

TO: KAREN CONARD, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING FROM SEPTEMBER 22, 2020 WHICH WAS CONTINUED FROM SEPTEMBER 14, 2020 HELD BY ZOOM MEETING AT EACH INDIVIDUAL CITY COUNCILOR'S HOME, CITY MANAGER CONARD'S OFFICE, CITY ATTORNEY'S OFFICE, AND CITY CLERK'S HOME

PRESENT: MAYOR BECKSTED, ASSISTANT MAYOR SPLAINE, COUNCILORS McEACHERN, WHELAN, LAZENBY, KENNEDY, HUDA, TABOR AND TRACE

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1. Mayor Becksted 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 2020-17, 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. Proclamation – Small Business Week in Portsmouth – Mayor Becksted read a Proclamation declaring September 20, 2020 through September 26, 2020 as Small Business Week in Portsmouth.
3. City Manager Contract Amendment – On a unanimous roll call 9-0, voted to authorize amendment of the City Manager's Employment Agreement to change the applicable retirement plan from the International City County Management Association Retirement Corporation from 457 Plan to the International City County Management Association Retirement Corporation to 401A Plan.
4. Appointments to be Considered – The City Council considered the appointments outlined below to be voted upon at the October 5, 2020 City Council meeting.
  - Appointment of Margot Doering to the Historic District Commission as a Regular Member filling the unexpired term of Cyrus Beer
  - Appointment of Paul Reardon to the Historic District Commission as a Regular Member replacing Dan Rawling
  - Appointment of Michelle Consolazio to the Citizens Advisory Committee
5. Appointments to be Voted – On a unanimous roll call 9-0, voted to appoint Thaddeus Jankowski to the Conservation Commission until April 1, 2023; appoint Adam Webster to the Conservation Commission until April 1, 2021; and appoint Jane Wright as an Alternate to the Conservation Commission until April 1, 2023.
6. Face Covering Exceptions – On a roll call vote 4-5, motion to adopt exceptions that face coverings are not required to be worn by people actively engaged in exercise, physical training, fitness training, bicycling, swimming, running, or other activity when a face covering could create a breathing problem or a barrier for the work or activity they are accomplishing in professions or services where wearing face coverings would impede in the performance of their duties, or in settings where it is not practicable or feasible to wear a face covering such as when receiving dental services, medical treatments or other situations where people would not be expected to wear a face covering, such as actively performing in a play or theater

performance. Momentary removal of a face covering for purposes of identification or adjusting the face covering is exempted **failed** to pass. Assistant Mayor Splaine, Councilors McEachern, Tabor and Mayor Becksted voted in favor. Councilors Whelan, Lazenby, Kennedy, Huda and Trace voted opposed.

7. Report Back from Legislative Subcommittee regarding NHMA 2021-2022 – moved to accept and approve the 2021-2022 Final Legislative Policy Recommendations as presented.

On a unanimous roll call 9-0, voted to remove the following policies: Right-to-Know Law, Notice Publication Requirements, Property Tax Exemptions and vote on the remaining policies.

On a unanimous roll call 9-0, voted to table the rest of the discussion on the Legislation Committee until the next City Council meeting.

8. City's Representative Voting Delegate for NHMA Legislative Policy Conference – On a unanimous roll call 9-0, voted to appoint Councilor McEachern as the City's voting delegate at the upcoming NHMA Legislative Policy Conference.
9. Request for Report on Compliance with Mask Guidelines at September 8, 2020 Primary Election – City Clerk Barnaby provided a detailed report on voters compliance with mask guidelines.
10. Election Officials Salaries (Not on agenda) – Assistant Mayor Splaine requested that City Clerk Barnaby provide a report back for the next meeting on whether we should be increasing or providing a stipend for election workers.
11. Middle Street Long-Term Task Force – On a roll call vote 4-5, motion to approve the creation of a citizen task force to answer the question: "How can we make Middle Street a bicycle-pedestrian-vehicle boulevard that works for everyone and enhances the city **failed** to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.
12. Clipper Strong Fund Update and Small Grant Program – Councilor Tabor provided an update on the Clipper Strong Fund and the Small Grant Program that is available. No action required.
13. On a roll call 8-1, voted to suspend the rules to take up Item XVIII. 4. – Report Back and Update on CARES Act Fund Allotment as Requested at the August 18, 2020 City Council meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.
14. Report Back and Update on CARES Act Fund Allotment as Requested at the August 18, 2020 City Council meeting – City Manager Conard referred to her detailed memorandum regarding this the CARES Act Fund. No action required.
15. Request to Extend the Sunset date for the Bridge Street Lot – On a unanimous roll call 9-0, voted to extend the sunset date for the Bridge Street Lot to November 1, 2020.

16. Request to Extend the Sunset date for Street Restaurants – Moved to extend the sunset date for the street restaurants, any outside dining we have behind barriers on City property to November 1, 2020 in keeping with Popup NH, with the possibility, weather permitting extending it further at the will of the City Council.

Moved to amend the motion to extend the sunset date to the end of November.

On a roll call 2-7, motion to further amend the motion to change the extension of sunset date to January 1, 2021 **failed** to pass. Assistant Mayor Splaine and Councilor McEachern voted in favor. Councilors Whelan, Lazenby, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted opposed.

On a unanimous roll call 9-0, voted to pass main motion to extend the sunset date for the street restaurants, any outside dining we have behind barriers on City property to November 1, 2020 in keeping with Popup NH, with the possibility, weather permitting extending it further at the will of the City Council.

17. On a unanimous roll call 9-0, voted to continue the meeting beyond 10:30 p.m.
18. Acceptance of Police Department Grant - \$24,759.00 from the NH Department of Justice – On a unanimous roll call 9-0, voted to accept the grant to the Portsmouth Police Department as presented.
19. Acceptance of Grant for Household Hazardous Waste Collection – On a unanimous roll call 9-0, voted to accept and expend a \$4,193.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract.
20. Approval of Collective Bargaining Agreements – On a unanimous roll call 9-0, voted to approve all four agreements as presented.
- Request for Approval of Portsmouth School Cafeteria Contract
  - Request for Approval of Portsmouth School Custodial Contract
  - Request for Approval of Portsmouth School Paraprofessionals Contract
  - Request for Approval of Portsmouth AFSCME 1386B Contract
21. Construction License for 99 Hanover Street – On a unanimous roll call 9-0, voted to authorize the City Manager to execute and accept the temporary construction license for Portwalk Residential, LLC/Cathartes Private Investment as submitted.
22. 46-64 Maplewood Avenue Temporary Construction License Extension – On a unanimous roll call 9-0, voted to enter into an extension of a license with 30 Maplewood, LLC, and to execute and accept the temporary construction license for 46-64 Maplewood Avenue as submitted.
23. Request to Waive Prescott Park Arts Festival Annual Consideration Fee – On a roll call 8-0, voted to waive the Prescott Park Arts Festival's annual consideration fee of \$20,424.00 for the Festival's 2020 season. Councilor Tabor abstained from voting on this matter.

24. Request to Waive Gundalow Company Annual Consideration Fee & Request to Waive NH Art Association Annual Consideration Fee – On a unanimous roll call 9-0, voted to waive the remainder of the Gundalow fee and the partial NH Art Association Annual Fee as presented.
25. Request to Renew Antenna License of Portsmouth Community Radio (WSCA) – On a unanimous roll call 9-0, voted to authorize the City Manager to finalize and execute a 10-year license agreement with Portsmouth Community Radio as presented.
26. Sagamore Avenue Sewer Extension Project – On a unanimous roll call 9-0, voted to proceed with approach #3.

Sagamore Avenue Sewer Extension Approach #3:

- *Authorize the final permitting design and bidding necessary to install public sewer mains and private components to the full project limits (91 connections).*
  - *Direct that the bid document be structured so as to allow for the base bid to include the installation of all public sewer mains and the bid alternates to consist of all the private property work.*
27. Consent Agenda – On a unanimous roll call 9-0, voted to adopt the Consent Agenda.
    - A. Request for License to Install a Projecting Sign for owner Samuel Habib, The Hub Smoke and Vape for property located at 222 State Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses 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. Acceptance of Sidewalk and Drainage Easement for 95 Brewster Street (***Sample motion – move to accept a sidewalk easement and a drainage easement for 95 Brewster Street as presented***)
  - C. Acceptance of Drainage Easement for 185 Edmond Avenue (***Anticipated action – move to authorize the City Manager to accept a drainage easement over land at 185 Edmond Avenue from Ryan and Adrienne Cress (Tax Map 220 Lot 56)***)

- D. Request for a License to Install a Projecting Sign for owner Kaylee Donovan, The Gallery Salon for property located at 951 Islington Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations**

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  - ***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***
- E. Letter from Melissa Walden, American Lung Association, requesting permission to hold the Cycle the Seacoast on May 2, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- F. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events in 2021:
- First Night Portsmouth 2021, Thursday, December 31, 2020
  - Children’s Day, Sunday, May 2, 2021; Noon – 4:00 p.m.
  - 44<sup>th</sup> Annual Market Square Day Festival & 10K Road Race – Saturday, June 12, 2021; 9:00 a.m. to 4:00 p.m.
  - 18<sup>th</sup> Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. – July 10, July 17, July 24, July 31  
Street Closures: 4:00 p.m. (set up) – 9:30 p.m. (cleanup) – Pleasant Street – Porter Street to Market Square
- (Anticipated action – move to refer to the City Manager with Authority to Act)***

28. Email Correspondence – On a unanimous roll call 9-0, voted to accept and place on file.
29. Letter from Erik Newman, EverSource, requesting to Name an Unnamed Private Road and Assign 911 Numbering to the Improvements Accessed Therefrom – On a unanimous roll call 9-0, voted to refer to the Planning Board for report back.
30. Letter from Stephen Iandoli Requesting the Renaming the South Mill Pond Complex in Honor of Rus Wilson – On a unanimous roll call 9-0, voted to refer to the Recreation Board for consideration.

31. Report Back on Request of Restoration of Involuntary Merged Lot – 1249 Islington Street – On a roll call 8-1, voted that we restore this lot per the Assessor’s memorandum. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace voted in favor. Mayor Becksted voted opposed.
32. Involuntary Merged Lot Process (Not on Agenda) – On a roll call 5-4, voted to move forward on all merged lot lines to be sent to the Planning Board for review. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted opposed.
33. Adjournment – On a unanimous roll call 9-0, voted to adjourn the meeting at 11:45 p.m.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC  
City Clerk