

CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

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You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-10, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

DATE: MONDAY, AUGUST 3, 2020

TIME: 6:00PM

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. COLLECTIVE BARGAINING NEGOTIATIONS – RSA 91-A:3 II (a)

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

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AGENDA

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - **POSTPONED****
- III. CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. ROLL CALL**
- V. INVOCATION**
- VI. PLEDGE OF ALLEGIANCE**
- VII. ACCEPTANCE OF MINUTES – APRIL 20, 2020, MAY 4, 2020 & MAY 6, 2020**
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. PUBLIC COMMENT SESSION – (Via Zoom)**
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED****
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**
 - A. Public Hearing and Second Reading of Ordinance**

ORDINANCE AMENDING CHAPTER 7, ARTICLE I, SECTION 7.102 – PARKING METER ZONES; CHAPTER 7, ARTICLE I, SECTION 7.105 – PARKING; CHAPTER 7, ARTICLE III, SECTION 7.324 – LIMITED PARKING – ONE HOUR; SECTION 7.325 – LIMITED PARKING – THIRTY MINUTES; SECTION 7.326 – LIMITED PARKING – FIFTEEN MINUTES; SECTION 7.327 – LIMITED PARKING – TWO HOURS; SECTION 7.328 – LIMITED PARKING – THREE HOURS; SECTION 7.328-1 – UTILIZATION OF MULTIPLE PARKING SPACES; AND SECTION 7.329 – LIMITED PARKING – FOUR HOURS (STAY AND PAY)

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

(Sample motion – move to pass second reading and hold third and final reading at the August 31, 2020 City Council meeting)

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Appointment of Thaddeus Jankowski to the Conservation Commission
 - Appointment of Adam Webster to the Conservation Commission
 - Appointment of Jane Wright as an Alternate to the Conservation Commission
2. *Appointment to be Voted:
 - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee as an Alternate

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. That Mill Pond Way be named for former Portsmouth Assistant Mayor Paul McEachern *(Sample motion – move that the Portsmouth City Manager meet with Jon Wyckoff, who acting on behalf of the Advocates for the North Mill Pond, and the Creek Neighborhood Committee will formalize the naming of the “Paul McEachern Park”)*
2. Request First Reading of an Ordinance Requiring That Face Coverings Be Worn At Specific Times In The City of Portsmouth *(See Ordinance Attached)*
3. Report Back on Request of Restoration of Involuntary Merged Lot – 246 Thornton Street *(Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting)*
4. Report Back on Request of Restoration of Involuntary Merged Lot – 1240 Islington Street *(Request for Reconsideration of Vote by the City Council at the July 13, 2020 meeting)*

B. COUNCILOR McEACHERN

1. *Resolution that the City Council Supports our Educators as they take the Necessary Steps to Keep Both Children and Themselves Safe

C. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the July 9, 2020 meeting *(With Summary Sheet: Stay and Pay Recommended for Approval to City Council)*

D. COUNCILOR LAZENBY

1. *Permitting Fee Relief for Businesses and Outdoor Use
2. *Request for explanation of Ethics Complaint process and update on current status

E. COUNCILOR KENNEDY & COUNCILOR HUDA

1. *Middle Street Bike Lanes Current Implementation for Safety in Lieu of the Recent Accident

F. COUNCILOR HUDA

1. Update on CARES Act Fund Allotment (***Sample motion – move to request the City Manager provide to the Residents & City Council an update on CARES Act Fund Allotment to Include: Total Allotment - \$523,000.00, Total Amounts Submitted/Received for Reimbursement and Remaining Balance at August 1st***)

G. COUNCILOR TRACE

1. Paul McEachern Park (***Sample motion – move to name a certain City owned parcel of land (143-8) located on Mill Pond Way on the North Mill Pond, the Paul McEachern Park***)

XIV. APPROVAL OF GRANTS/DONATIONS

(There are no Grants or Donations on this Agenda)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Fire Department Memorandum of Understanding regarding Health and Wellness
2. Establish Polling Hours for the State Primary Election
3. Request to Waive Prescott Park Arts Festival Annual Consideration Fee
4. Request to Waive Gundalow Company Annual Consideration Fee
5. Sale of Surplus E-One Fire Truck
6. Temporary Construction License for 145 Maplewood Avenue
7. Parking and Traffic Safety Committee Ordinance Schedule

XVI. CONSENT AGENDA

- A. 444 Pleasant Street/Portsmouth Housing Authority Sidewalk Easement

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. Update on the Portsmouth Citizens Response Task Force

- C. *Presentation regarding Census Reporting – Richard Perrin, US Census Bureau
- D. Email Correspondence (***Sample motion – move to accept and place on file***)

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Report Back from Sewer and Water on Large Rain Events and Combined Sewer Overflows as Requested at the July 13, 2020 City Council meeting
- 2. Report Back on Services Provided by former City Manager John Bohenko Over the 6-Month Period Ending June 30, 2020 as Requested at the July 13, 2020 City Council meeting
- 3. Prescott Park Implementation Committee Public Process
- 4. Proposed Ordinance regarding Face Coverings During the COVID-19 Pandemic

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

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

** Indicates verbal report*

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 20, 2020

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-5, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

to access by web (<https://zoom.us/join>)

to access by phone, dial (929-436-2866)

Meeting ID (276 622 239)

Password (242060)

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04. Section 8, as extended by Executive Order 2020-5, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.

- I. **WORK SESSION – POSTPONED**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – POSTPONED**
- III. **CALL TO ORDER**

Mayor Becksted call the meeting to order at 7:00 p.m.

IV. **ROLL CALL**

PRESENT: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

V. **INVOCATION**

Mayor Becksted said we are taking precautionary measures for our safety.

VI. **PLEDGE OF ALLEGIANCE**

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

Councilor Lazenby moved to suspend the rules in order to take up Item XVII – Presentation by Health Officer Kim McNamara regarding COVID-19 Update and XVII B. – Presentation by Economic Development Manager Nancy Carmer regarding Economic Development matters relating to the pandemic. Seconded by Councilor Kennedy.

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Presentation by Health Officer Kim McNamara regarding COVID-19 Update

Health Officer McNamara provided a detailed presentation regarding COVID-19. She reported that we are in the response phase and there are many unknowns. She addressed effective treatments and vaccine development for the virus. She explained that New Hampshire is in the protective surge phase and the next two – three weeks will be telling on moving forward.

Assistant Mayor Splaine thanked Kim for her work. He asked where people could receive a test and a mask. Health Officer McNamara said Senior Services Director Sullivan has been conducting a mask drive at Community Campus. She also indicated that there is limited testing for the virus. She said the general public could get tested right now if you meet the requirements for testing.

City Manager Conard said that information is available on the website and contained in the city newsletter.

Assistant Mayor Splaine spoke on what stores and organizations should do. He asked if there was any advice for the rest of us regarding receiving masks. Health Director McNamara said masks provide proper protection and people are urged to use them. City Manager Conard announced the next mask drive will be held on Tuesday from 10:00 a.m. to Noon at Community Campus.

Councilor McEachern asked Health Director McNamara if she is aware of any means to increase testing. Health Director McNamara said the Governor is working on trying to get more tests however, Massachusetts is in the throws of this right now, which makes it difficult to get tests here in New Hampshire.

Mayor Becksted urged the public to review our website and the newsletter for regular updates regarding the pandemic.

B. Presentation by Economic Development Manager Nancy Carmer regarding Economic Development matters relating to the pandemic

Economic Development Manager Carmer spoke on small businesses and what we are hearing, and our efforts in the works as well as plans for the Economic Development Commission moving forward. She reported that Portsmouth has more small businesses than Dover, Rochester and Somersworth combined. She explained that Portsmouth has 745 firms with 1-4 employees, which equals 41% of the total.

Councilor Kennedy expressed concern regarding businesses with 15 and under employees, and of that group how many have parking in the garage and are paying for parking. She would also like the list of essential businesses to be made public. City Manager Conard said that the list is available on the website.

Councilor Lazenby thanked Economic Development Manager Carmer for her hard work on this matter. He said the pay check protection plan has not reached all the businesses as of yet and we need to look at things on a federal level.

Councilor McEachern thanked the small business banks for their work on these matters.

VII. ACCEPTANCE OF MINUTES – FEBRUARY 18, 2020

Councilor McEachern moved to approve and accept the minutes of the February 18, 2020 City Council meeting. Seconded by Councilor Lazenby.

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

IX. PUBLIC COMMENT SESSION

Gerald Duffy spoke on McIntyre and expressed congratulations for getting Red Gate/Kane back to the table. He said we have 5 months to come up with a new design. He spoke to the decision making process for interim agreement would require framework on economic neutrality. He asked what the details are for the process that will be used. He also asked what the process would be for public involvement.

Sarah LaChance spoke to the potential increase in absentee voting for the upcoming elections. She understands the increase will lead to additional staffing.

Mark Brighton said we are all in this together and City management needs to give a full accounting on why we have not for lowed more staff. He said the taxpayer is providing vacation time to people who are not doing what they need to and based on that, they should be let go.

Debbie Jennings spoke against the merged lots. She said the records describe the property as a single lot. She stated the Zoning Board of Adjustment would not have allowed the variance. She indicated the previous one merged was denied by the Zoning Board of Adjustment and City Attorney Sullivan. She said several deeds described the lot as a single lot and three surveys have been completed.

Brian Wazlaw spoke regarding voting in September and November. He addressed the expansion of absentee voting which will increase the number of voters voting absentee. He stated at the last election they receive 240 absentee ballots and it took 6 hours to process. He indicated he is estimating 800 absentee ballots to process for just his Ward, which is Ward 5. He requested that City Council contact our Senators to support HB556 which would assist the City in the process of ballots.

Bernie Pelech would like to know if Thaxter Road comments would be appropriate at this time. Mayor Becksted said you can speak at this time on that matter. Attorney Pelech said this has been a long process taking over 2 years. He state the unmerging of lots was recommended by the Planning Department and Planning Board and the evidence is clear there has not been a voluntary merged lot and the burden is on the City to demonstrate that. Attorney Pelech said the lots should be unmerged.

Patricia Bagley Councilor Trace read a letter regarding keeping the City of Portsmouth running and there are many deserving, such as Kelli Barnaby and Valerie French continue to turn the wheels of governments. She said the Public Works Department pick up the trash, the Health Department continue to do an excellent job, the Police and Fire Departments allow us to feel safe every day. She thanked City Manager Conard, Mayor Becksted and the City Council for marching on and we have learned that it is what leadership should look like.

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Reappointment of Richard Blalock to the Recreation Board

The City Council considered the reappointment which will be acted upon at the next City Council meeting.

2. Acceptance of Resignation from MaryAnn Blanchard from the Conservation Commission

Councilor Kennedy moved to accept the resignation of MaryAnn Blanchard from the Conservation Commission with regret and to send a letter of thanks and appreciation for her years of service to the City. Seconded by Councilor Tabor.

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

4. Letters to Sister/Friendship Cities on Behalf of the Mayor

The City Council thanked Mayor Becksted for sending our Sister/Friendship Cities letters of support during these trying times. No action taken.

3. Creating a Committee for Small Business & Restaurant Relief Fund

Mayor Becksted spoke regarding the establishment of a Committee "Clipper Strong Fund" for Small Business & Restaurant Relief Fund. He announced that he would have Councilors Kennedy and Tabor serve once the Committee was created. He stated he will be donating \$500.00 from his business and has 6 other companies that are matching his donation.

Councilor Kennedy spoke in support of the idea.

Councilor Tabor said discussion has taken place about creating a landing page on the website.

Councilor Lazenby spoke to the need to know what businesses have received relief funding in order to address those businesses that have not.

No action taken.

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR LAZENBY

1. Considerations for more Absentee Voting in 2020 Elections

City Clerk Barnaby explained the process of Absentee Voting and reported on HB556 regarding early processing of absentee ballots. No action required.

B. COUNCILOR HUDA

1. Latest Data Re: Forecasted Economic Downturn Caused by the COVID-19 Virus

Councilor Huda motion to request an updated report to the residents and City Council from the City Manager on the current financial condition of the city on the immediate actions that the city is taking to maintain and safeguard our financial position while still providing necessary services during and after this pandemic was not acted upon.

City Manager Conard reported on the various freezes that have been put in place due to the economic downturn cause by the COVID-19 Virus. She advised the City Council that we are tracking revenue closely and we are seeing more new motor vehicle registrations. She indicated that we are encouraging timely payment for property taxes. City Manager Conard reported to the Council that the Assessor's webpage has tax relief program information available to the public. She advised the City Council the budget will be released on Friday, April 24th.

Assistant Mayor Splaine congratulated the City Council on a zero based budget when in January and February we were looking at a significant increase of 5%. He said we need to cut back on expenses and look forward to what we want for a budget going forward to 2024.

Councilor Kennedy thanked Councilor Huda for her work on the budget. She stated residents need to look at the budget and come forward and provide thoughts on what programs and services can be changed.

Mayor Becksted also thanked Councilor Huda for her work on the budget

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant for Victim of Crime Act (VOCA) to the Portsmouth Police Department

Councilor Kennedy moved to approve and accept the grant to the Portsmouth Police Department as presented. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Sidewalk Café Licenses

City Manager Conard reviewed the policy for sidewalk cafes with serving alcohol. She reported there are 4 establishments requesting permits with various departments reviewing the requests and recommending approval. She advised the City Council that we are pro-rating the fee on a per month basis.

Councilor Lazenby moved to amend its policy requirement to allow sidewalk café seasonal fees be prorated for the 2020 season; and further to authorize the City Manager to enter into Area Service Agreements with Popovers on the Square, Raleigh Wine Bar and Market, The District, and Fezziwigs Food and Fountain for outdoor alcohol service on City land for the 2020 season subject to City Council Policy No. 2012-02, and further subject to all Governor's orders relating to the COVID-19 pandemic. Seconded by Councilor McEachern.

Councilor Kennedy expressed concern with the distancing of chairs. City Manager Conard stated that would be part of the permit conditions and inspection of premises.

Councilor McEachern asked if the fee could be reduced and distancing required with less tables and chairs.

Councilor Trace indicated she supports the ratio.

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

Applications for Sidewalk Cafés providing Alcohol Service – Private Sidewalk:

City Manager Conard reviewed the operation of the establishments that provide alcohol services outside on private land.

Councilor Lazenby moved to authorize the City Manager to enter into an Area Service Agreements with Row 34 and BRGR Bar for outdoor alcohol service on City land for the 2020 season subject to City Council Policy No. 2012-02, and further subject to all Governor's orders relating to the COVID19 pandemic. Seconded by Councilor McEachern.

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

2. Portsmouth Housing Authority – Release of Reverter

City Manager Conard explained the project and conveyance with report back to Planning Board and recommendation.

Councilor Lazenby moved to refer this item to the Planning Board for a report back and recommendation back. Seconded by Councilor McEachern.

Councilor Kennedy spoke opposed to the motion. She said this effects elderly properties.

Councilor Trace spoke opposed to the motion. She indicated she wants to stay with the original intent of owners.

Councilor Huda stated the original owners put requirements in the deed for a reason.

City Manager Conard said this is just a referral to the Planning Board this evening.

Councilor Lazenby said this is just a referral to the Planning Board and it is appropriate to do that and we need to look at these issues. He said the City Council needs to look to our boards on an issue of this matter to refer to the Planning Board.

Councilor Trace said the City Council did not receive sufficient information to make an educated, unbiased opinion.

City Attorney Sullivan said the reason to refer to the Planning Board is why it should go to them for answers to the questions, and the Planning Board would conduct a study and report back to the City Council. He stated when this matter comes back to the City Council is when you decide about the reverter.

Assistant Mayor Splaine supports the project and necessary component. He does not want to see anything effect the quality of housing.

Councilor Whelan said he was waiting for the City Attorney to weigh in on this matter. He said more information on the deed is needed and why the restrictions were put on the deed.

Councilor McEachern said there is not enough information to make a decision on the reverter but we need more answers and the Planning Board would supply that information in a report back.

Councilor Whelan moved to table until the May 4, 2020 City Council meeting. Seconded by Councilor Kennedy.

City Attorney Sullivan advised the City Council the Planning Board has authority to gather more information and conduct a public hearing if they choose.

Councilor McEachern would like to move this to the Planning Board and not table the matter to the next meeting.

Councilor Lazenby said he agrees with Councilor McEachern it is clear that this is an important project. He said this is about respect for the recommendation of the City Manager and staff. He stated he would like to hear from Craig Welch on this matter.

Councilor Trace said she believes that it should be tabled and provide the City Council with more information. She said that this is nothing against workforce housing or the project. She said we need more information to make a decision. She asked if we needed to suspend the rules to have Craig speak.

Mayor Becksted said because he is part of Portsmouth Housing Authority and the project he would allow Craig to speak.

Craig Welch said he would provide any additional information now or prior to the Planning Board report back. He said that this is straight forward and that the Portsmouth Housing Authority still owns and operates Feaster Apartments. He stated if we did not continue to own and operate Feaster apartments then until we went to close on the property the reverter provision would not be part of the matter. He said City Attorney Sullivan advised Portsmouth Housing Authority that they needed to go before the City Council before going to the Planning Board. He said this is about the title and does not have anything to do with Parrott Avenue property.

Councilor Tabor asked Craig to speak to the benefit of the landscape.

Craig said this was approved back in 2018 by the board/commissions. He stated the federal government has done all local approvals and this has to do with 839 square feet of land for a parking spot. He stated we need to clear the title and reverter provision.

Councilor Trace asked Craig if there is a reason it did not come before the City Council. Craig said that is unclear with the deed whether it was envisioning the entire Feaster property or other land. He stated if we were to sell Feaster, the property would revert back.

Mayor Becksted asked when does the Planning Board meet and when would the City Council be able to look at something.

City Manager Conard said the Planning Board will meet this Thursday but the schedule is not set in stone. She said it would make the May 21, 2020 Planning Board meeting.

Councilor Trace asked Craig if the Council could see the original deed for the Feaster property. Craig said the deed was included in the request and provided to you.

Councilor Trace said she is questioning whether Feaster was separate from the property.

City Manager Conard asked if you are looking for the deed it is attached to the City Manager comments. She advised the Council delaying this could cause difficulties with advertising in time for the May 21, 2020 City Council meeting.

Councilor Tabor said he supports moving this forward to the Planning Board.

Councilor Huda said she would support it with all information that the Planning Board will receive in making a decision.

Councilor Lazenby said that the Planning Board is the right place for this to go and this is a step that we need to do. He said he does not want to see another delay with this project.

Councilor McEachern said he does not feel it is the fault of city management or Craig Welch. He stated it is the City Council that is responsible to refer this to the Planning Board with a recommendation back with evidence to make a decision on this matter.

On a roll call vote 5-4, motion passed. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted opposed.

3. Request for Restoration of Involuntarily Merged Lots at 27 Thaxter Road

City Manager Conard said that this is the same information provided at the last City Council meeting. She reported on the long history of appeals.

Councilor Lazenby moved approve the unmerging of the two involved lots at 27 Thaxter Road as requested by the applicant Chad Callihan and as recommended by the Planning Board. Seconded by Councilor McEachern.

Mayor Becksted said he has lived this at both ends from the Planning Board and City Council. He said the Jennings attorney spoke to this at the last meeting. He said two plans were presented to the Planning Department. He stated this was not an involuntary merged lot.

Councilor Kennedy said we have reviewed this matter and she agrees with Mayor Becksted.

On a roll call vote 4-5, motion failed to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

XVI. CONSENT AGENDA

- A. Request for License to Install Projecting Sign for owner Lauren and Chris Atwood of Otter Creek Shop LLC for property located at 206 Market 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 Jylle Nevejans, Bottomline Technologies, requesting permission to hold a 5k Road Race for CASA on Sunday, September 27, 2020 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with authority to act)***

- C. Letter from Ken La Valley, Out of the Darkness, requesting permission to hold the Out of the Darkness Walk on Saturday, September 12, 2020 from 10:00 a.m. to Noon
(Anticipated action – move to refer to the City Manager with authority to act)
- D. Letter from Joi Smith, Friends of the South End, requesting permission to hold the annual Fairy House Tour event, on Saturday, October 3, 2020 and Sunday, October 4, 2020 from 10:00 a.m. – 3:00 p.m. Further, request to close Washington Street between Hancock and Court Streets to through traffic from 9:30 a.m. to 4:00 p.m. both days
(Anticipated action – move to refer to the City Manager with authority to act)

Councilors Kennedy and Trace requested that Item D. be removed from the Consent Agenda.

Councilor Lazenby moved to adopt the Consent Agenda Items A-C. Seconded by Councilor McEachern.

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

- D. Letter from Joi Smith, Friends of the South End, requesting permission to hold the annual Fairy House Tour event, on Saturday, October 3, 2020 and Sunday, October 4, 2020 from 10:00 a.m. – 3:00 p.m. Further, request to close Washington Street between Hancock and Court Streets to through traffic from 9:30 a.m. to 4:00 p.m. both days
(Anticipated action – move to refer to the City Manager with authority to act)

Councilor Lazenby moved to refer to the City Manager with authority to act. Seconded by Councilor McEachern.

On a roll call vote 7-0, motion passed. Councilors Kennedy and Trace abstained from voting on this item.

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- C. Email Correspondence

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

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Summary of Parking Holiday Revenue Impacts

City Manager Conard reviewed the summary of Parking Holiday Revenue Impacts.

Councilor Kennedy stated she would like to see barriers in front of every restaurant on Bow Street. She said we need to have a way to support the small businesses.

Councilor McEachern said we need to provide relief to owners that are in need of assistance. He spoke regarding putting 15 minute parking spaces back in place.

Parking Director Fletcher advised the City Council some businesses do not want the barriers in front of their establishment.

Public Works Director Rice spoke regarding small business parking passes and the free parking that is available.

Councilor Trace said she agrees with Councilor McEachern and Councilor Kennedy that small businesses need to be taken care of first. She suggested looking at out of the box ways to support our small businesses and residents.

City Manager Conard said no action this evening would mean that the parking holiday would sunset today.

2. Update on Report Back Requested by Councilor Kennedy Regarding Impact Fees

City Manager Conard stated due to the COVID-19 Pandemic this report back will be made at the May 18, 2020 City Council meeting.

3. Letter to Legislature regarding HB 1672 allowing no fault absentee ballot voting

The City Council expressed their support of the letter. No action required.

4. Sagamore Avenue Sewer Extension Project Update

City Manager Conard announced that a survey will be conducted regarding the project. She indicated that a presentation would be held at the May 18, 2020 City Council meeting.

5. Peirce Island Wastewater Treatment Facility Progress Report

City Manager Conard said the update has been provided in your packet regarding the facility.

Councilor Trace spoke regarding the nitrogen numbers for the new facility and expressed concerns.

City Engineer Desmarais said the facility is on schedule and there are some support issues by the vendor due to them not being able to be on site due to COVID-19. He said that the vendor is currently able to support us and things are moving forward as expected. He said he does not see concerns with meeting the nitrogen numbers.

Councilor Kennedy spoke regarding meeting the deadline and a decrease in flow.

City Engineer Desmarais said that there is nothing saying we listed April 1st as a deadline.

Councilor Trace said the hand out in the packet said we were meeting the April 1st deadline.

City Engineer Desmarais said in regards to mile stones achieved we will meet the requirements for the month of April.

Councilor Trace asked if we have any problem with complications with computers will the vendor come back. City Engineer Desmarais said we have the support of the vendor and they are on site at this time.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor McEachern recognized Congressman Matt Lewis for raising \$18,000.00 from running on the tread mill in recognition of the Boston Marathon.

Councilor Lazenby asked about upcoming plans for the McIntyre Subcommittee to meet.

Councilor Whelan said he plans to discuss next steps tomorrow and probably hold a meeting this week. He said we will continue the good work. He is questioning how public we make the meetings. City Attorney Sullivan said the Subcommittee has stated along the way there needs to be a public component, however he does not recommend negotiating in public.

Councilor McEachern echoed that the public will be a part of the process and we will bring options and ultimately we will not decide on our own on this matter. He stated the subcommittee is the Design Committee we are just facilitating a role of discussion.

Councilor Trace thanked the Subcommittee for their work and she looks forward to the public process.

XX. ADJOURNMENT

Councilor Kennedy moved to adjourn at 10:50 p.m. Seconded by Councilor McEachern.

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 4, 2020

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: https://zoom.us/webinar/register/WN_oOJpcvqRTkKgpurG9EvvNQ. You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Please note, this meeting will also be broadcast on the City's YouTube Channel. Public comments for the Council's consideration can be emailed in advance via the City's web site: <https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-8, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

At 6:30 p.m., an Anticipated Non-Public Session was held regarding Collective Bargaining Agreements in accordance with RSA 91-A:3 II (a).

- I. **6:00PM WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – *POSTPONED***

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:15 p.m.

IV. ROLL CALL

Present: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

V. INVOCATION

Mayor Becksted said that this is the 8th week of the pandemic and we're in hopes to start to reopen things up next week.

Mayor Becksted asked everyone to have Nancy Clayburgh and her family in their thoughts for the loss of her husband.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

1. Police Week in Portsmouth – May 10 to May 16, 2020
Peace Officers' Memorial Day, Friday, May 15, 2020

Mayor Becksted read a Proclamation declaring Police Week in Portsmouth from May 10th through May 16th. He also declared Friday, May 15th as Peace Officers' Memorial Day.

2. Bike Month – May 2020

Mayor Becksted read a Proclamation declaring the month of May as Bike Month.

3. National Nurses Week – May 6, 2020 through May 12, 2020

Mayor Becksted read a Proclamation declaring National Nurses Week from May 6th through May 12th.

4. National Professional Teachers Association Week – May 4, 2020 through May 8, 2020

Mayor Becksted read a Proclamation declaring the week of May 4th through May 8th as National Professional Teachers Association Week.

Assistant Mayor Splaine moved to suspend the rules to take up Item XVII. A. – Presentation by Health Officer Kim McNamara regarding COVID-19 Update and Item XVII B. – Presentation – Update on the Governor's Office for Emergency Relief & Recovery (GOFERR) BY Assistant City Attorney Jane Ferrini. Seconded by Councilor Lazenby.

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

A. Presentation by Health Officer Kim McNamara regarding COVID-19 Update

Health Officer McNamara provided a presentation regarding COVID-19. She reported on the number of cases throughout the State and the testing procedures that are taking place. She spoke to the supply of Personal Protection Equipment (PPE). She addressed the public health effects and the use of non-pharmaceutical inventions and the need to remain cautious as we step forward.

Assistant Mayor Splaine stated we are trying to prepare and open in stages and some businesses will be opening on May 11th. He said we will need to handle the 50% reopening of business and employees following guidelines from the Governor and State of New Hampshire. He asked how we could allow for more outside dining.

Health Officer McNamara said much information needs to be reviewed and careful planning moving forward and recommended face masks and/or coverings. She said restaurants are concerned with the liability and guidelines for reopening.

Councilor McEachern said he would like to hear more about social distancing. He spoke to the number of cases and said the State of Massachusetts is still seeing an uptick in cases. He stated that wearing a mask and/or face covering slows the speed of the virus.

Health Officer McNamara said we are very connected to the Massachusetts area with many employees from Massachusetts working at Pease and within Portsmouth. She said we must look at the data and lessons we are learning and move forward carefully and said a second and third phase can be more dangerous.

Councilor Trace thanked Kim for her work on this matter. She stated that the Governor said businesses could get PPE masks from the State if needed. She stated we should put that out to the business community of where they can get the PPE from within the State.

City Manager Conard said we will provide the link of the locations to get masks in the daily advisory.

Councilor Kennedy said she would like to get masks to provide to businesses.

Mayor Becksted said reopening is at the discretion of businesses and restaurants.

Health Officer McNamara said some restaurants do not want to open until midsummer or fall. She spoke to outdoor seating and adding more. She said it takes careful consideration as the health and economy need to go hand and hand.

Councilor Kennedy said people are concerned about all businesses and store fronts, and we need to be clear on our guidance to them.

Health Officer McNamara said we need to give full consideration on this matter and some small businesses too because some do not want to reopen.

Councilor Tabor thanked Health Officer McNamara for her good work and said we need to hear the voice of science and health. He said he has spoken with restaurant owners and it is not an easy equation to deal with reopening a business. He stated seating will be limited at 6-feet apart and take out services may still be needed.

City Manager Conard said she would like to add an item to the agenda from the Salvation Army.

Health Officer McNamara explained the request from the Salvation Army to enter into an Agreement to vend from a designated parking space in order to provide food at no cost to the homeless and our vulnerable population.

Councilor Lazenby moved to authorize the City Manager to negotiate and enter into an Agreement with the Salvation Army to vend from a designated parking space in order to provide food at no cost to the homeless and our vulnerable population. Seconded by Councilor McEachern.

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

- B. Presentation – Update on the Governor’s Office for Emergency Relief & Recovery (GOFERR) – Assistant City Attorney Ferrini

Assistant City Attorney Ferrini provided a brief report on the Stake Holders Advisory Board and an overview of CARES funds. She advised the City Council that the fund cannot be used for the recovery of revenues but we will be receiving \$522,989.00 in funds. She did indicate Representative Kuster and Congressman Pappas will be addressing revenue issues for municipalities as there are various grants that are covering COVID and costs related to the virus. Assistant City Attorney Ferrini stated she continues to go through the various elements of funds and their availability to municipalities.

Mayor Becksted said he will be part of a Zoom meeting with Senator Hassan and Congressman Pappas on grant funds.

Councilor Kennedy thanked Assistant City Attorney Ferrini for her report. She said we need to make sure we now how much funds are coming in during the CARES Act.

Councilor McEachern asked if computers and various equipment for schools to become virtual could be covered by the funding. Assistant City Attorney Ferrini said that would be a cost that could be covered. She explained that there are separate additional funds for schools and what the other sources of funding we are working to go through and the various elements and their availability.

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION

Jim Hewitt requested that the City Council table the West End Yards item to receive information why additional units cannot be made available for workforce housing.

Roy Helse said the workforce for the City needs to be looked at because taxpayers cannot afford it at this time. He said the social distancing is not working because people are not wearing masks.

Valerie Rochon spoke on restaurants and government reopenings and the challenges being faced by businesses. She said there is the use of unconventional spaces being used for businesses to operate and we need to work out safety of the areas. She said we need to make sure we reopen when it is right and expressed concern if the virus spikes again. She stated we need to work to make the right decisions for everyone.

Mark Brighton said a budget of 1.7% is unattainable and many communities are acting accordingly with reductions.

X. PUBLIC DIALOGUE SUMMARY [when applicable] – *POSTPONED*

XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First reading of Ordinance amending Chapter 7, Article I, Section 7.105 C – Designated Motorcycle Parking Area

City Manager Conard said Parking, Traffic & Safety approved the amendment before you for first reading. She said following first reading staff is recommending a public hearing and second reading at the May 18th City Council meeting.

Councilor Lazenby moved to pass first reading of an amendment to Chapter 7, Article I, Section 7.105 C, the Designated Motorcycle Parking Area Ordinance, and schedule a public hearing and a second reading at the May 18, 2020 City Council meeting. Seconded by Councilor Whelan.

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

XII. MAYOR BECKSTED

1. Appointment to be Considered:
 - Robert W. Bogardus appointment to the Recreation Board Senior Subcommittee

The City Council considered the appointment of Robert W. Bogardus to the Recreation Board Senior Subcommittee which will be voted on at the May 18, 2020 City Council meeting.

2. Appointment to be Voted:
 - Reappointment of Richard Blalock to the Recreation Board

Councilor McEachern moved to reappoint Richard Blalock to the Recreation Board until April 1, 2023. Seconded by Councilor Lazenby.

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

3. Formation/Reestablishment of the Prescott Park Blue Ribbon Committee
 - Petra Huda, Councilor Representative
 - Beth Margeson
 - Thomas Watson
 - Genevieve Aichele
 - Alan Gordon
 - Robin Lurie-Meyerkopf

Mayor Becksted requested the support of the City Council for the reestablishment of the Prescott Park Blue Ribbon Committee.

Councilor Kennedy moved to reestablish the Prescott Park Blue Ribbon Committee with the following members:

- **Petra Huda, Council Representative**
- **Beth Margeson**
- **Thomas Watson**
- **Genevieve Aichele**
- **Alan Gordon**
- **Robin Lurie-Meyerkopf**

Seconded by Councilor Trace.

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

4. Clipper Strong Fund Update

Mayor Becksted announced the creation of a Clipper Strong Fund to Portsmouth for small businesses. He announced they've already raised \$20,000.00 and he looks forward to working on this matter.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Assembling Plans for “Opening Up” When the Time Comes to Help Our Residents, Businesses, and Employees/Creating A Portsmouth Economic Re-Opening Task Force

Assistant Mayor Splaine suggested we create a Citizens Task Force to assist in the COVID-19 Pandemic and include assistance for non-profit organizations.

B. COUNCILOR McEACHERN

1. Preparation to Open Portsmouth Safely with an emphasis on safe and socially distant economic activity

Councilor McEachern suggested that City Manager Conard, Fire Chief Germain and Police Chief Merner work with Valerie Rochon of the Chamber of Commerce on a plan to reopen the city and its businesses. He said we need to work together and bring non-profits together and make us strong.

Councilor Kennedy expressed concern with what happens when the unemployment goes away.

Councilor Whelan stated the \$600.00 benefit goes to the end of July.

Councilor McEachern asked if a small business loan is given and the business does not reopen are they required to pay back the loan.

Councilor Trace suggested that City Manager Conard reach out to the businesses that are not part of the Chamber of Commerce Collaborative and hold a meeting where Valerie Rochon can assist in answering questions to help these businesses.

Councilor Kennedy spoke to insurance agencies requiring businesses to come forward with plans and safe distancing. She said she has personally had to create 3 plans in 72 hours for her insurance agent.

C. ASSISTANT MAYOR SPLAINE & COUNCILORS McEACHERN & LAZENBY

1. *Support for Elections

Councilor Lazenby said we spoke about this during the last two meetings. He said more developments have happened in the last couple weeks and a select committee was put together. He said the state will put forth election expense issues we need to watch and see what happens. He stated that Senator Sherman of Rye is on the committee and we want to see some funds for additional costs for absentee ballots. He reported there are still a number of bills on elections to watch. He encouraged the City Council to authorize Assistant City Attorney Ferrini have testimony prepared and ready that the City of Portsmouth supports in making elections more available.

Councilor McEachern said it would come before the Legislative Committee to draft the language and we need more input around that to move quickly.

Assistant Mayor Splaine would like to come up with a letter for no fault absentee voting. He said we need to express to the Secretary of State the need for the City to receive funding.

Councilor Trace would like to have a legislative meeting in May.

Councilor Lazenby move to refer this matter to Assistant City Attorney Ferrini to draft a letter of support for absentee voting in the upcoming fall elections and have the letter as an agenda item for the May 18, 2020 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Lazenby said many things are going on and we would like to hear back from the Legislative Committee by May 18, 2020 and hold a vote as a group by May 18, 2020.

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

D. COUNCILOR WHELAN

1. McIntyre Update

Councilor Whelan said a meeting was held last week on McIntyre. He said they're making progress and they created 4 principles. He said a public comment session will take place tomorrow at 9:30 a.m. He is encouraged and they know they need to change the project and Red Gate/Kane is committed to doing that. He stated after the next two meetings they will open it up to residents.

Councilor Trace commented that Chair Whelan and City Attorney Sullivan along with other members of the subcommittee needed to hold a non-public session and she looks forward to public comment and feels four elements are important to the residents and we will see how they feel about them.

Assistant Mayor Splaine said he would like more information on the public component.

Councilor Whelan said public comment will take place for 30 minutes tomorrow. He said we don't want them to go through drawbacks and the public will be very involved.

Councilor McEachern thanked Councilor Whelan on leading the meeting with the developers at the last meeting and looking at ways to move forward. He said we need to front load public comment and dialogue to have residents involved to create something.

Councilor Tabor said a better outcome will happen with involving the public early in the process.

Councilor Lazenby said we need some advance notice and clear weigh-in will be important and there be a schedule coming out for upcoming meetings.

City Attorney Sullivan explained having discussion in Non-Public Sessions. He said the discussion needed to be private and spoke to the reasons.

Mayor Becksted commended the committee and their work on this matter.

2. Parking Traffic and Safety Valet Request

Councilor Whelan said the 100 Group is requesting valet parking and we will have it brought forward at the May 18, 2020 City Council meeting.

E. COUNCILOR HUDA

1. April 2020 Revenue Receipts

Councilor Huda moved to request the City Manager provide an Update to the Residents & City Council of the Latest Data Available on the Actual April 2020 Revenue Receipts (1st full month of pandemic effect); and further moved that the City Manager provide a Series of Budget Scenarios for Potential Cuts of 20%, 30%, and 40% in State of Local Revenue in Order to Adjust the FY21 Budget and Prioritize High-Need Items. Seconded by Councilor Trace.

Councilor Huda said she would like a proactive approach to the pandemic and the more data we have the better our estimates would be.

City Manager Conard said it is difficult to compare Maine to New Hampshire. She stated 23% of revenues are not guaranteed and we will provide more information on revenues in the budget. She said water and sewer residents are making payment arrangements. She advised the City Council we will meet revenue estimates.

Councilor Kennedy said many communities are looking at 25% loss in revenues.

Councilor Huda said she would like to hear about the CARES Act. She said the size of the amount we would receive is \$522,989.00 based on the size of this budget will we receive more information.

Councilor McEachern thanked Councilor Huda for bring the matter forward and for the City Manager speaking to this matter. He said we need to look at revenues and how they affect us and where the sources are and having information as up to date as possible. He stated we need to make decision on when we will receive those funds.

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

XIV. APPROVAL OF GRANTS/DONATIONS

There is no Grants/Donations on this evening

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Portsmouth Housing Authority – Release of Reverter (*Tabled from the April 20, 2020 City Council meeting*)

City Manager Conard reported the City holds a reverter interest in certain property owned by the Portsmouth Housing Authority (PHA) on Court Street which was conveyed to the PHA by the City in 1968. She advised the City Council the reverter provision in the deed from the City to PHA says that if the property is not used for "housing for the elderly", ownership of the land reverts back to the City. She stated the PHA wants to exchange some, but not all, of the property covered by the reverter with an abutter as part of its workforce housing project.

Councilor McEachern moved to enable the City Manager to move forward with the release of reverter unless there is an issue raised by the Planning Board. Seconded by Councilor Tabor.

City Attorney Sullivan said the reverter is referred to the Planning Board for an advisory report back. He said the process suggested by the motion that has been done occasionally because the City has authorize the City Manager could release the reverter.

Councilor McEachern would like to remove some of the obstacles associated with the project and move forward.

Councilor Trace said it is a matter of process and that it is done correctly. She would like the City Attorney to answer the question if the Zoning Board of Adjustment made a recommendation but did not have the issue of a reverter clause is that something to be looked at.

City Attorney Sullivan said the Planning Board can look at this and say release the two small slivers of land, it could remain on the land. He said the release of reverter was not carefully written and we don't release the whole reverter. He stated if the City Council authorizes to say the small reverter applies only to the 2 slivers and not the remainder of the land.

Councilor Kennedy said she would not support the motion because of the process and it needs to be followed. She spoke to the details within the deed and she wants it to come back to the City Council. She spoke to the costs of the apartments and said she feels they are not affordable for people working downtown and that this is not workforce housing.

Councilor McEachern said every time we delay this it's difficult to provide lower rents.

Mayor Becksted said he would like to allow it to go to the Planning Board and come back to the City Council. He is not convinced or sure that Mr. Bosen has made a clear case. He said we release 70 parking spaces and money on permits. He said he wants to make sure we follow the process and move it to the Planning Board.

Councilor McEachern said the process has not changed since last week. He stated it is the Planning Board process to review. He said he is concerned that in two weeks we have another issue brought up and disagree with the Planning Board.

Mayor Becksted said the way Attorney Bosen set this up is not the way it should be done. He said the deed must be presented in the right way.

Councilor Lazenby said the motion does follow the process. He spoke to the partial reverter and that there was one in the last packet of information and now there are two. He said the City Attorney would advise the Planning Board on the language of the reverter this workforce housing establishes. He stated that a delay will add costs and expenses for the project.

Councilor Tabor said this was delayed and got better by the delay. He said the reverter has been redrawn and services to get the project moving. He stated Attorney Bosen created something that is better. He expressed his support for affordable housing.

City Attorney Sullivan said he would like to review the description and would have Planning Director Walker work with him on this matter.

Mayor Becksted said we need to see the plan and a simple amendment to pass it to the Planning Board.

Councilor Trace and Councilor Lazenby said no one disagrees with what you said and Councilor McEachern it is just last week we got a one page letter and deed. She said we have the information to pass this on to the Planning Board.

Councilor Huda said she would be in favor moving this to the Planning Board. She said she is here to speak for the people. She said the deed for the elderly housing is not clear if the property is one lot or two lots.

Councilor Whelan said he had a long conversation with Craig Welch and wants the deed to reflect the proper information. He wants to send it to the Planning Board and forward it back to the City Council.

Councilor Kennedy moved to amend the motion and send this matter to the Planning Board for a report back. Seconded by Councilor Whelan.

Councilor McEachern said he would not support the amendment. He said at the last meeting we referred to the Planning Board any new drawings or work that goes along with it. He would like to vote for this matter to move to the Planning Board.

Assistant Mayor Splaine said he supports the amendment and moving the matter along, we are in a situation with a crisis. He said by moving it to the Planning Board we will do the job.

On a roll call 6-3 vote, motion to amend passed. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors McEachern, Lazenby and Tabor voted opposed.

On a unanimous roll call 9-0, voted to pass main motion as amended.

Due to the hour being after 10:00 p.m., City Manager's Items become Consent Agenda.

Assistant Mayor Splaine requested to remove Item #4. Councilor Kennedy requested to remove Item #2 from the Consent Agenda.

2. Bellamy Source Protection Easement – Duffy Property

City Manager Conard spoke to the matter of Bellamy Reservoir. She said the City partnered with Southeast Land Trust (SELT) for the negotiation, due diligence, installment payments of the purchase price, and completion of a conservation easement on approximately 107-acre portion of the property owned by Mary Ellen Duffy in order to benefit the protection of one of the City's primary water supplies. She stated the property was appraised by McManus & Nault Appraisal Company, Inc., in 2019. City Manager Conard reported the value of this parcel was also appraised with an easement on all but five acres that will remain as a buildable lot, and this amount was estimated at \$200,000.00. She stated the value of the conservation easement was identified to be \$530,000.00 with the total cost of the conservation easement on 107 acres is \$574,300.00. She further advised the Council that grant funding for up to \$287,000.00 from the NH Drinking Water and Groundwater Trust Fund (DWGTF) has been approved by the DWGTF Advisory Commission leaving a balance of \$287,300.00 to be paid for by the Water Fund.

Councilor Lazenby move to authorize the City Manager to negotiate and execute a Purchase & Sales Agreement for the purchase of a conservation easement on the subject parcel in a substantially similar form to the attached agreement; refer the acquisition of the 107-acre conservation easement on the subject parcel to the Portsmouth Planning Board for a recommendation back to the City Council; authorize the City Manager to enter into a Grant Agreement to accept up to \$287,000.00 from the State of New Hampshire's Drinking Water and Groundwater Trust Fund's Land Conservation Grant and Loan Program to be used toward this purchase; and establish a public hearing for June 1, 2020 for the supplemental appropriation to utilize \$574,300.00 from the water enterprise fund net position with understanding that up to \$287,000.00 will be reimbursed by the New Hampshire Drinking Water and Groundwater Trust Fund. Seconded by Councilor Whelan.

Deputy Public Works Director Goetz spoke to identifying the parcels around the reservoir and being fortunate to get the easement two years ago. He said the Town of Madbury has been helpful negotiating this and we want to prevent a subdivision from being built.

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

4. West End Yards Easements

City Manager Conard said there are a number of easements and licenses needed.

Planning Director Walker said Planning Board approval requires 22 workforce affordable housing units. She said 22 were approved by the Planning Board through a Conditional Use Permit. She said it represents 10% of the balance of units and priced accordingly.

Councilor Trace asked what changed the number of units from 54 to 22. Planning Director Walker stated the Planning Board is considering the improvements and the costs to develop. Councilor Trace said she feels like we are giving workforce housing and affordable housing away. Planning Director Walker said this is the first time a developer has taken on workforce housing and there is a lot of benefit coming out of the project. Councilor Trace said she does not feel that 10% is a large amount. She said we are doing a private/public partnership on the road and we are not getting more

units. Planning Director Walker said the easements and licenses have been approved by the land use and she feels the City is benefiting greatly on the project.

Councilor Kennedy spoke to the costs of the workforce housing units.

Councilor Lazenby moved to grant authority for the City Manager to accept and/or execute the easement deeds and enter into the license agreements on behalf of the City in a form similar to those attached. Seconded by Councilor McEachern.

Assistant Mayor Splaine said he does not feel we allow enough of a percentage for workforce housing. He said he would be voting against the motion.

Councilor McEachern asked if this motion does not pass does the project for the connector road move forward. Planning Director Walker said it is not the City Council's authority to make a decision over a land use approval.

Councilor McEachern said he would like to see a process where we get more workforce housing in this project.

Councilor Kennedy said she agrees with Assistant Mayor Splaine and would not support the motion.

Mayor Becksted spoke in support of the motion.

Councilor Trace said we need to look at workforce housing going forward and we don't just accept 10%.

Assistant Mayor Splaine said if we reviewed this there would be further negotiations. He stated if we wanted to see 15% rather than 10% he feels we can review that issue.

Councilor Lazenby said the Council could look at the licenses and easements through the Planning Board but not because you don't like something else about the project. He stated there have been vigorous negotiations and efforts, and this is a recommendation of the City Manager, City Attorney and Planning Board and we need to move forward.

On a roll call vote 8-1, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Kennedy voted opposed.

City Manager's Consent Agenda

3. Planning Board Report Back Regarding Market Street Property Purchase
5. Request For Release of Any City Interest In Assessor Map 206, Lot 1

Assistant Mayor Splaine moved to adopt the Consent Agenda. Seconded by Councilor McEachern. On a unanimous roll call 9-0, motion passed.

XVI. CONSENT AGENDA

- A. Request for License to Install Projecting Sign for owner Robert Walker of 110 Grill Portsmouth HS LLC for property located at 99 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. Request for License to Install Projecting Sign for owner Jennifer Mathieson of Hello Lovely for property located at 92 Pleasant 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 Work***

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Lazenby and voted. On a unanimous roll call 9-0, motion passed.

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- C. Email Correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor Lazenby. On a unanimous roll call vote 9-0, motion passed.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Peirce Island Road Improvements

Councilor Trace expressed concern with losing the area where the dogs are allowed off leash.

City Engineer Desmarais said this is the area that was the former snow dump. He said people would generally park and then use the off leash area for their dogs. He reported that the snow dump is now located at the Department of Public Works.

2. May 6, 2020 Budget Public Hearing Agenda

City Manager Conard said the budget public hearing is scheduled for Wednesday, May 6, 2020.

3. Election and Security Grant Funding

This matter was addressed earlier in the agenda.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Parking Meters

Councilor Huda said we have an opportunity to raise the parking fee if people stay over three hours which puts the choice in the hands of consumers. She said that this would increase our revenues and the rate would increase from \$2.00 to \$2.50 after the three hour limit.

City Manager Conard said she would like to bring this to the City Council's next meeting to proceed through the ordinance process.

Councilor Kennedy said that this should go to Parking, Traffic & Safety Committee first and come back to the City Council with a recommendation.

Assistant Mayor Splaine moved to refer this matter to Parking, Traffic & Safety for report back and recommendation to the City Council. Seconded by Councilor Huda.

Parking Director Fletcher said the City of Dover uses this method and we could see a 30% increase like they did when putting this into effect. He spoke to the quality of technology in place.

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

Councilor McEachern thanked Mayor Becksted for the creation of the Clipper Strong Fund.

XX. ADJOURNMENT

At 11:15 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Trace and voted.

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

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

SPECIAL CITY COUNCIL MEETING

REMOTE MEETING VIA ZOOM
DATE: WEDNESDAY, MAY 6, 2020

VIA ZOOM
TIME: 6:30PM

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-8, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04. Section 8, as extended by Executive Order 2020-8, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location. All votes will be by roll call.

I. CALL TO ORDER

Mayor Becksted called the meeting to order at 6:30 p.m.

II. ROLL CALL

Present: Mayor Becksted, Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda (6:43PM); Tabor and Trace

III. PRESENTATION – KAREN CONARD, CITY MANAGER

City Manager Conard provided opening remarks and reviewed the budget schedule of meetings. She reported that the budget has been trimmed from what was discussed back in January and our revenues for April were on track. She stated we do not know how revenues will be effected in FY21, just that they will be effected. She indicated the budget has been prepared with the best interest of residents and this evening is the beginning of a long process. City Manager Conard said we want to maintain the same level of services. She said this budget has no increase to the tax rate of \$14.86 and no increase to Water and Sewer user rates. She outlined steps to Financial Strategy for FY21:

1) Operating Budget:

Fund all services currently provided to the taxpayers of Portsmouth.

2) Debt Service:

Delay the bond issue that was scheduled to go to market this June, to June of 2021.

3) Capital Outlay – Rolling Stock, IT Equipment

Delay a number of Capital Outlay projects, vehicle and equipment purchases that were identified in the Capital Improvement Plan.

4) Water/Sewer User Rates:

Do not implement the user rate increase for FY21 identified in the rate stabilization model for the Water and Sewer Funds.

City Manager Conard advised the City Council that 79% of the budget is operating and 21% is Non-Operating with salaries and benefits making up 83% of the budget. She addressed impacts to the Operating Budget:

- \$83,000.00 for continued road maintenance and striping program;
 - \$159,000.00 for industry increased in tipping fees for recycling, solid waste, and yard waste;
 - \$50,000.00 for Legal Department for the part-time Prosecutor that was previously funded with court district fees which have diminished;
 - \$180,000.00 for the increase of costs for services provided by the Welfare Direct Assistance Programs
- Police Department:
- \$197,000.00 for a full year funding of the two (2) additional Police Officers and a part-time to full-time Animal Control Officer that were partially funded in FY20
- Fire Department:
- \$109,860.00 for a full year funding of three (3) Firefighters that were partially funded in FY20
- School Department:
- \$501,000.00 estimated increase in Special Education Tuition and Services
 - \$80,000.00 increase in fees for Student Transportation

City Manager Conard said that the Rockingham County budget number will be set in the fall.

Finance Director Belanger spoke to long term financial planning and policies. She outlined some of those items in the Operating Budget – COLA Adjustment, Leave at Termination Stabilization Fund and Health Insurance Stabilization. She spoke to the Non-Operating Budget – Capital Improvement Plan, Debt Service Planning, Capital Outlay, Rolling Stock Replacement Program and Water/Sewer Rate Stabilization Fund. She explained the purpose of the Committed Fund Balance being designated for a specific purpose. She broke down the Reserves and Stabilization Reserves – Health Insurance Reserve, Leave at Termination Reserve and Future Debt Service Reserve. She explained that Unassigned Fund Balance is not Obligated or Specifically Designated. Finance Director Belanger said the Unassigned Fund Balance is recognized that the financial management goal of the City of Portsmouth is to annually maintain an Unassigned Fund Balance between 10% and 17% of total General Fund appropriations. She said whenever the Unassigned Fund Balance of the General Fund is less than the prescribed level, the City Council shall be required, within the fiscal year, to formulate and implement a plan to restore such prescribed amount to the General Fund, such plan shall not exceed a two (2) year period. She spoke to our triple AAA bond rating and how that effects interest rates. She addressed revenues with proposed property taxes expected to be 76%. She reported our total revenues are \$120,653,944.00 with the property tax levy at \$92,224,089.00.

Revenues with High Volatility

Total Motor Vehicle/Boat/Agent Fees	\$4,941,000.00
General Fund Parking Revenues	\$2,412,305.00
Total Building/Plumbing/Electrical Permits	\$895,000.00
Total Recreation Department	\$255,000.00
Total Fire Department Inspection Permits	\$96,500.00
Total Planning Department	\$160,000.00
High Volatility	\$8,759,805.00

Percentage of Local and State Revenue 30.8%

State Revenue

Meals and Room Tax	\$1,125,000.00
Highway Block Grant	\$ 425,000.00
Municipal Aid	\$ 205,234.00
School Building Aid	\$1,757,195.00

City Manager Conard said she spoke with City Attorney Sullivan regarding City Charter Section 7.25 and the City Council or City Manager could adjust line items to ensure expenditures do not go over.

IV. PUBLIC HEARING

A. PROPOSED FY JULY 1, 2020 THROUGH JUNE 30, 2021 BUDGET

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

Jay Lieberman asked if there could be a one-time levy on property taxes and could we expect a levy to help make up for the loss of revenues or appropriations.

Finance Director Belanger said we do not expect that at all and the City Manager has a spending freeze on.

Byron Matto said he is impressed with City Manager Conard proposed budget and her actions since arriving here. He said it is important that we do not cut teachers and would like to know what cuts are needed and why. He spoke in support of the reduction to the Capital Improvement Plan (CIP).

Erica Wygonik thanked the City Council for their work on savings in the budget with the challenges we face today. She thanked the School Department for their fast actions and access to education. She voiced support for the new City Manager and for doing a terrific job and managing the current situation. She urged the City Council to support the School Department budget in total. She said we need to provide students with a stable environment. Ms. Wygonik expressed concern for additional resources that maybe needed for the School Department and it may require a short term solution.

Mark Brighton complimented City Manager Conard and the Finance Department for their work on the budget and the detailed presentation. He said the Police Department budget and Commission should have showed more imagination and care about the taxpayers. He said we need to focus on reality and not make believe.

Patrick Ellis thanked City Manager Conard and the City Council and Boards and Commission that have pivoted to on-line meetings. He said he is impressed with our School Department and remote learning. He stated we need to trust in the School Department budget. He spoke to three levels at the High School having Chrome books and the fourth level will receive Chrome books next year. He stated cuts to the schools will be hard felt. He stated it will be traumatic in the fall. Mr. Ellis said are there small savings that will be found and what the City Council believes we should cut in the School Department budget. He said should we hire more Police Officers and Firefighters to help with overtime costs. He said he supports the Leave at Termination Fund and stated there are not many

who fit into that fund any longer and maybe we could wait a year on funding that program. He urged the City Council to support the School Department budget.

Kristin Jeffrey, School Board Chair, echoed many of the same sentiments as Mr. Ellis and Ms. Wygonik. She spoke in support of remote learning and the work of the School Department. She stated when we think of increases in special education costs we have little leverage. Ms. Jeffrey said we are in the second year of holding a world language teacher. She stated we need to make sure we have resources available in the School Department and we need additional support in learning for students. Ms. Jeffrey said we need to provide excellent school programming.

Mark Brighton said the School Department is 54% of the operating budget and said the Superintendent is great, and commended Mr. Zdravec for his work. He said we currently have class sizes 18- 20, and class sizes do not have a relative effect after third grade. He said prior budgets said teachers could work and teach class sizes up to 26 students.

Lyndsey Bouzakine said she would like to know how many School Department employees there are versus Police and Fire employees.

Brian Porter thanked the City Council for putting the meeting on zoom. He said that he supports City Manager Conard's budget and would like the support of the City Council for the budget submitted.

Assistant Mayor Splaine asked City Manager Conard to point out how to get to the City website.

City Manager Conard said the number of employees is on page 151 of the budget book. She reported the website address for access to the budget on-line.

V. REVIEW OF BUDGET WORK SESSION MEETING SCHEDULE

Mayor Becksted outlined the budget schedule work sessions coming up.

Wednesday, May 6, 2020 at 6:30 p.m.

- Public Hearing on Budget

Monday, May 11, 2020 at 6:30 p.m.

- Public Safety / Police & Fire Departments

Wednesday, May 13, 2020 at 6:30 p.m.

- School Department

Thursday, May 14, 2020 at 6:30 p.m.

- General Government Departments

Tuesday, May 19, 2020 at 6:30 p.m.

- Water & Sewer Departments & Stormwater

Thursday, May 21, 2020 at 6:30 p.m.

- Budget Review Follow-up

Thursday, May 28, 2020 at 6:30 p.m.

- Budget Review Follow-up (if necessary)

Councilor McEachern thanked everyone for speaking on the budget.

Councilor Kennedy moved to continue the Budget Public Hearing until June 1, 2020. Seconded by Councilor Huda.

Councilor Huda thanked City Manager Conard and Finance Director Belanger for responding to the request for percentage of loss in revenues.

Assistant Mayor Splaine said we need to vote on a budget at the end of June. He said there will be an opportunity for the public to speak at the end of work sessions.

Councilor McEachern said he would support Councilor Kennedy's motion if City Attorney Sullivan points out that is the appropriate action.

Councilor Whelan asked at the end of work session if we will have dialogue and when we vote on the budget is a two-thirds vote required.

Councilor Tabor said he supports Councilor Kennedy's motion if you want to email the City Council please feel free to do so. He said the Council needs to see what the pandemic experiences will have on the budget and revenues.

Councilor Lazenby asked if Councilor Kennedy's motion is permissible. City Attorney Sullivan responded affirmatively.

Councilor Trace said she would like to know if the budget adopted is a simple majority or is a two-thirds vote needed.

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

City Attorney Sullivan said in terms of adopting the budget, it is a simple majority vote.

Councilor Tabor said he would like to know the time for the City Council to deliberate the budget. City Manager Conard said you could deliberate during the last meeting.

At 8:00 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Lazenby. On a unanimous roll call vote 9-0, motion passed.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 3, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones; Chapter 7, Article I, Section 7.105 – Parking; Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour; Section 7.325 – Limited Parking – Thirty Minutes; Section 7.326 – Limited Parking – Fifteen Minutes, Section 7.327 – Limited Parking – Two Hours, Section 7.328 – Limited Parking – Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces; and Section 7.329 – Limited Parking – Four Hours. The Complete Ordinance will be available for review on the City's website. Due to the current State of Emergency related to COVID-19, the public hearing on August 3, 2020 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

PM00493717

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.102 – **PARKING METER ZONES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE I: PARKING METERS

Section 7.102: PARKING METER ZONES AND PARKING METER RATES

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth **and where parking meter rates apply**, ~~and any such areas, the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. Parking in parking meter zones shall be for a maximum time permitted of parking of three (3) consecutive hours, unless otherwise established by ordinance. The rate for such parking shall be:~~

A. ZONE A: DOWNTOWN HIGH OCCUPANCY ZONE:

~~Parking shall be at the rate of two dollars (\$2.00) per hour in the following areas. Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be at a rate of \$0.50 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator.~~ **The following streets or parts of streets are within Zone A, the Downtown High Occupancy Zone:**

1. Daniel Street, starting at ~~Chapel~~ **Bow** Street through to Market Square
2. Bow Street, starting at ~~Chapel~~ **Daniel** Street through to Market Street
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square
6. Deer Street, starting at Market Street through to Maplewood Avenue
7. Fleet Street, starting at Hanover Street through to State Street
8. Hanover Lot, at intersection with Market Street
9. Penhallow Street, starting at State Street through to Bow Street

- 10. Chapel Street, starting at Daniel Street through to State Street
- 11. Hanover Street from Maplewood Avenue to Market Street
- 12. Portwalk Place from Deer Street to Hanover Street
- 13. High Street from Deer Street to Hanover Street
- ~~14. Bow Street from Chapel Street to Daniel Street~~
- ~~15. Daniel Street from Chapel Street to Bow Street~~
- 1614. State Street from Marcy Street to Middle Street
- 1715. Ladd Street Lot at Hanover Garage

B. ZONE B: STANDARD OCCUPANCY ZONE

~~Parking in all other parking meter zones shall be at the rate of one dollar fifty cents (\$1.50) per hour. Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be at a rate of \$0.50 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator.~~

~~Any street outside the Downtown High Occupancy Zone is within the Standard Occupancy Zone, which includes the Bridge Street, Court Street, and Memorial Bridge Off-Street Parking Areas and the Worth Lot, excluding those parking spaces subject to contractual agreement with the City.~~

C. NONRESIDENT PARKING RATES FOR DOWNTOWN HIGH OCCUPANCY ZONE A

~~Parking shall be at the following hourly rates for nonresidents in Downtown High Occupancy Zone A during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:~~

Hours 1, 2 and 3	\$2.00 each hour
Hours 4 through 11	\$5.00 each hour

D. RESIDENT PARKING RATES FOR DOWNTOWN HIGH OCCUPANCY ZONE A

~~Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be charged reduced hourly parking rates in the Downtown High Occupancy Zone A. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator. Parking shall be at the following hourly rates for residents during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:~~

Hours 1, 2 and 3 \$1.50 each hour
Hours 4 through 11 \$2.50 each hour

E. NONRESIDENT PARKING RATES FOR STANDARD OCCUPANCY ZONE B

Parking shall be at the following hourly rates for nonresidents in Standard Occupancy Zone B during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:

Hours 1, 2 and 3 \$1.50 each hour
Hours 4 through 11 \$3.00 each hour

F. RESIDENT PARKING RATES FOR STANDARD OCCUPANCY ZONE B

Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be charged reduced hourly rates in the Standard Occupancy Zone B. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator. Parking shall be at the following hourly rates during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:

Hours 1, 2 and 3 \$1.00 each hour
Hours 4 through 11 \$2.00 each hour

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.105 – **PARKING** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE I: PARKING METERS

Section 7.105: PARKING

- A. When any vehicle shall be parked in a parking meter zone the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter the required meter fee or purchase the time requested through a central meter, in vehicle meter, coupon or other metering device including mobile phone applications, and display proof of purchase on the vehicle's interior dashboard, or other approved means of display, including meter devices defined in Section 7.101. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated area where parking meters are installed, to fail or neglect to pay for parking as required. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parking if it remains in said space beyond the legal parking limit and/or **after payment for metered space has expired** ~~when said parking meter displays a signal showing such illegal parking. A vehicle shall also be considered as unlawfully parking if said vehicle fails to move at least 500 feet from the original parking space after the legal parking limit has expired.~~ It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this section.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.324 – **LIMITED PARKING – ONE HOUR**, Section 7.325 – **LIMITED PARKING – THIRTY MINUTES**, Section 7.326 – **LIMITED PARKING – FIFTEEN MINUTES**, Section 7.327 – **LIMITED PARKING – TWO HOURS**, Section 7.328 – **LIMITED PARKING – THREE HOURS**, Section 7.328-1 – **UTILIZATION OF MULTIPLE PARKING SPACES**, and Section 7.329 – **LIMITED PARKING – FOUR HOURS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE III: TRAFFIC ORDINANCE

~~Section 7.324: LIMITED PARKING – ONE HOUR~~

- ~~A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than one hour at any time between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:~~
- ~~1. Daniel Street: northerly side from a point 106 feet from Bow Street to a point 88 feet east of Penhallow Street.~~
 - ~~2. Daniel Street: southerly side from Wright Avenue to a point 63 feet east of Penhallow Street.~~
 - ~~3. Dennett Street: southerly side from Maplewood Avenue to Myrtle Avenue.~~
 - ~~4. Market Street: westerly side from Bow Street to the southerly side of the small building on the premises of the Moffatt Ladd House.~~
 - ~~5. Market Street: easterly side from Bow Street to the southerly side of the premises known as 171 Market Street.~~
 - ~~6. Pleasant Street: westerly side from State Street to Court Street.~~
 - ~~7. Porter Street: southerly side from Fleet Street to Church Street.~~
 - ~~8. Porter Street: northerly side from Church Street to Pleasant Street.~~

- ~~9. State Street: southerly side beginning at a point where the westerly boundary of the lot upon which the Internal Revenue Service Building, so called, is located, intersects with said State Street and running in an easterly direction by said side line for a distance of 200 feet.~~

Section 7.325: LIMITED PARKING - THIRTY MINUTES

- A. No person having control or custody of any vehicle shall stop or cause the same to stop —or park for longer than thirty minutes at any time between the hours of 9:00 a.m. - 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. on Sunday, Holidays not included, on the following streets and locations:
1. Islington Street: Northerly side from the corner of Brewster Street easterly 110'.
 2. Islington Street: Northerly side easterly 70' from Dover Street to a point 82' westerly from Salem Street.
 3. Islington Street: Northerly side from Pearl Street to Parker Street.

Section 7.326: LIMITED PARKING - FIFTEEN MINUTES

- A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:
1. Bow Street:
 - a. northerly side, first metered space east from Ceres Street
 2. Cabot Street: northeasterly side, from a point which is sixty-five (65) feet northwest from the intersection of Austin Street to a point which is one hundred (100) feet northwest from the intersection of Austin Street.
 3. Congress Street:
 - a. southerly side, first two metered spaces west from Fleet Street
 - b. northerly side, first two metered spaces west from High Street

4. Daniel Street:
 - a. northerly side, first four metered spaces west from the parking lot entrance at 80 Daniel Street
 - b. southerly side, first five metered spaces east from Market Square
 - c. south side, first space west of Memorial Bridge Parking Lot
5. Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curblineline of High Street, and running 20 feet in an easterly direction.
6. Hanover Street:
 - a. northerly side, first five spaces east from High Street
 - b. northerly side, first two spaces east from Bridge Street
 - c. northerly side, first space west of Bridge Street
7. High Street: easterly side, first three spaces north from Congress Street
8. Islington Street:
 - a. southerly side the space in front of 404 Islington Street, no person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time, including Sundays and holidays.
 - b. northerly side, the space in front of 371 Islington Street.
9. Marcy Street: beginning at the southerly curb line of South Mill Street and running 95 feet southerly (from 8:00 am to 6:00 pm) Monday through Sunday.
10. Market Street: easterly side, third space north from Market Square.
11. Portwalk Place: westerly side, one space beginning 117 feet north of the northerly curb line of Hanover Street.
12. State Street:
 - a. southerly side, first two metered spaces east from Atkinson Street.
 - b. southerly side, first metered space east from Pleasant Street
13. South Street: northerly side, from Mount Vernon Street easterly for a distance of 40 feet.

Section 7.327: LIMITED PARKING - TWO HOURS

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than two hours at any time between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays excluded, on the following streets and locations:

~~1. Doris Avenue: both sides.~~

~~2. Dunton Street:~~

~~3. Greenside Avenue: both sides.~~

4. Hancock Street:

a. **First three parking spaces on the** northerly side ~~from~~ **closest to** Marcy Street ~~to Pleasant Street.~~

~~b. southerly side from Washington Street to Pleasant Street.~~

5. Islington Street:

a. northerly side from Tanner Street to Parker Street

b. northerly side from Pearl Street to a point westerly 335'

c. northerly side from Cabot Street to a point easterly 515'

~~6. Madison Avenue: westerly side from State Street to Lovell Street.~~

~~7. Mechanic Street: northerly side from Marcy Street intersection to Pierce Island Bridge Approach.~~

~~8. Middle Street: northerly side from Austin Street to Summer Street.~~

9. Sheafe Street: northerly side from a point 40 feet easterly from Penhallow Street to Chapel Street.

~~10. Sherburne Road: both sides.~~

11. Summer Street:

~~a. both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.~~

a. southwesterly side between Chatham Street and Austin Street.

~~12. Sutton Street: both sides.~~

~~13. Witmer Avenue: both sides.~~

~~Section 7.328: LIMITED PARKING – THREE HOURS:~~

~~A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays excluded, on the following streets and locations:~~

- ~~1. Bow Street:
 - a. both sides from Penhallow Street to Chapel Street.
 - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.~~
- ~~2. Bridge Street: both sides from Hanover Street to Deer Street.~~
- ~~3. Ceres Street: land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.~~
- ~~4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.~~
- ~~5. Church Street: easterly side, two spaces 26 feet south of State Street.~~
- ~~6. Congress Street:
 - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.
 - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.~~
- ~~7. Court Place: east side from Court Street to State Street.~~
- ~~8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.~~
- ~~9. Daniel Street:
 - a. north side from Piscataqua River to Market Street.
 - b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour~~

~~Place property line at the northern most corner of Daniel Street and the Piscataqua River.~~

- ~~10. Deer Street: all except for two spaces in front of 28 Deer Street.~~
- ~~11. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.~~
- ~~12. High Street:
 - a. easterly side, first two metered spaces south of Ladd Street
 - b. east side from Hanover Street to Deer Street.
 - c. west side, first two metered spaces north of Hanover Street~~
- ~~13. Maplewood Avenue: both sides, between Raynes Avenue and Vaughan Street~~
- ~~14. Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street~~
- ~~15. Market Square:~~
- ~~16. Market Street:
 - a. westerly side from Market Square to Bow Street, except for the first space closest to Bow Street, which shall be designated as bicycle parking when a bicycle corral is present.
 - b. easterly side from Daniel Street to Deer Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).
 - c. both sides from Deer Street to Russell Street.~~
- ~~17. Penhallow Street:
 - a. westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.
 - b. easterly side between Daniel Street and Bow Street.~~
- ~~18. Pleasant Street:
 - a. easterly side from #15 Pleasant Street to State Street.
 - b. westerly side from southerly end of the North Church to State Street.~~
- ~~19. Raynes Avenue: entire street, both sides~~

- ~~20. State Street:
 - ~~a. northerly side from Middle Street 250 feet westerly.~~
 - ~~b. northerly side from Middle Street to Marcy Street.~~
 - ~~c. southerly side from Middle Street to Marcy Street.~~~~
- ~~21. Vaughan Street: entire street, both sides~~
- ~~22. Washington Street: northerly side between State Street and Court Street~~

Section 7.328-1: UTILIZATION OF MULTIPLE PARKING SPACES:

No person having custody or control of a single vehicle shall park or cause any vehicle to be parked (or partially parked) on two adjacent spaces on any street in the City of Portsmouth at a time and in a location in which a parking fee is required. Vehicles with trailers or boats may occupy up to two spaces when parking fees are paid for both spaces.

Section 7.329: LIMITED PARKING – FOUR HOURS

No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than four hours at any time between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday. Holidays excluded, on the following streets and locations:

- ~~1. Bridge Street: southerly side from Islington Street to Hanover Street.~~
- ~~2. Deer Street: both sides between Russell Street and Maplewood Avenue.~~
- ~~3. Russell Street: entire length, both sides.~~
4. Livermore Street: westerly side, entire length.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Conservation Commission Regular member only Initial applicant for term

Name: Thaddeus Jankowski Telephone: 207.650.6428

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

Street address: 27 Franklin St.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? combined well over 20 years

Occupational background:
Public policy, administration, and
finance.

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

I previously served on the Conservation
Commission, but had to unfortunately resign
due to an out of state career opportunity,
but have happily returned home and wish to
serve again.



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

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

Reasons for wishing to serve: To further the goals and objectives of the Conservation Commission, and to build on its many accomplishments.

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

Non-Toxic Portsmouth, Non Toxic Dover, and 3 different land trusts. Additionally, I serve on the board of a number of non-profit organizations.

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

(Portsmouth references preferred)

1) Lysbeth Noyes, 30 Franklin St, Portsmouth 603.969.2978
Name, address, telephone number

2) John Fraser, 30 Franklin St, Portsmouth 603.969.2978
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 7/23/20

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Blue Ribbon Sustainability

Name: Adam Webster Telephone: 617 901 3245

Could you be contacted at work? YES/NO If so, telephone # yes, it is ok 617 901 3245

Street address: 992 South St. Portsmouth 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? Since December 2014

Occupational background:

Business Development Consultant

Professional Pilot

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

I have a degree in Geology, experience in land use planning, and I've been involved in municipal composting programs in Ottawa and Montreal. I have a lot of experience in reducing landfill footprints and nitrates per the MS4 permitting process.



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

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

Reasons for wishing to serve: _____

Esther Kennedy suggested I join.

Please list any organizations, groups, or other committees you are involved in:
National Business Aircraft Association, National Association of Flight Instructors and the Aircraft Owners and Pilot's Association

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

1) Bert Cole - 105 Walnut Ave, No. Hampton NH 03862 tel: 603 498 9536

Name, address, telephone number

2) Matt Pencer - 990 South St, Portsmouth NH 03801 tel: 929.378.9069

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: _____ Date: June 11th 2020

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

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

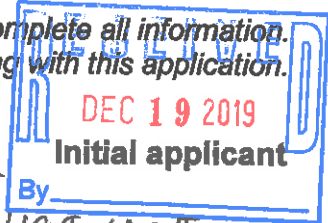
5/14/2019



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: Advisory, Conservation of Pierce Island

Name: Jane Wright Telephone: 603-498-0038

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

Street address: 26 Rock Street

Mailing address (if different): 95 Nimble Hill Rd Newington, NH 03801

Email address (for clerk's office communication): Jane@Brickandbarngroup.com

How long have you been a resident of Portsmouth? 30 years

Occupational background:

- Sales + Sales Management in Foodservice Distribution
- Real Estate Sales

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

Management

Business



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

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

Reasons for wishing to serve: I now have the time in my life to volunteer and get involved.

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

Local Business Group

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

1) Bob Marechka Sagamore Av 603-661-4880
Name, address, telephone number

2) Jack Blalock Mayor
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: 12/14/19

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

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

To: Portsmouth City Councilors

I have asked the following item be placed on the Agenda for our meeting of Monday, August 3, 2020:

1. That Mill Pond Way be named for former Portsmouth Assistant Mayor Paul McEachern.

I do this out of respect and appreciation for a great lifelong Portsmouth citizen Paul McEachern, who through the years I have grown to love -- love for his accomplishments in government and in service to our community, and love for his caring, passion, and compassion for our community and those of us who call this incredible part of Planet Earth "home."

We recently received the following letter from Jon Wyckoff, a resident of the neighborhood of the Mill Pond Way:

"Greetings to you all. Hope you and your friends are healthy in body and mind! Last January I wrote to you all congratulating on your elections and mentioning a simple request. In that email I asked you to consider the naming of the city lot on Mill Pond Way, Paul McEachern Park.

"In that letter I ran down the details of his obtaining the land for the city, so I won't repeat myself. At this point we, the Advocates for the North Mill Pond, and the Creek Neighborhood Committee, are not asking for any funds as we respect what everyone is up against, just the formality of a token of our respect for one of the most important men in our city in the last 50 years.

"We have also dedicated ourselves to raising the funds for an appropriate sign, which we would, with directions from the DPW, install ourselves. This is similar to our actions on installing the Little Free Library in the Pine St Park. We are grateful for the mowing maintenance and 2 picnic tables provided by Director Peter Rice. Please consider this at your next meeting.

"Thank you," Jon Wyckoff

Jon Wyckoff sent us a letter in January that said:

"First let me congratulate all on your recent elections and a hearty welcome to new City Manager Karen Conard. I'm writing as the vice chair of the Advocates for the North Mill Pond and also the Creek Neighborhood Association concerning the city owned land on Mill Pond Way. Many have hopefully heard of our Mill Pond cleanups and our North Mill Pond Regatta!

"I would like to remind you all of the goals described in the Portsmouth 2025 Master Plan: Action #1.1.5 "encouraging public access, use and enjoyment of the downtown waterfront. Also Action# 1.4.1 'Enhance neighborhood parks, recreational facilities, playgrounds and adding new ones where appropriate.' Also # 4.1.4 'complete the implementation of the citywide wayfinding program.'

"I have talked with our Public Works Director Peter Rice a number of times and recently he pledged mowing the grass on schedule with other parks and we have been given 2 picnic tables!! Thank You. As no vehicles or trailers are allowed up to the shoreline, we are asking for a gravel off street parking with a timber divider to keep vehicles off the grass. Also benches for seniors, a bike rack, maybe some park type grills and a 6/8 foot wide path to our current launching spot, all with appropriate signage as designed by city staff, hopefully not like the severely faded sign at the Pine St park. This is a simple request for needed improvements to be done soon, not buried in the CIP!

"As this land is down a neighborhood street, signage is needed as well as a recognizable name which leads to our 2nd request!

"Back in 2004, Attorney Paul McEachern represented the estate of a Mr. Emerson McCourt and negotiated a deal between the city and new owners to deed this land to the city. One of our ward's most influential citizens, Paul was a state representative and ran for governor. Therefore we are suggesting the park be named 'Paul McEachern Park.'

"Thank you for your consideration." - Jon Wyckoff

I would like to move that the Portsmouth City Manager meet with Jon Wyckoff, who acting on behalf of the Advocates for the North Mill Pond, and the Creek Neighborhood Committee, will formalize the naming of the "Paul McEachern Park."

- Jim Splaine

Wednesday, July 29, 2020

To: Portsmouth City Councilors

I have asked that the following item be placed on our City Council Agenda for Monday, August 3, 2020:

First Reading Of An Ordinance Requiring That Face Coverings Be Worn At Specific Times In The City of Portsmouth.

I do this as a "place-holder" so that we will be able to discuss this item with the City Attorney and consider acting as promptly as is reasonable and proper to enact an ordinance requiring that face coverings be worn at specific times in our community.

I hope this can be a collective effort of all City Councilors, realizing that the health of our citizenry as well as the recovery of our economy and businesses depends on being able to keep our community as free of COVID-19 as possible. Face coverings, I believe, help fulfill that goal, especially as visitors come to our community from other parts of our nation and our world in coming months, and as students from area universities and colleges return to their housing on or near campus. We need to be proactive in our approach to help the residents and businesses of our community.

Thank you
Jim Splaine

ORDINANCE#

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth are hereby amended by the addition of a new Ordinance titled **FACE COVERINGS DURING THE COVID-19 PANDEMIC**:

WHEREAS, the Nation, the State, and the City are engaged in an effort to protect the public health in light of the COVID-19 virus pandemic; and

WHEREAS, the Portsmouth City Council has issued a policy statement on Pandemic Response by Resolution adopted on July 13, 2020; and

WHEREAS, the Portsmouth City Council has determined that the wearing of face coverings during the time of the pandemic is one means of reducing the spread of COVID-19; and

WHEREAS, Portsmouth City Council has determined that to protect the health of residents, visitors, businesses, employees and employers of the City that it must mandate the wearing of face coverings under certain circumstances as one element of the response to the public health threat of the pandemic;

NOW THEN, Portsmouth City Council hereby adopts the following ordinance regarding the wearing of face coverings in the City during the pandemic:

FACE COVERINGS DURING THE COVID-19 PANDEMIC

It is hereby adopted as a new Article XI to the Ordinances of the City, Chapter 3, **PUBLIC HEALTH**, a new provision which shall read as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC

SECTION 3.1101: FACE COVERINGS REQUIRED

All persons are hereby required to wear face coverings whenever they are:

- A. In indoor places which are accessible to the public, or
- B. In outdoor places which are accessible to the public in which a physical distancing of six feet (6') between people is not be maintained.

SECTION 3.1102: PERMISSIBLE FACE COVERINGS

A required face covering pursuant to this ordinance shall be made of cloth fabric, or other soft material, that covers the nose and mouth of the person wearing the face covering. The face covering may be commercially manufactured or individually manufactured.

SECTION 3.1103: EXCEPTIONS

The following persons are exempted or excepted from the requirements of this ordinance:

- A. Persons who have a medical or other condition which may pose a risk to the health of the individual wearing the face covering.
- B. Any person age six (6) or younger.
- C. Any person who is actually engaged in the act of eating or drinking at a business establishment licensed by the City of Portsmouth for that purpose.

SECTION 3.1104 PENALTY

The penalty for a person violating this provision shall be the issuance of a civil citation pursuant to Ordinance Article XIII, **MUNICIPAL ENFORCEMENT PROCEDURES**.¹

EFFECTIVE DATE

This ordinance shall take effect on _____, 2020.

APPROVED

By: _____
Mayor Rick Becksted

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

¹ Note: The penalty for a first offense under Article XIII is \$25.00, if paid within seven (7) days



CITY OF PORTSMOUTH

Assessors Office

Municipal Complex
 1 Junkins Avenue
 Portsmouth, New Hampshire 03801
 Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Karen S. Conard, City Manager
 From: Verna E. Sharpe, Deputy Assessor
 CC: Rosann Lentz, City Assessor
 Date: July 2, 2020
 RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 246 Thornton Street

At its meeting on June 22, 2020, the City Council considered a request from Attorney Derek Durbin, on behalf of James Gould, requesting the restoration of involuntarily merged lots at 246 Thornton Street to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer to the Assessor for report back.

Description

The subject parcel is depicted on the attached tax map copies from the years 1927, 1956, 1990 and 2019. There are no lot numbers on the 1927 & 1956 tax maps, but the lots are shown as lot 7 on 1990 map U61 and lot 7 on 2019 map 161.

Assessor's Findings

Deeds: According to the deeds going back to at least 1927, the land is described as 2 separate lots and referred to as Lot 23 and Lot 25 on a plan dated 6/21/1890.

Warrant Lists: The warrant list from 1962 shows the lots billed separately, but the warrant list from 1971 shows the lots taxed together as one lot. The warrant list from 1972 shows the lots billed separately again. The 1983 warrant list shows the property taxed as one lot.

Property Record Cards: The property record cards on file show they were assessed as separate lots from 1953 to 1971. Property record cards after 1971 show the lots are assessed as one lot.

Tax Maps: The 1927 and 1956 tax maps show the lots as separate lots. In 1990 to the present, the lots are shown as one lot.

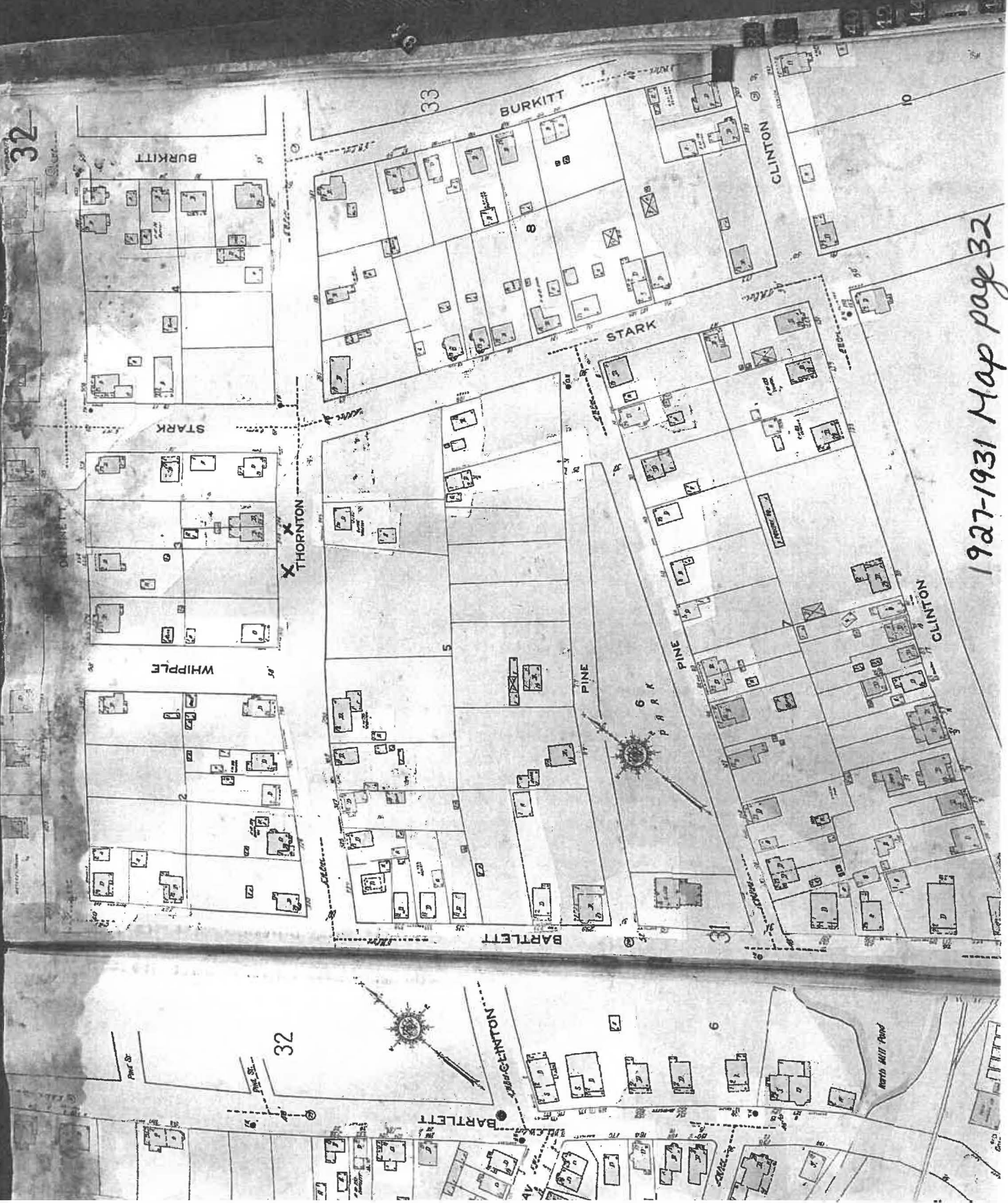
Summary

It would appear at some point after 1972 and before 1983, the lots were merged. It is unknown to Assessor's Office whether the taxpayer at the time requested the merger or if it was involuntary. The Assessor's office has found no record of a request from any of the current or prior owners to merge the lots and its findings are consistent with those of Attorney Durbin's in his letter dated May 28, 2020.

Cc: File
 Enclosures: 4

Verna E. Sharpe

32



1927-1931 Map page 32

32

6

BARTLETT
CLINTON

North Hill Road



32

33

32

31

1956

Copyright 1957 by the Sanborn Map Co

PARKING

CONCRETE AT THIS END OF BUILDING BEANS 2 1/2" WALLS ON S. WALLS 2 1/2" PARALLEL SET SECTION 25 SOUTH 1/4 2 1/2" WALLS 100' 0" 100' 0" 100' 0"

BUILT 1960

HOWARD JONES MOTOR LODGE

54 UNITS

AN. CON. B.

BOYD RD.

MAINE & N.H. INTERSTATE

50' 50'

COTTAGE

BARTLETT ST. PLAYGROUND

6A

PINE

CLINTON

DENNETT

WHIPPLE

BARTLETT

COLONIAL

BOYD RD.

WOODBURY AV.

CATE

GARDEN IMPROVED

CROSS UNIMPROVED

PARKING

WOODBURY AVENUE

WORKING FOR THE ELDERLY

40' 0" 10' 0" 10' 0" 10' 0"

NO EXPOSURE

REST.

PARKING

BUILT 1960

HOWARD JONES MOTOR LODGE

54 UNITS

AN. CON. B.

BOYD RD.

MAINE & N.H. INTERSTATE

50' 50'

COTTAGE

BARTLETT ST. PLAYGROUND

6A

PINE

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WHIPPLE

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COLONIAL

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WOODBURY AV.

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GARDEN IMPROVED

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PARKING

WOODBURY AVENUE

WORKING FOR THE ELDERLY

40' 0" 10' 0" 10' 0" 10' 0"

NO EXPOSURE

REST.

PARKING

BUILT 1960

HOWARD JONES MOTOR LODGE

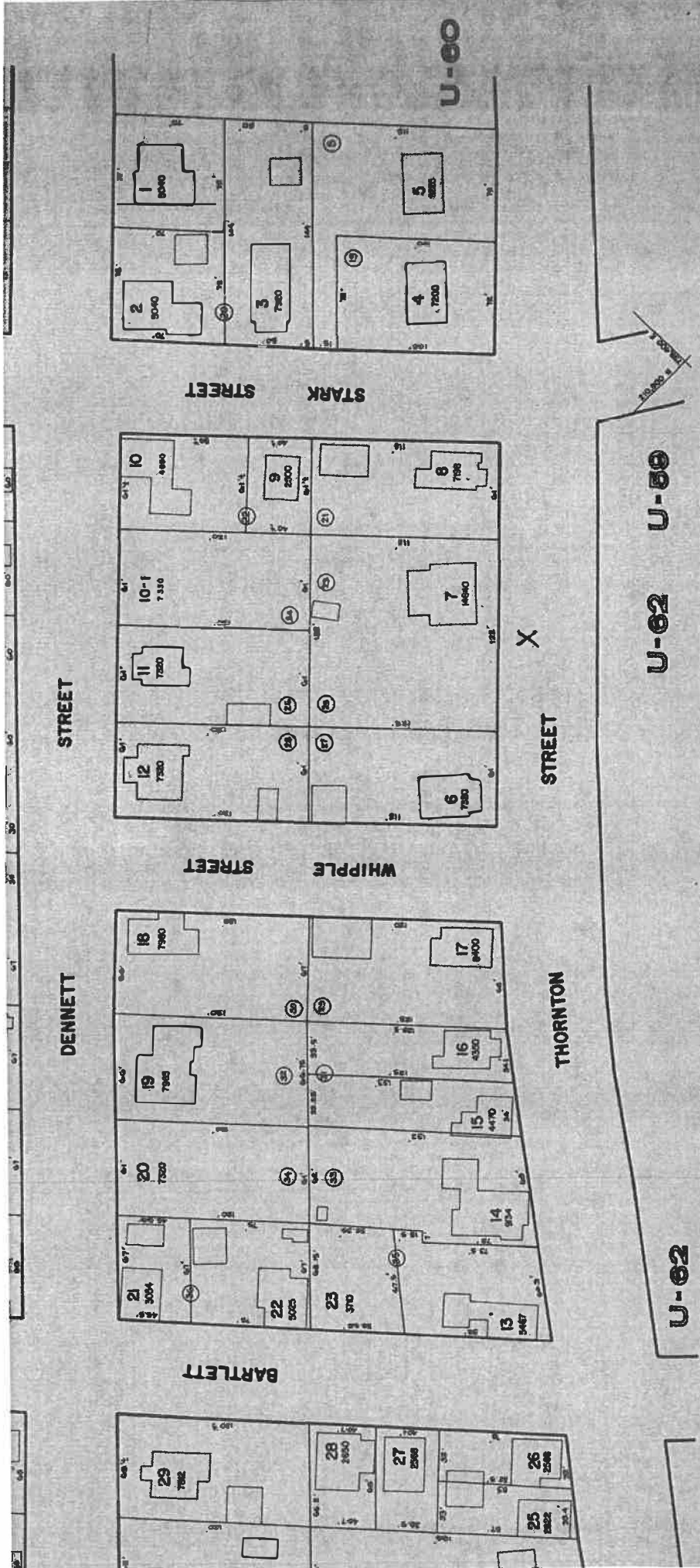
54 UNITS

AN. CON. B.

BOYD RD.

1990 Map U61-7

CM Action Item #6



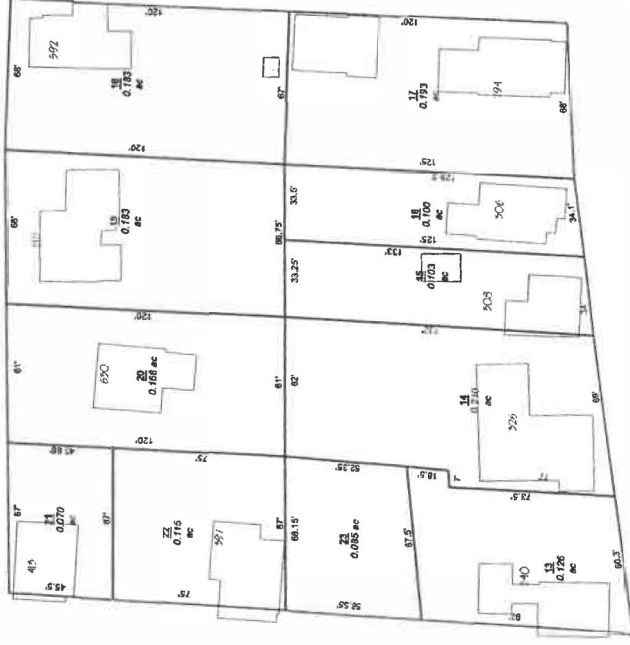
PROPERTY MAP
PORTSMOUTH
 LEGEND
 ADJACENT SHEET NO. 12
 COMMON OWNERSHIP
 DEVELOPMENT LOT NO. ⑥
 PREPARED BY
 ASSOCIATED
 SCALE IN FEET
 0 40 80
 U-62 U-69 U-61 U-60

2019 Map 161-7

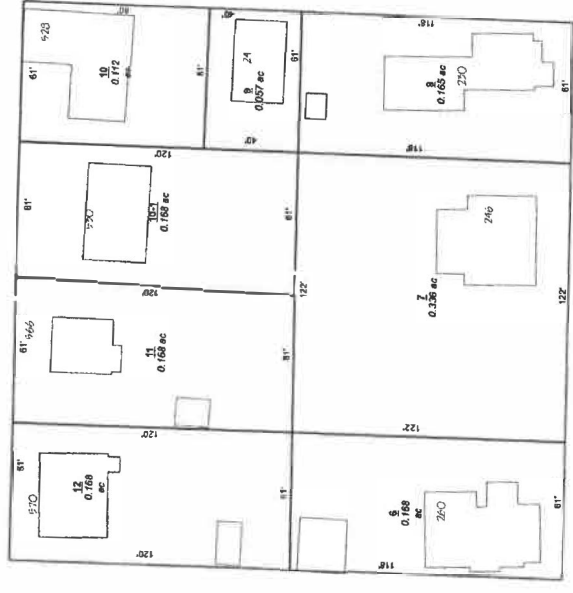
CM Action Item #6



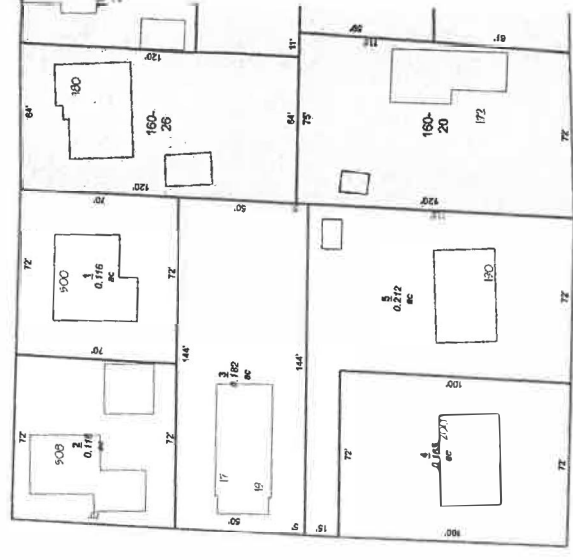
DENNETT ST



BARTLETT ST



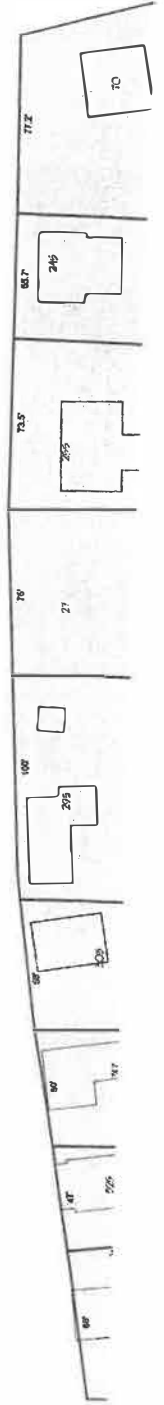
WHIPPLE ST



STARK ST

X

THORNTON ST



144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com



Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
*Also admitted in MA



May 28, 2020

City of Portsmouth
Attn: Karen Conard, City Manager
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Request for Restoration of Involuntarily Merged Lots
246 Thornton Street, Portsmouth (Tax Map 161, Lot 7)
James Gould, Owner**

Dear Manager Conarad,

Our Office represents James Gould, owner of property at 246 Thornton Street, identified on Tax Map 161 as Lot 7. Mr. Gould is the owner of two lots that were involuntarily merged. Pursuant to RSA 674:33-aa, Mr. Gould seeks to restore the two involuntarily merged lots to their pre-merger status. Enclosed, please find the Application for Restoration of Involuntarily Merged Lots, a copy of Mr. Gould's Deed and a copy of the most recent survey of the Property. If the City could please copy me on any communications regarding this application and notice me of any meetings or hearings on it, that would be appreciated.

The two involuntarily merged lots were first shown on a Plan prepared by A.C. Hoyt in 1890. Exhibit A. The lots were identified on the Hoyt Plan as Lots 23 and 25. Presently, Lot 23 has a duplex on it that Mr. Gould lives in with his family. Lot 25 remains a vacant lot. The City assesses and shows the two lots as one property on its tax map. Exhibit B. The title and other research that I conducted on the lots, which included a review of the City's assessing, planning, zoning and inspection records, demonstrates that there was no express merger of the two lots. There is also no evidence to suggest that there was never an implicit merger of the two lots, as Lot 25 has historically remained a vacant lot. The Gould Property has been consistently referenced throughout the chain of title as two lots (Lots 23 and 25 as shown on the Plan of A.C. Hoyt of 1890). Exhibit C.

It is believed that the City may have involuntarily merged the two lots prior Gary J. Grant and Jane M. Grant purchasing them in 1977, although this is speculative based on the City's assessing records. Exhibit D. When the Grants jointly purchased the two lots in 1977, the City identified each lot separately in its assessing records but referenced them as one lot (Tax Map U60, Lot 7). There is no indication prior to this while the lots were owned by the Chartiers of the two parcels being referenced or identified as one.

144 Washington Street
P.O. Box 1222
Portsmouth, NH 03802
www.durbinlawoffices.com

DL
DURBIN LAW

D
Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com
**Also admitted in MA*

For the foregoing reasons, Mr. Gould respectfully requests that the City Council restore his involuntarily merged lots. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek R. Durbin', with a large, stylized flourish that loops back to the start of the signature.

Derek R. Durbin, Esq.



CITY OF PORTSMOUTH

Assessors Office

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
Tel: (603) 610-7249 – Fax: (603) 427-1579

To: Karen S. Conard, City Manager
From: Verna E. Sharpe, Deputy Assessor
CC: Rosann Lentz, City Assessor
Date: July 2, 2020
RE: City Council Referral- Request of Restoration of Involuntarily Merged Lots to pre-merger status at 1240 Islington Street

At its meeting on June 15, 2020, the City Council considered a request from Jeremy Conte, requesting the restoration of involuntarily merged lots at 1240 Islington Street to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer to the Assessor for report back.

Description

The subject parcel is depicted on the attached tax map copies from the years 1927, 1956, 1960's, 1990 and 2019. In 1927 and 1956, there are no lot #'s. In 1960's the lot numbers were 5 and 6 on map 56, 1990 had lot 7 on map 33 and in 2019 it is lot 7 on map 233.

Assessor's Findings

Deeds: According to the deeds going back to 1947, the land is described as 2 separate lots on the same deed and referred to as Lot 14 and Lot 16 on a plan recorded as book 563, page 481.

Warrant Lists: The 1961 Warrant List shows the lots billed separately. Then in 1969-1972 and 1983, they are billed as one lot

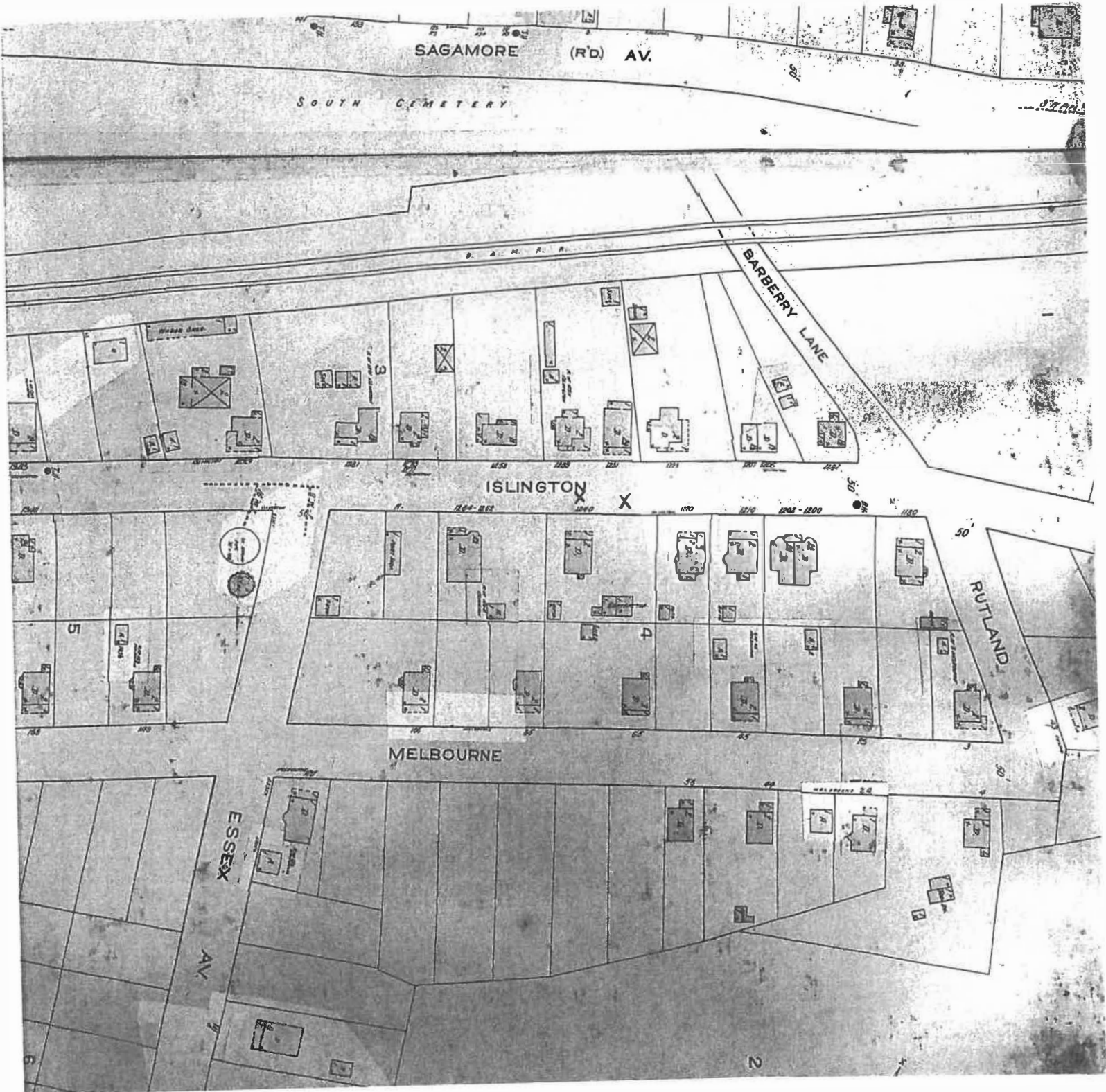
Property Record Cards: The property record cards on file show they were assessed as separate lots from 1953 to 1971. Property record cards after 1971 show the lots are assessed as one lot.

Tax Maps: The 1927 and 1956 tax maps appear to show the lot as a single lot. In 1960 they are depicted as separate lots, but in 1990 to the present they are depicted as a single lot.

Summary

While the tax maps appear to go back and forth from single lot to separate lots and back to a single lot, based on the assessment records and the warrant lists, it would appear at some point after 1971, the lots were merged. It is unknown by the Assessor's Office if the merger was requested by the taxpayer at the time or if it was involuntary. The Assessor's office has found no record of a request from any of the current or prior owners to merge the lots and its findings are consistent with those of Attorney Bernard W. Pelech's in his letter to the Mayor and City Council dated April 21, 2020.

Cc: file
Enclosures: 5



1956 Tax Map

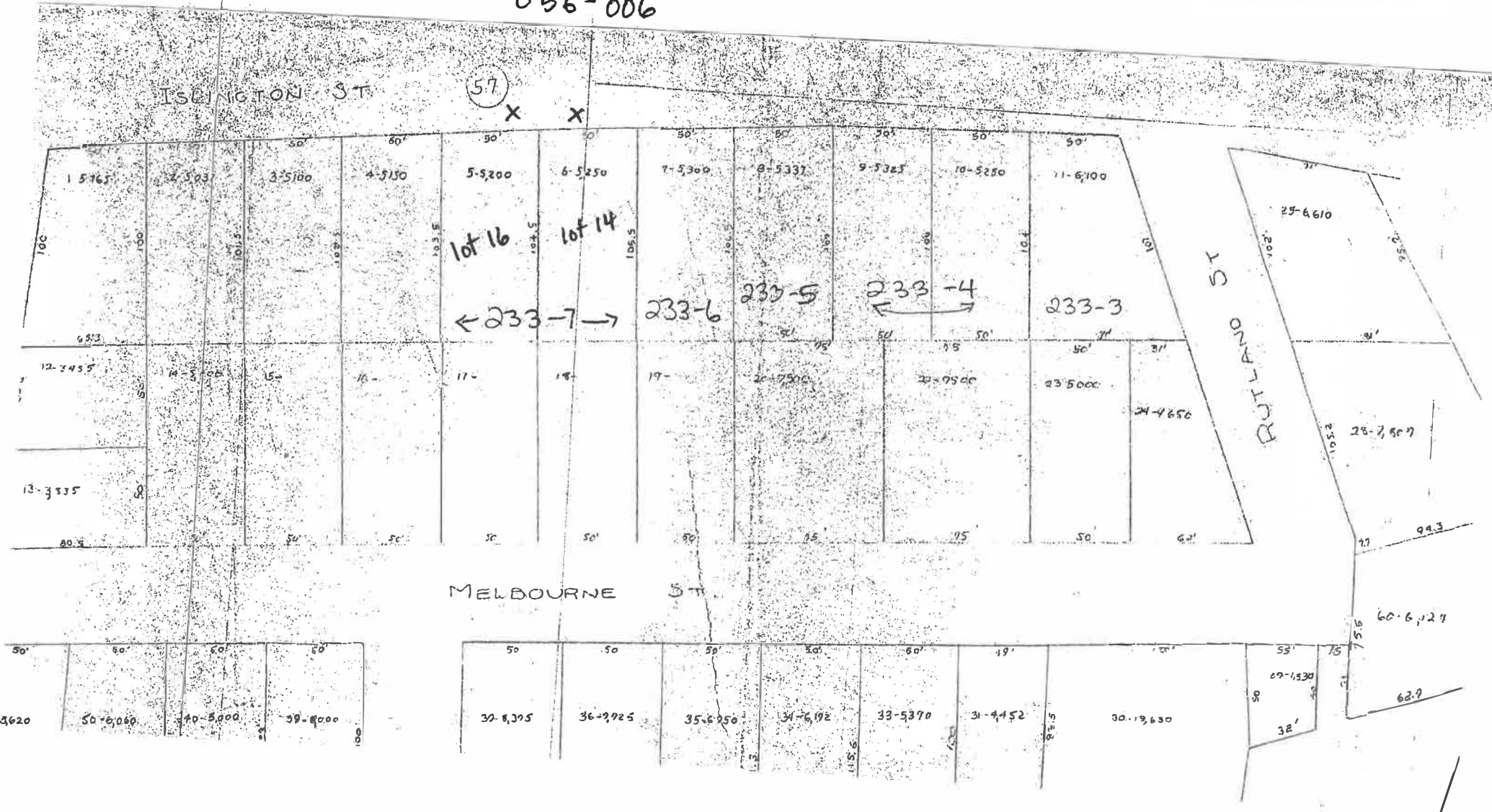
page 30



1960's Map 56

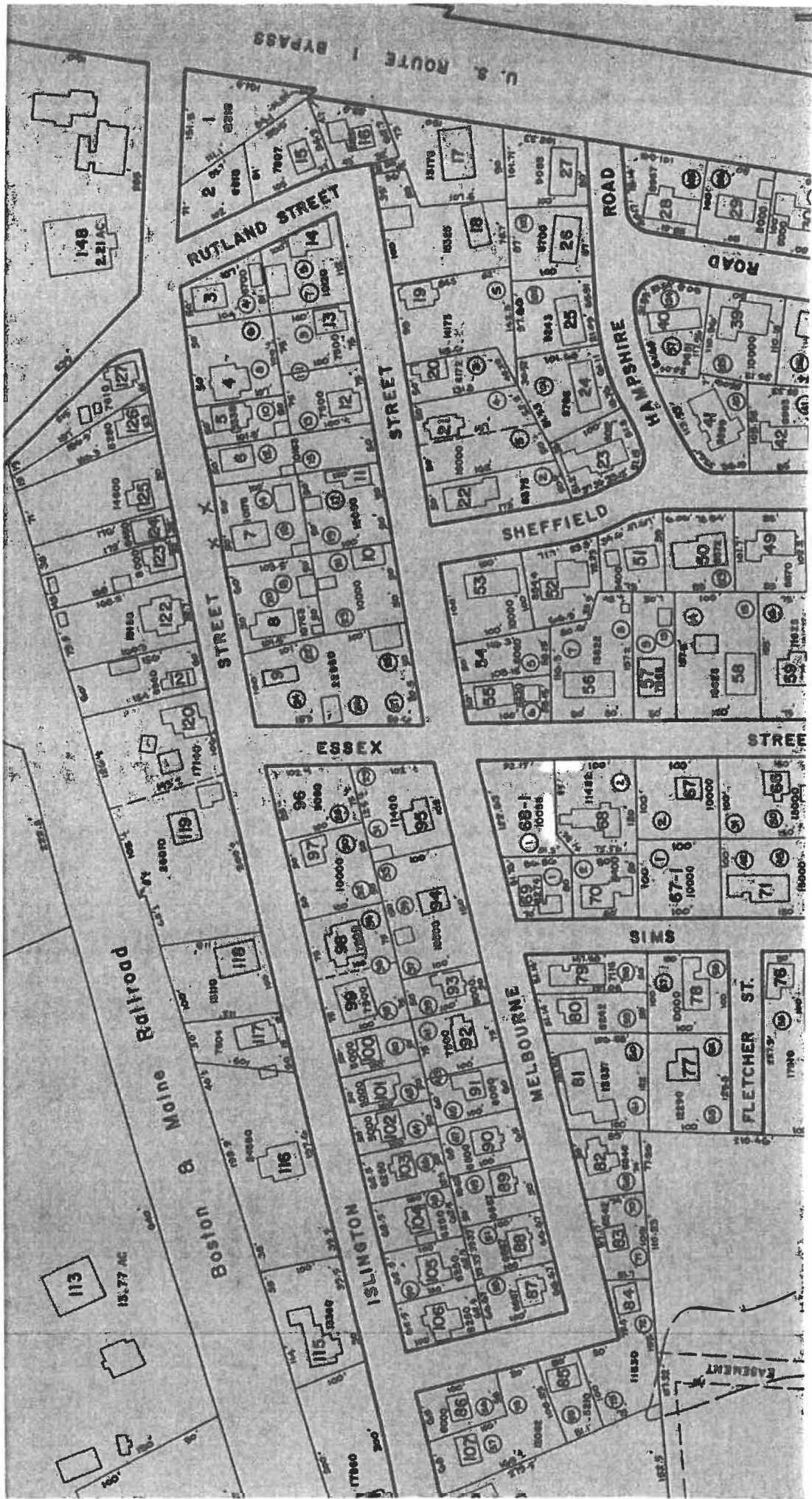
old M/L
056-005
056-006

CM Action Item #7



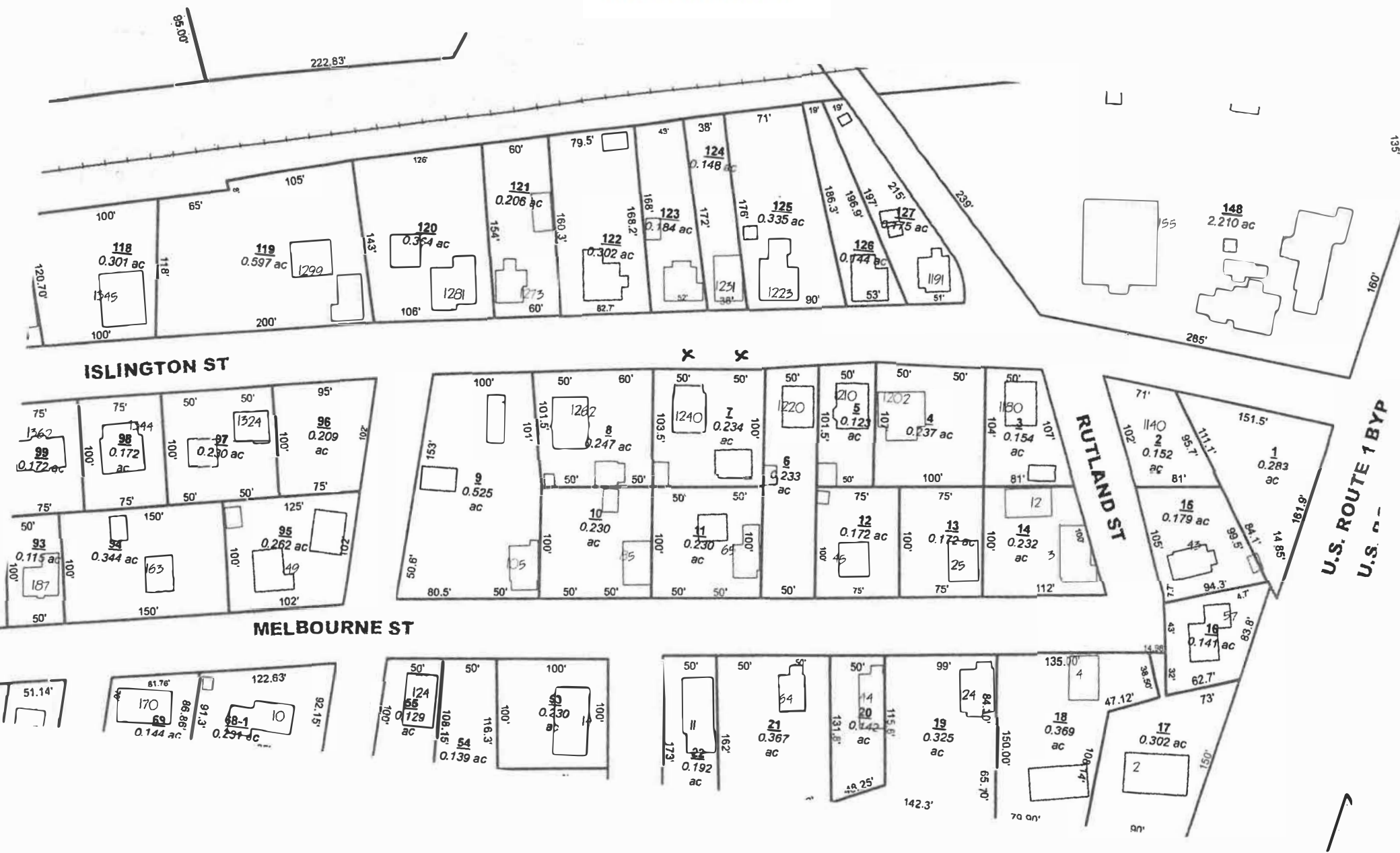
1990 Map 3:

CM Action Item #7



CM Action Item #7

2019 Map 233 -7



BOSEN & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW

April 21, 2020

Mayor Richard Becksted and
City Council Members
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH & ME

Bernard W. Pelech
Admitted in NH & ME

RE: Unmerger of Lots
1240 Islington Street, Portsmouth, NH
Tax Map 233, Lot 7

Dear Mayor Becksted and City Councilors:

This office represents Jeremy Conte, owner of the property at 1240 Islington Street.

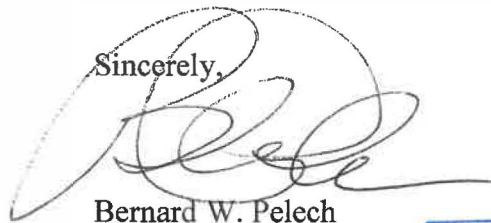
On behalf of Mr. Conte I would respectfully request that the two lots which he acquired on December 19, 2019 be unmerged pursuant to NH RSA 674:39 aa, as they were involuntarily merged by the City of Portsmouth prior to September 18, 2010.

Enclosed herewith are all deeds for the two lots from 1899 to the present. Also enclosed is the recorded Sugden Brothers Plan from 1899 showing the two lots (14 + 16) which are presently owned by Mr. Conte.

My extensive research reveals that there has been no voluntary merger of these two lots by Mr. Conte or any of his predecessors in title.

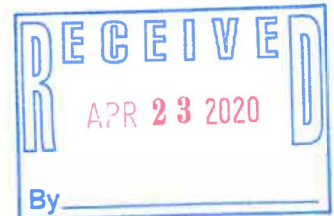
As such it is requested that the two lots presently shown on Lot 7 on Tax Map 233 be unmerged as the requirements for unmerger set forth in NH RSA 674:39 aa are met.

Sincerely,



Bernard W. Pelech

BWP/sdm
Enclosures
CC: Juliet Walker, Portsmouth City Planner
Robert Sullivan, Portsmouth City Attorney



ACTIONS

PARKING and TRAFFIC SAFETY COMMITTEE

2:00 P.M. – July 9, 2020
Remote Meeting via Zoom

PRESENT: City Councilor/Chairman, Peter Whelan
Public Works Director, Peter Rice
Planning Director, Juliet Walker
Fire Chief, Todd Germain
Police Captain, Mark Newport

Members: Mary Lou McElwain, Steve Pesci, Jonathan Sandberg,
Harold Whitehouse, Erica Wygonik (Alternate)

CITY STAFF PRESENT: Parking and Transportation Engineer, Eric Eby
Parking Director, Ben Fletcher
Assistant City Attorney, Jane M. Ferrini

Action Items requiring an immediate ordinance during the next Council meeting:

Item 4. Proposed Stay and Pay graduated parking meter rate ordinance changes

Temporary Action Item requiring an ordinance during the annual omnibus:

None

1. Chairman Peter Whelan recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-9, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.
2. Financial Report – **On a unanimous roll call 9-0, voted** to approve and accept the financial report dated May 31, 2020.
3. Email Correspondence: Liza Hewitt (safety on Middle Road).
4. Proposed Stay and Pay graduated parking meter rate ordinance changes, by DPW **On a roll call 8-0-1, voted** to approve Chapter 7, Article I, Section 7.102, Parking Meter Zones and Parking Meter Rates with the following graduated parking meter rates for fees and time increments for residents and the general public.

Resident Rates	On Street Zone A	On Street Zone B/C
hours 1 through 3	\$1.50	\$1.00
hours 4 through 11	\$2.50	\$2.00
Public Rates	On Street Zone A	On Street Zone B/C
hours 1 through 3	\$2.00	\$1.50
hours 4 through 11	\$5.00	\$3.00

Fire Chief Todd Germain abstained.

On a unanimous roll call 9-0, voted to approve change as recommended by staff to amend Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 4. Hancock Street, item a. (northerly side from Marcy Street to Pleasant Street), amended to read "Northerly side, first three spaces closest to Marcy Street", and to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 4. Hancock Street, item b. (southerly side from Washington Street to Pleasant Street).

On a unanimous roll call 9-0, voted to approve change as recommended by staff to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 6. Madison Avenue.

On a unanimous roll call 9-0, voted to eliminate 2-hour parking spaces on Mechanic Street as outlined in Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 7. Mechanic Street.

On a unanimous roll call 9-0, voted to approve change as recommended by staff to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 8. Middle Street.

On a unanimous roll call 9-0, voted to approve change as recommended by staff to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 11. Summer Street, item a. (both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.)

On a unanimous roll call 9-0, voted to adopt all red line changes as proposed by staff in Chapter 7, Article 1, Section 7.102 and Chapter 7, Article I, Section 7.105 and in Chapter 7, Article III, Sections 7.324 through 7.329.

5. Request for All-Way STOP at intersection of Thornton Street and Sparhawk Street, by residents of area - **On a unanimous roll call 9-0, voted** to support the application, but in keeping with precedent, request a report back from staff on All-Way STOP at the intersection including pedestrian volumes and vehicle crash data.
6. Request for All-Way STOP at intersection of Jewell Court and Brewery Lane, by residents of area - **On a unanimous roll call 9-0, voted** to request a report back in six (6) months from staff on All-Way STOP at intersection.
7. Request for pedestrian flags at Riverbrook Condos on Middle Road - **On a roll call 8-1, voted** to approve use of pedestrian flags at Riverbrook Condos crosswalk on Middle Road. Harold Whitehouse voted opposed.
8. Request to improve the safety at intersection of Boss Avenue and Sunset Road, due to limited sight lines, by Sarah Lynch - **On a roll call 8-0-1, voted** to support staff recommendations to install warning signage. Public Works Director Peter Rice abstained.
9. Traffic volumes during pandemic – No action taken.
10. Omnibus – No action taken.

11. Accident Report by Police Captain Mark Newport – No action taken.

12. PTS Open Action Items – No action taken.

13. Adjournment – **At 3:37 p.m., on a unanimous roll call 8-0, voted to adjourn.**

Respectfully submitted by:
Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

2:00 P.M. – July 9, 2020
Remote Meeting Via Zoom

I. CALL TO ORDER:

Chairman Peter Whelan called the meeting to order at 2:00 p.m.

II. ATTENDANCE BY ROLL CALL:

Members Present:

City Councilor/Chairman, Peter Whelan
Public Works Director, Peter Rice
Planning Director, Juliet Walker
Fire Chief, Todd Germain
Police Captain, Mark Newport
Member, Mary Lou McElwain
Member, Steve Pesci
Member, Jonathan Sandberg
Member, Harold Whitehouse
Alt. Member, Erica Wygonik

City Staff Present:

Parking and Transportation Engineer, Eric Eby
Parking Director, Ben Fletcher
Assistant City Attorney, Jane M. Ferrini

III. FINANCIAL REPORT:

Parking Director Ben Fletcher reviewed the financial report.

Harold Whitehouse questioned what accounted for the increase in parking violations. Parking Director Ben Fletcher responded they have not stopped writing violations, even when they weren't collecting, just to keep traffic moving. He stated there were fewer tickets written during that time. The vendor is sending out collection letters, so the report is reflecting those results.

Mary Lou McElwain commented that some parking spaces have been blocked to allow for restaurant seating and questioned if they had an idea on what that revenue loss would look like. Parking Director Ben Fletcher responded that it was difficult to say. If there is enough inventory, then the loss would be zero. Some of the secondary parking locations are starting to fill up, so people are finding parking.

Mary Lou McElwain questioned if the Foundry Garage numbers were increasing. Parking Director Ben Fletcher responded that the numbers for the Foundry Garage were stronger than the numbers from last year for the Hanover Garage.

Harold Whitehouse moved to accept the financial report as presented, seconded by Mary Lou McElwain. **On a roll call vote, motion passed 9-0.**

IV. PUBLIC COMMENT:

There was no public comment. There was one email correspondence to the Committee from Liza Hewitt regarding safety on Middle Road.

V. NEW BUSINESS:

A. Proposed Stay and Pay graduated parking meter rate ordinance changes, by DPW.

Eric Eby commented that the Committee approved the concept and parking rates for the Stay and Pay program at the last meeting. As a result, there were some changes that needed to be made to the Chapter 7 Ordinance. There are no time limits with the Stay and Pay program. The sections provided in the packet show the wording that needs to be changed. The Committee needs to review and vote on the proposed changes before they go to City Council.

Parking Director Ben Fletcher explained the rate structure and provided a graphic outlining the proposed changes. He stated the Stay and Pay program provides the option to stay longer if the user wants to. He described the rate structure and reasoning for the changes.

Mary Lou McElwain requested clarification on the resident rates. Parking Director Ben Fletcher provided an explanation of the structure that included three incremental changes in price based on hours. Mary Lou McElwain commented that it was confusing and there should only be one change in the rate.

Mary Lou McElwain moved to approve Chapter 7, Article I, Section 7.102, Parking Meter Zones and Parking Meter Rates with the following graduated parking meter rates for fees and time increments for residents and the general public, seconded by Public Works Director Peter Rice.

Resident Rates	On Street Zone A	On Street Zone B/C
hours 1 through 3	\$1.50	\$1.00
hours 4 through 11	\$2.50	\$2.00
Public Rates	On Street Zone A	On Street Zone B/C
hours 1 through 3	\$2.00	\$1.50
hours 4 through 11	\$5.00	\$3.00

Jonathan Sandberg questioned if the rates were prorated at all. Parking Director Ben Fletcher responded that with prepay users must pay for the time they expect to stay. When there are 5 minutes remaining on the rate, the user will get a notification with the option to add more time if they want.

Jonathan Sandberg questioned how the rates would be advertised. Parking Director Ben Fletcher responded that the app and devices will reflect the rates and display the total before a user pays. Jonathan Sandberg noted that it was important that users be alerted to the increase in price after hour 3. Public Works Director Peter Rice agreed and noted that they would look at effective signage.

Steve Pesci supported the motion. Simple is better for pricing. The Portsmouth meters and app are easy to understand. It is a good experiment to see if they would be getting adequate turnover by giving people a choice.

Harold Whitehouse questioned if this was going to the City Council for the final reading. Parking Director Ben Fletcher responded that it was going for first reading on Monday, July 13, 2020. Harold Whitehouse requested staff comment on the change. Parking Director Ben Fletcher commented that they get most of their revenue from tourism. It is counterproductive to invite tourists into the City then force them out with parking limits. The first 3 hours will be the same price then people will have the opportunity to stay longer. The average consumer will be relatively unaffected. It will be interesting to see the economic impact. Eric Eby added that it would be great to see how it works and the goal is to get to the 85th percentile parking rate. The City is still over 100% occupancy. Parking Director Ben Fletcher noted that they can reevaluate in 6 months to 1 year to see if parking is priced too low.

Mary Lou McElwain questioned if they were really promoting the garages. It would be good to get traffic out of the Market Square area because of the restaurant outdoor seating. Parking Director Ben Fletcher responded that more people are using the Bridge Street parking lot, so the public is finding alternate parking.

On a roll call vote, Motion passed 8-0-1. Fire Chief Todd Germain abstained.

Eric Eby reviewed Chapter 7, Article I, Section 7.105 – Parking. He stated the 500-foot rule is being removed. When the meter expires the person needs to either pay for additional time or risk getting a citation.

He reviewed the changes in Chapter 7, Article III, Sections 7.324 through 7.329. The hour limits are outdated in this section. The proposal is to get rid of the 1-hour limits. There are no 1-hour limits in the City today. There are no changes to the 30 minute limits section. The 15-minute spaces will remain the same as they currently are in the ordinance.

Mary Lou McElwain questioned if the 30-minute spaces were enough time. Eric Eby responded that the spaces were on Islington Street and the time limit encouraged turnover for the businesses in that area. Steve Pesci added that the businesses in that area were primarily food-to-go businesses. The businesses in the area want the 30-minute time limit.

Eric Eby asked the Committee to review the red lined notes in Section 7.327 on 2-hour limited parking.

He stated there is a section of Hancock Street listed as 2 hours, but that is not what is reflected in the field. The recommendation is to clean up the ordinance language and leave the three spaces on Marcy Street as they exist now.

Chairman Peter Whelan moved to approve change as recommended by staff to amend Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 4. Hancock Street, item a. (northerly side from Marcy Street to Pleasant Street), amended to read "Northerly side, first three spaces closest to Marcy Street", and to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 4. Hancock Street, item b. (southerly side from Washington Street to Pleasant Street), seconded by Planning Director Juliet Walker.

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

Eric Eby noted that there were no changes to Islington Street. There are no signs on Madison Avenue (Madison Street) even though it is in the ordinance as a 2-hour limit. Chairman Peter Whelan questioned if people were using the spots for more than 2 hours. Eric Eby confirmed they were. There are no signs marking a limit. Parking Director Ben Fletcher added that they don't enforce it if it is not signed because it's not fair to do so. Effectively, Madison Avenue (Madison Street) is already 72-hour parking.

Planning Director Juliet Walker moved to approve change as recommended by staff to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 6. Madison Avenue, seconded by Public Works Director Peter Rice.

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

Eric Eby commented that there were no spaces on Mechanic Street because of the ongoing construction at the Peirce Island wastewater treatment plant. They can leave it and then spaces will be there with a 2-hour limit post construction or they can make it unlimited parking. Another option is to remove parking all together because the road is narrow.

Public Works Director Peter Rice moved to eliminate 2-hour parking spaces on Mechanic Street as outlined in Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 7. Mechanic Street, seconded by Mary Lou McElwain.

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

Eric Eby commented that there were no requests to put the signs back up on Middle Street, so the recommendation was to remove it from the ordinance.

Planning Director Juliet Walker moved to approve change as recommended by staff to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 8. Middle Street, seconded by Mary Lou McElwain.

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

Eric Eby commented that both sides of Summer Street were a 2-hour limit, but there were no signs. There were no requests to put them back.

Planning Director Juliet Walker moved to approve change as recommended by staff to delete Chapter 7, Article III, Section 7.327, Limited Parking – Two Hours, Section A., 11. Summer Street, item a. (both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.), seconded by Harold Whitehouse.

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

Eric Eby commented that they removed the 3-hour time limit section entirely. The 4-hour time limit section remains for Livermore Street.

Planning Director Juliet Walker moved to adopt all red line changes as proposed by staff in Chapter 7, Article 1, Section 7.102 and Chapter 7, Article I, Section 7.105 and in Chapter 7, Article III, Sections 7.324 through 7.329, seconded by Steve Pesci.

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

Harold Whitehouse commented that there was no reference to veterans in the document. He stated he thought it was a State law or ordinance that all veterans can park free at any meter spots in the state. Parking Director Ben Fletcher responded that unless there was a very recent change veterans are subject to paying like everyone else. However, Portsmouth has made a practice of not charging when a vehicle has a veteran plate. They do request everyone observe the parking time limits. Assistant City Attorney Jane Ferrini added that they have a lot of housekeeping to do in Chapter 7. The goal for this proposal is to move forward with the Stay and Pay program.

B. Request for All-Way STOP at intersection of Thornton Street and Sparhawk Street, by residents of area. Eric Eby commented that the traffic camera showed equal volumes on both streets. There were also limited sightlines coming out of Sparhawk Street. It is the only part of Thornton Street that does not have a 4-Way STOP. Eric Eby commented that he could provide a full report next month, or the Committee could take action today.

Harold Whitehouse commented that they should not wait another month. Public Works Director Peter Rice questioned if Eric Eby thought it met warrant requirements. Eric Eby responded that it did meet the requirements. They are two similar streets with similar volumes and there is a sightline issue. Public Works Director Peter Rice commented that they need to be cautious because they receive a lot of requests for 4-Way STOP signs. They need to ensure it meets the warranted conditions. A 4-Way STOP is not a speed control measure. They are for the management of an intersection.

Mary Lou McElwain commented that there were sightline issues like this around the City. Branches hanging over sidewalks or roads obstructing sightlines. Mary Lou McElwain questioned if the City could trim back branches. Eric Eby responded that they could be trimmed if they were hanging in the right-of-way. The City can't go on private property. Eric Eby suggested citizens use the City's Click N' Fix application when they see issues like this one.

Steve Pesci noted that there was a lot of pedestrian traffic on this street and it was an appropriate spot for a 4-Way STOP sign. Chairman Peter Whelan agreed.

Steve Pesci moved to support for the application, but in keeping with precedent, request a report back from staff on All-Way STOP at the intersection including pedestrian volumes and vehicle crash data, seconded by Public Works Director Peter Rice.

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

C. Request for All-Way STOP at intersection of Jewell Court and Brewery Lane, by residents of area. Eric Eby commented that the intersection near Plaza 800 and the new apartment building had sightline issues. The hedges were cut back recently, so the sightlines

have improved. There is more traffic on Brewery Lane than Jewel Court, but it would be good to get updated data. Brewery Lane is part of the Plaza 800 property. The bump out is private property, so they would need to look at what it would mean to put a sign there.

Harold Whitehouse questioned if Jewel Court was a City maintained street. Public Works Director Peter Rice confirmed that it was.

Planning Director Juliet Walker questioned if it made sense to wait to evaluate traffic until after the Islington Street corridor project was completed. There is potential for an unbalanced intersection. Eric Eby responded that it would be helpful to gather data after traffic has normalized post Islington Street construction and after the new apartment building opens.

Jonathan Sandberg noted that there were already a lot of stop signs in that area and adding more could be too disruptive.

Public Works Director Peter Rice added that the City will be putting in the sidewalk along Jewel Court which will improve sight distances by eliminating some hedge row.

Erica Wygonik commented this could be an imbalanced intersection and would not be a good fit for a 4-Way STOP. It will be good to collect data after the traffic in the area has normalized. It would be interesting to see how pedestrian volumes evolve after the sidewalk is constructed.

Planning Director Juliet Walker moved to request a report back in six (6) months from staff on All-Way STOP at intersection, seconded by Mary Lou McElwain.

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

D. Request for pedestrian flags at Riverbrook Condos on Middle Road. Eric Eby commented that there have been crosswalk requests in the past for this area. He stated even during peak hours there are plenty of gaps in traffic to cross. Pedestrians just need to wait a little longer. Pedestrian flashing lights are expensive and not warranted. Residents were receptive to trying pedestrian flags. It is a fairly low-cost treatment. The long-term plan is to construct a sidewalk on the north side of the street. The road needs some physical changes to impact speeds.

Steve Pesci commented that other communities have used this strategy effectively. This is the perfect place to try pedestrian flags.

Harold Whitehouse moved to approve use of pedestrian flags at Riverbrook Condos crosswalk on Middle Road, seconded by Mary Lou McElwain.

On a roll call vote, motion passed 8-1. Harold Whitehouse voted opposed.

Steve Pesci noted that they have talked about gateway points with dynamic speed signs in the past. This is another transition spot that could be incorporated.

Public Works Director Peter Rice commented that he was supportive of infrastructure changes, but the City did not have the funding resources right now to make any changes.

VI. OLD BUSINESS:

A. Request to improve safety at intersection of Boss Avenue and Sunset Road, due to limited sightlines, by Sarah Lynch. Eric Eby commented that the sightlines are blocked by grading and vegetation on private property. Cutting back vegetation would create erosion on the bank. This problem cannot be solved by physical changes. The recommendation is to put a warning sign on Boss Avenue. It is mostly local traffic in that area.

Harold Whitehouse moved to support staff recommendations to install warning signage, seconded by Steve Pesci.

On a roll call motion passed 8-0-1. Public Works Director Peter Rice abstained.

Harold Whitehouse requested an update on the request for a flashing beacon at the intersection of Woodbury Avenue and Dennett Street. Eric Eby responded that they were still looking at the situation and should have a report back for the August meeting.

Steve Pesci commented that there was a noticeable lane shift with the new bridge. Eric Eby commented that it was widened when the bridge was rebuilt. The City has a design to weave into the bridge and fit better, but there is no funding for that project right now.

VII. INFORMATIONAL:

A. Traffic volumes during pandemic.

Eric Eby commented that the City was back to 80-85% normal.

B. Omnibus.

Eric Eby briefly addressed the Annual Omnibus Ordinance and changes. A request to schedule the first reading is on the City Council agenda for July 13, 2020.

C. Accident Report by Police Captain Mark Newport.

Police Captain Mark Newport noted that the numbers are down because of COVID. There were 350 vehicular accidents from January 1st to June 30th. The total included 35 accidents involving personal injury. There were five pedestrian accidents and no bicycle accidents during the same time period.

D. PTS Open Action Items. No action taken.

VIII. MISCELLANEOUS:

Harold Whitehouse asked why events were not allowed on the top floor of the Foundry Garage and instead moved to the Bridge Street parking lot. Public Works Director Peter Rice responded that the garage was not designed for the occupancy or the activity proposed. The City would have had to invest a lot of money to make it work, so they looked at alternate locations that would be better suited for the proposed activities.

Mary Lou McElwain commented a store owner had complained about a moped leaning on their store front. She requested that the Committee address the moped ordinance at the August meeting. Chairman Peter Whelan agreed and noted that he had received a phone call from a business owner who was concerned about the same issue. Police could not act based on the complaints because of how the ordinance is written. Planning Director Juliet Walker requested

the Committee discuss other mobility devices like electrical scooters when looking at the moped ordinance.

Steve Pesci stated the Committee had previously discussed drafting ordinances for the City Council regarding moped parking. He stated given the increased physical spacing and serving space demands, it is more important than ever that sidewalk space be preserved. He requested that the staff restart discussions regarding moped parking (off-sidewalks) in coordination with the City's ordinances regarding other non-licensed motorized and electric mobility devices. He stated as a moped owner and rider, he's disappointed with moped operators parking randomly in pedestrian spaces.

Steve Pesci stated that the Committee had also discussed making a graphic overview of the City speed limits. He requested it be added to the long-term agenda list.

IX. ADJOURNMENT:

Harold Whitehouse moved to adjourn at 3:37 p.m., seconded by Mary Lou McElwain.

On a roll call, motion passed 8-0.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer

DATE: July 28, 2020

SUBJECT: July 9 Parking and Traffic Safety Committee Meeting Action Item Summary

At the July 9, 2020 meeting of the Parking and Traffic Safety Committee, the following Action Item was voted on by the Committee and recommended for approval to the City Council.

- Proposed Chapter 7 Ordinance amendments related to the Stay and Pay graduated parking meter rate. The Council subsequently voted to pass first reading on this item at the July 13th Council meeting and scheduled a public hearing and second reading for the August 3rd Council meeting.

The following additional actions were taken by the Committee. As these actions are not regulatory in nature, these do not require formal approval by City Council at this time.

- Request for report back and recommendation by staff on proposed all-way STOP intersection of Thornton Street and Sparhawk Street.
- Request for report back and recommendation by staff in six months on proposed all-way STOP intersection of Brewery Lane and Jewell Court.
- Installation of pedestrian warning flags at crosswalk on Middle Road at Riverbrook Condominiums as a temporary traffic calming measure.
- Installation of intersection warning signs on Boss Avenue at Sunset Road.

DATE: JULY 29, 2020

TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD

FROM: (1) CITY COUNCILOR HUDA
(2) CITY COUNCILOR HUDA & KENNEDY

SUBJECT: AUGUST 3RD CITY COUNCIL MEETING AGENDA REQUEST (ZOOM MEETING)
PLEASE PUT THIS UNDER THE NAMES LISTED ABOVE. THANK YOU

- 1) I MAKE A MOTION TO REQUEST THE CITY MANAGER PROVIDE A REPORT TO THE RESIDENTS & CITY COUNCIL AS AN UPDATE ON CARES ACT FUND ALLOTMENT TO INCLUDE:
TOTAL ALLOTMENT- \$523,000
TOTAL AMOUNTS SUBMITTED/RECEIVED FOR REIMBURSEMENT
REMAINING BALANCE @ AUGUST 1ST

INCLUDING AMOUNTS COMMITTED TO THE TASK FORCE UNDER STREET SUB-COMITTEE- POP UP SUB-COMITTEE - TAXPAYER FUNDED
PLEASE INCLUDE AN ESTIMATE OF CITY EMPLOYEE TIME SPENT ASSISTING START UP OF EACH OF THE ABOVE
PLEASE INCLUDE AN ESTIMATE OF BRIDGE STREET PARKING REVENUE LOSS. (JULY 24TH TO OCT18TH?)

PURPOSE:

TO PROMOTE TRANSPARENCY BY SHOWING IN DOLLARS HOW THE COUNCIL & CITY STAFF ARE ASSISTING ALL PORTSMOUTH BUSINESSES DURING THE PANDEMIC.

- STARTING WITH THE CITY COUNCIL AUTHORIZING OF \$100,000 CARES ACT FUNDS TO THE TASK FORCE
 - NEXT THE CITY ADMINISTRATION VALIDATES/SHOWS WHAT EXPENDITURES ARE APPLICABLE FOR CARES ACT REIMBURSEMENT
 - SHOW IN TAXPAYER DOLLARS HOW MUCH TAXPAYERS ARE HELPING THE BUSINESS COMMUNITY, EVEN IF NOT DIRECTLY MAKING A CONTRIBUTION.
- 2) COUNCILORS HUDA & KENNEDY MAKE A MOTION TO REVIEW THE MIDDLE STREET BIKE LANES CURRENT IMPLEMENTATION FOR SAFETY IN LIEU OF THE RECENT ACCIDENT.

Paige Trace, City Councilor
City of Portsmouth

27 Hancock Street
Portsmouth, New Hampshire
03801

Kelli Barnaby, City Clerk
City of Portsmouth
1 Junkins Avenue, Portsmouth NH

July 29, 2020.

Dear Kelli,

Could you please put under my name for the August 3rd City Council meeting the following with attachments:

I would be honored to make a motion that the Portsmouth City Council vote to name a certain City owned parcel of land (143-8) located on Mill Pond Way on the North Mill Pond, the Paul McEachern Park. I'm asking for this land to be named in honor of Paul McEachern, a resident of Portsmouth, in honor of his numerous life long contributions to the City of Portsmouth.

I bring this forward as the parcel of land, owned by the City of Portsmouth is currently used by the neighborhood as a park with picnic tables provided by the City.

I have been asked to bring this forward by a resident of Portsmouth, Mr. John Wyckoff. It seems only appropriate to me to make this motion. The request has been made by a gentleman who has contributed greatly to the Historic Preservation of the City of Portsmouth. He asks this in honor of his neighbor and friend, another gentleman, Mr. Paul McEachern. I have the privilege of knowing both men and hold their achievements and contributions in great regard. I am honored to ask that we do this so that these men, their families and neighbors might enjoy The Paul McEachern Park together.

If seconded, I would ask that we suspend the Council rules to vote on this without a work session. I would ask for the suspension as it would be nice for the neighborhood to get some use of this land (practicing safe social distancing) as a formally named park for the rest of the summer months.

Please see maps of this parcel on Mill Pond Way attached with this request.

Paige Trace, City Councilor
City of Portsmouth

MILL POND WAY

Location MILL POND WAY
Mblu 0143/ 0008/ 0000/ /
Acct# 34307
Owner CITY OF PORTSMOUTH
PBN
Assessment \$364,800
Appraisal \$364,800
PID 34307
Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$0	\$364,800	\$364,800

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$0	\$364,800	\$364,800

Owner of Record

Owner CITY OF PORTSMOUTH
Co-Owner
Address PO BOX 628
 PORTSMOUTH, NH 03801
Sale Price \$0
Certificate
Book & Page 4772/2150
Sale Date 03/05/2007
Instrument

Ownership History

Owner	Ownership History				
	Sale Price	Certificate	Book & Page	Instrument	Sale Date
CITY OF PORTSMOUTH	\$0		4772/2150		03/05/2007
OLDE PORT DEVELOPMENT GROUP LLC	\$900,000		4062/0025	18	06/19/2003

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent

Good:

Replacement Cost

Less Depreciation: \$0

Building Attributes

Field	Description
Style	Vacant Land
Model	
Grade:	
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Kitchen Gr	
WB Fireplaces	
Extra Openings	
Metal Fireplaces	
Extra Openings	
Bsmt Garage	

Building Photo



Building Layout

Building Sub-Areas (sq ft)

No Data for Building Sub-Areas

Extra Features

Extra Features

No Data for Extra Features

Land

Land Use

Use Code 9030
 Description MUNICIPAL MDL-00
 Zone M
 Neighborhood 131
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 0.40
 Frontage
 Depth
 Assessed Value \$364,800
 Appraised Value \$364,800

Outbuildings	
Outbuildings	
No Data for Outbuildings	

Valuation History			
Appraisal			
Valuation Year	Improvements	Land	Total
2018	\$0	\$331,600	\$331,600
2017	\$0	\$331,600	\$331,600
2016	\$0	\$268,300	\$268,300
Assessment			
Valuation Year	Improvements	Land	Total
2018	\$0	\$331,600	\$331,600
2017	\$0	\$331,600	\$331,600
2016	\$0	\$268,300	\$268,300

All locations identified on Google, Yahoo, and Bing maps are approximate and may not be exact

[Go To Google Maps](#)

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[Go To Microsoft Bing Maps](#)

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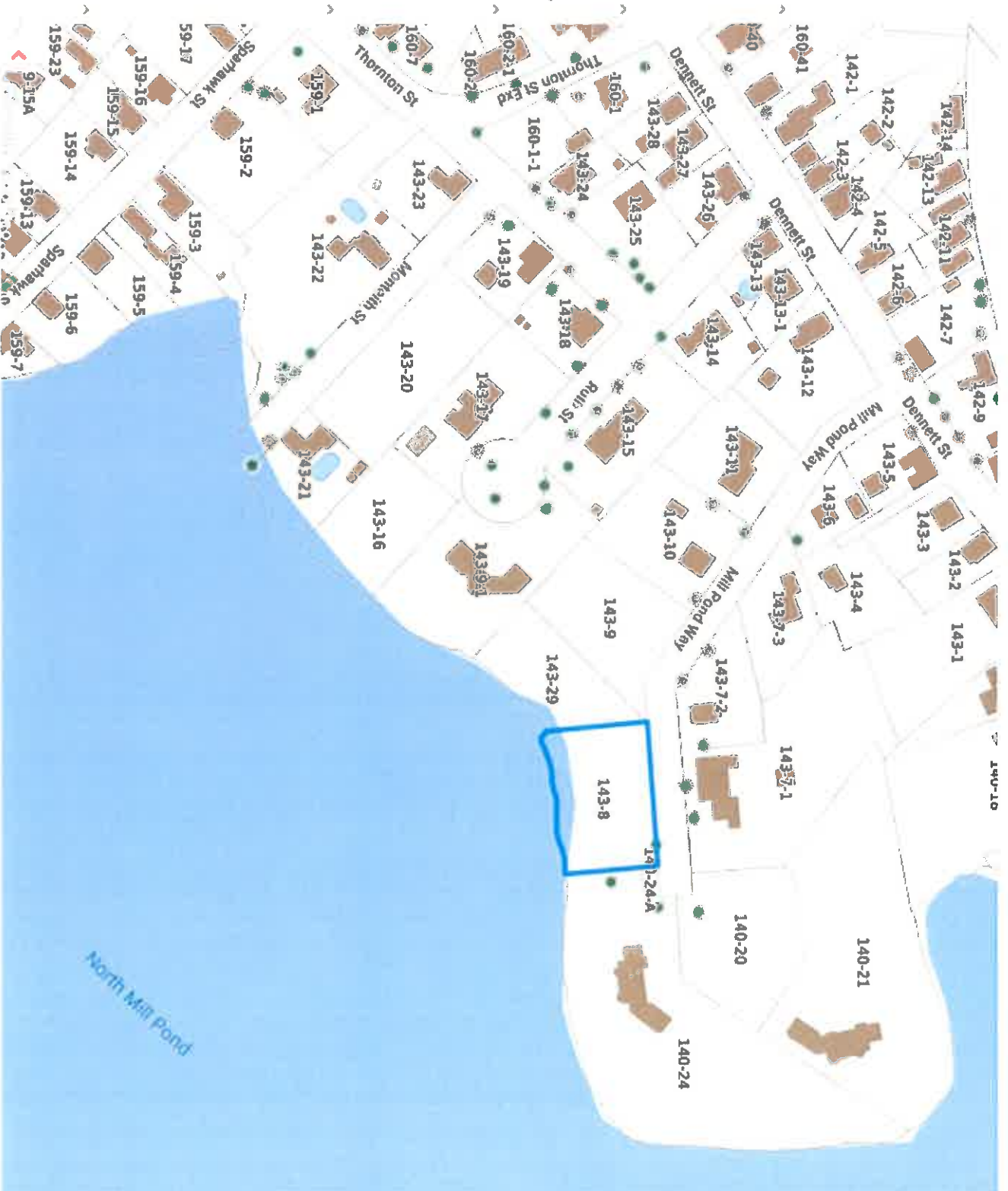
[Google Maps Link](#)

City of Portsmouth

Property Data

Market Delineation

Property	MILL POND WAY
Location	0143-0008-0000
Map-Lot	34307
Vision Account Number	
Ownership	CITY OF PORTSMOUTH
Owner	PO BOX 628, PORTSMOUTH, NH 03801
Address	
Valuation	\$364,800
Total	\$0 on 2007-03-05
Last Sale	2007-03-05
Deed Date	4772/2150
Book/Page	
Land	9030
Land Use	MUNICIPAL MDL-00
Description	
Market	131
Local District	E
Parcel Area (AC)	0.40
Zoning	
Zoning	





CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: July 30, 2020

To: Honorable Mayor Rick Becksted and City Council Members

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

Re: City Manager's Comments on City Council Agenda of August 3, 2020

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

A. Public Hearing and Second Reading of Ordinance Amending Various Sections of Chapter 7 Regarding "Stay and Pay", Chapter 7, Article I, Section 7.102- Parking Meter Zones; Chapter 7, Article I, Section 7.105- Parking; Chapter 7, Article III, Section 7.324- Limited Parking- One Hour; Section 7.325- Limited Parking- Thirty Minutes; Section 7.326- Limited Parking –Fifteen Minutes; Section 7.327- Limited Parking- Two Hours; Section 7.328- Limited Parking – Three Hours; Section 7.328-1- Utilization of Multiple Parking Spaces; and Section 7.329- Limited Parking – Four Hours:

On May 4, 2020, the City Council referred a "Stay and Pay" parking rate proposal to the Parking and Traffic Safety Committee (PTSC). "Stay and Pay" is a pricing program that restructures parking fees by creating a graduated price structure increasing parking rates at the fourth hour to encourage turnover of the parking space. The idea is to use price to turn over the space instead of enforcement. The proposed program provides a reduced resident rate through the use of the ParkMobile app.

The PTSC unanimously approved the "Stay and Pay" pricing structure at its June 4, 2020 meeting but did not review and approve the amendments to Chapter 7 that are necessary to effectuate the new "Stay and Pay" ordinance. At the June 15, 2020 City Council meeting, the Council voted by consent agenda to schedule the first reading of "Stay and Pay" for the July 13, 2020 City Council meeting. However, at the June 22, 2020 Council meeting, several City Councilors raised questions and concerns about the amendments to Chapter 7 for the "Stay and Pay" ordinance as presented, and referred the ordinance to the PTSC for its review and comments at its July 9, 2020 meeting.

PTSC reviewed the “Stay and Pay” ordinance at its July 9, 2020 meeting and recommended various amendments to the “Stay and Pay” ordinance. Those amendments were forwarded to the City Council in an addendum to the Council packet on July 10, 2020. At the July 13, 2020 Council meeting, Ben Fletcher, Director of Parking, provided a brief presentation on the “Stay and Pay” ordinance with the Council then voting to pass first reading of the [attached amendments](#) to Chapter 7 for the “Stay and Pay” ordinance, and to have the ordinance return for a second reading and public hearing at this evening’s meeting.

I recommend that the City Council move to pass second reading of the necessary revisions to Chapter 7 to implement the “Stay and Pay” parking rate, and to schedule third and final reading at the August 31, 2020 City Council meeting.

XV. City Manager’s Items which Require Action:

1. Fire Department Memorandum of Understanding Regarding Health and Wellness:

The Fire Commission has approved [Health and Wellness Memorandum of Understanding \(MOUs\) with the two Fire Unions](#). If approved by the City Council, these MOUs would implement a Health and Wellness Program in the Fire Department for a one-year trial period. At any time during this trial period, either party may discontinue the Program. The material components of the Program include the following:

- An annual physical examination requirement;
- An on-duty physical fitness program;
- Periodic fitness/wellness education;
- Quarterly physical skills training; and
- A 24-hour shift schedule.

If Council agrees with the one-year trial changes encompassed by the MOU, it may move to approve the MOU as presented.

2. Establish Polling Hours for the State Primary Election:

Please find [attached a memorandum](#) provided by City Clerk, Kelli Barnaby, regarding the establishment of polling hours for the State Primary Election on September 8, 2020.

I recommend that the City Council move to approve the polling hours of 8:00 a.m. to 7:00 p.m. for the State Primary Election on September 8, 2020 as recommended by the City Clerk.

3. Request to Waive Prescott Park Arts Festival Annual Consideration Fee:

Due to the unprecedented nature of the pandemic caused by COVID-19, the Prescott Park Arts Festival (PPAF) has cancelled its 2020 season. As a result, [PPAF is requesting](#) that the City waive its annual consideration fee for FY20.

Schedule D of the [Prescott Park License Agreement between PPAF and the City](#) indicates that in the event of unforeseen circumstances, the City Manager is authorized to negotiate a lower figure for the affected year.

I recommend that the City Council move to waive PPAF's annual consideration fee of \$20,000 for fiscal year 2020 (PPAF's 2020 Season).

4. Request to Waive Gundalow Company Annual Consideration Fee:

The Gundalow Company is requesting a reduction in its annual consideration fee for FY21 due to the effects of COVID-19 on its regularly scheduled programming. This fee is required by the [Prescott Park License Agreement between the Gundalow Company and the City](#) for use of the Sheafe Dock and Sheafe Warehouse. As outlined in Schedule D of this agreement, in the event of unforeseen circumstances the City Manager is authorized to negotiate a lower figure for the affected year.

I recommend that the City Council move to waive the remaining balance of the Gundalow Company's annual consideration fee in the amount of \$3,318 for fiscal year 2021.

5. Sale of Surplus E-One Fire Truck:

The Fire Department has a surplus E-One Fire truck ready for disposal. The model year of the truck is 1999 with 98,283.2 miles and 9,173.4 hours of use.

The City has disposed surplus equipment through a sealed bid process or through [GovDeals](#), an online auction site in which the equipment is sold to the highest bidder. The City has typically received more money for surplus property through GovDeals than through a sealed bid process, so therefore the City would like to use GovDeals to dispose of this truck.

According to City Ordinance Section 1.505, property valued at \$500 or more must receive approval from the City Council prior to disposal.

I recommend that the City Council approve the disposal of the surplus E-One Fire truck through the GovDeals online auction website.

6. Temporary Construction License for 145 Maplewood Avenue:

On May 16, 2019 the Planning Board granted site plan review approval for an application for property located at 145 Maplewood Avenue (aka 111 Maplewood Avenue) to construct a 4-story office building.

The Construction Mitigation and Management Plan (CMMP), signed in October 2019, identified temporary encumbrances of the public sidewalks on Vaughan Street, Raynes Avenue, and Maplewood Avenue for construction-related work during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy.

The License Areas are shown on the plans labeled "Raynes Avenue Sidewalk Encumbrance Plan" and "Vaughan St & Maplewood Ave Sidewalk Encumbrance Plan". License Area 1 is for 1,740 square feet of the sidewalk area along Raynes Avenue. The proposed duration for the encumbrance of License Area 1 is 115 days, starting on August 15, 2020. License Area 2 is for 946 square feet of the sidewalk along Vaughan Street and 1,600 square feet of sidewalk

along Maplewood Avenue. The proposed duration for the encumbrance of License Area 2 is 101 days, starting on August 29, 2020.

The total fee for License Area 1 is \$10,005 and the total fee for License Area 2 is \$12,857.30. The [proposed license agreement](#) provides that, if any of the license areas returned to the City prior to the end of the License Term, the City will refund the applicant the portion of the license fee already paid to the City.

All of the foregoing has been reviewed by the Planning and Legal Departments and is recommended for approval.

I recommend that the City Manager be authorized to execute and accept the temporary construction license regarding 145 Maplewood Avenue as presented.

7. Parking and Traffic Safety Committee Ordinance Schedule:

As provided in Section 7.103 of the City Code of Ordinances, the Parking and Traffic Safety Committee (PTSC) has the authority to recommend temporary parking and traffic regulations to the City Council by means of the presentation of written minutes. The acceptance of such minutes by the City Council constitutes the authorization to implement such temporary regulations for a period not to exceed one year. After any such change has been implemented for up to one year, the City Council may consider making the temporary regulation permanent by means of a duly adopted ordinance. Failure to adopt such an ordinance causes the temporary regulation to expire at the end of one year at which time the prior ordinance in effect becomes operable.

In the past, the temporary regulations were brought forward to the Council once a year as part of a “Parking and Traffic Omnibus” package. At that time, all of the temporary actions approved by the PTSC and authorized by the Council in the prior year were presented as one package to the Council for adoption as an ordinance. At the July 13, 2020 Council meeting, the following items (outlined in the table below) were presented as part of the 2020 Annual Omnibus package. This table also includes the original Council temporary authorization date and the date of expiration of that temporary approval. Staff is recommending that the following items be scheduled for first reading, either individually or as a group. The proposed first reading date is also provided in the table below:

PTS Action Taken	Council Acceptance Date	1-Year Expiration Date	Proposed 1 st Reading Date
Change two 3-hour spaces to 15-minute spaces on Hanover Street: Effective 9/1/2019	7/15/2019	9/01/2020	8/31/20
Prohibit parking in one space on Middle Street at Aldrich Road	7/15/2019	7/15/2020	8/31/20
Change 15-minute space to 3-hour space on Deer Street	9/16/2019	9/16/2020	8/31/20
Establish loading zone on Vaughan Street at <u>Raynes</u> Avenue	9/16/2019	9/16/2020	8/31/20
Prohibit parking at the end of Little Harbor Road	10/28/2019	10/28/2020	9/14/20
Change two 15-minute spaces to 3-hour spaces on Hanover Street	10/28/2019	10/28/2020	9/14/20
Change four 15-minute spaces to 3-hour spaces on Daniel Street	10/28/2019	10/28/2020	9/14/20
Approve loading zone in front of alleyway at 3 Pleasant Street	10/28/2019	10/28/2020	9/14/20
Change one-way section of Parker Street to two-way traffic	10/28/2019	10/28/2020	9/14/20
Eliminate four parking spaces on Hanover Street to expand bus stop area	12/02/2019	12/02/2020	10/5/20
Prohibit parking at end of Dearborn Street	12/02/2019	12/02/2020	10/5/20
Lower speed limit on section of South Street to 25 mph	12/02/2019	12/02/2020	10/5/20
Prohibit parking along north side of Chase Drive	1/21/2020	1/21/2021	11/16/20

This schedule is provided for informational and planning purposes, as the process to adopt any of the ordinance changes will require the standard three readings at City Council. If the City Council agrees with the proposed schedule then the appropriate motion is set forth below.

I recommend that the City Council move to approve the proposed first reading schedule as presented.

XVI. Consent Agenda:

A. 444 Pleasant Street/Portsmouth Housing Authority Sidewalk Easement:

The Department of Public Works has been improving the sidewalks on Pleasant Street, including the sidewalk in front of the Portsmouth Housing Authority (PHA) building at 444 Pleasant Street. Over the course of completing these improvements, City surveyors discovered 566 square feet of the sidewalk was not within the public right of way. PHA has agreed to convey this small parcel of land in order to clear the City’s chain of title.

The Legal Department has reviewed the form of the easement, and [the final version, executed by PHA’s Executive Director, Craig Welch, is attached along with the Easement Plan.](#) The Planning Board moved to recommend the City Council accept this easement deed by a unanimous vote at its meeting on July 16, 2020.

I recommend that the City Council authorize the City Manager to execute and accept a sidewalk easement over land at 444 Pleasant Street from Portsmouth Housing Authority (Tax Map 102 Lot 54).

XVII. Presentations and Consideration of Written Communications and Petitions:

A. Presentation by Health Officer Kim McNamara Regarding COVID-19 Update:

City Health Officer, Kim McNamara, will provide a verbal update to City Councilors and the public on COVID-19.

B. Update on the Portsmouth Citizen Response Task Force:

I will be providing an update on the Portsmouth Citizen Response Task Force at this evening's meeting, along with Co-Chairs James Petersen and Mark Stebbins.

C. Presentation Regarding Census Reporting:

Richard Perrin of the United States Census Bureau will be sharing information on the US Census with City Councilors and the public.

XVIII. City Manager's Informational Items:

1. Report Back from Sewer and Water on Large Rain Events and Combined Sewer Overflows (CSOs) as Requested at the July 13, 2020 City Council Meeting:

Please find [attached for a report back](#) on the large rainfall event that occurred on June 30, 2020 and combined sewer overflows.

2. Report Back on Services Provided by Former City Manager John Bohenko Over the 6-Month Period Ending June 30, 2020 as Requested at the July 13, 2020 City Council Meeting:

Former City Manager John Bohenko's employment agreement allowed for consulting of 750 hours for calendar year 2020. The average number of hours per week was estimated to be 15 hours.

For the period of January 2020 through June 2020, the former manager averaged 10 hours a week or approximately 30% less than allowed under his agreement.

The primary reason for this reduction was due to the COVID-19 restrictions. Much of his time was spent reviewing City Council and other Board and Commission meeting minutes and videos to establish a context in which he was able to provide consultation on various issues. In addition, Mr. Bohenko was able to track issues related to COVID-19 and passed that information along to myself and various departments to ensure that they were aware of certain requirements and/or grants that may be available to the City.

3. **Prescott Park Implementation Committee - Public Process:**

The Mayor's Blue Ribbon Committee on Prescott Park Master Plan Implementation has met twice and is discussing ways to involve the public in its work. They will meet again on August 14, 2020 at 9:00 a.m. to continue this topic, but have targeted August 27, 2020 to begin the public process. Since Council is not scheduled to meet again before this date, I wanted to share this information with City Councilors and the public.

The Committee has established a [web page](#) to share its work with all those interested, which is located on the City's homepage by navigating to Departments, Prescott Park, and then through the drop down menu under "The Park." Meeting minutes, presentations, and You Tube recordings are available at this web page. Notably, at its last meeting, the Committee reviewed options for building relocations in keeping with a "resilient preservation" approach to future park improvements, as well as the conceptual cost estimates for stage options. Project phasing has also been considered.

4. **Proposed Ordinance Regarding Face Coverings During the COVID-19 Pandemic:**

Per the request of the City Council, [attached](#) please find a proposed ordinance regarding face coverings during the COVID-19 pandemic suitable for consideration by the City Council. This ordinance is based upon the resolution adopted by the City Council on July 13, 2020 with some modifications.

PORTSMOUTH FIRE DEPARTMENT
Draft Proposal - Health and Wellness Program

Whereas the Values and Guiding Principles of the Portsmouth Fire Department highlight fire fighter health and safety as being essential in fulfilling our mission, The Fire Chief, on behalf of the Board of Fire Commissioners proposes the development of a comprehensive health and wellness program. The intent of such program would be mutually beneficial to the employee, the Fire Department and most importantly the community it serves. It will be designed to ensure that the employees have the physical, mental and emotional resiliency required to perform their duties. Additionally, it would be designed to reduce the frequency and severity of injury and illness and to foster an overall healthy work environment. It will follow the guidelines of the Fire Service Joint Labor Management Wellness-Fitness Initiative, which states that the program will be positive and not punitive in design; require participation by all uniformed personnel; allow for on-duty-time participation utilizing facilities and equipment provided; provide for rehabilitation and remedial support for those in need; contain training and education components, and, be reasonable and equitable to all participants. The program will meet the following requirements:

- It shall focus on the overall physical and mental health of all personnel
- It shall be confidential in nature in regards to behavioral, medical and fitness evaluations
- It shall be educational and rehabilitative
- It shall be non-punitive
- It shall promote progressive wellness improvement and be designed to increase productivity and performance
- Any member needing remedial or rehabilitative services will be afforded that opportunity in a non-punitive and non-judgmental manner.
- It shall be cost-effective and improve the welfare of the Fire Department and the community
- All aspects of this program must be mutually agreed upon by the Board of Fire Commissioners, the Fire Chief, and both the Portsmouth Professional Fire fighters, Local 1313 and the Portsmouth Professional Fire Officers, Local 4039.

The proposed Health and Wellness Program would consist of multiple components:

Mandatory Annual Physicals

All employees would be required to receive a physical/health screening by their primary care physician (PCP) at minimum every fourteen (14) months. A standardized form agreed upon by all parties must be signed by the employees PCP attesting that the employee received a physical. The employee shall provide the department with the attestation form for their personnel file, however results of said physical would be considered confidential and privileged information between the employee and their PCP and results would not be shared with the department.

The intent of the mandatory physical would be to ensure that the employee maintains a consistent patient-physician relationship that allows for early identification of potential physical/mental health concerns and manages them in an appropriate manner. It **would not** be used as a means to prohibit any incumbent employee from continuing to perform any essential job task, nor would it be used as a means to separate the employee from service in any capacity.

PORTSMOUTH FIRE DEPARTMENT
Draft Proposal - Health and Wellness Program

It is to be understood that the gold standard for employee physicals is the NFPA 1582 physical, and while this specific physical is not required, it is strongly recommended. Any member who fails to meet the requirement of the annual physical will be considered unfit for duty and be required to use ET and DL until such time that the mandatory physical requirements are met.

Mandatory Physical Fitness

Whereas it is understood that physical fitness is critical in managing the demands of the fire service, this Health and Wellness Program would include a mandatory physical fitness component. Under this section, the following requirements would exist:

- The Portsmouth Fire Department would be responsible for providing and maintaining appropriate facilities and equipment for use by the employee.
- The employee would be required to participate in some form of physical fitness for a minimum of 1 hour for every 24 hours worked or 30 minutes for every 12 hours worked. Examples of physical fitness include: Cardiovascular exercise, weight training, flexibility and mobility, job related training that is physically demanding, or an extra-curricular activity that involves physical endurance.
- It would be understood that exceptions may be made by the Company Officer, based on call volume, scheduled training or events, or other extenuating circumstances. However, every effort should be made to comply with this section of the agreement.
- Physical fitness activities would be documented daily on the provided check sheet with a signature by the Company Officer.
- It would be understood that the required on-shift work to maintain personnel and apparatus in a state of readiness would remain the top priority. This includes having PPE and accountability tags on apparatus as stated by policy, daily/weekly apparatus and equipment checks and other essential job tasks prior to participating in physical fitness.
- There would be no dedicated physical fitness times. Every effort shall be made to accommodate the employee participating in physical fitness at their convenience. Should a company want to exercise as a group, it would be understood that other companies would remain available to cover emergency calls within that district. This section shall not be absolute, as it is understood that the nature of the call may dictate the appropriate response.
- When a company is out of service participating in physical fitness, it would be the responsibility of the Company Officers to communicate to each other.
- It would be the responsibility of the Company Officer to ensure that the requirements of this section are met.

Job Related Skills and Movement Training

Above and beyond the normal training schedule, employee's would be required to participate in quarterly job related skills and movement training. The intent of this section would be to provide personal benchmarks for the employee and to provide a means to monitor the employee's physical fitness trends and to determine what areas the employee may need additional support. The structure of this section would be as follows:

PORTSMOUTH FIRE DEPARTMENT
Draft Proposal - Health and Wellness Program

- Training would be organized and conducted by one member of Local 4039 (evaluator) and one member of Local 1313 (assistant) utilizing the tasks listed on the Functional Screen.
- Training would occur no less than twice per year and no more than four times per year.
- Training objectives would remain consistent to ensure that employee fitness trends remain measurable and attainable.
- Each employee would work on completing objectives for 10 minutes. If all objectives are completed within that time frame, the employee would continue through objectives subsequent times, until 10 minute time limit is reached.
- In an attempt to ensure that fire fighter anxiety remains low, only the evaluator and the individual employee will be present during skills training. All other personnel will not be permitted to watch.
- The number of completed objectives would then be recorded on a scoring sheet. The scoring sheet would then be used for subsequent skills training evaluations, in order to monitor trends. Scoring sheets would remain in a single file, separate from the employee's personnel and training files. Said file will remain secured in the office of the Executive Assistant.
- It would be understood that this information is confidential in nature. Only the agreed upon evaluator, the employee, and the Fire Chief will have access to the scoring sheets.
- It would be understood that this section is intended to identify benchmarks for the employee and in no way constitutes a pass/fail evaluation. It would be the responsibility of the employee to inform his/her immediate supervisor of areas where improvements can be made and to work toward implementing a course of action.
- Any employee not in attendance on the day that skills and movement training takes place shall be required to make other arrangements with the evaluator to make up the training.

Behavioral Health and Wellness

As a part of this program, the Portsmouth Fire Department would maintain a proactive and preventative approach to behavioral health and wellness. This component of the Health and Wellness Program would encourage employees to seek assessment and counseling if needed, utilizing the department's EAP, the IAFF's Peer Support Network, or other behavioral health resources. The following would apply:

- A list of resources would be provided to every employee.
- A list of resources would be posted at all fire stations
- Employees seeking assessments, counseling or the use of any other behavioral health resource would do so with the assurance that it would be confidential in nature, and non-punitive.
- Routine education and training dealing with behavioral health would be provided by the department. Topics may include: substance abuse, addictive behaviors, stress management, domestic violence, PTSD, depression, cumulative stress, grief counseling etc.
- As part of this program, the Department would utilize its Chaplain policy to provide spiritual guidance and emotional support as necessary. Additionally, the Chaplain

PORTSMOUTH FIRE DEPARTMENT
Draft Proposal - Health and Wellness Program

would be notified of any/all behavioral health and wellness training and be encouraged to attend, as well as welcomed for routine station visits.

Training and Education

As part of this program, the Portsmouth Fire Department would provide at minimum, annual training and education in one or more of the following areas: Physical fitness, diet/nutrition, injury prevention, behavioral health, or other health and wellness related topic.

Health and Wellness Committee

As part of this program there would be a Health and Wellness Committee, made up of the Fire Chief and equal representation of both bargaining units. The committee would agree to meet at a minimum, annually to discuss the program and implement any necessary changes. Additionally, the committee would discuss a 3-year goal of all members successfully passing the Occupational Health Functional Screening Test.

Modification of Shift Schedule

Whereas innovation is one of the Values and Guiding Principles of the Portsmouth Fire Department, we are committed to seeking out and implementing innovative and progressive thinking to address changes within our industry, to better benefit those we serve. As part of this, we recognize that the overwhelming majority of fire departments in our area operate on a 24 hour shift schedule, allowing them to address these changes more efficiently.

As part of the Health and Wellness program, all parties would agree to modify the shift schedule of the Fire Fighters of Local 1313, and the Lieutenants and Captains of Local 4039. It is understood that the modified schedule would maintain the current average of the 42 hour work week, consisting of the same number of ten-hour day shifts and same number of fourteen-hour night shifts over an eight week work cycle, as is the current contract language. The only modification to this schedule would be to rearrange the ten-hour day shifts and fourteen-hour night shifts so that one day shift and one night shift are worked within a 24 hour period. Thus, the new shift schedule would be as follows:

24 hour shift on - 48 hours off - 24 hour shift on - 96 hours off

The modified schedule would go into effect beginning on the first day of the eight week work cycle, in order to avoid any costs to the city. The new schedule would fall in line with industry standards and would be mutually beneficial to all parties and contribute to the Health and Wellness Program in the following ways:

- Studies by the IAFC have shown that there are a number of health effects associated with sleep deprivation and the disruption of circadian rhythms. The modified schedule would provide a minimum of 48 hours of recovery time after every shift. Recovery time between shifts is also important when it comes to the inherent physical demands of the job and the ability to rest and rehabilitate, decreasing the risk of on-the-job injuries.

PORTSMOUTH FIRE DEPARTMENT
Draft Proposal - Health and Wellness Program

- It would likely boost morale and the emotional wellness of the employee based on feedback from other departments working the 24 hour shift schedule. (According to the IAFF, a 2016 study showed that 70% of U.S. fire fighters work 24 hour shifts.)
- It would foster a healthier, more stable routine for the employee. All shifts would consist of 24 hour periods which begin and end at 0730. The body would not have to adjust itself every week as it does with the current day/day, night/night schedule.
- There would be a 50% reduction in shift changes which would lead to less forced overtime for holdovers due to late calls, which would decrease negative impact on home/family life.
- Employees would have less exposure to consecutive weekends and holidays, which could decrease external stressors (family/home life). Whereas the IAFC states that increased stress is linked to behavioral health issues including substance abuse, depression, anger, irritability, hypertension, diabetes, marital/family problems and suicide; limiting these external stressors is paramount.

All parties would meet prior to the implementation of any part of this program, in an attempt to develop a Memorandum of Understanding that addresses any issues not mentioned within this document.

It would be understood that this Health and Wellness Program would be in place for a trial period of one year. After the one year trial period, the parties can agree to extend the program for an additional trial year, modify the program, or adopt it in its entirety. At any point during the one year trial period, management and/or either labor organization has the right to withdraw from the program after 30-day written notice without penalty. If any party withdraws from the program at any point, it would be agreed that the program is then null and void for all parties. After one year, the parties would agree to meet to discuss the future of the program.

PORTSMOUTH FIRE DEPARTMENT
Draft Proposal - Health and Wellness Program

CM Action Item #1

**PORTSMOUTH FIRE DEPARTMENT
EMPLOYEE HEALTH SCREEN ATTESTATION FORM**

As part of the Portsmouth Fire Department's Health and Wellness Program, each uniformed employee covered under the working agreements for both the Portsmouth Professional Fire Fighters, Local 1313 and the Portsmouth Professional Fire Officers Association, Local 4039 are required to obtain a physical/health screening by their Primary Care Physician (PCP) or other approved provider, at a minimum every fourteen (14) months.

This form of attestation must be signed by the provider, as proof that a proper physical/health screening was conducted.

By signing this form, you are attesting that on ____/____/____

_____ has received an annual physical/health screening.

Additionally, you agree that the results of the employee physical/health screening shall be considered confidential and privileged in nature, and **at no time** will the results of this physical/health screening be shared with the employer without the expressed written consent of the patient (employee).

Provider Name (Print)

Provider Signature

Date



Return to Work Functional Screen

CLIENT NAME: _____ DATE: _____

COMPANY: City of Portsmouth

JOB TITLE: Firefighter

Upper Quarter Screen: _____ Lower Quarter Screen: _____

FUNCTIONAL SCREEN RESULTS:

(Candidate to wear full fire gear including SCBA for all tasks except box lift and box carry)

Task	Tolerance	Able	Comments
Lift box 12 inches to waist	100 lbs. x 3		Not wearing fire gear.
Carry box 50 feet	100 lbs.		Not wearing fire gear.
Ascend/descend stairs	48 stairs		Fire gear on for remaining tasks.
Lift/lower box from floor to 58" (Blue EPIC box to top shelf)	50 lb. x 1		
Push/pull sled with 50 lbs. - fire hose over shoulder for pulling.	20 ft. x 3		
Climb 12' vertical ladder	x 4		
Drag body x 50'	x 1		Mannequin used as body
Step onto vertical ladder at 24"	x 2 (R + L)		
Crawl	50 ft.		
Pike pole simulation on BTE Tool #171 @ 324 inlb torque.	X 10		

Results/Recommendations:

- A. Physical abilities match the physical demands of the essential job functions.
- B. Physical abilities do not match physical demands of essential job functions in the areas documented above, therefore, recommend investigation of options for job accommodations.
- C. Body mechanics:
 - _____ Appropriate body mechanics demonstrated by client
 - _____ Recommend brief overview of proper lifting techniques
 - _____ Recommend job specific instruction
- D. Recommend further medical screening based upon:
- E. Other:

Evaluator

Functional testing is based on the essential job demands/job description provided by the employer represented above. Testing indicates the individual's abilities at the time of this screening and is not necessarily predictive of future capabilities.

PortsFirefighter.doc
Updated 5/26/17

**Memorandum of Understanding Between
The Board of Fire Commissioners of the City of Portsmouth
and
The Portsmouth Professional Fire Fighters, Local 1313**


TIMELINE

This Health and Wellness Program will be in place for a trial period of one year beginning on the first day of the eight week work cycle after the approval of the City Council. After the one year trial period, the parties can agree to extend the program for an additional trial year, modify the program and extend the trial for an additional year, withdraw from the program completely or adopt it in its entirety.

At any point during the trial period, the Commission and/or the Association has the right to withdraw from this program without penalty, assuming that a written notice of no less than 30 days is given to the other party.

SIGNATURES

Executed this ____ day of _____, 2020 after approval of the City Council.



President
Portsmouth Professional Fire Fighters, Local 1313



Chairperson
Portsmouth Fire Commission

Thomas Closson
City Negotiator

**Memorandum of Understanding Between
The Board of Fire Commissioners of the City of Portsmouth
and
The Portsmouth Professional Fire Officers Association, Local 4039**

TIMELINE

This Health and Wellness Program will be in place for a trial period of one year beginning on the first day of the eight week work cycle after the approval of the City Council. After the one year trial period, the parties can agree to extend the program for an additional trial year, modify the program and extend the trial for an additional year, withdraw from the program completely or adopt it in its entirety.

At any point during the trial period, the Commission and/or the Association has the right to withdraw from this program without penalty, assuming that a written notice of no less than 30 days is given to the other party.

SIGNATURES

Executed this _____ day of _____, 2020 after approval of the City Council.



President
Portsmouth Professional Fire Officers Association, Local 4039



Chairperson
Portsmouth Fire Commission

Thomas Closson
City Negotiator

CITY OF PORTSMOUTH



OFFICE OF THE CITY CLERK – ELECTION DIVISION

TO: KAREN CONARD, CITY MANAGER
FROM: KELLI L. BARNABY, CITY CLERK *KLB*
DATE: JULY 21, 2020
SUBJECT: POLLING HOURS FOR STATE PRIMARY ELECTION

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours for the State Primary Election on September 8, 2020, be established from 8:00 a.m. - 7:00 p.m.

Based on current events surrounding COVID-19, and the number of new procedures being put in place for creating a safe sanitary polling place, I recommend the polling hours remain the same.

It is anticipated that the measures needed to have a safe environment will require a significant amount of time and effort by election officials, therefore I seek your support with this request.

If you have any questions, please do not hesitate to contact me.



Prescott Park Arts Festival
P.O. Box 4370
Portsmouth, NH 03802
603.436.2848

CM Action Item #3

Board of Directors

John Tabor
Chair

Elisabeth Robinson
Vice Chair

Ken Bellevue
Treasurer

Joel Harris
Secretary

July 6, 2020

Karen Conard
City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Conard,

John Bohenko
Richard Burbine
Tim Coughlin
Stephanie Driscoll
Jameson S. French
Tyler Goodwin
Mike Harrison
Amanda McSharry
Mariah Morgan
Dan Plummer
Chris Poulin

Per our conversation on Thursday, July 2nd, 2020, Prescott Park Arts Festival (PPAF) kindly requests that the city waive PPAF's annual consideration paid to the city in the amount of \$20,000.

Due to the exigent circumstances caused by COVID-19, PPAF made the incredibly difficult decision to cancel its entire 2020 season. The Board and staff made this choice for the safety of the public. However, the financial impact on the organization will be profound. While we may provide some public programming, it will be limited and low impact.

Thank you in advance for your consideration of this request. Please feel free to contact us with any questions or comments.

Sincerely,

Courtney Perkins
Executive Director
Prescott Park Arts Festival

John Tabor
Board Chair
Prescott Park Arts Festival



Gundalow COMPANY

Protecting the Piscataqua region's
maritime heritage and environment
through education and action

Board of Directors

Janet Dinan
Peter Driscoll
Jill Farrell
Brendan Flavin
Barbara Hughes
John Lamson
Dana Mills
Catharine Newick
Joan Rice
Jeanne Rosadina
George Samuels
Brenda Schwechheimer
Ron Trahan

Staff

Rich Clyborne
Executive Director

Donata Luz
Development Coordinator

Gretchen Carlson
Program Manager

Matt Glenn
Captain

Andy Goodell
Operations Manager

Michele Lechner
Accountant

www.gundalow.org

info@gundalow.org
603.433.9505
60 Marcy Street
Portsmouth, NH 03801

July 22, 2020

Karen Conard
City Manager
1 Junkins Ave
Portsmouth, NH 03801

Dear Karen,

I am writing this letter seeking consideration for a reduction in the licensing fee required by the agreement between the Gundalow Company and the City of Portsmouth for the use of the gundalow dock, the area at the top of the gangway to the dock and Sheafe Warehouse at Prescott Park for the year 2020.

Because of the Stay-At-Home order issued by Governor Sununu that remained in effect until June 1st, we were unable to conduct our regular school programs on the gundalow *Piscataqua* in May and June. These programs would have involved weekday sails on the gundalow and shore-based activities in Sheafe Warehouse. In addition to the cancellation of school programs, we also had to postpone the start of our public sailing season from Friday, 22 May until Wednesday, 01 July.

The cancellation of the school programs and the postponement of the start of our sailing season were tied directly to the Stay-At-Home order and had a significant impact on our ability to generate revenue during the months of May and June. Since our active use of the dock and Sheafe Warehouse is normally a six-month period between May and October (dock) and May-June and September-October (Sheafe Warehouse), we are asking consideration for a 33% reduction in our licensing fee for 2020. We have already paid the first half of our fee for 2020 (\$3,319).

Thank you in advance for your consideration in this matter.

Sincerely,


Rich Clyborne
Executive Director



Subsidiary of Federal Signal Corporation

MANUFACTURER'S RECORD OF PUMPER CONSTRUCTION

DATE 2/15/99

800 722-3025

1. Owner CITY OF PORTSMOUTH Customer PORTSMOUTH NEW HAMPSHIRE FIRE DEPARTMENT
Address 1 JUNKINS AVENUE, PORTSMOUTH NEW HAMPSHIRE 03801
2. Manufacturer Emergency One, Inc. Model Rescue Pumper S.O.# 20258
3. Engine Make Cummins Model ISC-330 Serial # 45797785
4. No. Cyls. 6 Bore 4.49 Stroke 5.32 Displ. 504.5 Cu In.
5. Rated HP 330 at 2000 RPM No-Load Governed RPM 2400
6. Comp. Ratio 17.1 Type Diesel
7. System Voltage 12 Alternator Output 270
8. Battery: Single No Dual Yes Capacity 1112 CCA
9. Battery: Make and Model Delco
10. Fuel Tank Capacity 50 Gals. Type of Feed Mechanical
11. Cooling System: Heat Exchanger? Yes
12. Transmission: Make Allison Model MD3060
Transmission: Type Automatic Serial # 6510188913
13. Drive To Pump through Transmission? Yes
14. Gear Ratio Engine to Pump 2.28 :1
15. Pump Make: Hale * Waterous Other _____
Model QFLO125-23 Rated Capacity 1,250 GPM's
16. Serial No. 20258 No. of Stages 1 Impeller Dia. 10.25 In.
17. Priming Device Type Electrical/Rotor
18. Relief Valve? Yes Pressure Governor? No
19. Auxiliary Pump? N/A Make N/A Model N/A
20. Water Tank Capacity 500 Gals. Foam Tank Capacity N/A Gals.
21. Chassis Make Spartan
Model LA41M-2142 Serial # 4S7CT8196XCO31812
22. GAWR: Front 14,600 lb. Rear 24,000 lb.
23. Tire Size Front 12R22.5(16) Rated Cap Total 14,780 lb.
24. Tire Size Rear 11R22.5(16) Rated Cap Total 26,440 lb.
25. Chassis Weight Distribution with Water: Front: 12,780 lb.
26. Chassis Weight Distribution with Water: Rear: 12,400 lb.
27. Paint # Red - 3225 Paint # N/A
28. Company: EMERGENCY ONE, INC.
29. Completed By: [Signature]

3-4 lbs R-134a





LICENSE AGREEMENT
for 111 Maplewood Avenue, LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Ave, Portsmouth, New Hampshire 03801 for good and valuable consideration as set forth herein, hereby grants this Revocable License to 111 Maplewood Avenue, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 210 Commerce Way, Suite 300, Portsmouth, NH 03801 pursuant to the following terms and conditions:

1. **Areas of License and Use:** The City authorizes Licensee to temporarily use the area as shown in Exhibit A attached hereto as described as follows:
 - Sidewalk Closure Area, Encumbrance #1: 1,740 square feet of sidewalk that abuts 145 Maplewood Avenue along Raynes Avenue ("License Area 1");
 - Sidewalk Closure Area, Encumbrance #2 & # 3: 946 square feet of sidewalk that abuts 145 Maplewood Avenue on Vaughan Street and 1,600 square feet of sidewalk along Maplewood Avenue ("License Area 2").
2. **Use:** Licensee shall make use of the Licensed Area for the purpose of facilitating the Licensee's construction activities only and in accordance with the terms and conditions set forth herein and consistent with any local land use or building permit approvals or other City agreements or approvals related to this project.
3. **Term:** This license shall be for 115 days for License Area 1 (commencing on August 15, 2020 and concluding on December 7, 2020) and 101 days for License Area 2 (commencing on August 29, 2020 and concluding on December 7, 2020). Licensee may make application to the City Manager for an extension of this term, not to exceed an additional six (6) months, should Licensee, in spite of due diligence in the construction of the project, require additional time to complete the project. A second extension shall be approved by the City Council. Owner shall be responsible for applicable license fees associated with any extension of the term.
4. **Early Termination:** Licensee may terminate this License prior to the end of the term by returning the License Area or any portion thereof to safe and effective use by the public prior to the expiration of the term of this License. Licensee shall contact the Director of Public Works for a determination that the License Area has been returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License by the end of the term may result in enforcement action by the City.
5. **Notice:** Licensee shall provide notice to the City's Director of Public Works when the Licensee assumes control and use of the Licensed Areas and again when the Licensed Areas are returned to the City's control and use.
6. **License Fees:** The Licensee shall pay to the City license fees in accordance with the City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property" ("License Fee Policy"). The total License Fee for the term of this License is ten thousand and five dollars (\$10,005.00) for License Area 1 and twelve thousand eight hundred and fifty-seven dollars and thirty cents (\$12,857.30) for License Area 2. The total License Fee shall be paid to the City in advance of the commencement of the Term of this Agreement. Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if all or a portion of the License Area is

returned to the City prior to the end of the License Term, the City will refund the Licensee the portion of the License Fee paid but not used by the Licensee.

- 7. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this agreement.
- 8. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance.
- 9. **Maintenance of Area:** During the course of this Agreement, Licensee shall maintain the Licenses Area in a safe, neat, and orderly fashion. The Licensee shall secure the perimeter of the Licensed Areas and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
- 10. **Damage:** Licensee agrees to remedy any damage to the Licensed Areas caused by the Licensee's activities. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
- 11. **Compliance with Other Laws:** This Agreement does not relieve from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board or department. Failure to abide by any local, state or federal laws or regulations or any condition or approval may, at the City's discretion, result in revocation.
- 12. **Revocation:** The City may terminate this agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination.
- 13. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, _____

City of Portsmouth

By:
Karen S. Conard, City Manager
Pursuant to vote of the City Council on

[CITY COUNCIL APPROVAL DATE]

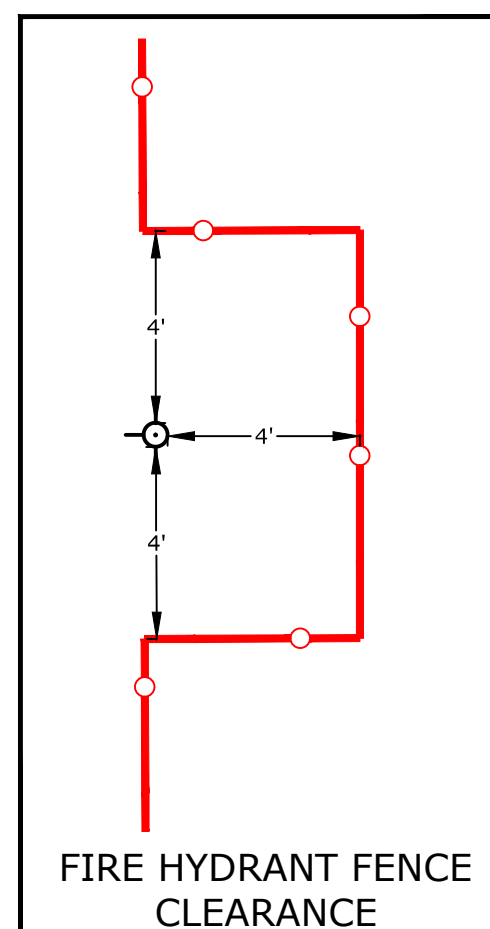
Dated this _____ day of _____, _____

11 Maplewood Avenue, LLC

By: _____
Name:
Its:

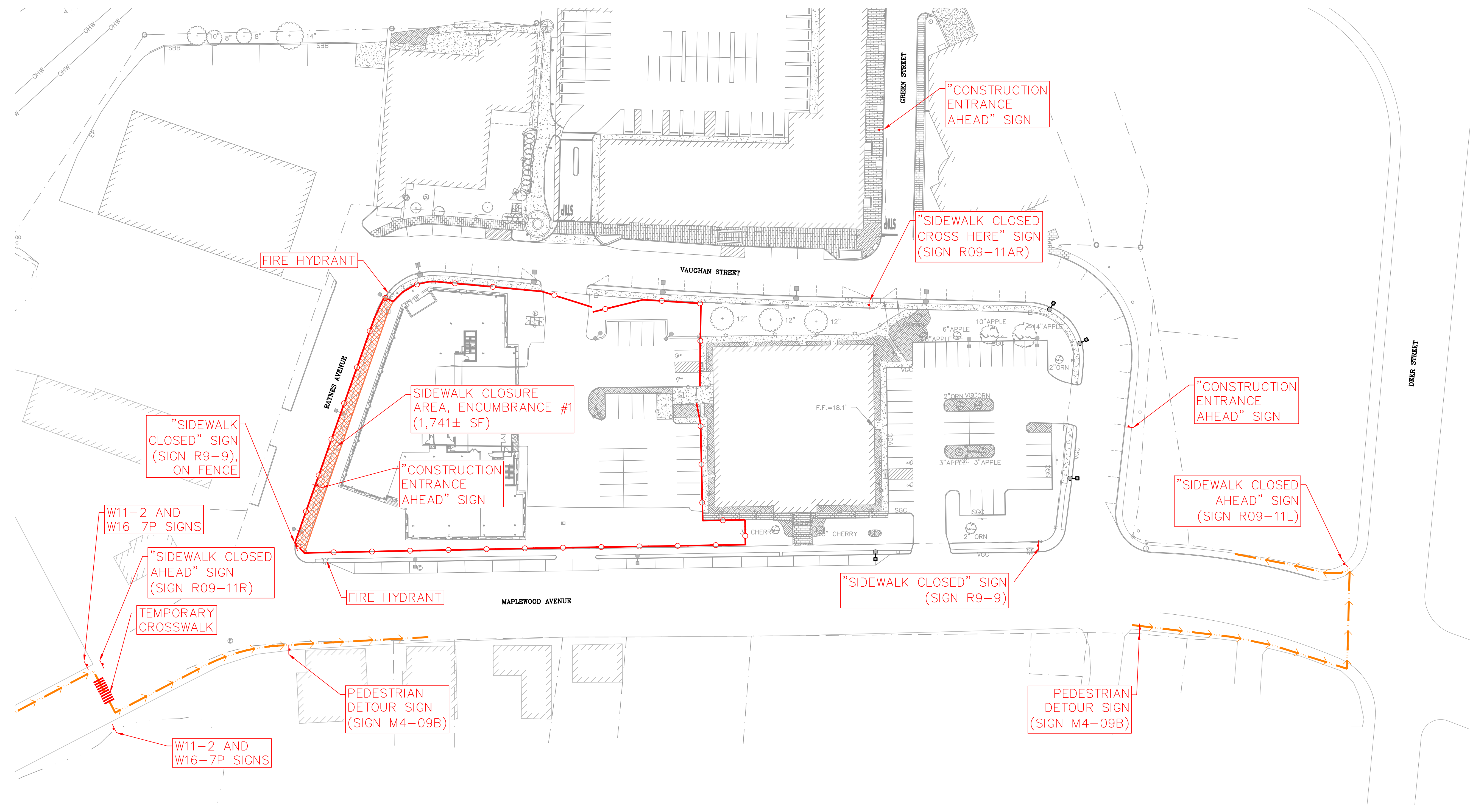
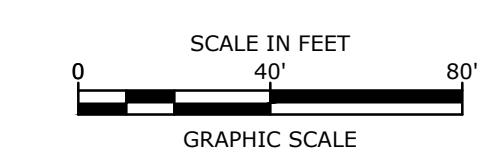
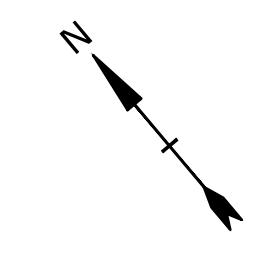
Exhibit A

- NOTES:**
- COORDINATE ALL WORK WITHIN THE CITY RIGHT OF WAY WITH THE CITY OF PORTSMOUTH DPW & POLICE DEPARTMENT.
 - SIGNAGE SHALL BE PLACED IN SUCH A MANNER TO NOT BLOCK ABUTTERS' DRIVE-WAYS.
 - CONTRACTOR TO VERIFY THAT A MINIMUM LANE WIDTH OF 11' CAN BE MAINTAINED AT ALL TIMES FOR VEHICLE TRAFFIC THROUGHOUT CONSTRUCTION. IF 11' LANE WITH CANNOT BE MAINTAINED CONTRACTOR SHALL COORDINATE WITH THE CITY OF PORTSMOUTH DPW FOR ALTERNATE ROUTES.
 - PARKING SPACE CLOSURES SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DPW.



LEGEND

- TEMPORARY SIGNAGE
- LIMIT OF WORK AREA
- TEMPORARY TRAFFIC CONTROL DEVICES
- PEDESTRIAN DETOUR ROUTE
- CONSTRUCTION FENCE
- ENCUMBRANCE #1 (1,741 SF)
- SIDEWALK AREA = 1,741 SF



Proposed Office Building

RW Norfolk Holdings, LLC

Portsmouth, New Hampshire

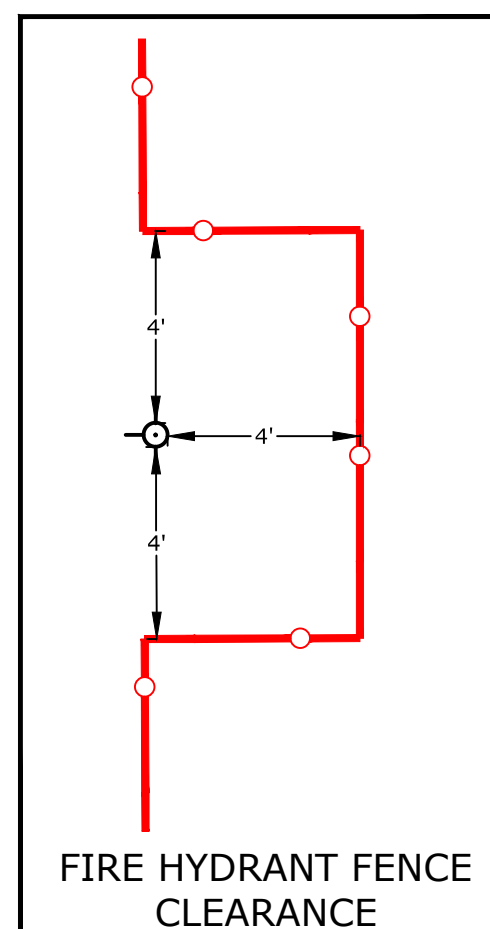
MARK	DATE	DESCRIPTION
F	6/29/2020	Revised Encumbrance Plan
E	5/25/2020	Revised Licence Plan #2
D	8/23/2019	Revised CMMP
C	8/16/2019	Revised CMMP
B	7/29/2019	Revised CMMP
A	6/19/2019	CMMP

RAYNES AVENUE SIDEWALK ENCUMBRANCE PLAN

SCALE: AS SHOWN

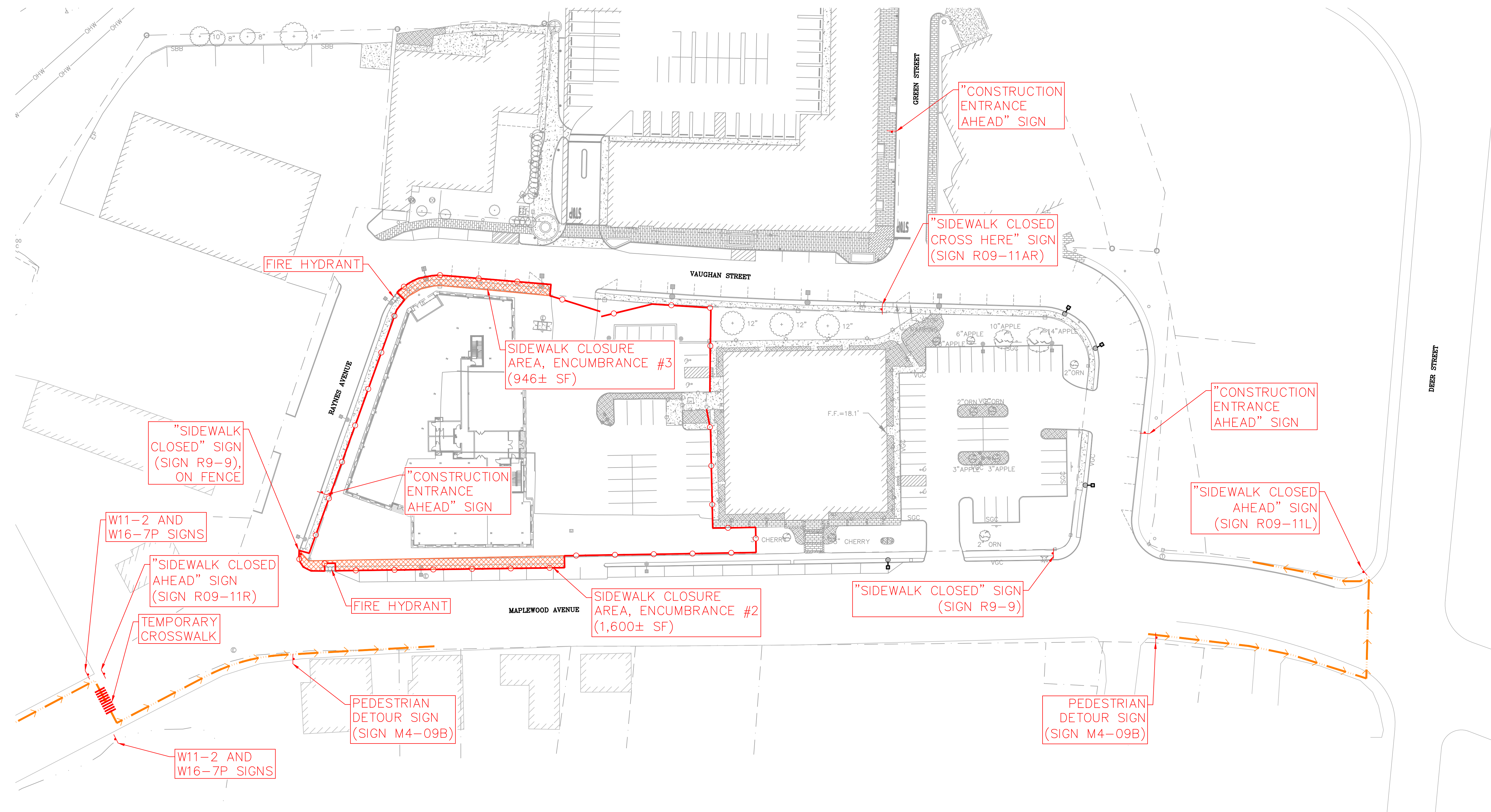
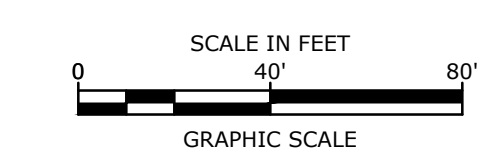
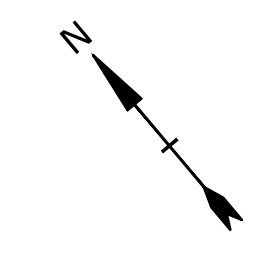
Last Save Date: May 26, 2020 9:33 AM By: NAHANSEN
 Plot Date: Monday, June 29, 2020 Plotted By: Neil A. Hansen
 P&E File Location: J:\K0076 - The Kane Company - General Proposals\0076-019 Maplewood\Drawings - Figures\AutoCAD\VerK-0076-019_C-SITE-CMMP.dwg Layout Tab: 5 OF 8

- NOTES:**
- COORDINATE ALL WORK WITHIN THE CITY RIGHT OF WAY WITH THE CITY OF PORTSMOUTH DPW & POLICE DEPARTMENT.
 - SIGNAGE SHALL BE PLACED IN SUCH A MANNER TO NOT BLOCK ABUTTERS' DRIVE-WAYS.
 - CONTRACTOR TO VERIFY THAT A MINIMUM LANE WIDTH OF 11' CAN BE MAINTAINED AT ALL TIMES FOR VEHICLE TRAFFIC THROUGHOUT CONSTRUCTION. IF 11' LANE WITH CANNOT BE MAINTAINED CONTRACTOR SHALL COORDINATE WITH THE CITY OF PORTSMOUTH DPW FOR ALTERNATE ROUTES.
 - PARKING SPACE CLOSURES SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DPW.



LEGEND

- TEMPORARY SIGNAGE
- LIMIT OF WORK AREA
- TEMPORARY TRAFFIC CONTROL DEVICES
- PEDESTRIAN DETOUR ROUTE
- CONSTRUCTION FENCE
- ENCUMBRANCE #2 (1,600 SF)
- ENCUMBRANCE #3 (946 SF)
- SIDEWALK AREA = 2,546 SF



Proposed Office Building

RW Norfolk Holdings, LLC

Portsmouth, New Hampshire

MARK	DATE	DESCRIPTION
G	7/13/2020	Revised Encumbrance Plan
F	6/29/2020	Revised Encumbrance Plan
E	5/25/2020	Revised Licence Plan #2
D	8/23/2019	Revised CMMP
C	8/16/2019	Revised CMMP
B	7/29/2019	Revised CMMP
A	6/19/2019	CMMP

PROJECT NO:	K-0076-019
DATE:	06/19/2019
FILE:	K-0076-019_C-SITE-CMMP.dwg
DRAWN BY:	NAH
CHECKED:	PMC
APPROVED:	BLM

VAUGHAN ST & MAPLEWOOD AVE SIDEWALK ENCUMBRANCE PLAN

SCALE: AS SHOWN

Last Save Date: June 29, 2020 10:34 AM By: MAHANSEN
 Plot Date: Monday, July 13, 2020 Plotted By: Neil A. Hansen
 P&E File Location: J:\K0076 - The Kane Company - General Proposals\0076-019 Maplewood\Drawings\Figures\AutoCAD\VerK-0076-019_C-SITE-CMMP.dwg Layout Tab: 1 OF 1

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

SIDESWALK EASEMENT DEED

The Portsmouth Housing Authority, a body corporate created by law, with a mailing address of 245 Middle Street, Portsmouth, County of Rockingham, State of New Hampshire 03801, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easement with respect to Grantor's real property situate on the south side of Pleasant Street and currently addressed as 444 Pleasant Street in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of maintaining, repairing, and replacing a public sidewalk over the area ("Permanent Easement Area") on the land of Grantor, being a 566 square foot sidewalk easement located on the southerly side of Pleasant Street at the intersection of Marcy Street in the City of Portsmouth, County of Rockingham, State of New Hampshire. Said easement being shown on a plan entitled "Tax Map 102 Lot 54 Sidewalk Easement Plan Portsmouth Housing Authority 444 Pleasant Street Portsmouth, New Hampshire, County of Rockingham Owned by Portsmouth Housing Authority" prepared by MSC, a division of TFMoran, Inc. dated October 28, 2019 with revision 1 dated 2/18/2020 and is recorded at the Rockingham County Registry of Deeds as Plan # _____. Said Easement lays within a portion of land now or formerly owned by Portsmouth Housing Authority recorded at the Rockingham County Registry of Deeds (the "Registry") at Book 1621 Page 43 and is bounded northerly by land now or formerly of the City of Portsmouth recorded at the Registry at Book 1637 Page 140 and northeasterly and southeasterly by the southerly sideline of Pleasant Street and is more particularly described as follows:

BEGINNING at an iron rod, said iron being located S65°29'22"E a distance of 58.76 feet from an iron rod in the easterly line of land now or formerly of 428 Pleasant Street Condominium recorded at the Registry at Book 5566 Page 679, at the northwest corner of said land of Portsmouth Housing Authority and the southwest corner of said land of the City of Portsmouth, said iron rod being located S 25°39'20" W 10.00 feet from a granite

post at the northwest corner of said land of the City of Portsmouth in the said southerly sideline of Pleasant Street; thence along said land of the City of Portsmouth S 65°29'22" E a distance of 51.67 feet to a spike in the pavement; thence along said Pleasant Street the following three courses:

S 46°34'57" E a distance of 22.62 feet to a drill hole in the brick sidewalk;

S 41°03'54" E a distance of 64.99 feet to a drill hole in the brick sidewalk near South Mill Pond; thence

S 71°48'29" W a distance of 2.67 feet to a point at a concrete retaining wall near South Mill Pond, said point being located N 71°48'29" E a distance of 26.46 feet from an iron rod;

thence through said land of Portsmouth Housing Authority the following three courses:

N 37°36'12" W a distance of 34.67 feet to an iron rod;

thence along a non-tangent curve to the left with a radius of 88.79 feet, an arc length of 35.36 feet, a chord bearing of N 49°13'51" W and a chord length of 35.13 feet to an iron rod;

N 61°03'54" W a distance of 66.39 feet to an iron rod;

thence N 27°51'05" E a distance of 4.85 feet to the point of BEGINNING....containing 566 square feet, more or less.

2. **Purpose and Rights:** The Grantee shall have a permanent and exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing and maintaining a public sidewalk. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted. The Grantee shall have exclusive responsibility for maintaining the public sidewalk.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Temporary Easement Area shall be restored at the Grantee's expense.
4. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area or change the grade or slope. Grantor shall not install any pipes under Permanent Easement Area without prior written consent of the Grantee.
5. **Personal Property.** It is agreed that any facilities installed by the Grantee within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of John H. Hodgdon and Goldie W. Hodgdon dated April 9, 1962 and recorded in Book 1621, Page 43 of the Rockingham County Registry of Deeds.

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

DATED this 11 day of June, 2020.

PORTSMOUTH HOUSING AUTHORITY

By: Craig W. Welch
Print: Craig W. Welch
Its: Executive Director

STATE OF NEW HAMPSHIRE
COUNTY OF Rockingham

The foregoing instrument was acknowledged before me this 11 day of June, 2020.

Mary A. Kelliher
Justice of the Peace/Notary Public
Printed Name: Mary Kelliher
My Commission Expires: 08/28/2024

MARY A. KELLIHER
NOTARY PUBLIC
State of New Hampshire
My Commission Expires
August 28, 2024

CITY OF PORTSMOUTH

By: _____
Print: _____
Its: _____

Authorized by vote of City Council on _____

STATE OF NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

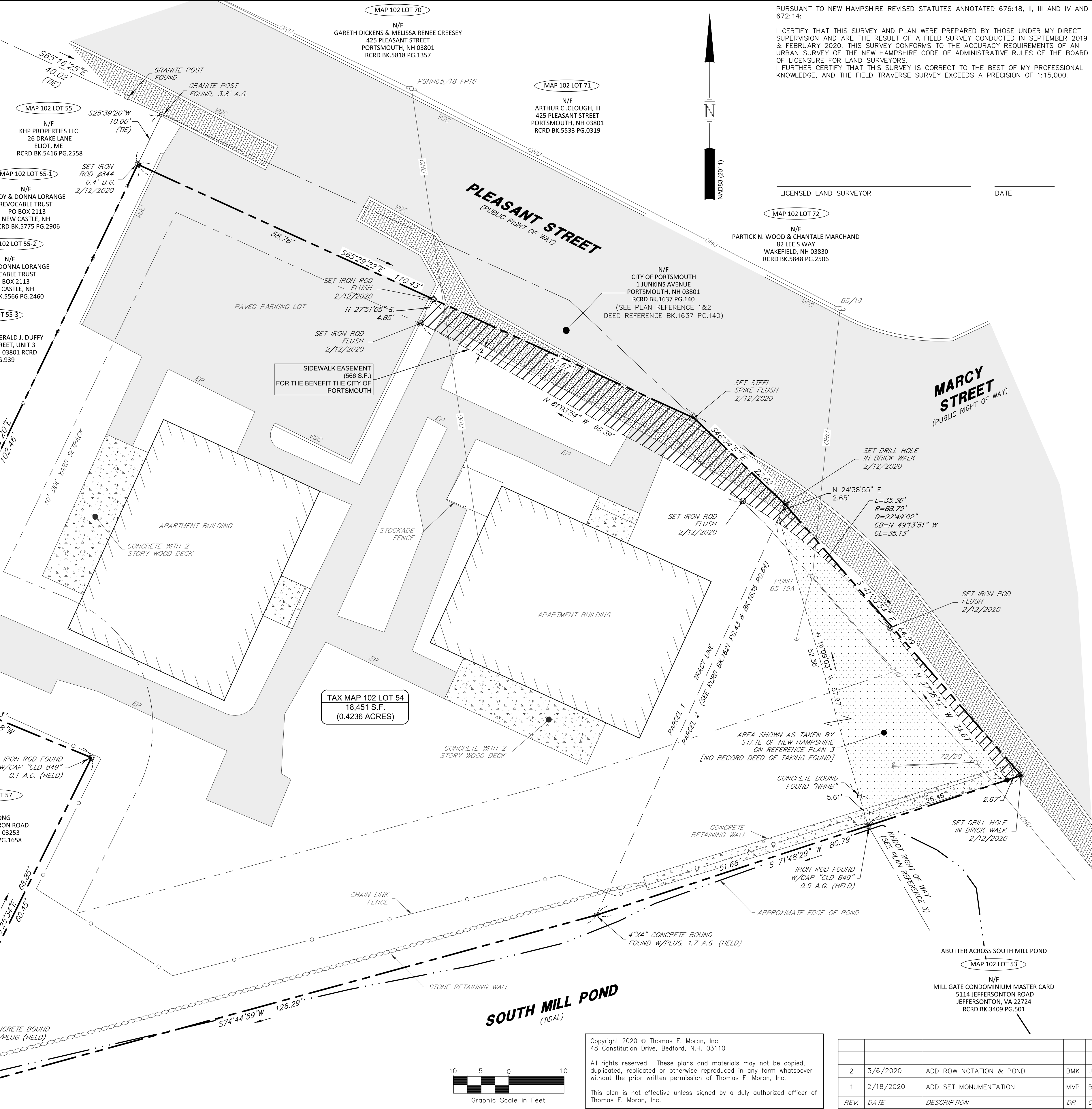
Personally appeared the above-named _____, as _____ of the City of Portsmouth, and acknowledged the foregoing instrument to be her free act and deed in his/her said capacity, before me this _____ day of _____, 2020.

Notary Public
Print Name: _____
My Commission Expires: _____

LEGEND:

- MAP 13 LOT 68
- A.G. ABOVE GRADE
- B.G. BELOW GRADE
- BK. PG. BOOK / PAGE
- CL. CHORD LENGTH
- CB. CHORD BEARING
- D. DELTA
- EP. EDGE OF PAVEMENT
- R. RADIUS
- L. ARC LENGTH
- NHNB. NEW HAMPSHIRE HIGHWAY BOUND
- N/F. NOW OR FORMERLY
- PSNH. PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
- RCRD. ROCKINGHAM COUNTY REGISTRY OF DEEDS
- S.F. SQUARE FEET
- VGC. VERTICAL GRANITE CURB
- GUY WIRE
- UTILITY POLE
- ABUTTER LINE
- PROPERTY LINE
- CHAINLINK FENCE
- STOCKADE FENCE
- OVERHEAD UTILITY LINE
- STONEWALL
- APPROXIMATE EDGE OF POND

- CONCRETE
- EASEMENT
- AREA SHOWN AS TAKEN PER REFERENCE PLAN 3
- BRICK WALK
- PAVEMENT



PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18, II, III AND IV AND 672:14:
 I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN SEPTEMBER 2019 & FEBRUARY 2020. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSES FOR LAND SURVEYORS.
 I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.

LICENSED LAND SURVEYOR DATE



NOTES:

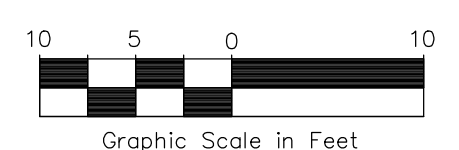
- THE PARCEL IS LOCATED IN THE GENERAL RESIDENCE B (GRB) ZONING DISTRICT AND THE HISTORIC OVERLAY DISTRICT.
- THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 102 AS LOT 54.
- THE PARCEL IS LOCATED IN ZONE X AND AE (EL.9), AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 259 OF 681, MAP NUMBER 33015C0259E, WITH AN EFFECTIVE DATE OF MAY 17, 2005.
- DIMENSIONAL REQUIREMENTS:**
 MINIMUM LOT DIMENSIONS: 5,000 S.F.
 LOT AREA PER DWELLING UNIT: 5,000 S.F.
 CONTINUOUS STREET FRONTAGE: 80'
 LOT DEPTH: 60'
MINIMUM YARD DIMENSIONS:
 FRONT: 5'
 SIDE: 10'
 REAR: 25'
MAXIMUM STRUCTURE DIMENSIONS:
 STRUCTURE HEIGHT: (SLOPED ROOF) 35'
 (FLAT ROOF) 30'
 BUILDING COVERAGE: 30%
 MINIMUM OPEN SPACE: 25%
- OWNER OF RECORD:**
 MAP 102 LOT 54:
 PORTSMOUTH HOUSING AUTHORITY
 245 MIDDLE STREET
 PORTSMOUTH, NH 03801
 RCRD BK.1621 PG.43
- PARCEL AREA:**
 MAP 102 LOT 54:
 18,451 S.F.
 (0.4236 ACRES)
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES AND THE SIDEWALK EASEMENT FOR THE BENEFIT OF THE CITY OF PORTSMOUTH.
- FIELD SURVEY COMPLETED BY TODD C. EMERSON IN USING A TOPCON DS103 AND A TOPCON FC-5000 DATA COLLECTOR IN SEPTEMBER 2019 & FEBRUARY 2020.
- HORIZONTAL DATUM IS NAD83 (2011) PER STATIC GPS OBSERVATIONS.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.

PLAN REFERENCES:

- "PROPERTY LINE MAP SITE 'B' PORTSMOUTH HOUSING AUTHORITY, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE" BY WRIGHT & PIERCE, C.E., PORTSMOUTH, N.H. FILED DATE APRIL 9, 1962. RCRD PLAN# 03310.
- "BOUNDARY PLAN PORTSMOUTH HOUSING AUTHORITY TAX MAP U-2/LOT 54 444 PLEASANT STREET PORTSMOUTH, NEW HAMPSHIRE" BY CLD CONSULTING ENGINEERS, INC. DATED FEBRUARY 2000. PLAN NOT RECORDED.
- "STATE OF NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS RIGHT-OF-WAY PLANS OF PROPOSED FEDERAL AIR PRIMARY PROJECT BRM-M-5379(009) N.H. PROJECT NO. C-2441-I MARCY STREET" BY WRIGHT-PIERCE ARCHITECTS & ENGINEERS DATED JUNE 1983. ON FILE AT THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION.
- "428 PLEASANT STREET CONDOMINIUM SITE & FLOOR PLAN FOR PROPERTY AT 428 PLEASANT STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE OWNED BY KHP PROPERTIES LLC" BY NORTH EASTERLY SURVEYING, INC. DATED OCTOBER 3, 2014. RCRD PLAN# D-38488.

TAX MAP 102 LOT 54
SIDEWALK EASEMENT PLAN
PORTSMOUTH HOUSING AUTHORITY
444 PLEASANT STREET
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM
 OWNED BY
PORTSMOUTH HOUSING AUTHORITY

SCALE: 1" = 10' (22x34)
1" = 20' (11x17) **OCTOBER 28, 2019**



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 This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.

REV.	DATE	DESCRIPTION	DR	CK
2	3/6/2020	ADD ROW NOTATION & POND	BMK	JCC
1	2/18/2020	ADD SET MONUMENTATION	MVP	BMK

TFM **MSC**
 A division of **TFMoran, Inc.**

Civil Engineers
 Structural Engineers
 Traffic Engineers
 Land Surveyors
 Landscape Architects
 Scientists

170 Commerce Way, Suite 102
 Portsmouth, NH 03801
 Phone (603) 431-2222
 Fax (603) 431-0910
 www.tfmoran.com

47239-01 DR EJS FB 561
 CK JCC CADFILE 47239-01 S-1

Map 06_2020 - 4x7.rvt
 F:\MSC\Projects\47239 - Portsmouth DPW - Pleasant St - Portsmouth DPW - Pleasant St\Carlson_Survey\Drawings\47239-01_survey.dwg



Presentation B.

MEMO

TO: PORTSMOUTH CITY COUNCIL

FROM: CITIZEN RESPONSE TASK FORCE (CRTF) HEALTH SUBCOMMITTEE -- Mary Morin APRN; Ann Birner, Pharm D; Bianca Monteiro, MD FCCP; Kathryn Lynch, DNSc, RN [retired], CCRN [alumnus]; Kim McNamara, M.S., B.S., REHS, City Health Officer

DATE: 28 JULY 2020

RE: COVID-19 PUBLIC HEALTH MEASURES – FACTS and CLARIFICATIONS

The members of the Health Subcommittee of the Citizen Response Task Force are concerned that misinformation and misunderstanding of key facts related to the spread of COVID-19 can and will impede Portsmouth's success in reducing community transmission of the disease. In particular, we wish to address several misconceptions heard during the City Council Work Session RE: Protective Face Covering Ordinance Proposal held on July 22nd. In doing so, we do not question the good intentions of all who spoke during that meeting. We hope and believe that the Council will make decisions regarding public health based on established facts and scientific evidence, and recognize the challenges in doing so in an era of rapidly emerging data and an abundance of opinion and conjecture that may easily be misinterpreted as fact.

Specifically, we summarize below current facts and expert opinion on three key topics.

CORONAVIRUS SPREAD

Viruses cannot replicate outside of a host cell. The virus that causes COVID-19 can live on common surfaces such as paper, fabric or metal for varying periods of time, measured in hours to about a week. Importantly, however, the virus *cannot* replicate or reproduce on these surfaces. A face mask, for example, does not serve as an "incubator" for the virus.

People can become infected by the transmission of coronavirus via the eyes, nose and mouth. Reducing the tendency to touch one's face and eyes is a possible benefit of face coverings.

MASK BASICS

According to the Centers for Disease Control and Prevention (CDC), individuals should wear face masks in public whenever possible, to prevent the spread of COVID-19.

- Cloth face masks are recommended for the general public in part to maintain the supply of other varieties of face masks for individuals exposed to higher risk, e.g. health care providers and first responders.
- The CDC does not base their recommendation solely on location (indoors or outdoors). Nor is the recommendation limited to use in situations when physical distancing is not possible although it is "especially" important in those situations. Note that physical distancing per the CDC is not simply 6 feet, but "at least 6 feet."
- The effectiveness of this approach to the prevention of COVID-19 spread depends on the widespread use of the mask, as the mask primarily protects others by containing the spread of exhaled virus. Emerging evidence suggests that the wearer of a cloth or surgical mask may derive protection, as well. This effect is still being studied.
- Broad use of face masks in public and when congregating with people outside of one's household is particularly important given the ability of asymptomatic carriers to infect others. Exceptions are

made for children under the age of 2 years [CDC recommendation] and for certain medical conditions.

- Cloth face masks should cover the nose, mouth and chin and snugly fit at the sides. They should be applied with clean hands. Further handling of the mask (adjusting, pulling down, etc.) should be minimized and done with clean hands. To our knowledge it has never been shown that masks allow viruses to replicate or “grow”. However, touching areas of the face, especially with unclean hands, should be avoided.
- Cloth face masks are best constructed with at least two layers of tightly woven, non-stretchy fabric. Reusable cloth masks should be washed regularly.

FACE SHIELDS

There is little to no data supporting the use of face shields in community settings. It is possible that they block exposure for the wearer, but are not better than masks in regard to a wearer spreading the virus to others--most are open below the chin/neck. There are very few situations that would necessitate an individual's wearing a shield as opposed to a mask. In most of those cases, the wearer should probably remain home if they are so compromised that wearing a mask is contraindicated. Shields should complement masks, not replace them.

Per the CDC:

- It is not known if face shields provide any benefit as source control to protect others from the spray of respiratory particles. CDC does not recommend use of face shields for normal everyday activities or as a substitute for cloth face coverings.
- Some people may choose to use a face shield when sustained close contact with other people is expected. If face shields are used without a mask, they should wrap around the sides of the wearer's face and extend to below the chin.
- Disposable face shields should only be worn for a single use. Reusable face shields should be cleaned and disinfected after each use. Plastic face shields for newborns and infants are NOT recommended.

REFERENCES:

Cyranoski D. Profile of a Killer: the complex biology powering the coronavirus pandemic
News Feature, Nature Online, 04May2020

Goulding J. Virus Replication. British Society for Immunology at Immunology.org

van Doremalen N, *et al*. Aerosol and surface stability of HCoV-19 (SARS-CoV-2) compared to SARS-CoV-*The New England Journal of Medicine*. DOI: 10.1056/NEJMc2004973 (2020).

World Health Organization. Advice on the use of masks in the context of COVID-19. 5June2020.

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>

Rothe C *et al*. Transmission of 2019-nCoV Infection from an Asymptomatic Contact in Germany. *The New England journal of medicine*. 2020;382(10):970-971.

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Dorfman D and Raz M. Mask Exemptions During the COVID-19 Pandemic—A New Frontier for Clinicians. *JAMA Health Forum* 2020.

Aydin O et al. Performance of fabrics for home-made masks against spread of respiratory infection through droplets: a quantitative mechanistic study. medRxiv published online April 24, 2020

Verma S et al. Visualizing the effectiveness of face masks in obstructing respiratory jets featured. Physics of Fluids 32, 061708 (2020)

Konda A et al Aerosol Filtration Efficiency of Common Fabrics Used in Respiratory Cloth Masks. ACS Nano 2020 14 (5), 6339-6347

Perenevich E et al. Moving Personal Protective Equipment Into the Community: Face Shields and Containment of COVID-19. JAMA 2020.

Gandhi M et al. Masks do more than protect others during COVID-19: Reducing the inoculum of SARS-CoV-2. JGIM 2020.

Portsmouth Citizen's Response Task Force
Bridge Street Lot Subcommittee
July 29, 2020

Update on Bridge Street Lot project for the Portsmouth City Council

Subcommittee members: Russ Grazier (chair), Deb Anthony, Jeff Goss, Ben VanCamp

- Significant progress has been made toward opening the popup project at the Bridge Street Lot. It is the hope of the subcommittee that the project will open on Thursday, August 4 and operate for ten weeks through October 11. As of July 29, it is still possible that the project could launch as early as Saturday, August 1.
- Limited funds were allocated to the Citizen's Response Task Force by the city council for economic recovery efforts. To date, any city funds expended on the Bridge Street Lot location have been direct costs to the city. **No city funds have gone to PopUpNH or any other nonprofit in our community.** City funds have been solely used for infrastructure needs on the Bridge Street Lot location to make the public space safe and usable for Portsmouth businesses in a recovery effort. City funds have been used to:
 - Put up a fence to secure the perimeter of the lot and assist in controlling access to the location during events to meet the requirements set forth by the city's Health Officer to ensure there is no overcrowding and that social distancing guidelines can be strictly followed.
 - Provide Porta Potties for public use during events in the lot. Extra expense was incurred to ensure more frequent cleaning and disposal to meet CDC guidelines and city recommendations.
 - To provide generators for the power needs of local businesses operating at the lot during pop up events.
 - To provide water and sewer access to ensure the safety of our citizens and the businesses utilizing the site.
- The task force committed to having the city provide infrastructure needs as long as the costs did not exceed a total of \$50,000 and on the condition that PopUpNH would fundraise for all other startup needs and at a minimum match the \$50,000 commitment from the city.
- To date, the PopUpNH has raised more than \$90,000, nearly double the city investment. These funds come directly from local citizens and businesses who are supportive of the project and have provided cash donations and sponsorships in a coordinated effort to support the recovery of Portsmouth-based businesses. Donations from the community will support all aspects of the project, from construction materials for the sheds and stage, to restaurant equipment rental, lighting and sound equipment, and staffing to ensure safety protocols are enforced, including wearing masks by all patrons and employees, and social distancing among attendees.
- More than 100 community members have volunteered their time to work on this project or help once the popup events begin. This number does not include the volunteers on the task force.

CITY COUNCIL E-MAILS

**July 13, 2020 (after 4:00 p.m.) – July 30, 2020 (9:00 a.m.)
August 3, 2020 Council Meeting**

**Due to the large volume of
e-mails received
a PDF compilation can be
found as an attachment on
the August 3, 2020 City
Council meeting posting
on the website**

**If you need further information, please contact the City
Clerk's Office at 610-7208.**

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen Conard, City Manager

FROM: Terry Desmarais, City Engineer *TD:an*

COPY: Peter Rice, Director of Public Works
Brian Goetz, Deputy Director of Public Works
Suzanne Woodland, Deputy City Attorney

DATE: July 28, 2020

SUBJECT: Report Back Regarding Large Rainfall Event on 6/30/20 and Combined Sewer Overflows

This memorandum is provided in response to the City Council's request for a report back on the rainfall events on June 30, 2020. This memorandum also summarizes the impact that the Mechanic Street Pump Station sewer force main had on the combined sewer overflows (CSO) and any reports to the Environmental Protection Agency (EPA) and NH Department of Environmental Services (NHDES) regarding the rainfall event.

During the evenings of June 29 and June 30, 2020, the City received significant amounts of intense rainfall. On June 29 over 1.7 inches of rain fell over 2.5 hours. This rainfall event resulted in CSO discharges at permitted outfalls 10A and 10B to South Mill Pond of approximately 90,000 gallons. CSOs are permitted discharges through the City's National Pollutant Discharge Elimination System (NPDES) permit for the Peirce Island Wastewater Treatment Facility (WWTF). A second storm occurred beginning on June 30 and extending into July 1, 2020 where over 3.7 inches of rain fell over 4 hours. This second rainfall event resulted in CSO discharges at permitted outfalls 10A and 10B to South Mill Pond and permitted outfall 013 (Deer St at Market Street) to the Piscataqua River in the total amount of approximately 720,000 gallons. This rainfall event also resulted in a number of sewer system overflows (SSOs) where dilute wastewater discharge occurred at sewer manhole covers onto the roadway and ultimately into the drainage system. The EPA and NHDES were notified of these discharges by phone and follow-up letter.

During the time period of these rainfall events there were restrictions in the sewer pumping and treatment systems at the Peirce Island WWTF that reduced the amount of wet weather flow that could be handled. These are further described below.

Mechanic Street Wastewater Pump Station Force Main

On May 15, 2020, there was a leak found in a sewer force main that carries wastewater over the Peirce Island Road Bridge from the Mechanic Street Pump Station to the WWTF. There are two sewer force mains under the bridge and one was replaced in 2016. The leak was found in the other force main that is over 20 years old (installed ~1997). Since the leak could not be repaired immediately the City had to isolate this section of pipe and remove it from service. It remains out of service at this time and is anticipated to be out of service until October 2020. This resulted in the loss of approximately half the pumping capacity of the Mechanic Street Pumping Station. Normal dry weather flows and limited wet weather flows are able to be pumped by the station through the remaining in service sewer force main to the PI WWTF. The temporary unavailability of the second force main restricts higher flows that occur during severe wet weather events.

Construction Activities at the Peirce Island WWTF

In the months of June and July 2020 there were construction related activities at the WWTF that reduced the number of tanks available for treatment resulting in reduced wet weather treatment capacity. These type of temporary capacity restrictions are normal during construction projects and are needed to accommodate different phases of work. Specifics of the work were documented in letters to the EPA and NHDES (see below). The work was authorized only after review of the extended weather forecasts that showed dry weather and was consistent with the drought conditions at that time. These rainfall events occurred while the treatment capacity was reduced. Normal dry weather flows and limited wet weather flows can be treated at the WWTF. The work reduces capacity for higher flows that occur during severe wet weather events.

In summary these wet weather events occurred during a period where wastewater pumping and treatment wet weather capacity was temporarily limited due to a leak in the sewer force main and construction activities at the WWTF. The intensity of the rainfall events and the reduced capacity conditions contributed to the combined sewer overflows and to the conditions that resulted in sewer system overflows. It is likely that the sewer system overflows would have been avoided and the combined sewer overflow volumes would have been reduced if the full capacity of the pumping and treatment systems were available at the time of the wet weather events. The current construction activities limiting the wet weather capacity at the WWTF are scheduled to be completed by Friday, July 31, 2020 and the force main is anticipated to be repaired by the end of October 2020. The City will seek ways to maximize the flow to the Peirce Island WWTF and consider options to expedite the sewer force main repair.

Notifications to EPA and DES and Attachments:

Combined Sewer Overflow Reporting: CSOs are permitted under the City's existing National Pollutant Discharge Elimination System (NPDES) permit for the Peirce Island WWTF. Each month the total amount of CSO volume discharged, if any, is summarized and submitted as part of the Discharge Monitoring Report sent to the EPA. This data is also put on the City's web site at <https://www.cityofportsmouth.com/publicworks/wastewater/combined-sewer-overflows-cso>.

Attachment A: June 2020 Combined Sewer Overflow Report

NPDES Notifications for Construction at Peirce Island WWTF: The City is required under the NPDES permit to notify in advance of any anticipated treatment restrictions. The City, through its consulting engineers, submitted notice of the construction activities that limited wet weather treatment capacity.

Attachment B: June 5, 2020 Letter Regarding Flow Restrictions Due to Construction
Attachment C: June 25, 2020 Letter Regarding Flow Restrictions Due to Construction (updated schedule)

Sewer System Overflow Reporting: The City is required to notify the EPA and NHDES by phone when a sewer system overflow occurs. The phone call is generally placed as soon as an issue is known. Details of the situation that caused the overflow, volume of discharge, measures taken to repair and clean up are provided by follow-up letter within five days of the event.

Attachment D: May 20, 2020 SSO Follow up Letter to Mechanic Street Wastewater Pump Station Force Main Leak
Attachment E: July 1, 2020 SSO Follow up Letter to June 30, 2020 Rainfall Event

Mechanic Street Pump Station Sewer Force Main Repair: In follow-up to the May 20, 2020 force main letter, the City provided EPA and NHDES with an anticipated repair schedule.

Attachment F: July 17, 2020 Mechanic Street Pumping Station Force Main Repair Letter with Proposed Schedule

CITY OF PORTSMOUTH
DEPARTMENT OF PUBLIC WORKS
INTEROFFICE MEMORANDUM

CM Info Item #1

To: Terry Desmarais
CC: Brian Goetz
From: Karl Snyder
Date: July 27, 2020
RE: CSO 10A and CSO 10B and CSO Deer Street – June 2020 Results

See attached CSO flow monitoring and rainfall results for June 2020 to be attached to the DMR report for the Peirce Island WWTF. Note the rainfall related CSO events for:

CSO 10A

06/29/2020 Q=0.071 MG Rain 1.760 Inches
06/30/2020 Q=0.302 MG Rain 3.740 Inches
TOTAL Q=0.372 MG Rain 6.490 Inches

CSO 10B

06/29/2020 Q=0.021 MG Rain 1.760 Inches
06/30/2020 Q=0.096 MG Rain 3.740 Inches
TOTAL Q=0.117 MG Rain 6.490 Inches

DEER STREET OVERFLOW

06/30/2020 Q=0.319 MG Rain 3.740 Inches
TOTAL Q=0.319 MG Rain 6.490 Inches

Please note that the Peirce Island WWTF was operating with reduced wet weather treatment capacity during the storm events on 6/29/30 and 6/30/30. This was the result of ongoing construction and force main restrictions from the Mechanic Street Wastewater Pump Station. Details were provided under notification sent to the EPA and DES on behalf of the City from AECOM dated June 5, 2020 and June 25, 2020. Copies have been attached to this report.

OF Summary for June 2020

Time	10A Daily Flow (MG)	10B Daily Flow (MG)	Deer St Daily Flow (MG)	City Hall Daily Rain (in)
06/01/20 00:00:00	0.000	0.000	0.000	0.000
06/02/20 00:00:00	0.000	0.000	0.000	0.000
06/03/20 00:00:00	0.000	0.000	0.000	0.000
06/04/20 00:00:00	0.000	0.000	0.000	0.000
06/05/20 00:00:00	0.000	0.000	0.000	0.130
06/06/20 00:00:00	0.000	0.000	0.000	0.060
06/07/20 00:00:00	0.000	0.000	0.000	0.070
06/08/20 00:00:00	0.000	0.000	0.000	0.000
06/09/20 00:00:00	0.000	0.000	0.000	0.000
06/10/20 00:00:00	0.000	0.000	0.000	0.000
06/11/20 00:00:00	0.000	0.000	0.000	0.140
06/12/20 00:00:00	0.000	0.000	0.000	0.000
06/13/20 00:00:00	0.000	0.000	0.000	0.000
06/14/20 00:00:00	0.000	0.000	0.000	0.000
06/15/20 00:00:00	0.000	0.000	0.000	0.000
06/16/20 00:00:00	0.000	0.000	0.000	0.000
06/17/20 00:00:00	0.000	0.000	0.000	0.000
06/18/20 00:00:00	0.000	0.000	0.000	0.000
06/19/20 00:00:00	0.000	0.000	0.000	0.000
06/20/20 00:00:00	0.000	0.000	0.000	0.000
06/21/20 00:00:00	0.000	0.000	0.000	0.000
06/22/20 00:00:00	0.000	0.000	0.000	0.000
06/23/20 00:00:00	0.000	0.000	0.000	0.000
06/24/20 00:00:00	0.000	0.000	0.000	0.490
06/25/20 00:00:00	0.000	0.000	0.000	0.000
06/26/20 00:00:00	0.000	0.000	0.000	0.100
06/27/20 00:00:00	0.000	0.000	0.000	0.000
06/28/20 00:00:00	0.000	0.000	0.000	0.000
06/29/20 00:00:00	0.071	0.021	0.000	1.760
06/30/20 00:00:00	0.302	0.096	0.319	3.740
TOTAL	0.372	0.117	0.319 [MG]	6.490 (in)



AECOM
250 Apollo Drive
Chelmsford, MA 01824
www.aecom.com

978 905 2100 tel
978 905-2101 fax

CM Info Item #1

Attachment B to 7/28/20 Report Back to City
Council re 6/30/20 Large Rain Event and CSOs

J-60323328

June 5, 2020

VIA EMAIL

Ms. Solanch S. Pastrana-Del Valle
Enforcement and Compliance Assurance Division
U.S. EPA New England – Region 1 (Mail Code: 04-4)
5 Post Office Square
Boston, MA 02109-3912

Mr. Stergios K. Spanos, P.E.
Permits and Compliance Section
Wastewater Engineering Bureau
Water Division
New Hampshire Department of Environmental Services
P.O. Box 95, 29 Hazen Drive
Concord, NH 03302-0095

**Subject: City of Portsmouth
Peirce Island WWTF Upgrade
CWSRF CS-330106-16
Notification of Planned Temporary Shutdown of One Primary Clarifier and One
Headworks Channel During Construction**

Dear Ms. Pastrana-Del Valle & Mr. Spanos:

As you know, the City of Portsmouth's Peirce Island WWTF is currently undergoing a major upgrade to improve the level of wastewater treatment. As part of this upgrade, there are existing clevis rods and turnbuckles in the primary clarifiers that must be replaced and there are repairs that must be made to the protective coating in the screen channels of the Headworks. To accomplish this work, one of the two Primary Clarifiers and one of the two Headworks channels need to be taken out of service and dewatered at a time, with primary treatment accomplished in the remaining clarifier and screening accomplished in the remaining channel in the Headworks Building.

AECOM is forwarding this letter on behalf of the City to provide the required notification of the temporary shutdown of one of the two Primary Clarifiers and one of the Headworks channels necessary to complete the WWTF Upgrade.

Primary Clarifier Work Scope

The scope of the WWTF Upgrade includes the replacement and coating of the existing clevis rods holding the primary clarifier rake arms. This work can only be accomplished with the Primary

Ms. Solanch S. Pastrana-Del Valle
Mr. Stergios K. Spanos
June 5, 2020
Page 2

Clarifiers drained and dewatered and involves removing the existing clevis rods, installing new ones, coating them, and allowing the coating to cure.

Reasons For Replacement. The need to complete this work is driven by the deterioration noted on the clevis rods. The clevis rods and turnbuckles have deteriorated significantly due to corrosion and replacement is required.

Headworks Channel Work Scope

The scope of the WWTF Upgrade includes the construction of a new Headworks with two channels for screening of the influent flow. The Headworks was put online in 2018. Recently, minor damage to the protective coating in the Headworks channels was noticed. The City has requested that Methuen repair these areas under warranty. This work can only be accomplished with one of the two channels drained and dewatered and involves removing the existing coating, installing a repair patch, and allowing the patch to cure.

Reasons For Replacement. The need to complete this work is driven by the damage noted to the existing coating, which is currently covered under warranty. A failure of the coating will decrease the useful life of the underlying concrete channels.

Treatment During Primary Clarifier and Headworks Channel Work. As you are aware, the treatment process at the Peirce Island WWTF prior to construction consisted of aerated grit chambers followed by chemically enhanced primary treatment (CEPT) and finally chlorination/dechlorination. During the course of construction, a Headworks with influent screening and, more recently, a biological aerated filter were added to the treatment process. The WWTF can treat a peak flow of 22 million gallons per day (mgd), with each channel in the Headworks and each Primary Clarifier treating 11 mgd. During the period this work is undertaken, one of the two channels in the Headworks and one of the two Primary Clarifiers will be taken out of service and dewatered. This work will be completed in phases, and each phase will be started when a period of dry weather is forecast. Influent screening and primary clarification will continue while work is underway in the online channel or clarifier.

Work Schedule. This project has been underway since September 2016. The Contractor, Methuen Construction, estimates that the total time frame for the Primary Clarifier and Headworks work is approximately 1 to 3 weeks. This work is scheduled to begin on June 8, 2020, and we will update you once it is completed.

The City is committed to maximizing the flow and treatment at the Peirce Island WWTF. During construction the delivery of flows to the facility will continue to be maximized as best possible during times of wet weather and treatment capacity will be maximized using CEPT. It should be noted that the City is also working on a solution to repair a leak in one of the two force mains (under the Peirce Island Road Bridge) that carries flow to the Peirce Island WWTF and that the temporary isolation of that force main has limited overall wet weather flow capacity. The City has forwarded separate correspondence regarding this item to the EPA and DES. The City is not aware of any feasible alternatives for the proposed work and thus provides this notice that one of the two Primary Clarifiers and one of the two Headworks channels will be temporarily taken out of service sequentially to allow the upgrade work to be completed.

Ms. Solanch S. Pastrana-Del Valle
Mr. Stergios K. Spanos
June 5, 2020
Page 3

If you have any questions or require any additional information, please do not hesitate to contact me directly at 978-905-3158.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jon R. Pearson". The signature is fluid and cursive, with a large initial "J" and "P".

Jon R. Pearson, P.E.
Vice President
AECOM

cc: T. Desmarais, City of Portsmouth
S. Woodland, City of Portsmouth
P. Conroy, City of Portsmouth
T. Wood, NHDES
A. Morrill, NHDES
J. Hilton, EPA



AECOM
250 Apollo Drive
Chelmsford, MA 01824
www.aecom.com

978 905 2100 tel
978 905-2101 fax

Attachment C to 7/28/20 Report Back to City
Council re 6/30/20 Large Rain Event and CSOs

J-60323328

June 25, 2020

VIA EMAIL

Ms. Solanch S. Pastrana-Del Valle
Enforcement and Compliance Assurance Division
U.S. EPA New England – Region 1 (Mail Code: 04-4)
5 Post Office Square
Boston, MA 02109-3912

Mr. Stergios K. Spanos, P.E.
Permits and Compliance Section
Wastewater Engineering Bureau
Water Division
New Hampshire Department of Environmental Services
P.O. Box 95, 29 Hazen Drive
Concord, NH 03302-0095

**Subject: City of Portsmouth
Peirce Island WWTF Upgrade
CWSRF CS-330106-16
Notification of Planned Temporary Shutdown of One Primary Clarifier, One
Headworks Channel, and One Chlorine Contact Tank During Construction**

Dear Ms. Pastrana-Del Valle & Mr. Spanos:

On June 5th, AECOM forwarded you a letter on behalf of the City of Portsmouth notifying you of the temporary shutdown of one of the two Primary Clarifiers and one of the Headworks channels necessary to complete the WWTF Upgrade. This letter serves to update the dates on which this work will take place. It also serves to notify you that one of the two Chlorine Contact Tank will be out of service at the same time to allow recently installed piping to be painted.

Primary Clarifier Work Scope

The scope of the WWTF Upgrade includes the replacement and coating of the existing clevis rods holding the primary clarifier rake arms. This work can only be accomplished with the Primary Clarifiers drained and dewatered and involves removing the existing clevis rods, installing new ones, coating them, and allowing the coating to cure.

Reasons For Replacement. The need to complete this work is driven by the deterioration noted on the clevis rods. The clevis rods and turnbuckles have deteriorated significantly due to corrosion and replacement is required.

Ms. Solanch S. Pastrana-Del Valle
Mr. Stergios K. Spanos
June 25, 2020
Page 2

Headworks Channel Work Scope

The scope of the WWTF Upgrade includes the construction of a new Headworks with two channels for screening of the influent flow. The Headworks was put online in 2018. Recently, minor damage to the protective coating in the Headworks channels was identified. The City has requested that Methuen repair these areas under warranty. This work can only be accomplished with one of the two channels drained and dewatered and involves removing the existing coating in the damaged areas, installing a repair patch, and allowing the patch to cure.

Reasons For Replacement. The need to complete this work is driven by the damage noted to the existing coating, which is currently covered under warranty. A failure of the coating will increase the susceptibility of the underlying concrete channels to corrosion.

Chlorine Contact Tank Work Scope

As noted in our letter dated December 19, 2019, the replacement of the plant water system includes replacement of the plant water system suction piping that draws treated effluent from the Chlorine Contact Tanks. This work can only be accomplished with the Chlorine Contact Tanks drained and dewatered. This piping has been installed but has not yet been painted.

Reasons for Replacement. The need to complete this work was driven by the size and location of the plant water suction piping. With the plant upgrade, the plant water demands will increase, and larger piping at the correct location to accommodate the new plant water pumping system was needed.

Treatment During Primary Clarifier, Headworks Channel, and Chlorine Contact Tank Work. As you are aware, the treatment process at the Peirce Island WWTF prior to construction consisted of aerated grit chambers followed by chemically enhanced primary treatment (CEPT) and finally chlorination/dechlorination. During the course of construction, a Headworks with influent screening and, more recently, a biological aerated filter were added to the treatment process. The WWTF can treat a peak flow of 22 million gallons per day (mgd), with each channel in the Headworks and each Primary Clarifier treating 11 mgd. During the period this work is undertaken, one of the two channels in the Headworks, one of the two Primary Clarifiers, and one of the two Chlorine Contact Tanks will be taken out of service and dewatered. One Headworks channel, one Primary Clarifier, and one Chlorine Contact Tank will be out of service at the same time. This work will be completed in phases, and each phase will be started when a period of dry weather is forecast. Influent screening, primary clarification, and disinfection will continue while work is underway in the online channel, clarifier or contact tank.

Work Schedule. This project has been underway since September 2016. The Contractor, Methuen Construction, has re-examined the schedule and currently estimates that the total time frame for the work in these three areas is approximately 4 to 6 weeks. This work is currently scheduled to begin today, June 25, 2020, and we will update you once it is completed.

The City is committed to maximizing the flow and treatment at the Peirce Island WWTF. During construction the delivery of flows to the facility will continue to be maximized as best possible during times of wet weather and treatment capacity will be maximized using CEPT. It should be noted that

Ms. Solanch S. Pastrana-Del Valle
Mr. Stergios K. Spanos
June 25, 2020
Page 3

the City is also working on a solution to repair a leak in one of the two force mains (under the Peirce Island Road Bridge) that carries flow to the Peirce Island WWTF. The leak has been contained and the City has forwarded separate correspondence regarding this item to the EPA and DES. The City is not aware of any feasible alternatives for the proposed work and thus provides this notice that one of the two Primary Clarifiers and one of the two Headworks channels will be temporarily taken out of service sequentially to allow the upgrade work to be completed.

If you have any questions or require any additional information, please do not hesitate to contact me directly at 978-905-3158.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jon R. Pearson". The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.

Jon R. Pearson, P.E.
Vice President
AECOM

cc: T. Desmarais, City of Portsmouth
S. Woodland, City of Portsmouth
P. Conroy, City of Portsmouth
T. Wood, NHDES
A. Morrill, NHDES



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road
Portsmouth N.H. 03801
(603) 427-1530 FAX (603) 427-1539

CM Info Item #1

May 20, 2020

Stephanie Larson
NHDES
P.O. Box 95 - 29 Hazen Drive
Concord, NH 03301-0095

Re: Pierce Island Bridge Force Main SSO
Peirce Island, Portsmouth, New Hampshire

Dear Ms. Larson:

This letter is a formal notification of a discharge from a leaking sewer force main on Peirce Island Road Bridge in Portsmouth NH on May 15, 2020. The leak is from a small hole on the North cast iron sewer force main on to the Peirce Island Road Bridge. The South cast iron force main (replaced ~2017) on the Peirce Island Road Bridge is currently in operation and conveying the flow from the Mechanic Street Pumps Station to the WWTF. The break was identified on Friday, May 15, 2020 at approximately 9:00 AM.

At approximately 9:00 AM workers at the State Fish Pier notified the City of water dripping from the piping under the Peirce Island Road Bridge. City staff investigated the source around 9:15 AM and identified the drip source was from the North sewer force main. The discharge was dripping through the pipe insulation and down into the Piscataqua River. At that time City staff closed valves to isolate the force main and reduce the discharge. The valves were shut by 11:00 AM. The total discharge on this day was estimated to be no more than 500 gallons. The force main remained full of water (but not under pressure) and continued to drip. It is estimated the daily discharge from the drip is no more than 5 gallons. On May 20 the isolated section of force main was emptied to prepare for repairs and minimize any additional dripping.

A specialized boom truck was used to cut away the insulation and inspect the force main on Monday May 18, 2020. The hole was discovered at the bell end of one pipe segment on the island side of the bridge. The other pipe connections were inspected and no additional leakage found. There was corrosion found at the majority of bell locations and the City is assessing repair options. We will follow up when a decision has been made.

Please find Attachments A (locus map), B (site map), and C (photos). If you have any questions or require additional information please call me at 603-610-7304.

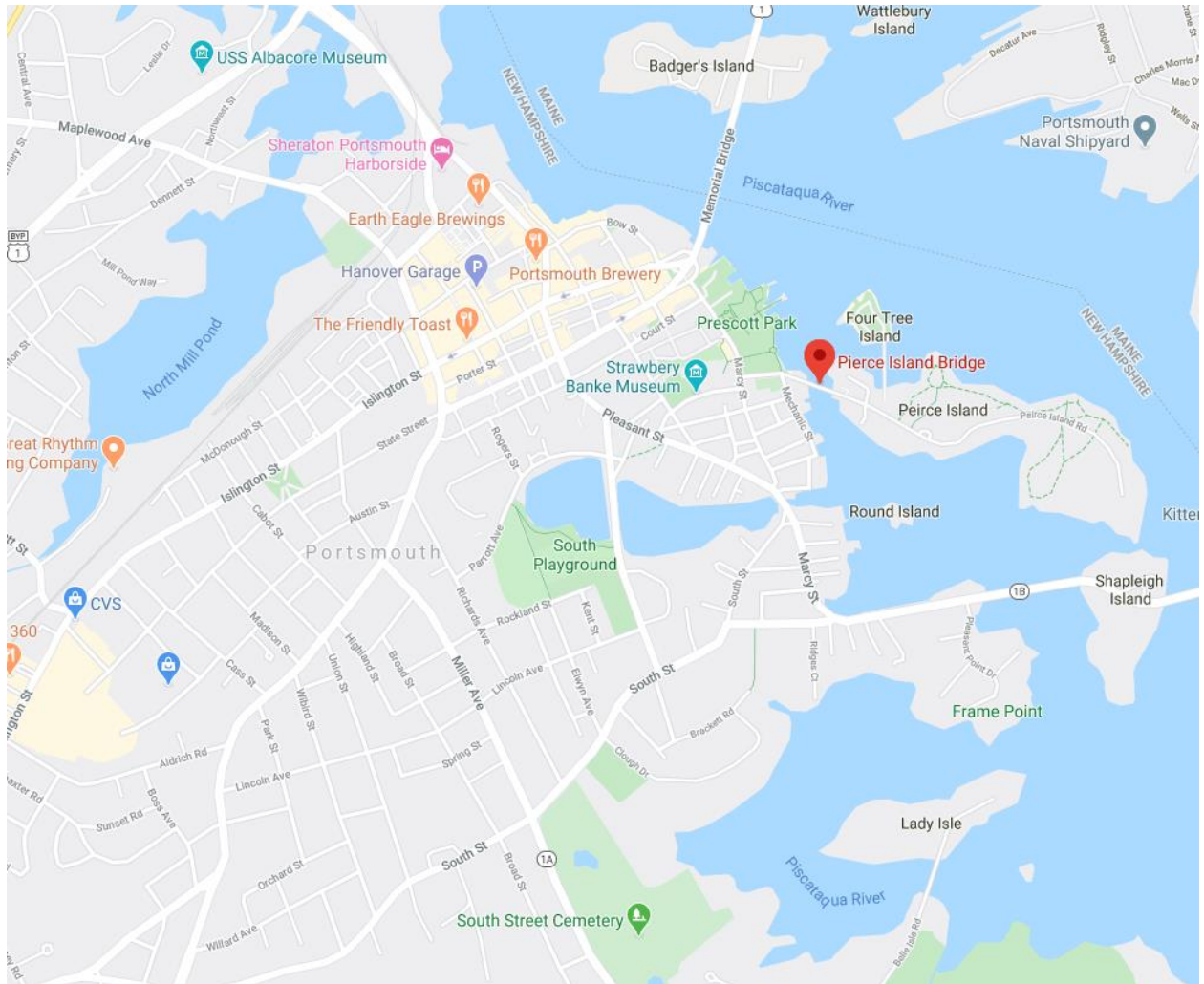
Sincerely,

City of Portsmouth

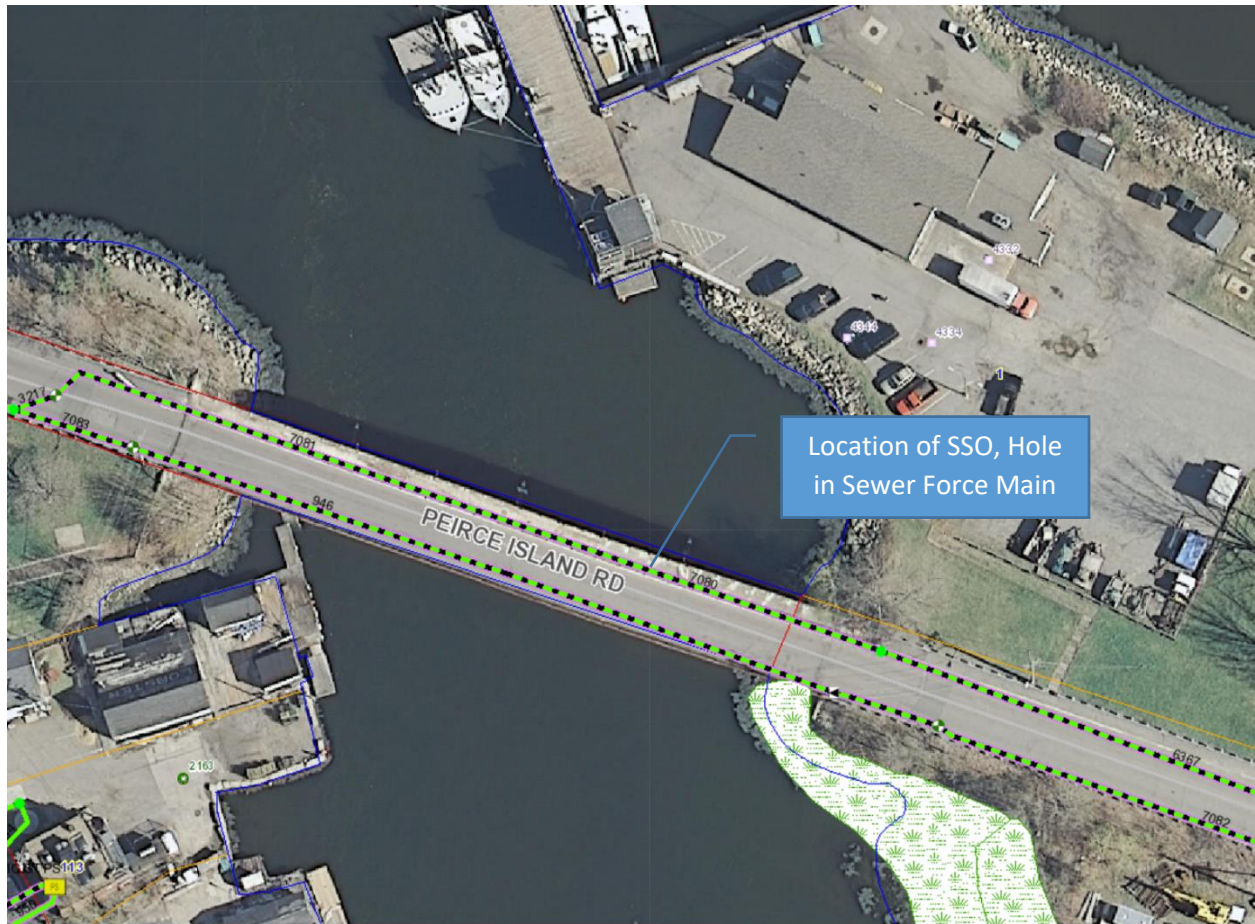
Zachary Cronin, Assistant City Engineer

cc: Brian Goetz, Deputy Director of Public Works
Terry Desmarais, City Engineer
Solanch S. Pastrana-Del Valle, EPA
Chris Nash, NHDES

Attachment A: Locus Map



Attachment B: Site Map



Attachment C: Pictures



Photo A

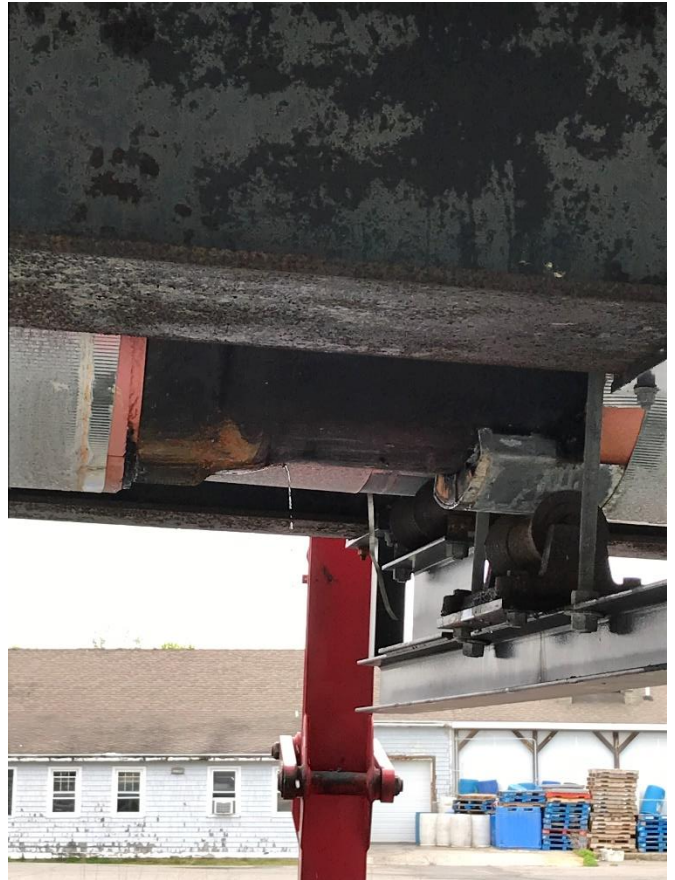


Photo B



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

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CM Info Item #1

VIA EMAIL

July 1, 2020

Stephanie Larson
NHDES
P.O. Box 95 - 29 Hazen Drive
Concord, NH 03301-0095

Re: June 30, 2020 Sewage Discharge
Portsmouth, New Hampshire

Dear Ms. Larson:

This letter is a formal notification of sewage discharge from multiple locations during the rain event that occurred on June 30, 2020. The locations were at Brewster Street, Marcy St, Vaughan Street, Maplewood Avenue, and Bridge Street. The discharges began on Tuesday, June 30, 2020 and ended in the early morning of July 1, 2020. See Attachment A.

The City was notified of sewer backups beginning around 6:00 PM on Tuesday, June 30, 2020 and began arriving on site at the various locations at 6:15 PM. The City's sewer system was significantly surcharged due to an intense rain event and high tide conditions. During this event, the City's Peirce Island Wastewater Treatment Facility was operating with reduced wet weather treatment capacity due to ongoing construction work. The details of the work at the Peirce Island WWTF were detailed in separate letters sent to the Environmental Protection Agency and DES on behalf of the City by AECOM (Jon Pearson) on June 5, 2020 and June 25, 2020. The extended forecasts reviewed in advance of the work at the Peirce Island WWTF indicated conditions would be dry during this time period. City staff remained on site during the storm event and monitored multiple locations where manholes were overflowing. The rain gauge located at City Hall recorded 3.7 inches of rain over approximately 4 hour time period from 5 PM to 9 PM. Due to the duration of the event an estimate of the volume of sewage discharge cannot be determined. City staff continued to observe key locations in the sewer system and hereby report the following overflow locations. See attachment B for additional details.

98 Brewster St: Sewer manholes 5966 and 5966a surcharged into catch basins 25355 and 1320, discharging into North Mill Pond. After the event the City crew cleaned the area and the catch basins.

255 Vaughan Street: The overflow occurred at sewer manhole 6105. The flow discharged into catch basin leading to North Mill Pond. After the event the City crew cleaned the area and the catch basin.

105 Marcy Street: The overflow occurred at sewer manhole 1228. The discharge down the street into catch basin 4347 that discharges to the Piscataqua River. After the event the City crew cleaned the area and the catch basin.

126 Bridge Street: The overflow occurred at sewer manhole 2300 and flowed into catch basin 1355, leading to North Mill Pond. After the event the City crew cleaned the area and the catch basin.

230 Maplewood Ave: The overflow occurred at sewer manhole 1482. The discharge flowed across the street into the drainage system that discharges to North Mill Pond. After the event the City crew cleaned the area and the catch basin.

All discharges entered an MS4 structure (catch basin) or surface water body. The sewer collection system was overwhelmed by the intense short duration storm event and the reduced capacity at the Peirce Island WWTF. All of the SSOs ended when the rain event ended.

Please call if you have any questions or need additional information. If you have any questions or require additional information please call me at 766-1421.

Sincerely,

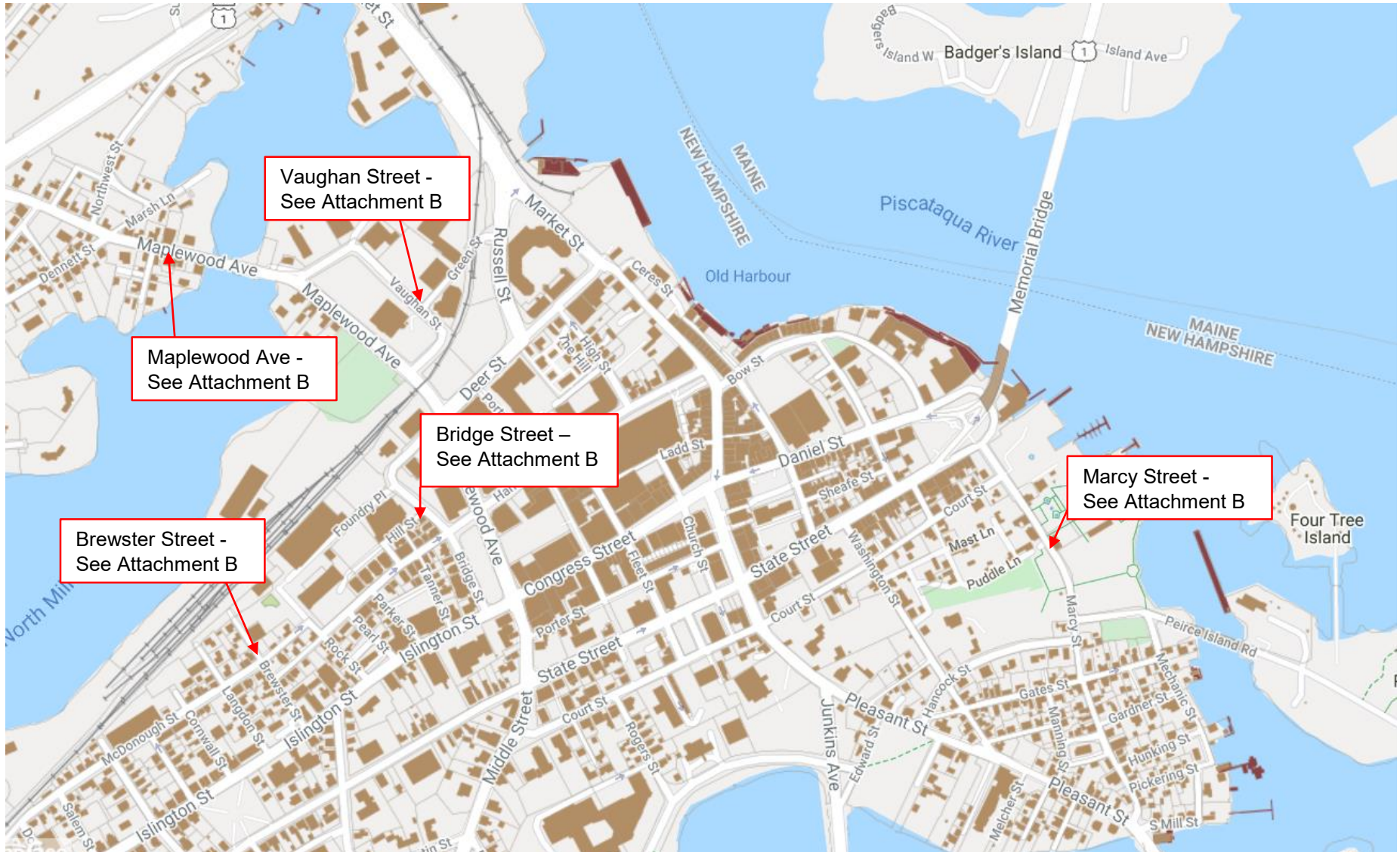
City of Portsmouth



Terry Desmarais, Jr., P.E.
City Engineer, Water and Sewer Divisions

- ec: Zachary Cronin, Assistant City Engineer
- James Tow, General Foreman Water and Sewer
- Solanch S. Pastrana-Del Valle, EPA
- Chris Nash, NHDES

Attachment A: Locus Map

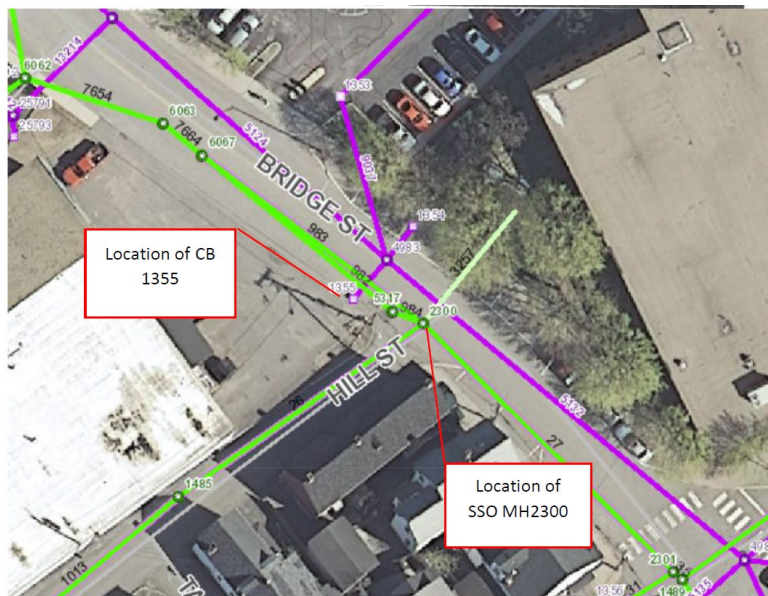


ATTACHMENT B
SITE MAPS and PHOTOGRAPHS

126 Bridge Street



Photograph

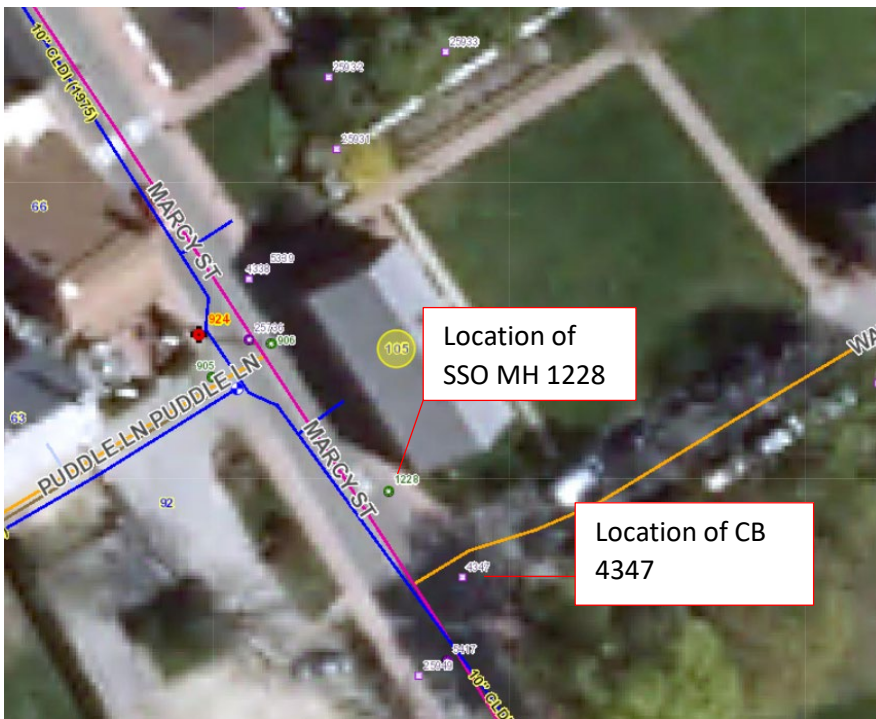


Site Map: Manhole 2300 and flowed into catch basin 1355, leading to North Mill Pond

105 Marcy Street



Photograph



Site Map: Manhole 1228 and discharged down the street into catch basin 4347 that discharges to the Piscataqua River

230 Maplewood Avenue



Photograph



Site Map: Manhole 1482 and the discharge flowed across the street into the drainage system that discharges to North Mill Pond

98 Brewster Street

No Photograph available



Site Map: Manholes 5966 and 5966a surcharged into catch basins 25355 and 1320, discharging into North Mill Pond



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

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CM Info Item #1

VIA EMAIL

July 17, 2020

Stephanie Larson
NHDES
P.O. Box 95 – 29 Hazen Drive
Concord, NH 03301-0095

Re: Pierce Island Road Bridge Sewer Force Main Repair Schedule

Dear Ms. Larson,

On May 15, 2020 the City of Portsmouth notified the Environmental Protection Agency (EPA) and Department of Environmental Services (DES) of a leak from the Mechanic Street Wastewater Pumping Station force main that is suspended from the Pierce Island Road Bridge. Since the leak was discovered, the City has conducted numerous inspections and evaluations in preparation of a repair on the force main leak. This work included under bridge inspections by City staff on May 18 and June 12; pipe thickness inspection by a third party specialty firm on May 28; repair logistics review on site with City staff, contractors and an engineering consultant on May 9 and May 10; repair logistics review on site with City staff and a structural engineer on June 12; and a number of additional off-site meetings to discuss repair approach, materials, and constructability.

The City has been able to define the specific location where the original leak occurred and through the investigations listed above and have identified a second location in need of repair. The repairs are located 45-feet and 134-feet measured from the bridge abutment on the Peirce Island side of the Peirce Island Road Bridge. Both locations are pipe joints where a bell and spigot connection is made. The repair locations are above the tidal waterway and will require temporary provisions (barge and/or bridge hung staging) in order to be constructed. The City has worked with AECOM and Hoyle, Tanner and Associates (HTA) to develop repair schematics outlining pipe, fittings, material, limits of repair work, and the location of an additional expansion and contraction fitting. Some structural work will be made in order to facilitate the repair of the pipeline.

On Friday, July 10, 2020 the City discussed the anticipated schedule with the consultants. The schedule will be primarily driven by the lead time in pipe and fittings, which is anticipated to be on the order of 8 to 10 weeks. The fittings needed for this work are not typically stocked and require special order. The table below provides the estimated timeframe for implementing the repairs based on the information currently available. The City will expedite this schedule whenever possible.

Table 1: Anticipated Force Main Repair Schedule

Item	Completion Date
Complete Construction Schematics	7/17/2020
Procure Contractor, Fee, and Funding	8/7/2020
Shop Drawings and Material Lead Time	10/2/2020
Repair Construction	10/23/2020
Insulation Installation and Demobilization	10/30/2020

At this time the section of force main with the leak has been isolated, emptied and is no longer leaking. A system has been installed to capture any leakage that might occur should the section become charged.

If you need any additional information please feel free to contact me at 603-828-1915 or tidesmarais@cityofportsmouth.com. The City of Portsmouth will notify you of any significant changes to the schedule.

Sincerely,

Terry Desmarais, P.E.
City Engineer

Cc: Zachary Cronin, Assistant City Engineer
Solanch S. Pastrana-Del Valle, EPA
Chris Nash, NHDES

ORDINANCE#

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth are hereby amended by the addition of a new Ordinance titled **FACE COVERINGS DURING THE COVID-19 PANDEMIC**:

WHEREAS, the Nation, the State, and the City are engaged in an effort to protect the public health in light of the COVID-19 virus pandemic; and

WHEREAS, the Portsmouth City Council has issued a policy statement on Pandemic Response by Resolution adopted on July 13, 2020; and

WHEREAS, the Portsmouth City Council has determined that the wearing of face coverings during the time of the pandemic is one means of reducing the spread of COVID-19; and

WHEREAS, Portsmouth City Council has determined that to protect the health of residents, visitors, businesses, employees and employers of the City that it must mandate the wearing of face coverings under certain circumstances as one element of the response to the public health threat of the pandemic;

NOW THEN, Portsmouth City Council hereby adopts the following ordinance regarding the wearing of face coverings in the City during the pandemic:

FACE COVERINGS DURING THE COVID-19 PANDEMIC

It is hereby adopted as a new Article XI to the Ordinances of the City, Chapter 3, **PUBLIC HEALTH**, a new provision which shall read as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC

SECTION 3.1101: FACE COVERINGS REQUIRED

All persons are hereby required to wear face coverings whenever they are:

- A. In indoor places which are accessible to the public, or
- B. In outdoor places which are accessible to the public in which a physical distancing of six feet (6') between people is not be maintained.

SECTION 3.1102: PERMISSIBLE FACE COVERINGS

A required face covering pursuant to this ordinance shall be made of cloth fabric, or other soft material, that covers the nose and mouth of the person wearing the face covering. The face covering may be commercially manufactured or individually manufactured.

SECTION 3.1103: EXCEPTIONS

The following persons are exempted or excepted from the requirements of this ordinance:

- A. Persons who have a medical or other condition which may pose a risk to the health of the individual wearing the face covering.
- B. Any person age six (6) or younger.
- C. Any person who is actually engaged in the act of eating or drinking at a business establishment licensed by the City of Portsmouth for that purpose.

SECTION 3.1104 PENALTY

The penalty for a person violating this provision shall be the issuance of a civil citation pursuant to Ordinance Article XIII, **MUNICIPAL ENFORCEMENT PROCEDURES**.¹

EFFECTIVE DATE

This ordinance shall take effect on _____, 2020.

APPROVED

By: _____
Mayor Rick Becksted

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

¹ Note: The penalty for a first offense under Article XIII is \$25.00, if paid within seven (7) days