

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 16, 2024

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

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

IV. ROLL CALL

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

ABSENT: Councilor Blalock

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silence.

VI. PLEDGE OF ALLEGIANCE

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

Portsmouth High School Holiday Ensemble Performance

Eric Gagnon, High School Director of Music led the Holiday Ensemble who performed six Holiday selections: Deck the Halls, O' Little Town of Bethlehem, Little Drummer Boy, Carol of the Bells, Jingle Bells and White Christmas for the City Council to enjoy during this Holiday Season.

VII. ACCEPTANCE OF MINUTES – AUGUST 19, 2024; SEPTEMBER 3, 2024; SEPTEMBER 23, 2024 AND OCTOBER 7, 2024

Assistant Mayor Kelley moved to accept and approve the minutes of August 19th; September 3rd; September 23rd; and October 7th City Council meetings. Seconded by Councilor Moreau and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. *Peter Loughlin – Trees & Public Greenery Committee Retiring Chair

Mayor McEachern recognized Peter for his years of service on the Trees & Public Greenery Committee. Mayor McEachern stated that Peter is the best of Portsmouth and has led Trees &

Greenery since its inception, serving for 22 years. He spoke regarding the Tree City Awards achieved by the city under the leadership of Peter and the Department of Public Works. Mayor McEachern said Peter sets the example for all of us. Peter thanked Mayor McEachern and the City Council for this recognition.

Mayor McEachern recognized City Manager Conard for her five years serving as City Manager for the City of Portsmouth. He thanked the City Manager for all of her accomplishments over the last five years and wished her continued success.

IX. PUBLIC COMMENT SESSION

Zelita Morgan requested that the city pay for Mr. Hewitt's legal expenses. She suggested that the City Council direct City Manager Conard to pay Mr. Hewitt's expenses before the end of the year.

Esther Kennedy said the City Council needs to make things right and reimburse Mr. Hewitt for his legal expenses. She also spoke regarding the city spending habits and how residents are concerned about an increase in their taxes.

Sue Polidura said Mr. Hewitt needs to be reimbursed for his legal fees. She said the City Council should suspend the rules to approve the request of Mr. Hewitt this evening.

Paige Trace spoke in support of reimbursing Mr. Hewitt his legal fees. She said the City Council should do the right thing and refer this request to the City Manager to authorize the payment.

Jim Lee spoke to an editorial regarding Mr. Hewitt and the need to write a check and make him whole by reimbursing him for his legal fees.

Pat Bagley said the taxpayers paid for a trial against Mr. Hewitt that should never have happened. She also said that her taxes are higher than what is owed to Mr. Hewitt.

Dick Bagley spoke to the need for a new Police Facility. He said regarding Mr. Hewitt he doesn't understand why this case was brought against him. He stated that the City Council should be deciding this evening to reimburse Mr. Hewitt for his legal fees.

Sue Sterry thanked the Governance Committee for putting forward the Board and Commission Handbook for the volunteers serving. She said that this provides much needed information regarding serving on a board or commission.

Greg Mahana spoke regarding Mr. Hewitt and the need to reimburse him for his legal fees. He spoke regarding the detailed work involved in serving on the Planning Board. He said that you will be subject to a costly lawsuit if you do not pay Mr. Hewitt for his legal fees.

Jennifer Mandlebaum spoke regarding Market/Hanover intersection and how dangerous it is and suggested the need for a traffic study of the area. She also spoke to the need for the city releasing the Police Department needs assessment for the building and justify the expenses. Ms. Mandelbaum said she does not know where the \$42,000,000.00 budget came from, but you need to tell the residents how that figure was arrived at.

Julie Gallot spoke regarding the inadequate state of schools. She said the New Franklin School is top in the district for learning but expressed her concern regarding the lack of space. She said she is bringing this to the attention of the City Council to encourage funding for the school.

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

Public Hearing/Adoption of Resolutions:

- A. PUBLIC HEARING AND ADOPTION of Resolution Authorizing Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) with 100% Principal Forgiveness, for costs related to Sludge Minimization and PFAS Destruction Pilot
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Tabor moved to adopt the Resolution as presented. Seconded by Councilor Lombardi.

Public Works Director Rice said this grant is a great opportunity for the city with no funds coming from the city.

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

Councilor Cook thanked the Department of Public Works Water and Sewer Departments for working on this issue and receiving the grant.

Mayor McEachern said government costs are increased when there are rules. He said we need to spend more money on PFAS and this is a role that we will be on the cutting edge of and encouraged the Council to support the resolution.

Councilor Lombardi said the work we have done regarding PFAS has been groundbreaking, and we are a leader in the treatment of PFAS which is a good reason for the grant coming to the city.

On a unanimous roll call vote 8-0, motion passed.

First Reading of Ordinance:

- B. First reading of Ordinance amending Chapter 10, Zoning Ordinance, by striking Article 5, Measurement Rules, Section 10.515.14; by amending Section 10.515.13; and by adding new Sections 10.811.60 and 10.811.61, relating to Accessory Uses to Permitted Residential Uses of the Ordinance of the City of Portsmouth, all in order to bring the Zoning Ordinance into better alignment with the Building Code, and to increase governmental efficiency

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said in reviewing the ordinance he does not feel that variances should be required for fences, treehouses or HVAC systems. He also said he does not feel residents should have to go before the Zoning Board of Adjustment. He said in many cases this is the residents' first experience with the government, and it is going to impact them financially. He stated we need to continue to remove these rules and he looks forward to hearing from the Planning Board on this matter.

Councilor Cook said she appreciates this coming forward and looks forward to the discussion and presentation. She said that this could be limiting to residents.

Councilor Moreau moved to pass first reading and schedule a public hearing and second reading at the January 6, 2025 City Council meeting. Seconded by Councilor Denton.

Discussion followed with a friendly amendment to refer the ordinance to the Planning Board for review and report back with a public hearing and second reading to be held at the February 3, 2025 City Council meeting.

Motion passed with friendly amendment.

The City Council voted to pass first reading and refer to the Planning Board for review and report back with a public hearing and second reading at the February 3, 2025, City Council meeting.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 6. Parking Lot Usage/Maintenance Agreement with St. John's Masonic Association

City Manager Conard said our current agreement with St. John's Masonic Association expires this month and in front of the Council is an extension to the agreement for action.

Assistant Mayor Kelley moved that the City Manager be authorized to negotiate and enter into a Parking Lot Usage/Maintenance Agreement with St. John's in a form similar to the attached. Seconded by Councilor Bagley and voted.

1. Approval of the 2025 City Council Amended Budget Schedule

Councilor Denton moved to approve the amended budget schedule for 2025. Seconded by Assistant Mayor Kelley and voted.

2. Request for Market Square Master Plan Work Session

City Manager Conard asked that the City Council hold a work session regarding Market Square Master Plan on January 6, 2025 at 6:00 p.m.

Councilor Moreau moved to schedule a work session as presented. Seconded by Councilor Tabor and voted.

3. Approval of Memorandum of Understanding for Professional Services Among the Education Coalition Communities 2.0 NH

City Manager Conard said there are minor edits to the memorandum.

Councilor Lombardi moved to authorize the City Manager to negotiate and execute the MOU with the Education Coalition Communities 2.0 NH on behalf of the City in a form similar to the attached. Seconded by Councilor Cook and voted.

4. Report Back on Land Donation from Estate of Star C. Johnson

City Manager Conard reported that the Planning Board unanimously approved the donation of land and improves access to the sewer pump station.

Councilor Bagley moved to authorize the City Manager to accept the parcel of land located at Tax Assessor's map 232 Lot 25 from the Estate of Star C. Johnson. Seconded by Councilor Denton and voted.

5. Report Back on Request to Release a Portion of Longmeadow Lane

City Manager Conard said the Planning Board does not support this release.

Councilor Tabor moved to place the request from Attorney Durbin on file. Seconded by Councilor Lombardi

Councilor Moreau asked if it would be worthwhile to look at a license for the residents to use the property. Deputy City Attorney McCourt stated that it would require the area to be brought up to city standards and the owners do not want to bring the area up to standards.

Motion passed.

7. Betty's Dream PILOT Agreement

City Manager Conard spoke to the payment in lieu of taxes agreement for Betty's Dream.

Councilor Cook moved to authorize the City Manager to enter into a PILOT agreement with Betty's Dream in the amount of \$3,000.00. Seconded by Councilor Denton and voted.

8. Second Amendment to Players' Ring Lease

City Manager Conard said that this is a second amendment to the Players' Ring Lease and that we are negotiating the scope and nature of the agreement. She asked the City Council to allow for an extension through March 31, 2025.

Councilor Moreau moved to authorize the City Manager to negotiate and enter into Lease Amendment 2 with the Players' Ring in a form similar to the attached. Seconded by Councilor Bagley and voted.

9. Report Back on Solar Overlay District

City Manager Conard said staff has been working on solar array amendments and the Planning Board will report back to the City Council on this matter.

Councilor Denton moved to refer the zoning review and drafting of Solar Zoning Amendments to the Planning Board for its recommendation in a report back to the City Council. Seconded by Councilor Cook and voted.

XII. CONSENT AGENDA

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

- A. Request from Alexandra Farren of A & D Management to install a Projecting Sign at 16 Market Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations:

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

- B. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 17th Annual Celebrate Pink 5K Walk & Run on Sunday, September 21, 2025
(Anticipated action – move to refer to the City Manager with Authority to Act)
- C. Letter from Annie Zampitella, Wentworth-Douglass Hospital & Conventures, Inc., requesting permission to hold the 2025 Seacoast Cancer 5K Walk & Run on Sunday, September 14, 2025
(Anticipated action – move to refer to the City Manager with Authority to Act)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Email Correspondence from James A. Hewitt dated December 4, 2024

Councilor Bagley moved to refer to the Legal Department. Seconded by Councilor Lombardi and voted.

- C. Letter from Attorneys Matthew Cowan & Derek Durbin regarding the Release of Interest in Portion of Longmeadow Lane

Councilor Denton moved to accept and place on file. Seconded by Councilor Cook and voted.

XIV. MAYOR McEACHERN

1. Municipal Building Blue Ribbon Committee

Mayor McEachern said that we need to understand everything in the building before making any renovations.

Councilor Tabor moved to establish the Municipal Building Blue Ribbon Committee with the following purpose: to explore and recommend to the City Council investments in the Municipal Building which would:

- **Upgrade the existing police space to improve adjacencies of key functions and to renovate or build better workspaces**
- **Accommodate the public more effectively, and increase security with a single point of service**
- **More efficiently allocate municipal services within the building**
- **Maximize the investment in critical building components to provide a safe, comfortable and energy-efficient environment.**

Seconded by Assistant Mayor Kelley.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said we need to revisit other aspects of the building. He said there has been discussion whether we could have satellite offices. He indicated that he would be appointing five residents, two City Council members and two staff members, the City Manager and the Police Department Representative to the Committee.

Councilor Bagley said he feels we need to create this after the needs assessment is done. He said we should have staff make recommendations on use of this building. He also stated that he feels more City Councilors should be made part of the Committee.

Mayor McEachern said he anticipates the needs assessment to provide color to the space needs for the department. He said we are talking about fine tuning around this. He stated he would like to know more about the building before we move forward, and this is not to be done in a vacuum.

Councilor Moreau said we don't want to stall the process. She stated she does not agree with Councilor Bagley that we need more City Council to serve on the Committee.

Mayor McEachern said that the meetings would be public and decision-making will be a public process. He also said that the City Manager will act as liaison for staff and she would be a voting member.

Councilor Tabor said if we can find space in this building that will help maximize the footprint of the Police Department. He said the best way to do this is to expand the space. Councilor Tabor said looking at the entire building changes the scope of the project. He said we must be careful at the relationship with the architect and what we want to contract for a scope and the function of the working group and how do we transfer them.

Councilor Cook said she appreciates the motion and feels it moves the City Council in the right direction but we need to look at some deficiencies in the entire building. She spoke about the HVAC system needing to be addressed along with other long-term issues.

Motion passed. Councilor Bagley voted opposed.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

1. Volunteer Training

Councilor Cook moved to schedule a vote on the draft Volunteer Training and Standards of Conduct and Ethics Policy, and the Board, Commission, and Committee Handbook for Volunteers, developed and reviewed by the Governance Committee in conjunction with the Legal Department, at the January 6, 2025 City Council meeting. Seconded by Councilor Lombardi.

Councilor Cook said the Governance Committee worked on the Volunteer Handbook and we developed a policy on what volunteers need to be aware of when serving. She said she encourages the City Council to read the information.

Councilor Moreau thanked Councilor Cook and the Governance Committee for their work and this would be extremely helpful on how things work and where things are for boards and commissions.

Councilor Tabor thanked Councilor Cook for her work on this matter. He said this looks to limits on committees and weaves in conflicts of interest and ethics.

Councilor Lombardi questioned the scale and depth of the document and how important it is for people serving.

Motion passed.

B. COUNCILOR LOMBARDI

1. Appointment of Board Members to the Center for Archival Research of Portsmouth (CARP)

Councilor Moreau moved to appoint Vincent Lombardi as the City Council Representative and Christine Friese, as the City Manager’s designee, to the Board of Directors of the Center for Archival Research of Portsmouth for the 2025 calendar year. Seconded by Councilor Bagley.

Councilor Lombardi reported that the Committee is creating a 501C3 Board to take on this role and its needs a recommendation from a board to disperse the funds collected.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Housing Opportunity Planning (HOP) Grant - \$65,321.00

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

- B. Acceptance of US Department of Justice Grant for the Police Department for the NH Internet Crimes Against Children - \$368,355.00

Councilor Denton moved to approve and accept the grant as presented. Seconded by Councilor Moreau and voted.

- C. Acceptance of Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership Grant for the Police Department - \$5,392.49

Councilor Cook moved to approve and accept the grant as presented, Seconded by Councilor Bagley and voted.

- D. Acceptance of US Department of Justice Grant for the Police Department for the Implementation of a Body-Worn Camera Program - \$196,000.00

Councilor Tabor moved to approve and accept the grant as presented. Seconded by Councilor Lombardi and voted.

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Pease Development Authority Board Meeting Update

City Manager Conard reported that Executive Director Brean reviewed the Annual Report for the PDA with members of the board. She spoke regarding the expenditure of ARPA funds for various projects including buildings, road construction, and rehabilitation of the wharf. She announced the Boston Medical Air Flight is coming to Portsmouth and will have a 12-month lease with the PDA.

2. Update Regarding Food Permits

City Manager Conard reported that there are 289 Active Food Permits and 35,586 seats under license with the Health Department.

3. Status of Property Tax Bills

City Manager Conard announced that the tax bills are with the company that is mailing them out to property owners on Thursday, December 19th and as a result on-line bill payments will become active tomorrow. She advised that the tax bills will be due on January 22, 2025.

4. ARPA Assistance to Nonprofits

City Manager Conard announced that thirty-four non-profits have qualified for ARPA assistance and nine were not successful in obtaining funding.

5. Citywide Master Plan

City Manager Conard said that the RFQ was sent out on November 4th with three interviews were held with staff scoring the firms by looking at scope and price and moving towards a contract.

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

Councilor Bagley suggested that the City Council take a tour of the three elementary schools to get a perspective on the sites.

XIX. ADJOURNMENT

At 9:00 p.m., Councilor Moreau moved to adjourn the meeting. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK