in the [FY24 Budget document](#) on the City’s website.

I recommend that the City Council move to confirm the FY25 Budget goals as presented.

2. Proposed Amendment Relative to Solar Panels:

[Attached you will find a memorandum from Deputy City Attorney Trevor McCourt](#) relative to the City Council’s consideration in December 2023 of a proposed ordinance amendment to limit the Historic District’s Commission review of solar panels. Attorney McCourt will be available to speak to his recommendation to move an ordinance change forward.

I recommend that the City Council refer to the Planning Board the proposed ordinance amendment language described by Attorney McCourt for review and report back at the February 5th City Council meeting.

3. **Adoption of Legislative Principles:**

Attached please find the [City Council Principles for Legislative Positions and the Legislative Subcommittee’s Procedures for Submission of Testimony](#) that were adopted by the 2022-2023 City Council. I recommend that the City Council readopt these policies because it will allow the City to continue to be proactive and have a voice on important legislative matters until such time as the Legislative Subcommittee has an opportunity to meet and to bring forward to the 2024-2025 City Council any updates to these policies.

I recommend that the City Council move to approve the City Council Principles for Legislative Positions and the Legislative Subcommittee’s Procedures for Submission of Testimony as presented.

4. **Revocable License for Arcadis U.S., Inc. for Property Located at 124 Bartlett Street:**

Property located at 124 Bartlett Street has monitoring wells on-site to assess water quality. The Department of Public Works and the State of New Hampshire have determined that installing two additional monitoring wells near the site will supplement the existing monitoring wells and provide data regarding environmental impacts to the site. Licensee, Arcadis U.S., Inc., (“Arcadis”) is requesting the City’s permission to locate two monitoring wells in the City’s right-of-way. One monitoring well will be located in the Woodbury Avenue right-of-way adjacent to property located at Tax Map 162, Lot 63 (82 Woodbury Avenue). The second will be located under the City’s sidewalk on Morning Street, Tax Map 163, Lot 17 (39 Morning Street). [The well locations are depicted as blue dots in the attached Plan entitled “Proposed Monitoring Well Locations - Morning Street and Woodbury Avenue.”](#)

Because these wells will be located under a City sidewalk and a City right-of-way, a license from the City is required for Arcadis to install, maintain and access the wells for sampling. Arcadis agrees to comply with specifications from the Department of Public Works and the State of New Hampshire, including but not limited to requirements regarding size, location and timing of the installation of wells and repair to sidewalk and hardscape after installation.

I recommend that the City Council move to authorize the City Manager to negotiate, execute and deliver a Revocable License in a form similar to the attached, to allow Arcadis to install monitoring wells to benefit property located at 124 Bartlett Street.

5. **City Council and Planning Board Joint Listening Session - Places to Live Study Circle Dialogue Report Out:**

The Places to Live Study Circle Dialogue began on January 11th and will culminate with a report out of each study circle group. This report is to occur in a joint listening session where the City Council and Planning Board will be presented with insights by each of the ten to twelve study circle groups, along with overviews by Portsmouth Listens and the City's Housing Navigator Howard Snyder. It is expected the joint listening session will take about an hour and will also preview recommendations and strategies of the dialogue effort to improve housing choices in Portsmouth.

I recommend that the City Council move to establish a Joint Listening Session with the Planning Board on Thursday, February 22nd at 6:00 p.m. in City Council Chambers.

XII. Consent Agenda

A. **Projecting Sign License for 103 Congress Street:**

Permission is being sought to install a projecting sign at [103 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 24" x 24"

Sign area: 4 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

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

XIII. Presentations and Written Communications:

A. **Community Policing Facility Update:**

Deputy City Manager Woodland, Public Works Director Rice and Police Chief Newport will provide a brief update on the status of the Community Policing Facility.

XVI. Approval of Grants/Donations:

A. **Acceptance of Donation to Department of Public Works from the Mark Falzone, Scenic America - \$1,500 for the Planting of a Memorial Tree in Recognition of Dr. Geoffrey Clark:**

Attached please find a donation from the Department of Public Works, which reflects a \$1,500 contribution from Mark Falzone of Scenic America for a memorial tree planting and plaque installation in recognition of Dr. Geoffrey Clark. The Trees and Public Greenery Committee moved to recommend that the City Council accept this donation at their November 8, 2023 Committee meeting.

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

B. **Acceptance of Grant for the Senior Activity Center - \$10,000:**

The Portsmouth Senior Activity Center is the recipient of a \$10,000 grant from the Foundation for Seacoast Health for their fall Grant Focus – Older Adults: Enrichment for the Arts & Health. The funds will afford the Center the opportunity to deepen and expand its collaborations with highly skilled facilitators for various arts & health related programs, and support the continuation of our concert series that has shown to attract new membership to the Center in a relaxed environment. Together, enhancement of both initiatives will aid in the prevention of senior social isolation and bringing more members to the Senior Activity Center.

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

C. **Acceptance of Grant for the Police Department - \$12,499:**

At the regular Police Commission meeting of December 19, 2023, the Board of Police Commissioners approved and accepted a JAG Grant award from the Office of Justice Programs (OJP) for \$12,499 for the Portsmouth Police Department. This award will help the Department purchase a 'FARO 3D imaging system' to help improve investigative efficiencies relative to mapping out crime scenes.

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

D. **Acceptance of Grant for the Police Department - \$14,403.29:**

At the regular Police Commission meeting of December 19, 2023, the Board of Police Commissioners approved and accepted a 2023 Homeland Security Grant award from the Department of Safety for \$14,403.29 for Seacoast Emergency Response Team SWAT equipment.

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

E. Donation for the Police Department - \$7,000:

At the regular Police Commission meeting of December 19, 2023, the Board of Police Commissioners approved and accepted a donation of \$7,000 from AT&T Services for the purchase of Comfort Dog Mason from Hero Pups, Inc., and to help with his training costs. [A donation form from the Police Department is attached.](#)

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

F. Donation for the Police Department - \$2,500:

At the regular Police Commission meeting of December 19, 2023, the Board of Police Commissioners approved and accepted a donation of \$2,500 from Portsmouth residents. [A donation form from the Police Department is attached.](#)

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

G. Acceptance of Violence Against Women Act (VAWA) Grant - \$25,025:

The NH Department of Justice has approved the City's application for the 2024 Violence Against Women Act (VAWA) Grant in the amount of \$25,025. This grant pays for expenses incurred and services rendered for direct victim services, including expenses for personnel. The Grant is used to fund 45% of the Legal Department's Victim Witness Advocate position and requires a cash match contribution.

Since 1999, the City of Portsmouth has employed a Victim Witness Advocate with funding from the VAWA grant, to work with the Portsmouth Police Department to support victims of crimes against women. The position is also supported by funding from the Victims of Crime Act (VOCA) Grant.

While the position of Victim Witness Advocate was recently moved to the Legal Department, the grant is still a law enforcement program which is physically housed in the police department. However, the Legal Department now oversees the program and the distribution of the grant money.

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

XVII. City Manager's Informational Items:

1. Report Back on Jones Avenue Scrapyard:

[Attached please find a report back prepared by Deputy City Attorney McCourt](#) regarding the Jones Avenue Scrapyard.

2. Pease Development Authority Update:

I will provide a verbal update on the Pease Development Authority following their recent Board meeting.

Citywide Goals

City Council Goals

- 1) Invite and Honor Input from the Community and Encourage Increased Participation/Engagement of Youth
- 2) Identify and Promote Strategies for Local Business Retention and Preservation of Affordable Commercial Spaces
- 3) Leverage Local Resources and Partnerships to Improve and Support Needs of Residents, Nonprofits, Arts and Culture Community
- 4) Proactively Pursue the Integration of Sustainability, Resilience, and Climate Change Mitigation Actions Throughout City Government and Community
- 5) Diversify and Enhance the Supply of Housing Choices
- 6) Continuously Enhance City Council Best Practices to Deliver a Trusted, Transparent and Responsive Process
- 7) Consistently communicate with Community Members and Stakeholders, Respecting Channels of Communication They Prefer and Keeping Them Informed

General Government Organizational Goals

- 8) Welcome and Support Diversity in the Workplace and Community
- 9) Maintain Financial Stability
- 10) Meet or Exceed State and Federal Legal/Regulatory Requirements Including Those for a Safe and Healthy Community and Environment
- 11) Deliver Services and Programs with Courtesy, Professionalism, and Efficiency
- 12) Maintain and Improve Infrastructure to Meet Needs of the Community

School Board, Fire and Police Commission Goals

- 13) Provide an Educational Environment that Affords Opportunity, Equity, Student Wellness and a Strong Sense of Community to Every Youth
- 14) Protect the Community Through Fire and Crime Cessation and Prevention for its Residents and Businesses



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
 Portsmouth, New Hampshire 03801
 tmccourt@cityofportsmouth.com
 (603) 610-7234

Trevor P. McCourt
 Deputy City Attorney

Date: January 5, 2024

To: Karen S. Conard, City Manager

From: Trevor P. McCourt, Deputy City Attorney

Re: Proposed Zoning Ordinance Amendment - HDC Solar Energy Panel

At the December 18, 2023 City Council meeting, Councilor Josh Denton indicated his intention to call for first reading for a zoning ordinance amendment regarding solar energy panels in the Historic District. The purpose of this memorandum is to provide a legal opinion regarding the authority of the City Council to make this amendment and recommend a process.

The amendment as proposed by Councilors Denton and Blalock is to add the following language to Chapter 1, Article IV, Section 1.403, (C): "The review of solar energy panels is not within the purview of the Historic District Commissioner's powers and duties."

The City Council has broad authority to legislate the zoning of the City, including the historic district. This includes adding or removing items from the authority of the Historic District Commission. Therefore, the proposed amendment is legally permissible.

However, in the interest of clarity and consistency, the Legal Department recommends the amendment be relocated to Chapter 10, Article 6, Section 10.633.20, titled *Exemptions from Certificate of Approval*. This section identifies 27 items which are currently exempted from Historic District Commission review. I would recommend changing the proposed text to read as follows, to be contained within a new numbered paragraph (28): "Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alterations to existing structures."

The City Council could consider further amending the above-proposed language to indicate whether the HDC should have input over accessory elements to solar energy panels. Other options can be developed by the Legal and Planning Departments at the City Council's request. The City Council could also refer this proposed ordinance change to the Historic District Commission for a report back.

Understanding that this amendment is of importance to the City Council and in anticipation of a vote regarding this Ordinance at the Council meeting on January 16, 2024, I have requested the Legal Department's recommended ordinance change be placed upon the January 18, 2024, Planning Board agenda for a recommendation as required by Chapter 10, Article 1, Section 10.152 of the City's Ordinances.

With input from the City Council on January 16th and the Planning Board on the 18th, the Legal Department could bring a proposed ordinance amendment to the City Council meeting on February 5, 2024, for consideration and scheduling of first reading.

CITY COUNCIL PRINCIPLES FOR LEGISLATIVE POSITIONS:

PRINCIPLES FOR LEGISLATIVE POLICIES

The City Council has adopted Principles for Legislative Positions listed below in order for the Mayor and City Staff to be able to offer testimony to the Legislature in a timely manner on bills of interest to the City. The Principles for Legislative Positions are as follows:

1. Advocate to maintain local authority
2. Authorize local options
3. Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth
4. Advocate for municipal representation on state committees
5. Support incentives for regional cooperation
6. Support plans to fund/support infrastructure
7. Support incentives for sustainability and increasing energy efficiency and increasing renewable energy production.
8. Support directing revenues to the purposes for which they are raised
9. Support measures that increase the efficiency of local government operations
10. Maintain and improve health, life and safety issues including protecting the safety of our First Responders
11. Encourage citizens to vote and support eliminating barriers to voting
12. Rely on locally generated financial data for decisions relating to local taxes and assessments
13. Protect local decision making about local zoning
14. Require the State to honor existing financial commitments to communities before new financial commitments are awarded, e.g. infrastructure reimbursements
15. Support the civil rights of individuals and oppose discrimination against any individual because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, national origin, sexual orientation or gender identity
16. Use expertise and research in decision making

17. Support policies that create affordable housing as well as incentives for the construction of affordable housing and oppose any policies that block efforts to create affordable housing
18. Support lobbying efforts of organizations and associations to which the City belongs and supports as a municipality, unless contrary to other city policies
19. Oppose legislation that does not apply scientific and technical standards that are broadly accepted by peer reviewed scientific study and can reasonably be achieved by sustainable best management practices and technology
20. Support legislation that provides education funding based on an equitable and sustainable framework and oppose the return of the donor town concept

APPROVED AND AMENDED BY CITY COUNCIL FEBRUARY 7, 2022

Legislative Subcommittee's Procedures for Submission of Testimony

The City Council authorizes the Legislative Subcommittee, or their designees, to take positions on legislation they believe to be in the best interest of the City based on Legislative Principles adopted by the Council, as amended from time to time.

Testimony on behalf of the Legislative Subcommittee may be presented by the Mayor, Members of the Legislative Subcommittee, or their designees, which may include Members of the City Council and City Staff.

City Staff, who are members of State Associations and Professional Boards, may submit testimony on behalf of their Associations or Boards. The testimony will state that it is being submitted on behalf the Association or Board, not the City of Portsmouth. All such testimony will be reviewed by the City Manager before submission.

The City is a member of Coalitions with other communities that may submit testimony on legislative issues. (Examples of these types of Coalitions include, but are not limited to, New Hampshire Water Works Association, Coalition Communities 2.0 ("CC2") and the Great Bay Municipal Coalition). The City may submit or join in testimony on behalf of these Coalitions, provided the testimony is consistent with the City's Legislative Principles.

There will be rare occasions when it is the City's best interest to testify on legislative issues that fall outside the scope of the Council's Legislative Principles before a meeting of the Legislative Subcommittee or Council Meeting can be convened. Under these circumstances, the Mayor is authorized to provide testimony on behalf of the City.

APPROVED BY CITY COUNCIL FEBRUARY 7, 2022.

t/2022legislative/proceduresfortestimony

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

LICENSE AGREEMENT FOR ARCADIS U.S., INC.

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 the Revocable License to **Arcadis U.S., Inc.**, its successors and/or assigns, a Delaware Corporation (hereinafter "Licensee"), with a principal place of business at 630 Plaza Drive, Suite 200, Highlands Ranch, CO 80129 for use in connection with the work to be performed by Licensee to install two monitoring wells for property located at 124 Bartlett Street, Tax Map 162, Lot 2, in the City of Portsmouth, New Hampshire as outlined below and pursuant to the following terms and conditions:

1. **License Areas:** The City grants to Licensee a license to install two (2) groundwater monitoring wells in the City's right-of-way. The first will be located in the City's right-of way located south of Tax Map 163, Lot 17 (39 Morning Street) and the second will be in the sidewalk located south of Tax Map 162, Lot 63 (82 Woodbury Avenue). The purpose of this License is to allow Licensee to install, on behalf of its client, Cintas Corporation, two groundwater monitoring wells in order to be able to continue to assess the water quality surrounding the site, located at 124 Bartlett Street, Portsmouth, New Hampshire 03801. This License is granted on the condition that the Licensee keep the monitoring wells in good repair at no cost to the City and to provide data collected from the wells to the City upon request. Licensee agrees to comply with specifications from the Department of Public Works and the State of New Hampshire, including but not limited to requirements regarding size, location and timing of the installation of wells and repair to sidewalk and hardscape after installation. A copy of this License Agreement and plan, entitled "Proposed Monitoring Well Locations for Morning

Street and Woodbury Avenue”, dated December 12, 2023, will be kept in the City Clerk's Office and at the Department of Public Works.

2. **Indemnification:** Licensee and its successors and assigns, agree to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury that arises as a result of its utilization of the Licensed Areas. The obligation survives termination or revocation of this Agreement.
3. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence, Licensee shall maintain a certificate of insurance on file with the City's Legal Department during the term of this Agreement and the City shall be named as additional insured.
4. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Areas in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
5. **Damage:** Licensee agrees to remedy any damage to the License Areas caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
6. **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 and may at the City's discretion, result in revocation.
7. **Termination; Assignment:** Unless terminated earlier, this Agreement will terminate upon completion of the groundwater monitoring by Licensee or its successors or assigns, properly abandoning the wells and restoring the property to the conditions that existed prior to installation of the wells, normal wear and tear excepted. The City may terminate this Agreement or any provision contained in the Agreement on thirty (30) days advance written notice provided to Licensee if Licensee fails to meet the terms and conditions of this License or the public interest requires such termination. Licensee may assign this Agreement to Cintas (an Ohio Corporation with a principle place of business located at 6800 Cintas Blvd, Mason, OH 45040) or such other party engaged by Cintas to perform monitoring of the wells upon thirty (30) days advance written notice provided to the City and such party's acceptance of the terms of this Agreement. In the event this Agreement is terminated and has not been assigned to or assumed by Cintas or another party, Licensee or its assignee shall properly abandon the monitoring wells and restore the Licensed Areas to City specifications. This obligation survives termination or revocation of this Agreement.

Dated this _____ day of _____, 2024.

City of Portsmouth

By: _____

Karen S. Conard, City Manager

Approved by City Council on _____

Dated this _____ day of _____, 2024.

Arcadis U.S., Inc.

By: _____

Printed Name: _____

Its: _____

0116433.0749627 4886-0417-6280v2



Property Information

Property ID 0163-0002-0000
Location 124 BARTLETT ST
Owner INDUSTRIAL RENTS-NH LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.


Geometry updated 08/24/2023
Data updated 3/9/2022

Proposed Monitoring Well Locations -
Morning Street and Woodbury Avenue

Exhibit A

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: December 21, 2023

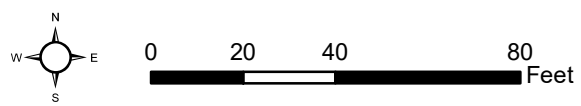
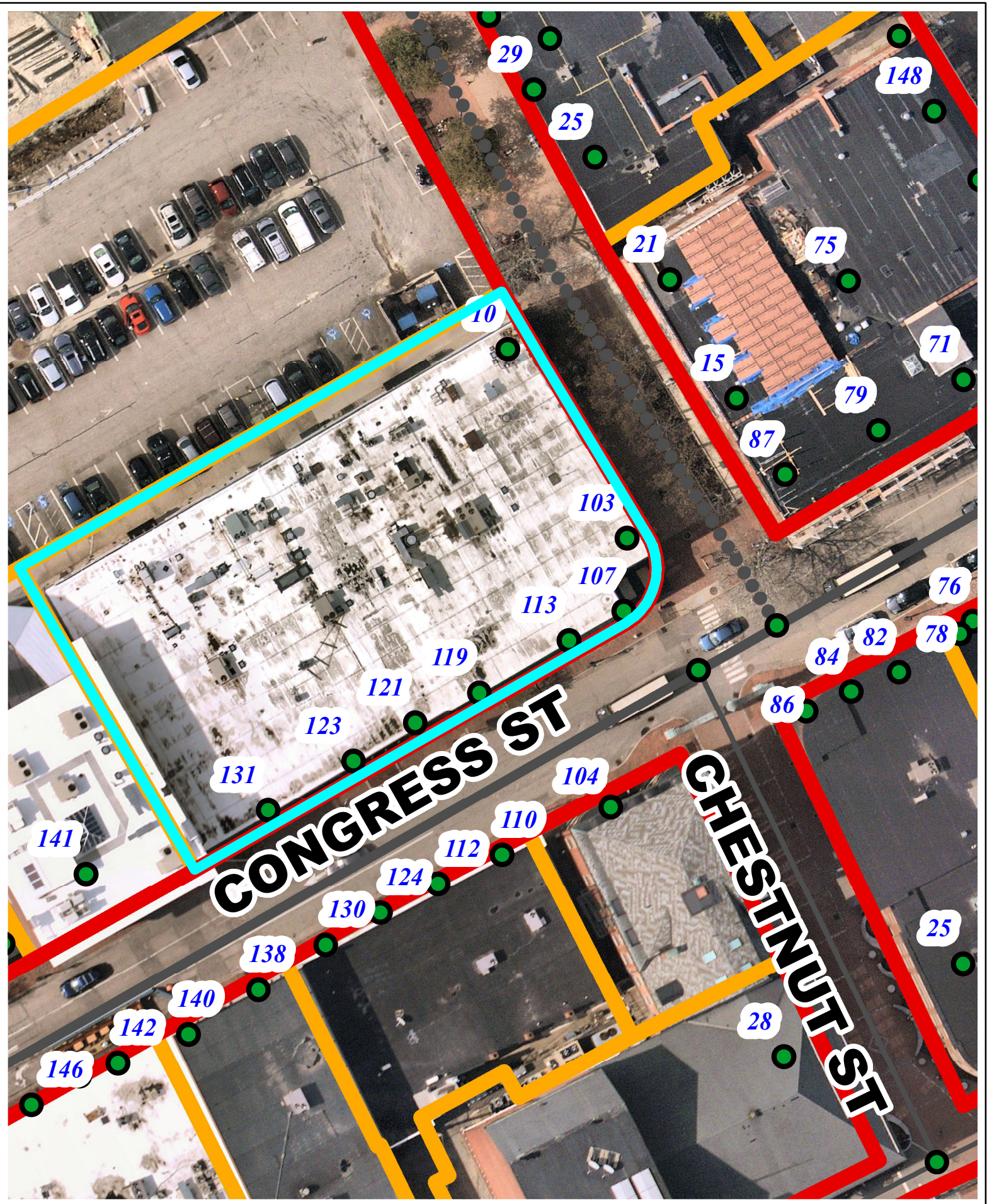
RE: City Council Referral – Projecting Sign
Address: 103 Congress Street
Business Name: Rounders Brewing Company d/b/a Lithermans Brewing Company
Business Owner: Chet Schrader

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

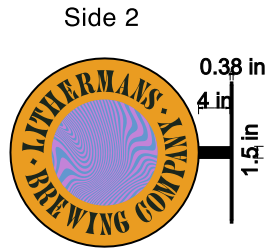
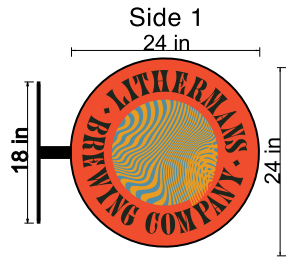
Sign dimensions: 24" x 24"
Sign area: 4 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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



**Request for license
103 Congress Street**



#3 CIRCLE PROJECTING SIGN

SIGN DESCRIPTION: Sign to project above pathway seating area, to be seen from Music Hall and walking from Worth Lot.

QUANTITY: 1

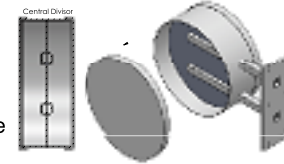
SIZE: 24" circle x 3" deep with bracket 4" so that overall projection is 28"

MATERIAL: Aluminum painted black with internal framing, decals on each face
SS or 2S: double-sided

CONTENT: Logo, art provided (different art on each side)

MOUNTING: 5" wide mounting plate with bracket, on an outside brick wall

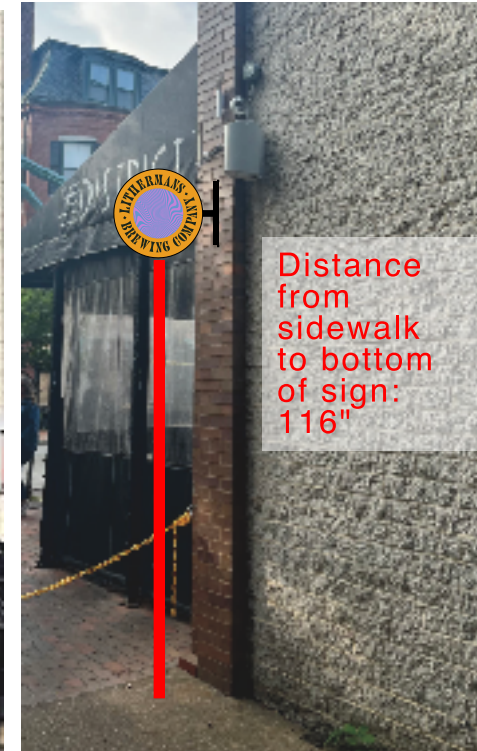
Blade Sign (Blank Option)



Existing

Proposed - Left

Proposed -Right



PortsmouthSign.com
 603-436-0047

REVISION:

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

PLEASE NOTE:

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

12/19/2023

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

SIGNATURE: _____ Date: _____

RETURN SIGNED TO: service@portsmouthsign.com

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231812 - 231647 - 231957 - Litherman's Limited Brewery - 103 Congress St Portsmouth NH signage.fs

Z:\ALL JOB FILES

Designer: Britt



December 4th, 2024

The Honorable Deaglan McEachern, Mayor of Portsmouth
and members of the Portsmouth City Council.

1 Junkins Ave
Portsmouth NH, 03810

Dear Mayor McEachern and the Members of the City Council,

On behalf of the Alzheimer's Association, I would like to submit for the Agenda, a proposed date for the 2024 Annual Seacoast Walk to End Alzheimer's. This year we would like to hold the event on Sunday October 6th, 2023 and hope to start and end at the Little Harbour School as usual. I have attached our normal route options for Walkers that we typically use each year. We understand the stress that such events can have on the surrounding community and assure you that The Alzheimer's Association is cognizant of your concerns, and is committed to upholding the standards of years past.

We offer three route options for participants. Attached, please find the three route options drawn out for your review. We are planning to use the same routes as last year, but are flexible pending any construction changes or issues that may arise. We will plan on engaging the help of the Portsmouth Police, as in 2023 we hired a police detail to be both on-site and also at any busy intersections to assist in route crossing. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents of the City of Portsmouth as we raise awareness and funds for a critical cause.

We would expect approximately 1,200 participants at this event, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast Area. Additionally, we will have approximately 70 combined volunteer and staff on site.

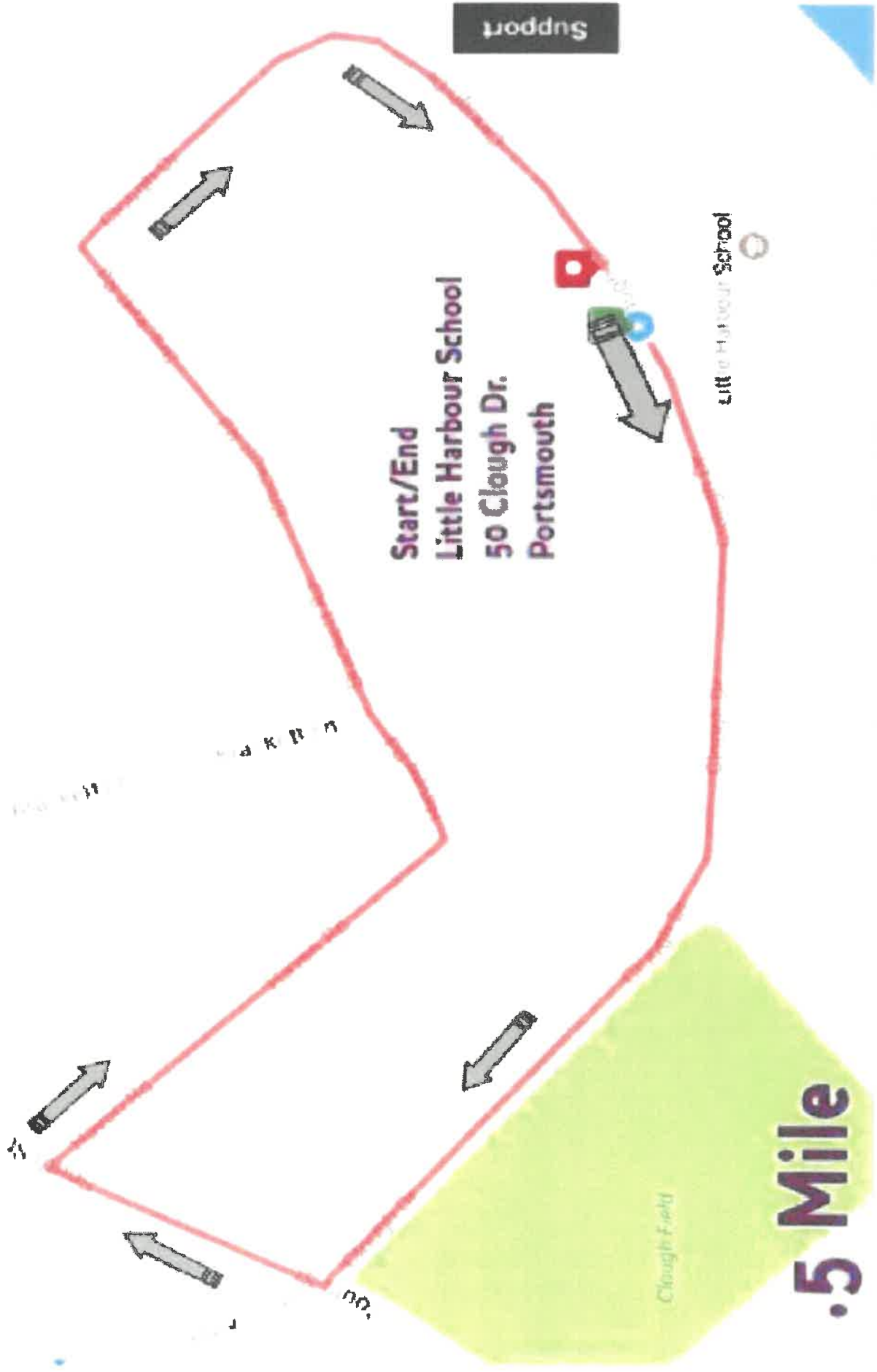
The Walk site opens up at 8:30am for registration, the Walk itself kicks off at 10 and we are cleaned up and off the premises by 1pm.

We look forward to working with you again, thank you for speaking at our event this year and please reach out with any questions.

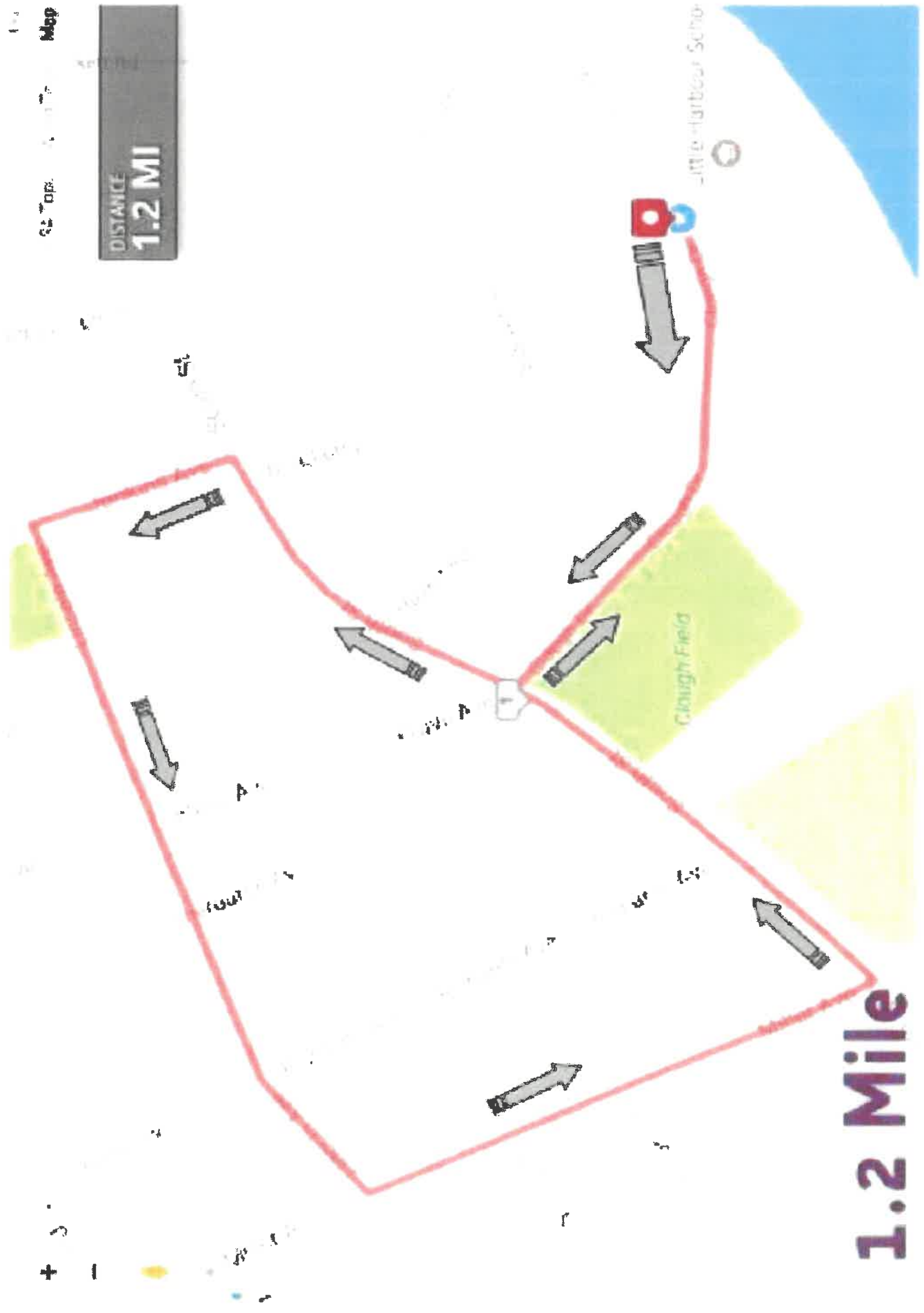
Sincerely,
Maria Stephanou
Senior Walk Manager - Alzheimer's Association
mmstephanou@alz.org

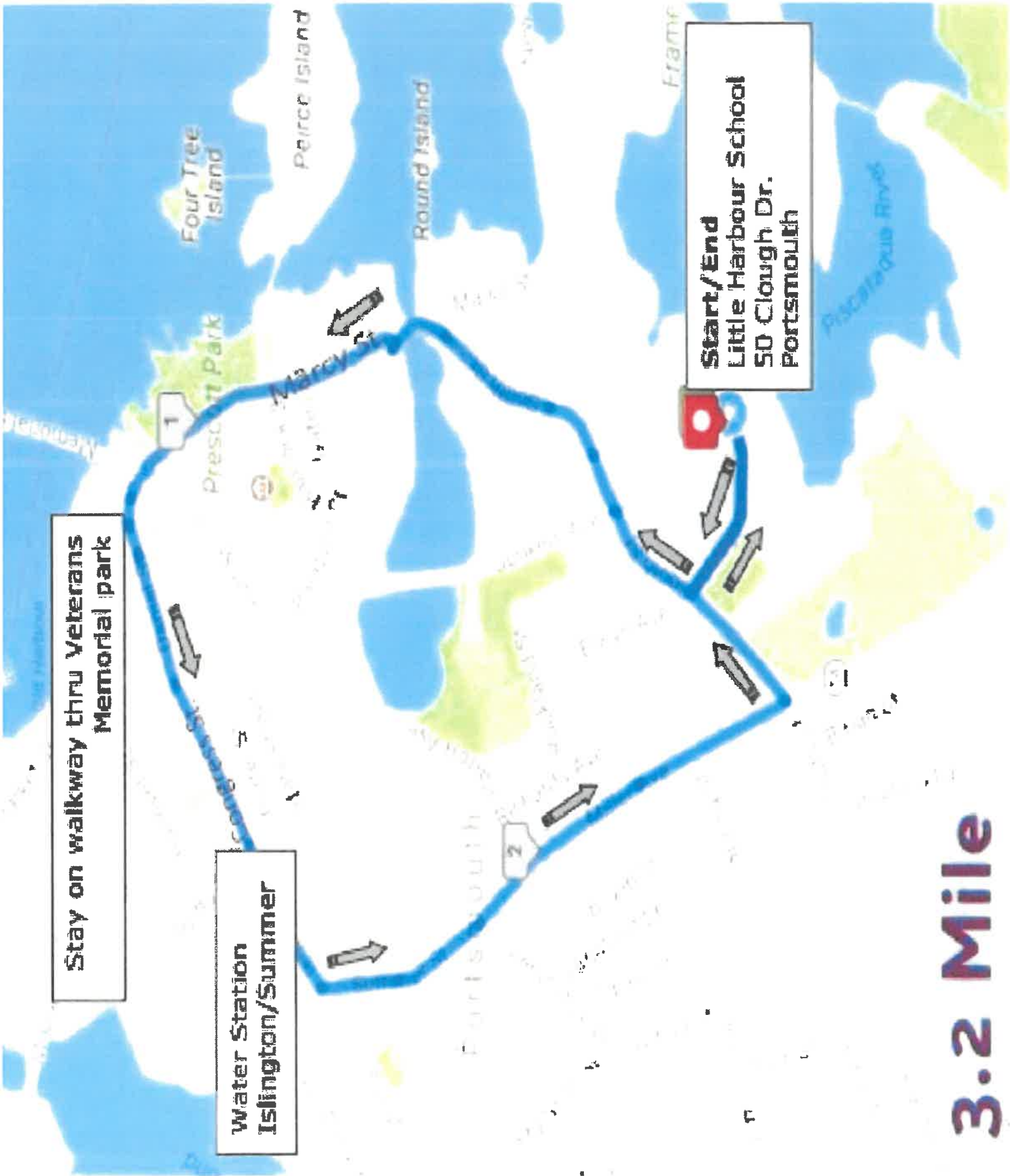
508-887-5025

.5 Mile Route



1.2 Mile Route





Stay on walkway thru Veterans Memorial park

Water Station
Islington/Summer

Start/End
Little Harbour School
50 Clough Dr.
Portsmouth

3.2 Mile



Hello Mayor Deaglan.

Thank you for meeting me to discuss my plans to launch a water taxi service in Portsmouth and the harbor. I appreciate your questions and feedback as I get ready for the coming season.

Regarding Prescott Park, I would like to make it easy for locals and visitors to find me and the boat. Perhaps I could attach a sign to the chain link fence next to the public docks ramp, **WATER TAXI**, right next to the current sign that reads:

Boaters and Guests Only.

Also, for the purpose of dropping off incoming passengers efficiently and safely, a sandwich board sign could be out on the dock itself. I will put it out there during operating hours only. This is how many of the docks in Boston worked .. a small portion of certain public docks would be designated **for Water Taxis only** with a sign.

How does this sound to you ?

Please email me back or text me at 603-343-3162.

Thank you, Mayor. Happy New Year !

Mike Comeau

Portsmouth Water Taxi

www.portsmouthwatertaxi.com

603-343-3162

received
1/8/24

Dear Mayor McEachren and City Council Members,

January 7, 2024

This letter is my appeal to eliminate the Waterfront Business designation from Salter Street.

Recently the property at the end of Salter Street underwent extensive reconstructions, enlargements, expansion of parking, changes in use and is now referred to as Point of View Condominium Association.

I've lived in my house next door to this property since 1972. There was nothing at the time to believe it was anything but a quiet residential area.

In 1974 my neighbor started boat building, boat repair, mending lobster traps claiming the right to do so under the ordinance.

This business was unimaginably disruptive eventually, resulting in the City being involved in a lawsuit to stop it. However various variances were granted by the Board of Adjustment allowing it to continue with restrictions until 1988.

Salter Street is a narrow congested dead end. There are no businesses that currently exist in the Waterfront Business zone that would be appropriate down here.

Bait shops, restaurants, private yacht clubs, marinas and fish markets are all existing and legal uses but they all have access on roads that are not dead ended.

Salter Street may remain residential as it is today but I've learned from experience the unexpected is also possible. The ordinance is a potential harbinger for problems.

Please schedule this for discussion.

Thank you

Sincerely,


Marcia MacCormack

53 Salter Street

CITY COUNCIL E-MAILS

Received: December 18, 2023 (after 5:00 p.m.) – January 11, 2023 (before 9:00 a.m.)

January 16, 2024 Council Meeting

Submitted on Mon, 12/18/2023 - 18:48

Full Name

Joan Jacobs

Email

jsjacobs@gmail.com

Subject

solar arrays in NH

Address

579 Sagamore Ave Unlit 20

Message

I support the proposal to remove HDC review for installing solar panels/arrays for Portsmouth residences in historic district. I believe the City Council should do whatever it can to encourage installation of solar panels in homes, city properties, and local businesses. Clean energy will help lower greenhouse gases in our locality. Thank you for the opportunity to comment.

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

Submitted on Tue, 12/19/2023 - 09:01

Full Name

John Moeschler

Email

john.b.moeschler@dartmouth.edu

Subject

Solar panels in historic district

Address

139 South Street, E

Message

I write to support the proposal of removing from the HDC all authority regarding the placement of solar PV panels and solar arrays in the historic district. I thank Councilors Blalock and Denton for raising this concern. I ask all Councilors to support a plan to address this. I am favor of the city leaders creating incentives for solar power and other means of addressing climate change.

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

Submitted on Tue, 12/19/2023 - 10:01

Full Name

Christie Marshall

Email

christie.marshall30@gmail.com

Subject

Jones Ave Scrap Metal Concerns

Address

296 Jones Ave

Message

Dear City Council Members,

My name is Christie Marshall and my husband Ryan and I have lived at 296 Jones Ave since 2013, and we are direct abutters of 246 Jones Ave (Mac Metals). I'm writing to you in regard to the multitude of ongoing issues that our neighborhood has been enduring since Mac Metals purchased the property in 2017.

Donald Stickney and many other residents of Jones Ave, Lens Ave and Broad St. spoke of the negative impacts they've witnessed over the last several years at the City Council meeting last night, and I wanted to add my support via this letter and offer my own personal experience. We have been dealing with the unsafe and unbearable conditions that are a direct result of the city allowing additional non-conforming uses at this site, all of which were granted without any notice to direct abutters and the neighborhood. We have a right to understand why this opportunity was not provided to us and these non-confirming activities are allowed to continue.

For years residents have been reaching out to the city staff via email and phone calls, most of which have been met with no response. Donald Stickney in particular has provided dozens of videos to show evidence of the unsafe and non-conforming activities occurring on a daily basis including early morning, late evenings and weekends. Mac Metals is disrupting & endangering not just the Jones Ave residents and children, but all Portsmouth residents who use the street for accessing the popular cross-country trails to walk their dogs & hike with their families, those kids who walk to and from the high school every day, and the high school athletic teams who use the street for running & training, you can often see them running in packs together. I have personally witnessed many near misses between construction vehicles and pedestrians and other vehicles, this is an accident waiting to happen. In addition to the traffic concern, the trucks are loud, their brakes squeal, and they kick up dirt, rocks, oil, and other dirty materials littering our street and disturbing the neighborhood daily. Construction vehicles do not belong on a residential street, let alone one without any sidewalks.

Noise pollution and odor pollution from the site have made it impossible to enjoy our own properties quietly, peacefully, and safely. We're frequently startled or awakened by extremely loud noise, and can often feel the vibration from large objects being dropped. On most days during the warmer months we were forced to close our windows if we needed to have a phone conversation, zoom meeting, etc. because the noise was so loud.

The previous owner of the Mac Metals property ran the business with great respect and consideration for the Jones Ave residents, to the point we hardly even noticed they were there. For the 4 years we lived on the street while the previous owner ran the business, I don't recall having a single issue or complaint.

We're pleading with you to please take these concerns seriously and understand our frustration. Our quality of life has been diminished and we need to return our neighborhood back to the once enjoyable place it was to live. Without corrective action we're forced to continue to live next to a loud, hazardous, dirty, and unsafe construction operation that does not belong in any residential neighborhood.

Thank you for your time & consideration.

Christie Marshall

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

Submitted on Tue, 12/19/2023 - 16:06

Full Name

Elisabeth Blaisdell

Email

betsyblaisdell@gmail.com

Subject

Removing HDC authority for approving/denying solar panels in the HDC

Address

77 New Castle Avenue

Message

Hello:

I want to show support for City Councilors that propose removing HDC's ability to approve/deny solar panels on homes and businesses within the historic district. Moving to clean energy technologies is essential for preserving our city's rich history well into the future. Allowing solar in the HDC is consistent with our city's Climate Action Plan and it's move to community energy. The HDC has been inconsistent in how they approve and reject these proposals. For example, I live on New Castle Ave and had my solar panels approved by the HDC, while a house five doors down from my house was denied. There are plenty of historic communities around the country and world that encourage solar panel deployment. Solar panels increase the value of properties vs. reduce it. We even have a tax provision within the city that allows homeowners to have solar excluded from raising homeowners property taxes. The HDC shouldn't have the ability to prevent homeowners for reducing their energy costs, improving their energy independence, and contributing our collective climate impact reduction. Thank you to the city councilors who support this update to the HDC's charter. Best, Betsy Blaisdell

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

Submitted on Tue, 12/19/2023 - 17:20

Full Name

Erin Proulx

Email

erin@proulxrealestate.com

Subject

Neighborhood concerns

Address

99 Marne Ave

Message

Dear City Council Members,

I am writing to express our concern relating to issues with the scrap metal yard on Jones Ave. I attended the meeting last night, but unfortunately received a call about my son being sick and had to leave prior to having the opportunity to speak. Is it possible for this email to be on record in some way? Our family has been living at 99 Marne Ave for almost 15 years. Over the past couple of years, we have noticed significant and disturbing changes to the neighborhood due to the change of use at the scrap metal yard. In doing research, I came across other complaints that had been filed and meeting minutes from a previous council meeting. Here are our primary concerns:

1 - It appears that the city has received much correspondence over years regarding issues at the scrap metal yard and that no action has taken place.

2 - The city's attorney has stated that although using this site as a construction laydown area is not a permitted use, an exception was made due to the fact that this is a city project. My understanding of this RSA is that a process must take place including notice, details of exactly what will be taking place, a schedule, etc.. and that the public would be able to have input. I may have missed all of this taking place, but do not believe we ever received notice or an opportunity to have input.

3 - As a family, we use Jones Ave on a regular basis. Our kids have friends on Lens, Jones, Broad & Sagamore. It is terrifying knowing that there is constant construction traffic up and down Jones knowing that our kids or others are in danger. I am begging you to do something about this prior to someone getting hurt. Please do not make that the catalyst for action.

4 - Fortunately for my family, our children are now 10 and sleep like logs. However, I can attest to the fact that loud noises come from the scrap metal yard, all the way to Marne Ave (not just on Jones) at very early morning hours, well before 7am. I feel horrible for younger families living in the neighborhood as I remember what it was like to have disturbances when our kids were younger. Particularly when these disturbances are being caused by unlawful use of a property, and complaints to our own city have gone unanswered.

5 - Lastly we are concerned about the environmental impacts. My husband had to keep our kids away from Jones on a day recently where something incredibly acrid smelling spilled from a truck. He was concerned that whatever it was would be dragged into our house or get on someone's skin. There have also been occasions where a smell is coming from that general direction and smoke is coming from the site. I'm not sure what is happening, but it doesn't appear to be related to scrap metal use.

We are very appreciative of our current city council and have faith that you will be able to help our neighborhood and ensure action is taken. If there is anything we can do to assist in meetings, discussion, etc, we are happy to help.

Thank you for your dedication to the city and happy holidays,

Erin & Ryan Proulx

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

Submitted on Wed, 12/20/2023 - 15:07

Full Name

Ryan Marshall

Email

marshallryank@gmail.com

Subject

Jones Ave Issues

Address

296 Jones Ave

Message

Councilmembers,

Thank you for your time at the council meeting this past Monday, I and other residents of the Jones Ave community appreciate you listening. My name is Ryan Marshall, my wife Christie and I have lived at 296 Jones Ave for over ten years. I sincerely hope that you take what was said regarding MAC Metals and what has been transpiring in the neighborhood and surrounding community seriously. What you heard was not exaggerated in any way and has been significantly escalating over the years. The noise is deafening at times, to the extent where you can't take a call in your home, and the traffic in and out of MAC Metals in the form of oversized dump trucks and 18 Wheelers is a constant throughout the day.

This year when the city expanded zoning for a "metal recycling" business to be used as a laydown area for both Middle and Union Street projects the traffic increased to levels, we have never seen in our ten years here, as did the noise and environmental pollution that came as a result. Prior to those projects the non-recycling, construction vehicle traffic had been become much more common. Like other neighborhoods in town at all times of day Jones Ave has kids playing outside, people walking their pets, nurses/staff/residents from the assisted living home, runners/walkers and throughout the morning and afternoon kids walking to and from the high school through the woods.

Having lived in Portsmouth for over twenty years and being an avid runner, I have never seen this volume of construction traffic in a residential neighborhood. I was disappointed to learn that it was allowed by the city without any notice to the residents or consideration to the impact it would have on our lives. However, even more disappointing was that this was a location allowed by the city as a convenience to the owner of MAC Metals, this convenience offered by the city came at a significant cost to the residents of Jones Ave and surrounding area. MAC has other locations in the area that would have been more suitable for a laydown area, but farther away and I must assume it would have been an inconvenience or at extra cost to them. I visited their website to get the exact addresses of other local locations and saw this on their landing page "MAC Construction is a preferred vendor for the City of Portsmouth, NH." It is ironic that the city prefers a vendor that does not give much thought and consideration to the community it is working in and with, especially since the owner is a member of our community. <https://macconstructionnh.com/mac-construction>

What I ask of you all is simple, listen to the community you represent and take action, these are not isolated incidents nor are they exaggerated. I sincerely hope that it does not take someone getting injured for action to be taken.

Best Regards,

Ryan Marshall

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

Submitted on Wed, 12/20/2023 - 15:23

Full Name

James Hallas

Email

jdhallas@comcast.net

Subject

Traffic concerns

Address

18 Simonds Rd

Message

As a long time resident of Simonds Rd in Maplehaven, I am increasingly concerned about the vehicle traffic exiting Habbi Restaurant on Lafayette Rd. Far too often, vehicles exit and end up blocking the entrance to Suzanne Dr. A sign on the city owned island at the entrance to Maplehaven instructing them to circle the island or even better a curb blocking them so they can exit onto Lafayette Rd would be much appreciated.

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

Submitted on Fri, 12/22/2023 - 16:04

Full Name

Tom Kelly

Email

fifthkelly@gmail.com

Subject

Mac Scrapyard Jones Ave

Address

176 Jones Ave

Message

Dear City Councilors, In my public comment on 12/18 I referred to the noise dimension of the negative impacts of the Mac scrapyard operation on the wellbeing of the Jones Ave community and the noise that sounded like a mechanized armored division. Here is a link <https://youtu.be/58m8dTwTft8>

to a video recorded today, 12/22, that provides just a hint of what the sound profile is like. This is just the mechanized movement across the paved surface -- it doesn't include the thundering noise and vibrations that accompany the normal work of the machine.

Many Thanks, Tom Kelly

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

Submitted on Fri, 12/29/2023 - 17:31

Full Name

Jim Splaine

Email

jimsplaineportsmouth@gmail.com

Subject

Invitation To The Dedication Of The Portsmouth 2123 Time Capsule

Address

201 Oriental Gardens

Message

Hello everyone. I assume you're all enjoying your days of finishing up your previous term. On those Councils to which I was reelected for the next term, I enjoyed these few weeks between the November election and the next swearing in -- but wondering what new members would bring to the mix. In this case, you all have a good working relationship because you're ALL returning, so you know what to expect anyway!

One good term deserves another. Congratulations.

Onto my purpose. Bob Lister and I enjoyed our visit to the Council Chambers two weeks ago to introduce the time capsule. We were also pleased to be able to leave early. I did see your meeting later, and you had some good moments.

We would like to invite you to drop by at 12:00 Noon this Sunday in Market Square near or close to the Holiday Tree for a quick "dedication" of the Portsmouth 2123 Time Capsule. It will be a ceremony similar to the one we had in June of 1995 when we buried the 2020 time capsule at Portsmouth High School. WHICH, BY THE WAY, WAS FOUND YESTERDAY! [More about that in the Herald and seacoastonline this weekend.] There are no formal speakers, but anyone there is welcome to say something.

It will be casual, and more plans for the time capsule will be presented at that time -- including involving the presidential candidates.

Meaning: it's not over yet. We expect the ceremony will be only 15 or 20 minutes, and it may be chilly, but come by if you can.

And if you have any note or message you want to pass onto the City Councilors (or the Mayor or Assistant Mayor) of 2123, we can stuff that in one of the tubes before sealing it!

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

Submitted on Mon, 01/01/2024 - 19:01

Full Name

Dennis Grobe

Email

dagrobe@comcast.net

Subject

Spinney Rd. Sidewalk

Address

18 Sewall Rd.

Message

I live on Sewall Rd. and walk on Spinney a fair amount. From Sewall, going to Middle, there's a beautiful sidewalk to walk on. Unfortunately, in the other direction, towards Islington, there is no sidewalk. With hardly any room to walk on either side of the road, where there is a hump in the road and a slight curve, its not as safe as could be. There is quite a lot of foot traffic on Spinney. Are there any plans for a sidewalk down to Islington?

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

Response from City Manager Conard to above e-mail correspondence:

Good morning Mr. Grobe, Honorable Mayor and City Council Members –

In 2019, City constructed sidewalks on Spinney Road from Middle Road to Sewall Road. At the time, due to rights of way issues, the City was unable to continue the sidewalks from Sewall Road down to Islington Street. This lack of available rights of way still exists today. There are four (4) properties that hold ownership of this segment of land adjacent to the road. In order to proceed, the City would need each of the property owners to grant the City an easement to perform the work and to allow the sidewalk. Staff recently reached out to the four property owners, and not all are willing to grant an easement.

Please feel free to reach out to me with any further questions.

My best,

Karen Conard

City Manager

Submitted on Thu, 01/04/2024 - 12:26

Full Name

Erik Anderson

Email

andy42152@aol.com

Subject

Work force housing

Address

38 Georges Terrace

Message

Dear Councilors

In reading the priorities of the council, work force housing in Portsmouth is on the agenda. With that state I would like to remind the council that just about a year ago there was a meeting at Sherburne school to discuss the possibility of this location as the site of work force housing. I am sure you recollect this meeting as it was, without doubt, the largest meeting you attended in recent history. It was standing room only !!! It established the sensitivity of this sight being used from the neighborhood and I strongly feel that it remains !! Consequently it was confirmed and agreed at a following council meeting that a Blue Ribbo0n committee be assembled to further discussion. TO DATE THAT HAS NOT OCCURRED !! There appears to be some councilors opinion that this is the preferred site and with minds made up what happened to the Blue Ribbon Committee and public process.

I'm expressing this concern now and again for a reply before this matter advances.

Again, 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

Submitted on Mon, 01/08/2024 - 13:48

Full Name

William Castle

Email

wrcastle@comcast.net

Subject

Hanover St. Garage

Address

229 Pleasant St., Unit 1

Message

I just spent 20 minutes tramping around the Hanover Street. Garage looking for the payment office, which numerous signs assured me was on Level 2. In fact it's on the ground floor. The employees said the incorrect signs were beyond their control. Who is in control, and why are they so irresponsible?

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

Submitted on Wed, 01/10/2024 - 09:26

Full Name

Karin Barndollar

Email

karin.bdollars@gmail.com

Subject

Misc

Address

120 Ridges Ct

Message

Dear Members of the City Council,

Happy New Year to you and congratulations on your reelection.

i was pleased to hear that Mayor McEachern and this Council are planning to make the Climate Action Plan and affordable housing a priority, and I look forward to the approval of the CAP.

As far as the lack of affordable housing is concerned, I do feel that the City missed an opportunity in recent years to mandate that developers must set aside a certain percentage of apartments for workforce housing or, alternatively, pay into a housing fund that would be used for that purpose. Since it certainly appears that the building boom in Portsmouth will continue, the City should act swiftly to remedy that situation. I hope that some workable solutions will come out of the upcoming listening sessions which, unfortunately, I will not be able to attend.

Lastly, I hope that the Council and the City staff will develop a plan for the new police station that is both financially and environmentally sound. i have been following the articles and letters in the local press, and I agree with other residents that the City needs to exercise fiscal restraint and ensure that the new facility meets the guidelines of the CAP.

Sincerely,
Karin Barndollar

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

MEMORANDUM

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FR: SUSAN G. MORRELL, CITY ATTORNEY

RE: REQUEST FOR PUBLIC HEARING PURSUANT TO RSA 673:13 FOR THE REMOVAL
OF MR. JAMES HEWITT FROM THE PLANNING BOARD

DATE: JANUARY 11, 2023

The Planning Board Chairman, members of the Planning and Sustainability Department, members of the Legal Department and others have repeatedly shared with me communications authored by Planning Board member, James Hewitt that raise concerns about Mr. Hewitt's ability to perform his duties as a Planning Board member. Attempts to educate Mr. Hewitt as to the legal standards expected and clarify expectations began in Dember of 2021, continued through 2022, and were again addressed in November of 2023. These efforts were outlined in a letter to Mr. Hewitt dated November 9, 2023. (Letter attached.)

Despite these efforts, Mr. Hewitt has not brought his communications into compliance with the legal standards by which Planning Board members must conduct themselves. Specifically, on January 2 & 4, 2024, Mr. Hewitt emailed the Technical Advisory Committee (TAC) regarding a project at 581 Lafayette Road that will eventually be brought before the Planning Board for consideration. (Emails attached.) These emails to City staff represent his continued inability to maintain impartiality, to limit his review to the record before him and are in violation of the legal standards imposed upon land-use board members by state statute to remain impartial, transparent, and to base their decisions upon the information presented to them at the public hearing on the project.

RSA 673:13 provides for the removal of land-use board members by the appointing authority after a public hearing and upon a written finding of inefficiency, neglect of duty, or malfeasance in office. Malfeasance in office is defined as the general misuse of public office, or as wrongful conduct that affects, interrupts, or interferes with the performance of official duties, or as the doing of an act which ought not to be done. Williams v. City of Dover, 130 N.H. 527, 529 (1988). Mr. Hewitt's actions enumerated above support the request for the Council to schedule a public hearing to determine if Mr. Hewitt should be removed from the Planning Board.

(Sample motion - Move to Schedule a Public Hearing at the February 5, 2024, City Council meeting to determine if Mr. James Hewitt should be removed from the Planning Board pursuant to RSA 673:13)



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
Portsmouth, New Hampshire 03801
sgmorrell@cityofportsmouth.com
(603) 610-7204

Susan G. Morrell
City Attorney

November 9, 2023

Jim Hewitt
samjakemax@aol.com

RE: 375 Banfield Road Project

Dear Mr. Hewitt:

I am writing regarding your recent email dated October 30, 2023, addressed to "Chair Chellman and Planning Board members" concerning the 375 Banfield Road Project approved by the Planning Board on October 19, 2023. Your email is problematic for four reasons. First, you were specifically advised by legal counsel at the hearing not to consider or discuss the pending litigation against the City. Second, your email demonstrates a clear bias towards this project, as you are advocating for consideration by the Planning Board of irrelevant facts not properly before it. Third, by circulating this information to the entire Board, you have potentially contaminated the votes of your fellow Board members and communicated to a quorum of the Planning Board about a matter pending before the Board, in violation of the Right to Know law. Fourth, these actions exhibit an undeniable pattern of scorning legal advice and the counsel of the Planning Board Chair relative to issues of bias and the Right to Know law.

Deputy City Attorney McCourt specifically advised the Board in response to your questions at the October 19 Planning Board meeting that the pending environmental litigation is not relevant to the subdivision application and that any consideration of the environmental issues would be improper and outside the scope of the Planning Board's review. Any consideration of the environmental litigation endangers the integrity of the Planning Board's decision. Nevertheless, you have continued to disregard this clear legal advice.

You were provided this advice, not because it was some academic exercise, but because by conducting independent research into the application and considering items outside of the

record, you have acted contrary to the juror standard that you must uphold when acting in a quasi-judicial role. These actions demonstrate your clear bias pertaining to this project. Therefore, in the event this project returns to the Planning Board for any reason, or if a subsequent project for either new parcel comes before the Planning Board, it would be improper and illegal for you to participate in the discussion or vote.

Exacerbating this issue, your email was provided to the entire Board. Your email was sent to city staff but was addressed to and blind copied to the entire Planning Board. The email attached the recent Federal Court Order in Banfield Realty, LLC v. The City of Portsmouth, et. al., partially granting the City's Motion to Dismiss. In addition, your email embedded links to several articles that discussed the alleged environmental contamination of this property.

As stated above, this information is not relevant to the Banfield Road project. In addition, it was provided outside of the public hearing. Although the project was approved on October 19, it will be subject to re-hearing and appeals for thirty (30) days from its approval and is therefore a matter still before the Board. Not only is this a violation of the Right to Know law, by addressing this email to the entire Board, you have potentially biased the entire Board as it pertains to these parcels. See Winslow v. Town of Holderness Planning Board, 125 N.H. 262, 268 (1984). If this matter were to come back before the Board for any reason, this communication would need to be disclosed to all parties and all of the members of the board would need to disclose whether they could disregard this information prior to their vote. You would need to recuse yourself from any consideration of or vote because your email is evidence of your bias.

Although RSA 673:14, I permits Planning Board members to consider facts "gained in the performance of the member's official duties", the limitation on jurors to consider only those facts presented at the hearing, providing each side with the opportunity to address those facts, is as old as the judicial system itself. See, e.g. Patterson v. Colorado, 205 U.S. 454, 462 (1907) ("The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print"). If information gained outside of a Board member's duties is relied upon in their decision, this is grounds for disqualification.

Bias is cause for disqualification for any potential juror or one acting in a quasi-judicial capacity. The process for disqualification of a member is set forth in RSA 673:14. The process permits the Board to vote on whether to disqualify a member, although this vote is advisory and non-binding. However, failure of a Board member to disqualify themselves in the face of clear and

documented bias would undermine the integrity of the Board's actions and likely result in costly litigation against the City.

This is not the first time you have chosen to ignore the legal advice provided by the City Attorney's Office to you and to the Planning Board. This pattern of behavior has persisted throughout your term as a Planning Board member. This is evidenced by numerous letters and emails sent to you from former City Attorney, Robert Sullivan, going back as far as December of 2021. In the December 15, 2021, email, City Attorney Sullivan advised you that land use board members must comply with the juror standard when acting in a quasi-judicial capacity. The juror standard is mandated by RSA 673:14, which requires a land use board member to disqualify themselves from any matter, if they "would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law." RSA 673:14 and 500-A:12(II).

Concerns regarding your conduct as a Board member, potential bias, and circumvention of the Right to Know law are also documented in email correspondence dated in February of 2022, March of 2022, July of 2022, September of 2022, and October of 2022. While initially you were apologetic for unintended missteps, your continued conduct contrary to this advice is evidence of your refusal to comply with the laws governing the operations of the Planning Board and its members. Therefore, any recurrence of the illegal conduct discussed above or any similar conduct or other illegal actions on your part will lead to the initiation of your removal from the Planning Board pursuant to RSA 673:13 and an ethics complaint pursuant to the City's Ethic's Ordinance, Chapter I, Article 8, if the conduct warrants a complaint.

Sincerely,



Susan G. Morrell
City Attorney

cc: Karen Conard, City Manager
Trevor P. McCourt, Deputy City Attorney
Rick Chellman, Planning Board Chairman
Deaglan McEachern, Mayor

Susan G. Morrell

From: Peter M. Stith
Sent: Friday, January 5, 2024 7:57 AM
To: Susan G. Morrell; Trevor McCourt; Rick Chellman
Cc: Peter L. Britz; Karen S. Conard
Subject: Fw: 581 Lafayette Road
Attachments: 581 Lafayette Rd Parking.pdf; LU22-07 Parking Needs Analysis 2022-05-19 (7).pdf

FYI

Peter Stith, AICP
Planning Manager
Planning & Sustainability Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801
603.610.4188
www.cityofportsmouth.com

From: JAH <samjakemax@aol.com>
Sent: Thursday, January 4, 2024 9:46 PM
To: Peter L. Britz <plbritz@cityofportsmouth.com>; Peter M. Stith <pmstith@cityofportsmouth.com>; Dave J. Desfosses <djdesfosses@cityofportsmouth.com>; Zachary M. Cronin <zmcronin@cityofportsmouth.com>; Shanti R. Wolph <srwolph@cityofportsmouth.com>; Eric B. Eby <ebeby@cityofportsmouth.com>; Patrick R. Howe <prhowe@cityofportsmouth.com>; Kimberli Kienia <kkienia@cityofportsmouth.com>; Kate E. Homet <kehomet@cityofportsmouth.com>; GOV Mike Maloney <maloneym@portsmouthnhpd.gov>
Cc: Trevor McCourt <tmccourt@cityofportsmouth.com>
Subject: 581 Lafayette Road

Dear Site Plan Review Technical Advisory Committee:

I noted at the January 2, 2024 TAC meeting that the applicant of the subject site had not addressed the encroachments noted in paragraph 1 below. I understand there are two ways to address these encroachments, as follows:

- A) Remove all the applicant's proposed and existing improvements from the abutting property to be in compliance with Portsmouth Site Plan regulations
- B) The applicant and the abutting landowner agree to formalize these encroachments with legal agreement that is recorded at the Rockingham County Registry of Deeds. Since there is no assurance an agreement will be reached, this encroachment agreement needs to be produced prior to TAC approval.

City legal staff may be able to provide additional assistance on the options to legally resolve this encroachment issue.

There are 29 parking spaces that do not meet Portsmouth's parking space dimensional requirements because a portion of the parking space is located off the applicant's property. Therefore, at a minimum, these spaces cannot be used in the overall parking supply total.

I also noted the City was not provided any information that demonstrates the site will have adequate parking. As explained in the attached May 19, 2022 report for West End Yards, Portsmouth current multi-family parking requirements woefully underestimate actual parking demand. As some of you may recall, for the 250 apartment complex at West End Yards, Portsmouth regulations required 287 spaces and the report concluded the project needed 409 spaces. Luckily, West End Yards had room to construct an additional 122 spaces.

I suggest TAC require the applicant to produce parking demand data for a similar size apartment complex that indicates 65 parking spaces for 72 apartments / 116 bedroom will be adequate. If not, then the site plans should show where additional parking (50 +/- spaces) can be constructed should the 65 spaces not be enough.

Regards,

Jim Hewitt

----- Forwarded Message -----

From: JAH <samjakemax@aol.com>

To: Peter L. Britz <plbritz@cityofportsmouth.com>; Peter M. Stith <pmstith@cityofportsmouth.com>; Dave Desfosses <djdesfosses@cityofportsmouth.com>; Zachary M. Cronin <zmcronin@cityofportsmouth.com>; srwolph@cityofportsmouth.com <srwolph@cityofportsmouth.com>; Eric B. Eby <ebeby@cityofportsmouth.com>; prhowe@cityofportsmouth.com <prhowe@cityofportsmouth.com>

Sent: Wednesday, December 27, 2023 at 09:37:43 PM EST

Subject: 581 Lafayette Road

Dear Site Plan Review Technical Advisory Committee:

I wish to make you aware of some concerns I have regarding the subject site, as follows:

1) I note the applicant has pavement, curb, light poles and irrigation equipment on his abutter's property to the west. See sheet C1. Typically, all existing and proposed site improvements need to be on the applicant's property. Note #10 says these encroachments are identified on the 2011 NHDOT project plans. Links to these plans are below.

[Repro Desk. \(nh.gov\)](https://gis.dot.nh.gov/)

<https://gis.dot.nh.gov/plan/13455A.POP.pdf>

The noted encroachments are not identified on these plans. I suggest TAC require the applicant to produce recorded easement documents that make these off-site encroachments legal.

2) The proposed project will have 72 apartments and 116 bedrooms. See attached. The applicant has stated publicly this apartment complex is designed for working adults in the restaurant / hospitality industry. Therefore, it is reasonable to assume there will be a minimum of one adult per bedroom. Portsmouth multi-family parking requirements will require this project to have 65 parking

spaces. In order for 65 parking spaces to meet actual demand, it assumes 45% of the residents will not own cars (51 residents).

For comparison, the May, 2022 West End Yards Parking Study, (based on actual demand), concluded at their 250-apartment complex, a 2-bedroom apartment needed 2 parking spaces per unit and 1 bedroom / studio required 1.25 space per unit. Using these standards, the 581 Lafayette project would need 110 spaces to meet demand.

In Dover, the same project in its downtown would require 119 spaces. See link below.

<https://ecode360.com/33400535>

I suggest TAC require the applicant to produce parking demand data for a similar size apartment complex that indicates 65 parking spaces for 72 apartments / 116 bedroom will be adequate.

Regards,

Jim Hewitt

ARTICLE IV
§ 153-14-D(1)(c)

POWER, NH REGS
CENTRAL BUSINESS DISTRICT (REDUCED PARKING ZONE)

$1.25 \text{ SPACES/UNIT} + 0.4/\text{UNIT}$

$72(1.25) + 0.4(72) = 90 + 29 = 119 \text{ SPACES}$

Apartment Types - Unit Mix & Locations

level	number of bedrooms per apartment				Total
	S	1	2	3	
5	5	5	2 4 BR	3 4 BR	15
4	3	9	3 6 BR	4 12 BR	19
3	3	10	3 6 BR	4 12 BR	20
2	5	5	2 4 BR	6 18 BR	18
total	16-15R	29 1-6R	10 20R	27 51R	72

Level	A	B	TOTAL
5	8	7	15
4	8	11	19
3	9	11	20
2	11	7	18
total	36	36	72

116 BR

TOTAL APARTMENTS
TOTAL BEDROOMS

65 APARTMENT
PARKING SPACES
REQUIRED

SHEET C4
12-19-23

≈ 11 PARKING SPACES
PER 20 BEDROOMS

WEST YARDS DEMAND STANDARD: 1 BR = 1.25 SPACES
 $(16+29) \times 1.25 + 27(2.0) = 110$ 2 BR = 2.0 SPACES
 SPACES

72



FUSS & O'NEILL

May 19, 2022

Beverly Mesa-Zendt
Planning Director
City of Portsmouth
1 Junkins Ave, 3rd Floor
Portsmouth, NH 03801

RE: LU 22-7; Cate Street Development, LLC
Residential Parking Need Analysis;
West End Yards Development Site
Site Plan Review Application and Boundary Line Adjustment
Fuss & O'Neill Reference No. 20180317.B10

Dear Ms. Mesa Zendt:

As requested at the March 17, 2022 Planning Board Meeting, the following is a brief analysis of parking need being witnessed by Torrington Properties at the West End Yards Apartment site.

The leasing office of Torrington Properties for West End Yards is seeing the following trends from tenants signing leases:

- Studio Leases; Units <500 sq.ft.
 - These would be most in line with Units<500-sq.ft. on the Parking Tables per 10.1112.30
 - Tenants want 1 parking space.
 - There are some exceptions but the vast majority want 1 space
 - 10.1112.30 requires 0.5 spaces per unit
 - The Required Parking by 10.1112.30 is deficient when compared to what the actual market is demanding.
- One Bedroom Units; Units 500-750 sq.ft.
 - The tenants leasing these units are requiring at least 1 space.
 - In some cases, the tenants are requesting 2 spaces, particularly in the case of couples.
 - 10.1112.30 requires 1 spaces per unit
 - The Required Parking by 10.1112.30 is deficient when compared to what the actual market is demanding.
- Two bedroom Units; Units >750 sq.ft.
 - The tenants leasing these units are requiring 1 to 2 spaces.

5 Fletcher Street
Suite 1
Kennebunk, ME
04043
† 207.363.0669
800.286.2469
f 860.533.5143

www.fando.com

California
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Ms. Mesa Zendt
May 19, 2022
Page 2

- 10.1112.30 requires 1.3 spaces per unit
- The Required Parking by 10.1112.30 seems to be closer to need when compared to what the actual market is demanding.

The following table represents what Torrington Properties is experiencing on a per unit basis in Apartment Building A and B. The comparison is based upon the final approved parking lot make up. In this case the parking lot allocates 359 spaces to Apartment Buildings A & B.

Table 1; Actual Per Unit Parking Demand

Building	# of Units	# of Designated Spaces	Ratio (spaces / unit)
A	132	190	1.44
B	118	169	1.43

Another useful comparison is parking versus bedrooms. This comparison speaks to what Torrington Properties is experiencing with the smaller studio and one bedroom units; they are indeed requiring 1 space each or more. This also helps to illustrate that the 1 bedroom units are experiencing a demand by tenants for more than 1 space in some cases. Refer to Table 2 below.

Table 2; Actual Per Bedroom Parking Demand

Building	# of Bedrooms	# of Designated Spaces	Ratio (spaces / unit)
A	172	189	1.10
B	139	169	1.22

We hope that the above analysis of parking need is helpful to The City Staff and Planning Board for use in understanding the need for parking at West End Yards' Apartment Buildings and in reviewing other multi-family housing projects in the future.

If you have any questions or concerns, please do not hesitate to contact me at (207) 363-0669 x2314 or by email (rlundborn@fando.com).

Sincerely,



Rick Lundborn, PE
Senior Project Manager

/BH

c: Cate Street Development, LLC
August Consulting, PLLC
Bosen & Associates

Adopted with no further revision January 4, 2010.

Adopted with amendment to Rule 23 January 17, 2012

Adopted with amendment to Rule 23 January 13, 2014

Adopted with amendment to Rule 4, 7, & 37 January 25, 2016

Adopted with no revision January 16, 2018

Adopted with amendments to Rules 2, 3, 7, 19, 30, 43 & 45 January 8, 2020

Adopted with amendments to Rules 2, 4, 7, 11, 18, 19, 22, 23, 25, 26, 27, 30, 34, 40, 42, 43 February 7, 2022

(Revisions made after adoption are noted where applicable)



RULES AND ORDERS

OF THE

PORTSMOUTH CITY COUNCIL

REVISED RULES AND ORDERS OF THE PORTSMOUTH CITY COUNCIL

RULE 1. MEETING NIGHTS

The regular meetings of the City Council shall be on the first and third Mondays of each month at some time between 7:00 o'clock and 8:30 o'clock in the evening to be set by the Council. Work sessions may commence at any time after 6:00 p.m. and the regular council meeting may commence at any time after 7:00 p.m. (See Charter section 4.4). (AMENDED 4/2/90 TO AGREE WITH THE CITY CHARTER) (AMENDED 1/9/06)

RULE 2. SPECIAL MEETINGS

Special meetings may be called by written request of five or more members of the Council, by the Mayor, or by the City Manager. The party calling for the special meeting shall make every effort to schedule the meeting at a date no fewer than 7 days from the date the official notice is published to the City website if at all possible.

The City Clerk shall prepare a notice of the special session stating the time and the place and this notice shall be served personally upon each member of the Council and the City Manager, or left at their usual place of residence at least twenty-four (24) hours before the time of the meeting.

It shall also be the duty of the City Clerk, immediately upon receipt of written request for a special meeting to make every diligent effort to notify each member of the Council in person, either by telephone or otherwise of such special session. The City Clerk shall also post notices of the special meeting in a conspicuous place in City Hall and shall make every effort to publicize the meeting by way of local news media. A notice of the special meeting shall be posted on the City website. Only matters set forth in the notice of the meeting shall be discussed and/or acted upon.

RULE 3. WORK SESSIONS

Upon request of the Mayor or five or more members of the Council, the Council may meet in "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt and discussion of information is deemed appropriate. No formal vote shall be taken on any matter under discussion, nor shall any Council member enter into a commitment with another respecting the vote to be taken at a subsequent meeting of the Council. Work sessions shall be open to the public, public comment will be allowed at the end of work sessions in order to provide feedback, and notice procedures for regular meetings shall be followed. (AMENDED 04/04/2022)

RULE 4. COUNCIL MEETING AGENDA

All reports, communications, ordinances, resolutions, or other matters to be submitted to the Council shall, by 12:00 noon on Wednesday prior to each Council meeting be delivered to the City Clerk whereupon the City Clerk shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. Each member of the Council may place a single item of business under the name of that Councilor unless further items are approved in advance by the Mayor. The City Clerk shall furnish each member of the Council, City Manager, and City Attorney with a copy of the Agenda by 5:00 p.m. on Thursday prior to each Council meeting. The Agenda shall be posted on the City website on the Friday prior to the Monday meeting. (AMENDED 1/5/98) (AMENDED 1/25/2016)

RULE 5. CALL TO ORDER

The Mayor shall take the chair at the hour appointed for the meeting and shall call the members to order. A roll call shall be taken to determine if a quorum be present.

RULE 6. CHAIRING OF MEETING

In the absence of the Mayor, the Assistant Mayor shall preside during that meeting or until the Mayor arrives. In the absence of both the Mayor and the Assistant Mayor, the Councilor present who received the largest plurality in the last election shall preside during that meeting or until the Mayor or Assistant Mayor arrives.

RULE 7. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Work Session
- II. Public Dialogue Session (when applicable – every other regularly scheduled meeting)
- III. Call to Order [7:00 p.m. or thereafter]
- IV. Roll Call
- V. Invocation
- VI. Pledge of Allegiance
- VII. Acceptance of Minutes
- VIII. Recognitions and Volunteer Committee Reports
- IX. Public Comment Session
- X. Public Hearings and Votes on Ordinances and/or Resolutions
- XI. City Manager Action Items
- XII. Consent Agenda
- XIII. Presentations and Written Communications
- XIV. Mayor

- XV. City Council Members
(A City Council Member may either speak to their item(s) previously placed on the agenda in accordance with Rule 4 or bring items that appears later on the meeting's agenda forward to be acted upon at this point)
- XVI. Approval of Grants/Donations
- XVII. City Manager's Informational Items
- XVIII. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting
- XIX. Adjournment [at 10:00 p.m. or earlier]

(ADOPTED NEW ORDER OF BUSINESS 1/9/06; AMENDED 1/25/2016; AMENDED 08/21/2017; AMENDED 06/03/2019; AMENDED 03/02/2020)

RULE 8. CONSIDERATION OF MOTIONS

When a motion is made and seconded, it shall be considered by the Council, and not otherwise.

RULE 9. WRITTEN MOTIONS/ROLL CALL

Every motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it; and upon request of any member the roll call shall be called upon any question before the Council.

RULE 10. DIVISION OF QUESTION

The Division of a question may be called for when the motion contains two or more independent parts.

RULE 11. READING

This rule deliberately left open for future use.

RULE 12. ADJOURNMENT

The Chair shall consider a motion to adjourn always in order, the time of the next meeting having been agreed on. Such motion shall be decided without debate.

RULE 13. DISPOSITION OF MOTIONS

- A. After a motion is seconded, and stated by the Chair, it shall be disposed of by vote of the Council unless the mover withdraws it before a decision or amendment.
- B. A friendly amendment is one in which the councilor amending the motion and the originator of the motion and the second agree on the change. Friendly amendments accepted by the originator of the motion shall be voted by the whole if any member of the council requests a vote on the amendment. (AMENDED 04/04/2022)

RULE 14. MOTIONS DURING DEBATE

When a question is under debate, only the following motions shall be received: Adjourn; take a recess; raise a question of personal privilege; call for orders of the day; lay on the table; the previous question; limit or extend limits of debate; postpone definitely or to a certain time; commit or refer or recommit; amend; postpone indefinitely; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; division of the assembly. (AMENDED 04/04/2022)

RULE 15. ORDER OF QUESTIONS

The Chair shall put all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except in naming sums and fixing times, the largest sum and the longest time shall be put first.

RULE 16. MOTION FOR RECONSIDERATION

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member voting with the majority, nor unless such motion is made at the meeting at which such vote is passed, or notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting; and only one motion for the reconsideration of any vote shall be permitted.

RULE 17. TABLING

No motion which has been tabled at a current or prior Council meeting may be acted upon after being removed from the table at a current meeting; but such action must be withheld until the next regular Council meeting which agenda will show the item of business.

RULE 18. SPEAKING PRIORITY

When two or more members rise at once, the Mayor shall then name the member who is entitled to the floor.

RULE 19. SPEAKING

When any member is about to speak in debate or to deliver any matter to the Council, and respectfully address the Mayor; the member shall confine themselves to the question under debate, and avoid personalities. (AMENDED 4/2/90) (AMENDED 1/10/2000)

RULE 20. INTERRUPTION OF SPEAKING MEMBER

No member shall be interrupted by another, but by rising to a call to order, to correct a mistake, or for explanation. But if any member in speaking, or otherwise, transgress the Rules of the Council, the Mayor shall or any member may call the offending member to order who shall immediately sit down, unless permitted to explain; and the Council, if appealed to, shall decide on the case, and without debate.

RULE 21. CONFLICTS OF INTEREST

No member shall vote or serve on any committee or any question as to which the member has a direct, personal and pecuniary interest. *(Note: There are additional provisions in the City Charter and Ethics Ordinance in relation to this rule.)* (AMENDED 04/04/2022)

RULE 22. VOTING REQUIRED

Every member present when a question is put, if not excluded by interest, shall vote. No member shall leave a meeting without permission.

RULE 23. COMMITTEE NOMINATION

Unless otherwise mandated by state law, charter or ordinance, except for the committees created solely by the Mayor, the Mayor shall submit for approval by the City Council all nominations of non City Councilors to committees. All nominations shall be laid on the table until the next regularly scheduled Council meeting. The Mayor shall make all appointments of the City Councilors to committees.

*(ADOPTED 1/22/96; AMENDED 1/17/2012; AMENDED 1/13/2014)

RULE 24. COMMITTEE MEMBERSHIP

No member shall be obliged to be on more than two committees at the same time nor to be chairman of more than one.

RULE 25. SPECIAL COMMITTEES AND COMMITTEE RESPONSIBILITIES

All special committees of the Council shall consist of three members, unless a different number be ordered. It shall be the duty of every committee of the Council to whom a subject is specially referred to report thereon within the time limit set by the Council or to request an extension thereof. No final report shall be received unless presented in writing, signed by a majority of the committee and agreed to in committee actually assembled.

RULE 26. COMMITTEE MEETINGS

This Rule deliberately left open for future use.

RULE 27. COMMITTEE OF THE WHOLE

The City Council may resolve itself of the Whole, at any time, upon a motion of a member made for the purpose; and in forming a Committee of the Whole, the Mayor may leave the Chair and appoint some member to preside in the Committee; and when the Committee of the Whole shall have gone through the subject referred to them, the Chairperson, or any other member that the Committee may order, shall report their proceedings to the Council.

RULE 28. COMMITTEE OF THE WHOLE PROCEEDINGS

The rules of proceedings in the Council shall be observed in Committee of the Whole, so far as they may be applicable; but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 29. ORDINANCES

All bylaws passed by the City Council shall be termed "ordinances", and the enacting style shall be: "The City of Portsmouth Ordains." Each ordinance shall be identified by a number and a short title, and the effective date shall be specified in it.

RULE 30. ORDINANCE PROCEDURE

Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. Administration may have special presentations at the first reading in order for the public to be able to consider the Ordinance change. If the first reading is passed, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and consideration of second reading. If the second reading is passed, the Council shall set a time and place for a third reading. An ordinance may be rejected at any stage in its progress. No ordinance shall be amended except on second reading. Passage of the third reading shall constitute final passage.

RULE 31. ORDERS AND RESOLUTIONS

In all votes by which the City Council shall express anything by way of command the form of expression shall be "Ordered" and whenever it shall express opinions, principles, facts or purposes, the form shall be "Resolved." Resolutions prepared in writing prior to introduction shall be identified by a short title.

RULE 32. TAXING, SPENDING, AND BORROWING

Each order or resolution authorizing the levying of a tax, the expenditure of money, or the borrowing of money shall have two separate readings and a public hearing with notice as required by law.

RULE 33. RECORD RETENTION OF RESOLUTIONS AND ORDINANCES

When an ordinance or resolution shall have passed the City Council, it shall receive the signature of the Mayor. It shall be enrolled in the City records of the City Clerk, and the original ordinance or resolution shall be placed in some safe deposit in the archives of the City.

RULE 34. CITY CLERK

The City Clerk shall attend all Council meetings, including work sessions and nonpublic sessions, and shall keep a record of procedures of the Council by recording the motions and votes thereon. The City Clerk shall make notes of the general content of the remarks by members of the Council, the Mayor, and the City Manager and not their specific detail. The City Clerk shall note in the minutes all reports, memorials and other papers submitted to the Council by their title or brief description of the purport. The City Clerk shall arrange for the televising and broadcast over the internet of all regular meetings. The City Clerk shall cause to be recorded through the use of appropriate recording device the business of all Council meetings, said recordings to be maintained by the City Clerk as a public record for a period of three years. Preservation of the recordings and custody of all recordings shall be the sole responsibility of the City Clerk who shall prepare such rules for use as the Clerk deems necessary or appropriate to the discharge of the above responsibility. (AMENDED 04/04/2022)

RULE 35. SEATING ARRANGEMENT DURING COUNCIL MEETINGS

Council seats shall be assigned by the Mayor. Council members who wish to exchange seats may do so upon request to the Mayor. Seating arrangement may be changed at any time the Mayor wishes. (AMENDED 10/29/90)

RULE 36. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY

Whenever a City Councilor has a question of the City Attorney, during a City Council Meeting, on the Council Rules, the Portsmouth City Charter or on Parliamentary Procedure, they shall, through the Chair, be given the immediate right to state their question.

RULE 37. HOUR CITY COUNCIL MEETINGS TO CONCLUDE

City Council meetings shall conclude no later than 10:30 P.M. or at such time as any agenda item being discussed at 10:00 P.M. is acted upon. Any agenda items under the name of the City Manager which have not been voted upon by the Council as of 10:00 p.m. shall be treated thereafter as Consent Agenda items, applying Council Rule 46 as completely as the situation allows. If because of this rule any agenda items remain to be taken up, the Council shall recess the meeting to a time certain at which recessed meeting the remainder of the agenda shall be acted upon unless a majority of the Council wishes to suspend in order to continue. (AMENDED 1/9/06) (AMENDED 1/25/2016)

RULE 38. NOTICE TO COUNCIL REGARDING APPOINTMENT QUALIFICATIONS

All nominees to positions on boards or commissions of the City shall submit in writing, on a form as provided by the City Clerk, information regarding their occupational backgrounds, the nature of their nominations, and their reasons for wishing to serve. Such form shall accompany the agenda in which the nomination is to be made and shall be delivered to City Council members in accordance with Rule No. 4.

RULE 39. SUSPENSION OF RULES

No standing rule or order of the Council shall be suspended unless a two-thirds majority of the members of the Council present shall consent thereto, for a specific purpose; nor shall any rule or order be repealed or amended without one week's notice being given of the motion therefore, or unless a two-thirds majority of the Council shall concur therein.

RULE 40. PARLIAMENTARY AUTHORITY

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the City Council shall be conducted pursuant to the parliamentary authority of the most recent revision of Roberts Rules of Order, Newly Revised, published by Public Affairs.

RULE 41. ADDRESS BY PUBLIC

Members of the public-at-large may address the Council on any issue being discussed by the Council after a motion to allow same has been made by any Council member and passed by a majority vote, provided that no person shall speak for more than five (5) minutes.

RULE 42. PUBLIC'S RIGHT TO KNOW GUARANTEED

All letters, memos, reports and other information provided or circulated to the City Council by staff members or received as communications to the Mayor and City Council from any person shall be included with the Agenda packet of a City Council meeting and made publicly available by 12:00 Noon on Friday prior to each Council meeting, or if sent separately to Council members shall be made publicly available in the Office of City Clerk. Exempt under this Rule are those documents which would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications. (AMENDED 1/27/92)

In addition to the foregoing, any e-mails which are received by the City on behalf of the entire City Council shall be entered into the public record by the City Clerk. Any person addressing an e-mail to the entire City Council shall be provided with the option to have such person's e-mail entered into the City Council packet and public comment record for the meeting. Only e-mails which include the name and address of the sender shall be provided to the City Council and thus be subject to the rule. Any public comment received by e-mail subject to this rule shall be updated after the Council agenda packet is released and prior to noontime on the day of the Council meeting to which the packet is addressed. Any public comments received after such noontime deadline shall be distributed to the individual Councilors, but shall not become part of the public record of the meeting. (ADDED 08/21/2017)

RULE 43. PUBLIC COMMENT SESSION

A. Public Comment:

A Public Comment session shall appear on the agenda of every regular Council meeting. This session shall be a period of time not to exceed forty-five minutes during which any member of the public may have three minutes to address any topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Speakers shall be limited to one three minute comment period per person per meeting and may not defer any of their allotted speaking time to any other person. All speakers must register in person (not electronically or telephonically) with the City Clerk prior to the City Council meeting. The playing of music, videos, or the recordings of others is prohibited. Residents, business owners and taxpayers of the City shall be given speaking priority over any other speaker. All speakers must give their home address at the time of their speaking. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provision of this rule may be modified on a per case basis by majority vote of the Council. (AMENDED 02/20/2018; AMENDED 09/18/2023)

* Comments for which a public hearing is scheduled under the same agenda shall not be permitted.

- The Chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics to be presented.
*(ADOPTED 1/18/94).

B. Public Dialogue:

The City Council reserves the right to hold a noticed Public Dialogue sessions including at locations other than City Hall. At such Council - Public Dialogue Sessions, no more than three members of the Council shall be present along with the City Manager (or designee) and any appropriate staff as determined by the City Manager. The purpose of this session is to provide an opportunity for members of the public to directly interact with members of the Council, the City Manager and any appropriate staff as determined by the City Manager from time to time. Councilors shall report back on the public dialogue session at the next regularly scheduled city council meeting. The Mayor shall determine which City Council members participate in each public dialogue session on a rotational basis, with the requirement that all City Councilors participate in at least one public dialogue session in a calendar year. (AMENDED 08/21/2017; AMENDED 02/20/2018; AMENDED 04/04/2022)

RULE 44. NAMING OF MUNICIPAL BUILDINGS, PARKS AND FACILITIES

The procedure to be followed in naming municipal buildings, parks and facilities shall be that a written request be submitted to the Mayor by the City Councilors or resident who proposes the naming of any municipal building, park or facility. The Council shall then schedule a work session to deliberate concerning that request. In general, it shall be deemed inappropriate to name complete municipal buildings after actual persons, although portions of buildings may be so named. Subsequent to the work session, the request shall then be placed on the next available Council agenda for a vote of the full City Council. (ADOPTED 8/14/2000)

RULE 45. PUBLIC HEARINGS

City Council public hearings shall be subject to the following terms and conditions:

- A. The order in which speakers shall be called, the duration of time permitted for each person to speak and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Mayor in the interest of legislative efficiency.
- B. All speakers must limit their presentation to the issue for which the public hearing has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Mayor.
- C. The order of presentation of all public hearings shall be as follows:
 - 1. Any additions to presentation given at first meeting related to the public hearing offered by the City administration
 - 2. City Council questions and deliberation regarding the subject matter of the public hearing
 - 3. Public hearing speakers
 - 4. Additional Council questions and deliberations.
- D. Subsequent to the process described above, any public hearing which results in the requirement of a City Council vote shall be immediately followed by that vote

(ADOPTED 5/6/2002; AMENDED 05/01/2017; AMENDED 08/21/2017)

RULE 46. CONSENT AGENDA

The agenda for any regular meeting of the City Council may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of City Council business which the Mayor, the City Manager and the City Clerk have previously determined to be routine in nature. All Consent Agenda items shall identify the action which it is anticipated will be taken by the City Council on it. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Council agenda for the same meeting at the request of any member of the City Council. All recommended actions on Consent Agenda items shall be deemed to have been taken by the City Council on the passage of a motion, "to adopt the Consent Agenda". (ADOPTED 1/9/06).

RULE 47. APPOINTMENTS TO BOARDS AND COMMISSIONS

All vacancies on Boards and Commissions shall be publicly advertised. Unless otherwise required by statute or ordinance, the Mayor shall only bring forward for reappointment to any Board or Commission the name of any person on the same Board or Commission if such position shall have been publicly advertised prior to the effective date of the requested reappointment. (Adopted 03/19/2018; AMENDED 04/04/2022)

CITY COUNCIL POLICIES
PLEASE CLICK LINK TO VIEW
CITY COUNCIL POLICIES

<https://www.cityofportsmouth.com/citycouncil/city-council-policies>

2024 Mayor's Blue Ribbon Committee

COMMITTEE: African Burying Ground Memorial Park Committee

MISSION: To provide a forum and voice for the descendent community relative to the remains of those buried. To continue to promote and support the African Burying Ground Memorial Park as a gathering space and community and cultural resource. To provide input and support relative to ongoing and future maintenance needs.

CHAIR: Assistant Mayor JoAnna Kelley

MEMBERS:

Black Heritage Trail of New Hampshire Representative

Seacoast African American Cultural Center Representative

NAACP Representative

Black Lives Matter Seacoast Representative

Cemetery Committee Representative

2 Portsmouth Residents TBD

2024 Mayor's Blue Ribbon Committee

COMMITTEE: Citywide Neighborhood Committee

MISSION: The Citywide Neighborhood Committee (CNC) advocates for the neighborhoods in Portsmouth to assure that all aspects of City government work through two basic principles; protection and preservation of the quality of our neighborhoods.

CHAIR: (TBD)

MEMBERS:

Councilor John Tabor

Elaine Apatong-Butts

Kathleen Boduch

Lawrence Cataldo

William Gatchell

Lori Soloway

Peter Somssich

2024 Mayor's Blue Ribbon Committee

COMMITTEE: Governance Committee

MISSION: To respond to referrals from the City Council to include review and possible amendments or changes to the City Charter, Council Ordinances, Council Rules and Council Policies.

CHAIR: Councilor Kate Cook

MEMBERS:

Assistant Mayor JoAnna Kelley

Councilor John Tabor

Councilor Vincent Lombardi

2024 Mayor's Blue Ribbon Committee

COMMITTEE: Blue Ribbon Committee on Housing

MISSION: The mission of the Blue Ribbon Committee on Housing is to review and recommend to the City Council ways in which the City can create more affordable housing opportunities.

CHAIR: Co-Chair Assistant Mayor JoAnna Kelley and Co-Chair Councilor John Tabor

MEMBERS:

Five to seven residents – TBD

2024 Mayor's Blue Ribbon Committee

COMMITTEE: Portsmouth Energy Advisory Committee

MISSION: The PEAC mission is to help coordinate the City's participation in the Community Power program adopted by Portsmouth pursuant to RSA 53-E, which allows towns and cities to aggregate their customer demand and purchase electricity in bulk for savings and a more rapid shift to renewables.

CHAIR: Councilor John Tabor

MEMBERS:

Councilor John Tabor

Councilor Kate Cook

Rep. Peter Somssich

Tom Rooney

Ben D'Antonio

Allison Tanner

Kevin Charette

Peter Rice, Department of Public Works Director

Peter Britz, Director of Planning and Sustainability

2024 Mayor's Blue Ribbon Committee

COMMITTEE: Safe Water Advisory Group

MISSION: To review and communicate the latest science on the health and environmental effects of PFAS, to monitor federal and state level legislative changes, and to anticipate policy changes that could impact the city of Portsmouth.

CHAIR: Andrea Amico, co-chair and Brian Goetz, co-chair

MEMBERS:

Councilor Rich Blalock

Councilor Vincent Lombardi

Senator Rebecca Perkins Kwoka

Rep. David Meuse

Andrea Amico

Elizabeth Barrett

Rich DiPentima

James Hewitt

Katie Hillman

Laurel Schaider

William McQuillen, Fire Chief

Brian Goetz, Deputy Director of the Public Works Department

Kim McNamara, Health Officer

2024 Mayor's Blue Ribbon Committee

COMMITTEE: Sister Cities

MISSION: To support the City of Portsmouth as a member of Sister Cities International and to foster and support international relationships with cities developed through the Friendship Cities Program.

CHAIR: TBD

MEMBERS: TBD

2024 Mayor's Blue Ribbon Committee

COMMITTEE: Task Force on Portsmouth Historical Archives

MISSION: To pursue the recommendations to preserve and protect Portsmouth's history as outlined in the Task Force on Portsmouth Historical Archive's report dated November 20, 2023 and presented at the City Council meeting of December 4, 2023.

CHAIR: Councilor Vincent Lombardi

MEMBERS:

Councilor Vincent Lombardi

Richard Candee (Portsmouth Historical Society)

Alan Cohen

Charles Doleac (Portsmouth Peace Treaty Forum)

Elizabeth Farish (Strawbery Banke Museum)

Thomas Hardiman, Jr. (Portsmouth Athenaeum)

Jeff Keefe ((Portsmouth Athenaeum)

Kristin Peterson

Susan Sterry (Historic Cemeteries Committee)

Emma Stratton (Portsmouth Historical Society)

Thomas Watson (Portsmouth Athenaeum)

Christine Friese, Portsmouth Public Library Director



received
11/14/23

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: Audit committee Initial applicant

Name: Donald Brabant Telephone: 603-591-7903

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

Street address: 579 Sagamore Unit #52

Mailing address (if different): _____

Email address (for clerk's office communication): brabant1@comcast.net

How long have you been a resident of Portsmouth? 11 years

Occupational background:

17 years SVP divisional mgr Indian Head Bank

22 years SVP divisional mgr Citizens Bank NH

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

33 years Treasurer Town of Exeter NH retired 2012 to move to Portsmouth

20 years member and chair of town of exeter Budget committee

10 years member and chair town of exeter Water and sewer commission

➡ 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 have always been involved in the community that I've lived in. I feel like the audit committee is a good fit for my expertise and commitment.

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

1. Treasurer -Tidewatch condo association
2. Member port authority revolving loan fund committee
3. Board member State of NH motor vehicle industry board
4. Since the presidential election of 2020 i have volunteered at ward 5 polls

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

1) David Luff, Ash street, Portsmouth NH 617-308-4112
Name, address, telephone number

2) Kate Beland, Union st, Portsmouth NH 603-502-5766
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:  Date: 11/14/27

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yesxx No

Please submit application to the City Clerks 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: Cable & Broadband Commisson

Name: Jeff Abrams Telephone: 603-421-5256

Could you be contacted at work? YES NO If so, telephone# Retired

Street address: 165 Woodlawn Circle Portsmouth, NH 03801-3134

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 65 Years

Occupational background:

Management - Allen Wayside Furniture - (20 Years) 1970 - 1990

Independent Factory Representative - (32 Years) 1990 - 2022

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

I have been a long time resident of Portsmouth I have also been a subscriber of Comcast for more than (45) years. I have seen the many changes in broadband and cable services the last (10) years.

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: _____

Since I have retired I now have the time to serve the City of Portsmouth in some capacity. _____

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

Rotary 1980 to 1983

Demolay (Sub-chapter of the Masons) 1967 - 1971

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

1) Kate Mallen 603-431-7918

Name, address, telephone number

2) Dave Calkins 1-603-498-4210

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: Jeff Abrams Date: 1/2/2024

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ___ No ___

Please submit application to the City Clerks 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: Cable Commission
Name: GARY LOWE Telephone: 603 496 2850

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

Street address: 105 South St.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 28 yr.

Occupational background:
Product Development Science/Engineering -
Semiconductor cap. equipment,
medical devices.

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

This board under J. Bohenko 20 years ago
1993-1998 Chelmsford Public Media-Board & Producer
2003-2011 WSCALP - Founder & jazz Programmer
2011-2021 WUNH - jazz director & programmer



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO *I've attended 3 meetings*

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

Reasons for wishing to serve: Give back to the community, share my experience & fun.

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

None presently.

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

1) Suzanne Woodland - city hall legal
Name, address, telephone number

2) John Bohenkco
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: *Mary Anne* Date: 1/3/2024

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ✓ No _____

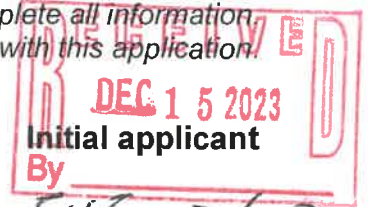
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



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: Conservation Commission

Name: Talia Sperduto Telephone: 603-545-7602

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

Street address: 270 Richards Ave, Portsmouth NH

Mailing address (if different): SAME

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

How long have you been a resident of Portsmouth? 3 years (lived in Elliot Betuen!)

Occupational background:

Residential real estate sales.
previous : sustainable clothing Design
and large + small scale natural
Fiber production + sustainable crop harvest.

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

studied + graduated from Bates college
with a degree in Environmental Science.
my real estate background also has
lent its self to land use regulation
knowledge.



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 passionate about our city and natural environment and would look forward to facilitating the most resilient intersection of the two. I am curious and excited to work with and learn from other Commission members to serve our community.

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

- Portsmouth Historic Plaques Committee (chair)
- Portsmouth Women City Club (grantee committee chair)
- Portsmouth Aquarium (social committee)
- Seacoast Board of Recorders (Education Committee)

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

- 1) Barbara McMillan, 603-498-9290 84 Hillside Drive
Name, address, telephone number
- 2) Andrew Samonas, 603-988-7824 460 Richards Ave
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: [Signature] Date: Dec 6th 2023

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No NOT AT THIS MOMENT

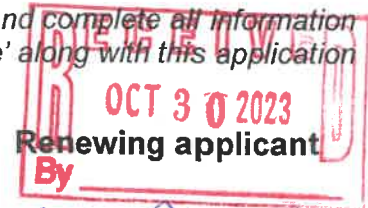
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012



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: ZBA (Alternate)

Name: JODY RECORD Telephone: 603-988-9865

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

Street address: 162 ROCKLAND ST #1

Mailing address (if different): _____

Email address (for clerk's office communication): WRITENOW31@YAHOO.COM

How long have you been a resident of Portsmouth? 45 years

Occupational background:
freelance writer
writer/editor
real estate agent

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

Reasons for wishing to continue serving: serving as an alternate now -
have been for just a few months. would like to
complete a full term.



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

ADDTH COMMEMORATIVE BOOK - VOLUNTEER
Bother food pantry - volunteer

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

- 1) Phyllis Eldridge 50 South School Street 603-3599
Name, address, telephone number
- 2) DOUG ROBERTS Richards Ave Portsmouth 603-531-3906
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: Jody Pecora Date: 10-19-23

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12/1/2028
Annual Number of Meetings: ²⁰²³ Not available Number of Meetings Absent: N/A
Date of Original Appointment: 4/3/2023

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

Agenda item under the names of Assistant Mayor Kelley and Councilor Tabor

****Housing and Sherburne School - next steps**

Narrative for the packet

Following reelection, our council has the opportunity to work with the Portsmouth Housing Authority to create more workforce housing like the highly successful Griffin Place. As home prices and rents rise, the city's inventory of housing that working people can afford continues to shrink, threatening our local economy and quality of life as a city.

The PHA and city proposed converting the Sherburne school into workforce housing in the spring of 2022, which met with neighborhood concerns. The council and PHA paused to look at alternative sites. The council's Land Use Committee reviewed all other city properties. They scored Sherburne highest, because it was soon to be abandoned and unused, and was the easiest with the fewest competing uses. The PHA has waited patiently through the review of alternative sites and the election. They are ready to move ahead.

Sherburne is but one of many housing opportunities ahead this year. The Housing Navigator will give the city recommended land use changes to incentivize more housing. Private developers are now entering the workforce housing market, like the Labries and Mark McNabb, whose workforces need a place to live. Cities around the state are creating innovative tax incentives to independent landlords to successfully build or rent affordable units, and the city will craft a housing element to the 10-year master plan.

How should we proceed, both with Sherburne near term and longer term?

Two options emerge.

1. Create a committee focused on expanding the housing supply, especially affordable units. The city had a Housing Committee until 2017. A new Housing Committee could be made up of councilors and citizens from all neighborhoods and would spearhead housing efforts this term for the council. As one of their first tasks, they could prepare agreements for the disposition of Sherburne to bring to the council for approval. They could also:
 - a. Develop plans for more than one PHA project so we more rapidly increase workforce inventory
 - b. Guide the council's implementation of the Housing Navigator's recommendations
 - c. Be an essential voice for a robust housing element of the 10-year Master Plan
 - d. Study tax incentives or other tools to create housing

2. Alternatively, the council could take a more direct approach with Sherburne for the near term. The PHA could propose a transfer of the land (either lease or sale) directly. PHA and city attorneys could develop a draft document for council review. Upon approval, the PHA would steer a proposed project through the land use boards where the public could weigh in.

Discussion of future action



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
Portsmouth, New Hampshire 03801

Date: January 9, 2024

To: Mayor and Councilor Cook

From: Suzanne Woodland, Deputy City Manager/Regulatory Counsel

Re: Ordinance Adoption Process

It is City staff's recommendation that the City Council consider adopting a new City Council Rule 30 relative to Ordinance Procedure to allow amendments at both the first and second readings. Allowing amendments at the first reading will hopefully result in fewer instances where a second or third public hearing needs to be noticed and scheduled due to amendments at second reading. This may improve process efficiency, better employ staff time, and reduce costs. The proposed and prior rule are set forth below.

Proposed Rule 30. Ordinance Procedure

Each Ordinance shall pass through the following stages: There shall be a first reading at which amendments may be made. If the ordinance passes first reading, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and second reading. Amendments may also be made at second reading. If amendments materially change the ordinance under consideration, a new public hearing and second reading shall be scheduled. If the ordinance passes second reading, there shall be a third and final reading. Passage of third reading shall constitute final passage. An ordinance may be rejected at any stage in its process.

Prior Rule 30. Ordinance Procedure

Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. If the first reading is passed, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and consideration of second and third readings. An ordinance may be rejected at any stage in its progress. No ordinance shall be amended except on second reading. Passage of the third reading shall constitute final passage.

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

6:00 P.M. – November 29, 2023
City Council Chambers

PRESENT: Members: Chairman Andrew Bagley; Public Works Director Peter Rice; Erica Wygonik; Steve Pesci; Stefanie Casella, Planning Department; Deputy Police Chief Mike Maloney; Dave Allen; Fire Chief Bill McQuillen; Mark Syracuse

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

ACTION ITEMS FOR CITY COUNCIL
<ul style="list-style-type: none">Woodbury Avenue, voted to approve revised speed cushion plan for Woodbury Avenue, with 6 speed cushions.

- **Roll Call**
- **Financial Report:** **Voted** to accept and place on file Financial Report dated October 31, 2023.
- **Presentation by New Hampshire DOT on I-95 Soundwall and Privacy Fence project update.**
- There were eleven speakers with questions and comments regarding the Soundwall and Privacy Fence project: Tony Coviello, Deirdre Wallace, Peter Somssich, Bill St. Laurent, Justin Richardson, Alice Wahl, Bob Lister, Mary Hahnen, Barbara Pamboukes, Steve Langevin, and Thomas Morley.
- **Presentation by Sebago Technics on Middle Street/Miller Avenue/Summer Street intersection improvements.**
- There were five speakers with questions and comments regarding the Middle Street/Miller Avenue/Summer Street intersection improvements: Allen McGee, Kris Tiano, Evan Mullen, Joe Freda, and Elizabeth Bratter.
- **Public Comment:** No speakers
- **Middle Street/Miller Avenue/Summer Street intersection, request for selection of preferred alternative for construction, by DPW:** **Voted** to postpone this vote until January and to remove option two.
- **Woodbury Avenue, request to approve revised speed cushion design plan, by DPW:** **Voted** to approve revised speed cushion plan for Woodbury Avenue, with 6 speed cushions.
- **Bartlett Street project update:** Informational; no action required.
- **Police monthly accident report:** Informational; no action required.
- **Revised Parking Principles update:** Informational; no action required.

Respectfully submitted by: Leila Birr

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

CITY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

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

6:00 PM

November 29, 2023

MINUTES

I. CALL TO ORDER

Chairman Andrew Bagley called the meeting to order at 6:00 PM.

II. ATTENDANCE

Members Present:

Chairman Andrew Bagley
Vice Chairman Steve Pesci
Public Works Director Peter Rice
Stefanie Casella, Planning Department
Deputy Police Chief Mike Maloney
Erica Wygonik
Dave Allen (Alternate)
Fire Chief William McQuillen
Mark Syracuse

Absent

Mary Lou McElwain

City Staff Present:

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

III. FINANCIAL REPORT

[00:01:55] Mark Syracuse moved to accept the financial report dated October 31, 2023, seconded by Peter Rice. Motion passed unanimously.

[00:02:28] Peter Rice made a motion to move the presentations before public comment, seconded by Erica Wygonik. Motion carried 9-0.

V. PRESENTATIONS

A. [00:02:46] I-95 Soundwall and Privacy Fence project update, by New Hampshire DOT

[00:35:25] There were eleven speakers with questions and comments regarding the Soundwall and Privacy Fence project: Tony Coviello, Deirdre Wallace, Peter Somssich, Bill St. Laurent, Justin Richardson, Alice Wahl, Bob Lister, Mary Hahnen, Barbara Pamboukes, Steve Langevin, and Thomas Morley.

B. [01:14:58] Middle Street/Miller Avenue/Summer Street intersection improvements, by Sebago Technics, Inc.

[01:49:31] There were five speakers with questions and comments regarding the Middle Street/Miller Avenue/Summer Street intersection improvements: Allen McGee, Kris Tiano, Evan Mullen, Joe Freda, and Elizabeth Bratter.

IV. PUBLIC COMMENT

No speakers

VI. NEW BUSINESS

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

None

VII. OLD BUSINESS

A. [02:06:15] Middle Street/Miller Avenue/Summer Street intersection, request for selection of preferred alternative for construction, by DPW. Peter Rice moved to postpone this vote until January and to remove option two, seconded by Stefanie Casella. **Motion passed 9-0.**

B. [02:12:37] Woodbury Avenue, request to approve revised speed cushion design plan, by DPW. Peter Rice made a motion to approve the revised speed cushion plan for Woodbury Avenue, with 6 speed cushions. Seconded by Stefanie Casella. **Motion passed 7-2, with Mark Syracuse and Bill McQuillen voting against the motion.**

VIII. INFORMATIONAL

A. [02:26:19] Bartlett Street project update

B. [02:27:33] Monthly accident report from police

C. [02:29:22] Revised Parking Principles update

IX. MISCELLANEOUS

None

X. ADJOURNMENT

Chairman Bagley adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Leila Birr
Administrative Assistant
Department of Public Works

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – January 4, 2024
Conference Room A

PRESENT: **Members:** Chairman Andrew Bagley; Public Works Director Peter Rice; Erica Wygonik; Mary Lou McElwain; Steve Pesci; Stefanie Casella, Planning Department; Deputy Police Chief Mike Maloney; Dave Allen; Fire Chief Bill McQuillen; Mark Syracuse

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

ACTION ITEMS FOR CITY COUNCIL
<ul style="list-style-type: none">2 Russell Street, voted to approve requested changes to on-street parking on Deer Street and Russell Street as presented on approved site plans for project with modifications as proposed by DPW, with the inclusion of bicycle signage at locations as approved by the DPW traffic engineer, and the continuation of sharrows on Russell Street to Market Street.

- **Roll Call**
- **Annual Selection of Chair:** Selection of chairman is postponed until the next meeting.
- **Financial Report:** **Voted** to accept and place on file Financial Report dated November 30, 2023.
- **Public Comment Session:** There were two speakers: Elizabeth Bratter, regarding parking, and Matthew Glenn regarding pedestrian and bicycle planning.
- **2 Russell Street, request for approval of on-street parking changes and loading zones on Deer Street and Russell Street, by property owner:** **Voted** to approve requested changes to on-street parking on Deer Street and Russell Street as presented on approved site plans for project with modifications as proposed by DPW, with the inclusion of bicycle signage at locations as approved by the DPW traffic engineer, and the continuation of sharrows on Russell Street to Market Street.
- **Middle Street/Miller Avenue/Summer Street intersection, request for selection of preferred alternative for construction, by DPW:** **Voted** to select the “hybrid” option for reconstruction of the intersection, with a solid white edge line rather than individually striped on-street parking spaces, and moving the bus stop to in front of the Margeson Apartments.
- **Parking Principles, request to approve proposed changes to City Parking Principles, by DPW:** **Voted** to approve proposed changes to City Parking Principles as proposed by DPW and Planning Department.
- **Chapter 7, Section 7-A.402, Bus Stops Designated, request to amend section to reflect current conditions, by DPW.** Peter Rice moved to table the vote until there is a report back from Engineering and consensus on Market Square.
- **Police monthly accident report:** Informational; no action required.

Respectfully submitted by: Leila Birr

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

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

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

8:30 AM

January 4, 2024

MINUTES

I. CALL TO ORDER

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

Moment of Silence for Harold Whitehouse

II. ATTENDANCE

Members Present:

Acting Chairman Andrew Bagley
Vice Chairman Steve Pesci
Public Works Director Peter Rice
Stefanie Casella, Planning Department
Deputy Police Chief Mike Maloney
Erica Wygonik
Dave Allen (alternate)
Fire Chief William McQuillen
Mark Syracuse
Mary Lou McElwain

City Staff Present:

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

III. ANNUAL SELECTION OF CHAIR

[00:05:17] The selection of chairman is postponed until the next meeting. City Council has not yet had their first meeting of the year, where they will appoint the Parking and Traffic Safety Committee representative.

IV. FINANCIAL REPORT

[00:06:12] Mark Syracuse moved to accept the financial report dated November 30, 2023, seconded by Steve Pesci. Motion carried 9-0.

V. PUBLIC COMMENT

[00:06:44] There were two speakers: Elizabeth Bratter, regarding parking, and Matthew Glenn regarding pedestrian and bicycle planning.

VI. PRESENTATIONS

None

VII. NEW BUSINESS

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

A. [00:16:07] 2 Russell Street, request for approval of on-street parking changes and loading zones on Deer Street and Russell Street, by property owner. Steve Pesci moved to approve requested changes to on-street parking on Deer Street and Russell Street as presented on approved site plans for project, with the modifications proposed by the DPW as presented, the inclusion of bike route signage at locations to be approved by the DPW traffic engineer, and the continuation of sharrows on Russell Street to Market Street. Seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

VIII. OLD BUSINESS

A. [00:49:25] Middle Street/Miller Avenue/Summer Street intersection, request for selection of preferred alternative for construction, by DPW. Mark Syracuse made a motion to select the "hybrid" option for reconstruction of the intersection, with a white edge line rather than individual space lines to delineate on-street parking, and moving the bus stop to in front of the Margeson Apartments. Seconded by Mary Lou McElwain. **Motion carried 8-1**, with Erica Wygonik voting opposed.

B. [01:15:19] Parking Principles, request to approve proposed changes to City Parking Principles, by DPW and Planning Department. Peter Rice made a motion to approve proposed changes to City Parking Principles as proposed by DPW and Planning Department, seconded by Mary Lou McElwain. **Motion passed unanimously, 9-0.**

C. [01:18:10] Chapter 7, Section 7-A.402, Bus Stops Designated, request to amend section to reflect current conditions, by DPW. Peter Rice moved to table the vote until there is a report back from Engineering and consensus on Market Square, seconded by Mark Syracuse. **Motion carried 9-0.**

IX. INFORMATIONAL

A. [01:24:51] Police monthly accident report.

X. MISCELLANEOUS

[01:25:25] Mary Lou McElwain expressed concern regarding malfunctioning crosswalk lights at Middle Street and State Street. There has been an ongoing issue with malfunctioning equipment, including new equipment.

[01:28:31] Mark Syracuse read the Mayor's Jessica's Law Awareness Proclamation.

[01:31:46] Mary Lou McElwain reminded the Committee that she would like to see electric scooter and electric bicycle safety on an upcoming agenda.

[01:32:40] Erika Wygonik requested observation on safety of the intersection at the skate park.

[01:34:23] Snow notifications updates.

[01:37:17] Mary Lou McElwain requested a report on holiday parking, which Ben Fletcher is in the process of putting together.

XI. ADJOURNMENT

Mark Syracuse moved to adjourn, seconded by Mary Lou McElwain. Meeting adjourned at 10:03 a.m.

Respectfully submitted,

Leila Birr
Administrative Assistant
Department of Public Works

M E M O R A N D U M

TO: Councilor Moreau
FROM: Peter Britz, Planning & Sustainability Director
Peter Stith, Planning Manager
DATE: January 9, 2024
RE: Land Use Committee- Gateway rezoning analysis

In an effort to create more opportunities for housing development, the Land Use Committee (LUC) reviewed the current Zoning Map to identify parcels that could be rezoned to one of the two Gateway Districts (G1 or G2). The following contains the original list of parcels that were identified and subsequently separated into two lists. The top half of the list (1-36) are the properties the LUC came to a consensus on changing the zoning to G1 or G2. This list includes changing the zoning for Oriental Gardens from the existing nonconforming Office Research (OR) to Garden Apartment/Mobile Home Park (GA/MH), a more appropriate designation for this property. The remaining items on the list (37-59) were set aside for further review and consideration.

	Property	Map-Lot	Size of Lot	Current Zone	Future Zone	Current Development
1	126 Lang Road	0291-0001-0001	26.72	GA/MH	G1	None
2	1 Freedom Cir	0285-0001-0000	28.05	GA/MH	G1	Patriots Park front section only
3	2300 Lafayette Road	0273-0007-0001	Unknown	G1 & I	G1	Water Country
4	2032 Lafayette Rd	0267-0004-0000	3.46	OR	G1	Service CU Bank
5	2010 Lafayette Rd	0267-0005-0000	2.9	OR	G1	Service CU Offices
6	2000 Lafayette Rd	0267-0006-0000	2.27	OR	G1	Employment Sec
7	1950 Lafayette Rd	0267-0007-0001 & 2	Unknown	OR	G1	Two office condos
8	1900 Lafayette Rd	0267-0008-0000	3.98	OR	G1	Medical Buildings
9	0000 Lafayette Rd	0267-0001-0007	6.33	OR	G1	US Army Corp
10	1700 Lafayette Rd	0252-0001-0000	4.3	OR	G1	Public Ser Co Office
11	2075 Lafayette Rd	0268-0012-0000		SRB	G1	Westerly
12	1035 Lafayette Rd	0246-0001-0000	3.13	SRB	G2	Church
13	545 Lafayette Rd	0229-0006-0000	0.96	SRB	G1	Dentist Office
14	000 Lafayette Rd	0229-006A-0000	1.01	SRB	G1	Vacant land behind dentist office
15	500 US Route 1 BYP	0173-0009-0000	3.49	I & GRA	G1	Car dealership
16	185 Cottage Street	0174-0014-0000	0.89	GRA	G1	Medical Office
17	505 US Route 1 BYP	0234-0005-0000	2.56	GB	G1	Hotel
18	US Route 1 Byp	0233-0145-0000	2.66	OR	G1	Vacant municipal land
19	445 US Route 1 Byp	0234-0003-0000	5.13	OR	G1	Public Service Co
20	Borthwick Ave	0234-0007-0007	4.29	OR	G1	Public Service Co
21	Borthwick Ave	0234-0002-0000	4.77	OR	G1	Public Service Co
22	650 Borthwick Ave	0234-0007-0006	2.89	GB	G1	Hotel
23	100 Coakley Rd	0234-0006-0000	1.21	GB	G1	The Granite Group
24	549 US Route 1 BYP	0234-0051-0000	18.22	GB	G1	Car dealership
25	153 Boyd Rd	0174-0012-0000	1.22	GB	G1	Parking lot
26	580 US Route 1 BYP	0175-0011-0000	3.68	GB	G1	Hotel
27	300 Woodbury Ave	0175-0004-0000	1.77	GB	G1	Hotel
28	120 Spaulding TPKE	0236-0033-0000	10.63	GB and SRB	G1	Car dealership
29	150 Spaulding tpke	0236-0035-0000	0.2	GB	G1	Retail shop
30	157 Farm Lane	0236-0034-0000	0.42	GB	G1	Two apt bldgs.
31	180 Spaulding Tpke	0236-0039-0000	1.25	GB	G1	Car dealership
32	200 Spaulding Tpke	0237-0056-0000	22.23	GB and SRB	G1	NE Marine and Ind
33	201 Echo Ave	0237-0057-0000	0.34	GB	G1	Apt bldg.
34	Oriental Gardens	0215-0009-several	Unknown	OR	GA/MH	Mobile home park
35	1303 Woodbury Ave	0217-0001-0000	1.51	G1 & MRB	G1	Rite Aid
36	200 Greenleaf Ave	0243-0066-0000	2	SRB	G1	Cross Roads House
<i>The following parcels were identified to be considered for potential rezoning after further research or removed from the list (strickthrough).</i>						
37	55 Heritage Ave	0285-0004-0000	2.85	I	G1	Warehouse building
38	70 Heritage Ave	0285-0011-000B	7.44	I	G1	Storage Units/Com
39	100 Heritage Ave	0285-0011-00A2	4.79	I	G1	Storage Units
40	Constitution Ave	0285-0016-3000	8.47	I	G1	Office type buildings
41	Campus Drive	0266-0004-0000	36.7	I	G1	Community Campus
42	2059 Lafayette Rd	0268-0013-0000	0.3	MRB	G1 or G2	Office building
43	0000 Lafayette Rd	0268-0012-0000	0.62	MRB	G1 or G2	Vacant land
44	2021 Lafayette Rd	0268-0011-0000	22 Lots range in size .26	SRB	G1 or G2	Small house lots
	To	To	.44	All lots		Aeross from OR dist
	1601 Lafayette Rd	0251-0126-0000		SRB		
45	2 Mirona Rd	0253-0006-0000	1.13	I	G2	Auto Repair
46	11 Mirona Rd	0253-0008-0000	4.07	I	G2	Auto Repair
47	1 Mirona Rd	0253-0007-0000	1.83	I	G2	Glass Company
48	300 Gosling Rd	0214-0003-0000	38.71	WI and OR	G1	Public Service Co
49	Commerce Way	0216-0001-0001	4.11	OR	G1	Vacant land
50	135 Commerce Way	0216-0001-0011	5.39	OR	G1	Office building
51	155 Commerce Way	0216-0001-0010	5.49	OR	G1	Office building
52	175 Commerce Way	0216-0001-0009	4.07	OR	G1	Office building
53	170 Commerce Way	0216-0001-0002	6.86	OR	G1	Office buildings
54	195 Commerce Way	0216-0001-0008	2.82	OR	G1	Office building
55	215 Commerce Way	0216-0001-008A	8.82	OR	G1	Office buildings
56	210 Commerce Way	0216-0001-0004	4.24	OR	G1	Office building
57	230 Commerce Way	0216-0001-0005	5.62	OR	G1	Office buildings
58	Shearwater Drive	0217-0002-1975	4.53	OR	G1	Vacant land
59	1000 Market St	0219-0063-0001 & 3	Unknown	OR	G2	Office bldg. hotel

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:	1/3/24
Department/ Contact Person:	Department of Public Works Max Wiater, Arborist Foreman
Donation Amount:	\$1,500 (est. for tree)

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

Memorial tree to be planted in the right of way in front of 152 Middle St. The Tree and Greenery Committee moved to recommend the City Council accept the donation of the tree during their November 8th meeting.

Is there a particular purpose intended with this donation:

Recognition of Dr. Geoffrey Clark's personal and professional accomplishments as a gastroenterologist, pharmaceutical entrepreneur, and philanthropist.

Other Information/Special Conditions:

A small memorial plaque will be installed at the base of the tree.

Donor Information

First & Last Name:	Mark Falzone
Business Name:	Scenic America
Address*:	1012 14 th St. NW, Suite 1108, Washington, DC 20005
Phone*:	781-910-9190
Email*:	Mark.Falzone@scenic.org

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:	1/8/24
Department/ Contact Person:	Police Department, Chief Mark Newport
Donation Amount:	\$7,000

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

Comfort Dog Program

Is there a particular purpose intended with this donation:

AT&T Services offered this donation to go towards the purchasing and training cost for PPD's first comfort dog, Mason. He was purchased and trained through Hero Pups, Inc..

Other Information/Special Conditions:

--

Donor Information

First & Last Name:	John Emra
Business Name:	AT&T Services, Inc.
Address*:	84 Deerfield Ln 1B2, Meriden, CT 06450
Phone*:	NA
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:	1/8/24
Department/ Contact Person:	Police Department – Chief Mark Newport
Donation Amount:	\$2,500

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

PD's Community Outreach Fund

Is there a particular purpose intended with this donation:

Chief Newport wishes to put towards a future initiative or program to get the PD out in the community to promote positive interactions between the police and citizens/visitors of Portsmouth.

Other Information/Special Conditions:

Donor Information

First & Last Name:	Mr. Paul Gormley & Ms. Kimi Iguchi
Business Name:	
Address*:	25 Salter Ave, Portsmouth NH 03801
Phone*:	NA
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.*



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@cityofportsmouth.com
(603) 610-7234

Trevor P. McCourt
Deputy City Attorney

Date: January 5, 2024
To: Karen S. Conard, City Manager
From: Trevor P. McCourt, Deputy City Attorney
Re: Jones Avenue Scrapyard Report Back

At the December 18, 2023 City Council meeting I provided a report back regarding the Jones Avenue Scrapyard. The purpose of this memorandum is to provide an update on staff's continued zoning enforcement efforts at this location.

Since the December 18, 2023 meeting, the legal department has assigned staff to monitor noise levels emanating from the Jones Avenue Scrapyard in order to assess current and ongoing violations of City ordinances. Staff have been monitoring sound levels at the scrap metal yard, however due to the holidays, including a temporary holiday closure of the Jones Avenue Scrapyard, as of the time of writing this memorandum I do not have enough information to provide a comprehensive report back to the City Council. I expect a full report back to the City Council to be ready for the February 2, 2024 meeting, but I could make a partial, verbal report back at the January 16, 2024 City Council meeting upon request.

Regarding the use of the Jones Avenue Scrapyard as laydown for the City's Union Street Sewer Separation Project, City staff continues to work with MAC Construction to identify alternative laydown areas. I anticipate that more information about this project will be available closer to resumption of construction in the Spring.