

# CITY COUNCIL MEETING

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\\_HKOWY18tTnG3zYh4PqikPA](https://zoom.us/webinar/register/WN_HKOWY18tTnG3zYh4PqikPA)

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 2020-18, 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, OCTOBER 19, 2020**

**TIME: 6:00PM**

- **6:00PM – ANTICIPATED NON-PUBLIC SESSION RE: INTERIM CHIEF OF POLICE EMPLOYMENT AGREEMENT – RSA 91-A:3, II (a) AND MCINTYRE PROJECT – RSA 91-A:3 II e** [https://zoom.us/webinar/register/WN\\_pnP00Te3QHCFr\\_ccpT-hWg](https://zoom.us/webinar/register/WN_pnP00Te3QHCFr_ccpT-hWg)

## 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** (*There are no minutes on for acceptance this evening*)
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
  - A. \*Presentation by Sustainability Committee – Drawdown Portsmouth – Bert Cohen, Chair
  - B. Report Back from Board of Ethics
- IX. **PUBLIC COMMENT SESSION – (Via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED**
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

First Reading of Ordinances:

  - A. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Dearborn Street: easterly side, from the North Mill Pond running northerly for a distance of 25 feet

- B. First reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – Bus Stops Designated – Hanover Street: southerly side of Hanover Street ~~90 feet east of~~ from Fleet Street to a point 285 feet east of Fleet Street
- C. First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road
- D. First reading of Ordinance amending Chapter 11, Article II - Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer

Public Hearing/Second Reading of Ordinances:

- E. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION THE SUM OF UP TO ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE UNASSIGNED FUND BALANCE FOR THE DESIGN AND ENGINEERING OF ALTERNATE PLANS FOR THE REDEVELOPMENT OF MCINTYRE FEDERAL BUILDING AND SURROUNDING PROPERTY
  - **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**
- F. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 – LIMITED PARKING – DANIEL STREET: SOUTHERLY SIDE, ~~FIRST FIVE-THREE METERED SPACES EAST FROM MARKET SQUARE~~ RUNNING BETWEEN 102 AND 160 FEET WEST OF PENHALLOW STREET, AND HANOVER STREET DELETE ~~NORTHERLY SIDE, FIRST TWO SPACES EAST FROM BRIDGE STREET~~
  - **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**
- G. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING BY THE ADDITION OF LITTLE HARBOR ROAD: BOTH SIDES OF THE ROADWAY BEGINNING AT THE EAST SIDE OF THE WENTWORTH COOLIDGE MANSION DRIVEWAY, RUNNING EASTERLY FOR A DISTANCE OF 155 FEET TO THE GATE AT THE END OF THE PAVEMENT
  - **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**
- H. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.336 – ONE WAY STREETS BY THE DELETION OF ~~PARKER STREET NORTHERLY FROM TANNER COURT TO HANOVER STREET~~

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

- I. ORDINANCE AMENDING CHAPTER 7, ARTICLE VI, SECTION 7.601 – LIMITED HOURS LOADING ZONES BY THE ADDITION OF PLEASANT STREET: EASTERLY SIDE, BEGINNING 94 FEET SOUTH OF THE SOUTHERLY CURB LINE OF DANIEL STREET AND RUNNING SOUTHERLY FOR A DISTANCE OF 45 FEET

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

Third and Final Reading of Ordinances:

- J. Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes by the Deletion of ~~Deer Street: One Space on the Northerly Side of the Street, Beginning 13 Feet West of the Extension of the Westerly Curb Line of High Street, and Running 20 Feet in an Easterly Direction.~~ the Addition of **Hanover Street: Southerly Side, First Two Spaces East from Maplewood Avenue**
- K. Ordinance amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the Addition of **Vaughan Street: Westerly Side, Beginning at the Intersection with Raynes Avenue and Running Southerly for a Distance of 60 Feet, from 6:00 a.m. to 9:00 a.m.**

## XII. MAYOR BECKSTED

1. Appointments to be Considered:
  - Appointment of Karen Bouffard to the Historic District Commission as an Alternate
  - Reappointment of Robert Marchewka to the Economic Development Commission
2. \*Appointments to be Voted:
  - Appointment of David Adams to the Historic District Commission as a Regular Member
  - Reappointment of Richard Katz to the Library Board of Trustees
  - Appointment of Maria Peppas to the Library Board of Trustees
  - Appointment of Kelly Delekta to the Library Board of Trustees
  - Appointment of Latonya Wallace to the Library Board of Trustees
  - Appointment of Daniel Main to the Portsmouth Housing Authority
3. \*Special City Council Meeting for Monday, October 26, 2020 at 6:30 p.m. regarding Ethics Board Matter
4. \*Joint NH Mayors' Letter to the NH Legislature relative to Homelessness Issues
5. \*Request for First Reading for Postponement of the Activation of Single-Use Bag Ban

### **XIII. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR SPLAINE**

1. Letter from Tom Morgan Re: Planning Board Zoning Amendments

#### **B. COUNCILOR WHELAN**

1. **Action Items Needing City Council Approval:**
  - Approval to renew Valet Parking License Agreements for a term of one (1) year for Marriott Residence Inn and Portsmouth Harbor Events & Conference Center
  - Approval to renew Valet Parking License Agreements for a Term of one (1) year for the Hampton Inn & Suites

*(Sample motion – move to remove the two Valet Parking License Agreements as presented)*  
*(Sample motion – move to approve the two Valet Parking License Agreements for a one year term as presented)*
2. Parking Traffic & Safety Action Sheet and Minutes of the September 3, 2020 meeting  
*(Sample motion – move to accept and approve the Parking Traffic & Safety Action Sheet and Minutes of the September 3, 2020)*

#### **C. COUNCILOR LAZENBY**

1. Sustainability Committee – Drawdown Portsmouth an Eco-Municipality Update

### **XIV. APPROVAL OF GRANTS/DONATIONS**

- A. \*Acceptance of Donation to the Coalition Fund
  - Town of Rye - \$5,000.00

*(Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Fund)*

### **XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

#### **A. CITY MANAGER CONARD**

##### **City Manager's Items Which Require Action:**

1. Parking Agreement for Deer Street Associates
2. Public Art Sculpture for McEachern Park
3. Approval of Interim Chief of Police Employment Agreement

### **XVI. CONSENT AGENDA**

*(There are no items under Consent Agenda this evening)*

### **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 by City Engineer Terry Desmarais regarding Update on the Peirce Island Wastewater Treatment Facility
- D. Email Correspondence (***Sample motion – move to accept and place on file***)
- E. Letter from Cynthia and Lew Harriman regarding Set up of new Voting Center and making voting safe and reliable in this most unusual year (***Sample motion – move to accept and place on file***)
- F. Letter from Kirsten Hunter, Director of Lifespan Ministries requesting to hold a Community-wide Candle Lighting ritual in downtown on December 24<sup>th</sup>
- G. Letter from Jack McTigue, TFMoran, Inc. requesting road name for the Village at Banfield Woods to Walford Lane (***Sample motion – move to refer to the Planning Board for Report Back***)

**XVIII. CITY MANAGER’S INFORMATIONAL ITEMS**

- 1. Report Back on the Status and Solutions Being Discussed Per the Emergency Police Commission Meeting on the Re-Occurrence of Mold in the Police Department
- 2. Report Back on the Final FY20 Budget Surplus Amounts by Budget Unit
- 3. Report Back on Public Art Acquisition

**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*

**Report of the Board of Ethics  
of the City of Portsmouth**

**In the matter of the complaint  
Filed by Ms. Nancy Pearson  
Against City Councilor Esther Kennedy**

## Table of Contents

1. Letter dated September 2, 2020 from Assistant Mayor James Splaine and City Attorney Robert Sullivan forwarding the complaint of Ms. Pearson to the Board of Ethics.
2. References to internet resources relevant to the actions of the Board of Ethics.
3. Verbatim transcript of the Board of Ethics deliberations regarding the ethics complaint.
4. Findings of the Ethics Board.
5. Code of Ethics.



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## CITY OF PORTSMOUTH

Legal Department  
Municipal Complex  
1 Junkins Avenue  
Portsmouth, New Hampshire  
(603) 431-2000

September 2, 2020

Nancy Pearson  
104-112 Lincoln Avenue #1  
Portsmouth, NH 03801

Esther Kennedy  
41 Pickering Avenue  
Portsmouth, NH 03801

**RE: Ethics Complaints of August 3, 2020**

Dear Ms. Pearson and Councilor Kennedy:

This will advise that we have met to review the two ethics complaints filed by Ms. Pearson against Ms. Kennedy. Our role in conducting this review was not to determine whether any ethics violations had actually occurred, but rather to determine pursuant to Section 1.804 C of the City's Ethics Ordinance whether or not the complaints are "with or without substance". The purpose, under the ordinance, of our limited and threshold review is to prevent complaints which have, in our judgement, little possibility of being proven to be founded from occupying the time and energy of the City's Board of Ethics.

With our limited role in mind, we have reviewed the two complaints, both dated August 3, 2020, in detail and compared the allegations which they contained to the criteria established in the City's Code of Ethics. The test which we applied was to determine whether or not if all of the facts alleged in the complaints were proven to be true, there would be a reasonable possibility of a Code of Ethics violation to be found by the Board of Ethics. Using that test, we have determined that one aspect of one complaint should move forward to the Board of Ethics for further inquiry. All remaining allegations of each complaint we have determined could not reasonably support a finding of an ethics violation on the part of Ms. Kennedy.

The allegation which we believe calls for inquiry by the Board of Ethics is the allegation contained in the fifth paragraph of the first complaint filed on August 3, 2020 by Ms. Pearson. Specifically, it is alleged that "by registering the trade name [Pop Up Portsmouth], Kennedy engaged in a 'transaction' with a 'direct interest' in the outcome of Pop Up Portsmouth which is 'in conflict with the proper discharge of her official duties.'" This is said to be in violation of Section 1.802 A. In essence, it appears that the Board of Ethics could possibly find that by registering the tradename, Councilor Kennedy engaged in a transaction which sought to defeat a legislative goal established by the Portsmouth City Council. That is a decision the Board of Ethics must make, not us.



It will be the work of the Board of Ethics to clarify whether the facts which are alleged to support that claim are accurate and whether, if so, Councilor Kennedy engaged in a transaction in conflict of interest with her duties as a City Councilor in violation of the Code of Ethics.

We have reviewed all of the remaining allegations contained in the two complaint letters, and have concluded that even if all true the factual allegations could not make out the ethical violations alleged in the complaints. Therefore, we have determined not to move those ethical complaints forward so that the Board of Ethics will not be required to decide them. It is our view that the facts alleged in support of these remaining allegations, strong as those allegations may be, nonetheless fall within the bounds of allowable political and legislative activities.

In accordance with the requirements of Section 1.804 C (I) of the Code of Ethics, the single complaint as described above is forwarded to the City's Board of Ethics and the remaining claims are dismissed.

Sincerely,



James Splaine  
Assistant Mayor



Robert P. Sullivan  
City Attorney

RPS/smr

cc: Board of Ethics  
Mayor and City Council  
Karen Conard, City Manager

**Resources to Internet Sources Relevant to  
the Actions of the Board of Ethics**

**City's YouTube Channel – links to Ethics Board Hearings**

September 16, 2020

<https://www.youtube.com/watch?v=mxKZc373cwo>

September 21, 2020

<https://www.youtube.com/watch?v=i03hJznIciY>

September 23, 2020

<https://www.youtube.com/watch?v=4ATeUafKKBE>

**Link for BOE Members' Records**

Records of the Members of the Board of Ethics

<https://www.cityofportsmouth.com/legal/board-ethics>

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**CITY OF PORTSMOUTH**

**NEW HAMPSHIRE**

**BOARD OF ETHICS**

**BOARD OF ETHICS DELIBERATIONS  
OF ETHICS COMPLAINT BY NANCY PEARSON  
AGAINST COUNCILOR ESTHER KENNEDY**

**APPEARANCES:**

Ethics Board Members:

John K. Tabor, Chair, City Councilor

Richard Gamester, Fire Commissioner

Thomas Hart, Police Commissioner

Ann Walker, School Board Representative

Robert P. Sullivan, City Attorney

**HEARING DATE:** September 23, 2020

**TRANSCRIBED BY:** Synthia M. Ravell

1 **[Excerpt of hearing deliberations beginning at 1:19:43]**

2 TABOR: Is there a motion to begin our deliberations?

3 HART: Yes, Chair, I would like to make a motion. I move  
4 that the Board of Ethics finds that Councilor Esther Kennedy  
5 was in violation of 1.802 A of the Code of Ethics, and this  
6 determination before forwarded to the City Council for further  
7 action, and then at this point leave it open for discussion.

8 WALKER: Second the motion.

9 TABOR: Okay. Board member Hart, would you like to  
10 speak to your motion?

11 HART: In the way I looked at this, from my own  
12 experiences, I looked at this as, I guess you can give an  
13 example, I know this isn't criminal but the easiest way to  
14 explain this how I looked at this and came to this conclusion is  
15 if someone had broke into someone's house at night, if they  
16 didn't belong there and they stole something. So, the facts of  
17 that would be you determine that the person broke into a  
18 house and didn't have permission to be there, committed a  
19 crime, it was at night, and then you take those circumstances  
20 and find someone guilty of that offense. You kind of dissect  
21 the different features of that charge. And how I did this is  
22 kind of the same way; exactly the same way, as a matter of  
23 fact. No officer, which would be the City Councilor, shall

1 engage in any business or transaction, and you can take that  
2 either way, business or transaction, that Councilor Kennedy  
3 went online to the State of New Hampshire and acquired this  
4 Pop Up name, so whether that was business or transaction, I  
5 think it is both, and then I went on to show in a financial or  
6 private interest or direct interest, and that I would say that  
7 used her own money to acquire that name, and then would  
8 have been improper discharge of his or her official duties, and I  
9 think at this point in acquiring this name there was a 9-0 vote  
10 by the City Council to move forward with this Pop Up situation  
11 and venue and set up everything through the City Council, so I  
12 think at that point it was under the direction of the City  
13 Council and kind of an overt act of holding onto this name with  
14 demands, it kind of put me over the top of more than her own  
15 duties as a City Councilor asking for an apology, and asking  
16 for by-laws, and then after that she would give up that name  
17 to this venue that was trying to acquire this name. So, that's  
18 just a scenario of how I looked at this openly through both  
19 sides, and it wasn't easy. It's not a comfortable situation, but  
20 we're set here to deliberate on this, and this is how I did it, and  
21 this is my experience as a law enforcement officer. Typically, I  
22 testify giving the evidence to a case, this was actually the first  
23 time I've sat on a Board like this to deliberate on such an

1 event, and this is my conclusion, this is what I came up with.

2 TABOR: Thank you, Commissioner. Yes, Board Member  
3 Gamester; you're on mute, Dickie. Still on mute. Now you're  
4 good.

5 GAMESTER: All right. I kind of approached this in a  
6 different way. I spent some time interrogating, or, excuse me,  
7 asking questions of Esther and I found her to be a very honest  
8 witness with her answers and I would just like to go over those  
9 so that they can be part of the record. And I asked her was  
10 she, did she ever contact the Legal Department? And her  
11 answer was no. Did she ever, did she talk to the City  
12 Manager? She said yes, but I didn't like her responses. I have  
13 no idea what the responses are. Did you ever call the Task  
14 Force or the co-Chairs of the Task Force? The answer was no.  
15 Did you ever call the Pop Up Chairman, which I think was  
16 Russ Grazier? The answer was no. Did you ever discuss with  
17 the entire Council, either in non-public or as an agenda item,  
18 to make them aware of what you were fearing was a problem  
19 going on in the background? She said no. In a heartbeat race  
20 here to stop things, did you act or reach out to the Attorney  
21 General's Office or the Secretary of State to put a stop to  
22 something? The answer was no. And I don't think, and I'm  
23 going to, and I think the answer to this was no, but she was

1 never told by any of the Council members, she never told any  
2 of the Council members that it was her intent to register this  
3 tradename and she was never asked by the City Council or  
4 City staff to intervene on behalf of the City. I feel that all  
5 those bring me to the point, the one point that I think is  
6 extremely serious, not serious but extremely important, is the  
7 moment that Esther got online and/or telephone, I'm not sure  
8 how she did that, and the moment she purchased and  
9 registered the tradename was the time that she, that it became  
10 in conflict with the proper discharge of her official duties.  
11 Until then, she had never done anything that wasn't, she was  
12 asking the right questions in the right places, but didn't go far  
13 enough. But the fact that she intervened in the process there,  
14 purchased something, became a party to the entire program,  
15 that's when she fell into the other side of the duty line. And  
16 then I found it very baffling that Esther didn't tell anyone of  
17 her actions and it all had to come out in the paper, social  
18 media, however, that when they went to get a checking  
19 account that the name had been used by somebody else. I was  
20 baffled by the whole thing. I am surprised at it, with it.  
21 Esther's usually very good at doing things. I think this one  
22 was a, fell off the cart routine for a second, but she did, she did  
23 violate the ethics as stated by Mr. Hart and now myself.

1 Thank you.

2 TABOR: Yes, Board member Walker.

3 WALKER: I thought about this very carefully and I knew  
4 so little about non-profits and all the different aspects of how  
5 you deal with them. So, this was a very slow learning process  
6 for me, and I found that when Councilor Kennedy registered  
7 the name Pop Up Portsmouth before the Task Force had a  
8 chance to complete registering it, this was actually slowing  
9 down their efforts to be helping the Portsmouth businesses.  
10 And so, when she conducted the transaction with the direct  
11 interest in the outcome, this really was in conflict with her  
12 official duties as a City Councilor, and I'm really surprised at  
13 that, but that's my finding.

14 TABOR: Thank you, Board member Walker. I, we've  
15 heard a lot of testimony. I've also worked with Councilor  
16 Kennedy for more than a decade, going back to Portsmouth  
17 Listens, and wanted to give her all the benefit of the doubt in  
18 this, but we go back to the language of the ordinance; shall not  
19 engage in a transaction. From her own testimony, we know  
20 that she bought the tradename for \$50 of her own money, so  
21 that was something she had a direct, private interest in. And  
22 we heard testimony that she has done this with previous  
23 tradenames in the past, but we're just talking about this



1 specific instance and what that, the effect that had on the Pop  
2 Up effort was. And that \$50 private purchase, is that in  
3 conflict with her duties? And we all, as the City Council, made  
4 a vote on June 15<sup>th</sup> 9 to nothing to implement the  
5 recommendations of the Citizens Response Task Force and get  
6 the Pop Up going, and the Pop Up was going to provide a  
7 venue for theater groups, arts groups, entertainment, and a  
8 way to help restaurants survive. When we voted 9 to nothing,  
9 and Councilor Kennedy voted too, that was the policy of the  
10 City to make that happen, and there was discussion at the  
11 time to make that happen as fast as we could. Martha Fuller  
12 Clark at one point said we don't want to lose another weekend.  
13 So, the transaction occurred and I think what concerned me  
14 the most and tipped my point of view was the phone call of  
15 July 20<sup>th</sup> and the three demands, and Councilor Kennedy has  
16 been transparent and open about her demands but let's think  
17 about the effects of them. She demanded that the Pop Up  
18 change its non-profit by-laws. That was not a demand that the  
19 City Council made. That was not a demand that the Citizens  
20 Response Task Force or the Subcommittee on the Pop Up  
21 made who had, to whom we delegated oversight as a City  
22 Council. So, she was interposing herself. But more important,  
23 she insisted that the Pop Up, which had raised \$90,000,

1 apologize to all their donors. And she wanted them to say  
2 what they did was illegal. Now, I can't imagine anything that  
3 would poison a well for a non-profit with its donors more than  
4 that. And then, finally, we learn from the testimony and  
5 watching the meetings that this did immediately grind  
6 everything to a halt about the Pop Up and caused something of  
7 a crisis. So, I don't think those actions are supportive of the  
8 City Council's vote. I don't think, I think they in effect  
9 undermine the legislative intent of the Council. And there  
10 were many ways, in our discussions and questioning of  
11 Councilor Kennedy, as Board member Gamester mentions,  
12 many other ways that her concerns could have been addressed.  
13 We had lots of testimony about the nature of the Pop Up  
14 becoming a non-profit. My own findings are that it was in  
15 process and I was especially cognizant that the fiscal agency  
16 relationship with the Seacoast Rep, created by a Board vote,  
17 was never dissolved and, therefore, I don't believe the donors'  
18 money was collected illegally and I believe that it was safely  
19 kept at all times. So, regretfully I also believe that this was a  
20 violation of the Code of Ethics and would vote that way. Other  
21 comments from the rest of our members?

22 HART: No, that would just be my motion.

23 TABOR: Okay.

1           GAMESTER: Move the question, please.

2           TABOR: Alright. Roll call vote, please. Board member  
3 Walker?

4           WALKER: Yes.

5           TABOR: Board member Gamester?

6           GAMESTER: Yes.

7           TABOR: Board member Hart?

8           HART: Yes.

9           TABOR: And the Chair votes yes. I think our business is  
10 concluded. ...

11

12 **[Deliberations concluded at 1:34:57]**

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**C E R T I F I C A T E**

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I, Synthia M. Ravell, hereby certify that the foregoing pages, numbered 2 through 9, are a true and accurate transcription of the noted excerpt of the audio file of the Board of Ethics Hearings Meeting of September 23, 2020.

Dated at \_\_\_\_\_, New Hampshire, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Synthia M. Ravell

STATE OF NEW HAMPSHIRE

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My Commission Expires:

## Findings of the Ethics Board

The board of ethics was asked to determine if Councilor Esther Kennedy “by registering the tradename (Pop Up Portsmouth), engaged in a transaction which sought to defeat a legislative goal established by the ... City Council,” and therefore acted in conflict with her duties as councilor. (See September 2 letter)

We found that

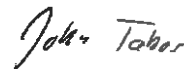
1. Councilor Kennedy engaged in a transaction with a personal interest
  - a. \$50 of her own money
  - b. At the point she purchased the Pop Up Portsmouth tradename, she acted in conflict with her duties as a councilor
2. What was the conflict?
  - a. Tom Hart: the overt act of holding on to the name with demands
  - b. Dickie Gamester: Registering the tradename was in conflict – she intervened in the process
  - c. Ann Walker: She slowed down their efforts to help businesses with the Pop Up. She concluded a transaction with a direct interest in the outcome.
  - d. John Tabor: her demands were not from the city council, were not supportive of the city council vote and harmful to the Pop up
3. She could have addressed her concerns in other more productive ways: by going to the city attorney, the Task Force, the Pop Up board of directors, the mayor, the council
  - a. She deliberately did not tell others of her intent to buy the tradename
4. The board also heard testimony that the Pop Up was not illegal, in conflict with Councilor Kennedy’s version of events, particularly since the fiscal agent relationship with Seacoast Rep was never terminated.

## Process

The board aimed to have a full and fair review of the case. First, the board set a rule that their decision would be based solely on the oral and written testimony from the hearings. The night of September 16 was devoted to the complainant Nancy Pearson, and Councilor Kennedy’s side was given 30 minutes for cross examination. The night of September 21 was devoted to Councilor Kennedy’s defense, with 30 minutes cross examination.

The board deliberated September 23<sup>rd</sup> and voted 4-0 to find a violation of Section 1.802A of the city ethics ordinance occurred. Each member stated his or her reasons (see Transcript). Then, in the interest of transparency, the board voted that all minutes and documents, including emails received by each member, should be made public on the city’s website, except an affidavit from Jerry Zelin deemed not relevant. This vote was also 4-0. These should be available October 15 or sooner.

John Tabor, Chair and City Council Representative



Dickie Gamester, Fire Commission Representative

Tom Hart, Police Commission Representative

Ann Walker, School Board Representative

Robert Sullivan, City Attorney, ex-officio

## ARTICLE VIII: CODE OF ETHICS

### Section 1.801: DEFINITIONS

For purpose of this Article, the following terms shall be defined in the following manner:

- A. **Officer:** The term "Officer" shall be defined to include every member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission, every department head as that term is used in the Administrative Code, Chief of Police, Fire Chief, Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority.
- B. **Employee:** The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.
- C. **Governing Body:** The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.
- D. **Official Duties:** The term "Official Duties" shall mean the following:
  - 1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.
  - 2. In the case of members of Land Use Regulatory Boards, the Trustees of the Trust Fund and the Portsmouth Housing Authority, those duties and responsibilities set forth in the legislation that established each board and/or outlines the duties and responsibilities of each board.
  - 3. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and responsibilities set forth in the respective job description for each party or employee.

### Section 1.802: CONFLICTS OF INTEREST

- A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.

- B. **Representing Private Interests Before City Agencies:** No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.  
Officers and employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.
- C. **Representing Private Interests Before Courts:** No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.
- D. **Disclosures of Interest in Legislation:** A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.
- E. **Disclosures by Officer or Employee of Interest in Legislation:** An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. **Gifts and Favors:** No officer or employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.
- G. **Disclosures of Confidential Information:** No officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- H. **Investments in Conflict with Official Duties:** Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- I. **Incompatible Employment:** No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.

### **Section 1.803**

Any violation of any provisions of this ordinance shall constitute cause for fine, suspension or removal from office or employment.

### **Section 1.804: BOARD OF ETHICS**

- A. There is hereby created and established a method for appointing a Board of Ethics. This Board shall consist of five persons: one member each selected by lot from the City Council, School Board, Police Commission and Fire Commission and the City Attorney (ex officio) or such other legal counsel (ex officio) that the Board should decide. The Board member shall be drawn at the first meeting of the calendar year of each of the governing bodies.

The members of the Board shall elect a chairperson. They shall adopt such rules for the conduct of their business as they see fit and they shall have the power to draw upon the various City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

- B. **Advisory Opinions:** Upon the written request of the Officer or employee concerned, the Board shall render advisory opinions based upon the provisions of this Code. The Board shall file its advisory opinions with the City Clerk but may delete the name of the officer or employee involved.
- C. **Hearings and Determinations:** Any individual having information that an officer or employee as defined in Section 1:801, other than the City Manager or the City Attorney, is engaged in improper activities or has a conflict of interest may present his or her complaint to the City Attorney.
1. Said complaint shall be in writing, under oath, specific and to the point. The City Attorney shall review the written complaint with the Mayor and if either the Mayor or the City Attorney feels that the complaint is of substance, then the Mayor shall refer the matter to the Board.
  2. If both the Mayor and City Attorney believe that the complaint is without substance, the person making the complaint and the subject of the complaint shall be notified in writing of that fact.
  3. The Board shall hold a hearing which may be public or private at the discretion of the Board and at which the accused party shall be entitled to be represented by Counsel at his or her own expense to examine the party making the complaint, to summon witnesses and to present evidence on his or her behalf. If the Board finds that the individual is guilty as charged in the complaint, the whole matter shall be referred to the appropriate governing body for enforcement as set forth in Section 1:805.



4. Complaints against the City Manager and/or City Attorney for violations of this Ordinance shall be in writing, under oath, specific and to the point, and shall be referred directly to the Mayor or Assistant Mayor. If either the Mayor or Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance, then the person making the complaint and the Mayor shall be notified of that decision.
5. Complaints against the Mayor shall be filed with the City Attorney who shall review them with the Assistant Mayor. If either the City Attorney or the Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance then the person making the complaint and the Mayor shall be notified of that decision.
6. All members of the City Council (including the Mayor), School Board, Police Commission and Fire Commission are eligible to serve and must serve on the board when requested to do so except, however, that any person that has been charged in a complaint shall be barred from serving on that particular board.
7. All complaints shall be disposed of or forwarded to the Board by the City Attorney and/or the Mayor and/or the Assistant Mayor within thirty days after receipt.
8. The Board shall have thirty days to investigate and hold meetings and to report to the appropriate governing body as a whole if their findings warrant further action.
9. The statements of the findings of the Board shall be issued upon the request of any person charged.

**Section 1.805: ENFORCEMENT**

- A. Sanctions: In the event that the Board of Ethics determines that any officer or employee subject to its control, has engaged in any act prohibited by this ordinance or failed to make a mandated disclosure, the governing body shall take any one of the following steps:
  1. In the case of the Governing body members:
    - a. Vote for removal pursuant to the City Charter as amended
    - b. Vote to publicly censure the offending member
    - c. Vote to place the matter on file
    - d. Vote for innocence of any wrong doing

2. In the case of all officers and employees the governing body, consistent with the Merit System and any applicable bargaining agreements, shall:

- a. Vote for removal
- b. Vote for dismissal
- c. Vote for suspension for a definite period
- d. Vote for the censuring
- e. Vote to place the matter on file
- f. Vote for innocence of any wrongdoing.

B. Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance, violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.

(Adopted In Its Entirety 4/4/88)

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.330 - **NO 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 III: TRAFFIC ORDINANCE**

**Section 7.330: NO PARKING**

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

33. Dearborn Street:

- a. westerly side from Maplewood Avenue to the easterly end of Dearborn Lane (entire westerly side).
- b. **easterly side, from the North Mill Pond running northerly for a distance of 25 feet.**

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.

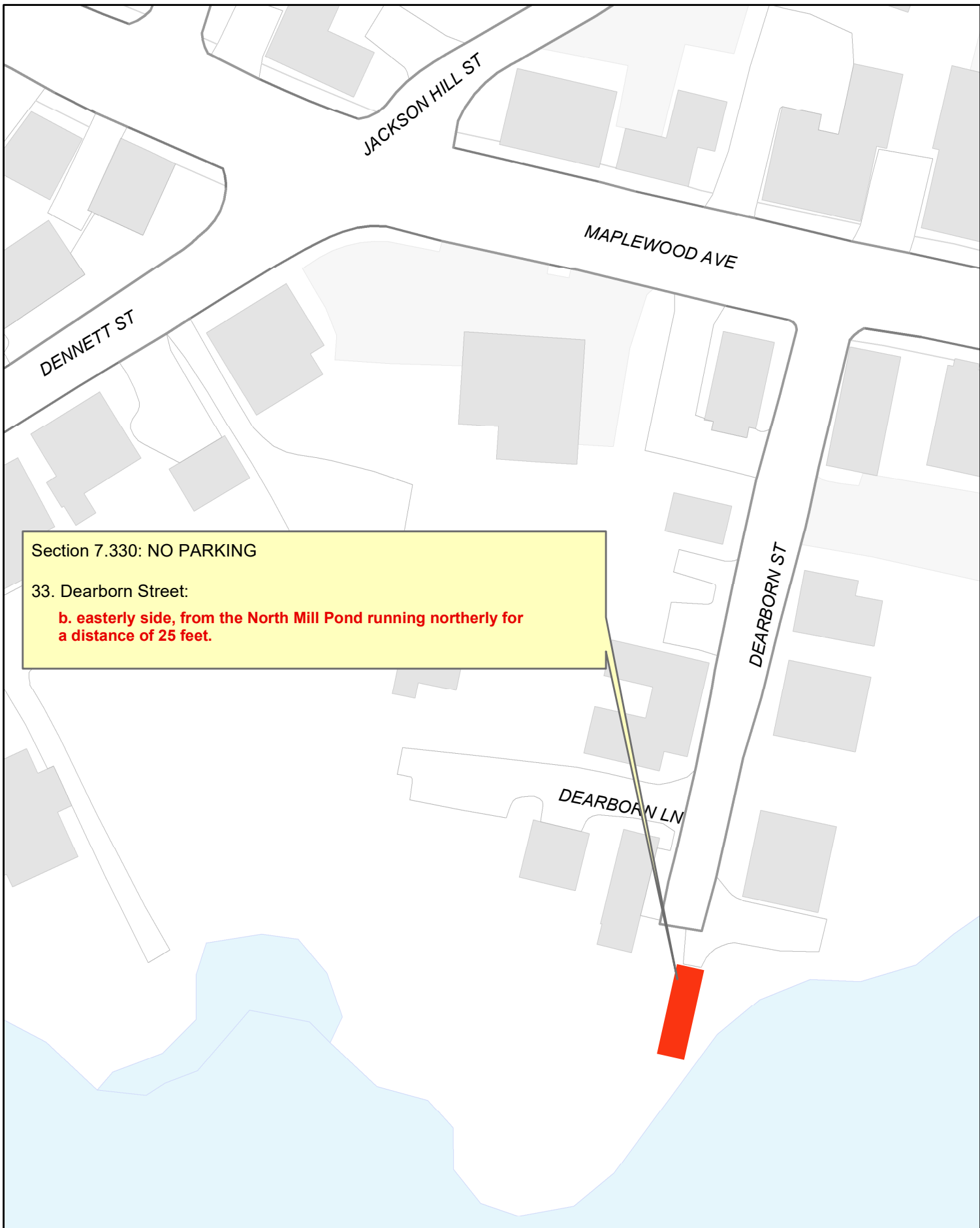
This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

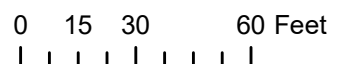
ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



**No Parking  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IVA, Section 7-A.402 – **BUS STOPS DESIGNATED** 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 IVA: BUS STOPS AND TAXICAB STANDS**

**Section 7-A.402: BUS STOPS DESIGNATED**

- D. Hanover Street: southerly side of Hanover Street ~~90 feet east of from~~ Fleet Street to a point 285 feet east of Fleet Street.

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

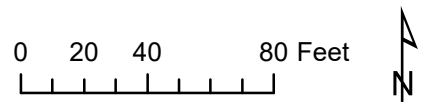


Section 7-A.402: BUS STOPS DESIGNATED

D. Hanover Street: southerly side of Hanover Street ~~90 feet east of from~~ Fleet Street to a point 285 feet east of Fleet Street.

**BUS STOPS DESIGNATED**  
**Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020  
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article XI, Section 7.1100 – **SPEED LIMITS**, E: Speed Limit: 25 MPH 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 XI:           SPEED LIMITS**

**Section 7.1100:    SPEED LIMITS**

E.    Speed Limit: 25 MPH

**10.   South Street, from Middle Road to Lafayette Road.**

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

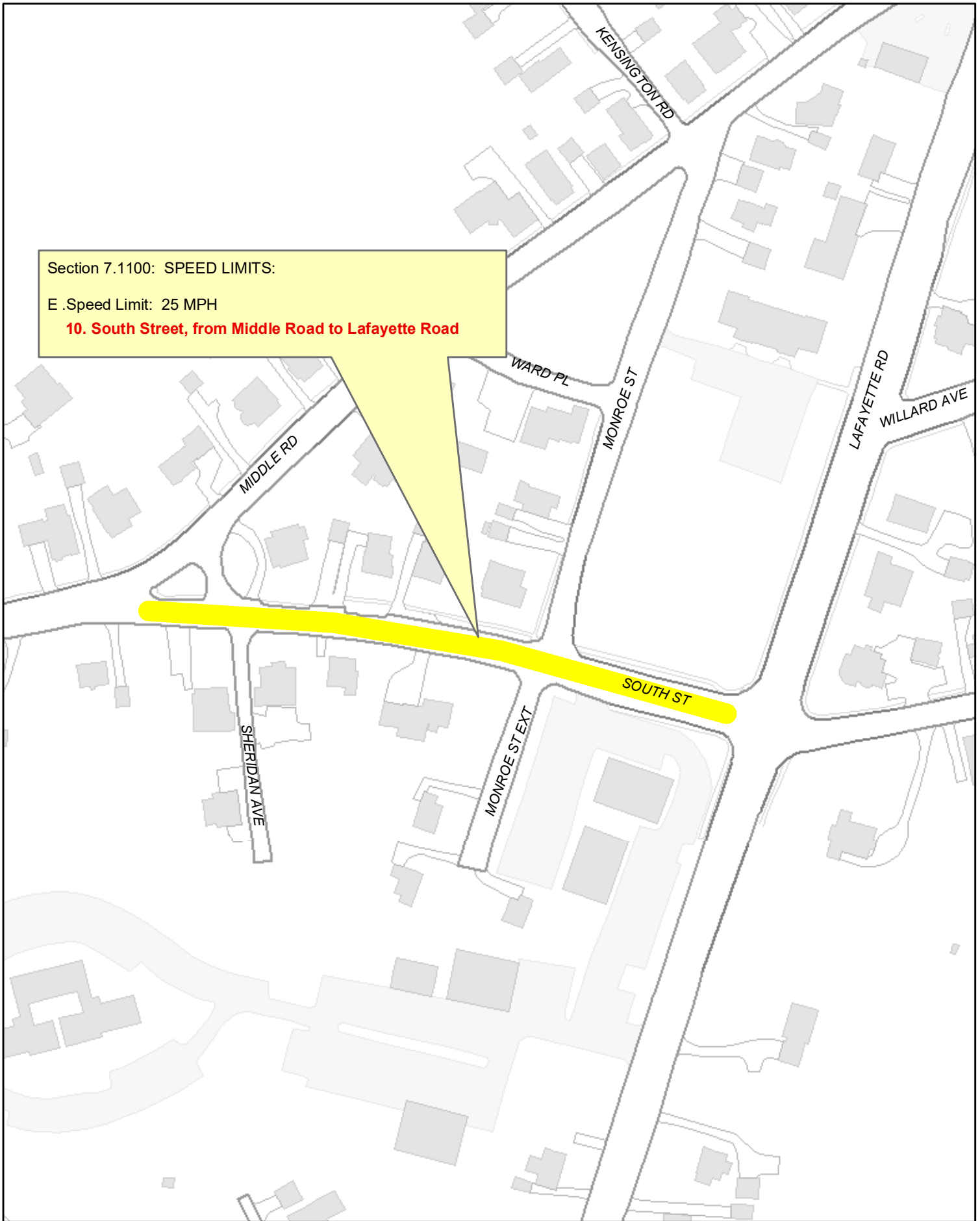
ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

Section 7.1100: SPEED LIMITS:

E .Speed Limit: 25 MPH

**10. South Street, from Middle Road to Lafayette Road**



**SPEED LIMITS  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works , 8 October 2020  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020





## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11, Article II – **SEWERS** 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 II: SEWERS**

##### **Section 11.203 USE OF PUBLIC SEWERS REQUIRED**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Portsmouth, or in any area under jurisdiction of said City, and a human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within said City of Portsmouth or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, recreation or other purposes is hereby required to install thereon suitable toilet facilities and provided said property abuts upon any street, alley or right of way in which there is located a public sewer and further provided that said premises are located within 150 feet of the property line abutting said street, alley or right of way, the owner shall connect said facilities with the public sewer **subject to any waiver granted under section 11.204 (E)**.

##### **Section 11.204: PRIVATE SEWAGE DISPOSAL**

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 11.203, paragraph D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Plumbing Inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any, plans, specifications, percolation test results and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee to be determined in accordance with Chapter 1, Article

XVI or similar wording and paid at the time the application is filed. (Amended 3/18/2002).

- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered, the inspection shall be made within 24 hours of the receipt of notice by the Plumbing Inspector.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the N.H. Water Supply and Pollution Control Commission. No permit shall be issued for any private sewage disposal system employing subsurface facilities where the percolation test results indicate poor drainage conditions exist. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, ~~as provided in Section 11.204, Paragraph D~~ **subject to the waiver provision below**, a direct connection shall be made **within ninety (90) days** to the public sewer in compliance with this Ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. **Owners of private sewage disposal systems may apply for and receive a waiver of the connection requirement provided that the private sewage disposal system is adequately functioning to serve the current property uses and legally permitted under State law. The waiver shall be withdrawn, and connection required, when the private sewage disposal system is no longer adequately functioning or is not legally permitted by State law.**
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- G. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- H. ~~When a~~ **A** public sewer becomes available **for purposes of this ordinance when** ~~, the building sewer of~~ any house, building or property **is** used for human occupancy **and is** located within 150 feet of the property line abutting the street, alley or right of way in which the sewer main is laid, ~~shall be connected to the sewer within 60 days and the private sewage system shall be cleaned of sludge and filled with clean bank run gravel.~~

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

DRAFT

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 19, 2020 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution authorizing a Supplemental Appropriation from the Unassigned Fund Balance for the Design and Engineering of Alternate Plans for the Redevelopment of McIntyre Federal Building and surround Property. The Complete Resolution 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 October 19, 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

LEGAL NOTICE

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KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

PM-0052901

**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
SUPPLEMENTAL APPROPRIATION  
FOR THE FISCAL YEAR ENDING JUNE 30, 2021**

**RESOLUTION # -**

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE UNASSIGNED FUND BALANCE FOR THE DESIGN AND ENGINEERING OF ALTERNATE PLANS FOR THE REDEVELOPMENT OF MCINTYRE FEDERAL BUILDING AND SURROUNDING PROPERTY.**

**RESOLVED:**

**BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

**THAT, the City Council has determined that the sum of up to ONE Hundred FIFTY Thousand (\$150,000) Dollars is to be appropriated from Unassigned Fund Balance to defray the expenditures for the design and engineering of alternate plans for the redevelopment of McIntyre Federal Building and surrounding property for the Fiscal Year ending in June 30, 2021.**

**THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from Unassigned Fund Balance.**

**APPROVED BY:**

---

**RICK BECKSTED, MAYOR**

**ADOPTED BY CITY COUNCIL  
DATE**

---

**KELLI BARNABY, MMC/CNHMC**

**CITY CLERK**

**SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION**

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 19, 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 III, Section 7.326 – Limited Parking – Daniel Street: southerly side, ~~first five~~ three metered spaces ~~east from Market Square~~ running between 102 and 160 feet west of Penhallow Street; and Hanover Street delete ~~northerly side, first two spaces east from Bridge Street~~. 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 October 19, 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

LEGAL NOTICE

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KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

PH-0002480

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.326 - **LIMITED PARKING - 15 MINUTES** 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 7.326: LIMITED PARKING – 15 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:

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 three** metered spaces **east from Market Square running between 102 and 160 feet west of Penhallow Street.**

6. Hanover Street:

- a. northerly side, first five spaces east from High Street
- b. ~~northerly side, first two spaces east from Bridge Street~~

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.

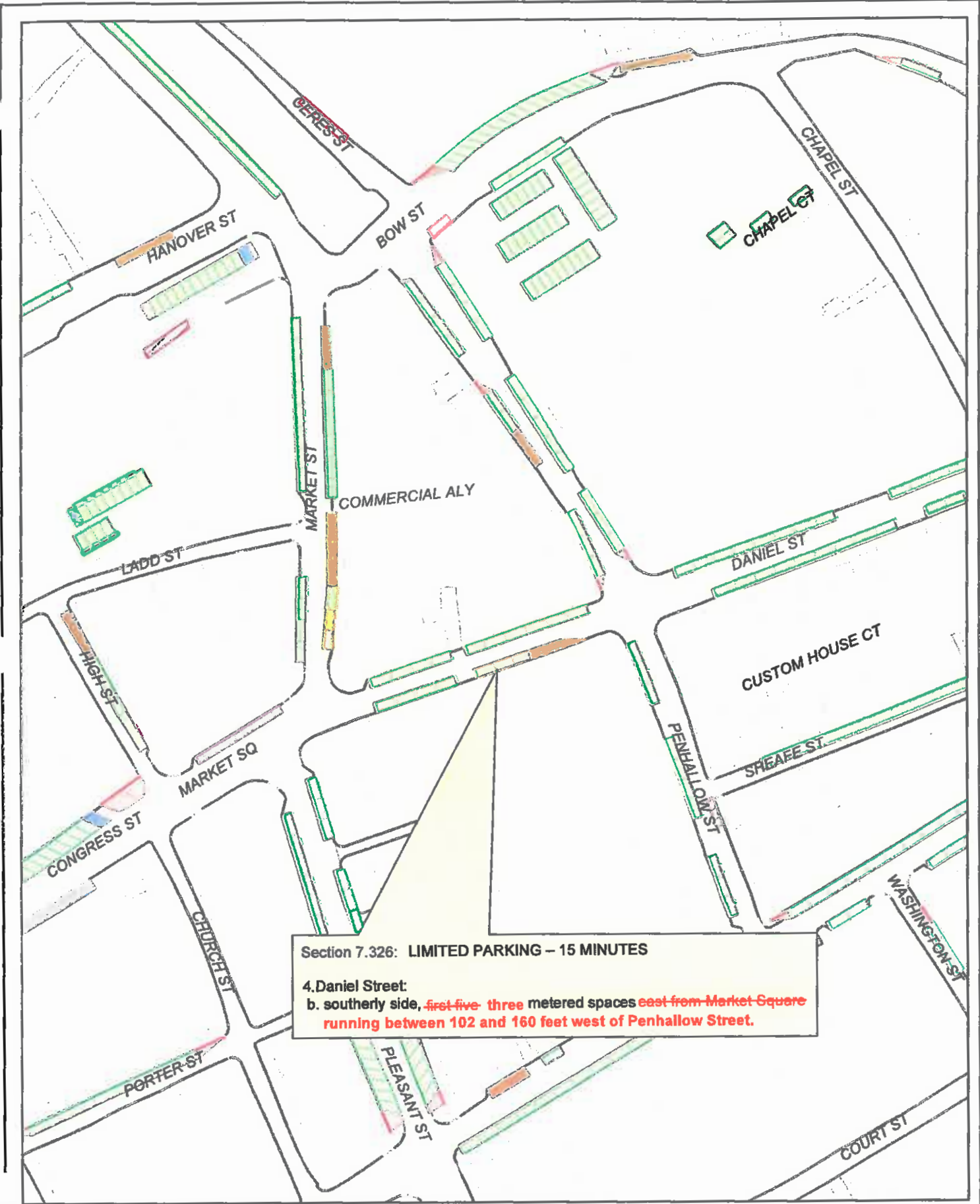
This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



**Section 7.326: LIMITED PARKING – 15 MINUTES**

**4. Daniel Street:**  
**b. southerly side, ~~first five~~ three metered spaces east from Market Square running between 102 and 160 feet west of Penhallow Street.**

**LIMITED PARKING – 15 MINUTES  
 Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 29 September 2020  
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020

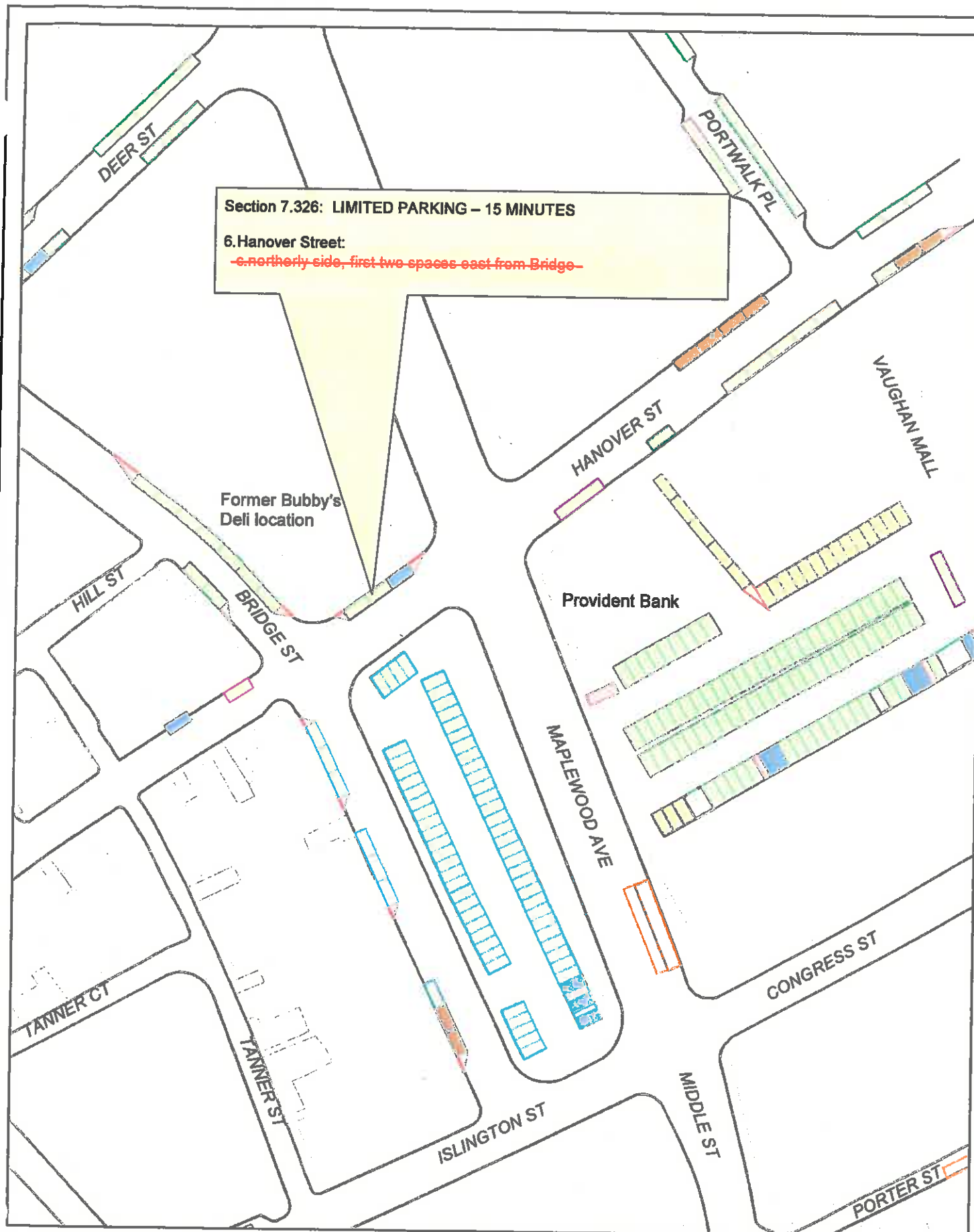




Section 7.326: LIMITED PARKING – 15 MINUTES  
6. Hanover Street:  
~~e. northerly side, first two spaces east from Bridge~~

Former Bubby's Deli location

Provident Bank



**LIMITED PARKING – 15 MINUTES,  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 29 September 2020  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 19, 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 III, Section 7.330 – No Parking by the addition of Little Harbor Road: Both sides of the roadway beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement. 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 October 19, 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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 19, 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 III, Section 7.330 – No Parking by the addition of Little Harbor Road: Both sides of the roadway beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement. 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 October 19, 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

PM-00802488

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.330 - **NO 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 III: TRAFFIC ORDINANCE**

**Section 7.330: NO PARKING**

A. Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

- 71. Little Harbor Road: Both sides of the roadway, beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement.**

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.

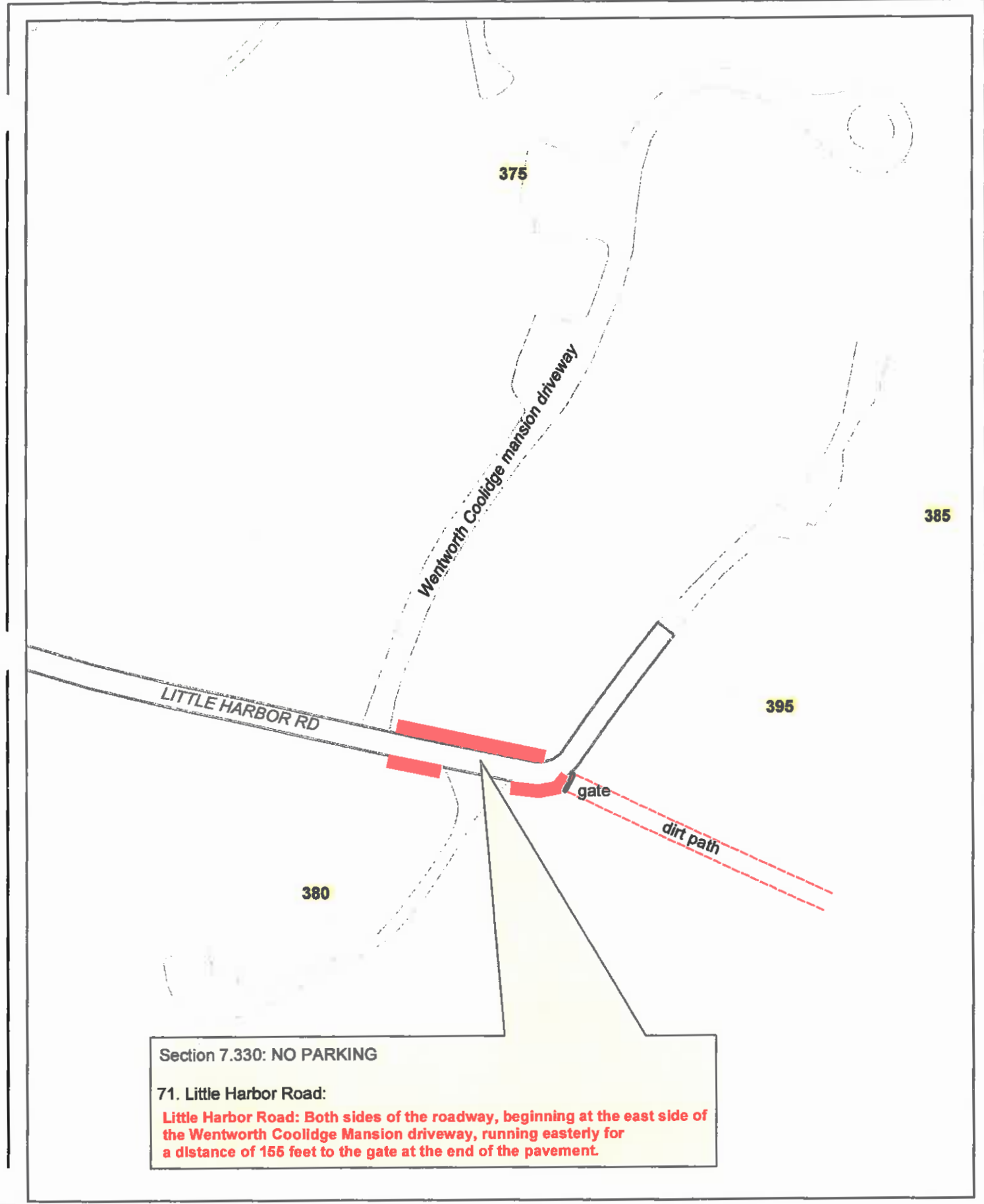
This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



**Section 7.330: NO PARKING**

**71. Little Harbor Road:**  
**Little Harbor Road: Both sides of the roadway, beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement.**

**No Parking  
 Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020  
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 19, 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 VI, Section 7.601 – Limited Hours Loading Zones by the addition of Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet. 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 October 19, 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

LEGAL NOTICE  
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 19, 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 VI, Section 7.601 – Limited Hours Loading Zones by the addition of Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet. 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 October 19, 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

PSM-0082201

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article VI, Section 7.601 - **LIMITED HOURS LOADING 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 VI:           LOADING ZONES**

**Section 7.601:      LIMITED HOURS LOADING ZONES**

The following locations are established as "Limited Hours Loading Zones" during "Loading Zone Hours" which are defined as Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below. During Loading Zone Hours only licensed commercial vehicles, vehicles marked for commercial purposes and unmarked noncommercial vehicles with Loading Zone Permits may utilize Limited Hours Loading Zones for up to 30 consecutive minutes if actively engaged in loading or unloading product, merchandise or equipment. At all other times these Loading Zones shall be open parking for all vehicles.

- 12.   Pleasant Street: easterly side, beginning 94 feet south of the southerly curbline of Daniel Street and running southerly for a distance of 45 feet.**

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.

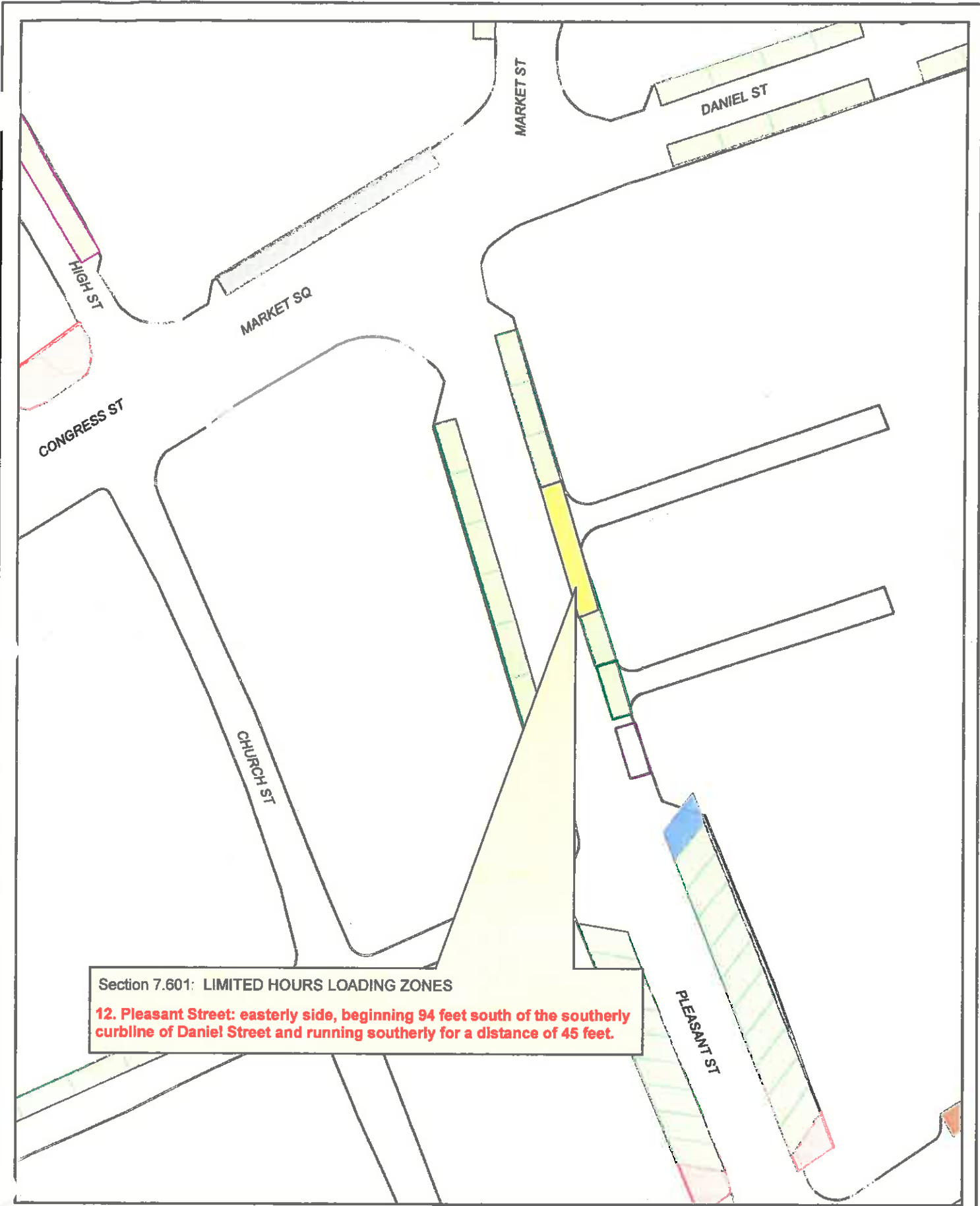
This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



**LIMITED HOURS LOADING ZONES  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.336 – **ONE-WAY STREETS** 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 7.336:       ONE-WAY STREETS**

~~19.   Parker Street: northerly from Tanner Court to Hanover Street.~~

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.

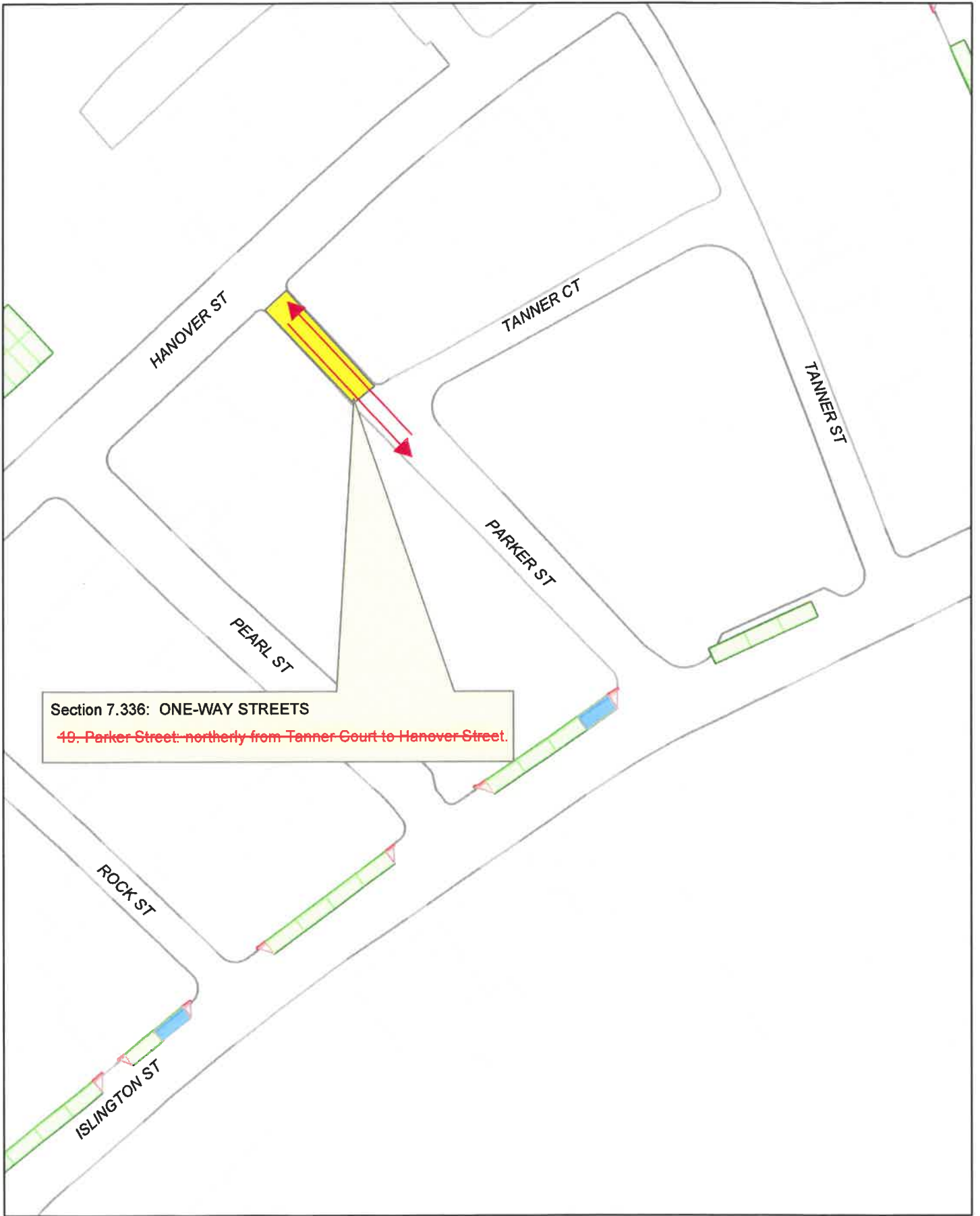
APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

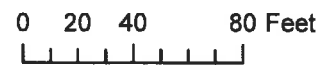




Section 7.336: ONE-WAY STREETS  
 49. Parker Street: northerly from Tanner Court to Hanover Street.

**ONE-WAY STREETS**  
**Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020  
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.326 - **LIMITED PARKING - 15 MINUTES** 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 7.326: LIMITED PARKING – 15 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:
5. ~~Deer Street: One space on the northerly side of the street, beginning 13 feet west of the extension of the westerly curblin 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. **southerly side, first two spaces east from Maplewood Avenue**

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

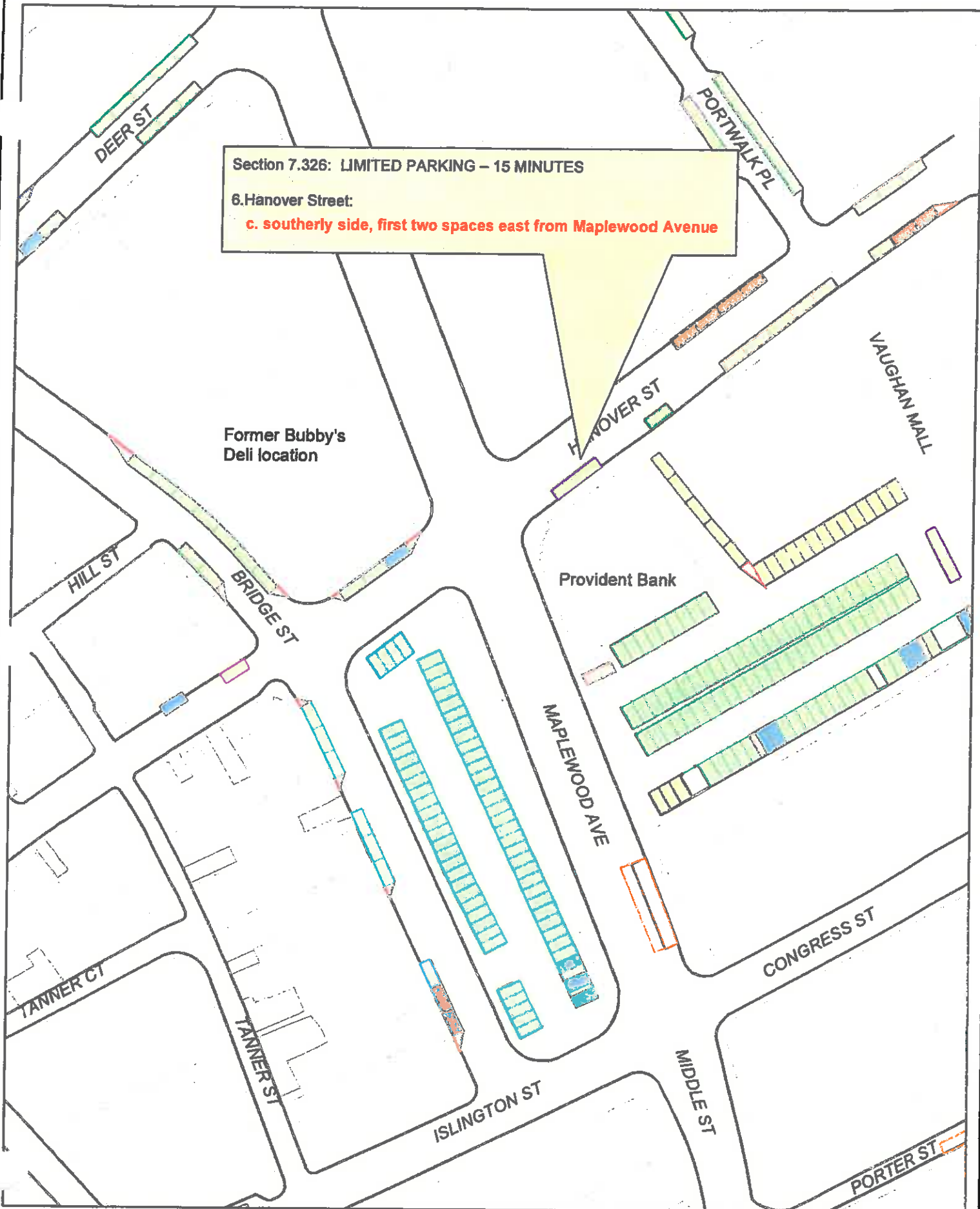
ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

Section 7.326: LIMITED PARKING – 15 MINUTES  
6. Hanover Street:  
c. southerly side, first two spaces east from Maplewood Avenue

Former Bubby's Deli location

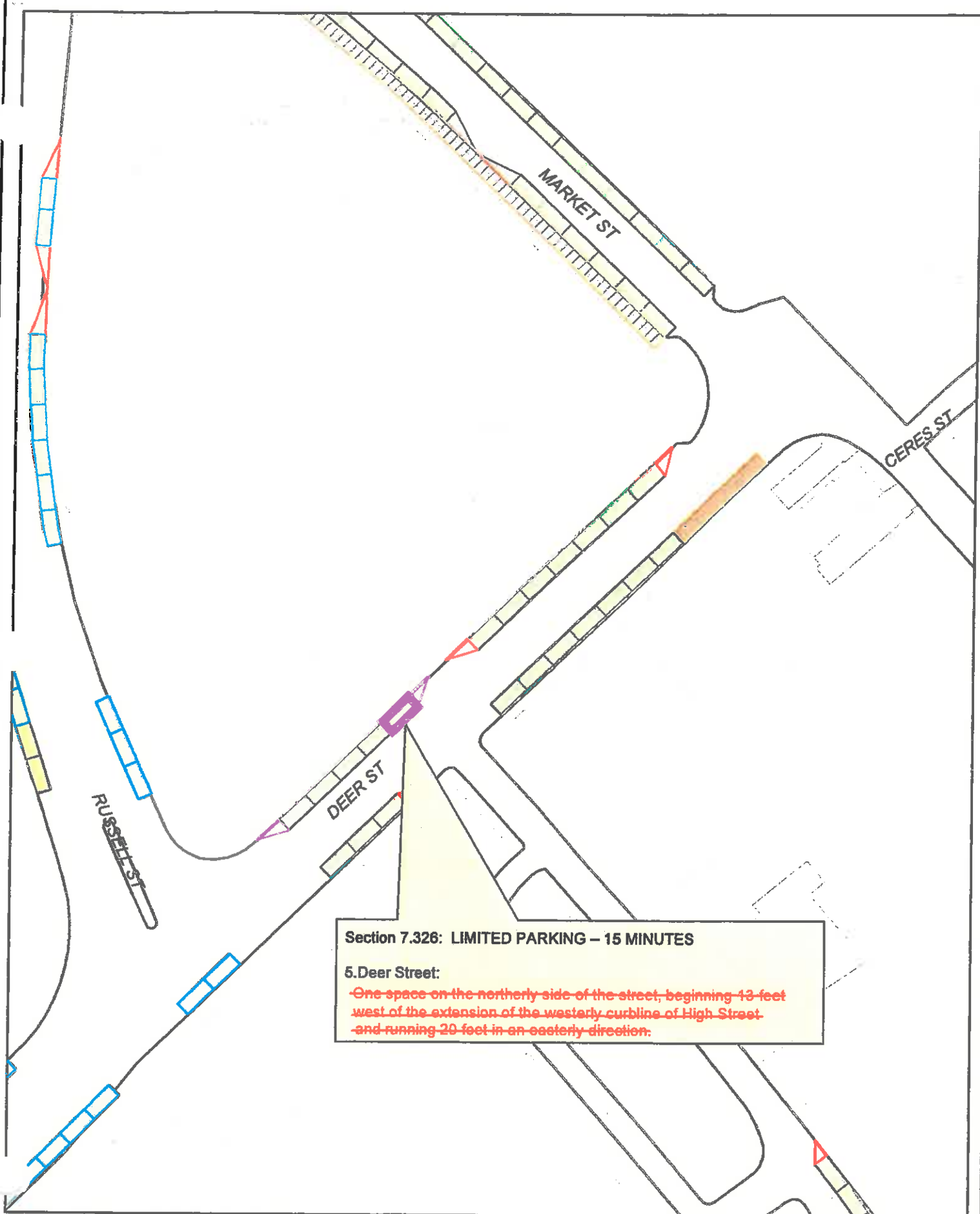
Provident Bank



**LIMITED PARKING – 15 MINUTES**  
**Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 21 August 2020  
Map document: U:\Projects\0283 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020





**Section 7.326: LIMITED PARKING – 15 MINUTES**

**5. Deer Street:**

- One space on the northerly side of the street, beginning 10 feet west of the extension of the westerly curbline of High Street and running 20 feet in an easterly direction.

**LIMITED PARKING – 15 MINUTES**  
**Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 26 August 2020  
 Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article VI, Section 7.601 - **LIMITED HOURS LOADING 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 VI:           LOADING ZONES**

**Section 7.601:    LIMITED HOURS LOADING ZONES**

The following locations are established as "Limited Hours Loading Zones" during "Loading Zone Hours" which are defined as Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below. During Loading Zone Hours only licensed commercial vehicles, vehicles marked for commercial purposes and unmarked noncommercial vehicles with Loading Zone Permits may utilize Limited Hours Loading Zones for up to 30 consecutive minutes if actively engaged in loading or unloading product, merchandise or equipment. At all other times these Loading Zones shall be open parking for all vehicles.

- 14.   Vaughan Street: westerly side, beginning at the intersection with Raynes Avenue and running southerly for a distance of 60 feet, from 6 AM to 9 AM.**

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:

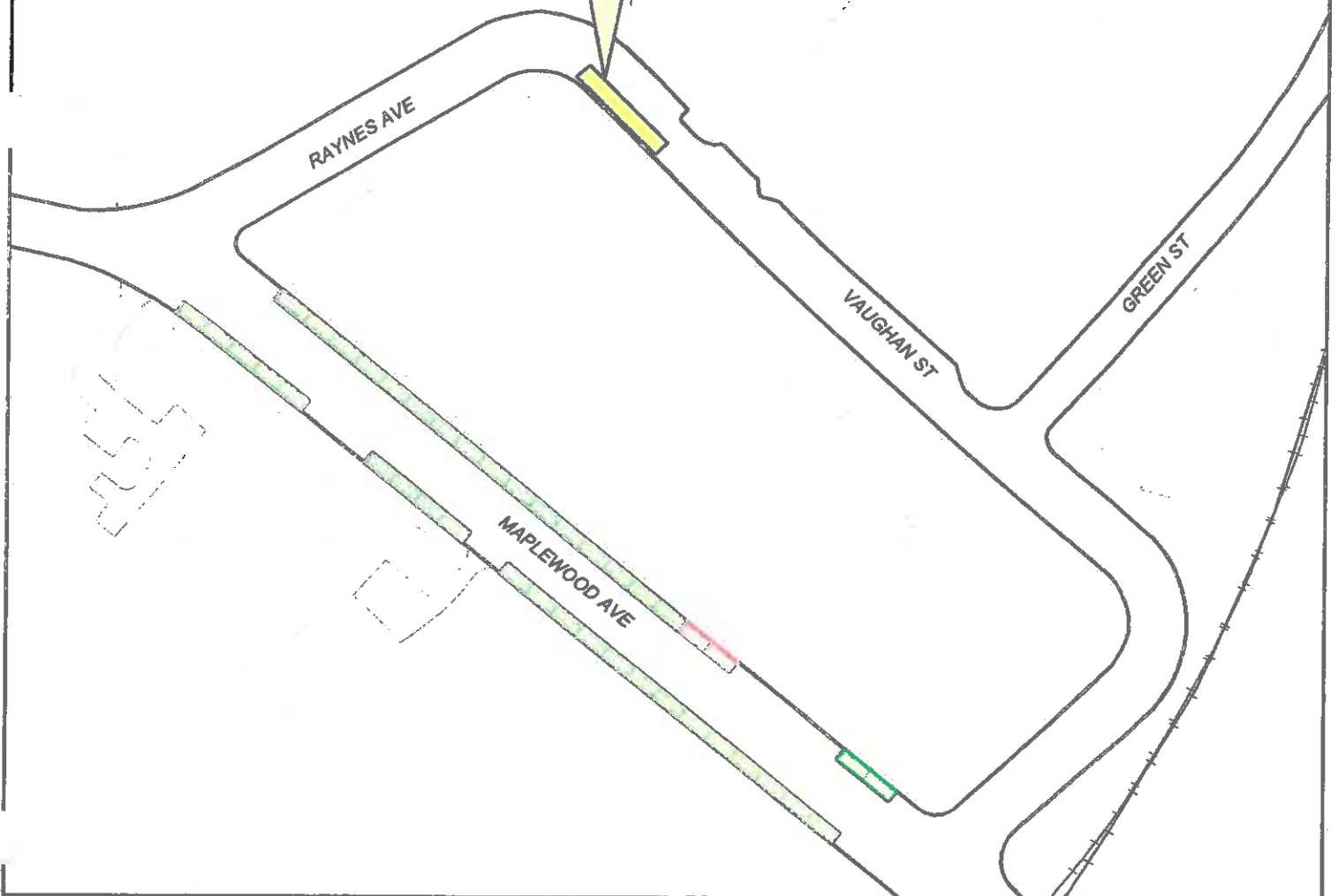
\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

Section 7.601: LIMITED HOURS LOADING ZONES

14. Vaughan Street: westerly side, beginning at the intersection with Raynes Avenue and running southerly for a distance of 60 feet, from 6 AM to 9 AM.



**LIMITED HOURS LOADING ZONES**  
**Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020



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: HDC - Alternate

Name: Karen Bouffard Telephone: 603-969-4311

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

Street address: 87 RICHARDS AVENUE

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): kbouf@aol.com

How long have you been a resident of Portsmouth? 35 yrs

Occupational background:

REAL ESTATE BROKER

REAL ESTATE INVESTOR

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

I HAVE BEEN BEFORE THE HDC MANY TIMES  
FOR PROJECTS I HAVE DEVELOPED INSIDE  
THE DISTRICT. I HAVE REHABILITATED MANY  
HISTORIC PROPERTIES.

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 NO

Reasons for wishing to serve: I AM INTERESTED IN HELPING  
TO KEEP OUR VITAL HISTORIC DISTRICT  
STRONG AND INTACT.

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

WENTWORTH-GARDNER HISTORIC HOUSES  
PORTSMOUTH ATHENAEUM

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

1) RICHARD ADAMS 75 KENT ST. PORTSMOUTH 436-4445  
Name, address, telephone number

2) JACK MCGEE, 303 O'LEARY PLACE, PORTSMOUTH 436-5361  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

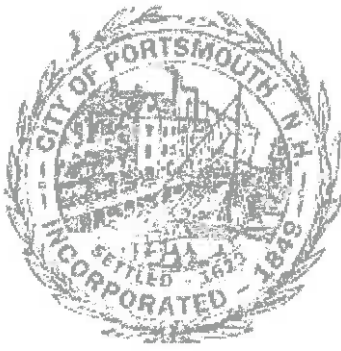
1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to 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: Allen R. Buffard Date: 9-30-2020

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

Please submit application to the City Clerks Office, 1 Jenkins 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

SEP 22 2020  
Renewing applicant  
By

Committee: ECONOMIC DEVELOPMENT

Name: ROBERT MARCHEWKA Telephone: 603-661-4880

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

Street address: 327 SAGAMORE AVE

Mailing address (if different): \_\_\_\_\_

Email address (for clerk's office communication): BOB@ONECOMMERCIALREALSTATE.COM

How long have you been a resident of Portsmouth? 38 YEARS

Occupational background:

COMMERCIAL REAL ESTATE

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

Reasons for wishing to continue serving: ENJOY WORKING WITH OUR DEDICATED CITY STAFF & MANAGEMENT AND OUR CURRENT DEVOTED COMMITTEE MEMBERS. DESPITE COVID 19 SETBACKS I THINK WE HAVE A GOOD PLAN FOR HELPING THE CITY GROW THROUGH A WELL-DESIGNED ECONOMIC DEVELOPMENT STRATEGY

OVER  
➔

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

SEACOAST BOARD OF REALTORS

NH COMMERCIAL INVESTMENT BOARD OF REALTORS

NATIONAL ASSOCIATION OF REALTORS - ISSUES MOBILIZATION COMMITTEE


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

1) NEAL OUELLETT, 124 KENSINGTON RD  
Name, address, telephone number

2) JUAN RICCI, 912 SALAMORE AVE  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 9/22/20

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10/1/2023

Annual Number of Meetings: 9 (2019) Number of Meetings Absent: 1

Date of Original Appointment: 3/15/2010

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

August 4, 2020

Portsmouth City Council  
City Hall  
Portsmouth, NH

RE: Renewable Energy

Honorable Mayor Becksted and City Councilors:

Well here's some good news. On June 3, a headline in the Guardian declared that *"Renewables Surpass Coal in US Energy Generation for First Time in 130 Years."* The article went on to explain why this is an encouraging development:

*"Coal releases more planet-warming carbon dioxide than any other energy source, with scientists warning its use must be rapidly phased out to achieve net-zero emissions globally by 2050 and avoid the worst ravages of the climate crisis."*

Yes, it's true, we are witnessing a paradigm shift. Local renewable energy installations are replacing grid-centric fossil fuel plants. So where exactly is Portsmouth situated along the spectrum? Regrettably, on this issue our city is on the wrong side of history.

Portsmouth's homes and businesses are mostly powered by Granite Shore's coal-fired Merrimack Station in Bow and Essential Power's gas-fired plant in Newington.<sup>1</sup> Eversource's recent \$126 million investment in upgrades to the transmission corridor from Madbury to Portsmouth<sup>2</sup> signals the industry's intent to keep our community dependent on fossil fuels well into the future.

The 60-year old Bow plant will soon be the last coal-burning plant in New England. As Merrimack Station accounts for only 2% of New England's electrical generation capacity, Portsmouth's reliance on coal relegates our city to that of an outlier.<sup>3</sup>

Many of the NH communities powered by Merrimack Station make a concerted effort to offset their dependence on coal by promoting renewable energy installations such as solar arrays. In contrast, Portsmouth's efforts in this regard have been feeble.

New Hampshire's political leadership has made it difficult to erect a utility-scale photovoltaic array that has an output in excess of one megawatt.<sup>4</sup> What does that look like? A one-megawatt installation would require five contiguous acres, more or less, and would power 700 to 1,000 homes.

---

<sup>1</sup> A common misconception is that the 1,250 MW Seabrook Station powers NH's seacoast region. In fact, nearly all of that facility's electrical output is sent south.

<sup>2</sup> Eversource's Seacoast Reliability Project, so-called, was completed on June 1, 2020.

<sup>3</sup> The Bow plant's 438 MW capacity is 2% of New England's 20,014 MW of available capacity, per US EIA.

<sup>4</sup> I am counting on Councilor McEachern to fix this problem when he gets to Concord.

Yet, five-acre solar installations would fit in quite nicely at a number of locations in Portsmouth. The advantages are several:

- **Profitable** - The landowner profits;
- **Taxes** - The city collects property taxes on backland that might otherwise be difficult to access for other purposes;
- **Energy Diversification** - Portsmouth decreases its reliance on fossil fuels;
- **Reliable** - A shorter transmission route reduces the lines' vulnerability to extreme weather events;
- **Efficient** - Shorter transmission routes result in less electricity loss enroute.
- **Cost** - The cost of solar panels continues to trend downward;
- **Emissions** - Unlike coal and gas, solar farms generate no greenhouse gases;
- **Flexible** - Should the landowner subsequently desire a new use for the land, the solar installations are easily dismantled.

Sounds pretty good, no? Well, here's the problem: Your staff crafted zoning provisions that effectively ban such installations, citywide.

Admittedly, developers of solar farms face several hurdles in NH, not least of which are excessive fees for connection to the Eversource grid. Portsmouth's zoning ordinance should not be among the obstacles to the development of solar facilities in our city, certainly not as we enter the third decade of the 21<sup>st</sup> century. Should we fail to mitigate our impact on the climate, the disruption and hardships wrought by COVID-19 are but a preview of the cascading catastrophes that will befall our children and grandchildren.

I am writing to request that you direct your staff to draft an amendment to the zoning ordinance that would permit solar farms at appropriate locations, and to draft site plan review regulations to protect abutters, the environment, and taxpayers from improper installations. Such regulatory provisions are commonplace in New England. It is long past time for eco-municipality Portsmouth to develop land use policies that are responsive to the challenges that we face in the 21<sup>st</sup> century.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Tom Morgan', with a large, stylized initial 'T'.

Tom Morgan  
39 Richards Avenue

cc: Planning Board  
Conservation Commission

**LICENSE AGREEMENT FOR  
ULTIMATE PARKING II, LLC  
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 1 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Parade Residence Hotel LLC ("the Owner ") and is associated with the Marriott Residence Inn and the Portsmouth Harbor Events & Conference Center.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
  - The hours of operation for valet parking services are 24 hours per day, seven days per week.
  - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
  - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
  - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
3. **Signage:**
  - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine the

placement of sign poles and will have final approval over the size and content of signs.

- This License agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.
4. **Term:** This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
  5. **Payment Terms:** Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
  6. **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 use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
  7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
  8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
  9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

**CITY OF PORTSMOUTH**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Conard, City Manager

Pursuant to vote of the City Council on  
\_\_\_\_\_

**ULTIMATE PARKING II, LLC  
d/b/a LAZ Parking**

Dated: \_\_\_\_\_

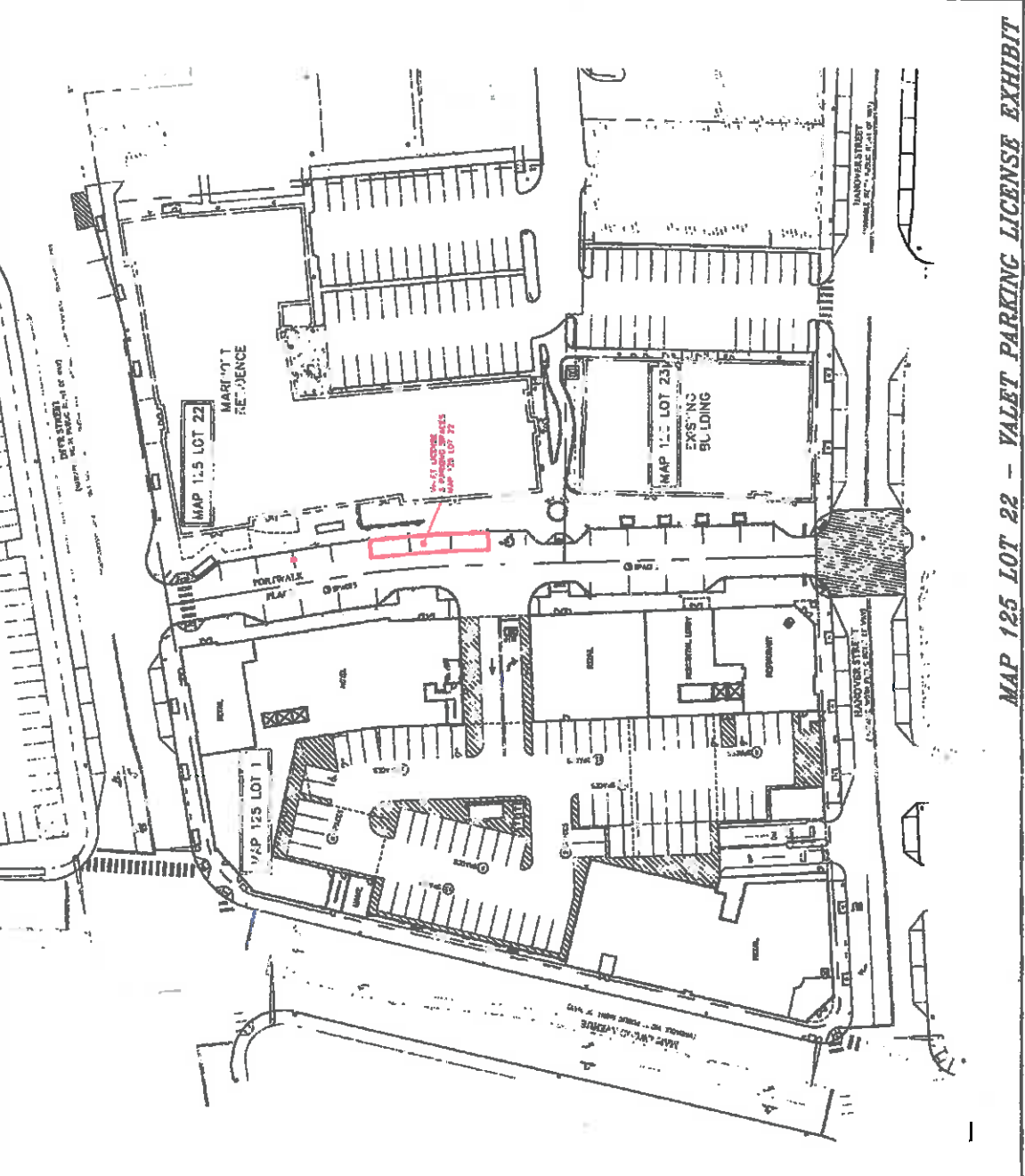
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
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DATE: 12/23/2011  
 PROJECT: MAP 125 LOT 22  
 DRAWN BY: J. BROWN  
 CHECKED BY: J. BROWN  
 SCALE: AS SHOWN  
 APP. APPROVED: 6/20/11

**PARKING SPACE LICENSE AND  
 SIDEWALK LICENSE EXHIBIT**  
 Portwalk Lot 3  
 Portwalk Lot 1  
 196 Hanover Street  
 Portsmouth, New Hampshire

**Tighe & Bond**  
 Consulting Engineers  
 177 CORPORATE DRIVE  
 PORTSMOUTH, NEW HAMPSHIRE 02871  
 (603) 424-8818  
**EX-1**



- PERMITS APPROVALS**
- CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 22" DATED: MAY 23, 2011
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 23" DATED: MAY 23, 2011
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 1" DATED: MAY 23, 2011
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 22" DATED: MAY 23, 2011
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 23" DATED: MAY 23, 2011
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 1" DATED: MAY 23, 2011
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  - CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 23" DATED: MAY 23, 2011
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "REVIEW APPROVAL FOR MAP 125 LOT 1" DATED: MAY 23, 2011

**LICENSE LEGEND**  
 VALET LICENSE  
 SIDEWALK LICENSE  
 MAP 125 LOT 22



**MAP 125 LOT 22 - VALET PARKING LICENSE EXHIBIT**



**LICENSE AGREEMENT FOR  
ULTIMATE PARKING II, LLC  
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 2 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Portwalk HI LLC ("the Owner ") and is associated with the Hampton Inn & Suites.
  
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
  - The hours of operation for valet parking services are 24 hours per day, seven days per week.
  - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
  - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
  - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
  
3. **Signage:**
  - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine

the placement of sign poles and will have final approval over the size and content of signs.

- This License Agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.
4. **Term:** This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
  5. **Payment Terms:** Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
  6. **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 use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
  7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
  8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
  9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
  
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

**CITY OF PORTSMOUTH**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 Karen Conard, City Manager

Pursuant to vote of the City Council on  
 \_\_\_\_\_

**ULTIMATE PARKING II, LLC  
 d/b/a LAZ Parking**

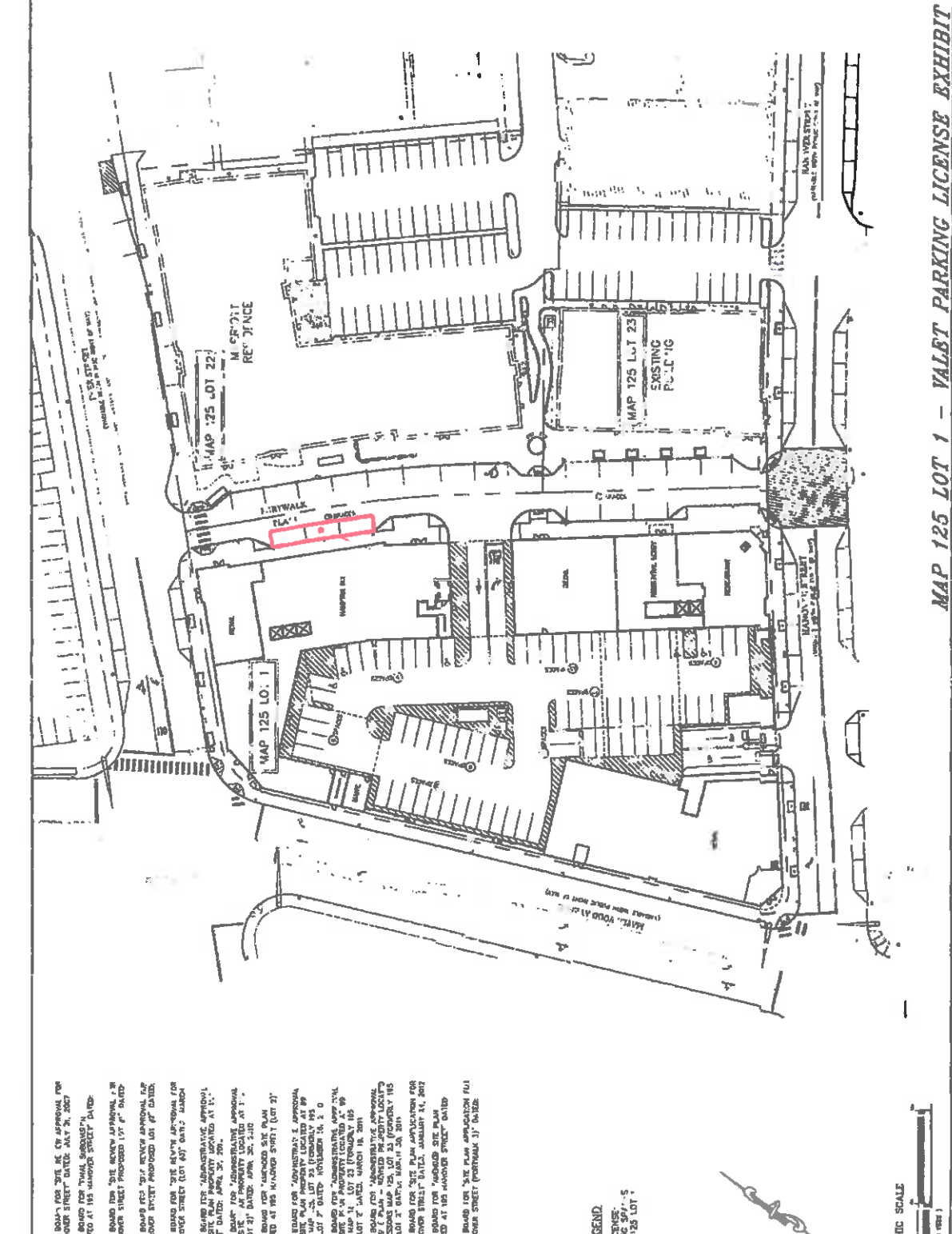
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Print Title: \_\_\_\_\_

**Tight & Bond**  
 127 CORPORATE DRIVE  
 PORTSMOUTH, NEW HAMPSHIRE 03801  
 PHONE: (603) 433-8818

**PARKING SPACE LICENSE AND  
 SIDEWALK LICENSE EXHIBIT**  
 Forwale Lot 3  
 Map 125 Lot 1  
 196 Hannover Street  
 Portsmouth, New Hampshire

|            |             |
|------------|-------------|
| DATE       | DESCRIPTION |
| 12/24/2017 | AS BUILT    |
| 12/24/2017 | DESIGNED BY |
| 12/24/2017 | DRAWN BY    |
| 12/24/2017 | APPROVED BY |
| 12/24/2017 | CHECKED BY  |



- RELEVANT APPROVALS:**
- CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE PLAN" APPROVAL FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: JULY 23, 2007
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "SIDEWALK LICENSE" APPROVAL FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: AUGUST 24, 2008
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL" FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: SEPTEMBER 17, 2008
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL" FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: SEPTEMBER 22, 2008
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL" FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: OCTOBER 14, 2008
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL" FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: OCTOBER 14, 2008
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL" FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: OCTOBER 14, 2008
  - CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL" FOR ADJUNCTION TO APPROVED SITE PLAN, PROPOSED LOCATED AT 196 HANNOVER STREET, PORTSMOUTH, NH, DATED: OCTOBER 14, 2008
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**PARKING and TRAFFIC SAFETY COMMITTEE  
ACTION SHEET**

8:00 A.M. – September 3, 2020  
Remote Meeting via Zoom

PRESENT: City Councilor/Chairman Peter Whelan, City Manager Karen Conard,  
Public Works Director Peter Rice, Police Captain Mark Newport  
Members: Mary Lou McElwain, Steve Pesci, Jonathan Sandberg,  
Harold Whitehouse, Erica Wygonik (Alternate)

ABSENT: Fire Chief Todd Germain

CITY STAFF: Parking and Transportation Engineer Eric Eby  
Parking Director Ben Fletcher  
Planning Director Juliet Walker  
Police Captain Mike Maloney

**ACTION ITEM NEEDING APPROVAL BY CITY COUNCIL**

- Request to renew Portwalk Place valet licenses, by Jackie Huber. – **On a unanimous roll call 9-0, voted** to renew the two (2) valet parking license agreements for a term of one (1) year.

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 2020-17, 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. Financial Report – **On a unanimous roll call 9-0, voted** to accept and approve the financial report dated July 31, 2020 as presented.
3. Public Comment Session – There was 1 speaker: Jackie Huber (available for questions on the Portwalk Place valet licenses agreements).
4. Updating Fine Structure for Parking Citations, by Parking Director Ben Fletcher. **On a unanimous roll call 9-0, voted** to schedule a presentation for the September 14, 2020 City Council meeting and schedule a first reading for the October 5, 2020 City Council meeting.
5. Recent accidents at the intersection of Marcy Street and Mechanic Street. **On a unanimous roll call 9-0, voted** to have staff report back after evaluating the intersection configuration and contacting the property owner to determine if further action is needed.

6. Request to renew Portwalk Place valet licenses, by Jackie Huber. – **On a unanimous roll call 9-0, voted** to renew the two (2) valet parking license agreements for a term of one (1) year.
7. Report back on bicycle accident on Middle Street, by City Staff. – Informational and no action taken by Committee.
8. Parking on Albany Street between Brewery Lane and Cass Street / Islington Street construction update. – No action required.
9. Closure of Turnpike exit ramp onto Echo Avenue. – No action required.
10. Traffic volumes during pandemic. – No action required.
11. PTS Open Action Items. – No action required.
12. Adjournment – At 9:28 a.m., **on a unanimous roll call 9-0, voted to adjourn.**

Respectfully submitted by:  
Amy Chastain  
Secretary to the Committee

## MEETING MINUTES

### **PARKING and TRAFFIC SAFETY COMMITTEE**

8:00 A.M. – September 3, 2020

Remote Meeting via Zoom

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#### **I. CALL TO ORDER:**

Chairman Peter Whelan called the meeting to order at 8:00 a.m.

#### **II. ATTENDANCE BY ROLL CALL:**

##### Members Present:

City Councilor/Chairman Peter Whelan

City Manager Karen Conard

Public Works Director Peter Rice

Police Captain Mark Newport

Mary Lou McElwain

Steve Pesci

Jonathan Sandberg

Harold Whitehouse

Erica Wygonik (Alternate)

##### Absent:

Fire Chief Todd Germain

##### City Staff Present:

Parking and Transportation Engineer Eric Eby

Parking Director Ben Fletcher

Planning Director Juliet Walker

Police Captain Mike Maloney

#### **III. FINANCIAL REPORT:**

Harold Whitehouse questioned if the figures included revenues from Pop-Up NH. Parking Director Ben Fletcher responded that the report was run through July 31, 2020 and the Pop-Up NH program started July 24, 2020. The report includes one week of the event.

Public Works Director Peter Rice stated that this was the adjusted budget that was reduced from the initial budget due to COVID-19. The new numbers are based on the revised budget not the originally proposed budget.

Chairman Peter Whelan clarified this report did not include revenues from the Stay and Pay program. Parking Director Ben Fletcher confirmed that was correct. Stay and Pay took effect on August 17, 2020. People are taking advantage of it as awareness increases.

**Harold Whitehouse moved to accept and approve the financial report as presented, seconded by Mary Lou McElwain.**

**On a unanimous roll call, motion passed.**

#### **IV. PUBLIC COMMENT:**

Jackie Huber from Portwalk Place commented that she was attending in case there were any questions about the paperwork submitted for the valet license agreements.

## **V. NEW BUSINESS:**

### **A. Updating fine structure for parking citations, by Parking Director Ben Fletcher.**

Parking Director Ben Fletcher commented that the Committee looked at the fine structure for parking violations in March. The Committee voted unanimously to move the suggestions forward to the City Council. COVID-19 caused a disruption. Since that initial vote, the City has enacted the Stay and Pay program, which lets people park as long as they like. A full day of parking in Zone A-High Occupancy is now valued at \$46. A single vehicle can get up to three tickets a day currently priced at \$15 per ticket. It is less expensive to get three tickets than to pay to park all day. The proposal is to change the fine values to \$50 because the parking values are different than they were in March. The report included other town rates for comparison. It is a big leap, but these values haven't been looked at in about 8 years. Portsmouth is behind other towns.

Mary Lou McElwain commented that there should be a wider discussion about the Worth Lot because she has heard concerns from business owners. Extended parking times infringe on the open parking in the Worth Lot especially because the Bridge Street Lot is now closed. This should be a discussion in the future. Parking Director Ben Fletcher responded that there is a rate change at the 4<sup>th</sup> hour to encourage a turnover. Ninety-two percent of traffic is turning at the 3rd hour in the Worth Lot.

Steve Pesci questioned if the Worth Lot was Zone A. Parking Director Ben Fletcher responded that it was not, but that should be a future discussion.

Jonathan Sandberg commented that the rationale for raising the fees for violations of overstaying the meters makes sense, but it may not make sense for the other violations. Parking Director Ben Fletcher responded that 90% of the tickets written are for vehicles overstaying their time. The other categories are a smaller percentage, but Portsmouth is behind its peer towns in rates. The peer average is \$42. Those fines were addressed because they were well behind the other towns. Jonathan Sandberg questioned how visitors will know the fine is greater than a day's worth of parking. Parking Director Ben Fletcher responded that 90% of traffic is from out of town. It is hard to spread awareness. However, word does travel fast among the community.

Steve Pesci questioned if it made sense to create a tiered fine structure according to zone. Steve Pesci also suggested including information about the fines on the pay kiosk or screen/receipts to clue people in on the price. Parking Director Ben Fletcher responded that they could look at the space available for messaging. A message can be put out through Instagram as well. The City does not typically tier the fees because it is easier to manage and have people understand the fines if they are consistent.

Mary Lou McElwain requested a review of the Stay and Pay program rationale and the increase in fees. Parking Director Ben Fletcher responded that the Stay and Pay program was implemented to invite people to town and give them the option to park for the day if they want to. However, if they want to stay, the rate increases after the 3rd hour to encourage turnover and make parking available for businesses. The idea is to generate open space by moving vehicles along when they are done with their business, but also allow people who want to come for the whole day to stay at a higher rate. Right now, a citation fine is \$15. They are allowed to write 3 tickets a day on a single car. Even if a car gets all 3 tickets it would be cheaper than paying to stay all day. People would still risk getting a ticket instead of paying. Now the fine is proposed at \$50 because it covers the cost of a day of parking.



City Manager Karen Conard questioned if there was a way to encourage more use of the Foundry Garage by adding signage at the kiosks. Parking Director Ben Fletcher responded that there is room for some messaging on the touch screens. There is a lot of information there now. It may not hurt to have extra information, but if someone is already standing at the meter to pay, they wouldn't be likely to get back in their car to go to the garage at that point.

Harold Whitehouse moved to recommend adoption and send to City Council for request for first reading, seconded by Steve Pesci.

City Manager Karen Conard suggested staff start with a presentation to the City Council and then request first reading at the next City Council meeting. It would set up the request more fully. Harold Whitehouse accepted the changes to the original motion.

**Harold Whitehouse moved to schedule a presentation for the September 14, 2020 City Council meeting and schedule a first reading for the October 5, 2020 City Council meeting, seconded by Steve Pesci.**

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

**B. Recent accidents at the intersection of Marcy Street and Mechanic Street.**

Eric Eby commented that the intersection has a couple of issues. There is construction at 14 Mechanic Street and a temporary panel for utilities is restricting sightlines. Under normal conditions the height of the existing fence between the abutters also restricts sightlines. The sight distance of 80 feet is adequate for 15 mph on Marcy Street. Any faster and cars won't have time to stop. Eric Eby met with the contractor and he will attempt to move the panel to improve sightlines. The side yard fence will still be an issue. Speed measurements show the average speed is 20 mph. Speeding is not an issue. There may be opportunity to discuss the fence height with the new owners. However, the fence is in accordance with all zoning requirements and is on private property. There is no action recommended at this time, but staff will continue to monitor the area.

Public Works Director Peter Rice questioned if Eric Eby had contacted the property owner directly. Eric Eby responded that he has been in contact with the architect and contractor, but not directly with the property owner.

Mary Lou McElwain commented that it was too bad this issue was not brought up when the new owners got permission from the City's Planning Board and other boards because this is a safety issue. It is a very dangerous situation.

Erica Wygonik asked about the 85<sup>th</sup> percentile speeds. Eric Eby responded that they were 23 mph to 24 mph. Erica Wygonik agreed with Mary Lou McElwain that it would be nice to coordinate particular projects that might have impacts such as this one. This intersection is part of the truck route to get to the Peirce Island Wastewater Treatment Plant during construction. It would benefit from review. The turning radius from Marcy Street to Mechanic Street can be tricky.

Planning Director Juliet Walker commented that she understood the concerns expressed by members about land use board coordination, but the boards are limited on what they can require a property owner to do. The Historic District Commission approval would not have

been an appropriate venue to require changes to a property for this type of change. Zoning only applies to private property. If there is no zoning ordinance to fall back on, then the board does not have authority to enforce it. Staff try to work with property owners on these type of issues, but if property owners aren't willing to do it, that is their choice.

Jonathan Sandberg questioned if there were other options to improve the safety of the intersection. There are a lot of pedestrians in that area. A raised crossing or flashing lights to help alert traffic to slow down may be helpful.

Mary Lou McElwain commented that when a situation like this arises, that will add to traffic problems or safety concerns, there should be a mechanism within the City to discuss the issue before approvals are granted rather than after the fact.

Harold Whitehouse commented that he knew the previous owner that lived on the corner. That intersection has been a longstanding issue. Chairman Peter Whelan noted that the pole on the corner was added to protect the fence. There are a lot of vehicles with boat trailers that turn at the intersection. It is a dangerous spot. Chairman Peter Whelan questioned if the City maintained the pole. Public Works Director Peter Rice responded that the City has replaced it many times. Reworking the corner would benefit the intersection, but it is private property. Staff can reach out to the property owners to see if they will work with the City on this issue. They will also look at the intersection to see if they can improve it in other ways.

**Public Works Director Peter Rice moved to have staff report back after evaluating the intersection configuration and contacting the property owner to determine if further action is needed, seconded by Harold Whitehouse.  
On a unanimous roll call, motion passed 9-0.**

**C. Request to renew Portwalk Place valet licenses, by Jackie Huber.**

Chairman Peter Whelan noted that this application was asking for two (2) years, but usually the approvals are for only one (1) year. City Manager Karen Conard agreed that the typical request is for one year and that's what this should be.

Steve Pesci supported the City entering this agreement and noted that it has been handled well over the years. However, \$1,500 for three (3) spaces is reasonably priced, but it may be too low. Steve Pesci asked that the fees be reviewed last year.

Public Works Director Peter Rice commented that the fee structure assigned to this is set by the Fee Committee. A change would need to come before the Fee Committee for next year's budget. Steve Pesci responded that he would raise the item again in January 2021.

Mary Lou McElwain questioned if there was a better way to coordinate the fees and requests. This seems to be coming up after the fact again.

Public Works Director Peter Rice responded that typically the fee structure is made in a way to reflect the time the valet is impacted and pro-rating revenue the City would make in parking. The fee has to have a rationale that is tied to something. Every year they look at each fee in the budget book and see if it needs to be adjusted. It was not deemed necessary to adjust this fee this year.

**Harold Whitehouse moved to renew the two (2) valet parking license agreements for a term of one (1) year, seconded by City Manager Karen Conard.  
On a unanimous roll call, motion passed 9-0.**

**VI. OLD BUSINESS:**

**A. Report back on bicycle accident on Middle Street, by City Staff.**

Eric Eby commented that there was no Police Department accident report filed. The Fire Department responded originally. The information available is from them. The report says that the car was parked in the first parking space, but the cyclist said the car was parked behind the space in the illegal area. There are no pictures, so it is unclear where it was parked. Eric Eby looked at other statistics for the bike lane on Middle Street. There have only been 12 accidents this year compared to 25 last year. Only 2 of the accidents were related to the bike lane. The last week of July had 120 bikes using the bike lane during the day. That is a 50% increase from last year. The speed studies show that speeds have continued to be what they were previously. The average is 29 mph and the 85<sup>th</sup> percentile is 33 mph. Speeds are staying where they were, accidents are down, and usage is up.

Jonathan Sandberg noted that the vehicle traffic volume was lower across the City because of COVID-19. He questioned if accidents across the City were also down. Eric Eby responded that they recently did a speed study in August. Traffic volumes were around 9-10,000 this year. Volumes have been 11,000 in previous years. The City is operating at about 80-85% normal levels.

Police Captain Mark Newport stated he did not know the total number of accidents from memory, but noted that it was safe to assume that because traffic has been down, accidents were down also.

Mary Lou McElwain commented that there were two meetings in August about the bike lane that PTS members were not included in. She stated the Committee should be included in future meetings about the bike lane. Harold Whitehouse commented that he would volunteer to be part of the task force proposed by Councilor Tabor.

Chairman Peter Whelan noted that there was a lot of participation from Middle Street residents at the second meeting. There was a lot of concern about parked cars and sightlines. City Manager Karen Conard noted that she was at both meetings. Both were led by Councilor Tabor. The first one was more of a fact-finding meeting. The second meeting was to get feedback from residents. Anything moving forward should include Chairman Peter Whelan and/or some members from the PTS Committee. Nothing was debated or decided at these meetings. They walked the full length of the bike lane to get a sense of the issues.

Chairman Peter Whelan commented that no one is talking about removing the bike lane, only modifying the first part where cars are parked in the street. There has already been talk about changing the speed limit signs to 25 mph on Middle Street. Eric Eby commented that was correct and the signs haven't been changed yet.

Mary Lou McElwain stated she has asked about cutting the branches hanging over Middle Street that block sightlines at Cass Street several times. The issue has not been addressed. She spoke about the design of the bike lanes in Portland, Maine.

Public Works Director Peter Rice stated he would address the branches on Middle Street. He stated that staff feel that any additional improvements or modifications to the project should be dictated by the City Council.

Erica Wygonik noted that there are clearly a lot of strong opinions on bike lanes. It might be useful to have a summary of some of the goals and/or the specific things the task force is trying to achieve. The City has put a lot of effort into the project already, so it would be helpful to start with information about what has been done and what studies show. Chairman Peter Whelan agreed.

Steve Pesci expressed his appreciation to City staff for all their work and data collection on the project. There are best practices and engineering standards implemented to reduce liability and risk. He supports a task force that would look forward and operate on data-based information. The City does not design streets, roadways and/or transit systems based on public opinion, but on best practices and standards.

Harold Whitehouse opposed the tactics some have used when stating the grant funding must be returned. He observed more bikes parked at the Middle School than the High School.

No action was taken by the PTS Committee.

## **VII. INFORMATIONAL:**

**A. Parking on Albany Street between Brewery Lane and Cass Street / Islington Street construction update.** Eric Eby commented that there is a section of Albany Street where customers park in front of the businesses. When they park there, they take up most of the roadway. The Islington Street project in that area is starting soon. The detour from Albany Street and Bartlett Street will be in effect. The City will be putting up no parking signs on the whole stretch of Albany Street and Brewery Lane during construction. Parking spaces will be put in the corner lot with striping while the detour is in place. This will last a couple months at least. Only traffic going into town will be detoured. When construction is over the Committee may want to look at this again to make it a permanent restriction. Traffic flow should be evaluated post construction.

Public Works Director Peter Rice commented that businesses have requested defined parking along that area. They do not want to permanently eliminate parking. The whole corridor is challenging, and they need to do a deeper dive to accommodate everyone. There may be some adjustments to temporary parking to include more spaces. The City is currently building a sidewalk along Jewel Court. The whole area is in flux and they need to look at a comprehensive solution.

Eric Eby noted that the intersection of Jewell Court and Brewery Lane will have an all-way stop during the detour.

Erica Wygonik commented that there was a little section of street labeled South Albany Street on Google maps and noted that it should be renamed to be part of Brewery Lane. Eric Eby responded that was a good point, however there is no South Albany Street. Albany Street is L-shaped, and Brewery Lane runs from Albany Street to Plaza 800.

Mary Lou McElwain stated the parking on Albany Street is a safety issue and needs to be addressed.

**B. Closure of Turnpike exit ramp onto Echo Avenue.** Eric Eby stated that NHDOT has not responded to his inquiries and he will report back once they have responded.

**C. Traffic volumes during pandemic.** Eric Eby provided a graph in the packet. He stated traffic is holding steady at 85% of normal.

**D. PTS Open Action Items.** There was no Committee discussion.

### **VIII. MISCELLANEOUS:**

Mary Lou McElwain commented that a wobble pedestrian sign should be installed on the sidewalk at the intersection of Marcy Street and Pleasant Street. There are pedestrian signs at each side, but a wobble would make a difference considering it is a busy intersection. The road is too narrow and it could be installed on the sidewalk. Public Works Director Peter Rice noted that this area is scheduled to be paved and striped soon. After the roadwork is completed, staff can evaluate.

Harold Whitehouse noted there was a motorcycle accident on Marcy Street and questioned if there were more details about it. Eric Eby responded that there were no details on the accident, but he noticed the sightlines were blocked by vegetation and parked cars. It is a combination of factors that are typical of a side street in that area. The City has limited jurisdiction because the bush is on private property. He stated even if the bush is removed the parked cars can block sightlines.

Jonathan Sandberg requested the Police Department present a monthly accident report.

Erica Wygonik commented that she looked at the National Household Travel Survey Data. Some level of remote work is anticipated to continue post COVID-19. It is good to note 45% of vehicle trips are single occupant vehicles. Every car has at least a driver, so that side always has active risk for a dooring accident. Chairman Peter Whelan commented that it will be interesting to see if traffic volumes pick up at all. Erica Wygonik commented that a lot of people enjoy teleworking and want to continue but most people do not want to do it every day of the workweek.

### **IX. ADJOURNMENT:**

Harold Whitehouse moved to adjourn at 9:28 a.m., seconded by City Manager Karen Conard.  
**On a unanimous roll call, motion passed.**

Respectfully submitted by:

Becky Frey  
PTS Recording Secretary



Credit: David J. Murray/ClearEyePhoto.com

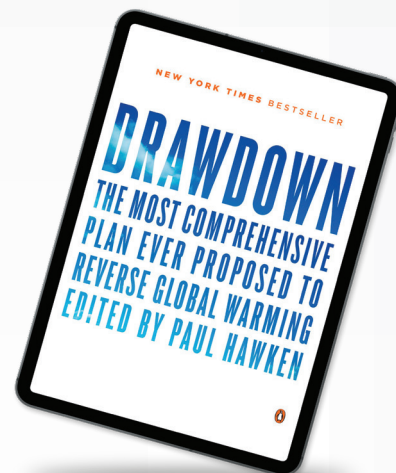
# Drawdown Portsmouth

## An Eco-Municipality Update

How to Use Project Drawdown Tools to Achieve a Climate-Safe Planet

Thursday, October 22 at 6:30 pm  
via **zoom**

The Portsmouth Sustainability Committee leads a discussion with residents to introduce the Project Drawdown tools to better equip our Eco-Municipality to advance effective climate action.



**STOPPING GLOBAL WARMING IS POSSIBLE  
WITH SOLUTIONS THAT EXIST TODAY.**

— Vision, Drawdown Project.

Register online:

[www.cityofportsmouth.com/sustainability/sustainable-practices-blue-ribbon-committee](http://www.cityofportsmouth.com/sustainability/sustainable-practices-blue-ribbon-committee)

Or go to registration [link here](#)

[drawdown.org](http://drawdown.org)



## CITY OF PORTSMOUTH

City Hall, One Junkins Avenue  
Portsmouth, New Hampshire 03801  
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(603) 610-7201

Karen S. Conard  
City Manager

**Date:** October 15, 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 October 19, 2020

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### *VIII. Recognitions and Volunteer Committee Reports*

#### **A. Sustainability Committee:**

The Mayor's Blue Ribbon Committee on Sustainable Practices will be presenting on the topic of "Drawdown" in advance of a [October 22<sup>nd</sup> virtual community meeting on "Drawdown Portsmouth."](#) The Chair of the Committee, Bert Cohen, will present with Community Committee member Tracey Cameron and PHS Eco-Club Committee member Gabrielle Bouvier.

Other Committee members include: Councilor Cliff Lazenby, City Council representative; John Kennedy, Community Member; Larry Lariviere, Community Member; Carrie Mayo, Maine Community Member; Emma Murphy, Eco-Club Member PHS, Junior; Matthew Glynn, Community Member; and Peter Britz, City Staff representative.

#### **B. Report Back from Board of Ethics:**

Please find attached a [report of the Board of Ethics](#) in the matter of the complaint filed by Ms. Nancy Pearson against City Councilor Esther Kennedy.

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

#### **First Reading of Three Ordinances Amending Various Sections of Chapter 7:**

In the past, the temporary actions approved by the Parking and Traffic Safety Committee (PTSC) and authorized by the City Council, 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.

This year, pursuant to City Council vote of August 18, 2020, the Council voted to have the temporary actions come forward for first readings in groups based on their expiration date and

the following ordinances are coming forward for first readings at this evening’s meeting: Chapter 7, Article III, Section 7.330: No Parking regarding Dearborn Street; Chapter 7, Article IVA, Section 7-A.402: Bus Stops Designated regarding Hanover Street; Chapter 7, Article XI, Section 7. 1100: Speed Limits regarding South Street.

Eric Eby, Parking and Transportation Engineer, will be presenting the proposed amendments to each ordinance at this evening’s meeting.

- A. **First Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Dearborn Street: easterly side, from the North Mill Pond running northerly for a distance of 25 feet:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

*I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.*

- B. **First Reading of Ordinance amending Chapter 7, Article IVA, Section 7-A.402 – Bus Stops Designated - Hanover Street: southerly side of Hanover Street 90 feet east of from Fleet Street to a point 285 feet east of Fleet Street:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

*I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.*

- C. **First reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, E: Speed Limit: 25 MPH by the addition of South Street, from Middle Road to Lafayette Road:**

[Attached is the diagram](#) and [the proposed amendment](#) to this ordinance.

*I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the November 16, 2020 City Council meeting.*

As a reminder, the schedule for the first reading of the remaining PTSC temporary action is as follows:

| PTS Action Taken                                 | Origin of Action      | Date of PTS Action | PTS Vote | Council Acceptance Date | Council Vote                          | 1-Year Expiration Date | 1 <sup>st</sup> Reading Date |
|--|-----------------------|--------------------|----------|-------------------------|---------------------------------------|------------------------|------------------------------|
| Prohibit parking along north side of Chase Drive | Requested by abutters | 12/5/19            | 9-0      | 1/21/2020               | 7-1-1 Kennedy opposed Tabor abstained | 1/21/2021              | 11/16/2020                   |



**D. First Reading of Ordinance Amending Chapter 11, Article II – Sewers, Sections 11.203 and Section 11.204 – Waiver from Connection to Public Sewer:**

At its meeting of October 5, 2020, the City Council agreed to bring forward for first reading an [amendment to the Sewer Ordinance](#) to codify the City’s practice of allowing property owners to defer tying-in to a new sewer line when their existing septic system is functional. State law, which requires residents to tie into a public sewer main if within 100 feet of that line, allows municipalities to waive the requirement of tie-in to the new sewer main or to set the distance beyond 100 feet. Portsmouth has historically, as a matter of practice, allowed such deferral to tie-in as part of sewer extension projects. Residents tie in when they are ready to do so as long as their existing septic system is functioning. Portsmouth has never codified this waiver practice in its sewer ordinance.

The Deputy City Attorney Suzanne Woodland and the City Engineer Terry Desmarais are prepared to make a presentation tonight on this amendment.

*I recommend that the City Council move to pass first reading on this amendment to Chapter 11, Article II-Sewers, Sections 11.203 and Section 11.204 to codify the waiver of sewer connection and to schedule a public hearing at the City Council’s November 16, 2020 meeting.*

**E. Public Hearing and Resolution Authorizing A Supplemental Appropriation in the Sum of Up to \$150,000 from the Unassigned Fund Balance for the Design and Engineering of Alternate Plans for the Redevelopment of the McIntyre Federal Building and Surrounding Property:**

The McIntyre Subcommittee chaired by Councilor Peter Whelan has indicated that it has progressed in negotiations with the City’s McIntyre Building development partner Redgate/Kane to the point where it will now be necessary to engage architectural and engineering assistance to work with the Subcommittee and the public in developing alternate plans for the redevelopment of the McIntyre building and surrounding property.

Final selection of an alternate plan by the City Council would be a key element in proceeding with the acquisition and redevelopment of the McIntyre Building by the City and Redgate/Kane. The architectural and engineering services are expected to include assistance by the architect and engineers who have already done work on the project for Redgate/Kane and are estimated to cost up to \$150,000. The Subcommittee has requested that such sum be made available by way of supplemental appropriation. The City Charter requires that the supplemental appropriation be accompanied by a public hearing, which is on the agenda for this evening, along with a two-thirds vote of the City Council.

*I recommend that the City Council move to adopt the resolution authorizing supplemental appropriation from the Unassigned Fund Balance in the sum of up to \$150,000 for the funding of alternate plans for the redevelopment of the McIntyre Federal Building and surrounding property.*

**Public Hearing and Second Reading of Four Ordinances Amending Various Sections of Chapter 7:**

At the October 5, 2020 City Council meeting, the Council voted to schedule public hearings and second reading of amendments to the following ordinances, which were the second group of temporary actions approved by the PTSC that the Council voted to come forward separately based on their expiration date.

- F. **Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article III, Section 7.326 – Limited Parking – Daniel Street: southerly side, first five three metered spaces east from Market Square running between 102 and 160 feet west of Penhallow Street; and Hanover Street delete northerly side, first two spaces east from Bridge Street:**

Attached are the diagrams and the proposed amendment to this ordinance.

*I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.*

- G. **Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Little Harbor Road: Both sides of the roadway beginning at the east side of the Wentworth Coolidge Mansion driveway, running easterly for a distance of 155 feet to the gate at the end of the pavement:**

Attached is the diagram and the proposed amendment to this ordinance.

*I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.*

- H. **Public Hearing and Second Reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One-Way Streets by the deletion of Parker Street northerly from Tanner Court to Hanover Street:**

Attached is the diagram and the proposed amendment to this ordinance.

*I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.*

- I. **Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones (Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m.) by the addition of Pleasant Street: easterly side, beginning 94 feet south of the southerly curb line of Daniel Street and running southerly for a distance of 45 feet:**

Attached is the diagram and the proposed amendment to this ordinance.

*I recommend that the City Council move to pass second reading and to schedule a third and final reading at the November 16, 2020 City Council meeting.*

**Third and Final Reading of Two Ordinances Amending Various Sections of Chapter 7:**

At the October 5, 2020 City Council meeting, the Council voted to schedule third and final readings of amendments to the following ordinances, which were the first group of temporary actions approved by the PTSC that the Council voted to come forward separately based on their expiration date.

- J. **Third Reading of Ordinance Amending Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes by the Deletion of Deer Street: One Space on the Northerly Side of the Street Beginning 13 Feet West of the Extension of the Westerly Curb Line of High Street, And Running 20 Feet in an Easterly Direction. The Addition of Hanover Street: Southerly Side, First Two Spaces East from Maplewood Avenue:**

Attached are the diagrams and the proposed amendment to this ordinance.

*I recommend that the City Council move to adopt the third and final reading.*

- K. **Third Reading of Ordinance Amending Chapter 7, Article VI, Section 7.601 – Limited Hours Loading Zones by the Addition of Vaughan Street: Westerly Side, Beginning at the Intersection With Raynes Avenue and Running Southerly For a Distance of 60 Feet, From 6:00 AM to 9:00 AM:**

Attached is the diagram and the proposed amendment to this ordinance.

*I recommend that the City Council move to adopt the third and final reading.*

***XIV. Approval of Grants/Donations:***

- A. **Acceptance of Donation to the Coalition Fund:**

The City of Portsmouth has received the following donation to the Coalition Fund, which will be utilized to continue to monitor the education funding formula and any changes to the statewide property tax:

- Town of Rye                      \$5,000.00

*I recommend that the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Fund.*

## ***XV. City Manager’s Items which Require Action:***

### **1. Parking Agreement for Deer Street Associates:**

Over the past four years City staff and Deer Street Associates (DSA) have been working under the direction of the City Council to complete a series of contracts and deeds arising out of the City’s acquisition of the Foundry Garage. When the land on which the Foundry Garage was constructed was acquired in 2016, the City and DSA executed a Post Closing Obligations Agreement (PCOA), which, among other things, required the parties to enter into a parking agreement.

The PCOA requires that DSA is guaranteed 68 paid parking passes in the Foundry Garage for the life of the garage. The PCOA also entitles DSA to a credit for those parking passes in lieu of required off-street parking, as permitted by Ordinance Section 10.1113.10. [The presented parking agreement](#) was drafted in close cooperation with Benjamin Fletcher, the City’s Parking Director, and in addition to the above-listed considerations, it meets the terms of the PCOA and accomplishes the following:

- DSA will receive 68 parking passes in the Foundry Garage, which are assignable to any of the four parcels which are a part of the DSA development on Foundry Way;
- DSA may assign some parking passes to certain properties to meet zoning ordinance requirements;
- DSA must pay the generally applicable rate subject to the generally applicable policies and procedures for parking passes in the Foundry Garage;
- DSA must begin payment on parking passes either when spaces are assigned to a lot and a development on that lot receives a certificate of occupancy, or when DSA requests parking passes, whichever comes first, and;
- This Agreement lasts for as long as the City owns the Foundry Garage and uses it for parking.

*I recommend that the City Council move to authorize the City Manager to execute a parking agreement with Deer Street Associates in a form substantially similar to the document presented.*

### **2. Public Art Sculpture for McEachern Park:**

As a memorial to the late Paul McEachern, the City has received a proposed public art donation from Jon Wyckoff to be placed in the new McEachern Park on North Mill Pond. The granite fish sculpture is intended to be a functional art piece that can be used by children visiting the park in much the same way that the popular granite whale sculpture in Prescott Park is admired and used. [Attached for reference is an image and specifications of the fish sculpture.](#)

The criteria used for public art acquisitions is set forth in the Public Art Acquisition Policy 2009- 06, which was readopted by this Council at the beginning of this year. For convenience, the evaluation criteria are as follows:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s).
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork. Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials.)

Although the policy itself needs to be updated due to the winding down of Art-Speak, staff believes in this instance, the spirit and process of the policy can be carried out in accordance with the public art guidelines established by Art-Speak with minor procedural changes. (Note that it is the goal of staff in the near term to update the City's public art policies that reference Art-Speak for City Council approval.)

In the past, prior donations were referred to Art-Speak's Public Art Subcommittee and reviewed in accordance with the above criteria for a recommendation back to the City Council. In this instance, the recommended action would be to refer the request to an interim ad hoc advisory group for evaluation and a recommendation back to the City Council. The proposed ad hoc committee would consist of the Public Works Director, the City Parks Foreman, a representative of the McEachern Park neighborhood, and an artist or arts professional.

*I recommend that the City Council move to refer the proposed public art fish sculpture donation for McEachern Park to the City Manager with power for establishment of an ad hoc advisory group for the purpose of evaluating the fish sculpture for compliance with the public art acquisition guidelines and make a recommendation back to the City Council for approval.*

**3. Approval of Interim Chief of Police Agreement:**

The City Council reviewed an employment agreement for Interim Chief of Police, Mark Newport, in a Non-Public Session earlier this evening. [Attached is the proposed agreement.](#)

*I recommend that the City Council move to ratify the agreement as presented with Interim Chief of Police, Mark Newport.*

***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 by City Engineer, Terry Desmarais, Regarding Update on the Peirce Island Wastewater Treatment Facility:**

City Engineer, Terry Desmarais, will be providing a comprehensive status update on the Peirce Island Wastewater Treatment Facility upgrade and sewer force mains to include a construction and operations briefing and details of current costs, estimates and budget to complete work.

*XVIII. City Manager's Informational Items:*

**1. Report Back on the Status and Solutions Being Discussed Per the Emergency Police Commission Meeting on the Re-Occurrence of Mold in the Police Department:**

As follow-up to the Emergency Police Commission meeting held on September 9<sup>th</sup>, Councilor Huda has requested a report back on the status and solutions of efforts to address the reoccurrence of mold at the Police Station. Since the September 9<sup>th</sup> meeting with the Police Commission, air samples have been taken and tested for mold in the Police Station. These test results indicate no evidence of elevated mold levels.

In the long term, moisture control is the key to addressing mold in the Police Station. The building's antiquated HVAC system lacks humidity control. Upgrades to reduce humidity in the basement areas of the Police Station will be part of long term recommended upgrades. Work continues on replacement of heating ventilation and air conditioning (HVAC) piping, new HVAC controls and, installation of humidity sensors.

[Attached please find a presentation that was given to the Police Commission](#) on September 9<sup>th</sup> addressing what efforts have been made to address the on-going concerns related to mold. The presentation is a follow-up to a presentation given to the City Council on February 18, 2020 which addressed the future needs of the Municipal Complex.

The following is a brief review of the previous studies to develop a comprehensive solution for the future needs of the Police and other Municipal Departments at the Municipal Complex.

The Municipal Complex was originally a hospital made up of three connected buildings built in 1929, 1950 and 1962. The City Departments moved to the City Hall Complex in 1988 followed by the Police in 1991. Little has been done to the buildings since City Departments moved to its current location.

Due to its evolving needs, the Police Department completed a 2011 Organizational Review and a 2014 Facilities Study. The 2014 Study recommended a new 66,000 square foot stand-alone building but did not review use of the existing Municipal Complex. Concurrently, the Department of Public Works completed a Facilities Condition Assessment on the Municipal Complex identifying over \$14M in upgrades required at the Complex.

Due to the significant investments needed at the Municipal Complex, the City Council requested a Programmatic Needs Study be completed reviewing the future needs of all departments at the Municipal Complex. The goal of the study was to ensure monies spent at the Municipal Complex were not wasted if the Complex was not sufficient to accommodate the City Government's future needs. In addition, the Study reviewed the alternatives of building a new, relocated Police Department and City Hall versus renovating the existing Complex.

The 2016 Programmatic Needs Study concluded the existing Municipal Complex could accommodate the future needs of the Municipal Government including the Police Department and was the least expensive alternative. The conclusion of this Study was presented to the City Council at its March 2016 retreat. At that time, the former City Manager recommended deferring action to a future date and no additional Council action has been taken.

Since no decision had been made about future upgrades to accommodate or relocate the Police and Municipal Departments, deferred maintenance became the focus of investments at the Municipal Complex. Efforts have been on-going since 2016. Public Works staff have been meeting regularly with the Police and together they have developed a list of priority projects many of which have been completed.

These completed projects include:

- New police entrance and records area;
- Replacement of roofs over the Police Department areas of the building;
- Mold abatement and renovation of 16,000 square feet of office space;
- Installation of a new kitchen, and;
- Replacement of leaking heating ventilation and air conditioning (HVAC) piping in the Police Department.

It is understood that a safe comfortable work environment is critical to the effective operation of the City's Police Force. We believe that the efforts to date have improved the work environment and that the additional efforts underway will continue these improvements.

2. **Report Back on the Final FY20 Budget Surplus Amounts by Budget Unit:**

[Attached please find a report back](#) on the final FY20 budget surplus amounts as requested by Councilor Huda at the October 5<sup>th</sup> Council meeting.

3. **Report Back on Public Art Acquisition:**

[Please find attached a report back](#) on the City's policy for public art acquisition as requested at the October 5<sup>th</sup> Council meeting.

## **PARKING AGREEMENT**

The **CITY OF PORTSMOUTH, NEW HAMPSHIRE**, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (the "City") and **DEER STREET ASSOCIATES**, a New Hampshire limited partnership with an address of P.O. Box 100, York Harbor Maine 03911 ("DSA") hereby enter into this Parking Agreement ("Agreement") in consideration of the mutual promises and for the purposes stated herein, and for other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge.

This Agreement is entered into pursuant to a certain Post Closing Obligations Agreement between the aforesaid parties dated September 9, 2016 ("PCOA") and is intended to satisfy the provisions of the PCOA with respect to DSA's contractual right to park on premises described as "City Property" in the PCOA and located in the City of Portsmouth, County of Rockingham, State of New Hampshire, and further described on Exhibit A attached hereto and incorporated herein by reference (the "City Property").

NOW THEREFORE, the parties do hereby agree as follows:

1. DSA shall have and hereby does have the contractual right to access and utilize sixty-eight (68) parking spaces located within any parking garage now or hereafter constructed on the City Property (on a floating basis, see paragraph 4 below), hereinafter referred to as the "Parking Garage Spaces"; provided, however, that seven (7) of the Parking Garage Spaces shall be terminable upon fifty (50) days written notice from the City to DSA (collectively, the "Terminable Spaces"). Once issued and assigned to a Lot Owner (hereinafter defined), termination of any or all of the Terminable Spaces by the City in accordance with the foregoing: (i) shall not affect treatment of said terminated Terminable Space(s) as parking spaces for purposes of zoning requirements and other ordinances of the City, including but not limited to the provisions of Section 10.1113.10 of the Portsmouth, New Hampshire Zoning Ordinances; and (ii) notwithstanding (i), at DSA's option and if or as may be required by City zoning or other ordinances, so long as the Terminable Spaces are terminated for reason other than failure to pay, the City shall provide the Terminable Spaces in accordance with all



the rights and obligations of this Agreement in another public parking facility not located on the City Property.

2. DSA's access to and use of the Parking Garage Spaces shall be under the then current terms, policies, processes and procedures, including parking rates, which may be established by the City from time to time with respect to off-street municipal parking spaces on the City Property (which shall generally be consistent with terms and conditions offered for similar City parking on the City Property); provided, however, that DSA shall be afforded the most favorable long term parking pass rate or its equivalent made available generally to the public for users of up to sixty-eight (68) vehicular parking spaces located at the City Property. Notwithstanding the foregoing, in the event of any direct conflict between said terms, policies, processes and/or procedures adopted by the City and the terms and conditions set forth in this Agreement, the terms and conditions set forth in this Agreement shall control. DSA or a Lot Owner must begin payment for those Parking Garage Spaces assigned to a lot when the lot receives a certificate of occupancy from the City which requires the use of said Parking Garage Spaces, or when issued to DSA or a Lot Owner pursuant to this Agreement, whichever comes first.
3. The rights of DSA under this Agreement shall commence on \_\_\_\_\_, 2020 and run for so long as the City shall own all or any portion of the City Property which is utilized for public parking of vehicles, but in no event less than thirty (30) years from the date of recording of this Agreement at the Rockingham County Registry of Deeds regardless of ownership and/or use.
4. This Agreement does not provide DSA with any interest in property owned by the City or the right of access to or use of any particular or designated parking spaces. Rather, DSA shall have the right of access to and use of the specified number of floating Parking Garage Spaces located on the City Property (or, if applicable, other property of the City per paragraph 1 of this Agreement with respect to the Terminable Spaces) utilizing a method chosen by the City to assure the continuous availability of the required number of Parking Garage Spaces on a 24/7 basis (subject to maintenance requirements).
5. The City shall maintain the Parking Garage Spaces in good condition and repair, and in accordance with all applicable laws, rules, regulations and ordinances, which shall include keeping the same free and clear of all debris, snow and ice in accordance with normal City policies and practices.
6. This Agreement is to be executed in recordable form and placed on record at the Rockingham County Registry of Deeds, and shall be binding on the heirs and assigns of the parties hereto.

7. DSA may assign its right to access and use all or any portion of the Parking Garage Spaces to any owner of all or any portion of a lot shown on the certain plan entitled "Consolidation & Subdivision Plan – Tax Map 125, Lot 17 & Tax Map 138, Lot 62 – Deer Street Associates – Bridge, Deer & Hill Streets – City of Portsmouth, County of Rockingham, State of New Hampshire – Scale 1" = 50' " dated July, 2015 and last revised 5/18/16 recorded in the Rockingham County Registry of Deeds as Plan D-39699 (each, a "Lot Owner"), or to any tenant, employee or occupant of such lots designated by a Lot Owner; provided that pursuant to such assignment the assignee agrees to and assumes the obligations of DSA pursuant to this Agreement with respect to the assigned Parking Garage Spaces for the period thereof. No single Parking Garage Space may be assigned to more than one person, including more than one Lot Owner.
8. The assignee of any Parking Garage Spaces may re-assign all or any portion of the same to DSA, or may assign all or any portion of the same to any other Lot Owner, or to any tenant, employee or occupant of such lots designated by a Lot Owner (collectively, "Permitted Assignees"). DSA and any Permitted Assignee shall have the right to assign its rights pursuant to this Agreement to any lender as security for any obligation of DSA or such Permitted Assignee to said lender. Notwithstanding the forgoing, no assignment of Parking Garage Spaces shall be permitted if such assignment would reduce parking requirements to an amount less than required by the Site Plan Approval for such lot.
9. This Agreement shall not be amended except by written instrument signed by DSA, the City, and each assignee Lot Owner (if any) then having assigned rights in any Parking Garage Spaces, which amendment shall become effective when recorded in the Rockingham County Registry of Deeds.

[signature pages to follow]

**DEER STREET ASSOCIATES**

Dated: \_\_\_\_\_

By DSA Rogers LLC,  
Its General Partner  
By its Manager,  
G.L. Rogers and Company, Inc.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Kim S. Rogers  
Its: President

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM, SS

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020 by Kim S. Rogers, as President of G.L. ROGERS and Company, INC., a New Hampshire corporation and the manager of DSA ROGERS LLC, a New Hampshire limited liability company and the general partner of DEER STREET ASSOCIATES, a New Hampshire limited partnership, on behalf of said corporation, limited liability company and limited partnership.

\_\_\_\_\_  
Justice of the Peace/Notary Public  
My commission expires:

Dated: \_\_\_\_\_

**CITY OF PORTSMOUTH**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Karen Sawyer Conard, City Manager

Pursuant to the City Council vote  
dated August 15, 2016

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM, SS.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, \_\_\_\_\_, the undersigned officer, personally appeared **Karen Sawyer Conard**, who acknowledged himself to be the **City Manager**, of the City of Portsmouth, a municipal corporation, and that he, as such **City Manager**, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by himself as the City Manager.

In witness whereof I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## Exhibit A

## City Property Legal Description

A certain tract or parcel of land located in the City of Portsmouth, County of Rockingham and State of New Hampshire, depicted as **Lot 1** on certain plan entitled "Consolidation & Subdivision Plan – Tax Map 125, Lot 17 & Tax Map 138, Lot 62 – Deer Street Associates – Bridge, Deer & Hill Streets – City of Portsmouth, County of Rockingham, State of New Hampshire – Scale 1" = 50' " dated July, 2015 and last revised 5/18/16 recorded in the Rockingham County Registry of Deeds as Plan D-39699, said tract being more particularly bounded and described as follows:

Beginning at an iron rod set at the north west corner of the parcel; thence running along land of the Boston and Maine Railroad N 43°06'02"E a distance of 343.96 feet to a point at a RR Spk set; thence turning and running along land of the Grantor S 46°53'58"E a distance of 93.44 feet to a point at a RR Spk set; thence turning and running along land of the Grantor N 43°06'02"E a distance of 22.52 feet to a point at a RR Spk set; thence turning and running along land of the Grantor S 46°53'58"E a distance of 38.87 feet to a point at an IR set; thence turning and running along land of the Grantor N 43°06'02"E a distance of 49.82 feet to a point at a RR Spk set; thence running along land of the Grantor on a curve turning to the right with an arc length of 56.30', a radius of 155.00', a chord bearing of N 53°24'20"E, a chord length of 55.99', and a delta angle of 20°48'45" to a point at a RR Spk set; thence turning and running along land of the Grantor N 63°48'43"E a distance of 28.42 feet to a point at a RR Spk set; thence turning and running along land of the Grantor N 45°20'34"E a distance of 64.73 feet to a point at a RR Spk set; thence turning and running along land of the Grantor N 28°12'12"E a distance of 10.82 feet to a point at an IR set on the westerly sideline of Bridge Street; thence turning and running along the westerly sideline of Bridge Street S 55°38'43"E a distance of 58.09 feet to land of Gray to an IR Fnd; thence turning and running along land of Gray S 53°35'47"W a distance of 81.12 feet to a point; thence turning and running along land of Gray S 66°38'33"W a distance of 116.65 feet to a point at an IR Fnd; thence turning and running along land of Gray S 40°13'28"E a distance of 20.31 feet to a point at an IR set; thence turning and running along land of the Grantor S 44°38'09"W a distance of 167.36 feet to a stone bound; thence turning and running S 47°00'33"W a distance of 38.74 feet to a point at a DH Fnd; thence turning and running N 42°48'33"W a distance of 54.65 feet to a point at an IR Fnd; thence turning and running S 46°46'01"W a distance of 184.94 feet to an iron rod; thence turning and running N 43°03'00"W a distance of 46.10 feet to a point at an IR Fnd; thence turning and running S 46°48'04"W a distance of 10.00 feet to a point at an IR set; thence turning and running N 46°09'30"W a distance of 48.26 feet to the point of beginning, having an area 54,017 square feet, more or less.

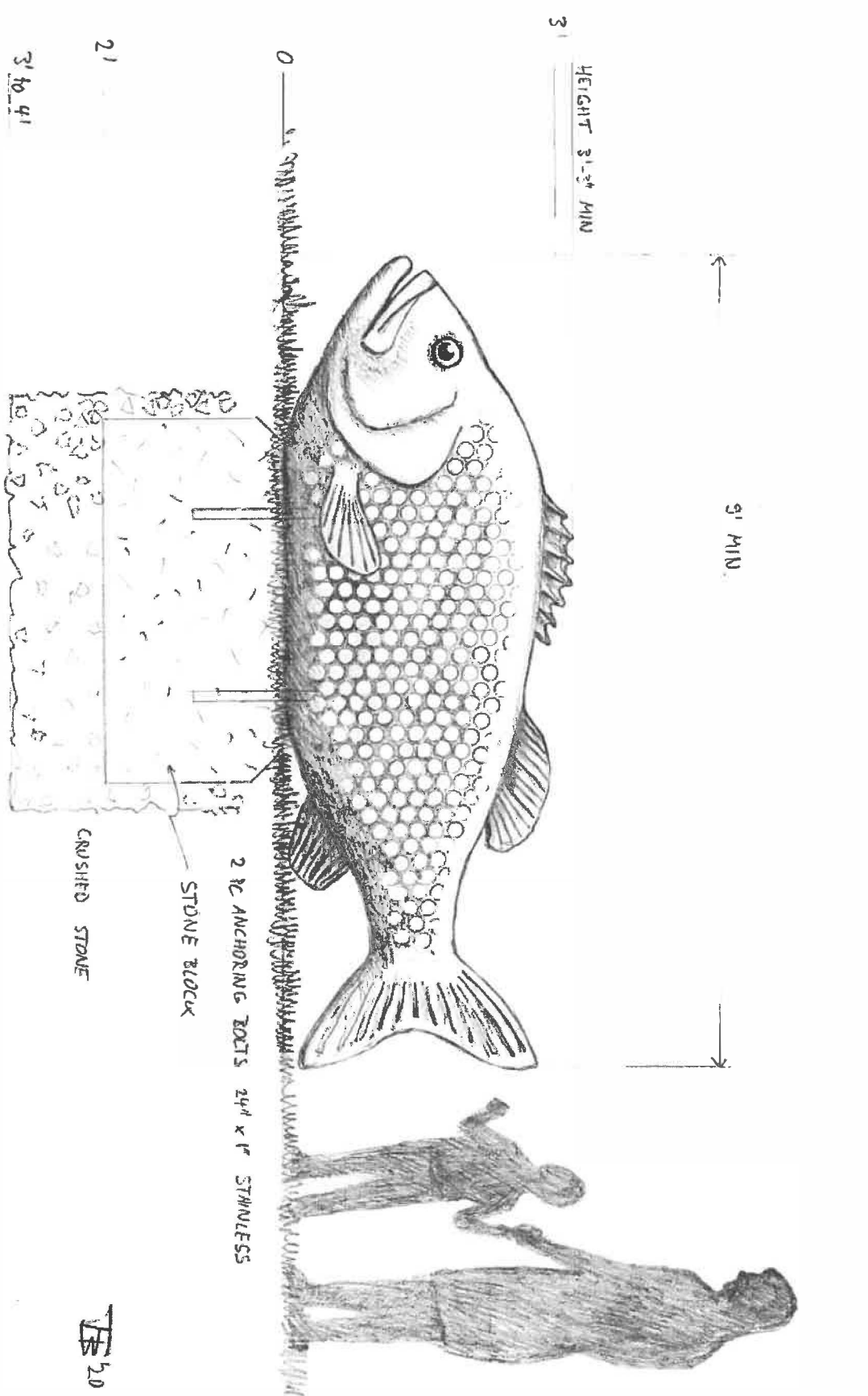
Except and excluding a certain tract or parcel of land located in the City of Portsmouth, County of Rockingham, State of New Hampshire, and more particularly bounded and described as follows:

Beginning at an iron rod found at the south east corner of the parcel; thence running along land of John W. Gray Revocable Trust & Bradford A. Gray Revocable Trust S 53°35'47" W a distance of 81.12 feet to a point; thence turning and continuing along land of John W. Gray Revocable Trust & Bradford A. Gray Revocable Trust S 66°38'33" W a distance of 73.30 feet to a point; thence turning and running over land of John W. Gray Revocable Trust & Bradford A. Gray Revocable Trust S 39°12'52" W a distance of 42.20 feet to an iron rod set; thence turning and running along land of Deer Street Associates S 44°38'09" W a distance of 167.36 feet to a stone bound found; thence turning and running along land of the Kearsarge Mill Condominium

Association S 47°00'33" W a distance of 38.74 feet to a drill hole found; thence turning and running along land of the City of Portsmouth N 42°48'33" W a distance of 35.00 feet to a point; thence turning and running through land of Deer Street Associates N 45°02'22" E a distance of 177.16 feet to an iron rod set; thence turning and running along other land of Deer Street Associates N 43°06'02" E a distance of 48.48 feet to a railroad spike set; thence continuing on the same line and other land of Deer Street Associates N 43°06'02" E a distance of 1.34 feet to a point; thence turning and continuing along land of Deer Street Associates with a curve turning to the right with an arc length of 56.30 feet, with a radius of 155.00 feet, said curve having a chord bearing of N 53°24'20" E, with a chord length of 55.99 feet to a railroad spike set; thence turning and continuing along land of Deer Street Associates N 63°48'43" E a distance of 28.42 feet to a railroad spike set; thence turning and continuing along land of Deer Street Associates N 45°20'34" E a distance of 64.73 feet to a railroad spike set; thence turning and continuing along land of Deer Street Associates N 28°12'12" E a distance of 10.82 feet to an iron rod set; thence turning and running along Bridge Street S 55°38'43" E a distance of 58.09 feet to the point of beginning, having an area of 14,956 square feet, more or less.



CM Action Item #2





**EMPLOYMENT AGREEMENT**  
**INTERIM CHIEF OF POLICE**

**1. Preamble**

This Agreement is entered into by and between the Police Commission, City of Portsmouth, New Hampshire (hereinafter called “the Commission”) and Mark Newport (hereinafter called “the Employee”).

**2. Term and Duties**

The Commission agrees to employ the Employee, and the Employee agrees to accept employment, in the position of Interim Chief of Police of the City of Portsmouth, New Hampshire for a term commencing on October 5, 2020 and ending on the date falling thirty (30) days after written notice by the Commission of the end of the term. The Commission and the Employee acknowledge that this is a full-time salaried position including extensive obligations in the evenings and on weekends. The Employee agrees to devote all of his professional efforts to the successful fulfillment of the responsibilities of the Chief of Police as described by New Hampshire Statute, the Charter of the City of Portsmouth, the rules and regulations of the Portsmouth Police Department, and as reasonably directed by the Commission. In the event that if, at the end of the term of this Agreement, the Employee is not offered the permanent Chief of Police position, the Employee will be permitted, at his option, to return to his former position as Captain, at the same salary and benefit level he had in the position of Captain.

**3. Salary**

Effective October 5, 2020, and continuing throughout the term of this Agreement, the Employee will be paid a bi-weekly salary in the gross amount of \$5,384.62, which salary will be subject to such deductions as may be authorized by the Employee and/or as may be required by law.


**4. Benefits**

Except as otherwise provided in Section 5 below, the Employee’s benefits will remain unchanged from those that he received in his position as a Captain in the Portsmouth Police Department.

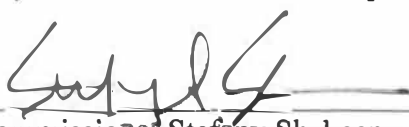
**5. Exception to Benefits in Section 4**

- a. The Employee will be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Chief of Police is on-call at all times, it is understood that the automobile may also be used for personal business.
- b. The Employee will be entitled to additional vacation accrual for his attendance at night meetings in accordance with the provisions of Section 3.C.1. of the current collective bargaining agreement between the City of Portsmouth, New Hampshire and the Portsmouth Professional Management Association.

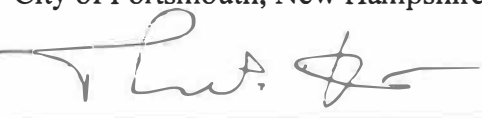
Dated: 10/5/20

  
\_\_\_\_\_  
Commissioner Joe Onosko  
Police Commission  
City of Portsmouth, New Hampshire


Dated: 10-5-20

  
\_\_\_\_\_  
Commissioner Stefany Shaheen  
Police Commission  
City of Portsmouth, New Hampshire

Dated: 10/5/20

  
\_\_\_\_\_  
Commissioner Thomas Hart  
Police Commission  
City of Portsmouth, New Hampshire

Dated: 10/5/20

  
\_\_\_\_\_  
Mark Newport

Approved by vote of the Portsmouth City Council on October \_\_, 2020.

DRAFT

\_\_\_\_\_  
Kelli L. Barnaby  
City Clerk  
City of Portsmouth, New Hampshire

# **CITY COUNCIL E-MAILS**

## **October 19, 2020 Council Meeting**

**The following e-mails were received:**

**October 5, 2020** (after 4:00 a.m.) – **October 15, 2020** (before 9:00 a.m.)

**If you need further information, please contact the City Clerk's Office at 610-7208.**

**From:** [Roy W. Helsel via FormMail.com](mailto:Roy.W.Helsel@formmail.com)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** City Projects  
**Date:** Sunday, October 11, 2020 7:45:53 PM

---

Below is the result of your feedback form. It was submitted by  
Roy W. Helsel (royhelsel@aol.com) on Sunday, October 11, 2020 at 18:45:51

-----  
address: 777 Middle Rd Unit 22

comments: I have a statement and Question about city projects! City Staff works for the City Manager, the Manager works for the City Council and the Council works for the city Taxpayers! The city has The Neighborhood Committees for each area of the city!

Why can't the City before they spend Monies or time on plans or research of any area projects ask the Neighborhood or the City of what they would like for a neighborhood or the City before they invest time or monies in CIP's for projects of the City or neighborhood? We would not have some of the problems or controversy as we have with the McIntire Project, The Middle St bikelane project or the elaborate Peverly road plans. If they had the input of these projects from the residents of the Neighborhoods or City prior to spending time and monies maybe the residents would be more in line with some of these projects when they are done! On Middle Road we would like the Vehicle traffic to slow down to the 30 MPH that is posted and not another elaborate project that the residents of Middle Rd. would be more in line with then a elaborate project for the area. Maybe the speed bumps like they have on Maplewood?

Thank You Roy W. Helsel

includeInRecords: on

Engage: Submit

-----  
REMOTE\_ADDR: 71.168.112.241

**From:** [Angela via FormMail.com](#)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** Extend outdoor permits  
**Date:** Saturday, October 10, 2020 2:15:26 AM

---

Below is the result of your feedback form. It was submitted by  
Angela (Angela.d.barnes10@gmail.com) on Saturday, October 10, 2020 at 01:15:24

-----  
address: 91 Langdon Street

comments: Outdoor permits for dining and drinking should be extended year round. Restaurants and bars should have the flexibility and patrons should have the option.

includeInRecords: on

Engage: Submit

-----  
REMOTE\_ADDR: 178.197.235.6

**From:** [Wolfgang Schuler via FormMail.com](#)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** Face Masks in Elevators and Stairwells  
**Date:** Monday, October 12, 2020 7:46:19 AM

---

Below is the result of your feedback form. It was submitted by  
Wolfgang Schuler (info@wolfgangschuler.com) on Monday, October 12, 2020 at 06:46:17  
-----

address: 145 Brewery Lane, Portsmouth, NH 03801

comments: Greetings!

Would you please consider mandating the wearing of face masks in elevators?

I live in a 4-story building and virtually no-one wears a face mask in the elevator or on the stairs.

Residents and their visitors do not wear face masks.

Thank you for your time.

kind regards,

Wolfgang

includeInRecords: on

Engage: Submit

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REMOTE\_ADDR: 73.4.22.46

**From:** [Allison Tanner via FormMail.com](#)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** McIntire Building  
**Date:** Wednesday, October 14, 2020 8:24:00 PM

---

Below is the result of your feedback form. It was submitted by  
Allison Tanner (Inventivetechologies@comcast.net) on Wednesday, October 14, 2020 at 19:23:58

-----  
address: 380 Greenleaf Ave

comments: The last "survey" was a joke. No information was given, questions were leading and there were no appropriate multiple choice answers. Redgate Kane are poor "partners" and the development plan too big and not what is needed. My family does not support this project at all. Too many high cost apartments and hotels downtown already. We need more greenspace as has been called for in the many masterplans I've lived through, and the city council's don't follow through. Look at how quickly downtown is loosing vitality due to Covid. There is going to be a financial meltdown for everyone except the richest among us and we won't be able to afford to live here anymore even though this has been our home for 43 years.

includeInRecords: on

Engage: Submit

-----

REMOTE\_ADDR: 71.192.187.168

**From:** [Anne Donaldson via FormMail.com](#)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** McIntyre plan  
**Date:** Friday, October 9, 2020 10:02:39 AM

---

Below is the result of your feedback form. It was submitted by  
Anne Donaldson (donaldsonanne@aol.com) on Friday, October 9, 2020 at 09:02:37

-----  
address: 42 Orchard St.

comments: I am writing to the whole City Council to say that I am thrilled that the Task Force, with your backing, is working on new plans for the McIntyre site according to the will of the citizens and for the of Portsmouth.  
THANK YOU!

includeInRecords: on

Engage: Submit

-----  
REMOTE\_ADDR: 72.65.107.81



**From:** [Joanne Ravgiala via FormMail.com](#)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** Public Art for Water treatment Plant  
**Date:** Friday, October 9, 2020 4:40:49 PM

---

Below is the result of your feedback form. It was submitted by  
Joanne Ravgiala (jorav@icloud.com) on Friday, October 9, 2020 at 15:40:48

-----  
address: 1275 Maplewood Ave. # 23

comments: I am an artist and under "normal circumstances might be in favor of this Public Art requirement, however given we are in the middle of a worldwide pandemic caused in part by climate change, I strong oppose spending tax payers money for Public Art for the water/ sewerage treatment plant. I think under the current circumstance this money could be better used elsewhere. If this Article XVII requires public art, please plant natural plants or trees that could help absorb carbon emissions.

includeInRecords: on

Engage: Submit

-----  
REMOTE\_ADDR: 72.71.232.14

**From:** [Steve little via FormMail.com](#)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** STR policy  
**Date:** Tuesday, October 13, 2020 11:07:09 AM

---

Below is the result of your feedback form. It was submitted by  
Steve little (Slsurfaol@gmail.com) on Tuesday, October 13, 2020 at 10:07:07

-----  
address: 2 moebus terrace

comments: I have submitted a few requests to the council to FINALLY establish a set of rules for this rental sector. Basically it's deemed as not generally permitted but also NOT challenged by the city. Kittery has figured it out and given the taxation crisis of Covid 19 it's more than time to Accommodate those residents and the neighborhood around them. This is a vital financial lifeline to many of our citizens.  
I have sent a few requests about this but never gone any response.....anybody reading this ?

includeInRecords: on

Engage: Submit

-----  
REMOTE\_ADDR: 24.61.217.33

**From:** [Maria E Elliott via FormMail.com](#)  
**To:** [Mayor Becksted](#); [CC - Splaine](#); [cc McEachern](#); [CC-Peter Whelan](#); [CC - Cliff Lazenby](#); [CC - Kennedy](#); [CC - Huda](#); [CC-John Tabor](#); [CC-Paige Trace](#); [City Council](#); [CityCouncil Clerk](#)  
**Subject:** To Add to Yesterday's Message  
**Date:** Tuesday, October 6, 2020 12:02:08 PM

---

Below is the result of your feedback form. It was submitted by  
Maria E Elliott (beemee@comcast.net) on Tuesday, October 6, 2020 at 11:02:06

-----  
address: 141 Sagamore Ave

comments: This morning I had to contact the Portsmouth Police for the third time in less than a week regarding my political signs being stolen or vandalized while my neighbor's signs (opposite political party) are completely untouched. I would hope that as elected officials that this would alarm you. Also, as elected officials, I ask you to set an example rather than perpetuate this behavior. You also seem to well connected to the local paper, Seacoast Online which amplifies your voice and the voice of the left. Maybe you could think more carefully about that. And thank you Deaglan for your well wishes as we plan to leave Portsmouth.

includeInRecords: on

Engage: Submit

-----  
REMOTE\_ADDR: 24.61.217.203

*Cynthia & Lew Harriman*  
57 South Street  
Portsmouth, NH 03801 USA

Kelli Barnaby  
City Clerk's Office  
1 Junkins Avenue  
Portsmouth, NH 03801



7 October 2020

Dear Ms. Barnaby,

We are writing to thank you for all the many efforts that you and your team are taking to make voting safe and reliable in this most unusual year.


We always vote in person and never miss an election! We love the process of standing in line with our fellow citizens, stepping into the booth, marking our ballots, getting our stickers, and walking home. This year, we reluctantly opted to vote absentee, as insurance against the possibility of coming down with COVID-19 in late October and being unable to vote at the last minute.

We came to the new Voting Center in City Council Chambers this week to turn in our absentee ballots and were mightily impressed with the whole setup. The arrows on the floor make the process very clear and help maintain appropriate distancing. Putting our ballot envelopes in the slot of the voting bin, with staff supervision, felt much more like "normal" voting than we expected. And we even passed a few other voters with large white envelopes on the street, giving us that satisfying community-voting feeling!

We were further reassured to learn that our absentee ballots will be logged in and trackable on a state website and that they'll be fed through the scanners in Ward 5 along with the in-person ballots on election day.

With so much hype and scare-mongering going on in the media, it's a great comfort that Portsmouth has efficient, effective and transparent systems in place. Thanks for your leadership in making this happen.

Sincerely,

  
Cynthia Harriman

  
Lew Harriman

cc: Portsmouth City Council

To the Mayor and City Council,

I am the Director of Lifespan Ministries at South Church, and I'm working with our interim minister, Reverend Susan Suchocki Brown, as well as folks from several other faith communities in Portsmouth, to plan an outdoor, community-wide candle lighting ritual in downtown Portsmouth on December 24th.

With the safety challenges we are all navigating due to the pandemic, our ministry team has been thinking deeply about how to foster connection and sacred space on that night, in a safe and inclusive way. This reflection has led us to consider how we might, as a coalition of neighboring faith communities, create something for the whole community. A message of our interconnectedness and the strength of those connections, which is a particularly meaningful reminder in this moment.

With 'Holy Night Portsmouth', we are envisioning a candle lighting ritual in the downtown area on Christmas Eve.

We are in conversation with Temple Israel, St Johns, North Church, Middle street Baptist, First United Methodist church, and the Baha'i community. We will welcome other community groups who wish to join us in this endeavor as well.

We would like to close off the Market Square area for this gathering, which would allow participants to stay distanced, and collectively hear short messages from many faith community leaders, speaking to the themes of interconnection, resilience, and hope. Celebrating our differences as a part of our wholeness.

- Tentative time: 6:30-7:30 pm
- Small stage area on Pleasant st. for staging short readings. Focus on multi-faith, unifying messages
- Participants can spread out toward Congress and State streets
- Sound system
- Simple live Music (No singing)
- People bring their own Candles, lighting would begin from the stage and move outward
- Masks required for all
- Bell ringers would be ready at near-by churches for a set time as well.

Our alternate plan would be to host concurrent outdoor candle lightings around multiple community buildings (St Johns setting up a sound system on their steps, South Church on our steps, Temple Israel on State St, North Church at the square, and so forth).. We

would coordinate our readings, with participants spreading out on sidewalks from each central hub.

Please reach out with any questions.

Thanks so much for your time and consideration.

Kirsten Hunter CRE

Director of Lifespan Ministries

South Church UU

[kirsten@southchurch-uu.org](mailto:kirsten@southchurch-uu.org)

(603) 498 4906



Civil Engineers  
 Structural Engineers  
 Traffic Engineers  
 Land Surveyors  
 Landscape Architects  
 Scientists

**NEW  
 HAMPSHIRE  
 200**

RECEIVED

OCT 13 2020

CITY MANAGER  
 PORTSMOUTH, NH

October 7, 2020

Karen S. Conrad  
 City Manager  
 1 Junkins Avenue  
 Portsmouth, NH 03801

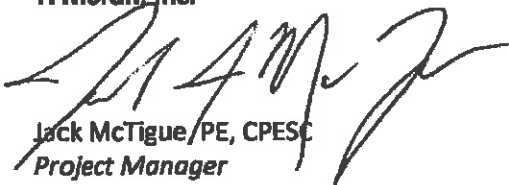
**Re: Road Name for the Village at Banfield Woods - 0 Banfield Road - Tax Map 256, Lot 2  
 TFMoran Project: 47361.00**

Dear Karen:

We are working on a The Village at Banfield Woods project that was approved during the regular September 17, 2020 Planning Board Meeting. It is an Open Space Planned Unit Development with one private road. (Attached is the Condominium Site Plan of the Project.) The developer would like to name the road "Walford Lane" as the property was once part of the Walford Plantation. We would like to get the City Council's approval of the name. If possible, we asked that you bring it up at the October 19<sup>th</sup> meeting.

Thank you for taking time to review this and bring it before the City Council. If there are any problems or questions in regard to the roadway name, please feel free to contact us.

Sincerely,  
 TFMoran, Inc.



Jack McTigue/PE, CPESC  
 Project Manager

Project Manager/Typist

cc: Juliet Walker, Green and Company, LLC.



CITY OF PORTSMOUTH PLANNING BOARD

CHAIRPERSON

DATE

LAND OWNERS:

|        |       |       |       |
|--------|-------|-------|-------|
| LOT 1  | 10000 | 10000 | 10000 |
| LOT 2  | 10000 | 10000 | 10000 |
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PROJECT INFORMATION

|         |                             |
|---------|-----------------------------|
| DATE    | 1/21/03                     |
| BY      | JAC                         |
| PROJECT | PORTSMOUTH COMMONS          |
| CLIENT  | GREEN & COMPANY REAL ESTATE |
| DRAWN   | JAC                         |
| CHECKED | JAC                         |
| SCALE   | AS SHOWN                    |
| DATE    | 1/21/03                     |

TAX MAP 256 LOT 2  
 COMMONS SITE PLAN  
 BANFIELD ROAD  
 PORTSMOUTH, NEW HAMPSHIRE  
 COUNTY OF ROCKINGHAM

OWNED BY  
 THE WALTER D. HERT TRUST  
 PREPARED FOR  
 GREEN & COMPANY REAL ESTATE

DECEMBER 24, 2003

TFM  
 MSC  
 171 Sandown, New York, NY 10814  
 Phone (609) 451-2232  
 Fax (609) 451-9810  
 www.tfmmsc.com

NOTES

1. THE PROJECT IS LOCATED IN THE SMALL RESIDENCE A (SRA) ZONING DISTRICT.
2. THE PROJECT IS LOCATED IN ZONE Y AS SHOWN BY MAPS OF THE CITY OF PORTSMOUTH.
3. FLOOD HAZARD INFORMATION WAS OBTAINED FROM THE NEW HAMPSHIRE FLOOD HAZARD MAP, WHICH IS AVAILABLE AT THE PORTSMOUTH PLANNING BOARD OFFICE.
4. THE PROJECT IS LOCATED IN AN UNDEVELOPED AREA.
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LOCATION PLAN



## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 19, 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 III, Section 7.336 – One-Way Streets by the deletion of ~~Parker Street northerly from Tanner Court to Hanover Street~~. 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 October 19, 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

PM-20200917

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.336 – **ONE-WAY STREETS** 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 7.336:       ONE-WAY STREETS**

~~19.   Parker Street: northerly from Tanner Court to Hanover Street.~~

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.

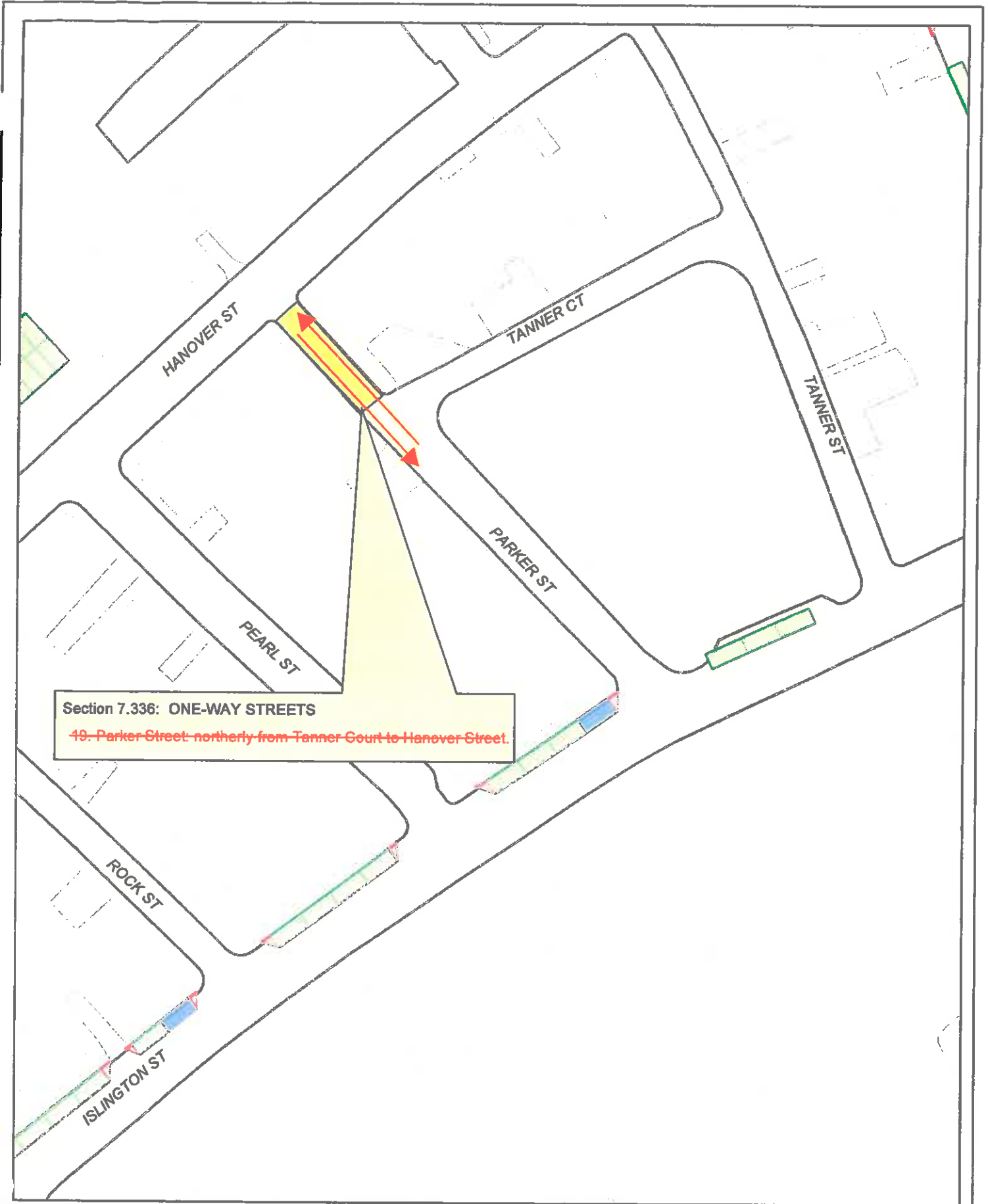
This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



**Section 7.336: ONE-WAY STREETS**  
49. Parker Street: northerly from Tanner Court to Hanover Street.

**ONE-WAY STREETS  
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 2 June 2020  
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2020





CM Info Item #1

# Portsmouth Municipal Complex

Police Commission Meeting

September 9, 2020

# Agenda

- PD and Municipal Complex Studies
- Projects Completed
- Pending Projects
- Questions

# History



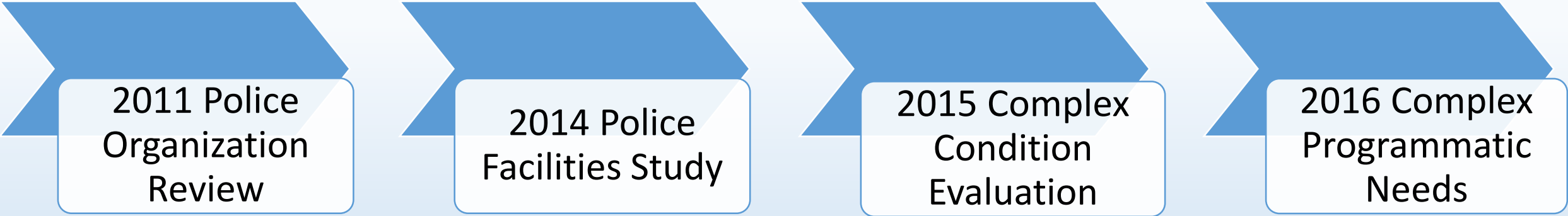
The Municipal Complex Buildings Were Built in 1929, 1950 and 1962 for Hospital Use.

After Minor Renovations, the City Departments Moved into the Municipal Complex in 1988.

The Portsmouth Police Department Moved into the 1962 Building in 1991.



# Municipal Complex Studies



2011 Police  
Organization  
Review

2014 Police  
Facilities Study

2015 Complex  
Condition  
Evaluation

2016 Complex  
Programmatic  
Needs

# Police Department Studies

- In 2011 Police Department Organizational Review
- 2014 Lavallee Brensinger Architects (LBA), Completed a Police Department Facility Study for its Future Needs
- Recommended a New, 66,000 Square Foot Stand-alone Building
- 2014 Study Did Not Consider Renovation of the Existing Space.





# 2015 Facility Condition Assessment

- Facility Condition Assessment Identified \$11,000,000 in Deferred Maintenance with an Additional \$4,000,000 over Ten Years.
- Immediate Concern at the Time was the Façade Failure of the North Building Envelope



# 2016 City Hall Programmatic Needs Study



- City Council Requested a Comprehensive Review of Future Operational Needs
- The City Engaged Lavalley Brensinger Architects the Same Consultant the Police Used
- Goal to Review Alternatives to Either Renovate or Relocate Municipal Complex and Police Department

# Cost Comparison of Alternatives

|   | <b>Square Feet</b> | <b>2016 Cost</b> | <b>Projected 8 Year 2024 Escalated Cost</b> | <b>+20% Engineering Costs</b> |
|---|--------------------|------------------|---|-------------------------------|
| <b>Stand Alone PD New Construction (Excluding Land)</b> | 66,000             | \$24.8M          | \$36.6M                                     | \$43.9M                       |
| <b>Renovations/Additions- City Hall (less PD)</b>       | 64,620             | \$11.3M          | \$13.1M                                     | \$15.7M                       |
| <b>Renovations – PD</b>                                 | 57,756             | \$11.1M          | \$13.0M                                     | \$15.6M                       |
| <b>Combined Renovations /Additions CH and PD</b>        | 122,376            | \$22.4M          | \$26.0M                                     | \$31.2M                       |
| <b>New Municipal Complex Build New (Excluding Land)</b> | 100,000            | \$37.5M          | \$55.4M                                     | \$66.5M                       |

## **2016 Costs/SqFt Applied, Excluding Engineering Costs and Escalation:**

|                             |  |
|-----------------------------|--|
| Additions to City Hall/PD   | \$400/SF   |
| CH Renovations              | \$125/SF   |
| PD Renovations              | \$150/SF   |
| North Wall Façade           | \$1.39m Allowance – Demolition & Replacement (Budget \$2M) |
| Renovations-Storage/Utility | \$ 75/SF   |
| New Construction Off-site   | \$375/SF   |

# 2016 City Hall Programmatic Needs Study

- Study's Conclusion was Presented to City Council at Their March 2016 Retreat
  - Municipal Complex Site has Sufficient Space to Accommodate Future Needs for all Departments
  - City Manager Recommended Deferring Action to Future Date
  - No Further Council Action Since
- Since 2016 Priority Maintenance Items have been Addressed





# Continue to Work With Police Department on Facility Upgrades

- Regular Facilities Coordination Meetings between PD and DPW  
On-going
- Working on List of Maintenance Items as Prioritized by PD (~60 Projects)



| Police Facility Work List |      |                      |                                    |  |                     |                |   |
|---------------------------|------|----------------------|------------------------------------|--|---------------------|----------------|---|
| Building Level            | Room | Title                | Repair Item                        | Repair Description   | Estimated Cost      | Funding Source | Notes   |
| Basement                  | B1   | Rock Room            | Pipes                              | There was a pipe leak about a month ago. Review pipes for any wear and tear. This room is the major storage room for the PPD records.  | Done with DPW staff |                |   |
| Basement                  | B1   | Rock Room            | Retaining wall                     | This room is mainly dirt floor/ledge with a small area with a cement floor. The dirt slowing moves onto the cement floor as there is no "retaining" element to keep the dirt/rocks from moving.  | \$ 2,500.00         |                |   |
| Basement                  | B2   | Women's Locker Room  | Flooring-Replace                   | The floor has a hole in it multiple layers deep.   | \$ 5,000.00         |                | Epoxy flooring estimate recieved  |
| Basement                  | B2   | Women's Locker Room  | Shower                             | Replace & Drain Issues   | \$ 500.00           |                | <b>COMPLETE</b>   |
| Basement                  | B3   | Men's Locker Room    | Ventilation                        | Ventilation in Men's Locker room is poor. Currently there are two dehumidifiers on the wall. Discussed putting in a vent system similar to the one installed in the Evidence room.   | \$ 10,000.00        |                | Will require proper design by engineer to insure success.   |
| Basement                  | B3   | Men's Locker Room    | Bathroom                           | bathroom fixtures, and shower fixtures need replacing.very old and beyond expected use.  | \$ 15,000.00        |                | <b>COMPLETE</b>   |
| Basement                  | B8   | Gun Cleaning Room    | Ceiling/Wall                       | This room experienced significant leaks during the recent construction.  | \$ 5,000.00         |                | New gypboard, and ceiling   |
| Basement                  | B9   | Women's Locker Room  | Flooring                           | Discolored/old   | \$ 10,000.00        |                | Epoxy flooring estimate recieved  |
| Basement                  | B9   | Women's Locker Room  | Wall in bathroom stall             | Wall bubbling from moisture  | \$ 7,500.00         |                | Refinish walls  |
| Basement                  | B16  | Gym                  | Ventilation                        | Since the new "sealed" windows were installed (and the cost to change them out to a working window is approx. 4500 ea.) a decision needs to be made to either change out the window so it opens, or significantly improve the ventilation system. The PPD would prefer an operational window or two.   | \$ 9,000.00         |                | Operable window to be installed   |
| Basement                  | N/A  | Entire Hallway       | Flooring                           | facilities staff will keep halway clean  | Done with DPW staff |                |   |
| 1st Floor                 | 109  | IT Office            | Heating/cooling                    | This room has been gutted due to the most recent leak from the 4th floor. While gutted, a control for heating/cooling has been requested as it is freezing in the winter (leaky windows) and hot in the summer.  | Done with DPW staff |                | portable units will be used until new HVAC system is in place   |
| 1st Floor                 | 109  | IT Office            | Valve off Electrical               | The valve that controls a cooling pipe has flood this office more than once. It appears the problem has been fixed IF the electrical doesn't trip. The electrical for this pipe is on the same circuit for this office. The IT team has numerous "electrical" items they have going at the same time and trip it on their own without the valve. The valve should be on a different circuit AND the electrical should be updated to accommodate the work performed in this office. |                     |                | <b>COMPLETE</b>   |
| 1st Floor                 | 110  | Bathroom by Dispatch | Floor                              | Needs replacing  | \$ 5,000.00         |                | Epoxy flooring estimate recieved  |
| 1st Floor                 | 111  | Telephone Room       | Disaster Protection                | This room holds critical infrastructure of the city and the PPD. It is the nerve center for all IT/phone cables and is not designed for protection during a disaster - example: if the recent leak (which was over this area) made it in, city hall and the PPD would all be without phone and internet. All the major cables, fiber, etc. are in this room.   | \$ 250.00           |                | As an immediate response,install a collection device above critical equipment. Piping replacement is scheduled for fall 2020. |
| 1st Floor                 | 111  | Telephone Room       | Disaster Protection-Plumbing       | Pipes run through this room and should be re-routed. They are currently all falling/leaking and that can result in a disaster as well for city/ppd communications.   | \$ 15,000.00        |                | Install redundant bypass of piping through hallway, scheduled fall 2020.  |
| 1st Floor                 | 117  | Explorer Room        | Floor to ceiling                   | This room had the highest readings for molds during the air tests. It needs to be gutted to find the source. And cleaned up.   | \$ 17,500.00        |                | <b>COMPLETE</b>   |
| 1st Floor                 | 120  | Auxiliary Room       | Floor to ceiling                   | This room experienced significant leaks, rats, and on the air testing had elevated levels of mold.   | \$ 17,500.00        |                | <b>COMPLETE</b>   |
| 1st Floor                 | 128  | Training Room        | Wall                               | Close up wall where old TV is housed. Newer technology needs to be installed   | \$ 125,000.00       |                | <b>COMPLETE</b>   |
| 1st Floor                 | 128  | Training Room        | Ventilation                        | Training room. Poor ventilation. As we become a training hub again, we can have up to 40-50 people in for training and we also do defensive tactics in this room.  | ""                  |                | ""  |
| 1st Floor                 | 128  | Training Room        | Wiring - Electrical and IT related | IT and electrical wiring needs upgrading/additions for today's technology needs  | \$ 4,500.00         |                | ""  |
| 1st Floor                 | 128  | Training Room        | Walls                              | Remove peeling paint and wallpaper. It is peeling in multiple locations  | \$ 5,000.00         |                | <b>COMPLETE</b>   |
| 1st Floor                 | 128  | Training Room        | Floor                              | Replace carpet   | \$ 5,000.00         |                | <b>COMPLETE</b>   |

| Police Facility Work List |                             |  |                 |   |                |                |  |
|---------------------------|-----------------------------|--|-----------------|---|----------------|----------------|--|
| Building Level            | Room                        | Title  | Repair Item     | Repair Description  | Estimated Cost | Funding Source | Notes  |
| 1st Floor                 | 129                         | Evidence Submittal Room  | Wall            | This room has a garage door. This door is not as secure as a solid wall would be. Also, sandbags are used outside the door to keep water from flooding in from rain/snow.   | \$ 5,000.00    |                | Infill overhaddock with Masonry Block or brick.  |
| 1st Floor                 | 133                         | Evidence Processing Room   | Wall            | During the construction leaks, this room had one wall damaged by water.   | \$ 1,000.00    |                | <b>COMPLETE</b>  |
| 1st Floor                 | 135                         | Patrol Forms/Equipment Room  | Walls/Floor     | This room experienced leaks as well prior and during recent construction.   | \$ 1,000.00    |                | Repair and refinish  |
| 1st Floor                 | 137                         | Electrical Room by Report Writing                                      | Review          | This room has suffered leaks for years and most especially during recent construction. All electrical wires and units should be reviewed for any damage/rusting.  | \$500          |                | Review and recommend   |
| 1st Floor                 | 145                         | Booking/Holding rooms  | Flooring        | Booking/Holding cell area - remaining tiles need removing/replacing = a safety hazard   | \$ 5,000.00    |                | <b>COMPLETE</b>  |
| 1st Floor                 | 147                         | SIU Office   | Ventilation     | This office is an "inner" office with no windows. Ventilation extremely poor.   | \$ 25,000.00   |                | Retrofit engineered HVAC   |
| 1st Floor                 | Interior offices/detectives | Interview Rooms  | Ventilation     | Mold on ceiling tiles/vent  | \$ 50,000.00   |                | <b>COMPLETE</b>  |
| 1st Floor                 | Juv Prosecutor (no #)       | Juv Prosecutor Office-Detectives                                       | Walls/Floor     | In one corner in this office, there was an ongoing pipe/or window leak. Additionally, there were leaks during recent construction. Repair.  |                |                | <b>COMPLETE</b>  |
| 1st Floor                 | Lavatory                    | Bathroom/End of Hall past Kitchen                                      | Bathroom        | Needs a gut/redo. Likely black mold on vinyl wallpaper where window is etc. Hot water doesn't work either.  | \$ 5,000.00    |                | <b>COMPLETE</b>  |
| 1st Floor                 | n/a                         | Kitchen  | Plumbing        | Problem with drain in sink / Drains poorly (something in how it was designed). Also requested a garbage disposal, but the spacing doesn't allow.  | \$ 12,000.00   |                | <b>COMPLETE</b>  |
| 1st Floor                 | 131                         | SERT Room by Evidence  | Ceiling / Wall  | Damage from roof leaks  |                |                | <b>COMPLETE</b>  |
| 1st Floor                 | 107                         | Newport's Office   | Ceiling         | Damage from roof leaks  |                |                | <b>COMPLETE</b>  |
| 1st Floor                 | n/a                         | Entire first floor of PPD (hallways, offices)                          | Ceiling Tile    | Replace tiles & clean as this is the "Rat Run" for the majority of rats caught (feces/urine on tiles)-From Patrol to detectives, to Booking and Aux Room. All corners of this floor.  | \$ 75,000.00   |                | <b>COMPLETE</b>  |
| 1st Floor/Basement        | n/a                         | Entire basement & most of first floor of PPD (hallways, offices, etc.) | Heating/cooling | Yes, there are windows on this floor, but a large part of this floor (offices, etc.), and don't have windows and rely on the ventilation system. Poor ventilation in these areas.   | \$ 200,000.00  |                | we propose the "significantly improve ventilation" option, as part of a greater HVAC effort. |
| 2nd Floor                 | n/a                         | Kitchen  | Counter         | Counter laminate is broken. Has a bathroom sink in it. Replace both, redesign for better use (upper cabinets for storage)/efficiency as it is also the copy and storage room  | \$ 7,500.00    |                | Design and install new kitchenette   |
| 2nd Floor                 | 232                         | Tammie Perez Office  | Electrical      | There is some kind of electrical surge happening. Printers/Computers have short life in this office.  | \$ 5,000.00    |                | Circuit test and rewire as necessary   |
| 2nd Floor                 | n/a                         | Circuit breaker  | Electrical      | Main circuit breaker trips when items are added. Note: Parking is on the breaker and they trip it too.  | \$ 2,500.00    |                | Electrical service upgrade project might address this  |
| 2nd Floor                 | 225                         | Cummings Office  | Wall/Carpet     | Mold, water damage, Replace all finishes.   | \$ 8,000.00    |                | <b>COMPLETE</b>  |
| 2nd Floor                 | outside 225                 | Cummings Office  | Lockers         | Replace with closet...short on storage, coat/LE equipment   | \$ 2,000.00    |                |  |
| All Floors                | n/a                         | See annotated 3-floor diagram  | Mold            | Mold/leaking pipes, etc. Abate/clean  | \$ 150,000.00  |                |  |
| All Floors                | n/a                         | All department wide vents  | Air Vents       | Most have Black dust/mold/etc. around them.)  |                |                | ongoing cleaning required by staff during heavy condensation seasons                         |
| All Floors                | n/a                         | HVAC system  | HVAC ducts      | They were cleaned City Hall wide after the range fire. The contracts said they were discussing and had decades of dust, skin cells, etc. That was in 2012. They should be on an annual or bi-annual cleaning scheduled for health reasons. Especially since much of the PPD has no window access. | \$ 50,000.00   |                | Bipolar ionozation system install purchased, and pending                                     |
| All Floors                | n/a                         | Throughout PPD   | Flooring        | Significantly old carpet in most areas of the PPD (most over 18 - 20+ years old)  | \$ 45,000.00   |                | determine new carpet standard, and replace   |
| All Floors                | n/a                         | Stair Treads   | Flooring        | Many tiles cracked/loose.   | \$ 25,000.00   |                | determine new tile standard, and replace   |
| Back Parking Lot          | n/a                         | Back Parking Lot-upper   | Parking         | Request parking spaces on perimeter of upper area be established as "nose in" vs parallel. This will increase the number of spaces available to PPD employees.  | \$ 15,000.00   |                |  |
| Back Parking Lot          | n/a                         | Back Parking Lot-entrance  | Parking         | This is for LE personnel and the fleet. This should be a secure lot (may an arm like the parking garage that allows only badge holders to cross). Also fencing to keep people from walking their dogs through the lot.  | \$ 7,500.00    |                |  |



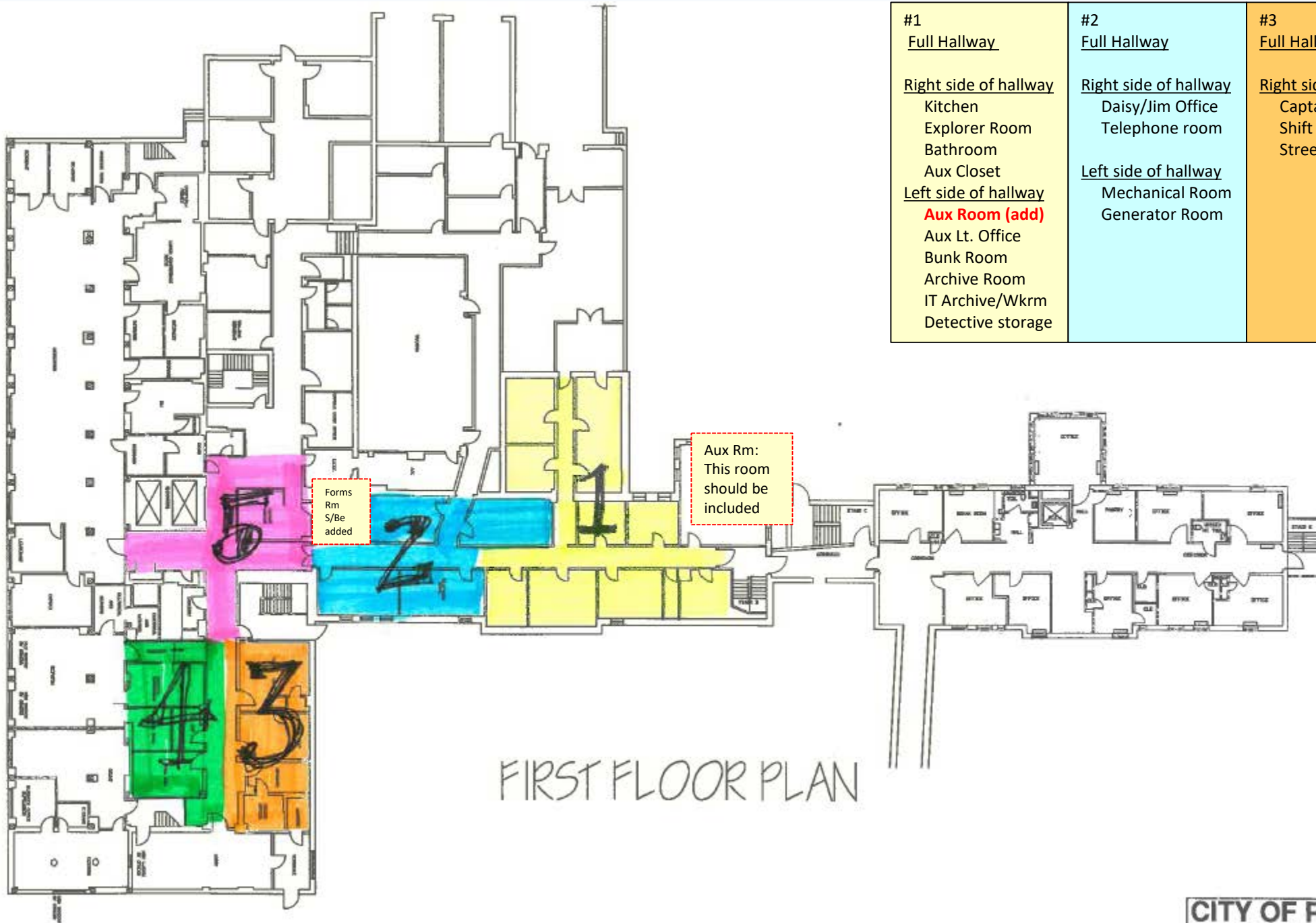
## Police Facility Work List

| Building Level   | Room         | Title                          | Repair Item | Repair Description  | Estimated Cost       | Funding Source | Notes |
|------------------|--------------|--------------------------------|-------------|---|----------------------|----------------|-------|
| Back Parking Lot | n/a          | Back Parking Lot-upper         | Parking     | Can back parking lot be made bigger (per discussion, maybe increase the surface space by the sallyport bay) and push lower perimeter wall back and re-configure spaces? | \$ 5,000.00          |                |       |
| Back Parking Lot | n/a          | Back Parking Lot-All           | Lighting    | Although new lighting was installed (spots down) the back parking lot is not adequately lit for safety. Review and recommend improvements.                              | \$ 1,500.00          |                |       |
| Back Parking Lot | n/a          | Back Parking Lot - upper/lower | Wall        | Retaining wall out back crumbling near sallyport/detective entrance   | \$ 10,000.00         |                |       |
| Back Parking Lot | Garage       | Entrance                       | Door        | Garage entry door rusted out on the bottom. Fleet tech pushed padding into it to prevent cold air/water elements to get in.   | \$ 2,500.00          |                |       |
| Back Parking Lot | Garage       | Bay #1 and over sink           | Roof        | Leaks over the sink and over Bay #1 (where car evidence is parked)  | \$ 1,000.00          |                |       |
| Back Parking Lot | Garage       | Bay #3                         | Door        | there was supposed to be a berm laid down in front of Bay #3 to direct the water from storms away from the bay vs. flooding the bay.                                    | \$ 500.00            |                |       |
| Back Parking Lot | Storage Shed | Tire Storage Shed              | Walls       | This is where the PPD tires are stored (approx 10K worth of tires). It needs repair to the walls and the roof should be reviewed as well.                               | \$ 2,000.00          |                |       |
|                  |              |                                |             |   |                      |                |       |
|                  |              |                                |             |   |                      |                |       |
|                  |              |                                |             |   |                      |                |       |
| <b>TOTAL</b>     |              |                                |             |   | <b>\$ 978,750.00</b> |                |       |

# Completed Police Projects Include:



- New Police Entrance and Records Area ~\$450K
- Multiple Roof Replacements ~\$60K
- 16,000 sqft Mold Abatement and Renovation ~\$200K
- New Kitchen ~\$10K
- HVAC Piping replacement in Detectives Area ~\$36K



FIRST FLOOR PLAN

|  |   |   |  |
|--|---|---|--|
| <p>#1<br/><u>Full Hallway</u></p> <p><u>Right side of hallway</u><br/>Kitchen<br/>Explorer Room<br/>Bathroom<br/>Aux Closet</p> <p><u>Left side of hallway</u><br/><b>Aux Room (add)</b><br/>Aux Lt. Office<br/>Bunk Room<br/>Archive Room<br/>IT Archive/Wkrm<br/>Detective storage</p> | <p>#2<br/><u>Full Hallway</u></p> <p><u>Right side of hallway</u><br/>Daisy/Jim Office<br/>Telephone room</p> <p><u>Left side of hallway</u><br/>Mechanical Room<br/>Generator Room</p> | <p>#3<br/><u>Full Hallway (delineated)</u></p> <p><u>Right side of hallway</u><br/>Captain Office<br/>Shift Commander Ofc<br/>Street Supervisor Ofc</p> | <p>#4</p> <p><u>Left side of hallway</u><br/>Dispatch hall<br/>McGrenaghan Ofc<br/>Dispatch lunch<br/>ACO Office<br/>Old Trophy Room</p> |
|--|---|---|--|

#5  
Full Hallway

Mailbox, elevators

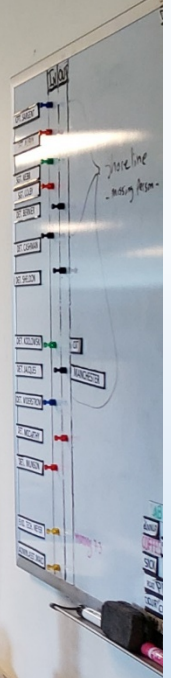
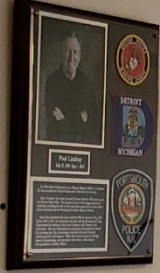
Right side of hallway  
Report writing  
**Forms Room (add)**

**We are going to have to talk about this section.**

We can't block this whole section. It is like the Rt 1 traffic circle of the PPD.

This space cuts off all access of officers coming up from the locker room AND exiting to the back parking lot and booking













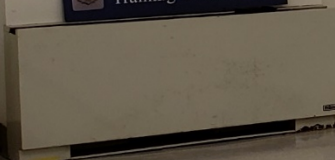








Portsmouth Police  
Training Calendar







# Schedule of On-going Additional Projects

- On-going Communication and Coordination Between PD and DPW
- Projects Focus on Police Priority List of 60 Items ~\$1M (18 of Which are Completed >\$200K) – Pending Funding
- Additional Phase Mold Remediation Fall 2020
- Renovation of Remediated Spaces Fall/Winter 2020
- Bipolar Ionization HVAC Modifications, Week of September 7th
- Additional HVAC Improvements – Pending Funding



**On-going Municipal Complex Priority Projects**



# Electrical Service Upgrade

- Project Includes:
  - Replace Existing Electrical Service
  - Replace Existing Transformer
  - Replace Main Disconnect
  - Replace Emergency Generators
- Project has Been Bid and Pending Award



# Heating, Ventilation and Air Conditioning Upgrade

- Current Project Recommendation Includes:
  - Replace Existing Dual Pipe System Forced Hot Water System with New Heat Pump Technology
  - Replace Existing Piping
  - Replace Heating and AC Unit
- Funding for Final Design and Construction is Included in CIP for FY 23
- Engineer's Opinion of Cost \$1.6 M





Questions?

**CITY OF PORTSMOUTH**  
**PORTSMOUTH, NH 03801**

**Office of the City Manager**

**To:** Honorable Mayor Becksted and City Council Members  
**From:** Karen S. Conard, City Manager *KSC*  
**Date:** October 15, 2020  
**Re:** FY20 Budget Surplus Question Posed by Councilor Huda at the 10/5/20 City Council Meeting

---

The following is in response to Question #1 placed on the October 5, 2020 City Council meeting under Councilor Huda's name. Councilor Huda asked what the expenditure surplus is for the year ending June 30, 2020 by Municipal, Police, Fire and School.

It is important to understand the whole process and not focus one aspect of the year-end balances. The following information has been presented to the City's independent auditors. The Finance Department is currently in the process of preparing the Comprehensive Annual Financial Report (CAFR) and the Popular Annual Financial Report (PAFR) which will be released in January 2021. These reports will include a Management's Discussion and Analysis (MD&A) and important financial notes which provides additional information that is essential to fully understand the data provided in the financial statements.

The adopted Fiscal Year 2020 Budget for both the Operating and the Non-Operating Budget was \$118,638,630. The tax levy (the amount raised from property taxes) is the difference between the adopted annual budget and estimated revenues which includes any budgetary or supplemental use of Fund Balance. For FY20, \$2,500,000 was utilized from Fund Balance to reduce the amount of tax levy to be raised.

As you are aware, during the last half of the City's fiscal year, the world was hit with the COVID-19 pandemic. Because of the many uncertainties that the City was facing with a potential reduction in revenues, I placed a spending freeze on all non-essential expenditures.

The unaudited results for FY20 for both expenditures and revenues resulted in an overall surplus of \$3,621,854 as depicted below.

|                                  |                    |                                    |
|----------------------------------|--------------------|------------------------------------|
| <b>MUNICIPAL (DPW \$373,285)</b> | <b>\$924,262</b>   |                                    |
| <b>POLICE</b>                    | <b>\$259,588</b>   |                                    |
| <b>FIRE</b>                      | <b>\$204,848</b>   |                                    |
| <b>SCHOOL</b>                    | <b>\$246,849</b>   |                                    |
| <b>NON-OPERATING</b>             | <b>\$756,645</b>   |                                    |
| <b>EXPENDITURE SURPLUS</b>       | <b>\$2,392,192</b> | <b>or 2% of Total Budget</b>       |
| <b>REVENUE SURPLUS</b>           | <b>\$1,229,662</b> | <b>or 1% of Estimated Revenues</b> |
| <b>TOTAL NET SURPLUS</b>         | <b>\$3,621,854</b> |                                    |

This table shows the comparison of the net surplus over the last four fiscal years.

|                        |                           |
|------------------------|---------------------------|
| <b>FY 17</b>           | <b>\$5,550,104</b>        |
| <b>FY 18</b>           | <b>\$4,587,708</b>        |
| <b>FY 19</b>           | <b>\$5,159,103</b>        |
| <b>FY 20 Unaudited</b> | <b><u>\$3,621,854</u></b> |
| <b>4 Year Total</b>    | <b>\$18,918,769</b>       |

The surpluses above are the result of the fiscal year’s activity and are reported in the budget to actual statement in the CAFR. To understand what happens with a surplus at the end of the fiscal year, the understanding of the Governmental Fund Balance sheet is essential. The General Fund balance sheet is prepared using current financial resources measurement focus and the modified accrual basis of accounting. In other words, with a few exceptions the Governmental Fund Balance sheet reports cash and other financial resources (such as receivables) as assets and amounts owed that are expected to be paid off within a short period of times as liabilities. Meaning, no long-term assets or liabilities are reported on this balance sheet. The Fund Balance is essentially what is left over after the Fund’s current assets have been used to meet current liabilities.

Total Fund Balance is comprised of 4 sections:

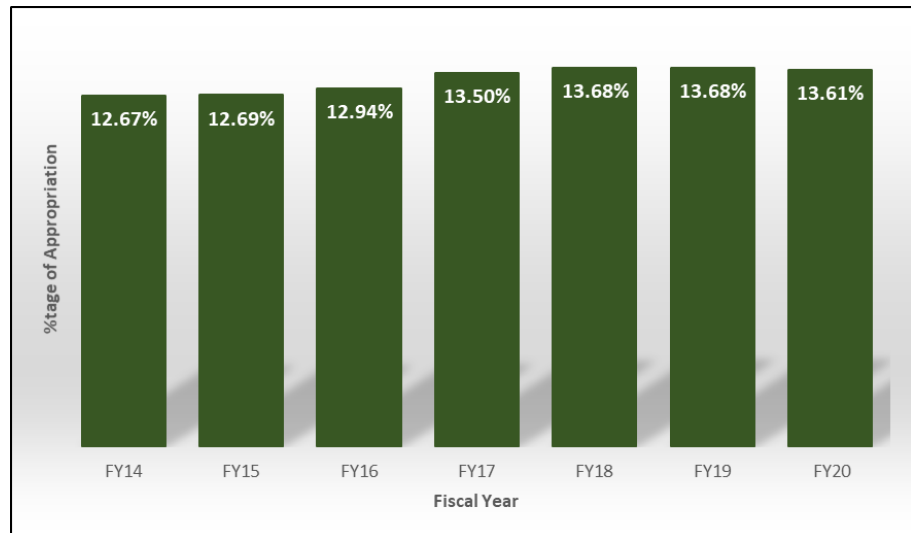
- 1) Nonspendable Fund Balance – Inherently nonspendable (long-term loans receivable)
- 2) Committed Fund Balance – Reserves and stabilizations reserves
- 3) Assigned Fund Balance – Constraint purposes (encumbrances)
- 4) Unassigned Fund Balance – Not intended for any purpose

The following table depicts the final results due to activity that occurred in Fund Balance during the fiscal years of 2017, 2018, 2019 & unaudited 2020. Although there were surpluses to Fund Balance, there were also adjustments as a result of budgetary/supplemental appropriations, use of reserves to record abatement liabilities, and use of reserves in accordance with policies for long-term financial planning such as Leave at Termination and Health Insurance Stabilization funds.

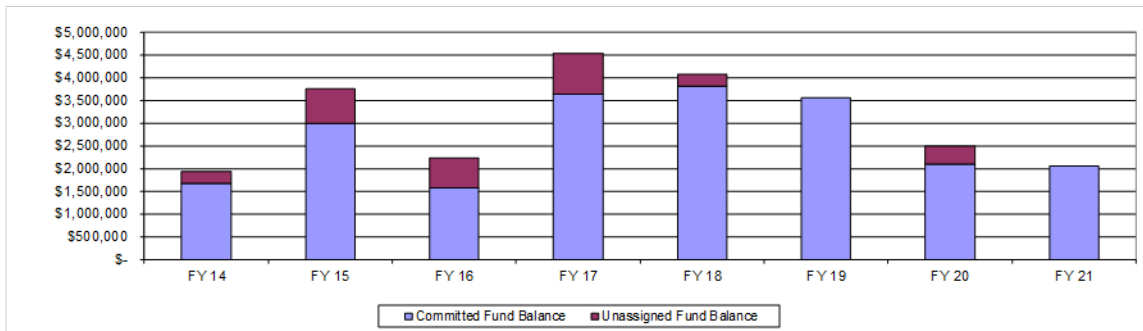
The activity for FY20 (unaudited) resulted in an overall reduction in Fund Balance of \$1,499,547.

| <b>Fund Balance</b>                     | <b>FY 17</b>       | <b>FY 18</b>       | <b>FY 19</b>       | <b>UNAUDITED<br/>FY 20</b> | <b>Total</b>        |
|---|--------------------|--------------------|--------------------|----------------------------|---------------------|
| Fiscal Year Surpluses                   | 5,550,104          | 4,587,709          | 5,159,103          | 3,621,854                  | 18,918,770          |
| <b>Adjustments to Fund Balance</b>      |                    |                    |                    |                            |                     |
| Change to Encumbrances                  | (128,972)          | 285,312            | 1,213,781          | (811,363)                  | 558,759             |
| Abatement Liabilities                   | (669,977)          | (747,051)          | (2,267,562)        | (1,268,939)                | (4,953,529)         |
| Health Stabilization                    | (63,620)           | (548,897)          | (860,512)          | 97,828                     | (1,375,200)         |
| Leave at Termination                    | 292,565            | 28,959             | (289,547)          | (477,345)                  | (445,368)           |
| Budgetary Use-Reserve Tax Appraisal     | (73,500)           | (150,000)          | (150,000)          | (150,000)                  | (523,500)           |
| Budgetary Use-Debt Service Reserve      | (1,700,000)        | (2,400,000)        | (2,123,000)        | (1,950,000)                | (8,173,000)         |
| Budgetary Use-Reserve for Bond Premium  | (1,850,000)        | (1,269,148)        | (1,286,114)        | 0                          | (4,405,263)         |
| Budgetary Use of Committed Fund Balance | (250,000)          | (231,000)          | 0                  | (400,000)                  | (881,000)           |
| Statewide Property Tax                  | (30,000)           | (50,000)           | 0                  | 0                          | (80,000)            |
| Coakley Monitoring                      | 0                  | (239,818)          | (367,850)          | (161,583)                  | (769,251)           |
| Supplemental Appropriations             | (665,800)          | (27,167)           | 0                  | 0                          | (692,967)           |
| <b>Total Net Adjustment</b>             | <b>(5,139,304)</b> | <b>(5,348,810)</b> | <b>(6,130,804)</b> | <b>(5,121,401)</b>         | <b>(21,740,319)</b> |
| <b>Total Change in Fund Balance</b>     | <b>410,800</b>     | <b>(761,101)</b>   | <b>(971,701)</b>   | <b>(1,499,547)</b>         | <b>(2,821,549)</b>  |

The City's Unassigned Fund Balance at the end of FY20 is anticipated to remain stable at 13.61%. This is in the range established by the Unassigned Fund Balance Ordinance of 10%-17%.



The chart below shows the use of fund balance through the budgetary process and supplemental appropriations adopted by the City Council. This is a clear demonstration that surpluses in any fiscal year is used to offset taxes and maintain fiscal stability.



| Use of:                          | FY 14            | FY 15            | FY 16            | FY 17            | FY 18            | FY 19            | FY 20            | FY 21            | Total<br>FY14-FY21 |
|----------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------------------|
| Committed Fund Balance           | 1,673,500        | 2,991,397        | 1,573,500        | 3,623,500        | 3,819,149        | 3,559,114        | 2,100,000        | 2,050,000        | 21,390,160         |
| Unassigned Fund Balance          | 247,000          | 755,500          | 650,000          | 915,800          | 258,167          | -                | 400,000          | -                | 3,226,467          |
| <b>Total Use of Fund Balance</b> | <b>1,920,500</b> | <b>3,746,897</b> | <b>2,223,500</b> | <b>4,539,300</b> | <b>4,077,316</b> | <b>3,559,114</b> | <b>2,500,000</b> | <b>2,050,000</b> | <b>24,616,627</b>  |
| <b>Average Use Per Year</b>      |                  |                  |                  |                  |                  |                  |                  |                  | <b>3,077,078</b>   |

It is important to keep in mind that the final adopted budget for FY21 includes the use of Fund Balance of \$2,050,000. Any surplus, if presented at the end of FY21, would be used to replenish Fund Balance for future budgets. As the above table demonstrates, the City has utilized \$24,616,627 from Fund Balance over the last eight years (FY14 to FY21) to offset the tax rate.

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: October 13, 2020

TO: KAREN CONARD, CITY MANAGER

FROM: SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY

RE: REPORT BACK ON OPTIONS FOR ACQUISITION OF ART  
FOR PEIRCE ISLAND WASTEWATER TREATMENT FACILITY

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At the City Council meeting on October 5, 2020, questions were posed with regard to the public art acquisition process in light of the winding down of Art Speak as an organization. These questions arose in the context of discussion regarding the public art requirement related to the upgrade of the Pierce Island Wastewater Treatment Facility (PI WWTF). This memorandum constitutes a report back on the public art acquisition process and options for this project.

By way of background, you will find attached a summary of the steps for implementing the Percent for Art Ordinance found at Chapter 1, Section 17 of the City's Ordinances. Also by way of background I provide a link to the Request for Proposals (RFP) issued by the City for the public art element at the Foundry Garage:

<http://files.cityofportsmouth.com/finance/bids/16-18.pdf>

City staff managed this RFP process and would be prepared to do again as part of any public art installation related to the PI WWTF upgrade.

If the City Council wishes to proceed with public art at the PI WWTF the City Council will need to decide how it wishes to receive input on the proposals received as part of an RFP process, the options set forth in the current ordinance are described below.

At Section 1.1705 (B) of the City's Ordinance, states as follows: In determining the selection of any public art project, the City Council may:

1. Refer the question to any agency of a public, non-profit or private nature which might be selected by the City Council for an advisory report, or;
2. Refer the question to a standing committee for public art which may be created by the City Council under such terms and conditions as it may establish, or;
3. Create an ad hoc committee for any particular public art project under such terms as the Council may establish, or



4. Seek such other advisory recommendation as the City Council deems appropriate

Consequently, the City Council could obtain one or more advisory opinions on the proposals submitted. There are non-profit entities that may be willing to assist with providing such an advisory report including but certainly not limited to the University of New Hampshire, which has a public art museum and art department, as well as the Currier Museum in Manchester. Staff could coordinate providing the selection criteria and proposals and bring forward for the City Council's consideration the two top proposals recommended through the advisory report process.

Alternatively, the City Council could create an ad hoc committee to evaluate the proposals and make a recommendation(s) to the City Council for art at the PI WWTF. Again, the City may be able to take advantage of area art institutions that may be able to provide a representative to sit on such an ad hoc committee. Representatives would not have to be residents of Portsmouth.

## **Implementation Percent for Art Ordinance**

- 1. Public project is determined by the City Manager to be subject to City Ordinance XVII Funding of Public Art ("Public Art Ordinance" - attached).**
- 2. City Council may or may not vote to exercise exemption provision (Section 1.1704) of the Public Art Ordinance.**
- 3. Funding for Public Art project is transferred to Public Art Trust (attached) established for the purpose of "creating a repository for all funds authorized, contributed or received for Public Art in accordance with City Ordinances." (Ten percent of the authorized amount is reserved for repair, maintenance and stewardship of artwork in accordance with Section 1.1706 of the Ordinance).**
- 4. City Council determines method by which public art project shall be selected in accordance with Section 1.1705B of Public Art Ordinance (i.e. Art-Speak or other entity).**
- 5. City Manager administers action authorized by City Council in accordance with Section 1.1705C for implementation of public art project.**
- 6. City Council authorizes the expenditure for the public art project from the Public Art Trust in accordance with provision #3 of the Public Art Trust.**

## **ARTICLE XVII: FUNDING OF PUBLIC ART**

### **Section 1.1700: STATEMENT OF PURPOSE**

It is hereby declared that it shall be the public policy of the City of Portsmouth to assist and encourage the participation of its citizens and visitors in the enjoyment of the many benefits which flow from the arts. Among other activities to this end, the City will allocate a portion of the expense of public building construction and significant building renovation projects to be spent on works of art which shall be available for the benefit of all without additional cost to those persons. Such works of art shall be called public art as defined in more detail herein.

### **Section 1.1701: DEFINITION OF PUBLIC ART**

“Public Art” or “Public artworks” are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site, considering the historical, geographical and social/cultural context of the site and constructed on a scale that is proportional to the scale of the development. “Artwork” – includes but is not limited to, painting, murals, inscriptions, stained glass, fiber work, statues, relief’s or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included in this definition are installations that are technological in nature, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts – both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Landscape items include the artistic placement of natural materials and other functional art objects. Works of art may be portable as well as permanent.

#### **This definition shall not include:**

Objects that are mass-produced from a standard design or reproductions of original art works; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art; logos or corporate identity.

### **Section 1.1702: PUBLIC ART COMMITMENT**

One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in accordance with the terms of this ordinance and the Public Art Trust.

**Section 1.1703: PUBLIC ART TRUST**

There shall be created a Public Art Trust to serve as a repository of all public art contributions generated by application of this ordinance. Such Trust shall be administered for the purpose of implementation of this ordinance. The terms of the Trust shall be consistent with this ordinance and shall be interpreted by reference to this ordinance.

**Section 1.1704: EXEMPTION**

By a two-thirds (2/3) vote, the City Council may exempt a municipal building, such as a water or sewer plant, from the Public Art Commitment described in Section 1.1702 if the purpose of this ordinance would not be fulfilled due to the building's inaccessibility to the public, location, use or other factors."

**Section 1.1705: EXPENDITURE OF PUBLIC ART FUNDS**

Expenditure of public arts funds shall be determined by the City Council. In authorizing such expenditures the Council shall apply the following protocol and criteria:

- A. No less than ninety (90%) percent of the principal amount of public art contribution generated by any particular building project shall be expended on the site of that project.
- B. In determining the selection of any public art project, the City Council may:
  1. Refer the question to any agency of a public, non-profit or private nature which might be selected by the City Council for an advisory report, or;
  2. Refer the question to a standing committee for public art which may be created by the City Council under such terms and conditions as it may establish, or;
  3. Create an ad hoc committee for any particular public art project under such terms as the Council may establish, or;
  4. Seek such other advisory recommendation as the City Council deems appropriate
- C. Upon the authorization by the City Council of a public arts project, the administrative and financial implementation of that authorization shall be performed by the administrative officials of the City.

**Section 1.1706: MAINTENANCE AND REPAIR OF PUBLIC ART**

Public art funds under this ordinance and the Public Art Trust to be created in conjunction herewith shall be available for repair and maintenance of public art, regardless of whether the public art work was initially funded by the Public Art Trust or otherwise.

**Section 1.1707: FUNDING ACCEPTED**

This ordinance authorizes and the Public Art Trust shall provide for the acceptance by the City of donations, grants or contributions to public art which might be approved from time to time by the City Council.

(Adopted 9/18/2006 to become effective August 21, 2007)

**CITY OF PORTSMOUTH**  
**PUBLIC ART TRUST**

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "City") and its Trustees of Trust Funds, Charter Officers of the City with a principal place of business of Prescott Park, Shaw Building, Marcy Street, Portsmouth, Count of Rockingham and State of New Hampshire (hereinafter "Trustees") hereby enter this agreement of Trust for the purposes and under the terms and conditions established herein.

1. **STATEMENT OF PURPOSE:**

This Trust is established for the purpose of creating a repository for all funds authorized, contributed or received by the City of Portsmouth for Public Art pursuant to the ordinances of the City.

2. **TRUST ASSETS:**

All funds which shall be directed to the Trust and any income produced thereby shall be administered by the Trustees in accordance with their fiduciary duty, the terms of this Trust and the ordinances and Charter of the City of Portsmouth.

3. **USE OF TRUST ASSETS:**

The assets and income held in the Public Art Trust may be expended for any public art purpose which is consistent with the public art ordinance of the City as it may be amended from time to time. Any expenditures from the Trust shall be authorized by the City Council. The Trustees shall disburse such funds at times and in amounts as may be specified under the direction of the City Manager acting pursuant to that authorization of the City Council.

4. **INVESTMENT AND REINVESTMENT OF TRUST FUNDS:**

The Trustees shall hold, invest and reinvest the assets of the Trust together with all additional thereto, either in savings or special notice accounts or in such investments as allowed by the laws of the State of New Hampshire, and may collectively invest such funds with other funds held by the Trustees for the sole purpose of obtaining a higher yield on the investments so collectively invested. The funds of this Trust shall be accounted for separately by the Trustees along with any interest earned on such funds.

5. OVERSIGHT AND ENFORCEMENT:

The administration of this trust and the expenditure of any funds therefrom shall be subject to the oversight of the Charitable Trust Unit of the Office of the Attorney General of the State of New Hampshire, which entity may enforce the terms and conditions of this trust by proceeding in equity or otherwise.

**THE CITY OF PORTSMOUTH**

Dated: 10/6/11

  
\_\_\_\_\_  
John P. Bohenko, City Manager

Pursuant to vote of the City Council on  
September 18, 2006.

**TRUSTEES OF TRUST FUNDS**

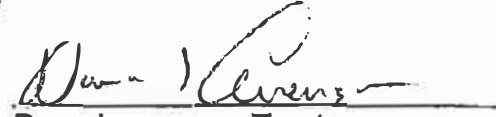
Dated: 10/20/11

  
\_\_\_\_\_  
Phyllis Eldridge, Chair

Dated: 10-20-11

  
\_\_\_\_\_  
Brad Lown, Trustee

Dated: 10/20/11

  
\_\_\_\_\_  
Dana Levenson, Trustee