

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 18, 2020 TIME: 6:00PM

4:30PM – ANTICIPATED NON-PUBLIC SESSIONS:

1. MCINTYRE – RSA 91-A:3, II (e)
2. NOMINATION OF POLICE COMMISSION MEMBER – RSA 91-A:3, II (c)
3. BOYLE CASE – RSA 91-A:3, II (e)

I. 6:00PM WORK SESSION RE: NEW RECREATIONAL FIELDS

- II. CALL TO ORDER [7:00 p.m. or thereafter]
- III. ROLL CALL
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Summary of City Hall and Police Department Infrastructure Upgrades

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

VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

VIII. PUBLIC COMMENT SESSION

IX. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

Public Hearing – Capital Improvement Plan (CIP):

A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2021-2026

- **PRESENTATION** *(Presentation was held at the January 13, 2020 Work Session)*
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Action on CIP will take place at the March 2, 2020 City Council meeting)

Adoption of Resolution:

- B. Adoption of Resolution regarding Portsmouth/Dover Emergency Water System Interconnection ***(Sample motion – move to adopt the Resolution, as presented)***

X. MAYOR BECKSTED

1. Nomination of Police Commission member
2. *Reappointments to be Considered:
 - Reappointment of Lisa Louttit to the Peirce Island Committee
 - Reappointment of Richard Smith to the Peirce Island Committee
 - Reappointment of Francesca Fernald to the Peirce Island Committee
 - Reappointment of Harold Whitehouse to the Peirce Island Committee
 - Reappointment of John McVay to the Peirce Island Committee
 - Reappointment of Marc Stettner to the Peirce Island Committee
 - Reappointment of Steven Marison to the Peirce Island Committee
 - Reappointment of Stephen Philp to the Peirce Island Committee
3. Resignations:
 - Resignation of Kathleen Boduch from the Citywide Neighborhood Blue Ribbon Committee (***Sample motion – move to accept the resignation with regret***)
 - Resignation of Chase Hagaman from the Citywide Neighborhood Blue Ribbon Committee (***Sample motion – move to accept the resignation with regret***)
 - Resignation of Kathleen Bergeron from the Citywide Neighborhood Blue Ribbon Committee (***Sample motion – move to accept the resignation with regret***)

XI. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. *Identifying current Accessory Dwelling Unit Use and Applications to Date including Demographics and Locations

B. COUNCILOR LAZENBY

1. Motion to Rescind (***Sample motion – move to Rescind the motion from the January 28, 2020 City Council meeting to “take action and not approve, we deny the current draft form of the Ground Lease dated December 7th, written for use between the City of Portsmouth and SoBow Square, LLC also known as Redgate/Kane”***)

C. COUNCILOR KENNEDY

1. *Update Re: Report Back on two Budget Policies and Citizens Questions

D. COUNCILOR HUDA

1. *Final Review and Discussion of Proposed FY 2021 Budget Guidelines

E. COUNCILOR TRACE

1. *New EPA Great Bay Permitting and Potential Effects on City of Portsmouth – both Environmental and Financial (***Sample motion – move to request a report from City Staff including Legal Department on the above and also on recent meetings attended by staff in Dover, New Hampshire***)

XII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of the HealthTrust Wellness Program Reward - \$2,300.00 (***Sample motion – move to accept and approve the HealthTrust Wellness Program Reward, as presented***)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. 24-Hour Warming Centers Policy (***Sample motion – move to accept and approve the policy, as presented***)
2. *Request to Schedule a Council Retreat (***Sample motion – move to schedule a work session/retreat for Saturday, March 28, 2020***)
3. *Presentation and Report Back Re: Elderly & Disabled Exemptions (***Sample motion – move to schedule a public hearing for the March 2, 2020 City Council meeting for purposes of reviewing the amended exemptions as presented.***)

XIV. CONSENT AGENDA

- A. Request for License to Install Projecting Sign for owner Margherita Verani of Berkshire Hathaway Verani for property located at 77 Hanover Street (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning 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 Hershey Hirschkop, Seacoast Outright, requesting permission to hold the Portsmouth PRIDE on Saturday, June 27, 2020 (***Anticipated action – move to refer to the City Manager with authority to act***)
- C. Letter from Nancy Potter, Girls on the Run – NH, requesting permission to hold the annual 5k celebration event on Saturday, May 30, 2020 (***Anticipated action – move to refer to the City Manager with authority to act***)

- D. Letter from Michael J. Griffin, Benevolent and Protective Order of Elks, requesting permission to celebrate Flag Day on Sunday, June 14, 2020 at Prescott Park
(Anticipated action – move to refer to the City Manager with authority to act)

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. Letter from Craig Welch, Portsmouth Housing Authority Director, regarding the Court Street Workforce Housing Project
- C. Letter from Bob Lister regarding destination fee ***(Sample motion – move to accept and place on file)***

XVI. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Various Questions posed from Councilor Kennedy on January 14, 2020 to City Manager for response
- 2. Nitrogen Permit

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XVIII. ADJOURNMENT [at 10:00 p.m. or earlier]

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

** Indicates verbal report*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Portsmouth City Council on Tuesday, February 18, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the Proposed CAPITAL IMPROVEMENT PLAN. The Complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours and is also available on the city website.

CITY OF PORTSMOUTH, NH

Capital Plan Summary '21

Description

I.	EQUIPMENT AND VEHICLE SCHEDULE	\$1,545,000
II.	BUILDING AND INFRASTRUCTURE	\$7,095,000
III.	INFORMATION MANAGEMENT SYSTEMS	\$1,152,408
IV.	TRANSPORTATION MANAGEMENT PLAN	\$2,310,000
V.	ENTERPRISE FUNDS	\$1,950,000
VI.	COMBINED FUND PROJECTS	\$7,640,000
	CAPITAL CONTINGENCY	\$ 100,000
	GRAND TOTAL	\$21,792,408

*\$2,016,000 is proposed to be funded from FY21 General Fund Capital Outlay

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

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*\$2,016,000 is proposed to be funded from FY21 General Fund Capital Outlay

KELLI L. BARNABY, MMC, CNHMC
CITY CLERK

PM00475752

THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # - 2020

WHEREAS: The City of Portsmouth's Water Division has consistently explored alternative water supplies, as well as interconnections with abutting municipal water systems. There is now an incentive to explore an interconnection with Dover across the Little Bay Pedestrian Bridge, as NH DOT is slated to begin designing a replacement bridge. The new bridge would be critical for supporting an interconnecting water main, thereby linking Portsmouth to Dover; and

WHEREAS: Both Portsmouth and Dover city staff have been exploring the feasibility of an interconnection, which has mutual benefits not only for each city, but also would provide the framework to complete an interconnection linking 12 seacoast communities.

WHEREAS: The project has the support of the legislatively created Seacoast Commission on Drinking Water, and was also specifically recommended in the Seacoast NH Emergency Interconnection Study; and

WHEREAS: The project is of regional significance, benefiting as many as 12 seacoast communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND PORTSMOUTH CITY COUNCIL THAT:

Authorize the submission of a joint Project Funding Request, in cooperation with the City of Dover, to the New Hampshire Drinking Water & Groundwater Trust Fund for the total (100%) estimated interconnection project cost.

THAT this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY THE CITY COUNCIL:
FEBRUARY 18, 2020**

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

received
2/7/2020

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

DATE: FEBRUARY 7TH, 2020
TO: MAYOR RICK BECKSTED
FROM: DICK BAGLEY, CHAIR – BLUE RIBBON COMMITTEE TO SELECT CANDIDATES TO FILL VACANT POLICE COMMISSION SEAT
RE: NAMES OF CANDIDATE NOMINEES SELECTED BY THE COMMITTEE TO BE VOTED ON AT THE FEBRUARY 18, 2020 CITY COUNCIL MEETING AGENDA

The Mayor's Blue Ribbon Committee, appointed to put forward two candidates to fill the vacant seat on the Police Commission, respectfully requests the following item be placed on the City Council meeting agenda for the February 18th, 2020 regular city Council Meeting:

“Vote to Appoint a Portsmouth Resident from the nominees put forward by the Mayor's Blue Ribbon Committee, to Fill the Remaining Term of Office, for the Vacant Seat on the Portsmouth Police Commission created by the Resignation of Jim Splaine.”

After a thorough vetting process, the Blue Ribbon Committee nominated the following applicants at its February 6th, 2020 meeting:

Tom Hart

**

Joseph Plaia

**

**The public interview for each of the above individuals can be viewed through the City's Website.

We submit the above named nominees to the Mayor and Council for their consideration and vote pursuant to the instructions given to this Committee.

Respectfully submitted,


Dick Bagley, Chair
Mayor's Blue Ribbon Committee

DB:kml

copies: Board of Police Commissioners
City Manager Karen Conard



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: Peirce Island

Name: Lisa Louth

Telephone: 508-561-8169

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

Street address: 113 Bow St 3A Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): Lisaglecomcast.net

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

Occupational background:
Real Estate sales

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

Reasons for wishing to continue serving: It is exciting to follow progression of Island projects

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

Recreation Board, City of Portsmouth

CASA of New Hampshire

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

1) Leslie Williams 603-205-0506
Name, address, telephone number

2) Pat Bertrand 603 427 2413
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: Lisa Lattit Date: 1/26/2020

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021

Annual Number of Meetings: 6 Number of Meetings Absent: 2

Date of Original Appointment: 2/13/2013

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: PERCE ISLAND

Name: RICHARD SUINZA Telephone: 603-502-0570

Could you be contacted at work? YES/NO - If so, telephone# 603-502-0570 cell
603-436-8596 office

Street address: 93 HUBB ST #1 PORTSMOUTH NH 03801

Mailing address (if different): Same

Email address (for clerk's office communication): RICHARD @CUZINRICHARD.COM

How long have you been a resident of Portsmouth? 1977

Occupational background:

TEACHER @ Little Peoples Ctr UNH 1972-1976

OWNED ARTIST MANAGEMENT - CURVIN RICHARD ENTER. PORTSMOUTH

SUBSTITUTE TEACHER - PORTSMOUTH SCHOOLS 1976 - present

OWNED MODERN BEVERAGE SHOP - PORTSMOUTH 2018 - present

OWNED PRODUCER PORTSMOUTH JAZZ + Blues Festival

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

Reasons for wishing to continue serving: To preserve protect + enhance
PERCE ISLAND

MAYRA ISLAND FOLEY appointed me
to 1st Blue Ribbon committee &
have been involved ever since



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

PORTSMOUTH port committee Program - TELUS OR
NH/VT FAIRS Agricultural Fair
MAINE Agricultural Fair
NH Parks + Recreation

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

1) Mayor Bill Beetsford - city of Portsmouth
Name, address, telephone number

2) Robert Marchewka Sagamore Ave city of Portsmouth
Name, address, telephone number

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Signature: [Signature] Date: 1-28-2020

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021

Annual Number of Meetings: 6 Number of Meetings Absent: 1

Date of Original Appointment: 1/22/2009

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Peirce Island

Name: Francesca M. FENAUD Telephone: 603 930 9700

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

Street address: 1000 Maplewood Ave

Mailing address (if different): _____

Email address (for clerk's office communication): francesca177@comcast.net

How long have you been a resident of Portsmouth? 55 years

Occupational background:

owner operator Geno's Chowder & Sandwich Shop (35yrs)

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

Reasons for wishing to continue serving: I would like to see the finishing of the WWTF and the return of the Island to its previous or better state. I would like to work on the pool issues too.



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

Currently none - so I can give this one
my full attention.
previously worked on several charitable boards.

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

1) Ruth Griffin 479 Richards Ave 436-5272
Name, address, telephone number

2) Tracy Shattuck 603-365-0505
Name, address, telephone number

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Signature: Francesca Maria Fernald Date: 1/27/2020

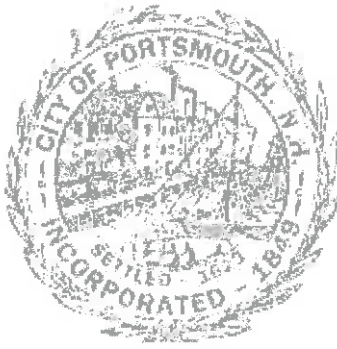
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021

Annual Number of Meetings: 6 Number of Meetings Absent: 2

Date of Original Appointment: 10/22/2012

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: PEIRCE IS. COMMITTEE Renewing applicant

Name: HAROLD WHITEHOUSE Telephone (603) 436-8485

Could you be contacted at work? YES/NO - If so, telephone# RETIRED (PNSU)

Street address: 58 HUMPHREY CT.

Mailing address (if different): 58 HUMPHREY CT

Email address (for clerk's office communication): NONE!!!

How long have you been a resident of Portsmouth? ALL MY LIFE (BORN HERE)

Occupational background:

RETIRED PORTSMOUTH NAVAL SHIPYARD

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

Reasons for wishing to continue serving: TO CONTINUE TO PRESERVE
AND KEEP THE REMAINING PORTION OF THE ISLAND FOR
ITS HISTORICAL AND BEAUTY. ONE OF THE ONLY
SECTION OF "OLD PORTSMOUTH", LEFT.

OVER
➔

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

TOO NUMEROUS TO MENTION !!!
(30 YRS. AS AN ELECTED OFFICIAL)

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

- 1) PAT HGALEY - SAGAMORE AVE - C-812-9716
Name, address, telephone number
- 2) BRIAN WARSAW - SAGAMORE AVE - 436-2833
Name, address, telephone number

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Signature: Harold Hitchcock Date: 1/27/2020

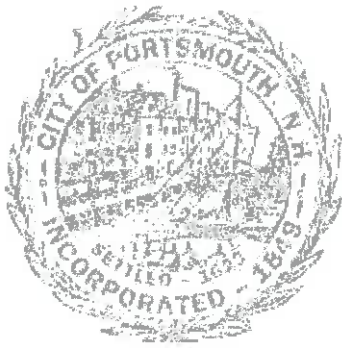
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021

Annual Number of Meetings: 6 Number of Meetings Absent: 0

Date of Original Appointment: 3/3/2008

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

RECEIVED
JAN 27 2020
Renewing applicant
By

Committee: Peirce Island

Name: John McVay Telephone: 603-988-9789

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

Street address: 42 Hunking St Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): McVayJF414@gmail.com

How long have you been a resident of Portsmouth? 21 yrs

Occupational background:

VP TRAVELOR INSURANCE CO

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

Reasons for wishing to continue serving: _____

To continue to give back to community.

OVER
➔

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

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Sandy DiKA 333 Marcy St Portsmouth NH 07801
Name, address, telephone number

2) Joe Capobianco 199 Gates ~~Marcy~~ Portsmouth NH 03801
Name, address, telephone number

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Signature: John McVay Date: 1/23/20

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021
Annual Number of Meetings: 6 Number of Meetings Absent: 4
Date of Original Appointment: 11-16-2009

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Peirce Island Committee

Name: Marc Stettner Telephone: 603-431-2577

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

Street address: 91 Fairview Avenue

Mailing address (if different): _____

Email address (for clerk's office communication): ISISCO@Mindspring.com

How long have you been a resident of Portsmouth? 1999

Occupational background:

- (1) Naval architect 1994 - Present (Skipyard)
- (2) Merchant Marine officer (3rd Mate oceans unlimited)
- (3) Commercial Fishermen & Charter Boat

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

Reasons for wishing to continue serving: I enjoyed serving and being part of the city process to protect & improve Peirce Island for the public.



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

N/A

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

- 1) Shiela Herson (631)-265-6617, 9 Burham CT, N.Y. ^{Smithtown}
Name, address, telephone number
- 2) Chester Zawisch (631)-473-9415, 474 Terryville Rd, 11770 ^{Port Jefferson, NY}
Name, address, telephone number

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Signature: [Signature] Date: 11/24/2020

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021

Annual Number of Meetings: 6 Number of Meetings Absent: 1

Date of Original Appointment: 12-3-2012

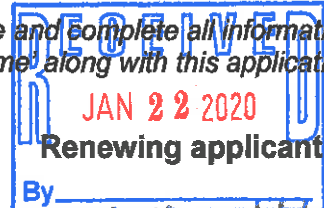
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: PEIRCE ISLAND COM

Name: STEVEN MARISON Telephone: 603-969-6446

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

Street address: 38 PICKERING ST

Mailing address (if different): NA

Email address (for clerk's office communication): KURTIEKASH@COMCAST.NET

How long have you been a resident of Portsmouth? 36 YRS

Occupational background:

RETIRED

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

Reasons for wishing to continue serving: THE COM AS SEVERAL PROJECTS IN THE PLANNING STAGE. AS COM CHAIR'S CITY CONTACT I WISH TO SEE THEM FINISHED, AND LOOK FORWARD TO WORKING ON PUTTING THE ISLAND BACK IN ORDER AFTER THE PLANT CONST,

OVER
➔

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

NA

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

1) TOM PARKER, 52 HAVEN RD 436-1509
Name, address, telephone number

2) MIKE DATER, 29 PICKERING ST 436-0680
Name, address, telephone number

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Signature: A.B. M Date: 1/22/20

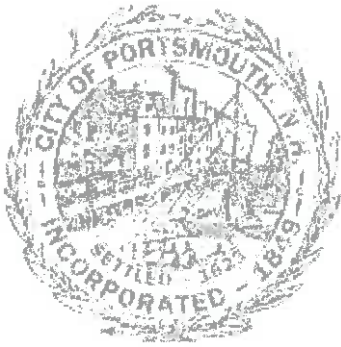
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021

Annual Number of Meetings: 6 Number of Meetings Absent: 0

Date of Original Appointment: 3/3/2008

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

RECEIVED
FEB 12 2020
Renewing applicant
By

Committee: Pearce Island

Name: Stephen B. Philp Telephone: 603-436-2308

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

Street address: 39 Spring St Portsmouth, NH

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 40 years

Occupational background:
Inventory Control - Tilton EQ Co. Rye, NH
Inventory/warehouse F.W. Webb Co.
Seabrook, NH

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

Reasons for wishing to continue serving: To be part of
PI revitalization after
completion of PI Sewer Treatment
plant.



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

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

- 1) David Allen 383 Union St Portsmouth NH
Name, address, telephone number
- 2) Richard Smith (CREA - Portsmouth NH 93 High St.)
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

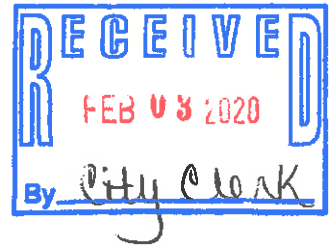
Signature:  Date: 2/10/20

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-31-2021
Annual Number of Meetings: 6 Number of Meetings Absent: 2
Date of Original Appointment: 4/9/2010

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

34 Hunking Street
Portsmouth, NH 03801
February 2, 2020



Ms. Kelli Barnaby
City Clerk
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Kelli,

With this letter it is my intention to offer my resignation as a member of the Mayor's Blue-Ribbon Citywide Neighborhood Committee.

I was thrilled to be asked and delighted to serve on this committee for two years, but my family's schedule and other considerations make my active participation impossible at this time.

I will look forward to serving in other capacities once my life settles down!

Most sincerely,

Kathleen M. Boduch

February 4, 2020

Kathy,

It was kind of Mayor Becksted to extend all of our appointments as members of the Citywide Neighborhood Committee, and it has been a pleasure serving as your Vice Chair these past couple years.

Unfortunately, due to our family's new addition and all the commitments that come with having an infant, I have decided that it is time for me to step down as a member of the CNC.

It has been fun participating in all the exciting events, forums and resident meetings. You have done an excellent job leading the committee and put in hours of thankless work organizing everything and communicating with residents on important issues.

I hope to stay involved as much as possible, but please accept this e-mail as my letter of resignation.

Best,

Chase Hagaman

Vice Chair
[Citywide Neighborhood Committee](#)

(603)498-5459
HagamanForPortsmouth@gmail.com

February 4, 2020

Mayor Becksted,

Please accept this letter as my resignation from the Citywide Neighborhood Committee. I have enjoyed working with other committee members and the neighborhoods as a member of the CNC and as Chair for the past two years. However, it is time for me to step down.

My hope is that the committee will continue, with the support of the Mayor, the Council and the City of Portsmouth. The Ward Forums, National Night Out and other initiatives carried out by the CNC over the past 20 years have been worthwhile and successful.

Please contact me if you have any questions.

Sincerely,

Kathleen Bergeron

MEMORANDUM

Date: February 11, 2020

To: City Council, City Manager, City Attorney and City Clerk, City of Portsmouth, NH

From: Cliff Lazenby, City Councilor



Subject: Notice of Motion to Rescind at February 18, 2020 City Council Meeting

At the City Council meeting scheduled February 10, 2020, I formally gave notice to the City Council of my intention to make the following Motion to Rescind at the February 18, 2020 City Council meeting:

I move to Rescind the motion from the January 28, 2020 City Council meeting to "take action and not approve, we deny the current draft form of the Ground Lease dated December 7th, written for use between the City of Portsmouth and SoBow Square, LLC also known as Redgate/Kane"

The purpose of this motion is to cure the 'default' identified by Attorney Bruce Falby representing developer SoBow Square (aka Redgate Kane) in a letter dated January 30, 2020 ("Notice of Default"). The City Council meeting date of February 18, 2020 is the only remaining meeting scheduled prior to the expiration of the 30 day period outlined in the Notice of Default. This proposed action follows advice from legal counsel and City Management.



DLA Piper LLP (US)
33 Arch Street
26th Floor
Boston, Massachusetts 02110-1447
www.dlapiper.com

Bruce E. Falby
Bruce.Falby@dlapiper.com
T 617.406.6020
F 617.406.6120

January 30, 2020

By UPS Overnight Delivery

Nancy Colbert Puff
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: **Notice of Default** under Development Agreement and Agreement to Lease (the "Agreement") made as of August 29, 2019 between the City of Portsmouth (the "City") and SoBow Square, LLC (the "Developer")

Dear Ms. Puff:

We represent the Developer under the Agreement, which sets forth the terms under which the City will acquire and the Developer will develop the McIntyre property. Capitalized terms used herein and not otherwise defined shall have the meanings given to them by the Agreement.

Pursuant to Section 7.2 of the Agreement, this letter constitutes written notice of default by the City in the performance of its obligations under the Agreement. On January 28, 2020, the City Council voted to reject the Ground Lease. The City Council did so at a public meeting after an astoundingly irresponsible and unreasonable refusal to heed requests by (a) the City Attorney to go into nonpublic session before voting because he had new and special information concerning legal advice to share with the council and (b) the City Manager imploring the council on behalf of the staff of the City to obtain the City Attorney's legal advice in nonpublic session before proceeding with a vote.

The City Council's vote on the Ground Lease was premature and its rejection of the Ground Lease is a breach of the Agreement. The rejection of the Ground Lease breaches numerous sections of the Agreement, including Section 3.1.5 "Ground Lease," requiring the City to "negotiate in good faith with the Developer the terms and conditions of the Ground Lease"; Section 8.1 "Cooperation," requiring the City to cooperate with the Developer "and to act reasonably and in good faith in order to achieve the purposes of this Agreement"; and Section 8.15 "Good Faith and Fair Dealing," requiring that "whenever a party's consent or approval is required under



Nancy Colbert Puff
January 30, 2020
Page Two

this Agreement . . . such consent [or] approval . . . shall be reasonably made or done.”

The Developer demands that the City promptly cure its default in the performance of its obligations under the Agreement. The City Council must rescind its vote rejecting the Ground Lease and proceed as outlined below.

As we have previously informed the City Attorney and the City Council, orally and in writing, on August 12, 2019 the City Council voted to approve the Agreement and thereby approved the key terms of the Ground Lease, which were contained in Exhibit E to the Agreement. The City Council did so having seen an essentially complete 91-page draft of the comprehensive Ground Lease that was part of the Application that the City Council also approved by August 12, 2019 vote. The City then submitted the Application, with the 91-page form of Ground Lease, to the National Park Service (“NPS”) on August 30, 2019. The NPS responded to the Application with requested changes, all of which are correctible. The Developer has revised the Application in response to the NPS’s comments and provided the revised Application to the City.

The Agreement in Section 2.1.6 now requires the City to work with the Developer to submit a corrected Application (“If the Application is initially rejected by the Park Service for technical reasons or correctible issues then the City agrees that it will work with the Developer to submit a corrected application.”). Only after the NPS approves the revised Application and its attached Ground Lease will the Ground Lease be ready for approval by the City Council before it is executed. In exercising its approval of the final form of Ground Lease after the revised Application is approved, the City Council will be obligated by the Development Agreement to act reasonably and in good faith in order to achieve the purposes of the Agreement. See Sections 8.1 and 8.15. Having already approved the material terms of the Ground Lease contained in the Agreement, and having already approved the Application that included the proposed draft Ground Lease that was essentially complete reflecting agreement on all material terms, the City Council would breach the Agreement, including Sections 3.1, 8.1 and 8.15 described above, by then rejecting the final form of Ground Lease in almost exactly the same form.

The City has certainly breached the Agreement by its premature January 28, 2020 rejection of the Ground Lease. If the City does not cure this default within thirty



Nancy Colbert Puff
January 30, 2020
Page Three

days by rescinding the rejection of the Ground Lease and proceeding as outlined above, the Developer will commence litigation against the City to pursue all rights it has at law and in equity to address the City's breach. If litigation ensues, the Developer will be entitled to recover significant damages in the tens of millions of dollars, proof of which will include the financial projections of the City's own consultants to the project, and/or to obtain injunctive relief to preserve the benefit of its bargain under the Agreement.

We hope that the City will cure its default and that litigation does not become necessary. We still hope to achieve a continued positive and productive private public partnership with the City to bring the McIntyre project to fruition in accordance with the parties' respective obligations under the Agreement.

Very truly yours,

A handwritten signature in blue ink that reads 'Bruce E. Falby'. The signature is written in a cursive style and extends downwards with a long, thin line that loops around the text below.

Bruce E. Falby

BEF:

cc: Robert P. Sullivan, City Attorney (by email)
Robert D. Ciandella, Esq. (by email)

THIS CHECK IS PROTECTED BY A VOIDABLE VOIDABLE MICROPRESSURE SENSITIVE VOID LINE AND A VOID SENSITIVE MICROPRESSURE SENSITIVE VOID LINE. ADDITIONAL SECURITY FEATURES ARE LISTED ON THE BACK.

Citizens Bank
New Hampshire
011401533

665253



Health Account
PO BOX 617
CONCORD, NH 03302-0617

DATE
Jan 13, 2020

Pay Two Thousand Three Hundred Dollars and 00 Cents

AMOUNT
\$2,300.00

TO THE ORDER OF **City of Portsmouth**
One Junkins Avenue
Portsmouth, NH 03801



665253

Vendor ID
23601

Vendor
City of Portsmouth

Check Date
01/13/2020

Voucher Number
90301757

Invoice Number
WCOORD-1208

Description
WCOORD-1208

Document Date
01/10/2020

Amount
\$2,300.00

TOTALS: \$2,300.00



665253

Vendor ID
23601

Vendor
City of Portsmouth

Check Date
01/13/2020

Voucher Number
90301757

Invoice Number
WCOORD-1208

Description
WCOORD-1208

Document Date
01/10/2020

Amount
\$2,300.00

TOTALS: \$2,300.00



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: February 13, 2020
To: Honorable Mayor Rick Becksted and City Council Members
From: Karen Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of 2/18/2020

Work Session:

As requested at the City Council Meeting on February 3, 2020, a work session will be taking place regarding Recreation Fields on February 18, 2020 at 6:00p.m. Director of Public Works, Peter Rice, Recreation Director, Rus Wilson, and Clerk of the Works, Dave Allen, will be presenting on behalf of the City.

Presentations:

1. **Summary of City Hall and Police Department Infrastructure Upgrades:**

The Director of Public Works, Peter Rice, will provide a brief presentation summarizing current and proposed City Hall and Police Department infrastructure upgrades.

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

1. **Public Hearing Re: Capital Improvement Plan (CIP) FY 2021-2026:**

In accordance with Section 7.7 of the City Charter, the City Council is conducting a public hearing at the City Council meeting on Tuesday, February 18, 2020, regarding the [proposed Capital Improvement Plan for FY 2021 – FY 2026](#). In addition to this public hearing this evening, the City Council held a work session on January 13, 2019. At the work session, a presentation of the proposed CIP was made by City staff. Copies of the plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library, as well as the City's [website](#).

As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council. It is anticipated the proposed FY 2021 budget will be transmitted on or about April 24, 2020.

I recommend that at the City Council meeting on Monday, March 2, 2020, City Council adopt the Capital Improvement Plan as presented.

2. **Portsmouth/Dover Emergency Water Interconnection:**

Staff of the City of Portsmouth have been communicating with counterparts at the City of Dover for approximately 3 years about the potential for an emergency water system interconnection. A consulting engineer has been engaged to perform an assessment and preliminary design of the infrastructure necessary to construct this interconnection. The issue has taken on priority due to the fact that the NH DOT is planning to design and construct a new pedestrian bridge to replace the existing General Sullivan Bridge. This would provide a critical means for connecting the two cities' water systems, as both Great Bay and the Piscataqua River create a significant geographic boundary.

Water system interconnections have been a priority focus of the legislatively-created Seacoast Commission on Drinking Water. Both Portsmouth and Dover have a representative that serve on the Commission. The Commission was created to study long-term water supply options, including strengthening water system resiliency and redundancy in response to emergency issues, drought, contamination, etc. In 2006, a report was completed, Seacoast NH Emergency Interconnection Study, which highlighted the importance of an emergency water system interconnection between the cities of Portsmouth and Dover.

An interconnection between the two water systems would be a project of regional significance. It would theoretically allow 4 communities north of the General Sullivan Bridge to connect to 8 communities located south of the bridge. The proposed interconnection completes the last “gap” thus linking all communities.

Dover had previously received 100% funding from the New Hampshire Drinking Water & Groundwater Trust Fund for a similar system emergency interconnection. Since the project is of such regional significance, and not solely for the benefit of either Portsmouth or Dover, outside funding assistance would be required to complete the project. Dover is two-thirds of the way through a multi-year plan to improve its water system infrastructure, which total expected improvements will approach a cumulative \$30 million in investment. Likewise, the City of Portsmouth has invested over \$50 million in water system infrastructure improvements over the last twenty years and currently has approximately \$15 million additional funds identified to be spent in the next six years. As such, funding of 100% of the total project cost will be requested from the New Hampshire Drinking Water & Groundwater Trust Fund.

I recommend the City Council move to adopt the attached Resolution to facilitate a Portsmouth/Dover Emergency Water System Interconnection.

XII. Acceptance of Grant and Donations:

1. **HealthTrust Wellness Program Reward:**

In the month of January, department members from Human Resources, Public Works, Fire, and Police attended trainings at HealthTrust as returning Wellness Coordinators. The goal of the HealthTrust's *Slice of Life* Wellness Program is to reduce health risk factors and create a healthier lifestyle for City employees. To realize this goal, the City, through its wellness programs, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

As a reward for being returning Wellness Coordinators, each department member whom attended the trainings received \$500 for their departments to use towards wellness initiatives in 2020. The City also received an additional \$300 for reaching one of our wellness goals, through HealthTrust, in 2019. The total amount received was \$2,300.

This money will be used differently in each department, but some ideas of how the money could be spent include raffles, fitness devices, hydration programs, cooking demonstrations, wellness boards, healthy snacks, fitness equipment and other initiatives to promote wellness for all employees.

I recommend the City Council move to accept the Wellness Reward as presented.

XIII. City Manager's Items which Require Action:

1. **24-Hour Warming Centers:**

The Fire Department has enacted a policy for pre-approving temporary warming centers; please [see attached](#).

In regards to attendance of the warming center temporarily opened by Operation Blessing, census numbers were small for this first activation. The Fire Department and City staff believe attendance of the centers could begin to increase as information about the center is more widely made available and temperatures drop to more dangerously cold degrees.

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

2. **Request to Schedule a Council Retreat:**

I propose Council schedule a retreat for a Saturday morning in March. I will work with the Mayor to develop an agenda, but generally this retreat would be an informal opportunity for the Council to develop its shared sense of purpose, build teamwork, and to discuss broad priorities.

I recommend the City Council move to schedule a work session/retreat for Saturday, March 28, 2020.

3. **Report Back Regarding Elderly and Disabled Exemptions:**

During the February 3, 2020 City Council Meeting a public hearing was held on resolutions to amend the Elderly and Disabled income requirements. During this meeting, it was requested that City staff review and report back with recommendations to amend the Elderly and Disabled exemption amounts. These amended exemptions will be presented by the City Assessor, Rosann Maurice-Lentz. A review and analysis of the exemption levels indicated the following:

- Exemption levels since FY 2007 have remained the same except in FY 2017 where the City Council at the time voted to decrease levels. In FY 2018 these levels were brought back up to the former levels where they remain the same to date.

Current Exemption Levels:

- Age 65 to 74 \$125,000
 - Age 75-79 \$175,000
 - Age 80 + \$225,000
- Review of current exemption levels indicate a decline in the tax relief benefit due to the real estate’s market appreciation throughout the City.
 - An analysis back to FY 2003 indicates after the 2001/2002 City Wide Revaluation, the exemption amounts changed. The baseline for these exemptions proved to be approximately fifty percent of the median single family assessment. This baseline was applied to the ages group as follows:
 - Age 65-74 Baseline \$125,000
 - Age 75-79 Increase from baseline \$50,000
 - Age 80 + Increase from baseline \$100,000
 - Disabled Decrease from baseline \$25,000

In view of this analysis, two options are being brought forward for consideration for the Council to review the exemption levels for the Elderly and Disabled Exemptions, pursuant to RSA 72:39-b and RSA 72.37-b.

Option A:

Keep current exemption levels the same with the proposed increase in income levels.

Option B:

Adjust the exemption levels for the Elderly and Disabled taxpayers similar to the FY 2003 baseline as follows:

- Age 65 to 74 \$235,000 increase of \$110,000
- Age 75-79 \$175,000 increase of \$110,000
- Age 80 + \$225,000 increase of \$110,000
- Disabled \$210,000 increase of \$110,000

An analysis showing the estimated median tax impact on single family homes if the proposed changes are made to the exemption limits would be an additional \$.03 or an annual increase of approximately \$14.20.

Below is a comparison of the FY 2019 Elderly and Disabled exemption limits throughout the State, which indicated the following if Option B was adopted:

Elderly:

Municipality	2018 State Top Ten 65-74	Municipality	2018 State Top Ten 75-79	Municipality	2018 State Top Ten 80 +
Proposed	\$235,000	Newington	\$300,000	Windham	\$500,000
Newfields	\$200,000	Proposed	\$285,000	Henniker	\$350,000
Newington	\$200,000	Lee	\$210,000	Proposed	\$335,000
Lee	\$174,000	Newfields	\$200,000	Newington	\$300,000
Seabrook	\$160,000	Lyme	\$190,000	Weare	\$300,000
Windham	\$160,000	Windham	\$190,000	Lee	\$270,000
Kensington	\$155,000	Exeter	\$183,751	Lyme	\$240,000
Nashua	\$155,000	Kensington	\$180,000	Exeter	\$236,251
Exeter	\$152,251	Nashua	\$180,000	South Hampton	\$230,000
Auburn	\$150,000	South	\$180,000	Durham	\$225,000
2018 State Median	\$30,000	2018 State Median	\$50,000	2018 State Median	\$70,000

Disabled:

Municipality	2018 State Top Ten Disabled
Proposed	\$210,000
Hanover	\$165,000
Seabrook	\$160,000
Windham	\$160,000
Nashua	\$155,000
Plaistow	\$150,000
Bow	\$143,000
Lyme	\$135,000
Exeter	\$125,000
Hampton	\$125,000
2018 State Median	\$50,000

Any adjustment if approved would be for assessments as of April 1, 2020 for the FY 2021 or Tax Year 2020.

The Assessor’s office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year.

I recommend the City Council move to schedule a public hearing for the March 2, 2020 City Council meeting for purposes of reviewing the amended exemptions as presented.

XIV. Consent Agenda:

1. **77 Hanover Street Projecting Sign License:**

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

- Sign dimensions: 48” x 42”
- Sign area: 14 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 City Council move to approve a revocable municipal license, subject the following conditions:*

- a. The license shall be approved by the Legal Department as to content and form;*
- b. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- c. 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.*

XVI. City Manager’s Informational Items:

1. **Answers to Various Questions posed from Councilor Kennedy on 1/14/2020 to the City Manager:**

Please [see attached](#) for answers to various questions posed by Councilor Kennedy.

2. **Nitrogen Permit:**

Please [see attached](#) for a [briefing sheet](#) regarding the Draft NPDES Great Bay Total Nitrogen General Permit.



PORTSMOUTH FIRE DEPARTMENT

ADMINISTRATION

Policy for Pre-Approving Temporary Warming Centers Related to Adverse Weather Events

Scope:

The scope of this policy is to create guidelines intended for pre-approving and permitting the emergency use of buildings as a temporary warming center in adverse weather conditions. Specifically, to ensure facilities used as warming centers for a temporary/emergency nature, that are not designed or designated as such, provide a reasonable degree of life safety for the occupants.

Definitions:

Temporary/Emergency Warming Center – A facility whose primary use is for something other than sheltering activities; however, from time to time may end up providing services similar to a shelter for a limited number of persons for a pre-determined period of time.

Approval Required:

Any facility owner requesting use of their facility for temporary/emergency use as a warming center shall apply for approval from the City of Portsmouth and must meet the provisions outlined below:

When operating under approved terms, the temporary/emergency warming center will be allowed to remain open under a timeframe established at the time of application, as defined by the conditions of a specific weather event. Permits will typically not be approved beyond a 3 day timeline. Extensions may be granted by the Fire Chief or designee, upon specific written request by the original applicant. In no case shall the conditional/temporary permitted use exceed 15 days total, unless a State of Emergency has been declared by the Governor and the extended use of the shelter has been approved by the Fire Chief or designee. Application requests must be signed by the recorded owner or legal representative of the property listed on the application.

During the time the warming center is open, the notice of approval (permit) must be conspicuously posted at the entrance to the facility. The notice will indicate the dates and times of operation, the specific location in which occupants are being sheltered and the total number of occupants permitted in the warming center. The allowable occupant load of the warming center will be determined by the Fire Chief or designee after review of the submitted application and inspection of the facility.

Egress:

Any area to be occupied by those seeking respite must have a primary and secondary means of egress that has the appropriate exit capacity in accordance with the Life Safety Code (NFPA 101). Emergency egress/emergency rescue openings may be required based on the shelter layout, presence of automatic sprinklers and/or exits.

The egress route must be clearly identified by exit signs and emergency lighting and maintained clear at all times the building is occupied.

Fire Protection Systems:

An approved automatic fire alarm system with occupant notification shall be provided throughout buildings used as a warming center.

Exception: Buildings without an approved automatic fire alarm system may be approved by the AHJ with conditions.

Smoke alarms and carbon monoxide detection shall be provided in the sleeping areas and areas immediately adjacent to sleeping areas.

Restrooms:

The appropriate number of restroom and bathing facilities must be provided for temporary use shelters to ensure proper hygiene. This item will be reviewed by the Local Building Department at the time of their request for approval review.

Cooking:

Cooking will only be allowed in facilities with code compliant commercial cooking facilities that are protected with hood vents and fire protection systems and have required state and local approvals for commercial cooking.

Staffing:

Warming centers shall be staffed by a minimum of two awake and alert individuals when occupants are sleeping.

Emergency plans:

A Fire Safety and Evacuation Plan must be presented for review and accepted at the time of application. This plan must be available on site for review by the occupants seeking respite.

The Fire Safety and Evacuation Plan shall include the following elements:

1. Emergency egress or escape, including alternate routes.
2. Procedures for accounting for employees and occupants after evacuation has been completed (a current roster of all persons being sheltered, and staff, must be maintained at all times the warming center is in operation). The roster must be available for immediate review upon request by emergency personnel during any emergency.

3. The preferred and any alternative means of notifying occupants of a fire or other emergency.
4. The preferred and any alternative means of reporting fires and other emergencies to the appropriate emergency response department
5. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
6. Procedures for the evacuation of the special need occupants.

Evacuation routes must be clearly posted in each area being occupied by persons seeking respite.

When a warming center is activated there must be a review of the fire safety and evacuation plan with each person(s) being admitted to the shelter, and a fire evacuation training drill shall be performed with participation of all persons being sheltered.

This policy is enacted to ensure that safety of the occupants in temporary emergency warming center is maintained. In accordance with this overall objective, other requirements may need to be considered and/or imposed at the sole discretion of the Fire Chief or designee prior to issuance of a permit.

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Juliet T. H. Walker, Planning Director *JTW*

DATE: January 28, 2020

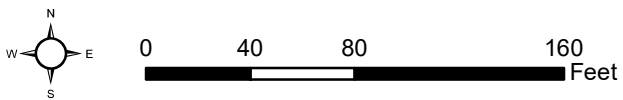
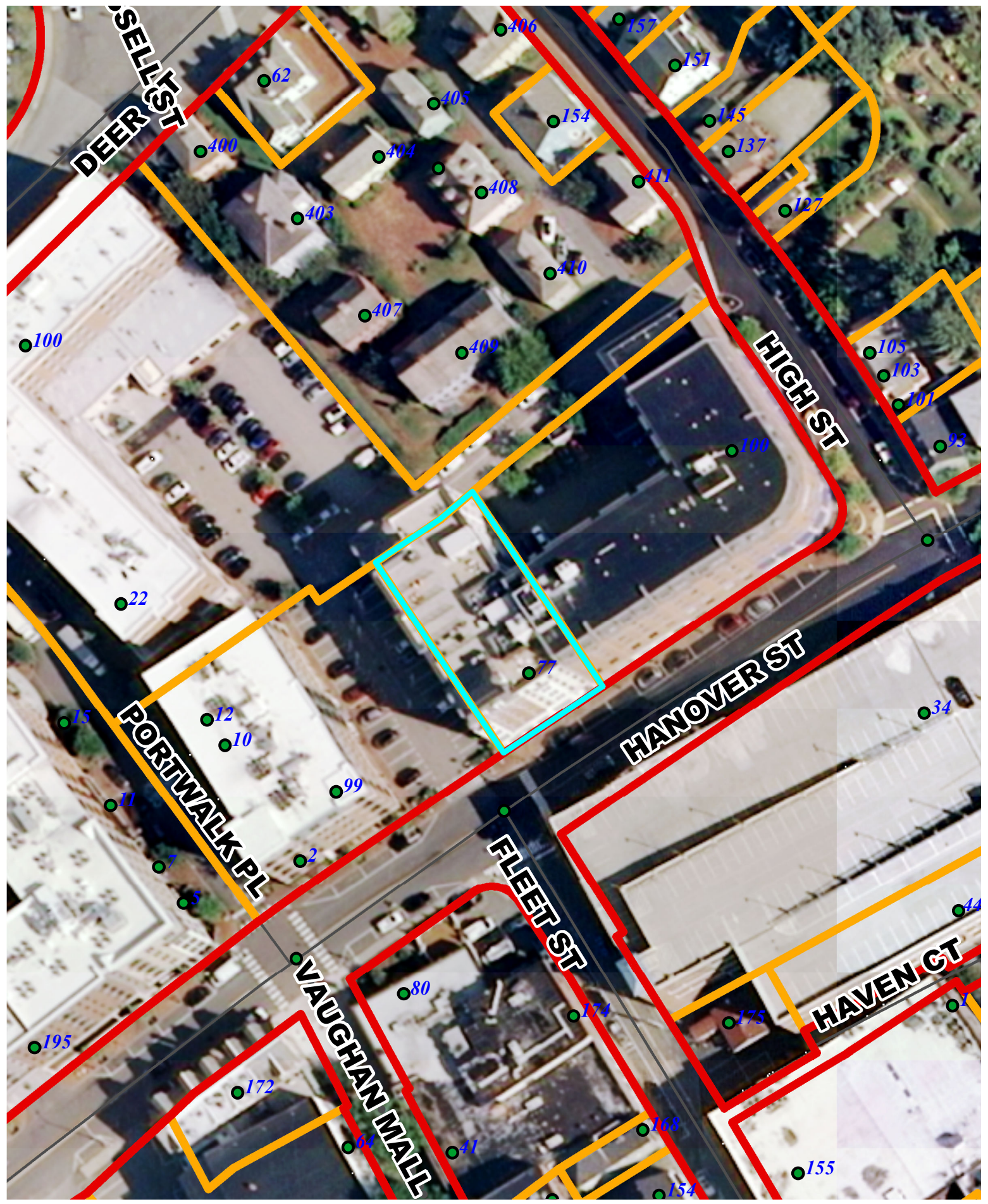
RE: City Council Referral – Projecting Sign
Address: 77 Hanover Street
Business Name: Berkshire Hathaway Verani
Business Owner: Margherita Verani

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

Sign dimensions: 48" x 42"
Sign area: 14 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
77 Hanover Street**



**PROPOSED
1-14-20**

Company: Verani Realty

Job: Portsmouth - 77 Hanover Street

Type: Wall Sign (Above Door)

Quantity: 1

Size: 81" x 23" 13 sq ft

Sides: 1

Style: Flat

Substrate: 3/4" PVC

Posts & Brackets: X

Colors: BHHS Branded

Type: Projecting

Quantity: 1

Size: 45" x 36.5" 11.4 sq ft

Sides: 2

Style: Flat

Substrate: 3mm ACM

Posts & Brackets: Existing

Colors: BHHS Branded

DOOR LETTERING:

18" x 18" 2.25 sq ft Two Doors

SUNDANCE SIGN • 89 OAK STREET DOVER, NH 03820 • 603-742-1517



All proofs and drawings are original unpublished artwork, owned by Sundance Sign Company. Artwork is protected under the U.S. Copyright laws. It is being submitted for your viewing only, and is not to be shown to anyone outside of your organization. Any use, reproduction, copying or exhibiting this drawing without express written consent of Sundance Sign Company will constitute your agreement to incur all expenses involved with the creation of this drawing, and all legal costs to acquire those costs if required. I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal.

Customer Approval _____ **Date:** _____



P.O. Box 842 Portsmouth, NH 03802 (603) 552-5824 www.SeacoastOutright.org

February 3, 2020

Honorable Mayor Rick Becksted
Portsmouth City Council
City Hall, 1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Becksted and Council Members:

On behalf of Seacoast Outright and our Board of Directors, the youth and residents of Portsmouth and its surrounding towns who support Seacoast Outright, I would like to extend deep and sincere gratitude for the City's time, support and dedication in making Portsmouth PRIDE a not-be-missed annual event for the Seacoast region. In our first five years, PRIDE has reached thousands of participants and has exceeded our measures of success each year.

Last year, in 2019, an estimated 5,000 people attended Portsmouth PRIDE, and we were thrilled by the warm welcome from the City. Many business owners saw a surge of business from rainbow-clad people of all ages who came to town to celebrate and support our LGBTQ+ youth. Just as we had hoped, Portsmouth PRIDE has become the signature event needed to keep Seacoast Outright strong and well-recognized within a community that appreciates diversity and values its youth. This year, we hope to bring an even better PRIDE back on **Saturday, June 27, 2020**.

Now more than ever, it's critical that we as a community come together to visibly show support for our LGBTQ+ youth. Portsmouth PRIDE will once again create a safe and joyful atmosphere while saying loud and proud that we celebrate and affirm all of our community's young people, regardless of sexual orientation, gender identity or gender expression.

We were proud to have hosted an event last year, alongside our partners in the City — you, our Mayor and City Council, City Manager, Portsmouth Police Department, Portsmouth Fire Department and other city stakeholders — that was safe, fun and family-friendly, and that is what we intend to do once again. We are continuing our successful partnership with Strawberry Banke as an incredible host for our PRIDE program and marketplace. We also request once again to march as one rainbow down temporarily-closed streets on our route from the Market Square to our celebration site at Strawberry Banke.

Included in the proposal is a map with our proposed route, to maximize our visibility and affirm our commitment to showing up and demonstrating pride in our LGBTQ+ youth, our community, and our "City of the Open Door." We are excited to work together with you to establish the best plan for Portsmouth PRIDE 2020.

We look forward to answering your questions and approval of our plans for our 6th annual event!

Thank you,

A handwritten signature in blue ink, appearing to read "Hershey Hirschkop".

Hershey Hirschkop, Executive Director

Seacoast Outright Board:

Joyce Kemp, Chair
Christine Stilwell, Treasurer
Sarah Buckley, Secretary
Lindsey Archila
Gonzalo Cedeño
James Costigan, Youth Member
Linda Fishbaugh
Mark Leinenbach
Patrick Patterson

January 28, 2020
City of Portsmouth
Town Council

Town Council Members,

I am requesting, on behalf of Girls on the Run - NH, for permission to hold our annual 5K celebration event on May 30th, 2020. The details pertaining to the event are outlined below. If you have any questions, please reach out to me, Nancy Potter, Race Coordinator, or Executive Director: Jennifer Hubbell jen.hubbell@girlsontherun.org cell# 603.512.2799.

Thank you for your time and consideration.

Regards,
Nancy Potter - Race Coordinator
137-1 Water St, Exeter, NH 03833
cell: 603-264-4200
nancy.potter@girlsontherun.org

Date of Event:

Saturday, May 30, 2020

Set up: 6:00-7:30am

Day of Registration: 7:45-8:45am

Start of 5K: 9:00am

Clean up: 10:30-11:30am

Location:

A verbal commitment has been provided by David LeGault, Sr. Facilities Manager at Medtronic Transformative Solutions at 180 International Dr., Portsmouth, NH 03801.

David Mullen, Executive Director of PDA, has granted permission to hold the event.

Jay Horne/CP Management has been contacted to utilize one of its properties and is agreeable.

Race Course 5K map:

Please find attached – as determined by PDA.

Expected number of participants:

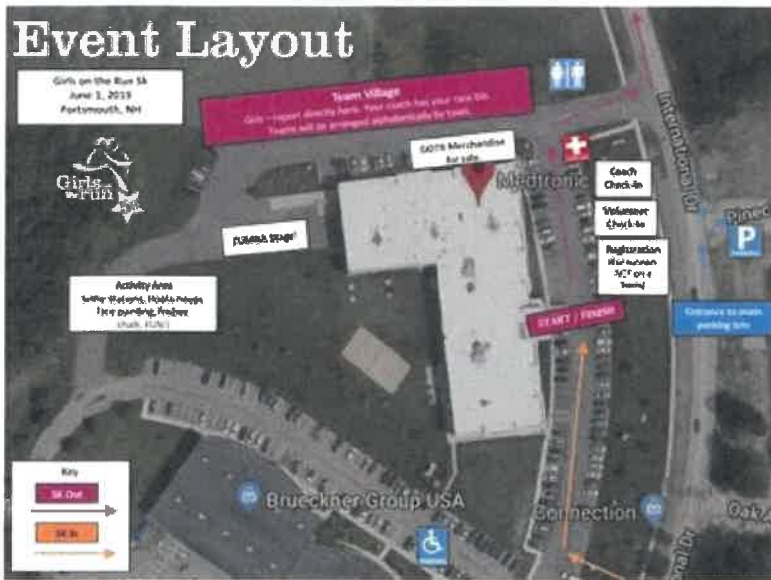
1600 runners - This number includes GOTR-NH girls, their volunteer coaches, parents and other community runners.

Parking/Police Detail Arrangements:

To be arranged with CP Management

The Portsmouth Police Department will be contacted on approval of this Application.

All necessary permits and liability insurance binders will be provided.



The Organization's History:

Girls on the Run® is a 501(c)3 nonprofit organization dedicated to creating a world where every girl knows and activates her limitless potential and is free to boldly pursue her dreams. The mission of the organization is to *inspire girls to be joyful, healthy and confident using a fun, experience-based curriculum which creatively integrates running.*

Girls on the Run was founded in Charlotte, NC in 1996 and is a transformational physical activity-based positive youth development program for girls in 3rd – 8th grades, designed to develop and enhance girls' competencies to successfully navigate life experiences.

Girls on the Run International is the parent organization to over 200 councils in 50 states and the District of Columbia. In fiscal year 2017, more than 200,000 girls were served. The New Hampshire council was established in 2001 and has served 10,000 girls since 2007. Each site supports one or more teams of 15 girls each, along with the coaching staff comprised of 2-4 women volunteers.

At Girls on the Run, trained and supportive coaches and volunteers teach life skills through dynamic, conversation-based lessons and running games. The program culminates with the girls being physically and emotionally prepared to complete a celebratory, non-competitive 5k running event. The goals of the program are to develop and improve competence, unleash confidence through accomplishment, develop strength of character, respond to others and oneself with care and compassion, create positive connections with peers and adults and make a meaningful contribution to community, all while establishing a lifetime appreciation of health and fitness.

Purpose of the Event:

Girls on the Run is an after-school youth development program for girls of all abilities. Girls meet twice a week after school for 90 minutes. The 10 week/20 lesson season is taught by GOTR trained volunteer female coaches. Lessons address issues that include: body image, negative self-talk, resisting peer pressure, gratitude, gossip, nutrition, making healthy decisions and contributing to the community.

These life lessons are taught using interactive games and the power of running. Over the course of 10 weeks, the girls **train to run a 5k (3.1-mile) race**. The program is designed to instill at an early age that physical activity and running can transform lives. The deeper purpose of running focuses on building self-esteem and improving emotional, psychological and physical health. Ultimately, GOTR empowers girls to feel good about themselves so they will be less likely to engage in unhealthy behaviors.



BENEVOLENT AND PROTECTIVE ORDER OF ELKS

Lodge No. 97

500 Jones Ave.
P.O. Box 143
Portsmouth, NH 03802-0143
Tel: (603) 436-9606

A Fraternal Organization



RECEIVED

FEB 12 2020

CITY MANAGER
PORTSMOUTH, NH

Karen Conard

February 12, 2020

City Manager
Portsmouth NH 03803
Subject Flag Day, Jun 14th 2020

Dear Karen,

On behalf of the Benevolent and Protective Order of Elks, Portsmouth Lodge #97, we are seeking City approval to celebrate Flag Day, June 14th on city property. We feel there could be no better place to celebrate this treasured National Day, than at our historic Prescott Park.

History reveals that the first Flag Day ceremony, written by a Wisconsin schoolteacher was held on June 14th 1885, commemorating the Flag's adoption by Congress in 1777. By 1911, Flag day observance was made mandatory in all Elks Lodges, making the Elks the first organization in the United States to officially do so.

The Elks Flag Day Ritual covers the history of all the flags which our country has embraced. The City of Portsmouth is prominently mentioned in this ritual as well as John Paul Jones' association with our great city. One of the flags presented calls that the first official salute to the Stars and Stripes was given on February 14, 1778 by France off the French coast, when the Ranger under the command of John Paul Jones was saluted by the French Fleet. This flag, then carried by the Ranger was made by the young women of Portsmouth from stripes of their best colored-silk dresses and the white wedding gown of a recent bride. The sloop-of-war Ranger was built of the shores of the Piscataqua River and was the first naval vessel to go to sea, on behalf of the young Continental Navy.

Our ceremony which would be open to all the citizens of Portsmouth is very moving, and describes the heritage of all the flags, woven into our National History.

Our ceremony is brief, perhaps 20 minutes in length, and would not require any assistance from the Department of Public Works. We would supply of own chairs and sound system.

Sincerely,

Michael J Griffin

Loyal Knight
Portsmouth Lodge of Elks #97

Copy: Sue Talhouk
Exalted Ruler

CITY COUNCIL E-MAILS

February 3, 2020 (after 4:00 p.m. – February 13, 2020 (9:00 a.m.)

February 18, 2020 Council Meeting

Below is the result of your feedback form. It was submitted by Jonathan Day (jonathan.a.day@gmail.com) on Monday, February 3, 2020 at 15:00:19

address: 9 Main St Kittery

comments: Greetings Esteemed Council, I am the majority owner of a Portsmouth-based advertising agency. During the January 21, 2020 City Council meeting, Councilor Kennedy stated that "the Chamber does nothing for small business." I would like to publicly defend the Chamber and refute Councilor Kennedy's comment. Our business has been a Chamber Member since re-locating to Portsmouth from Nashua in 2017 and the Chamber has been instrumental in our growth. When we joined, we were a sole proprietorship no employees. Now we are a 4-person partnership with 7 employees. Much of our growth can be attributed to the efforts of the Chamber and it's hard-working staff who work tirelessly putting on networking events, educational seminars, and promoting Portsmouth as a desirable destination for businesses. We have been Chamber members and have attended Chamber events in other communities and can attest first-hand that Portsmouth is truly fortunate to have such an engaged and effective organization nurturing its small business ecosystem. Councilor Kennedy's remarks at best show a blatant ignorance of what creates a thriving local economy and at worst show a blatant disregard for the future of commerce in the city.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Jason Boucher (boucher.jason@gmail.com) on Monday, February 3, 2020 at 15:32:12

address: 65 Wibird Street

comments: To City Council:

I wish the new city council luck, it's not an easy job and I commend your commitment to public service and your integrity to be transparent, fair, and honest to the citizens of Portsmouth, New Hampshire. As a resident, I don't want to see our respective city council's actions and their behavior deteriorate or act in bad faith, but sadly, after only one month of service, there's already much to be concerned with at City Hall.

So far, we have already had a vote passed to limit charity fun runs, walks, and bicycle events in the south end, where it's historic, beautiful, and only steps from local downtown businesses counting on those get-togethers and festivals to support their restaurants and store fronts. We've had conflicts between the mayor and representatives appointed to the committee to hire a new police commissioner for our tremendous police department. Councilor Kennedy has discussed the need for a moratorium on building, which only hurts us locals and drives up prices, not to mention might be illegal, causing even more lawsuits than we can handle. Councilor Kennedy also wants to discuss hiring procedures and that any city staff replaced by an outside candidate must first come before City Council. That's not the job of our great city council and I hope many will make that known and put a stop to that discussion. It's a very slippery slope and one that is hard to recover from if implemented. Lastly, some councilors are not taking the professional advice of the city attorney and city manager concerning the McIntire agreement. We don't want more lawsuits, we can't afford it, nor can we afford to damage our S&P AAA bond rating. If our bond rating suffers it will have been self-inflicted, sadly. It doesn't have to happen.

These items I speak about are not good signs of things to come and I'm hoping the council can regroup--sit back, breathe, and take their time on these issues, acting in good faith for the residents of Portsmouth.

Thank you,
Jason Boucher

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Matthew Wirth (mwirthnh@gmail.com) on Monday, February 3, 2020 at 15:48:26

address: 439 Hanover St

comments: I do not agree with Councilor Kennedy's reasoning that a 120 day moratorium on issuing of building permits for projects larger than 3000 sf is going to help the City get a handle on development. If the goal is to completely rewrite the Masterplan and the Zoning ordinance in 120 days, it is very short sighted and I am sure the legal costs to us taxpayers to defend this interim ordinance will be enormous. I doubt the instigators and supporters will put up their own money.

I strongly believe it is not right nor legal to take away a persons rights to their property, unless there is a severe infrastructure or services issue. We have been spending a lot of money on the infrastructure around the City, so I do not see this as a reason.

Just because some people feel that there are too many hotels and too much building height for their taste in proposed developments, doesn't give them authority over other peoples property. A person buys a piece of property at a cost based on what can be legally built at the time by the current zoning ordinance. Arbitrarily saying that the zoning is now more restrictive, is a property taking.

Portsmouth is vibrant because people want to come here for what we have, but also for the opportunities they can see.

If you look back at time, City's that do not grow, eventually die.

This proposal seems like a misguided attempt to placate a vocal few who want to control everything in the City, even if it does not belong to them. I strongly urge all the Councilors to reconsider this approach to making any possible changes to the Zoning ordinance. If people feel that changes are needed, then there is a step by step public process that is in place and should be followed.

Please vote NO on this proposal.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Elizabeth Vogeley (Liz.Vogeley@gmail.com) on Monday, February 3, 2020 at 17:30:04

address: 726 B Middle Street

comments: To Whom it may Concern,
The Middle Street bike lane has been a disaster to Middle street residents since its beginning. The already high traffic road being made substantially smaller and more difficult to maneuver by these lanes has become a danger to all who drive it. It is difficult to turn onto the street from the multiple feeder streets without pulling half way into the road to look for oncoming traffic. Also, moving parking into the middle of the street was just blatant poor planning. My household has had two totaled vehicles due to being parked outside of

my home on Middle Street since the bike lanes were placed. I would like you to find statistics on the amount of motor vehicle accidents on Middle Street since the inauguration of these bike lanes. I know there have been many fender benders on my small area of Middle Street due to the outrageous parking situation due to the bike lane. The amount of man power the City of Portsmouth is paying twice a year to put up and take down the poles (which have been brand new each year) and repaint the lines must be substantial. I cannot believe this major street renovation was not voted on by the residents of the city, especially those who live on Middle Street and are the most impacted by this decision. The bike lane must be removed or revamped in order to make Middle Street safer for both drivers and residents.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Jacqueline Cali-Pitt (cali0917@aol.com) on Monday, February 3, 2020 at 18:20:06

address: 40 Bedford way apt 112

comments: Please consider a new police station. The mold condition is bring remediated but will come back. I do not now we can ask people to work in there, would you. Please give immediate attention to the facilities. I have seen better in subway stations! The county has been experiencing similar problems and have finally decided to build. London rates right now are very good.. Thank you for your attention.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Kristie Jorgensen (knejorg@gmail.com) on Monday, February 3, 2020 at 19:58:41

address: 774 Middle Street, Unit 1

comments: This email is addressed to all City Council Members. Please read:
Below this email to the City Council is an email that I sent on October 28, 2019 to Juliet Walker, planning director for the planning department. I received a report of useless back up date that was presented at the 12/5/19 meeting of the planning dept and parking & traffic committee. Today, again, I had another near miss with a car that was blocked from my view as I was attempting to pull out of my driveway onto Middle Street. The car was blocked by the line of several cars parked in the street. I have had several close calls due to this issue with my view being blocked. I mentioned this to Ms. Walker in my email below but it was ignored. I am requesting that the city council move to remove this Middle Street bicycle project as I find it to be completely unsafe and under utilized.

I read an article about the 1/21/20 city council meeting where the local bike organization director gave his opinion on the number of middle schoolers riding their bikes to school . As I recall, he quoted approximately 70 ride their bikes to PMS each day. Seriously?! That's false information. I know because I live on this street. It's a lucky day if I see one or two bikes on this street. I read that an attendee at the 1/21 meeting mentioned that if you build it they will come. Really? This is not realistic. It's built and all it has done is create misery for the residents of Middle Street who are suffering with this mess. It is idealistic to think that this works. High Schoolers either walk, ride in a car, or drive a car - not riding a bike with a heavy loaded backpack of books. Their intention is to get a driver's license. I have a freshman who walks or, if running late, gets a ride to school. Her goal is to obtain her driver's license. Her bike is in storage. If you even think you are going to convert a bunch of high school kids to ride a bike to school then your head is literally in the clouds. It is not realistic.

I am also requesting that the city council please send out a survey to the residents who live on Middle St, Aldrich, Lincoln and other side streets that are connected to the Middle St maze and inquire and document the residents experiences and opinions of this bicycle maze. That is where the true absolute data should be

coming from - not the weekend warriors who ride their bikes or the Josh Dentons in the world who want you on their liberal tree hugging agenda. Or the useless data that was reported on 12/5.

My question is why the widest sections of Middle Street have this maze and bollards? These are the safest sections of the street for cyclists. I do not see any common sense or logic to this project. What I suggest is that the city seriously consider putting the money into permanently removing the bike lanes, lines, and bollards and install speed tables on this road and add more pedestrian crosswalks. This will slow the traffic down, reduce traffic congestion, and be safer for pedestrians and the few bike riders that use this street. Have you ever experienced a car taking a left onto Cass Street? That's congestion. We did not have these issues prior to the installation of this project. I am asking the City Council to take in to consideration the tax paying residents that live on these streets and are impacted by this nuisance every day. We are the ones that make our homes here and have to deal with the hazards of living on this street never mind that it impacts the value of our homes.

I am requesting a response back regarding my requests and ask that you seriously take into consideration the feedback from the residents of the Middle Street neighborhood.

Below is the email that I sent to Ms. Walker on 10/28/19:

To Ms. Walker:

I am writing to inform you of the danger you and all the decision makers involved in this ludicrous mess on Middle Street have subjected me, my family, my neighbors and our community regarding this ridiculous maze of a mess of lines and bollards that I have to face every morning and every day of my life since I live on Middle Street. On Friday last week, as I attempted to exit my driveway, I almost had an accident with a car running into me.

Since vehicles are now parked in the street, it has created a major issue, blocking my view when attempting to leave my driveway. I live in a condo association so it is not only affecting me but all residents who live in our association.

This project has been a major irritation and thorn in my family's side since it was implemented. Have you and your cohorts even considered mailing a survey out to all the residence who have to suffer with this day in and day out?! Ever consider what the citizens of Middle Street, who have to live with this every day, think of this mess? Sounds like from what I have read, there are a few self-serving bicycle enthusiasts that wanted this in place. Working for themselves and not for the good of all citizens. Where are all these cyclists???

Today I was reading an article about preliminary reports in the Seacoast On-line news and it mentions a 3 day study in May showing an average of 6-7 cyclists per hour. Are you kidding me?!!!! This is a load of BS. I live on this street and spend hours outside in our gardens and you are lucky if you see that many in one day! Only 1-2 kids use bicycles to school during the weekdays. The majority of the kids walk to the high school including my daughter and her friends.

On another incident, I had to park out front of my home in one of the parking spaces. As I was leaving the driver side, I almost got hit by oncoming traffic. My 13 year old daughter was exiting on the front passenger side and a cyclist missed hitting the passenger side door by inches as she was exiting the vehicle. This is supposed to be safer???

The traffic congestion is terrible now that the road has been significantly narrowed. I have spoken to so many people and many who have asked me about this "mess" (and that's what everyone calls it - a "mess") and many say they try to avoid even driving down Middle St because the traffic is so bad. Not only that but it looks awful. It reduces the market value of the beautiful homes that line the street. I am so looking forward to when I put this house on the market in 3.5 years and be rid of this mess.

On several occasions I have seen people riding their bikes on the sidewalk!!! Seriously this is really working? This section of Middle Street where I live where it intersects Lincoln, is the widest section of the entire street

so it does not make any sense to have these crazy lines and bollards in this section of the street. You have also significantly reduced parking for many residents that live in multifamily homes in this area.

I will tell you that if I do in fact end up in an accident because I cannot see oncoming traffic due to my view being blocked because there are cars parked in the street, I will be calling my attorney. I will sue the city if this ever happens to me or if any member of my family is injured due to the danger on this street. This is a major liability!

I vehemently disagree with you and your staff that this is any safer for travelers. I am also requesting a copy of this report that is submitted to the Parking Traffic and Safety committee. I am requesting sources of where this data came from. You can email or mail to my address below.

My suggestion and resolution is to remove the bollards and lines and put new pavement down with only the major middle line for vehicles and add some speed tables where needed, ie. near crosswalks. Sounds like basic common sense to me! Keep it simple and safe!

Regards,
Kristie Jorgensen
Resident, Middle Street Townhouse Association
774 Middle Street, Unit 1
Portsmouth
knejorg@gmail.com
603-767-7182

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Judy Miller (jamiller37@gmail.com) on Tuesday, February 4, 2020 at 10:18:01

address: 77 Hanover Street, Unit #7

comments: I strongly urge the City Council to RESCIND its decision to reject a ground lease for redevelopment. As a taxpayer, it is not in the City's best interest or mine to become entangled in litigation.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Nancy Pearson (nespearson@gmail.com) on Tuesday, February 4, 2020 at 11:11:41

address: Portsmouth

comments: Dear Council:

I want to thank those of you last night who acted in prudence to wait for a report back from city staff on the many items under Council Kennedy's name. As was stated so many times by members of the public and by some of you during discussion, your role is as policy maker. The city manager enacts those polices and is responsible for overseeing the day to day operations and decision making for the city.

Regrading the policy Councilor Kennedy got "from the state." perhaps she is unaware of how different a state runs as compared to local government. For example, staff contracts and hires overseen by the executive council are political appointees. The governor appoints people to fill a professional role and the council approves or rejects. It is political in nature, as well as politically partisan. Local non partisan government

doesn't work that way. The mayor appoints people to boards and commission, which the council approves or denies, but the council has no authority over staff hiring beyond the city manager. It's apples and oranges. Councilor Kennedy, your agenda items, to a letter, are a flagrant overreach of government, have no basis, and undermine the authority of our qualified and competent city manager. Please stay informed on what your role is and isn't.

Last, I'd like to express my dismay and rejection of Mayor Beckstead's appalling performance at the end of the meeting, and condemn the unprofessional and aggressive behavior he extended to fellow council members after the meeting in the lobby of city hall. Twice last term, then council member Beckstead stormed off the Dias mid meeting when he became flustered or lost for words. I had hoped in the role as mayor he would practice more self control. I understand it can get uncomfortable being in the hot seat, even maddening. But as council members, you have to control your emotions and your reactions. I'm embarrassed for the city, and for our city manager.

Please consider holding a special meeting, bring in a facilitator, and learn to publicly conduct yourselves with impartiality and decorum moving forward. It's what Portsmouth deserves.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Ryan Costa (ryancosta89@gmail.com) on Tuesday, February 4, 2020 at 11:37:55

address: 126 Hill St.

comments: I just wanted to say thank you to Councilor Lazenby for raising these concerns, while also maintaining a level head at last night's council meeting. I believe that the Mayor acted aggressively, which can be frustrating. Thanks again for representing those of us who don't appreciate that type of behavior within our community.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Michelle Anderson (ANDERSON.MICHL@GMAIL.COM) on Tuesday, February 4, 2020 at 13:44:45

address: 236 Cate St

comments: Councilors- I am dismayed to hear that the City is facing yet another preventable lawsuit. I understand that many of you ran on a platform to make changes to the McIntyre project. Please, let this go. There was ample public input on this matter and developers went through a fair, open and transparent public process. Regate-Kane eventually won. They have paid their dues in money and time. Work with Redgate-Kane to come to a mutually agreed upon decision regarding the ground lease. Do not put the city in a tenuous legal position only to satisfy egos. The city made an agreement and the city needs to honor the agreement. Many of you are business people. Is this how you would run your own business? It is not in your purview as a two-year councilor to negate this deal.

Mayor Becksted- I voted for you and was an advocate for you because I believed that you would be a fair, informed and impartial voice. I am dismayed at the recent actions of the council, particularly the January 28th meeting. I was under the impression you would run a transparent council and would listen to residents and city employees. I believed that you would not be swayed by the loud voices and would keep the best interest of Portsmouth at heart. My family is a two-income, middle class family- a dying breed in this city. We do not pull six figure salaries and we cannot continue to see our taxes rise due to yet another avoidable lawsuit brought about by an ill informed and ill intention council.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Jane Zill (janezill@comcast.net) on Tuesday, February 4, 2020 at 23:00:36

address: 27 Shaw Road Portsmouth NH

comments: Dear City Councilors,

Thank you for taking decisive action to move the McIntyre project forward by voting to reject the draft ground lease. "Draft" is the operative word. A draft document is not a final document, but a work in progress that is subject to change. Given your vote, the lease agreement will evolve, a contingency our private partner was aware of.

Mayor Becksted made clear that Redgate/Kane will continue to be our private partner, but they'll have to continue to negotiate with the community. Given the controversy surrounding this project as currently proposed, how can a community-minded private partner or individual be critical of elected officials who have acted on behalf of the community? Is it really possible that our private partner would not understand the meaning of the word "draft"?

Personally, I haven't been active in Revisit McIntyre but have been watching city process for years. The McIntyre issue has been dragging on interminably and divisively, robbing attention from many other pressing community concerns and demoralizing residents. Yet, it's crucially important to the future of the city.

I think the criticisms leveled at you for 1) lack of transparency and for 2) taking "last minute" action are disingenuous and politically motivated, especially given the notoriety of the prior council for its failures of transparency and poor process.

For example, regarding criticism that the draft ground lease in question was not online for the public to view, it was the responsibility of the former city manager's administration and the former city council to make this draft document available to the public. You've only been in office approximately one month. At a recent meeting it was pure theatre for one of the returning councilors to feign an inability to access the draft document given he (a) should have reviewed it multiple times many months before and, (b) as the public's representative, should have been quite concerned with the draft agreement given the National Park Service's substantial criticisms.

In short, I hope we're not seeing "poor losers" seeking revenge on good winners by undermining the councilors who received ground swell support for their commitment to serve residents.

And, also, thank you for "doing due diligence" prior to voting on this matter. I realize that as a very new council, you're experiencing a tremendous learning curve as you work to master Robert's Rules of Order, relevant state law, attempt to analyze the budget, deal with the McIntyre issue, and learn to work together as a group.

But, already, you're doing so much better than the former council, which often resembled an Elizabethan Court with displays of arrogance and rude, exclusionary behavior, whether towards members of the council or the public, regularly disgracing the community,

The current council is comprised of individuals with rich and varied expertise. In addition to the technological, environmental, financial, budget, and business acumen among you, you have an assistant mayor who is a veteran of the city council, who has already mastered the nuts and bolts of council work. In short, you've got it all!

I look forward to the synergy that is sure to emerge as you go forward.

Best wishes,

Jane Zill

includeInRecords: on

Below is the result of your feedback form. It was submitted by Kirsten Howard (kirstenbhoward@gmail.com) on Thursday, February 6, 2020 at 05:10:35

address: 142 Cabot St

comments: Dear City Council,
I want you to know that I really would like to see the McIntyre project finished as efficiently as possible so that you can spend your time on more important issues like housing affordability and sea level rise planning. Please do not drag the process out in an antagonistic, legally risky way. I am fully confident that you can work with Redgate Kane to get it done so that we can all move on.
Thank you,
Kirsten Howard

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by James Hewitt (samjakemax@aol.com) on Thursday, February 6, 2020 at 18:15:20

address: 726 Middle Road

comments: Dear Mayor Becksted .and City Councilors:

Thank you for voting to reject the McIntyre ground lease that was written for the sole purpose of making Redgate Kane as rich as it can as fast as it can. 21 % PROFIT ? Outrageous. Sounds like what that crook Bernie Madoff was sent away to jail for life for. The people of Portsmouth deserve better. Michael Kane and his Boston goons are cleaning our clocks. The next step is to fire Colliers International and then demand a refund. Don't be intimidated by those white shoed , pinstriped thugs banging their war drums and thumping their chests.. Tell "Portsmouth homeboy" Kane to start acting like a true "partner" and get his jackboot off our neck.

Thank you.

Jim Hewitt

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Mary Lou McElwain (MI259@comcast.net) on Thursday, February 6, 2020 at 18:38:28

address: 259 South Street

comments: My husband and I stayed at Church Landing in Meredith this week. A charge on our bill was \$1.50 per night for " conservation fee". I inquired at the desk and was told they have been charging this for years and it goes to the town of Meredith.

Could Portsmouth do the same rather than going thru the state for a "pillow tax". I did not contact Meredith town hall with questions, thought either of you would have more clout.

Mary Lou

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Patricia Bagley (patbagley@aol.com) on Thursday, February 6, 2020 at 20:21:48

address: 213 Pleasant Street

comments: Honorable Mayor and City Councilors,

There is much being posted on social media regarding your recent vote to reject the ground lease with Redgate/Kane. I'm only one citizen of this fine city, but know that I support your decision. Truth has become mired in a lot of fake news despite Chris Dwyer and Nancy Colbert Puff having affirmed that City Council did not approve the ground lease.

The Federal government has questioned the developer's profit margins. Why wouldn't we?

Most citizens understand that no City Councilor comes to a decision of this magnitude easily. Thank you for the many hours of hard work you are putting forth on this project and on the current budget process.

Respectfully,

Pat Bagley

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Thomas P Hart (Mitph4@comcast.net) on Saturday, February 8, 2020 at 08:57:01

address: 165 Cutts Street

comments: As a fourth generation Portsmouth native resident, I want to assure you that I take great pride in this city, the city that I love. I am confident in my abilities to fill the Police Commissioner vacancy to serve this city on behalf of its citizens and police department. Each step of my career has led me to this opportunity, particularly with the Strafford County attorney's office where I always took a non-biased approach with transparency in every action I took. If given the opportunity, I will proudly serve for many years to come, creating stability and trust in this role. If you have any questions for me, please reach out anytime. Thank you for your consideration.

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Sally Baybutt (sally@CHOCOLATEBYSPARROW.COM) on Sunday, February 9, 2020 at 16:33:06

address: 591 middle st

comments: I recently heard that there is to be further discussion about and possible changes made to the bike lanes on Middle St.

I am a bike advocate so i am happy to have the bike paths but I do think there should be some changes made.

Is there an opportunity for you to include some of the current residents in your future planning?

I wonder that the speed limit should be lowered as it is very dangerous when I get out of my car - now parked across the street - and open the door into traffic and have to cross - especially at night - or with groceries etc.

It is also very dangerous when turning in a car from any of the side streets onto Middle - parked cars block sight of oncoming traffic and you have to stick out onto Middle to see.

These are just a few comments.

Please advise next bike path discussion meeting.

thank you

Sally Baybutt
591 middle St
Portsmouth

IncludeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Kate and Matt Hatem (katemph@gmail.com) on Sunday, February 9, 2020 at 17:47:39

address: 1 Ash St

comments: Dear Portsmouth City Councilors,

As residents and tax payers of Portsmouth, we are writing to you due to deep concerns about the recent developments regarding the McIntyre project.

The possibility of entering into litigation over this project is preposterous. The cost of a legal battle would not be a responsible way to spend our tax dollars. It's simply unwise. Please heed the legal advice you receive from the city lawyer. It is important to rely on the facts from experts to make informed decisions.

It is our understanding that the city has entered into a contract with a developer. You might not like that developer or the plans but you are representing the entirety of the City and it is our hope that you can put on an unbiased hat and try to work with this developer to move forward and create the best plan possible.

We urge you to uphold your fiduciary responsibility to all of your constituents. As our representatives, we hope you can figure out a creative way to proceed and avoid a costly legal battle.

Thank you for your time.

Kate and Matt Hatem

includeInRecords: on
Engage: Submit

Below is the result of your feedback form. It was submitted by Kaitlin Deyo (kaitlindeyo@gmail.com) on Wednesday, February 12, 2020 at 11:01:50

address: 548 Broad Street

comments: In 2020, Portsmouth gained its first female City Manager. When the Herald asked her about it, City Manager Conard said, "I think what's important here is they have confidence in my ability as a manager." Confidence is important.

That is important. So let's talk about optics: How a certain action or event is perceived by the public body. I.e: How we perceived the Mayor yelling and pointing right in the City Manager's face during the last meeting. Or how we perceived the council down-voting her request to enter a non-public session to share new information before a vote. She verbatim said "I implore you" to persuade you to listen to her. And still, Mayor

Becksted and Councilors Peter Whelan, Esther Kennedy, Petra Huda, and Paige Trace did not. Would a male City Manager have needed to say this to convince the council of a simple request and still been ignored on a 5-4 vote? Here we are with our history-making, highly qualified, well-vetted, community-approved City Manager and she is disrespected, ignored, and some council members are exploring ways to usurp her authority of day to day operations.

This shows no confidence in her as our City Manager. City council is a policy setting board in a Council-Manager form of government. It is not the council's place to micromanage the minutiae of how the City Manager approves numbers within budget lines previously set and approved by the Council. She should not be "imploring" the council to listen to legal advice. The disrespect I see from this council is astounding and demonstrates how women in government are so often treated. As elected officials, members of the city council are leaders in our community and role models to young folks learning how government works. Start acting like it.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by James Hewitt (samjakemax@aol.com) on Wednesday, February 12, 2020 at 19:55:24

address: 726 Middle Road

comments: Dear Mayor Becksted and City Councilors:

I wanted to follow up on my February 8, 2020 email regarding subject draft permit and future EPA mandates to reduce nitrogen discharges to Great Bay. The City of Dover has a very proactive and forward thinking Public Works Department. John Storer runs Dover DPW and he made the presentation on the link below to the Dover City Council on February 5, 2020. Since Portsmouth, like other Great Bay communities, is now looking at up to another \$100 million over the next 20 years to eliminate nitrogen from stormwater runoff, I would encourage you to take an hour to watch the video below. It is thorough and nicely condenses what the impacts will be to Dover and other communities.

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fdovernh.viebit.com%2fplayer.php%3fhash%3dUfLPvLi60Xj6&c=E,1,K1moxG_UlsB6cVHddqljGgWU47zMIHdhV9Q-sKLXMTcdBkmAtKwbQS5ieMJH_14Pa8GjKtqlslbdh6xzqhSdhtWcp2TMxG3xXozlbzVq-rtB2HVqoLjboyDC&typo=1

Another useful link is the one below that summaries water and sewers rates for every town and city in New Hampshire . You will note on the " Bill Comparison" the dial for Portsmouth is pegged. Also, on the cost recovery "questions mark", for 2016, the sewer fund had \$14.2 million income and \$ 7.5 million is expenses. This would seem to indicate that Portsmouth is sitting on a mountain of cash that could be used for the Sagamore Area Sewer project.

<https://efc.sog.unc.edu/resource/new-hampshire-2018-water-and-wastewater-rates-dashboard>

Lastly the link and story below helps put Portsmouth sewer rates in perspective.

Regards,

Jim Hewitt

P.S. I apologize to those of you impacted by the unusual hack on my AOL email account on Monday morning. I lost 4 years in-box emails, 7 years of sent email and all my contacts.

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.seacoastonline.com%2fnews%2f20190607%2fportsmouths-sewer-bills-are-not-stable&c=E,1,NCjbn3Aams6ylnCUFqXR->

Portsmouth's sewer bills are not 'stable

Posted Jun 7, 2019 at 2:25 PM Updated Jun 7, 2019 at 2:25 PM

June 5 -- To the Editor:

At the last Portsmouth City Council meeting, Councilor Lazenby commended City Hall for its efforts to keep water and sewer rates "stable and predictable." If eight of nine city councilors would ever deign to mingle among commoners, they would learn residents and small businesses want stable, predictable and affordable water and sewer rates. The unmentioned grim reality is that of New Hampshire's 13 cities, Portsmouth has the most expensive sewer rates, and they are double the state average. To ensure Portsmouth holds this number No. 1 distinction for the next generation, Portsmouth sewer rates will increase 4 % every year for at least the next 20 years. City Hall and some city councilors apparently consider these automatic annual increases a "stable" rate structure. Predictable? For sure, like a rocket leaving the launch pad.

The average Portsmouth residence that uses 6,000 gallons of water per month pays \$102.11 in sewer fees that month. That same customer in Concord pays \$36.09, in Manchester, \$34.89 and in Nashua, \$29.58. So what do Portsmouth sewer system customers get for these super premium user fees? Well there is a \$100 million dollar wastewater treatment plant under construction at Pierce Island that God willing will meet USPEPA effluent discharge limits, if USEPA ever figures out what those discharge limits are. Residents in the South Mill Pond area get to enjoy the honeywagon-like fragrance wafting about in the warm weather months. At low tide South Mill Pond exposes its seven acre cow patty, except cows in that area moved out in the mid-1800s. That's because despite it charging exorbitant sewer fees, in 2018 Portsmouth the Eco-Municipality dumped 6.19 million gallons of raw CSO sewage (untreated sewage mixed with stormwater) into the heart of the City's public outdoor recreation a!

rea, and that is up from 1.23 million gallons in 2017.

So before city councilors gush over Portsmouth "stable and predictable" sewer rates, they should make the effort to figure out what the big spenders in City Hall have done so wrong, and what Concord, Manchester and Nashua have done so right.

P.S. New Hampshire municipality water and sewer rates information can be found here <https://efc.sog.unc.edu/resource/new-hampshire-2018-water-and-wastewater-rates-dashboard>.

James A. Hewitt

includeInRecords: on

Engage: Submit



245 Middle Street, Portsmouth, NH 03801 | 603-436-4310 | www.porthousing.org

February 3, 2020

Mayor Rick Becksted and the Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Becksted:

New Hampshire continues to be in an affordable housing crisis, due to rising rents and short supply of housing that is affordable to our local workforce. As you know, there is no place in the state that this crisis is more acutely felt than here in Portsmouth.

We estimate more than 40% of Portsmouth residents are cost burdened, spending more than 30% of their income on housing. This high cost burden has long term consequences, as it can inhibit investments in education, job training, job mobility and health of Portsmouth citizens. The shortage of housing supply also inhibits businesses' ability to thrive and grow, and makes it harder for the best public employees to pursue careers in Portsmouth's schools, police, fire or public works departments and the dozens of non-profits based in the city.

While increasing the supply of affordable housing for the local workforce is a long standing community priority here, housing developers have been unable and unwilling to build affordable housing in the city until now.

Today, the Portsmouth Housing Authority is rising to the occasion to help the city realize a highly sought-after goal by developing land currently owned by the PHA to construct 64 new units of affordable housing in the heart of the city. When complete, the Court Street Workforce Housing Project at 160 Court Street will be the largest expansion of permanently affordable housing in the city in nearly a half-century.

The Portsmouth Housing Authority is not like any other housing developer. We were created by the City of Portsmouth in 1953 to develop safe, decent, affordable housing for the people of Portsmouth. We are a non-profit special purpose governed by a local volunteer Board of Commissioners who are appointed and confirmed by the Mayor and City Council. All of our housing is permanently affordable. As the city's largest landlord, with over six-hundred units of



TDD/TTY: 800-545-1833 ext. 825



housing in eleven different developments, we are stewards of this critical piece of public infrastructure in Portsmouth. Governed by State law, we paid over \$330,000 to the municipality in lieu of property taxes in 2018.

Over the past two years, we have presented the concept for the project in numerous public sessions hosted by the Chamber Collaborative, Rotary Club, the Economic Development Commission, service provider networks, PHA residents and others. We also prepared for and presented at eleven public hearings with the City Historic District Commission, Zoning Board of Adjustment, Planning Board and Technical Review Committee.

We were pleased to receive our final Planning Board approvals in August of 2018, and we were also awarded the maximum allocation of Federal Low Income Housing Tax Credits from the New Hampshire Housing Finance Authority, this year's largest allocation of funding from the Federal Home Loan Bank of Boston in New Hampshire. We were among only one-third of the applicants to receive an award for Tax Credits from the New Hampshire Community Development Finance Authority.

Clearly this project not only enjoyed widespread, enthusiastic, local public support, but also enjoyed support from several State and Federal sources.

This Court Street Workforce Housing project is consistent with many of the important goals outlined in Portsmouth's 2025 Master Plan to ensure a diverse community. Goal 3.2, to Accommodate the Housing Needs of Low and Moderate Income Residents include Action Steps such as:

- 3.2.2. Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions such as reductions in parking requirements and increase maximum heights.
- 3.2.5 Encourage the creation of smaller housing units, such as micro-units.
- 3.2.7 Support mixed-use redevelopment of suitable Portsmouth Housing Authority properties.

All of these action items have been taken by the PHA in the Court Street Workforce Housing Project, and we're proud to be demonstrating success as outlined in the Master Plan.

However, our community is still falling short in other action items designed to meet this goal, most notably with this goal's first action to:

- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.

In fact, the approval process for this project has been more costly than any other affordable housing developer in New Hampshire has faced, with extensive design, amenities and technical



requirements all adding costs. To date, the PHA has spent more than two years and \$450,000 of our own funds to help realize this goal.

This goal is further articulated in City Council Policy 2016 – 03 – Housing Policy, which was ratified by the Council in 2018 in order to, among other goals, help continue the city’s economic and civic vitality by encouraging walkable mixed-use development, preserving affordability for long-term residents, and to accommodate the housing needs of the city’s current and future workforce.

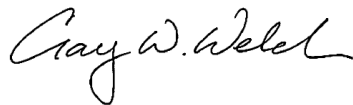
This Policy also calls for the City to “support new workforce housing development in designated areas through provision of capital improvements,” and acknowledges that “local land use regulations can have a direct impact on housing development costs.”

Following through on this policy is especially timely given the cost increases that are attributed to the sixteen months of delays caused by appeals, which has created a financing gap that the PHA, the New Hampshire Housing Finance Authority, the Federal Home Loan Bank of Boston, and our development team are working furiously to close.

This is an ambitious project that will have state and national significance because of our commitment to a mixed income property that is permanently affordable in the center of a walkable urban community, and the Board and staff of the PHA are proud to bring it to fruition.

Thank you for your support.

Sincerely,



Craig W. Welch
Executive Director
Portsmouth Housing Authority & PHA Housing Development Ltd.
craigwelch@nh-pha.com

cc: Karen Conard, City Manager
Ruth L. Griffin, Chair, Portsmouth Housing Authority
Adam Ruedig, President, PHA Housing Development Ltd.



Dr. Robert J. Lister
69 Diamond Drive
Portsmouth, New Hampshire 03801-3569
(603) 431-6577
rjl603nh@gmail.com



February 6, 2020

Honorable Mayor Becksted, Assistant Mayor Splaine, City Council Members,

I was pleased to read in the newspaper and hear you discuss at your meetings, the need to request support for the impacts on the city as a result of the hotel industry in Portsmouth and the recommendation discussed for a two-dollar occupied hotel room fee.

When I was campaigning door-to-door for a seat on the City Council much like you have done, I was asked the question many times, "When do we as the taxpayers see some relieve from all the growth?" As a former Mayor when I testified in front of the legislature recommending just a one dollar fee per room per night, I learned very quickly that this would be seen as a tax and not popular. Other communities in New Hampshire have initiated a fee that is collected by the town and used for purchasing equipment, fireworks and landscaping in addition to other useful projects otherwise paid for from the general fund. As I travel across the United States, I have paid a small fee like this in hotels and don't mind doing so. I was asked by one legislator when testifying, "Did I think tourists would pass by Portsmouth and go on to other destinations because of a one or two dollar fee?" Are you kidding? With the number of hotels being built, there is obviously a need because of the number of tourists coming to the city who use city resources. Hotel occupancy does not seem to be suffering but this use places a burden on the taxpayer. I also know that this proposal is not popular with the hotel industry but let's remember that as important as tourism might be, we must protect the neighborhoods and taxpayers.

As you pursue a hotel fee, pillow tax or destination fee, whatever you call it, I would be glad to assist and be another voice should you need support vocalizing the importance of this. This is not just about collecting money, it is a very acceptable strategy to decrease the burden of the Portsmouth taxpayers giving them the relieve they are asking for and deserve. Let's not punish the taxpayers because we live in such a great place.

Thank you for making this a priority,

Sincerely,

Bob Lister



TO: Mayor Becksted

City Manager Conard

City Clerk Barnaby

FROM: Esther Kennedy

Date: 1/14/2020

RE: Please put this document under my name for the January 21, 2020 Council Meeting thank you.

The following questions are from residents when I was running for Portsmouth City Council. I promised the residents when elected I would present the following questions to the city and ask for an update.

What can we do to change the current direction of the McIntyre site? Do we have an out clause in the agreement?

Insofar as this very question is the subject matter of the litigation threatened in writing, it would not be appropriate to provide a written answer which will become a public record at the present time. However, this question was thoroughly reviewed in a non-public session with the City Council on February 10, 2020.

Why did the city manager hold the information about the cost of the sewage line and pump station from the Sagamore Road residents for years?

The Sagamore Avenue sewer extension project has been under consideration for a number of years. The project was included in a 2016 Consent Decree between the City of Portsmouth and the US Environmental Protection Agency. At that time the opinion of cost for the project was \$2.2 M. This initial cost was developed using typical costs seen for projects of this type. In 2019 the City's Council approved a bond request of \$4.4 M to complete the work. Since that time the scope of the project and construction costs have increased. The most recent engineering opinion of cost ranges from approximately \$6 M for a low pressure sewer design to over \$10 M for a gravity sewer design. The final decisions related to cost apportionment will be made by the City Council prior to bidding the project.

For additional information on this project please see [Sagamore Ave Sewer Extension Project](#) presentations and Q&A at the Public Works web page.

What can we do about sound barriers on Interstate 95?

Abating highway noise for residential areas that abut I-95 has long been a priority for the City. Federal funding that requires a local match is currently being pursued by the City and this project is included in the City's Capital Improvement Program. In order to be eligible for the Federal Highway Noise Abatement Program, the City adopted local regulations in January 2019 to reduce highway noise on residential areas. At present, the City is waiting for a noise study to be completed by NHDOT, which is the next step in securing funding for this project.

Residents can continue to reach out to their elected State officials and the New Hampshire Department of Transportation (NHDOT) to voice their concern and desire to keep this project moving forward. In July of 2019, NHDOT named Portsmouth the first community to participate in the [Type II Community Noise Assessment study](#).

The City's Capital Improvement Plan (CIP) for 2020-2025 called for a \$3.4 million project to install a sound barrier for I-95 highway noise abatement along the corridor adjacent to the residential area of Pannaway Manor. In April 2018, NH DOT Assistant Commissioner Bill Cass visited to inspect the site. On January 1, 2019 the City Council voted to adopt Highway Noise Overlay District and zoning ordinances addressing development in areas in proximity to highways, which were required for the application.

The NHDOT approval allows the City to apply for 82 percent of the cost of implementing noise abatement plans for the I-95 corridor Pannaway Manor project. The CIP outlines a five year project, with NHDOT funding of \$400,000 in FY20 and \$480,000/year for FY21 through FY25. The City's 18% contribution starts in FY21. The money will come from the NHDOT's Ten Year Transportation Improvement Plan (TYP) when that plan is funded.

What can we set up to allow the city to be more pro resident when it comes to city matters?

The City is responsible for implementing policy direction established by the City Council who are elected by the residents. The purpose of government is to support the residents through services identified and funded by the City Council. If there is a perception that this is not the case, then our job at communicating this needs to improve.

Who is meeting with the residents about the new development on Lafayette Road and traffic patterns?

The planning process for the NHDOT Route 1 Corridor Improvement project kicked off last year and will be looking at ways to improve traffic conditions, safety, and bicycle and pedestrian infrastructure. This project is being managed by NHDOT staff, but includes public meetings and an advisory committee with local stakeholders (including City residents). [More information can be found at the Planning Department's web page](#). City staff is working with NHDOT to make sure City residents are notified of public meetings and kept updated on the project.

All new private development projects go through land use review processes that include notifications to abutting property owners. The Planning Department staff are the primary point of contact for resident questions related to [new development projects and there is information provided on the PlanPortsmouth web page](#). Traffic patterns are evaluated as part of the site plan review approval process and developers are required to contribute to infrastructure improvements if necessary.

The DPW has also been monitoring traffic patterns in response to resident concerns from the Banfield Road neighborhood related to traffic diversion off of Route 1 during the summer season.

Can we have a city update on Peverly Hill Road?

The project is currently in the design stage. The City is developing plans to address resident comments received at the last public meeting in March 2019. These revisions require additional field surveying and an increase in the project scope and fee. This request has now been approved by the NH DOT and the surveying is taking place, as weather conditions permit.

Once the revised plans are completed, another public meeting will be held to present the changes and then the revised Preliminary Design plans will be submitted to the DOT for review and approval.

Then, after NH DOT gives their approval on the Preliminary Design plans, the right-of-way process can begin to obtain the necessary easements and land required to construct the project. Preparation of the Final Design plans will also commence at this time. It is anticipated that the right-of-way process and Final Design will take approximately a year, with construction possibly beginning as soon as 2021.

[For the latest information click here](#) which will bring you to the Public Works projects web page.

Why are we assessed every year? Is it true that residential values are going up faster than commercial values?

RSA: 75:8, mandates that the assessor shall review and adjust assessments to reflect changes so that all assessments are reasonably proportional with the municipality. Annual reappraisal and updates to property value assure all property owners pay a more equitable share in property taxes each year. Annual review and updates also assure the assessment ratio which is a measurement of the assessment level within the City is similar for all property types which helps to reduce the amount of abatements filed and refunds granted.

In order to assure all communities throughout the State implement fair and equitable assessing practices, RSA 75:8-a mandates all municipalities at least once every five years adjust their assessments to full and true value. This statute was created due to the general court's decision to have a set of standards created to maintain assessment equity between municipalities within the State.

It is true that residential values are going up faster than commercial values. The current residential market within Portsmouth is strongly influenced by supply and demand factors. The lower the supply, the higher the demand which drives residential market values higher. Portsmouth is feeling the effect of the lack of supply and the demand to live within the City with perspective buyers purchasing properties at a premium to live within the City.

The commercial market is appreciating but differs from residential with the key factor being how much revenue the property will generate. Investors are looking to make a profit from the rental income or other incomes they make from the property and this influences how much they will pay.

Supply and demand do play a role similar to the residential market but income potential, leasing agreements, and the value of future benefits are the driving factor in value.

Why are there bump outs on Islington Street?

A bump-out is a traffic calming measure which widens the sidewalk for a short distance. This reduces the crossing distance and allowing pedestrians and drivers to see each other when parked vehicles would otherwise block visibility. Bump-outs are used to improve pedestrian safety.

[Click here for more on the Islington Street project and its Complete Streets components.](#)

Is there a way to rework the unsafe bike lanes?

Police Department crash data starting before the bike lanes were installed and including this past year show a slight reduction in accidents after the bike lanes were installed, and that more accidents happened when the bollards were not present. These crashes were all motor vehicle related crashes. In general, the bike lanes have made the area safer, and the bollards add a safety benefit for the parking lanes.

City Staff continue to review traffic data and will continue to work toward improving pedestrian, bicycle and vehicle safety along the Middle Street Bike path as well as other areas of the City.

A public meeting has been scheduled for March 12th and a follow-up work session is scheduled with City Council for March 23rd on this topic. More information on the project, including traffic and accident reports is available on the [project web page](#) located on the Planning Department web site.

Why has the tax burden on our residents gone up, even though we have a large amount of new construction in our city?

The tax burden is effected by the tax levy (the amount of money that needs to be raised in taxes) and the total assessed value of the City.

The tax levy is affected by:

- *Impacts to the annual budget associated with providing city services including capital improvements.*
- *Rockingham County Obligations.*
- *Downshifting of costs from the state to local governments such as retirement costs*
- *Reduction or loss of revenues/aid from the state.*
- *Change in revenues other than property taxes.*

The tax burden is then impacted by the total net assessed value of all properties. Taxes paid by each taxpayer is based on the value of their property which is adjusted to true value in accordance with RSA 75:8 to ensure that each taxpayer pays their fair share of the overall tax burden.

What has all the city growth cost our tax payers in infrastructure upgrades?

The fact that much of the infrastructure work is the result of deferred maintenance not development, an exact cost is not possible to determine. Further complicating the calculation, much of the work has been completed with user water and sewer rates not taxes.

How are we supporting the Fire, Police, and Public Works Departments given all the new growth in our city?

The City supports these departments by providing them the resources to do their work effectively. Budget appropriations fund staff, equipment, vehicles, and training which enable timely emergency response, public safety, and infrastructure maintenance.

What is our city doing to support small businesses to make sure we have a vibrant community?

Portsmouth is a city comprised mostly of small businesses. The most recent data from the NH Employment Security Economic and Labor market Information Bureau shows that 1,646 or 90% of Portsmouth's 1,807 businesses have less than 50 employees. Collectively these firms employ 15,038 workers or 46% of the local workforce. There are 745 microenterprises (firms with less than 5 employees) in the City which comprise 41% of businesses and employ 5% of the workforce. These figures

demonstrate that small businesses are significant contributors to job creation and, by extension, economic vitality in the City.

The following is a list of services offered by City staff to support small business:

- *Provision of one-on-one assistance, information and data for individual business plan development.*
- *Response to requests for business location assistance.*
- *Assist and interface where necessary and appropriate in small business land use permitting.*
- *Assist business to access capital by providing referrals to local conventional and non-conventional lenders such as the Rockingham Economic Development Corporation, Small Business Administration, Business Finance Authority and Granite State Development Corporation.*
- *Referrals to the Manufacturing Extension Partnership (MEP) and federal procurement assistance providers, as well as the NH International Trade Resource Center to determine readiness for expansion into global markets.*
- *Participation in local business association activities and meetings such as the West End Business Association, CIBOR, and Pease Tenant Association.*
- *Work collaboratively with the City's Public Works staff to notify business owners of construction activity, and create strategies to mitigate and minimize business disruption during extensive municipal construction projects or events in the city.*
- *Creation of local Economic Revitalization Zones to enable eligible expanding businesses to take advantage of the NH business tax credits.*
- *Connect business with the appropriate NH Department of Resources and Economic Development programs for job training grants and workforce development programs, energy efficiency subsidies, and business continuity and resiliency programs.*
- *Participate in Commercial Industrial Board of Realtors (CIBOR) meetings to provide awareness of local businesses real estate needs and new business inquiries.*
- *Foster connections and advocate for creative economy businesses including non-profit arts, historical and cultural organizations, marketing firms, and individual artists.*
- *Development of annual Small Business Week activities in collaboration with SCORE, Portsmouth Library, and Chamber Collaborative of Portsmouth.*
- *Host the Seacoast Manufacturing Roundtable in collaboration with Great Bay Community College and Chamber Collaborative of Greater Portsmouth.*
- *Market the City of Portsmouth as a great location to operate a small business through cooperative and independent advertising.*

On a broader scale, the Portsmouth Economic Development Commission (EDC) is committed to working independently and collaboratively with local partner organizations to support small businesses, maintain economic vibrancy, and foster an environment for businesses to grow and succeed. Keys to this growth are understanding business challenges and access to tools, financing, business education, and support programs.

In an effort to better understand local businesses' expansion plans and associated challenges, the EDC undertook the [recent business retention and expansion project in partnership with UNH Extension](#). The project included on-site visits to learn more about local businesses growth plans and perceived challenges. Follow-up communication and referrals are ongoing.

To assist small business with access to the needed tools to grow, the City partners with the NH Small Business Development Center (SBDC) for free one-on-one small business advising. Firms [can schedule an appointment](#) for a meeting in City Hall with the certified SBDC Small Business Advisor. Assistance includes general business management, new business start-up guidance, and marketing, growth, or financial plan development. The advisor provides targeted information, links to resources and acts as a sounding board for questions and concerns. Alternately, the City maintains a relationship with and provides referrals to business advisers at local SCORE offices and the Rockingham Economic Development Center for similar advising services at no cost.

Much of Portsmouth's vibrancy is driven by businesses that serve the cultural, historic, retail, and hospitality sectors. In an effort to best serve these markets as well as other industries citywide, the City partners with the Chamber Collaborative of Greater Portsmouth. Through an annual grant from the City, the Chamber Collaborative provides several programs that support these industries including marketing of the City at travel shows, tours for travel media representatives, monthly meetings with member representatives of these sectors, and development of the popular Harbor Guide to the Seacoast magazine listing local businesses.

Chamber initiatives that benefit all local independent small businesses include Restaurant Week (and November), Hit the Decks, Fashion Night Out, and other events. To satisfy the City grant requirements, metrics on these activities are provided in reports to the EDC semi-annually and shared with the City Council.

Another Chamber partnership program that benefits all business sectors is educational programming on topics key to helping small business succeed such as marketing, social media, employee recruitment/retention, and cyber security.

City Economic Development staff are committed to serving and supporting local companies and are willing to meet with small businesses at any time. City Staff are also open to ideas that enable the expansion of this commitment.

Why are we as a city spending local tax dollars on the Pease sewage plant, given no residential sewage goes through the plant?

The City is not spending tax dollars at the Pease sewage treatment plant. The costs to operate and maintain this facility are covered by the sewer rates paid by the Pease tenants. Expense is funded by fees collected through the Enterprise Fund. User fees are based on metered water use.

For more information see the [Water/Sewer sections of City Budget \(p 317-348\)](#).

What are we doing about the loss of \$105 million in assessed value from the Schiller plant?

The significant loss in value from the Schiller Station was due to the 2015 PUC restructuring of Public Service Company of New Hampshire and appeals filed against the City of Portsmouth. This loss in value was essentially absorbed by the large growth experienced within the City. The total assessed value, which included the loss of value from the Schiller Station, was used to set the tax rate for FY18 and FY19.

In comparison to other communities like Bow which was impacted by ordered refunds for PSNH, the City was proactive in the budgeting process by setting aside reserves to lessen the impact to the taxpayer.

Without Portsmouth's commercial growth the PUC restructuring of PSNH and the value loss associated with the restructuring would have caused a higher tax burden to the City's taxpayers.

How many lawsuits do we have against the city? Why do we need to contract attorneys when the city employees its own attorneys?

The City's Legal Department is sized to meet the day-to-day demands of operating the City government. Moreover, it is sized so that as much legal work as possible can be done in-house rather than by retaining outside counsel. Outside counsel is inherently more expensive on an hourly basis than City staff. Moreover, there are advantages to having work performed by City lawyers who form a deep understanding of City operations and develop good working relationships with the City departments. However, there are cases which require special expertise not possessed by lawyers in the employ of the City and there are cases which are so far beyond the normal flow of municipal work that extra legal assistance is needed. In those situations, the City retains outside counsel.

What are we doing as a city to support ethics in our government and schools?

The City Manager believes in setting a high standard for ethical behavior by acting in a fair, transparent, and compassionate manner while demonstrating accountability. She expects staff to act in a trust-worthy, respectful manner. She promotes these values by consistently communicating them throughout the organization – at the time of hiring, each staff person receives a copy of the City's [Code of Ethics](#) as well as our Standards of Conduct policy. During interviews and performance evaluations, expectations for conduct are discussed.

The School Department uses the recently adopted Code of Ethics for educators from the State Board as guidance for staff, in addition to numerous local [School Board policies under Personnel](#).

For students, we reinforce ethics through our social emotional programming, which utilizes a program called Open Circle in elementary school. We also have elements of ethics in our health curriculum 6-8.

How is the city handling all the concerns with our drinking water?

The City is currently in compliance with drinking water standards including per- and polyfluoroalkyl substances (PFAS) in both the Portsmouth Regional and Pease International Tradeport Drinking Water Systems. The [full report](#) is available on the Water Department web page.

The City's Department of Public Works has published its annual Portsmouth and Pease International Tradeport Supply Status Report for 2019 (Jan 2020). The report provides a summary of the water system operations for the Portsmouth and Pease International Tradeport drinking water systems.

The [full report is available on the City's website](#).

Highlights from 2019 for both water systems include:

- The Portsmouth and Pease drinking water systems had no drinking water quality violations in 2019.*
- Water production was the lowest it has been in 33 years due to success in tracking, locating and fixing leaks throughout both water systems.*
- Groundwater capacity in active wells is better than normal due to the optimization of the various sources of supply to the system.*
- Average daily residential water use is down 22% since 2010.*
- Construction of a new water filtration system to treat PFAS contamination in the Pease wells continues.*

Water supplied to Portsmouth water system customers comes from a combination of surface water and groundwater sources. The surface water supply is the Bellamy Reservoir, which is located in Madbury and Dover. Water supplied to Pease Tradeport water system customers comes primarily from the groundwater wells located on the Tradeport (Harrison Well and Smith Well). The Portsmouth water system supplies water to the Pease Tradeport water system, as needed.

What can we do to support positive mental health in our city?

Many of the same issues affecting the general population also affect the overall mental health of the community, and can be even more consequential for vulnerable citizens. Housing, transportation, environmental health, and coalition building are immediate ways to support positive mental health in Portsmouth. The following measures should be evaluated:

- 1. The critical affordable housing shortage coupled with the low vacancy rate needs to be addressed and has already plummeted many vulnerable citizens into crisis.*
 - Expand the discussion of affordable housing to focus on disabled persons who cannot work due to intellectual, emotional or physical disabilities, seniors, and others that do not fit mainstream employment.*
 - Increase the number of landlords that will accept Section 8 Housing Vouchers. Voucher maximums are \$1200 per month. Where rents for even studios far exceed this amount, there is little incentive for local landlords to accept or continue to provide Section 8 Housing.*
 - Support affordable group homes and safe rooming houses for small groups/occupancies of 3-10 individuals to comply with local ordinances and national codes.*
 - Support planning and zoning of affordable and accessible housing in the downtown and other areas that are easily accessible to goods and services.*

2. *Transportation is a critical need for several groups in Portsmouth. Even when mental health and other critical services are available, without transportation, people can not avail themselves of critical treatment. The location of Seacoast Mental Health makes a lack of transportation to the facility prohibitive for many.*
 - *Adding a COAST bus stop at Seacoast Mental Health has been cited by them as their number one request to assist people needing mental health services.*
3. *There is growing public awareness of the artificial environment we live in and the potential health impacts. Anxiety has increased over issues of hazardous waste and the contamination of local natural resources. This anxiety can be reduced by:*
 - *Sustained community efforts at reducing exposures to harmful toxins in the environment by promoting green building, the use of non-toxic materials, and public education efforts to assist individuals in reducing their own exposures in their home and workplace environments.*
4. *A concerted effort by many stakeholders is needed to address the intertwined needs of the community to support positive mental health in this community. This includes:*
 - *Training provided to Seacoast Mental Health (SMH) by City Welfare would help SMH Case Managers better understand how they can best work with City resources to address the needs of the Portsmouth residents they serve.*
 - *Seacoast Mental Health can provide Mental Health First Aid training to City staff who routinely interact with the population they serve. This is an 8 hour training that discusses signs and symptoms of mental illness and substance use disorder, and provides direction on what to do and who to contact when help is needed.*
 - *Reducing stigma to allow for more compassionate care, access to care, and public education campaigns. These education campaigns could be aimed at increasing acceptance and the promotion of public awareness, showing recovery and good mental health are attainable.*
 - *Working with local providers to increase access to mental health care. Referral to a psychiatrist takes 4 – 6 weeks, yet care for addiction or mental health treatment needs immediate attention. Define ways that health care providers could be the bridge for these immediate needs, until psychiatric care is established.*
 - *Expand vocational opportunities by supporting organizations such as Seacoast Pathways.*
 - *Perform a comprehensive community needs assessment for the greater Seacoast area for all stakeholders to assess the current state of mental health services, identify the gaps, and develop strategies for expanding access in real time.*
 - *Portsmouth has a significant aging population and underserved disabled population. This will require direct support services for seniors and the disabled as well as replacement support for the many individuals currently living with aging caregivers.*

What is the city doing to support Climate Change?

Addressing the impacts of climate change and building a more resilient community are supported by city-wide Master Plans since 2005 and the Planning Department has managed a number of related initiatives on these issues. Starting in 2005, the City became an Eco-Municipality and joined the International Council on Local Environmental Initiatives (ICLEI) – [more about this program is available here](#). The [Mayor's Blue Ribbon Committee on Sustainability](#) continues to work on related initiatives with City staff.

In 2013, the City completed a [Coastal Resilience Initiative](#) to map and plan for impacts related to sea level rise and severity of coastal storms followed in 2018 by the completion of a [Historic Resources Adaptation Plan](#).

As a direct result of these planning initiatives, in 2019 the Planning Board and City Council adopted revisions to the Zoning Ordinance for the floodplain overlay districts and wetland protections.

DRAFT NPDES Great Bay Total Nitrogen General Permit

**By: Suzanne Woodland, Deputy City Attorney
Terry Desmarais, City Engineer**

Issuance and Public Comment Opportunity

On January 7, 2020, the U.S. Environmental Protection Agency (EPA) published for public comment a draft Clean Water Act permit which proposes to regulate the discharge of nitrogen from 13 New Hampshire wastewater treatment facilities (WWTFs) within the Great Bay Estuary including the City's two wastewater treatment facilities at Peirce Island and Pease. In addition to regulating the discharge of nitrogen, the draft permit requires the municipalities to undertake a significant water quality monitoring obligation for the whole Estuary. The draft permit includes an optional component to undertake stormwater point source and non-point source controls of nitrogen.

The 12 communities that would be covered by the general permit are: Portsmouth (two facilities), Newington, Durham, Newmarket, Epping, Exeter, Newfields, Dover, Rochester, Rollinsford, Somersworth, and Milton. Maine communities that discharge to the Estuary and Maine and New Hampshire communities that discharge stormwater but do not have a wastewater facility are not covered by this draft permit.

The draft permit, issued under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES), is open for a 60-day public comment period with comments currently due March 9, 2020. A public hearing will be held at 6:00 PM on February 19, 2020 at the NH DES Pease Regional Office at the Pease International Tradeport, 222 International Drive, Suite 175.

The draft permit, fact sheet and instructions on how to submit comments can be found on EPA's website at: <https://www.epa.gov/npdes-permits/draft-great-bay-total-nitrogen-general-permit>

City staff will be attending the public hearing at which it hopes to obtain information clarifying certain elements of the draft permit. Staff also anticipates submitting written comments on or before March 9, 2020. City staff will be requesting an extension on the comments deadline. The City staff will be prepared to brief the City Council further on March 2, 2020 and discuss the opportunities and risks this draft permit presents for Portsmouth and costs associated with compliance.

Structure of the Permit

This draft general nitrogen permit for the whole of the Great Bay Estuary proposes a fundamentally different structure than past permitting for New Hampshire's regulated communities. Historically, total nitrogen limits have been added to each WWTFs' NPDES permit, as was done in 2012 with Exeter and Newmarket where each WWTF received an effluent monthly average total nitrogen limit of 3.0 mg/l, required from April 1 – October 31. By contrast, this draft permits adopts an annual nitrogen loading approach applicable to the whole of the estuary and without seasonal variation instead of a single concentration limit at the end of

a WWTF discharge pipe. This change in permitting approach provides opportunities and presents risks.

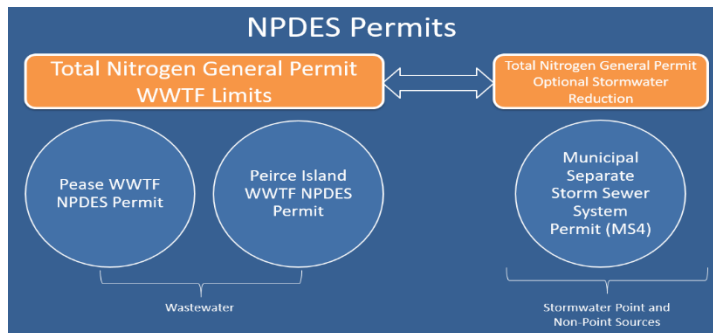
The State of New Hampshire, through the New Hampshire Department of Environmental Services (DES), sets water quality standards for state water bodies, including the Great Bay Estuary. DES and EPA have identified within this draft permit an estuary wide nitrogen loading target of 100 kilograms per hectare per year (kg/ha-yr) to meet water quality standards. In order to achieve this target, reductions in nitrogen loading will be needed from all sources, WWTFs, stormwater point and non-point sources estuary wide.

The draft permit document consists of four separate and distinct sections: the permit, two appendices, and a Fact Sheet. These are summarized below.

1. The Permit

This portion of the permit establishes the applicability of the permit, effluent limitations, monitoring and reporting requirements and other administrative logistics.

Each of the 13 New Hampshire WWTFs is assigned an annual nitrogen loading limit to be achieved. This limit is set in pounds of nitrogen discharged on an annual average daily basis which is measured and calculated based on the specific testing requirements in the permit. The permit only covers nitrogen and the conventional wastewater permit parameters such as total suspended solids and biochemical oxygen demand remain regulated under the existing individual NPDES permits. The schematic below provides a visual for the regulatory structure of the City's NPDES permits for wastewater and stormwater.



Portsmouth is unique in this permit because the City is the only community that has two wastewater treatment facilities. As such the City has been provided with a combined (total for both facilities) nitrogen permit limit that would need to be achieved. This provides the City flexibility to adjust operations at either of its facilities to meet the permit limits. The City's Peirce Island WWTF is the largest of all the WWTFs in

the permit and is also the only WWTF that has intentional wet weather treatment capacity.

This portion of the permit also imposes a number of additional requirements on the regulated communities including a Nitrogen Optimization Plan and an Adaptive Management Ambient Monitoring Program described below.

Nitrogen Optimization Plan (NOP): This requires the City to provide and certify to completion of an annual plan that optimizes operations of the WWTFs for nitrogen removal. This would require the City to develop and implement any alternative approach(es) to operating the facility that would maximize the reduction of nitrogen. The City will be seeking clarification on the specifics of this requirement; in particular to clarify that optimization does not require capital type improvements for optimization efforts.

Adaptive Management Ambient Monitoring Program: This program is a requirement for all the communities to share in the cost of an extensive annual water quality monitoring effort that

requires the purchase of equipment, intermittent sampling and other testing. This will include data from data sondes throughout the estuary, surveys to measure changes in aquatic life, surveys to map eelgrass, and water chemistry measurements throughout the estuary and at the head of tide for each stream. The program is to be administered and reported by the collective communities and the data will be analyzed by the regulators. Costs for the work are not provided, but are anticipated to be on the order of over one million dollars per year with the first year being more for the purchase of the equipment. As currently drafted, the City of Portsmouth would pay the majority of the costs for this work each year because the proposed cost sharing metric is on design flows of the treatment facilities. With the City having two treatment facilities and the single largest of the group, the City is responsible for approximately 29% of the total costs. There is no end date to the monitoring and the scope does not appear to adjust based on the results of previously collected data. If certain facilities do not end up ultimately covered under this permit the City of Portsmouth's cost burden would increase. The City anticipates commenting on this program as an inappropriate downshifting of the cost of water quality testing on the municipality.

2. Appendix I

This section of the permit provides all the standard terms and definitions associated with the permit and the overlying need to comply with the Clean Water Act. The duties and responsibilities inherent on the municipality for meeting compliance with the permit and ramifications of non-compliance are summarized therein. The City is obligated through the permit to monitoring effluent as stipulated and maintain records for such monitoring. The specific terms used in the permit are further defined in Appendix I. The City intends to request clarification to some of the items in this section.

3. Appendix II

The draft permit includes in Appendix II an Optional NonPoint Source and Stormwater Point Source Nitrogen Reduction Pathway. In theory, this is supposed to be a path for communities to invest further in stormwater projects and gain credit for those environment investments so as to allow more flexibility with regard to WWTF discharges of nitrogen. Communities can elect or not to participate in this program and we understand the regulators anticipate all communities to participate. Communities that do not elect to participate in the stormwater program are likely to receive a lower nitrogen load limit or will need to request an individual NPDES permit for their WWTF (thereby electing to not be part of the General Permit).

If participating, the community will need to reduce its stormwater nitrogen loading by 45% from the municipality's baseline as defined in the NH DES Great Bay Non-point Source Study (2014). This section of the permit provides the framework the regulated municipality would need to follow to demonstrate its approach to meeting that stormwater nitrogen reduction over the stipulated time period (approximately 23 years). It is important to note that in order to achieve the target (100 kg/ha-yr), all communities in the watershed and the four WWTFs in Maine would need to achieve similar nitrogen controls as those regulated under the draft General Permit. The permit does not, however, include the WWTFs in Maine or any of the communities in the watershed that do not have WWTFs (approximately 36).

Should the City elect to take part in the stormwater reduction plan, in Appendix II details the municipalities' obligation to develop plans to meet the overall nitrogen reduction target. Each plan would stipulate the proposed project, specific nitrogen control measure (e.g. rain garden, gravel wetland, etc.), anticipated costs, and associated operation and maintenance plan with the

proposed control measures. Coupled closely with this effort is a requirement to track changes in land use that can impact nitrogen discharge using the Pollution Tracking and Accounting Program (PTAP). These changes can include modifications such as septic system conversion to sewer or modifications to the amount of impervious cover as part of development. Tracking would include both increases as well as decreases in the amount of nitrogen discharged based on the change in land use(s).

This section indicates that failure to conduct the proposed reductions in nitrogen non-point and stormwater point source loads as defined in the plans outlined above will result in water quality standards not being met and will allow EPA to reopen the permit to reduce the nitrogen discharges at the WWTFs.

4. Fact Sheet

The Fact Sheet sets forth the basis for the EPA's decision to regulate and establishes the specific effluent parameters for the WWTFs stipulated in the General Permit. This section of the permit provides detailed history of the science that in EPA's view supports the need to reduce the nitrogen loading to the Great Bay Estuary.

This section of the permit asserts that the estuary is impaired for nitrogen regardless of a number of de-listings officially submitted by the NH DES through the 303(d) Impaired Water Bodies Listing in the years of 2014, 2016 and 2018. This item is significant to the City because it will have implications on future MS4 permit requirements for nitrogen. Requiring nitrogen treatment in stormwater is difficult (and expensive) and will impact long term land use in the City.

Communication with Other Affected Communities

The City Managers of Rochester and Dover invited representatives of all 12 impacted communities to attend a meeting to discuss the draft General Permit. That meeting was held on February 4, 2020 in Dover, and it was attended by city managers/town administrators, public works staff, and consulting engineers. No outside counsel attended. City Manager Conard, City Engineer Desmarais and Deputy City Attorney Woodland attended on behalf of Portsmouth. Communities discussed their understanding of the workings of the draft Permit, identified questions, shared concerns, and discussed whether to request a peer review of the basis for the annual nitrogen load target.