

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_a_682R1LTp2MILXPM262Nw

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 2020-25, 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, FEBRUARY 8, 2021

TIME: 6:00PM

AGENDA

- I. **6:00PM WORK SESSION REGARDING PEIRCE ISLAND**
- 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 – JANUARY 25, 2021 AND JUNE 15, 2020**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (*Via Zoom*)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED****
- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

First Reading of Ordinances:

- A. First Reading of Ordinance amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission
- B. First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Public Hearing – Capital Improvement Plan (CIP):

- C. CAPITAL IMPROVEMENT PLAN (CIP) FY 2022-2027
 - **PRESENTATION** (*Presentation was held at the January 13, 2021 Work Session*)
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Action on CIP will take place at the March 8, 2021 City Council meeting)

Public Hearing & Adoption of Resolutions

D. Public Hearing Re: Elderly Exemption

Resolution Pursuant to RSA 72-39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,928 for a single taxpayer or \$60,400 for married taxpayers, inclusive of social security payment. The elderly exemption shall remain unchanged except as amended hereby

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

E. Public Hearing Re: Disabled Exemption

Resolution Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,712 for a single taxpayers or \$60,103 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby

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

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Richard Duddy to the Recreation Board
 - Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee
2. Announcement of Appointments to the Arts and Non-Profit Blue Ribbon Committee
 - Lawrence Yerdon
 - Courtney Perkins

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *Scheduling of Meeting for Priority and Goals Check-In with the City Manager

B. COUNCILOR McEACHERN

1. *Public Comment Post Pandemic (***Sample motion – move to extend the use of Zoom to Public Comment participants after the Council resumes meeting in person***)

C. COUNCILOR WHELAN

1. *McIntyre Update

D. COUNCILOR HUDA

1. Preliminary FY22 Budget Guidance (***Sample motion – move to finalize the Preliminary FY22 Budget Guidance given at the Council Meeting of January 8, 2021***)
2. CIP (Capital Improvement Plan) (***Sample motion – move for the following clarifications to be included in the CIP Discussion:***
 - ***When the Council Votes to Accept the CIP – Does that mean that the Council has approved and agreed to all of the items in that 6 year plan?***
 - ***Does the Approval of the CIP by the Council constitute the “authorizing” of the amount listed by line item and amount for that specific project?***
 - ***Please clarify what happens when an item is listed on the CIP for a number of years, then is not listed in the current plan? If the amount in the prior plan was approved/authorized, then where do the funds go, if the line item goes away?***
 - ***Please discuss the effect if any on authorized but unissued bonds related to the above. Are these projects considered authorized but unissued from a bonding perspective?)***

E. COUNCILOR TABOR

1. *Waiver of Fees for Restaurant Outdoor Seating (***Sample motion – move to give the City Manager authority to relieve restaurants of fees for outdoor seating due to COVID-19 as was done in 2020***)
2. *Fee Committee Update

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Portsmouth Police Department in the amount of \$2,500.00 from Paul Gormley and Kimi Iguchi (***Sample motion – move to accept the donation in the amount of \$2,500.00 to the Police Department***)
- B. *Acceptance of Donation to the Portsmouth Fire Department in the amount of \$2,500.00 from Paul Gormley and Kimi Iguchi (***Sample motion – move to accept the donation in the amount of \$2,500.00 to the Fire Department***)

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. 60 Penhallow Street (Brick Market) Construction License

2. Proposed Public Art Donation
3. City Council Policy No. 2012-02 Regarding Use of City Property for Sidewalk Cafes
4. Middle Street Baptist Church Parking Contract Renewal
5. Report Back to Council on Request for Release of City Interest in an Unimproved Portion of Cliff Road

XVI. CONSENT AGENDA

- A. Letter from John Mortimer, Millennium Running, requesting permission to hold the St. Patty's 5k & 10k on Saturday, March 13, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street for outdoor events beginning May 1, 2021 through October 31, 2021 and the service of alcohol
- C. Request of Restoration of Involuntary Merged Lot – 900 Middle Road (***Sample motion – move to refer to the Planning Board and Assessor for report back***)

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Liability Insurance for Sales of Alcoholic Beverages on City Property

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

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

** Indicates verbal report*

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 25, 2021

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

Remote Meeting via Zoom Conference Call

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At 6:00 p.m., Anticipated Non-Public Sessions were held on the following topics:

1. Right-of-Way Issues related to the Peverly Hill Project – Consideration of Legal Advice – RSA 91-A:3 II (I)
2. Collective Bargaining Agreement in Accordance with RSA 91-A:3 II (a)

**Councilor Tabor moved to seal the minutes of the January 25, 2021 Non-Public Sessions.
Seconded by Councilor Huda.**

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

Mayor Becksted recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-24 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

- 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**

At 7:07 p.m. Mayor Becksted called the meeting to order.

IV. ROLL CALL

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

V. INVOCATION

Mayor Becksted asked everyone to join a moment of silent prayer in memory of Dana Francois and John Connors who recently passed away.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – JANUARY 11, 2021

Councilor McEachern moved to approve and accept the minutes of the January 11, 2021 City Council meeting with changes. Seconded by Councilor Kennedy.

IX. PUBLIC COMMENT SESSION

Josh Denton spoke regarding implementing the recommended items from Toole Design in place for the bike lanes. He also addressed Pop Up NH and how important it is to get the preparations started early. He asked that the electrical lines for the Bridge Street lot be buried. He spoke to other sites such as the Worth Lot or the McIntyre being better sites for Pop Up. He reported that Pop Up NH would like to assist the City with preparations and stated time is of the essence.

Andrew Bagley expressed concern regarding the suggested mission of the Non-profit and Arts Blue Ribbon Committee. He said Portsmouth is open and we might want to consider a new name for the Reopen Committee. He requested that the City look into the requirement of \$3,000,000.00 liability insurance for businesses serving alcohol outside, as other municipalities do not charge that much.

Marie Bodi, McNabb Properties, said the request of January 11th has been modified and McNabb Properties have come to an agreement with the three restaurants and the plan will come forward for the City Council meeting of February 8, 2021.

Massimo Morgia spoke on the Brick Market project and stated he met with Ms. Bodi on the agreement for restaurants. He addressed the need for the sidewalks to remain open for access to his business. He said it is important that there is advance notice as to the agreement between the City and Mr. McNabb on the Brick Market project.

Councilor McEachern moved to suspend the rules to take up Items XV. A.1. – Approval of Working Agreement between the Police Commission and Police Chief Mark Newport; XVII. B. - Presentation by Fire Chief Germain on COVID-19 Vaccinations; and XVII. D. – Presentation Regarding Middle Street Bike Lane Review. Seconded by Councilor Whelan.

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

XV. A.1. Approval of Working Agreement Between the Police Commission and Police Chief Mark Newport

City Manager Conard said the City Council has reviewed the contract between the Police Commission and new Police Chief Mark Newport.

Councilor Lazenby moved to ratify the agreement as presented with Chief of Police, Mark Newport. Seconded by Assistant Mayor Splaine.

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

XVII. B. Presentation by Fire Chief Germain on COVID-19 Vaccinations

City Manager Conard stated because we are moving forward with vaccinations it is timely to hear from Fire Chief Germain on this subject.

Fire Chief Germain provided an update on the vaccination process and working to target the most vulnerable and at risk to the virus. He reported that the Fire Department is teaming up tomorrow with the Public Health Network on vaccinating individuals. He advised the City Council that vaccination PODS are currently located in Dover and Exeter and he is working to have a location here in Portsmouth. He stated that the site to register for the vaccine is difficult to navigate and Brinn Sullivan of the Senior Center is available to assist in the process.

Assistant Mayor Splaine said the Fire Department is well respect and would like Fire Chief Germain to address the need to get the vaccine and how the City could outreach to get employees vaccinated and provide incentives. Fire Chief Germain the vaccine has a good campaign and the Fire Department staff is at 90% vaccinated.

Councilor McEachern thanked Fire Chief Germain for working on a vaccination site here in the City.

Councilor Trace spoke in support of having a location in the City for receiving the vaccination.

Assistant Mayor Splaine asked the Fire Chief to speak to the 211 system. Fire Chief Germain said you could call 211 to speak with someone regarding receiving the vaccine.

Mayor Becksted said he knows of people that have notifications to be vaccinated at Pease Tradeport. Fire Chief Germain said it is the first he has heard of Pease being a location for receiving the vaccine.

Councilor Trace said that site is restricted to Federal Government employees and military personnel.

XVII. D. Presentation Regarding Middle Street Bike Lane Review – Jeremy Chrzan, Toole Design

Parking and Transportation Engineer Eby said Jeremy will be presenting on behalf of Toole Design regarding the Middle Street Bike Lane. Also, available is Bill Watson from the Department of Transportation to answer any questions of the Council.

Mr. Chrzan provided a detailed review of the work prepared by Toole Design for the Middle Street Bike Lane. He stated the goal was to make the area more safe and accessible for all ages. He spoke to reviewing the number of crashes in the area, which have decreased. He indicated that some modifications could be made to the plan to address the conditions of the scarring on the road and effects how the bicyclists are using the road. He also spoke to the roadway center line does not line up with the center any longer and new pavement markings would be needed.

Councilor Huda said she was confused that Mr. Chrzan did the plan and reviewed his own work. Mr. Chrzan said Toole Design did not do the construction but he was the lead reviewer. Discussion followed between Councilor Huda and Mr. Chrzan regarding various aspects of the review. Mr. Chrzan said all data was reviewed and he answered questions relating to repaving by Councilor Huda. Mr. Chrzan said the road is needing to be re-milled and resurfaced. He also addressed pavement markings and stated they could be eradicated and repaved but that is more of a long term recommendation.

Councilor Trace asked about sight distances for driveways. Mr. Chrzan stated they looked at the conditions before and after and measuring sight distances you would end up removing all parking on the street. He said on street parking needs to be looked at, overall lines and sights which has been addressed in their memorandum. Councilor Trace said she is concern with the home owners and their safety, and sight lines have been and are an issue. Mr. Chrzan said in a separated bike lane the sight line is better in many cases.

Councilor Kennedy thanked Mr. Watson and Mr. Chrzan for being here this evening. Councilor Kennedy asked what is the liability for the City receiving a report that people have clipped mirrors and that streets were not lined correctly and the width of the roadway have issues. She asked what liability is the State looking at because we could move the cars back to the road and move the bike lanes to another street. Mr. Chrzan said the width of lanes is only problematic with a curve. He spoke to the lanes matching 10 ½ on each side and if another street is better suited for a bike lane that was not part of their review. He said the City is exposed from a variety of issues such as doing something rather than nothing, but he is not an attorney.

Parking and Transportation Engineer Eby said parking right up against a driveway meets the driveway standards and is not considered a permanent structure.

Councilor Lazenby asked based on recommendations from Toole Design, NHDOT would not approve the changes as part of the initial grant and would seek pay back of the federal grant. Mr. Watson, DOT said based on recommendations we consider them operational and would not seek a return of funds for the grant as they would be minor improvements. He indicated other changes the DOT would not recommend or support outside the project. He stated if you are talking about substantial changes it would trigger the pay back however, any minor alterations they would be willing to discuss that with the City and make a determination.

Councilor Whelan asked Mr. Watson at what point in time would a grant pay back provision become null and void. Mr. Watson said the State believes the facility has a life pavement of 5 to 10 years that is generally when the State starts to lose interest in a pay back. He did advise the Council if they're looking for a hard number he does not have one. Councilor Whelan stated that the City needs to know how much the changes recommended will cost.

Councilor Tabor asked about flipping the lanes which would put the bike lanes between the traffic. Mr. Chrzan said safety and comfort is a key issue and feels that comfort would become an issue for bicyclists. He asked if we moved the bike lanes to a quieter and friendlier area to riders which, did not have the condition of cars parking on the road way would that mean a loss in funding. Mr. Watson said it would be a loss in funds and require pay back. He also indicated that you cannot abandon the project without having to pay back federal funding.

Councilor Kennedy asked what next steps would be to alter the plan and make it safe. Mr. Watson said that it not a question for Mr. Chrzan or him. He said you would need to give Public Works direction on what you expect to take and make changes to a small area. He said once you have reached a decision you would need to have a discussion with the State.

Councilor McEachern said moving the cars to the curb would result in the loss of funding. Mr. Watson said it would require a pay back. He did indicate if changes to a smaller area with modifications were made we would need a more detailed conversation for no pay back or a smaller pay back.

Discussion followed regarding parking of vehicles from Madison to Lincoln Streets and whether we could take the 19 spaces off Middle Street. Mr. Chrzan said the removal of on-street parking almost always make the conditions better.

Mayor Becksted called for a 10 minute recess at 9:08 p.m. At 9:20 p.m., Mayor Becksted called the meeting back to order.

XII. MAYOR BECKSTED

1. Appointments to Portsmouth Arts and Non-Profit Blue Ribbon Committee

Mayor Becksted said he has received 14 requests and is still considering applicants to serve. He announced that he is appointing Beth Falconer and Kathy Somssich to the Arts and Non-Profit Blue Ribbon Committee. He stated he would like Nancy Carmer to serve on the Committee as a staff representative.

2. Appointments to the Mayor's Blue Ribbon African Burying Ground Stewardship Committee
 - Ronald Baisden
 - JerriAnne Boggis, ex-officio
 - Kathleen Wheeler, ex-officio

Mayor Becksted announced he is appointing Ronald Baisden as a regular member and JerriAnne Boggis and Kathleen Wheeler as ex-officio's to the Committee.

3. Resignation
 - Adam Webster from the Conservation Commission

Mayor Becksted announced that Adam Webster has resigned from the Conservation Commission.

4. Request for First Reading on Ordinance Re: Land Use Regulatory Board Appointments Process

Mayor Becksted turned the virtual gavel over the Assistant Mayor Splaine.

Mayor Becksted moved to bring back ordinance for first reading at the February 8, 2021 City Council meeting. Seconded by Councilor Huda.

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

Assistant Mayor Splaine returned the virtual gavel to Mayor Becksted.

Assistant Mayor Splaine said he is concerned with some of the missions of our Blue Ribbon Committees. He said we are all City Councilors first, and when a mission or direction is given it should be discussed by all City Councilors. He urged Mayor Becksted that when a directive is given to a Blue Ribbon Committee that he shares that with the City Council.

Councilor Lazenby asked if there is a timeline when you will stop accepting applications for the Non-Profits and Arts Blue Ribbon Committee. Mayor Becksted said we are still working on a timeline. He stated there are six people to serve and he wants to do this once and not make any mistakes. He said he has involved all 8 City Councilors in this process. Councilor Lazenby said he encourages Mayor Becksted to look at arts as much as non-profits. He said there are also for profit arts that would like to be involved in the Committee.

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR HUDA

1. Auditing Firm for the FY21 City Financial Audits

Councilor Huda moved that the City Manager engage a new auditing firm for the FY21 City Financial Audits. Seconded by Councilor Kennedy.

Councilor Huda said we have had the same firm for 20 years and it is time for a change.

Councilor McEachern asked if we as a City Council could direct a change which is the job of the City Manager. City Attorney Sullivan said to add the operations to the questions the City Manager makes operational decisions but if the City Council believes the City should look at different auditing firms they would tell the City Manager and the City Manager could look at different firms. He said this would be an instruction to the City Manager to look at other auditing firms. He said the next step would be to draft an RFP and the selection of a company. Councilor McEachern said the motion is more to change the auditing firm but can we preclude the City Manager from the existing firm being part of the auditing process. City Attorney Sullivan said no because an RFP could produce only one firm, and to get to the heart of it, in the final analysis several firms come forward for the City to choose from and the City Council had a feeling that one firm should not be considered the City Council could tell the City Manager how they feel. He stated the City Manager will do what she feels is best.

Councilor Tabor asked the City Manager if she has considered this question. City Manager Conard said she has discussed the issue with staff. She said that we have had the firm for many years. She stated we would put out an RFP but all firms would be encouraged to reply. She also indicated we may not be able to change firms at this time in the audit.

Councilor Huda said auditing firms report to the City Council and we have had them for a long time and it is always good to get fresh ideas and new blood.

Assistant Mayor Splaine said the integrity of our finances is important.

Councilor McEachern said the intent of the motion is that we do an RFP.

Mayor Becksted said an RFP would be put out for an auditing firm for our next audit.

City Attorney Sullivan said the motion to be interpreted that the next step by staff would be an RFP.

Councilor Huda said the intent is you do an RFP in state and out of state because there are many auditing firms, as well as what the City Manager feels she needs to do to administer this.

Councilor Whelan said the motion should include going out for an RFP.

Councilor Kennedy revised the motion that the City Manager set up an RFP to engage a new auditing firm for the FY21 City Financial Audits. Councilor Huda agreed as maker of the motion.

On a roll call 8-1, voted that the City Manager set up an RFP to engage a new auditing firm for the FY21 City Financial Audits. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.

B. COUNCILOR HUDA & COUNCILOR KENNEDY

1. Middle Street Bike Lanes

Councilor Kennedy said we need to take the information we received this evening under advisement and she will not be making a motion but will bring something forward in the future.

2. Initial CIP Review Meeting

Councilor Huda moved for a report back from the City Manager to the residents and the Council on the status of all outstanding bonds related to the Capital Improvement Plan including the following data:

- *Date the Bond was Approved by the Council*
- *Date of the Bond Issuance, Amount & Term of the Bond*
- *List of Bonds Approved by the City Council that are Unissued as of 12/31/2020*
- *List of the Projects that the Bond is providing Funds to Implement (If included in a pooling of projects, please note projects included by amount)*
- *Status to Completion of each Project (I.E. % Complete, 25%, 95%)*
- *Remaining Balance Attributed to each Project at 12/31/2020*

Seconded by Councilor Kennedy.

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

XV. CITY MANAGER'S ITEM WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

2. Request for Public Hearings Regarding Elderly and Disabled Exemptions

Assistant Mayor Splaine excused himself from the discussion and vote due to being eligible for the elderly exemption.

Assessor Lentz reviewed the options with the City Council and said that she would leave the exempt amount the same. She reported that exemption amounts did not keep up with the market this year and she will not be doing a revaluation or update and recommended leaving the amounts alone until we do a new revaluation.

Mayor Becksted commended Assessor Lentz for bringing the information forward this year earlier in the process.

Councilor Whelan moved to schedule public hearings at the February 8, 2021 City Council meeting. Seconded by Councilor Tabor.

On a roll call vote 8-0, motion passed. Assistant Mayor Splaine did not vote on this matter.

3. Request for Work Session Regarding Prescott Park Master Plan Implementation

Councilor Kennedy moved to establish a Prescott Park Master Plan Implementation work session on February 16, 2021 at 6:30 p.m. Seconded by Councilor Huda.

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

4. 60 Penhallow Street (Brick Market) Request for Temporary Construction Licenses
(Tabled from the January 11, 2021 City Council meeting)

City Manager Conard provided an update on the request of Brick Market.

Councilor Huda asked City Manager Conard to discuss Daniel Street loading zone. City Manager Conard stated the loading zone is not impacted just parking spaces. Councilor Huda asked if Mr. McNabb has contacted businesses on Daniel Street. City Manager Conard asked Ms. Bodi to speak on this matter.

Councilor Huda moved to suspend the rules to allow Marie Bodi and Lynn Kramer to speak regarding 60 Penhallow Street Request for Temporary Construction License. Seconded by Councilor Kennedy.

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

Ms. Kramer advised the City Council that they have reached out to all the businesses along Penhallow Street but they will extend out to Daniel Street businesses.

Councilor Trace said she would have liked to see a copy of the agreement that went to the City between McNabb and the 3 businesses. She questioned whether the license works independently from shutting down the street as part of the license or would Mr. McNabb need to come back.

City Manager Conard said the agreement is still in progress with businesses which addresses the street closure.

Councilor Trace said she would like to see time and dates on the agreement when this would work as a closure of the streets.

City Manager Conard said that they were calculated by two license areas, three on Daniel Street and four on Penhallow Street.

Councilor Lazenby said if the City Council does not grant the extension tonight there would be a challenge to finish the work and the walls would be unsafe.

Ms. Bodi advised Councilor Kennedy that the business she is concerned with on Daniel Street, the coffee shop, has been addressed this evening. She stated that they have tried to address all of the concerns expressed by the Council since the January 11, 2021 City Council meeting.

Councilor Whelan moved that the City Manager be authorized to execute and accept the temporary construction license for the parking spaces and sidewalks as requested. Seconded by Councilor Trace.

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

5. Request for First Reading to Update Fine Structure for Parking Citations

City Manager Conard said the recommendation would be to schedule first reading of the ordinance at the February 8, 2021 City Council meeting.

Councilor Kennedy moved to schedule first reading on the proposed amendments to the parking citation fine structure at the February 8, 2021 City Council meeting. Seconded by Councilor Huda.

Councilor Kennedy asked what the process would be to change other fines. City Manager Conard said you could bring them before the City Council at the February 8, 2021 City Council meeting.

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

6. Request to Name Private Subdivision Road Located Off Banfield Road

City Manager Conard spoke to extensive research that was conducted on this request and the name being recommended. She indicated research shows this is not a concern and recommended naming the private lane Walford Lane.

Councilor Kennedy moved that the City Council approve the request for naming of the new private road to Walford Lane. Seconded by Councilor Trace.

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

7. Donor Town Education Funding and Coalition Communities 2.0

City Manager Conard said that the City Council is being asked to participate in the Coalition Communities 2.0 and that previous contributions be used with the new group.

Councilor Trace moved to authorize the City to participate in the newly formed Coalition Communities 2.0, and to authorize the City Manager to negotiate and execute a MOU with the Coalition Communities 2.0 on behalf of the City in a form similar to the attached; and further that the City Council authorize that the City's previous contributions to the Claremont Coalition Fund a/k/a Statewide Property Tax Coalition Fund may be used by the Coalition Communities 2.0 to educate and advocate against any education funding formula that would use the property tax to create a donor town funding model. Seconded by Councilor Huda.

On a roll call vote 8-0, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Kennedy recused from voting on this matter.

Councilor Kennedy moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Trace.

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

XVI. CONSENT AGENDA

Councilor Kennedy requested to remove Item XVI. E. – Letter from Rich Clyborne, The Gundalow Company, requesting permission to hold the 11th annual Round Island Regatta on Saturday, August 7, 2021 from the Consent Agenda.

Councilor Whelan moved to adopt the consent agenda. Seconded by Councilor Tabor.

- A. Request for License to Install a Projecting Sign for owner Sarah DiCecca, Wild Valentine, LLC for property located at 261 South Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

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

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

- B. Request for License to Install a Projecting Sign for owner Derrick Horton, Free State Bitcoin Shoppe for property located at 2 Bow Street (**Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request**)

Planning Director's Stipulations

- **The license shall be approved by the Legal Department as to content and form;**
 - **Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and**
 - **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**
- C. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to Place Temporary Signs at the Plains and Hislop Park Baseball Fields during the 2021 Baseball Season (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- D. Letter from Maria Stephanou, Alzheimer's Association, requesting permission to hold the 2021 Annual Seacoast Walk to End Alzheimer's on Sunday, September 26, 2021 (**Anticipated action – move to refer to the City Manager with Authority to Act**)

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

- E. Letter from Rich Clyborne, The Gundalow Company, requesting permission to hold the 11th annual Round Island Regatta on Saturday, August 7, 2021

Councilor McEachern moved to refer to the City Manager with Authority to Act. Seconded by Councilor Lazenby.

On a roll call vote 8-0, motion passed. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Kennedy recused from voting on this matter.

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

Councilor Kennedy moved to accept and place on file. Seconded by Councilor Huda.

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

C. Update on the Mayor's Blue Ribbon Committee to Reopen Portsmouth 2021 to include Work Plan for 2021 as Requested at the December 14, 2020 City Council meeting

Mayor Becksted announced there will be no action on this matter this evening.

E. Letter from Economic Development Commission Regarding Portsmouth Arts and Culture Outreach and Advocacy

Councilor Lazenby reviewed the discussion that took place in early January and stated that the Economic Development Commission would like to be involved as part of the Committee.

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

Councilor McEachern asked if we were being represented through Nancy Carmer, Economic Development Manager.

Assistant Mayor Splaine said there is a great deal of talent on the Economic Development Commission and perhaps a member would like to be on the Committee and an application may come forward at the next City Council meeting.

Councilor Trace said that she looks forward to an Arts and Culture Committee coming back.

Councilor McEachern echoed the sentiments of the Economic Development Commission and spoke to the economic impact of the arts. He said to include performing and non-performing arts is important to bring back the arts and culture in the City.

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on the state of Broadband Internet Access in City as Requested by Councilor McEachern at the January 11th Council Meeting

Councilor McEachern asked if we plan to take the ability to bond those areas that might not be served through broadband, which is enabling legislation. He stated we can bond the money then that is passed onto the internet user as a usage fee until that is paid back.

Councilor Kennedy said that this is a great way to use CARES Act funds as it relates to the schools.

2. Report Back on Letter from Thomas Morgan Regarding Solar Farms

Councilor Kennedy moved to refer this matter to the Sustainable Practices Blue Ribbon Committee for a report back to the City Council. Seconded by Councilor Huda.

Councilor Lazenby said there still may be a need for input from the Planning Board on this matter.

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

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Splaine requested a report back from City Attorney Sullivan on the amount of liability insurance being required by the City for outdoor dining establishments serving alcohol.

Assistant Mayor Splaine said he would like to see a picnic table placed downtown. City Manager Conard said that is already being taken care of.

XX. ADJOURNMENT

At 10:55 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda.

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 15, 2020

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

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste it into your web browser: https://zoom.us/webinar/register/WN_sx_7WbXiRk6HHMAJjUJdrA 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 2020-9, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

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

At 7:00 p.m., Mayor Becksted called the meeting to order.

IV. **ROLL CALL**

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

V. **INVOCATION**

Mayor Becksted asked everyone to join in a moment of silent prayer in recognition of these trying times we are facing due to COVID-19.

VI. **PLEDGE OF ALLEGIANCE**

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

Mayor Becksted thanked everyone who has made a donation to the Clipper Strong Fund and announced there are still many businesses that need our help and donations are still being accepted.

Assistant Mayor Splaine moved to hold Presentation #2 regarding the Information Technology Budget after the Public Comment Session. Seconded by Councilor Kennedy.

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

PRESENTATIONS:

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

Health Officer McNamara provided a presentation on COVID-19 and announced that the calls received by the Fire Department/Ambulance runs are down to 2.5% over the last 10 days. She addressed the importance of 6 feet distancing and the wearing of masks to stay safe. She spoke to the reopening of the outdoor pool with limited numbers and advised the City Council that the showers and bath houses will remain closed.

Assistant Mayor Splaine thanked Health Officer McNamara for the presentation and for the reopening of the Peirce Island pool. Councilor Trace also thanked Health Officer McNamara for taking another look at whether the pool could open.

City Manager Conard advised the City Council that the Co-Chairs of the Task Force would be providing a presentation later in the agenda.

3. Presentation by Traffic & Parking Engineer Eby Regarding Islington Street Corridor Project

Traffic & Parking Engineer Eby provided a presentation on the Islington Street Corridor Project. He reported that project was designed for upgrades to the area. He also addressed the street scape improvements and the bump out at the White Heron Tea. He spoke to the importance of the bump out and the median installation across from Plaza 800. He reported that Parking, Traffic & Safety has approved the street scape improvements at White Heron for a three month trial period.

Mayor Becksted thanked Traffic & Parking Engineer Eby for the presentation and said he accesses the area on Islington Street daily. He expressed some concerns with making a left turn into Gallaghers. Mr. Eby said that turning will be able to take place. Mayor Becksted said congestion is a concern and would cause impeding for our fire and police vehicles.

Councilor Trace spoke concerning the narrowing of the travel lanes and whether there is enough of a shoulder for someone riding a bicycle. Mr. Eby reported there will be a 4 foot shoulder.

Assistant Mayor Splaine spoke regarding the difficulty of getting from one side to the other in front of Plaza 800.

Councilor McEachern spoke regarding walking along Islington Street and how it is not pedestrian friendly.

Mayor Becksted asked if the speed limit would be lowered to 25 mph from the former library to the ball field. Parking and Traffic Engineer Eby said that they are planning on lowering the speed limit.

VII. ACCEPTANCE OF MINUTES – MARCH 16, 2020

Councilor Tabor moved to accept and approve the minutes of the March 16, 2020 City Council meeting. Seconded by Councilor Huda.

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

IX. PUBLIC COMMENT SESSION

Annie Poubeau spoke in favor of the bike lanes and thanked staff for their hard work on this project. She urged the City Council to approve the Middle Street Bike Lanes.

Gerald Duffy spoke to the economics of our downtown businesses. He stated we need fast track solutions to speed up the process for outdoor seating. He spoke in support of the Middle Street Bike Lanes.

Beth Tener addressed the Farm to School Program and would like to see that remain as Portsmouth is a leading program in the State of New Hampshire.

Marc Stettner spoke regarding Parking, Traffic & Safety Committee and how the make-up of membership needs to be changed. He said the four employees should be non-voting members and the time of the meetings should be moved to the evenings.

Carl Diemer thanked the City Council for their work and the Recreation Board members for their work over the last 8 years on the Portsmouth fields. He said he does not want to see any further delays for the creation of fields. He said that Mr. Jankowski is an alarmist and there is no proof to his remarks. He is seeking negative information on the fields and there is a trust issue. He spoke to the Recreation Board reviewing 11 different in fills.

Josh Denton urged the Council to approve the Middle Street Bike Lanes. He stated if the bike lanes are removed you would need to return the grant funding received.

Andrew Bagley said later this evening please give the City Manager authorization to act swiftly with help for the downtown businesses. He said more outside seating is needed for dining.

Byron Matto said the Islington Street plan looks great. He thanked the City Manager and staff for their work. He urged the Council to approve the budget as submitted. He said the Council is in place to serve the taxpayers.

Marcus Santy said he teaches at Lister Academy and supports the Farm to School Program. He said there is no one that can do the work that Kate Mitchell provides to students. He said the Council needs to support the School budget.

Jonathan Blakeslee spoke in support of the Islington Street improvements. He said the bump out is important and if they were removed, cars would speed to beat the light at the corner. He said that this is a dangerous intersection. He spoke regarding the Middle Street Bike Lanes and their importance to maintain the quality of life. He said we need to find opportunities to make things safer for the community.

Danielle Miles spoke regarding the school budget and the proposed cuts. She said the programs are important for the students. She spoke regarding the importance of Ms. Mitchell's program and how the level of the program could not be maintained without Ms. Mitchell.

Joanna Kelley thanked the City Manager, Police and Fire Chiefs for the support shown to businesses. She voices her support for Councilor Lazenby's Resolution. She said there is a need for businesses to feel supported by the City and community. She spoke to the importance of the survival of the downtown. She requested the City Council to trust the City Manager with our budget.

2. Presentation by IT Manager Alan Brady Regarding Information Technology Budget

IT Manager Brady provided an overview of the budget, services and programs provided to staff. He provided statistics on the number of users and computers that are serviced through IT. He reported that we have 382 tickets for service processed recently. He outlined the training provided to employees for cyber security and two factor authentication.

Councilor Kennedy spoke regarding the different departments and software packages and seeing that pulled together in one budget because currently every budget there are computer costs. She stated that we should be submitting an RFP to bring things together and consolidate them.

IT Manager Brady said software has line items within their department budgets to review and monitor. He spoke to software going out to bid and there is a process that is followed.

Councilor McEachern thanked IT Manager Brady for the presentation and said having a central procurement process would help. He would be hesitant to have IT under one purview. He spoke to the continued increase in costs for technology.

Councilor Lazenby thanked IT Manager Brady for the presentation and spoke to the significant cost involved with 24/7 365 days coverage for services would be very expensive to do on our own.

Assistant Mayor Splaine spoke to the specialty needs of the Police and Fire Departments for software and hardware systems.

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

- A. Reopening of Public Hearing Regarding FY21 Budget (*Continuation of Budget Public Hearing held on May 6, 2020*)

Josh Denton spoke in support of the Farm to School program and how it would save taxpayers money.

Mark Brighton spoke in regards to the budget and said how any department can justify spending more than last year. He said we need some fiscal sanity.

With no further speakers, Mayor Becksted closed the public hearing.

ADOPTION OF PROPOSED BUDGET RESOLUTIONS:

B. Adoption of Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY21)

- Resolution No. 7-2020 – Municipal Fees

Mayor Becksted spoke to his suggestions and everyone has received recommendations of what should not be cut. He suggested holding a special meeting on next Thursday, June 25th for the adoption of the budget.

Councilor McEachern said he tried to look at the spread sheet from Councilor Huda but we have a budget we could discuss this evening. He said he appreciates the time Mayor Becksted put in to his line items.

Councilor Huda said she is not ready to put the current budget in place. She stated we need to look at a budget with COVID. She spoke to possible financial implications based on COVID impacts. She said she would like to give the City Manager and staff time to review her information.

City Manager Conard said we have collected 93% of revenues which is higher than last year.

Councilor McEachern said we can adjust the budget going forward and the effort of the City Council shouldn't be to delay the passing the budget. He said we need to save the businesses downtown and focus on decisions that need to be made.

Councilor Kennedy thanked Councilor Huda and Mayor Becksted for reviewing the budget. She indicated that she spent a great deal of time reviewing the budget for further reductions.

Assistant Mayor Splaine said he commends Councilor Huda for her work and it is the City Council's responsibility to look at the budget. He stated he would not support any cuts to the School, Police or Fire Departments budgets. He said it is fair to look at other areas the government spends money, such as City Hall and staff. He urged the City Manager to look at what the cuts would mean and said he would support a delay of the final vote on the new proposed cuts.

Councilor Trace said she respects the work of Councilor Huda and comments made by Councilor Kennedy. She stated the budget does not need to be passed until June 30th.

Councilor Whelan said he received the message from Councilor Huda at 5:30 p.m. and sees some things he would support and not support. He stated we need to get things moving downtown.

Councilor Whelan moved to postpone action on the budget until Monday June 22, 2020. Seconded by Councilor Kennedy.

Councilor Tabor said the Task Force could be refined by next week. He said we need to have staff answer Councilor Huda's questions. He stated he would not want to deliberate on a \$4,000,000.00 cut with a cut to services and affect staffing in the Public Works Department.

Mayor Becksted said everyone should look at the list from Councilor Huda of proposed reductions.

Councilor Lazenby said he is hesitant to spend our special meeting time on the budget when there are other subjects we have put off. He spoke to the 7 Work Session held in May regarding the budget. He spoke to the public weighing in on their thoughts regarding the budget. He said we have seen a great deal of information with the budget process and advised the Council that the City of Dover increased their budget by 3% and we are looking at only a ½% increase.

Mayor Becksted said he would like to have a special meeting on Thursday, June 25, 2020.

City Manager Conard said she will be ready any time, whatever the will of the City Council is.

Councilor Huda said we need to get this right and look at the basic issue which is how are we going to pay for this and will the revenues be available.

On a roll call vote 7-2, motion passed. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilors McEachern and Lazenby voted opposed.

At 9:30 p.m., Mayor Becksted declared a brief recess. Mayor Becksted called the meeting back to order at 9:40 p.m.

Assistant Mayor Splaine moved to reopen the Public Comment Session to allow for additional speakers. Seconded by Councilor Kennedy.

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

Sandra Kaddy spoke in support of Councilor Lazenby Resolution but expressed her displeasure that the Seacoast African American Cultural Center was not part of the document.

Councilor Lazenby sent around a newly revised Resolution that included the Seacoast African American Cultural Center.

Graham Peaslee spoke regarding PFAS in turf fields and the health risk is posing for goalies. He said we do not want PFAS as part of our turf.

Charlie Griffin spoke regarding Islington Street bollards and his opposition. He said the City Council should review the Parking, Traffic & Safety Committee recommendation for the installation of bollards. He said he supports Mr. Stettner's comments that we should not have employees as voting members on Parking, Traffic and Safety. He said he does not feel that federal funding is at risk to be returned if we do not move forward with the project.

Ted Jankowski spoke to the need for independent testing for the turf field. He said Dr. Peaslee has done great work in PFAS. He said we need to receive information from experts before building the new fields.

With no further speakers, Mayor Becksted closed the Public Comment Session.

XII. MAYOR BECKSTED

1. City Manager Evaluation

Mayor Becksted spoke to the City Manager's contract and after six months there would be an evaluation. He said we need a Subcommittee with more than 1 year of service during the month of June or another month which is agreed upon. He announced that the Evaluation Committee will be made up of the following: Assistant Mayor Splaine, as Chair; Councilor Lazenby, Councilor Kennedy and himself. He stated the goal is to finish the evaluation with a final report in July.

2. Islington Street Corridor Project

Mayor Becksted expressed with great concern the bumps out on Islington Street.

Mayor Becksted moved to not install a bump out on Islington Street in front of the White Heron and not allow the median to be installed in front of Plaza 800. Seconded by Councilor Kennedy.

Councilor Lazenby said he is concerned with acting on this issue this evening without hearing from City staff and the public on these changes. He recommended postponing action until the next meeting to allow City staff and the public to weight in. Seconded by Councilor McEachern.

Councilor Lazenby pulled back the motion and Councilor McEachern his second to the motion.

Mayor Becksted said that time is of the essence and the City Council needs to move forward on this matter. He said he knows where the staff stands on this matter.

Councilor McEachern said the bump out would be connected through the process. He said he would not vote to change the make-up of the street and he would not support the recommendation of staff.

Councilor McEachern moved to delay this vote until the next City Council meeting. Seconded by Councilor Lazenby.

Councilor Whelan stated that the planning on this has been ongoing for the last 4 years. He said it has been well vetted and the neighborhood has come out in support.

Mayor Becksted said staff wants an answer sooner than later. He said we are not doing this to create space for tables and chairs, it was to slow the traffic but now we are proposing table and chairs on a main thorough way.

Councilor Tabor said he supports delaying this matter because we need to have a discussion on making the City more pedestrian friendly as the west end becomes denser. He said we need to factor in the needs of pedestrians.

Councilor McEachern said tables and chairs is a personal opinion. He said Councilor Tabor's point is good and we need to agree on the direction of the City.

Councilor Lazenby asked City Manager Conard the ramifications on delaying this project. City Manager Conard stated there are other tasks that the staff can work on until the Council votes on this matter.

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

With the hour being after 10:00 p.m., City Manager Conard's Action Items become Consent Agenda.

The City Councilors removed the following items from the Consent Agenda:

- *Item 1 – Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease was removed from the Consent Agenda.*
- *Item 6 – Request to Schedule First Reading Re: Omnibus Ordinance Chamber was removed from the Consent Agenda.*
- *Informational Item 1 – Report back from Parking, Traffic and Safety Committee regarding “Recommended Modifications to Middle Street/Lafayette Bike Lanes” was removed from the Consent Agenda.*
- *Informational Item 2 – Update on the Portsmouth Citizen Response Task Force was removed from the Consent Agenda.*

City Manager Consent Agenda Items:

- Request of Jeremy Conte to Unmerge Lots at 1240 Islington Street (**Anticipated action – moved to refer the unmerger request of Jeremy Conte to the City Assessor for a report back**)
- Request of Sublease Players' Ring (**Anticipated action – move to authorize the City Manager to assent to a temporary lease amendment to allow the**

Players' Ring to host Upside Arts summer day camp for the 2020 season, and allow Upside Arts to conduct camp activities in Prescott Park)

- Report Back on Parking & Traffic Safety Committee recommendation to City Council to approve Stay and Pay Parking Rates (***Anticipated action – move to schedule first reading of the necessary revisions to Chapter 7 to implement the 'Stay and Pay' parking rate at the July 13, 2020 City Council meeting***)
- 46-64 Maplewood Avenue Temporary Construction License (***Anticipated action – move to authorize the City Manager to execute and accept the temporary construction license for 46-64 Maplewood Avenue as submitted***)
- Friends of Prescott Park "Odyssey" Sculpture (***Anticipated action – move to authorize the City Manager to execute the attached letter proposing the terms and conditions under which the City of Portsmouth would accept the sculpture entitled "Odyssey" from Richard Erdman as a gift from the Friends of Prescott Park (FoPP) to be placed in Prescott Park in honor of Michael Warhurst***)

Councilor Lazenby moved to adopt the Consent Agenda, as presented. Seconded by Councilor Huda.

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

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Playing Fields

Assistant Mayor Splaine moved that the City Council requires the City Manager to commission independent third party testing for PFAS of any new playing fields being recommended by city staff or consultants prior to the issuance of a contract. As recommended by independent experts, the testing shall use the total fluorine method to look for the presence of PFAS in the synthetic turf, as well as any shock pads if applicable. The results will be provided to the City Council and the public. The cost of testing should be billed to the proposed bidder. Seconded by Councilor Huda.

Assistant Mayor Splaine said that this would not require any further delay, it is a good thing to do and the materials will not contain PFAS.

Councilor Trace said she understands the importance of testing for PFAS and that the playing fields are being installed as part of the consent decree. She advised the City Council that we only have a limited time to act. She stated the fields was approved and if there was going to be testing it should have been brought up before the vote, not two months after.

Councilor McEachern said testing and making sure of PFAS is a good pursuit but have we moved forward and signed contract. City Manager Conard said she signed the contract last week. She indicated we included testing and will continue to share information with the City Council as we move forward.

Councilor Lazenby said looking at the issue of PFAS has been built in and part of the intention and not just a promise and we would work with vendors that are going through testing. He appreciates the effort and we have it comprehended in the motions but he would not support the motion.

Councilor Kennedy moved to suspend the rules to allow Dr. Peaslee to speak. Seconded by Assistant Mayor Splaine. City Manager Conard advised the City Council that Dr. Peaslee is not a participant in the meeting.

Councilor Kennedy moved to suspend the rules to allow comments from Ted Jankowski regarding PFAS and Playing Fields. Seconded by Assistant Mayor Splaine.

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

Mr. Jankowski stated a full test was not provided in their product and we need to have independent testing done.

Councilor Kennedy said she was more interested in the story and issues of fluorine and hearing about the study.

Mr. Jankowski said we found PFAS in 100% of tests done on 19 fields.

Councilor Trace said Dr. Peaslee said presence of fluorine's in the blades of grass and did not specifically include PFAS themselves. She said testing will occur as part of an ongoing process.

City Manager Conard said that her understanding is City staff will protect our children.

Councilor McEachern said listening to Dr. Peaslee regarding the fact we signed the contact we should move forward with the two fields and as testing improvements are made the work of one doctor cannot change that we need to move forward as per the consent decree and take the work and gather more data.

Councilor Tabor said he wants to see the fields built. He asked are the levels of PFAS in the fields a measurable risk in a pound of turf. Mr. Jankowski said it is significant in the last four years. Councilor Tabor asked are we getting something that infers the numbers because the report from Tom Gerhardt our consultant has only measured in the water.

Assistant Mayor Splaine said we all support the need for more fields but we need independent testing done on the fields.

City Manager Conard said the testing has to be independent.

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

2. Task Force *(This item is in conjunction with Councilor McEachern)*

Assistant Mayor Splaine moved that the City Council authorizes the Portsmouth Citizen Response Task Force to create a plan and begin implementation for full or partial street closures, and use of street parking areas and other city-owned parking locations for restaurant, retail, and non-profit organization use through October 18th of this year, with the approval of our Police, Fire, Health, and Inspection Departments. Seconded by Councilor McEachern.

Assistant Mayor Splaine said he is impressed by the work of the Task Force and we must move quickly implementing a plan.

Councilor McEachern said he would like to enable the Committee to act and there will be some real effects to help restaurants tomorrow with their ability to serve and provide food.

Councilor Kennedy moved to suspend the rules in order to take up the Update on the Portsmouth Citizen Response Task Force under City Manager's Information Items. Seconded by Councilor McEachern.

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

James Peterson said the Task Force is working to expand the information available by city staff and they are in support of Assistant Mayor Splaine's motion. He stated in the initial meeting it was clear that the Task Force needed to be nimble and open outdoor spaces quickly and safely. He spoke to the creation of subcommittees to assist in this process. He reported the Task Force has identified that there is a need to use outdoor spaces including sidewalks, parking spaces and streets.

Russ Grazier said to use the top of Foundry Garage for a shared space for culture and art events with food establishments on a rotating calendar. He said it will be necessary to work with city staff on power and sewer needs. He asked that the City Council support Assistant Mayor Splaine's motion and make the project happen.

Mark Stebbins said we have had 6 meetings in 6 days and everyone is working together towards a common goal, to preserve the fabric of the City. He reported they would be using a volunteer design group as a base for staff to review and comments which include 8-10 streets in the downtown area. He stated final adjustments will be made by the group and we know what is brought forward won't be perfect but we ask the City Council to approve a budget for the downtown signage and barriers to keep traffic from the restaurants. Mr. Stebbins urged that this move quickly and applauded City staff for pulling together on this project.

Martha Fuller Clark said there has been extraordinary work and efforts to move this agenda forward and revitalize our community. She urged the City Council to put its trust in the Task Force.

City Manager Conard said there is a willingness to move forward with Pleasant Street for the Clipper Tavern.

Mayor Becksted asked if there are budget numbers and that we need to make sure everyone is in favor.

City Manager Conard said the cost to obtain barriers is about \$25,000.00 and we need to look at an all-in budget of \$100,000.00.

Councilor Kennedy said she is in favor of using the Foundry Garage. She asked if anyone has spoken with the neighborhood residents about the music and the closure of the streets and the impacts to the area.

Russ Grazier said talks are just beginning and they would move forward with speaking to the residents. He stated that residents are eager to see something happen to save businesses.

Councilor Huda said she is having trouble regarding whether the power is being transferred to the Task Force or the City Manager.

Assistant Mayor Splaine said the intent of the motion is to trust the Task Force to come up with a plan with the agreement of City Manager Conard and city staff.

Councilor Huda asked when the Council will know how much of a budget is needed. City Manager Conard said we don't have numbers but the funding would come from contingency.

Councilor Huda requested a report back on what streets will be closed and how much it will cost.

Martha Fuller Clark said if we don't make this kind of investment we risk losing millions of dollars in taxes and we need to recognize how essential it is to invest in the downtown.

Discussion continued regarding a budget of up to \$100,000.00 and moving forward on this matter.

Assistant Mayor Splaine agreed to add language to his motion to approve a budget of up to \$100,000.00 to come from CARES Act.

Councilor Lazenby said we need to know the loss in revenue for using parking spaces for the restaurants.

City Attorney Sullivan stated any legal concerns that are significant the Council would need to come together and conduct a special meeting quickly to deal with matters.

Councilor Kennedy said she loves the idea of the Foundry Garage but there is concerns with noise and the need to buffering sound. She suggested moving entertainment toward the front of Foundry Garage. She stated she agrees starting off with \$100,000.00.

Councilor Trace asked City Manager Conard if the Fire Chief or Police Chief have anything to add.

Fire Chief Germain said that the Fire Department is supportive in finding a way to yes and reviewing the plans. He said the department is anxious to get boots on the ground.

Assistant Mayor Splaine said he would like to firm up with the City Manager that he would accept \$100,000.00, as a friendly amendment with Councilor McEachern agreeing as the second to the motion. He further stated that as part of the motion, he asked City Manager Conard if the Council could look at more funding at the next meeting if needed. He asked City Manager Conard would the funding come out of the CARES Act and what is her suggestion.

City Manager Conard said it is certainly a good start, and we will certainly let the City Council know where we are going in terms of understanding estimates and rentals or purchases. She continued that we can certainly make updates at each Council meeting that we have a go from there, but it is exciting to really know that we could get going as early as tomorrow with the City Council's blessing.

Assistant Mayor Splaine asked if the funding would come out of the CARES Act.

City Manager Conard said Assistant Mayor Splaine and Councilor Kennedy suggested, if we determine that that's eligible, absolutely.

Councilor Lazenby requested a friendly amendment to the motion to have the Planning Department and Public Works Department as part of the staff working on this matter.

Assistant Mayor Splaine and Councilor McEachern agreed to the friendly amendment.

On a unanimous roll call 9-0, voted that the City Council authorizes the Portsmouth Citizen Response Task Force to create a plan and begin implementation for full or partial street closures, and use of street parking areas and other city-owned parking locations for restaurant, retail, and non-profit organization use through October 18th of this year, with the approval of our Police, Fire, Health, Public Works, Planning, and Inspection Departments the

expenditure of up to \$100,000.00 and that the majority of the money, if possible, comes out of the CARES Act.

3. Police Commission

Assistant Mayor Splaine stated he would postpone this item until the next City Council meeting.

Assistant Mayor Splaine said he would like to see Evan Mallett appointment as the 22nd member of the Task Force. He urged Mayor Becksted to consider that as an appointment. Mayor Becksted said he would take that under advisement.

At 12:00 a.m., Councilor Lazenby moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Kennedy.

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

B. COUNCILOR WHELAN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 4, 2020 meeting

Councilor Whelan moved to accept and approve the action sheet and minutes of the June 4, 2020 Parking, Traffic & Safety Committee meeting. Seconded by Councilor Huda.

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

C. COUNCILOR LAZENBY

1. Proposed Resolution – Declare Portsmouth a Racial Justice Municipality

Councilor Lazenby moved to adopt the Resolution as stated with minor additions stated below. Seconded by Councilor Trace.

Additions:

Item #2 – add the following after encourage the same of the “Police Commission and Police Department, Fire Commission and Fire Department, School Board and School Department.

Item #3 – after Black Heritage Trail of NH, insert “Seacoast African American Cultural Center” (SAACC).

Item #4 – after Black Heritage Trail of NH, insert “SAACC.”

Councilor Whelan lost internet connection and was not present for the remainder of the meeting.

Councilor Lazenby said there is a need to gain awareness and advance our fellow citizens that have been at a disadvantage. He said he would like to see training for elected officials and the costs could be covered by training we currently have in place.

Councilor Kennedy said she supports the Resolution and hopes the City has a plan we have put together to support our staff in this. She said we have many other cultures in our community and we should include all cultures moving down the road.

Assistant Mayor Splaine said nothing is more important than how we treat one another. He supports the motion and need to look at delivery of all forms.

Councilor McEachern thanked Councilor Lazenby for bring this forward and making this motion. He said he wanted to discuss more diversity and stated all lives matter.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

1. Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease

City Manager Conard said the City Council has three options available regarding this matter as outlined in the memorandum provided in the packet.

Available Options:

- A. City Council could authorize the City Manager to negotiate an agreement with Bluestone under which Bluestone would have the use of the five (5) parking spaces in the Worth Lot behind 135 Congress Street. As noted in the City Council Agenda packet of May 18, 2020, such an agreement "would need to deal with the numerous types of issues that might arise in 20 years, such as change in parking fees, changes in municipal use of the Worth Lot, assignability of the spaces, and sale or transfer of the Bluestone Property." Nonetheless, such an agreement could be negotiated.*
- B. The City could agree with Bluestone to present the question of whether Bluestone has a legal right to five (5) parking spaces in the Worth Lot to the Superior Court for a judicial determination. This would be accomplished by the filing by one party or the other of a pleading in the form of a declaratory judgment simply asking the Court to determine the answer to the legal question. The case would not involve costs, fees, or damages, merely a straightforward question of law.*
- C. City Council may deny the request.*

Councilor Tabor said we should go for Option A and requested the City Manager to negotiate for them to have the 5 parking spaces.

Councilor Kennedy said she is torn on this matter. She stated this was taken by eminent domain and there was not much information contained in the file. She said no one can point out where is the deed.

City Attorney said there is no evidence that Mr. Chen gave back the 5 spaces.

Councilor McEachern said the City Council made a decision on eminent domain and 5 spaces were granted and we should honor that. He stated we could one, empower the City Manager to negotiate the 5 spots; two, adjudicate; or three, deny the request. He said he supports Option A to resolve this in a meaningful way.

Councilor Lazenby moved to authorize the City Manager negotiate an agreement with Bluestone under which Bluestone would have the use of the five (5) parking spaces in the Worth Lot behind 135 Congress Street. Seconded by Councilor McEachern.

Mayor Becksted said he is concerned with setting a precedence.

City Attorney said this would be a 20 year agreement for 7 days a week and 24 hours a day.

Mayor Becksted said he does not want to give away spaces.

Councilor McEachern said he worries about the precedence and people would look at the decisions made and weigh in on them.

Councilor Lazenby moved to table the remainder of the agenda until the next City Council meeting on Monday, June 22, 2020. Seconded by Councilor Huda.

On a roll call vote 8-0, motion passed. Councilor Whelan was not present for the vote.

XX. ADJOURNMENT

At 12:36 a.m., Councilor Lazenby moved to adjourn the meeting. Seconded by Councilor McEachern.

On a roll call vote 8-0, motion passed. Councilor Whelan was not present for the vote.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

Remaining Agenda Items for June 22, 2020

1. Adoption of Proposed Budget Resolutions for Fiscal Year July 1, 2020 through June 30, 2021 (FY 21)
 - Resolution No. 7-2020 – Municipal Fees
 - Resolution No. 8-2020 – General Fund Expenditures
 - Resolution No. 9-2020 – Sewer Fund Expenditures
 - Resolution No. 10-2020 – Water Fund Expenditures
 - Resolution No. 11-2020 – Special Revenues, Debt Service, Fund and committee Fund Balances for Necessary Expenditures
 - Resolution No. 12-2020 – Investment Policy
2. Assistant Mayor Splaine – Police Commission
3. City Manager Conard – Report Back on Bluestone Properties of Rye, LLC Request for 135 Congress Street Parking Lease
4. City Manager Conard – Request to Schedule First Reading Re: Omnibus Ordinance Change
5. Consent Agenda
 - A. Letter from Samantha Boland, National Multiple Sclerosis Society, requesting permission to hold the 2020 Bike MS: New Hampshire Seacoast Escape cycling event on Saturday, August 22, 2020
 - B. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to the Akwaaba Ensemble drumming, dancing and singing perform traditional spirituals on Friday, June 19, 2020 at 1:00 p.m. at the African Burying Ground
 - C. Water Services Access Easement for 3110 Lafayette Road
 - D. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Saturday, July 11, 2020 for an outdoor dining and concert event in the evening
6. Presentations & Consideration of Written Communications & Petitions
 - A. Email Correspondence
 - B. Letter from Attorney Derek Durbin, Durbin Law, on behalf of James Gould, requesting the Restoration of Involuntarily Merged Lots at 246 Thornton Street
 - C. Letter from Ted Jankowski regarding PFAS free playing fields
7. City Manager's Informational Item
 - A. Report back from Parking, Traffic and Safety Committee regarding "Recommended Modifications to Middle Street/Lafayette Bike Lane"

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III **BOARDS**, Section 1.310 **ZONING BOARD OF ADJUSTMENT**, and Article IV **COMMISSIONS AND AUTHORITIES**, Section 1.404 **HISTORIC DISTRICT COMMISSION**, 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: BOARDS
Section 1.310: ZONING BOARD OF ADJUSTMENT

- A. **Membership and Term:** The Zoning Board of Adjustment shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of Portsmouth, appointed for terms of five years by the **Mayor with the approval of the** City Council. Appointments shall be apportioned, and the Board shall annually elect a Chairman for its membership. Members and alternates shall serve without compensation and shall hold no other municipal office except ward official, election official and checklist supervisors. ~~When making appointments to the Board of Adjustment, the Council shall consider as candidates the alternates of the Board as well as other nominations by the Mayor.~~ The Mayor shall submit the names of **alternates and nominations appointees** to the council within thirty days after a vacancy occurs.

ARTICLE IV: COMMISSIONS AND AUTHORITIES
Section 1.404: HISTORIC DISTRICT COMMISSION

- A. **Membership and Term**
1. **Membership:** The Historic District Commission shall consist of seven members and two alternates appointed by the **Mayor with the approval of the** City Council.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IX, Section 7.901 – **PENALTIES** 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 IX: PENALTIES, FORFEITURES AND SEPARABILITY

Section 7.901: PENALTIES

~~A. Any person violating any of the provisions of this Chapter or any rule or regulation made by the Chief of Police pursuant thereto, except the rules and regulations found in Section 7.105 and except those rules referenced in paragraph B, C, D, E, F and H of this provision, shall be subject to a fine or not more than \$300 upon conviction therefore in the Portsmouth District Court.~~

~~B. Any person violating any of the provisions of Section 7.105 A or C (Two Hour Metered Parking Restrictions) or any rule or regulation made by the Chief of Police pursuant thereto shall forfeit to the City the sum of \$5.00 for each violation. In the event that payment of the forfeiture sum of \$5.00 is not made within thirty (30) calendar days of the violation, then the forfeiture shall be in the sum of \$25.00 for each violation.~~

A.C. Notwithstanding any other provision of this Ordinance, any person violating an emergency order issued by the Chief of Police pursuant to Section 7.303 or Section 7.321 shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation the sum of \$50. In the event that such forfeiture is not **made paid** within thirty (30) days of the violation date, then the forfeiture ~~shall be paid to the City of Portsmouth in the amount of \$75~~ **amount shall be \$100**. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than ~~\$100~~ **\$150** upon conviction therefore in the ~~Portsmouth District Court~~ **10th Circuit Court, District Division**.

B.D. Any person receiving more than ten (10) parking violations in one (1) year, July 1 to June 30 inclusive, shall forfeit an additional charge for each subsequent violation in the amount of \$25. In the event that this additional forfeiture of \$25 is not **made paid** within thirty (30) days of the date of the violation triggering the \$25 forfeiture, then the forfeiture amount shall become \$50.

C.E. Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation the amount designated below. In the event that the forfeiture amounts not **made paid** within thirty (30) calendar days

of the violation, then the forfeiture shall be the ~~twice~~ sum listed below. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than ~~\$100.00~~ **\$150** upon conviction.

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount Within 30 Days</u>	<u>Fine Amount After 30 Days</u>
7.102,	Expired Meter	\$15.00 \$50.00	\$75.00
7.105 (A) (C)			
7.328.1	Utilization of Multiple Spaces	\$25.00	\$50.00
7.315 (A)	Parking Within an Intersection	\$25.00	\$50.00
7.315 (B)	Parked in Crosswalk	\$25.00	\$50.00
7.315 (C)	Blocking Parked within 15 feet of a Fire Hydrant	\$25.00	\$50.00
7.315 (D)	Parked Within 15 Feet of Fire Station Driveway	\$15.00	\$30.00
7.315 (E)	Parked Blocking Driveway	\$25.00	\$50.00
7.315 (F)	Parked on Sidewalk	\$25.00	\$50.00
7.315 (G)	Obstructing Traffic During Construction Activity	\$15.00	\$30.00
7.315 (H)	Double Parking	\$15.00	\$30.00
7.315 (I)	Violating Traffic Signs Prohibiting Parking	\$25.00	\$50.00
7.315 (J)	Parked, Wrong Direction	\$15.00	\$30.00
7.316	Back to Curb	\$15.00	\$30.00
7.319	Distance from Curb	\$15.00	\$30.00
7.320	Obstructing Street	\$25.00	\$30.00
7.324	One Hour Parking	15.00	
7.325	30 Minute Parking	15.00 \$50.00	\$75.00
7.326	15 Minute Parking	15.00 \$50.00	\$75.00
7.327	Limited Parking - Two Hours	\$15.00 \$50.00	\$75.00
7.329	Limited Parking – Four Hours	\$50.00	\$75.00
7.330	Parked in No Parking Area	20.00 \$50.00	\$75.00
7.331	Parking Too Close to Intersection	\$20.00	\$40.00
7.601	Trucks, Vans & Other Commercial Delivery Vehicles on Certain Streets During Certain Hours Limited Hours Loading Zones	25.00 \$50.00	\$100.00
7.602	Truck Loading/Unloading Zones Established 24-Hour Loading Zones	25.00 \$50.00	\$100.00
7.1504	Parking in Fire Lane	\$25.00	\$50.00
7.1603	Resident Only Parking	\$25.00	\$50.00

- DF.** Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle unlawfully parked in areas designated as reserved for parking for the walking disabled pursuant to Section 7.1200 shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation \$250. In the event that the payment of the forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$300. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$300 upon conviction therefore in the Portsmouth District Court.
- EG.** ~~Snow Emergency Parking Ban~~Overnight Parking—Winter. Notwithstanding any other provisions of this Ordinance, ~~any person violating the provisions of~~ **any Snow Emergency Parking Ban pursuant to Section 7.321 or a parking ban for removal of accumulated snow (“loadout”) pursuant to Section 7.1002 (A) or an emergency snow ban as directed by the Director of Public Works under Section 7.321(B) shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation the sum of ~~\$25~~ **\$50**. In the ~~event~~ that payment of such forfeiture amount is not made within thirty (30) days of the violation, then the forfeiture amount shall be ~~\$35~~ **\$100**. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than ~~\$50~~ **\$150** upon conviction therefore in the ~~Portsmouth District Court~~ **10th Circuit Court, District Division**.**
- FH.** Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle violating the provisions of Section 7.335 **(72 hour parking restrictions)** or 7.1000 ~~(72-hour parking restrictions)~~ **(Tow Zone)** shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation \$50. In the event that the payment of forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$100. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$150 upon conviction thereof in the ~~Portsmouth District Court~~ **10th Circuit Court, District Division**.

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

Portsmouth

Parking Fine Schedule

Description	Last Updated	Current		Recommended		Peer Town	
		Fine	After 30 days	Fine	After 30 days	Averages - Rounded	Late
Session Expired 15 & 30 Minute; (formerly) 1 - 4 hr	1/1/2013	\$ 15.00	\$ 30.00	\$ 50.00	\$ 75.00	\$ 20.00	\$ 38.78
72 hr parking	1/1/2013	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00	\$ 26.43	\$ 53.67
Parked within 15 ft of Fire Station	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 40.83	\$ 52.50
Parked on Sidewalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 37.00	\$ 72.86
Obstructing Traffic During Construction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 28.75	\$ 46.67
Double Parking	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 26.11	\$ 52.67
Parked in Wrong Direction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 25.00	\$ 61.67
Back to Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.14	\$ 47.50
Distance from Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.00	\$ 51.67
Parked in No Parking Area	1/1/2013	\$ 20.00	\$ 40.00	\$ 50.00	\$ 75.00	\$ 30.83	\$ 63.13
Parked Too Close to Intersection	1/1/2013	\$ 20.00	\$ 40.00	\$ 20.00	\$ 40.00	\$ 32.22	\$ 69.17
Emergency Snow Ban	1/1/2013	\$ 25.00	\$ 35.00	\$ 50.00	\$ 100.00	\$ 63.33	\$ 123.33
Parking Within an Intersection	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 35.00	\$ 70.00
Parking in Crosswalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 38.33	\$ 80.00
Blocking Fire Hydrant	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 51.92	\$ 101.25
Parked Blocking Driveway	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.92	\$ 70.00
Obstructing Street	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.88	\$ 61.67
Parked in Fire Lane	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 48.64	\$ 93.75
10 or More Parking Violations in 1 yr	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 66.67	\$ 100.00
Parked in ADA	1/1/2013	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 238.46	\$ 365.63
Resident Parking Only	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.50	\$ 57.29
Protest Fee (NSF)	1/1/2013	\$ 30.00	\$ -	\$ 30.00	\$ -	\$ 30.00	\$ -
HC/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 20.00	\$ 50.00
Vet/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 27.50	\$ 55.00
Multiple Spaces	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.43	\$ 60.00
Boot Removal Fee	1/1/2013	\$ 150.00	\$ -	\$ 150.00	\$ -	\$ 85.71	\$ -
Commercial Loading Zone	1/1/2013	\$ 25.00	\$ 50.00	\$ 50.00	\$ 100.00	\$ 42.00	\$ 96.67

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 8, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the Proposed CAPITAL IMPROVEMENT PLAN. Due to the current State of Emergency related to COVID-19, the public hearing on February 8, 2021 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda. The Complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours and is also available on the city website.

CITY OF PORTSMOUTH, NH

Capital Plan Summary '22

Description

I.	EQUIPMENT AND VEHICLE SCHEDULE	\$120,000.00
II.	BUILDING AND INFRASTRUCTURE	\$14,077,000.00
III.	INFORMATION MANAGEMENT SYSTEMS	\$1,194,208.00
IV.	TRANSPORTATION MANAGEMENT PLAN	\$6,571,000.00
V.	ENTERPRISE FUNDS	\$12,550,000.00
VI.	COMBINED FUND PROJECTS	\$11,200,000.00
	CAPITAL CONTINGENCY	\$100,000.00
	GRAND TOTAL	\$45,812,208.00

***\$1,480,000.00 is proposed to be funded from FY22 General Fund Capital Outlay**

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KELLI L. BARNABY, MMC, CNHMC
CITY CLERK

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

FINANCE DEPARTMENT



MEMORANDUM

To: Karen Conard, City Manager
From: Judie Belanger, Director of Finance and Administration
Date: February 5, 2021
Re: Bonded Projects Update and Bond Issuance for 2021

Councilor Huda & Councilor Kennedy request on January 25, 2021

Motion: move for a report back from the City Manager to the residents and the Council on the status of all outstanding bonds related to Capital Improvement Plan) Please include the following data:

- **Date the Bond was Approved by the Council**
- **Date of the Bond Issuance, Amount & Term of the Bond**
- **List of bonds Approved by the City Council that are Unissued as of 12/31/2020**
- **List of the Projects that the bond is providing Funds to Implement (if included in a pooling of projects, please note projects included by amount)**
- **Status to Completion of each project (I.E. % Complete, 25%, 95%)**
- **Remaining Balance attributed to each Project at 12/31/2020**

Annually the City Council approves a six year Capital Improvement Plan (CIP). The CIP is a multi-year budgeting tool to project out and anticipate future needs and expenses. Sources of the CIP include: Federal or State mandates or regulations; infrastructure/facility updates or expansions; planning priorities related to implementation of the Master Plan or related studies; and policy priorities directed by the City Council. Funding sources of these projects include: General Fund; Bonding; Water, Sewer, Parking Revenues; State and Federal Grants; and Public Private Partnership.

The adoption of the CIP does not obligate the City to commence these projects nor constitutes an authorization to expend funds. After the adoption of the CIP, any projects that are listed for the current year to be funded with revenues will be presented in the proposed budget for further discussion and approval. Projects that require financing through General Obligation Bonds (GOB) or State Revolving Loan Funds (SRF) are brought to the City Council by way of a Resolution to Borrow under the Municipal Finance Act and/or Participation in the SRF program. A Public Hearing and a 2/3 vote of the City Council are required before moving forward with any project. Once the borrowing resolution is adopted, the project process can move forward. The resolution remains titled as Authorized Unissued until the bonds are issued.

State law recognizes and addresses that after bonds are issued, due to certain circumstances, some projects may be halted, delayed, or canceled and results in unspent proceeds.

RSA 33:3-a paragraph II states: If after notes or bonds have been issued and no expenditure of the proceeds has been made for the purpose or purposes for which the debt was incurred, or if a balance remains after the completion of the project or projects for which the debt was authorized, then 1) a city by a vote of 2/3.....may authorize the expenditure of the sum or sums on hand, including any premiums received, for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time at any time which said sum or any portion thereof remains available; 2) provided, however that if the sum obtained by issuance of bonds or notes, as aforesaid, or any balance thereof, including any premium, is not appropriated as aforesaid, then the same shall be used to pay the principal of the loan as it matures.

All borrowing authorizations are used in the legal debt limit calculation. Any Authorized Unissued bonds, or a portion thereof, that will not be issued for any reason will require a vote of the City Council to rescind the authorization.

This memo will address both the request from Councilor Huda and Councilor Kennedy as well as introduce recommendations to both requests for reprogramming of unspent bond proceeds per RSA 33:3-a and rescind portions of Authorized Unissued bonds. Both of these items will be brought back to the City Council by way of a resolution for adoption.

Attached are two Reports as of February 5, 2021

- 1) A list of all projects financed with bonds from 2015 – 2019. The list provides: the date the bond was approved by Council; date of the bond issuance; amount and term of each bond; completion/commitment of each project to date; and remaining balance attributed to each project.
- 2) A list of Authorized Unissued projects (bonds) which will require financing. It is broken out by what will need to be financed this fiscal year and what will need to be financed in future fiscal years.

The table below breaks out the total of issued and unissued bonds by project type and by fund for projects adopted by way of a borrowing authorization by the City Council over the last six years.

Total By Project type - Issued and Unissued	Amount 2015-2021	Percentage of Total
Peirce Island Wastewater Treatment Plant	81,900,000.00	32%
Street-Sidewalk-Bridge Improvements	39,114,710.00	15%
Foundry Parking Facility	26,200,000.00	10%
School Building Improvements	25,300,000.00	10%
Waterline Improvements/Replacements	13,012,423.03	5%
Sewerline Improvements/Replacements	12,701,357.65	5%
Water-System Pressure, Storage, Wells, Stage 2 and Transmission	12,100,000.00	5%
Outdoor Pool-Parks-Fields-Pathways	12,075,000.00	5%
Pease Wastewater Treatment Plant	8,200,000.00	3%
Pumping Stations	8,200,000.00	3%
City Building Infrastructure (other than School)	5,995,814.76	2%
Consent Decree Mitigation	5,200,000.00	2%
Fire Apparatus/Boat	3,103,290.00	1%
Sea Walls	1,275,000.00	1%
Total by Project Type	254,377,595.44	100%

Allocation By Fund - Issued and Unissued	Amount 2015-2021	Percentage of Total
General Government	113,063,814.76	44%
Water Fund	25,112,423.03	10%
Sewer Fund	116,201,357.65	46%
Total By Fund	254,377,595.44	100%

ISSUED BONDS

June 2015 Bond Issue

		Bond Term	Appropriation	Expended/Encumbered	Balance	Note Number See Below	% Spent
General Government							
Authorized							
9/22/2014	Seawalls	10 Yr	1,275,000.00	126,699.27	1,148,300.73	①	10%
9/22/2014	High School Lighting of Fields	10 Yr	750,000.00	750,000.00	-		100%
9/22/2014	Maplewood Ave	10 Yr	1,300,000.00	1,300,000.00	-		100%
9/22/2014	Pease Area Roadways	10 Yr	500,000.00	500,000.00	-		100%
9/22/2014	McDonough Street Area Improvements	10 Yr	400,000.00	400,000.00	-		100%
Total General Government			4,225,000.00	3,076,699.27	1,148,300.73		73%
Water Fund							
9/22/2014	Greenland Well	20 Yr	1,000,000.00	1,000,000.00	-		100%
9/22/2014	Water System Pressure-Storage	20 Yr	500,000.00	500,000.00	-		100%
9/22/2014	Maplewood Waterline	20 Yr	3,300,000.00	3,300,000.00	-		100%
Total Water Fund			4,800,000.00	4,800,000.00	-		100%
Sewer Fund							
9/22/2014	Pease Wastewater Treatment Plant	20 Yr	1,000,000.00	1,000,000.00	-		100%
Total Sewer Fund			1,000,000.00	1,000,000.00	-		100%
Total June 2015 Bond Issue			10,025,000.00	8,876,699.27	1,148,300.73		89%

June 2016 Bond Issue

		Bond Term	Appropriation	Expended/Encumbered	Balance		% Spent
General Government							
Authorized							
8/17/2015	Fire Apparatus	5 Yr	523,290.00	523,290.00	-		100%
	<i>Authorized \$600,000 rescinded \$76,710 on 4/17/2017</i>						
8/17/2015	School Building Improvements	10 Yr	500,000.00	500,000.00	-		100%
4/6/2015	Elementary School Improvements	20 Yr	5,000,000.00	5,000,000.00	-		100%
8/17/2015	Bike/Pedestrian Improvements	10 Yr	1,000,000.00	1,000,000.00	-		100%
8/17/2015	Islington Street Improvements	10 Yr	500,000.00	500,000.00	-		100%
9/17/2012	Commerce Way	10 Yr	1,524,710.00	1,524,710.00	-		100%
	<i>Authorized \$1,600,000 rescinded \$75,290 on 4/17/2017</i>						
8/17/2015	Islington Street Sidewalks	10 Yr	250,000.00	250,000.00	-		100%
8/17/2015	Bi-Annual Street Paving	10 Yr	3,000,000.00	3,000,000.00	-		100%
8/17/2015	Bi-Annual Sidewalk Improvements	10 Yr	800,000.00	800,000.00	-		100%
8/17/2015	Market Street	10 Yr	550,000.00	550,000.00	-		100%
Total General Government			13,648,000.00	13,648,000.00	-		100%
Water Fund							
8/17/2015	Stage 2 Disinfection By-Product Rule	20 Yr	3,600,000.00	3,600,000.00	-		100%
8/17/2015	Water System Pressure and Storage Improvements	20 Yr	500,000.00	500,000.00	-		100%
Total Water Fund			4,100,000.00	4,100,000.00	-		100%
Sewer Fund							
8/17/2015	Fleet Street	10 Yr	500,000.00	257,834.53	242,165.47	②	52%
8/17/2015	Lafayette Road Pump Station	20 Yr	3,500,000.00	3,303,439.93	196,560.07	③	94%
Total Sewer Fund			4,000,000.00	3,561,274.46	438,725.54		89%
Total June 2016 Bond Issue			21,748,000.00	21,309,274.46	438,725.54		98%

June 2017 Bond Issue

Authorized	Bond Term	Appropriation	Expended/Encumbered	Balance	% Spent		
General Government							
2/6/2017	Fire Apparatus	5 Yr	400,000.00	400,000.00	-	100%	
4/18/2016	Elementary School Improvements	20 Yr	5,000,000.00	5,000,000.00	-	100%	
2/6/2017	Fire Station 3 Improvements	10 Yr	610,000.00	610,000.00	-	100%	
7/11/2016	Multi-Purpose Outdoor Fields	10 Yr	1,750,000.00	1,750,000.00	-	100%	
7/11/2016	Outdoor Pool	10 Yr	500,000.00	303,405.52	196,594.48	In progress	61%
7/11/2016	City Wide Building Improvements	10 Yr	1,000,000.00	1,000,000.00	-	100%	
7/11/2016	Chestnut Street	10 Yr	200,000.00	200,000.00	-	100%	
7/11/2016	McDonough Street Area Improvements	10 Yr	400,000.00	400,000.00	-	100%	
7/11/2016	Pease Area Roadways	10 Yr	2,500,000.00	1,300,127.31	1,199,872.69	④	52%
7/11/2016	Banfield Road	10 Yr	500,000.00	500,000.00	-	100%	
Total General Government			12,860,000.00	11,463,532.83	1,396,467.17		89%
Water Fund							
7/11/2016	Annual Waterline Replacements	20 Yr	1,500,000.00	1,500,000.00	-	100%	
7/11/2016	Water System Pressure and Storage Improvements	20 Yr	750,000.00	750,000.00	-	100%	
Total Water Fund			2,250,000.00	2,250,000.00	-		100%
Sewer Fund							
7/11/2016	Annual Sewerline Replacements	20 Yr	2,500,000.00	2,500,000.00	-	100%	
7/11/2016	Pumping Station Upgrades	10 Yr	400,000.00	400,000.00	-	100%	
7/11/2016	GooseBay Drive Sewerline	10 Yr	500,000.00	358,714.83	141,285.17	③	72%
Total Sewer Fund			3,400,000.00	3,258,714.83	141,285.17		96%
Total June 2017 Bond Issue			18,510,000.00	16,972,247.66	1,537,752.34		92%

June 2018 Bond Issue

Authorized	Bond Term	Appropriation	Expended/Encumbered	Balance	% Spent		
General Government							
7/10/2017	School Building Improvements	10 Yr	550,000.00	550,000.00	-	100%	
4/3/2017	Elementary School Improvements	20 Yr	5,000,000.00	5,000,000.00	-	100%	
7/10/2017	City Field Lighting	10 Yr	600,000.00	600,000.00	-	100%	
7/10/2017	Hoover/Taft Drainage	10 Yr	250,000.00	250,000.00	-	100%	
7/10/2017	Lafayette/Andrew Jarvis Intersection	10 Yr	800,000.00	800,000.00	-	100%	
7/10/2017	Pleasant Street	10 Yr	750,000.00	750,000.00	-	100%	
7/10/2017	Bi-Annual Street Paving	10 Yr	3,000,000.00	3,000,000.00	-	100%	
7/10/2017	Bi-Annual Sidewalk Improvements	10 Yr	800,000.00	800,000.00	-	100%	
Total General Government			11,750,000.00	11,750,000.00	-		100%
Water Fund							
7/10/2017	Annual Waterline Replacements	20 yr	2,500,000.00	2,500,000.00	-	100%	
7/10/2017	Pleasant Street Water Mains	10 Yr	600,000.00	600,000.00	-	100%	
Total Water Fund			3,100,000.00	3,100,000.00	-		100%
Sewer Fund							
7/10/2017	Consent Decree	10 Yr	400,000.00	400,000.00	-	100%	
7/10/2017	Annual Sewerline Replacements	20 yr	3,000,000.00	3,000,000.00	-	100%	
7/10/2017	Union Street Sewerlines	10 Yr	700,000.00	-	700,000.00	In design	0%
7/10/2017	Pumping Station Upgrades	10 Yr	700,000.00	102,779.78	597,220.22	⑤	15%
Total Sewer Fund			4,800,000.00	3,502,779.78	1,297,220.22		73%
Total June 2018 Bond Issue			19,650,000.00	18,352,779.78	1,297,220.22		93%

June 2019 Bond Issue

Authorized		Bond Term	Appropriation	Expended/Encumbered	Balance		% Spent
General Government							
8/6/2018	Fire Apparatus	5 Yr	600,000.00	574,321.94	25,678.06	⑥	96%
4/16/2018	Fire Boat	5 Yr	180,000.00	180,000.00	-		100%
8/6/2018	School Building Improvements	10 Yr	500,000.00	469,016.12	30,983.88	In Progress	94%
4/16/2018	Elementary School Improvements	20 yr	5,000,000.00	5,000,000.00	-		100%
8/6/2018	Fire Station One Rehab	10 Yr	325,000.00	321,489.72	3,510.28	In Progress	99%
7/10/2017	McDonough Street Area Improvements	10 Yr	800,000.00	800,000.00	-		100%
7/10/2017	Islington Street Improvements	10 Yr	2,500,000.00	2,500,000.00	-		100%
8/6/2018	Citywide Bridges	10 Yr	350,000.00	350,000.00	-		100%
8/6/2018	Market Street Gateway	10 Yr	1,700,000.00	1,700,000.00	-		100%
05/04/15 & 8/7/2017	Foundry Parking Garage	20 Yr	26,200,000.00	25,996,061.28	203,938.72	⑦	99%
	Total General Government		38,155,000.00	37,890,889.06	264,110.94	In Progress	99%
Water Fund							
8/6/2018	Annual Waterline Replacements	10 Yr	500,000.00	348,212.55	151,787.45	In Progress	70%
8/6/2018	Water System Pressure & Storage	20 Yr	2,200,000.00	1,731,760.65	468,239.35	In Progress	79%
	Total Water Fund		2,700,000.00	2,079,973.20	620,026.80		77%
Sewer Fund							
4/2/2018	Pease Wastewater Treatment Plant	20 yr	7,200,000.00	4,833,374.37	2,366,625.63	In Progress	67%
8/6/2018	Consent Decree	10 Yr	400,000.00	376,260.25	23,739.75	In Progress	94%
8/6/2018	Union Street Sewerline	10 Yr	700,000.00	-	700,000.00	In Progress	0%
8/6/2018	Annual Sewerline Replacements	10 Yr	500,000.00	500,000.00	-		100%
	Total Sewer Fund		8,800,000.00	5,709,634.62	3,090,365.38		65%
Total June 2019 Bond Issue			49,655,000.00	45,680,496.88	3,974,503.12		92%
Total Bond Issued 2015 - 2019			119,588,000.00	111,191,498.05	8,396,501.95		93%

- ① This project is currently going out to bid. The bid documents will include replacement of the seawall with an option to reconstruct the wharf (previously LaCava). The project was delayed more to accommodate ongoing discussions on next steps for this area. These included the following items:
 - Evaluating the adjacent pumping station
 - The City is currently evaluating the life span of the Peirce Island RD Bridg to delay the costs of this major capital project. Work is ongoing.
 - This area is in the construction traffic route of the Peirce Island Wastewater Treatment Facility.
 - A private citizen requested a boat access to the wharf at 95 Mechanic Street.
- ② Fleet Street project: This project is currently in preliminary design and the funds will be used for the final design phase.
- ③ Both the Lafayette pump station and Goose Bay projects are now complete. These proceeds may be reprogrammed in accordance with RSA 33:3-a. It is recommended that these proceeds are used for the final design of the Islington Street Phase II project. This will go to Council for approval.
- ④ This project was delayed due to stormwater and regulatory concerns related to PFAS contamination at the Development. Project is currently moving forward with design and construction is anticipated in the Spring of 2022.
- ⑤ In progress for the Marjorie Street Pump Station.
- ⑥ This project is complete. Recommend to reprogram these funds for the purchase of the new Fire apparatus authorized 4/6/2020. This will reduce the borrowing amount for the new apparatus. This will be brought forward to the City Council for authorization.
- ⑦ This project is complete. Will be bringing back to City Council to reprogram these proceeds to the Hanover Parking Garage Facility Improvemens which is identified in the CIP.

Authorized-Unissued Borrowing Authorizations

Authorized	General Government	Amount Authorized	Amount to Issue in FY21 (February-March)	To Issue in Future FY	Amount to Rescind from the Authorization	Expended/Encumbered	Balance	% Spent
7/10/2017	North Mill Pond Multi Use Path	500,000.00	500,000.00			17,401.23	482,598.77	3%
7/10/2017	Maplewood Avenue Complete Street	450,000.00		450,000.00			450,000.00	0%
7/10/2017	New Franklin/Woodbury Corridor	500,000.00		500,000.00			500,000.00	0%
7/9/2018	Multi-Purpose Outdoor Fields	3,400,000.00	2,840,000.00	560,000.00		2,835,470.12	564,529.88	83%
8/6/2018	City Hall Electrical Upgrades	600,000.00	600,000.00			600,000.00	-	100%
8/6/2018	Longmeadow Road Extension	400,000.00	400,000.00			4,375.00	395,625.00	1%
8/6/2018	Prescott Park	2,325,000.00		2,325,000.00		28,000.00	2,297,000.00	1%
8/6/2018	Outdoor Pool	1,000,000.00		1,000,000.00		-	1,000,000.00	0%
8/6/2018	Peaverly Hill Road	2,200,000.00		2,200,000.00			2,200,000.00	0%
5/20/2019	Senior Center	2,500,000.00	2,060,814.76	-	439,185.24	2,060,814.76	-	100%
5/20/2019	Elementary School Upgrades	2,000,000.00	2,000,000.00			1,887,792.37	112,207.63	94%
7/15/2019	Pease Area Roadways	750,000.00		750,000.00		-	750,000.00	0%
7/15/2019	Citywide Facilities Improvements	1,000,000.00	1,000,000.00			889,612.08	110,387.92	89%
7/15/2019	Bi-Annual Sidewalk Improvements	800,000.00	400,000.00	400,000.00		-	800,000.00	0%
7/15/2019	Citywide Bridge Improvements	2,000,000.00	1,200,000.00	800,000.00		1,176,872.25	823,127.75	59%
7/15/2019	Maplewood Avenue Bridge Improvements	500,000.00	500,000.00			-	500,000.00	0%
7/15/2019	Cate Street Connector	1,500,000.00	1,500,000.00			1,500,000.00	-	100%
7/15/2019	Bi-Annual Street Paving	4,000,000.00	2,000,000.00	2,000,000.00		1,448,783.54	2,551,216.46	36%
4/6/2020	Fire Apparatus	1,400,000.00		1,400,000.00		1,350,976.00	49,024.00	96%
12/7/2020	Police Station Upgrades	400,000.00	400,000.00			147,545.48	252,454.52	37%
12/7/2020	School Facilities Improvements	1,000,000.00	500,000.00	500,000.00		-	1,000,000.00	0%
12/7/2020	Outdoor Pool	2,000,000.00		2,000,000.00			2,000,000.00	0%
12/7/2020	Islington Street Phase 1B	1,640,000.00		1,640,000.00			1,640,000.00	0%
Total General Government		32,865,000.00	15,900,814.76	16,525,000.00	439,185.24	13,947,642.83	18,478,171.93	44%
Water Fund								
7/15/2019	Annual Waterline Replacement	1,000,000.00	1,000,000.00			808,017.50	191,982.50	81%
7/15/2019	Madbury Well 5	750,000.00	750,000.00			86,200.00	663,800.00	11%
7/15/2019	Water Transmission Main Replacement	250,000.00	250,000.00			93,362.44	156,637.56	37%
7/15/2019	Maplewood Ave Area Construction	1,200,000.00	1,200,000.00			1,200,000.00	-	100%
7/15/2019	Pleasant St Water Mains	823,000.00	762,423.03		60,576.97	762,423.03	-	100%
7/15/2019	Reservoir Management	600,000.00		600,000.00		-	600,000.00	0%
12/7/2020	New Groundwater Source	500,000.00	500,000.00			-	500,000.00	0%
12/7/2020	Water Transmission Main Replacement	600,000.00	600,000.00			-	600,000.00	0%
12/7/2020	Islington Street Phase 1B	1,650,000.00	1,650,000.00			1,418,410.37	231,589.63	86%
12/7/2020	Water Storage Tanks Painting	850,000.00		850,000.00		-	850,000.00	0%
Total Water Fund		8,223,000.00	6,712,423.03	1,450,000.00	60,576.97	4,368,413.34	3,794,009.69	54%

Sewer Fund								
7/15/2019	Annual Sewer Line Replacement	1,000,000.00	1,000,000.00			500,814.04	499,185.96	50%
7/15/2019	Pleasant Street Sewers	770,000.00	676,357.65		93,642.35	676,357.65	-	100%
7/15/2019	Maplewood Ave Area Reconstruction	975,000.00	975,000.00			975,000.00	-	100%
12/7/2020	Mechanic St Pump Station Sewer Force Main	3,600,000.00	3,600,000.00			230,155.00	3,369,845.00	6%
12/7/2020	Islington Street Phase 1B	1,650,000.00	1,650,000.00			1,555,757.62	94,242.38	94%
Total Sewer Fund		7,995,000.00	7,901,357.65	-	93,642.35	3,938,084.31	3,963,273.34	50%
Total Authorized-Unissued		49,083,000.00	30,514,595.44	17,975,000.00	593,404.56	22,254,140.48	26,235,454.96	47%

State Revolving Fund (SRF)								
3/14/2016 & 7/10/2017	Peirce Island Wastewater Treatment Plant (Note 5% of Principal to be forgiven or \$4,095,000)	81,900,000.00				80,289,563.21	1,610,436.79	98%
7/15/2019	Consent Decree Mitigation (Note 5% of Principal to be forgiven or \$220,000)	4,400,000.00				355,200.00	4,044,800.00	8%
Total SRF		86,300,000.00		-		80,644,763.21		93%

Summary	
Issued Bonds 2016-2019	119,588,000.00
Authorized Unissued Bonds	49,083,000.00
State Revolving Funds (SFR)	86,300,000.00
Amount to be Rescinded	(593,404.56)
total	\$ 254,377,595.44

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OPTION 1

Proposed increase of Elderly Exemption

Single	\$ 43,712 increase of \$561
Married	\$ 60,103 increase of \$771

OPTION 2

Proposed increase of Elderly Exemption

Single	\$ 43,928 increase of \$ 777
Married	\$ 60,400 increase of \$1,068

OPTION 3

Proposed increase of Elderly Exemption

Do Nothing

The elderly exemption shall remain unchanged except as amended hereby. The complete Resolution is available for review in the Office of the City Clerk during regular business hours and on the city website.

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Kelli L. Barnaby, MMC, CNHMC
City Clerk

Kelli L. Barnaby, MMC, CNHMC
City Clerk

OPTION 1

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE**

ELDERLY EXEMPTION

RESOLUTION # - 2021

BE IT RESOLVED:

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,712 for a single taxpayer or \$60,103 for married taxpayers, inclusive of social security payments.

The elderly exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2021**

**KELLI L. BARNABY, CMC
CITY CLERK**

NOTE: This exemption becomes effective for the tax year April 1, 2021.

OPTION 2

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE**

ELDERLY EXEMPTION

RESOLUTION # - 2021

BE IT RESOLVED:

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,928 for a single taxpayer or \$60,400 for married taxpayers, inclusive of social security payments.

The elderly exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

**_____
RICK BECKSTED, MAYOR**

**ADOPTED BY THE CITY COUNCIL:
, 2021**

**_____
KELLI L. BARNABY, CMC
CITY CLERK**

NOTE: This exemption becomes effective for the tax year April 1, 2021.

LEGAL NOTICE

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OPTION 1

Proposed increase of Disabled Exemption

Single	\$ 43,712 increase of \$561
Married	\$ 60,103 increase of \$771

OPTION 2

Proposed increase of Disabled Exemption

Single	\$ 43,928 increase of \$ 777
Married	\$ 60,400 increase of \$1,068

OPTION 3

Proposed increase of Disabled Exemption

Do Nothing

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OPTION 1

Proposed increase of Disabled Exemption

Single	\$ 43,712 increase of \$561
Married	\$ 60,103 increase of \$771

OPTION 2

Proposed Increase of Disabled Exemption

Single	\$ 43,928 increase of \$ 777
Married	\$ 60,400 increase of \$1,068

OPTION 3

Proposed increase of Disabled Exemption

Do Nothing

The disabled exemption shall remain unchanged except as amended hereby. The complete Resolution is available for review in the Office of the City Clerk during regular business hours and on the city website.

Kelli L. Barnaby, MMC, CNHMC
City Clerk

Kelli L. Barnaby, MMC, CNHMC
City Clerk

OPTION 1

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE**

DISABLED EXEMPTON

RESOLUTION # - 2021

BE IT RESOLVED:

Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,712 for a single taxpayer or \$60,103 for married taxpayers, inclusive of social security.

The disabled exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

**_____
RICK BECKSTED, MAYOR**

**ADOPTED BY THE CITY COUNCIL:
, 2021**

**_____
KELLI L. BARNABY, CMC
CITY CLERK**

NOTE: This exemption becomes effective for the tax year April 1, 2021.

OPTION 2

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE**

DISABLED EXEMPTION

RESOLUTION # - 2021

BE IT RESOLVED:

Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$43,928 for a single taxpayer or \$60,400 for married taxpayers, inclusive of social security.

The disabled exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2021**

**KELLI L. BARNABY, CMC
CITY CLERK**

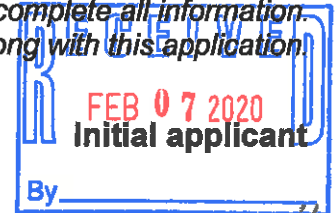
NOTE: This exemption becomes effective for the tax year April 1, 2021.



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: Recreation Board

Name: RICHARD Duddy Telephone: 603 431-6454 H
603 969-5197 cell

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

Street address: 56 Swett Ave Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): StreetrodRich2@aol.com

How long have you been a resident of Portsmouth? 47 years

Occupational background:

- PORTSMOUTH Fire Dept 1974-2000 (firefighter)
- HANDSCOM Truck Stop 2000 - 2016 (truck driver)
- Sanel's Auto/Napa 2017-2019 (driver)

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

I have spent most of my adult life involved
in sports for the youth in the area.
PORTSMOUTH Little League, PORTSMOUTH summer/fall
BASEBALL PROGRAMS, PORTSMOUTH Babe Ruth.



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 have watched my children grow up taking part in the many programs presented to them by the Parks/Rec and I am now watching my grand children do the same. I would like to serve to help continue with the excellence this department provides programs for the youth of the area.
Please list any organizations, groups, or other committees you are involved in:

Sons of the American Revolution SAR
Piscataqua Fish & Game Club.
Professional Firefighters of NH

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

1) MIKE Young 62 Orchard ST 603-498-5863
Name, address, telephone number

2) HARRY Cummings 120 Swett Ave 603-969-7453
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: Richard Dudley Date: 2/7/2020

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

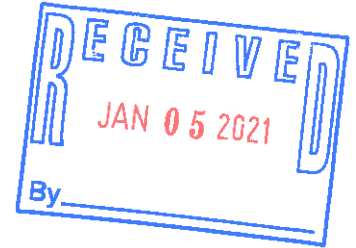
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012



**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: Sustainable Practices Blue Ribbon Committee Initial applicant

Name: Rebecca Raum O'Brien Telephone: (603) 674-5020

Could you be contacted at work? YES NO If so, telephone# (603) 674-5020

Street address: 396 Miller Avenue, Portsmouth, NH 03801

Mailing address (if different):

Email address (for clerk's office communication): beccaraum@hotmail.com

How long have you been a resident of Portsmouth? 14 years

Occupational background:

I have spent the last 20 years in marketing and communications, mostly in a strategic and consulting capacity, for nonprofit feasibility and campaign projects. The last 2.5 years I have spent working in-house in the private sector helping to build the brand and awareness of an organics-to-energy business in Arizona and California; combining my marketing, policy and business development background.

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

- **University of St. Andrews, Scotland – M.A. Honors, International Relations (1996-2000)**
- **True North Renewable Energy, Marketing & Business Development (2018-present)**
- **Current Volunteer Coordinator, Surfrider Foundation, NH Chapter (2020-present)**
- **Past Chair, Surfrider Foundation, NH Chapter (2018-2020)**
- **Past Secretary, Surfrider Foundation, NH Chapter (2015-2017)**
- **Past Board Member, Seacoast Women's Giving Circle (2015-2017)**
- **Past Development Committee Member, Seacoast Community School (2015-2016)**
- **SELT Wild & Scenic Film Selection Member, Past Committee member for SELT TrailFest, and Fall Foliage Fundraiser, for The Southeast Land Trust (SELT) (2013-2019)**
- **Zero Waste Portsmouth (2010-2012)**

OVER

6/27/2012

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

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

Reasons for wishing to serve:

During my tenure in Portsmouth, I have been interested in, and volunteered my time for, activities and subjects having to do with Zero Waste efforts, reducing Single-Use Disposables, Land Conversation, Equitable and Accessible access to Public Spaces and our Collective Environment. I have four young children and want to ensure they see progressive action taken to protect our City

environment and the forces that affect our Spaces. Given this passion, I have taken steps in my professional life, to turn my attention from working in the nonprofit sector, to working in the Waste Sector, learning as much as I can about the industry, policy and new technologies in order to prepare for a future that landfills less and thinks creatively about using waste for beneficial use.

I think of "sustainability" in a comprehensive way – the connection between people, the space we inhabit, and how that space is used and not abused.

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

- Surfrider Foundation, NH Chapter (volunteer)
- Seacoast Women's Giving Circle (donor)
- Womenaid (donor)
- The Southeast Land Trust (SELT) (volunteer)
- Seacoast Community School (donor)

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

1) Christina Dubin – (978) 223-5035, 336 Miller Avenue, Portsmouth, NH 03801

2) Jen Felt – (202) 510-5474, 100 Ash Street, Portsmouth, NH 03801

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: 

Date: January 4, 2021

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

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801
6/27/2012

REBECCA R. O'BRIEN

A strategic thinker, planner and project manager with excellent communication skills and broad experience across sectors. Currently serving as marketing and business development specialist in the organic waste-to-energy sector.

Expertise Highlights

- **Marketing & Business Development – True North Venture Partners (2018-present)**
Brand management, marketing research and sales assistance for Harvest Energy Holdings (2018-2019). Then, transitioned to True North Renewable Energy (2019-present) assisting in the development, construction, and operations of multi-phase organic waste-to-energy facilities in the Western US.
- **Founder and Independent Consultant – RRO Consulting (2008-2010/2016-2018)**
Specializing in communications plans, capital and endowment campaign planning, staff assessments, staff resourcing, and feasibility studies. On-site counsel assisting organizations research and develop marketing and communication materials, staff development plans and systems reviews.
- **Founding Partner & Principal – Opus Advisors, LLC (2010-2016)**
Guiding organizations in the development of effective and sustainable funding plans. Clients ranged from local start-ups to large-scale international foundations across multiple sectors.
- **Nonprofit Development Consultant – CCS Fundraising (2005-2008)**
Campaign Director managing multi-year, large-scale funding plans for regional and international nonprofits, and conducted numerous feasibility studies testing campaign goals ranging from \$1M-\$50M.
- **Sales & Marketing – Boston Stock Exchange (BSE) (2001-2005)**
Corporate Communications & Marketing Coordinator for the BSE assisting in sales, marketing and promotional efforts. Also assisted in the launch of the Boston Options Exchange (BOX) coordinating road show events, tradeshow, and industry presentations. Managed the writing, and design, of the BSE Annual Report, the Corporate Newsletter, and the BSE website.

Consulting Clients (partial list)

- **New England:**
 - Asian American Civic Association (Opus)
 - Boston Ballet (CCS)
 - Center for Wildlife (Opus)
 - Mount Auburn Cemetery (RRO)
 - New England United Methodist Church (CCS)
 - North Yarmouth Academy (CCS)
 - Sant Bani School (RRO)
 - York Hospital (Opus)
- **International:**
 - Oxfam America (CCS, RRO)
 - St. Boniface Haiti Foundation (Opus)
- **National:**
 - Fisher College (CCS)
 - 10X10 Girl Rising; The Documentary Group (Opus)

Academic Background & Volunteer Experience

- University of St. Andrews, Scotland – M.A. Honors, International Relations (1996-2000)
- Current Volunteer Coordinator, Surfrider Foundation, NH Chapter (2020-present)
- Past Chair, Surfrider Foundation, NH Chapter (2018-2020)
- Past Secretary, Surfrider Foundation, NH Chapter (2015-2017)
- Past Board Member, Seacoast Women's Giving Circle (2015-2017)
- Past Development Committee Member, Seacoast Community School (2015-2016)
- SELT Wild & Scenic Film Selection Member, Past Committee member for SELT TrailFest, and Fall Foliage Fundraiser, for The Southeast Land Trust (SELT) (2013-2019)



PORTSMOUTH ARTS AND NON-PROFIT BLUE RIBBON COMMITTEE APPLICATION

Name: LAWRENCE YERDON Telephone: 603 828 1989 (57)
603 431 4464 (H)

Street address: 38 MARCY ST. PORTSMOUTH, NH 03801

Mailing address (if different): SAME

Email address: lyerdon@sbmuseum.org

Occupational background:

PRESIDENT & CEO STRAWBERRY BANK

Please list experience that would be beneficial to this Blue Ribbon Committee:

LIFE LONG ADVOCATE OF THE ARTS & NON-PROFIT ORGANIZATIONS.

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

- JOE APRIL
1) 14 COLONIAL DRIVE WEST BOYLSTON, MA 01583 774-261-3140
Name, address, telephone number
- JAY MCDONNELL
2) 76B WAKEFIELD ST. ROCHESTER NH 03867 207-216-3205
Name, address, telephone number

Signature: Laurencey Yerdon Date: 01/20/21

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801 or via e-mail: klbarnaby@cityofportsmouth.com



PORTSMOUTH ARTS AND NON-PROFIT BLUE RIBBON COMMITTEE APPLICATION

Name: Courtney Perkins Telephone: 773.718.6422 (mobile)

Street address: 523 Dennett Street, Portsmouth, NH 03801 (home)

Mailing address (if different): _____

Email address: courtney@prescottpark.org

Occupational background:

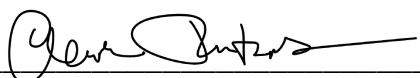
Long-time non-profit professional - have worked over 18 years in the non-profit arts space, but also have worked in a non-profit pro bono law firm and in various organizations serving people with disabilities

Please list experience that would be beneficial to this Blue Ribbon Committee:

I have extensive experience in non-profit performing arts and I am the relatively new Executive Director for Portsmouth's incredible Prescott Park Arts Festival. Since my arrival, I have been deeply committed to community collaboration. I want to ingratiate myself in the work and help this city's arts & NPOs thrive.

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

- 1) Russ Grazier, PMAC, russ@pmac.org, 603-431-4278 ext 5
Name, address, telephone number
- 2) Genevieve Aichele, NH Theatre Project, gen@nhtheatreproject.org, 603-431-6644
Name, address, telephone number

Signature :  Date: 1/26/2021

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801 or via e-mail: klbarnaby@cityofportsmouth.com

DATE: FEBRUARY 3, 2021

**TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD**

FROM: COUNCILOR HUDA

**SUBJECT: FEBRUARY 8TH 2021 CITY COUNCIL MEETING AGENDA REQUEST (ZOOM MEETING)
PLEASE PUT THIS UNDER MY NAME. THANK YOU**

1) MAKE A MOTION TO FINALIZE THE PRELIMINARY FY22 BUDGET GUIDANCE GIVEN AT THE COUNCIL MEETING OF JAN. 8TH 2021

**2) MAKE A MOTION FOR THE FOLLOWING CLARIFICATIONS TO BE INCLUDED IN THE CIP DISCUSSION:
PLEASE CLARIFY IN 'LAYPERSON TERMS" TO THE RESIDENTS AND THE COUNCIL THE FOLLOWING QUESTIONS RELATED TO :**

CIP (CAPITAL IMPROVEMENT PLAN)

- * WHEN THE COUNCIL VOTES TO ACCEPT THE CIP- DOES THAT MEAN THAT THE COUNCIL HAS APPROVED & AGREED TO ALL OF THE ITEMS IN THAT 6 YEAR PLAN?**
- * DOES THE APPROVAL OF THE CIP BY THE COUNCIL CONSTITUTE THE "AUTHORIZING" OF THE AMOUNT LISTED BY LINE ITEM & AMOUNT FOR THAT SPECIFIC PROJECT?**
- * PLEASE CLARIFY WHAT HAPPENS WHEN AN ITEM IS LISTED ON THE CIP FOR A NUMBER OF YEARS, THEN IS NOT LISTED IN THE CURRENT PLAN?
IF THE AMOUNT IN THE PRIOR PLAN WAS APPROVED/AUTHORIZED, THEN WHERE DO THE FUNDS GO, IF THE LINE ITEM GOES AWAY?**
- * PLEASE DISCUSS THE EFFECT IF ANY ON AUTHORIZED BUT UNISSUED BONDS RELATED TO THE ABOVE.
ARE THESE PROJECTS CONSIDERED AUTHORIZED BUT UNISSUED FROM A BONDING PERSPECTIVE?**

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

DATE: JANUARY 20TH, 2021
TO: KAREN CONARD, CITY MANAGER
FROM: STEFANY SHAHEEN, PORTSMOUTH POLICE COMMISSION CHAIR
MARK D. NEWPORT, CHIEF OF POLICE
RE: DONATION

At the January 19th, 2021 Police Commission meeting, the Board of Police Commissioners approved and accepted the following donation:

A donation in the amount of \$2,500 in support of the Portsmouth Police Department was received from Mr. Paul Gormley and Kimi E. Iguchi.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their February 8th, 2021 meeting. We respectfully request this item be placed on the City Council meeting agenda for the February 8th, 2021 regular City Council meeting.

Respectfully submitted,



Jacqueline D. Burnett
Office of the Chief

Attachments: Notice of Award

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: February 4, 2021

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 February 8, 2021

Peirce Island Work Session:

At this evening's meeting, there will be a work session with the City Council and the Peirce Island Committee. Topics covered include the sewer treatment plant, public art, dog park, Peirce Island bridge, and vegetation clean-up.

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

A. **First Reading of Ordinance Amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission:**

By vote of the City Council on January 25, 2021, an ordinance affecting the land use regulatory board appointment process has been placed on this evening's agenda for first reading. Its intended purpose is to standardize the process so that appointments to the Board of Adjustment and Historic District Commission are made in the same way as the current process for appointments to the Planning Board. If the ordinance passes, all three Boards shall have vacancies filled by appointment of the Mayor as approved by the Council. The specific language changes to accomplish this result are shown on the [attached draft proposed ordinance](#).

B. **First Reading of Ordinance Amending Chapter 7, Article IX, Section 7.901 – Fine Structure for Parking Citations:**

In its ongoing effort to ensure compliance with applicable City ordinances, the Parking Division deploys a citation protocol with a view to encouraging residents and visitors to pay the meter system for the use of City parking spaces. The citation protocol includes patrolling the City's parking spaces to ensure payment, and to issue parking citations when payment is not made or a driver has allowed their session to expire without renewal.

The current fine structure was last revisited in 2013. Presently, the Parking Division recognizes that the fine structure no longer encourages the desired effect, particularly as it pertains to the new daily maximum rates under the Stay and Pay system.

Out-of-town guests who find a \$15 citation on their vehicle are now even more prone than before to simply skip payment for the remainder of the day, rather than be encouraged to either vacate the space or continue their parking session. Additionally, research of surrounding towns shows that Portsmouth lags behind peer averages in myriad violation categories.

To address this ongoing issue, the Parking Division recommends revisiting the fine structure as it pertains to four of the most common violations. Please see the [attached spreadsheet](#) detailing in blue the current fines, recommended changes, and peer town averages, and the [draft ordinance amendments](#).

Because these recommendations are regarding fines as opposed to fees, they are presented to the Council, not the Fee Committee. Appropriately, they were brought before the Parking and Traffic Safety Committee on March 5, 2020, resulting in a unanimous vote to forward to the City Council for first reading on March 16, 2020. Subsequently, the COVID-19 outbreak put this item on hold.

These recommendations have been updated to account for the new Stay and Pay system's higher daily maximums.

I recommended that the City Council move to schedule a public hearing and second reading at the February 22, 2021 City Council meeting.

C. Public Hearing: Capital Improvement Plan (CIP) FY2022-2027:

In accordance with Section 7.7 of the City Charter, the City Council is conducting a public hearing at this evening's City Council meeting on Tuesday, February 8, 2021, regarding the [proposed Capital Improvement Plan for FY 2022 – FY 2027](#). In addition to this evening's public hearing, the City Council held a work session on January 13, 2021. At the work session, a presentation of the proposed CIP was made by City staff. Copies of the plan were made and are still available to the public via the City's website. As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council. It is anticipated the proposed FY 2022 budget will be transmitted on or about April 24, 2021.

I recommend that at the City Council meeting on Monday, March 8, 2021, City Council adopt the Capital Improvement Plan as presented.

Public Hearing and Adoption of Resolutions

Annually, the City of Portsmouth reviews the income and asset levels for both the elderly and disabled exemptions and makes recommendations to these levels. The following recommendations were made at the January 25, 2021, City Council meeting, at which the City Council voted to hold a public hearing.

Additionally, the City increased the exemption amounts for both the elderly and disabled exemptions last year; these adjustments were based on an analysis of valuation increases from prior years.

The City did not conduct a revaluation for FY 2021 and is not conducting one for FY 2022.

Current Exemption Amount

- Age 65 to 74 \$235,000
- Age 75-79 \$285,000
- Age 80 + \$335,000
- Disabled \$235,000

Current impact on the City’s revenue and tax rate is as follows:

- Revenue Loss \$498,918
- Impact on Tax Rate 8 Cents on the current tax rate

New applicants must submit an application and required documentation by April 15, 2021 in order to qualify.

D. Public Hearing Regarding Elderly Exemption:

Option 1 (1.3%) – 2021 Social Security COLA Adjustment

- Single \$43,712 increase of \$561
- Married \$60,103 increase of \$771

Option 2 (1.8%) – November to November ten-year rolling average of the Boston-Cambridge-Newton, MA-NH consumer price index

- Single \$43,928 increase of \$777
- Married \$60,400 increase of \$1,068

Option 3 – No Change. Current qualifications would not change; no vote required.

City Council may move to adopt the Elderly Resolution for Option 1 or Option 2 as presented. If the Council prefers Option 3, no vote is required this evening. Amounts will remain the same.

E. Public Hearing Regarding Disabled Exemption:

Option 1 (1.3%) – 2021 Social Security COLA Adjustment

- Single \$43,712 increase of \$561
- Married \$60,103 increase of \$771

Option 2 (1.8%) – November to November ten-year rolling average of the Boston-Cambridge-Newton, MA-NH consumer price index

- Single \$43,928 increase of \$ 777
- Married \$60,400 increase of \$1,068

Option 3 – No Change. Current qualifications would not change; no vote required.

City Council may move to adopt the Disabled Resolution for Option 1 or Option 2 as presented. If the Council prefers Option 3, no vote is required this evening. Amounts will remain the same.

XIV. Approval of Grants/Donations:

A. Acceptance of Donation to the Portsmouth Police Department - \$2,500:

At the January 19, 2021 Police Commission meeting, the Board of Police Commissioners approved and accepted a donation from Paul Gormley and Kimi Iguchi in the amount of \$2,500.

I recommend that the City Council move to accept a donation in the amount of \$2,500 to the Police Department.

B. Acceptance of Donation to the Portsmouth Fire Department - \$2,500:

At the January 20, 2021 Fire Commission meeting, the Board of Fire Commissioners accepted a donation from Paul Gormley and Kimi Iguchi in the amount of \$2,500.

I recommend that the City Council move to accept a donation in the amount of \$2,500 to the Fire Department.

XV. City Manager's Items which Require Action:

1. 60 Penhallow Street (Brick Market) Construction License:

On January 16, 2020 the Planning Board granted site plan review approval for an application from Dagny Taggart, LLC for property located at 60 Penhallow Street for the second part of the proposed Brick Market development to construct a new 4-story commercial building.

The Construction Mitigation and Management Plan (CMMP), signed in April 2020, identified temporary encumbrances of the public right-of-way on Penhallow Street and Daniel Street for project-related work during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" City Council policy. (2018-02)

The Council previously approved a temporary construction license for this project that included closure of sidewalks on Penhallow Street and Daniel Street as well as three (3) parking spaces on Daniel Street and four (4) parking spaces on Penhallow Street. That license was extended at the January 25, 2021 Council meeting.

In a letter dated February 2, 2021, the applicant is requesting a [new temporary construction license](#) for a partial road closure of Penhallow Street starting March 1, 2021 and ending on April 30, 2021. The proposal would close off Penhallow Street on the Daniel Street end, block off 860 square feet of public sidewalk and roadway, and convert Penhallow Street between Custom House Lane and State Street to two-way traffic flow. In addition, all of the on-street parking on Penhallow Street (a total of 10 parking spaces) would be temporarily removed in order to accommodate the two-way traffic pattern. The letter, incorporated as an Exhibit to the license, memorializes Dagny Taggart, LLC's agreement with abutting restaurant owners regarding redesign of outdoor dining footprints and additional assistance with set up and

construction of outdoor dining areas, which will be subject to final review and approval by the City in separate licenses with restaurant owners.

The plan proposed by McNabb Properties has been reviewed and approved by the City's Police Chief, Fire Chief, DPW Director, Transportation and Parking Engineer, and Planning Director and also allocates space for use by Cure, Ristorante Massimo, and Ceres Bakery for outdoor cafes during the period of the license.

The License Fee for the partial closure of Penhallow Street is \$2,623 for the street and sidewalk (860 sq. ft. X \$0.05 X 61 days) and \$30,500 for the parking spaces on Penhallow Street (10 spaces X \$50 X 61 days) for a total fee of \$33,123.

I recommend that the City Council move that the City Manager be authorized to execute and accept the temporary construction license for the partial closure of Penhallow Street, use of the 860 square feet of public sidewalk and roadway, and use of the ten on-street parking spaces on Penhallow Street between March 1, 2021 and April 30, 2021 as requested.

2. **Proposed Public Art Donation:**

The City has received an artwork donation offer from resident Dan Rawling. The artwork is a painting entitled “Victory of Peace Kimono” by local artist [Dustan Knight](#). It was made for the centennial celebration of the Japanese-Russian Peace Treaty of 1905 in Portsmouth and was part of an exhibit sponsored by Yoko Ono for the Peace Treaty Centennial in 2005. The painting is acrylic on canvas and measures 30” x 40.” It portrays a Japanese kimono with images of the Wentworth by the Sea Hotel, Russian dancers and peace doves. [A copy of the Art Donation Form is included.](#)

As you will recall from the recent McEachern Park whale sculpture donation, 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 2020. 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).

Similar to the process with the whale sculpture, I recommend Council 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 could consist of an artist or arts professional, a local expert on content such as Founder and President of the Japan America Society of New Hampshire and local resident Charles Doleac and the Public Works Director (or his designee).

I recommend that the City Council move to refer the proposed Portsmouth Peace Treaty Commemoration painting donation to the City Manager with power for establishment of an ad hoc advisory group for the purpose of evaluating the painting for compliance with the public art acquisition guidelines and recommendation back to the City Council.

3. City Council Policy No. 2012-02 Regarding Use of City Property For Sidewalk Cafés:

In 2012, the City adopted a [policy to regulate the use of public sidewalks for outdoor cafes](#). Prior to the 2020 season, license applications for use of sidewalks for outdoor cafés were reviewed and approved by the City Council in the spring each year.

In response to the COVID-19 pandemic last spring, the Council waived the license fees and expedited the approval process by delegating the approval of licenses for outdoor dining on public sidewalks and streets to the City Manager, in consultation with the Citizen Response Task Force.

The City Council has previously indicated support for continuing the 2020 approval process for the 2021 season. However, it would be helpful if the Council could:

- Verify by vote that the 2020 practices will continue to exist for 2021 and that the “sidewalk cafe” policy will also apply to locations where the use of a city street is requested; and
- Vote to grant an ability for the City Manager to waive some of the specific requirements of that policy on a case by case basis as appropriate. For example, the enclosure requirements for locations that are serving liquor are not currently required by the state during the COVID-19 state of emergency. In some locations, it would be useful if the City Manager could waive that requirement or provide some flexibility in its application. Another example of where some flexibility would be appropriate is that the policy requires that café seating must be appurtenant to and contiguous with a doorway accessing the main restaurant facility. This is not always possible in locations where the café is located on the street and there is a public sidewalk running along the building.

I recommend that the City Council vote to waive the license/permit fees for use of sidewalks and streets for outdoor dining for the 2021 calendar year.

I recommend that the City Council vote to grant the City Manager the power to approve licenses for use of city sidewalks and street for outdoor cafes consistent with the City Council Policy No. 2012-02 for the 2021 calendar year.

I recommend that the City Council vote to allow the City Manager to waive or amend specific requirements of the City Council Policy No. 2012-02 for the 2021 calendar year on a case by case basis.

4. **Middle Street Baptist Church Parking Contract Renewal:**

Since 2013, the Middle Street Baptist Church has leased seventeen (17) spaces to the City for the purposes of allowing certain Public Library staff the use of said space during Library business hours. The annual fee is \$1,000, and the term for [this agreement](#) is April 1, 2021 through March 31, 2022.

I recommend that the City Council move to approve the agreement renewal as presented.

5. **Request for Release of City Interest in Unimproved Portion of Cliff Road:**

At the November 23, 2020 meeting, the City Council considered a [request from Glenn Lael](#), owner of property at 45 Cliff Road to release any City interest in the unimproved portion of Cliff Road (otherwise referred to as a paper street) that abuts his property. Subsequently, the Council unanimously voted to refer this request to the Planning Board.

A “paper street” is one which shows on a plan, especially the City tax map, but which does not exist on the ground. The most common way for that situation to come about is when a street is “dedicated” to public use by a landowner recording a plan showing the street. This happened frequently in the days before Planning Board approval was required for the recording of plans. A street so dedicated becomes a public street only when “accepted” by the City. The acceptance can be formal, often by vote of the City Council, or by implication based on City use and maintenance of the street.

For a street dedicated (shown on a recorded plan) before 1969, the dedication was automatically terminated if the City did not accept the street within 20 years. The owners of lots fronting on those paper streets may have implied easements to use the paper streets for access and development, but such easements do not override local zoning and subdivision regulations.

While the City is being asked to formally release any interest it has in this paper street, such a vote would not necessarily have any impact, except to clarify the record. Additional title research will be required by anyone wishing to formally acquire the paper street in order to determine who else, if anyone, may have legal interest and/or ownership of this property.

Any requests for release of interest in land must be reviewed by the Planning Board prior to any action by the City Council. City staff have completed a review of this request and have not identified any prior history or current use of the property that serves a public purpose. Staff has not verified whether the City currently has any ownership rights or other interest in the property.

At the January 2021 Planning Board meeting, at the recommendation of staff, the Planning Board voted to recommend that the City Council release interest for the portion of the paper street shown in purple hatching on the [attached exhibits](#) and to extend the edge of right of way along the line shown in yellow. The area recommended to be released is approximately 2,060 square feet.

I recommend that the City Council vote to release any City interest in the portion of paper street that extends along a portion of the frontage of 45 Cliff Road to the center line of the paper street as shown on the exhibit prepared by City staff.

XVIII. City Manager's Informational Items:

1. **Liability Insurance for Sales of Alcoholic Beverages on City Property:**

Please [see attached for a memorandum](#) regarding the required liability insurance for alcohol sales on City property.

February 2, 2021 (*Sent Electronically*)

City of Portsmouth
c/o Juliet Walker, City of Portsmouth Planning Department
Attention: Honorable Mayor Becksted
City of Portsmouth City Council
Portsmouth, NH 03801

**Re: License Agreement 60 Penhallow Street (Partial Closure)
March 1, - April 30, 2021**

Dear Honorable Mayor Becksted & City Council Members:

Following a productive Zoom Abutters Meeting yesterday to review the particulars of the attached plan, we hereby submit our request for the above noted license agreement.

Invitations to over fifty-five businesses/resident abutters were distributed following the site walk with City Staff, including Eric Eby, Peter Rice, Juliet Walker and Chief Newport to consolidate the impacts to all, while insuring the return to outside dining for the three restaurants, Ceres, Cure & Massimo's. Having successfully reviewed each of the following matters through extensive collaboration, our plan includes:

- The partial closure of Penhallow Street at the northerly most end of the Street, providing for approximately 860 s.f. for construction staging
 - Converting Penhallow into a two-lane two-way traffic access from State Street to Sheafe Street – street markings and signage as necessary, to include: striping, stop bar, warnings of two lane traffic, detours, appropriate closures (precise language under review by City Staff)
 - Providing for Alternative Access for vehicles, (residents, businesses, delivery drivers, fire, police, EMT's) for the portion of Penhallow between Sheafe and Customs House Court
 - Segregating all pedestrian activity safely to the East sidewalk along Penhallow from State Street through to Daniel Street
 - Redesign of Massimo's Outside Dining Footprint to the full width of Penhallow and shortened from Daniel Street as depicted on the plan totaling approximately 430 s.f. of dining area
 - Redesign of Ceres Bakery Outside Dining Footprint to allow for an additional 2' depth (due to removal of chairs and tables from the sidewalk – see above concerning pedestrian safety); providing approximately 400 s.f. of dining area
-

Page Two

License Request – Partial Road Closure

60 Penhallow Street – March 1 – April 30, 2021

- Redesign of Cure to eliminate pedestrian activity along their sidewalk (west side of Penhallow Street) – this will aid in the social distancing 6’ setback for restaurant staff in serving their patrons and providing approximately 475 s.f. of outside dining area.

As noted during each of the prior City Council Meetings, McNabb Properties has worked along side the affected restaurants to achieve this compromised plan, while working closely with the City Staff to address all safety concerns, some of the specific additional commitments and compromises include:

- Established construction hours of 7 a.m. – 4 p.m. {and further commitment to Massimo to aid in daily set up of his outside dining area each day of construction commencing at 4 p.m.
- Ceres Bakery had great concern about their elder patrons having access to picking up take out orders – we will create temporary parking for said activities at our 30 Penhallow building
- Cure – with the elimination of the sidewalk and the grade change stepping from the curb, should it become necessary – McNabb Properties to construct a deck/platform to provide continuity for floor area
- Financially assisting Massimo with the redesign of his outside dining area, to include lighting, fence beautification, and creating a method to allow for ease in daily movement of planter boxes
- During the license period (March 1 – April 30) should snow removal activities be necessary, McNabb Properties has engaged a private snow removal company to remove all snow (in conjunction with Severino Trucking) along Penhallow Street and Customs House Court

Additional noteworthy items of particular concern/commentary included:

- Loading Zone along the southerly portion of Daniel Street will be fully accessible during this time frame;
- Delivery of coffee beans to Kaffe Vonsolln – owner Karen Bouffard to communicate delivery dates and anticipated time frame (as she has this information days in advance), with coordination for access via Severino and/or physical assistance in delivering these products direct to her shop;
- Pump out of grease trap at Kaffe Vonsolln occurs every 4 – 6 weeks, as is customary with all restaurants – again scheduling is well in advance and accommodations will be made for access to Customs House Court to continue this important service
- Exact verbiage of the Road Closed Signage at the end of State Street – as noted in the first set of collaboration items, McNabb Properties/Severino/City Staff are continuing to finalize appropriate “language” so the general public understand the

Page Three
License Request – Partial Road Closure
60 Penhallow Street – March 1 – April 30, 2021

(Continued:)

businesses (hair salon, financial services, bakery, etc.,) are accessible during this time frame

Finally, for purposes of identifying the mailing list for inclusion in yesterday's meeting, I have attached a roster of those contacted, as well as those who participated.

To summarize, we have conducted two (2) Abutter Zoom Meetings (December 3, and February 1); met with City Staff via Zoom and on site numerous times; have interacted with each of the restaurant owners and one of their attorneys to collaborate and accommodate and at this juncture we respectfully request the approval to proceed with the stated license agreement for the two-month duration as sought.

Should the members of the Council have any additional questions concerning this matter and in advance of the City Council Meeting scheduled for February 8, 2021, please do not hesitate to contact me via marie@mcnabbgroup.com or via my cell phone at 603.812.7346. We respect that Monday's agenda is a very full one and we would most assuredly like to do our part to insure we have answered every concern.

Thank you for your consideration.

Sincerely,



Marie J. Bodi
Vice President Management/Leasing

Enclosures

- ~ Zoom Attendee Invitation & Participants/February 1, 2021
- ~ Proposed Traffic Plan

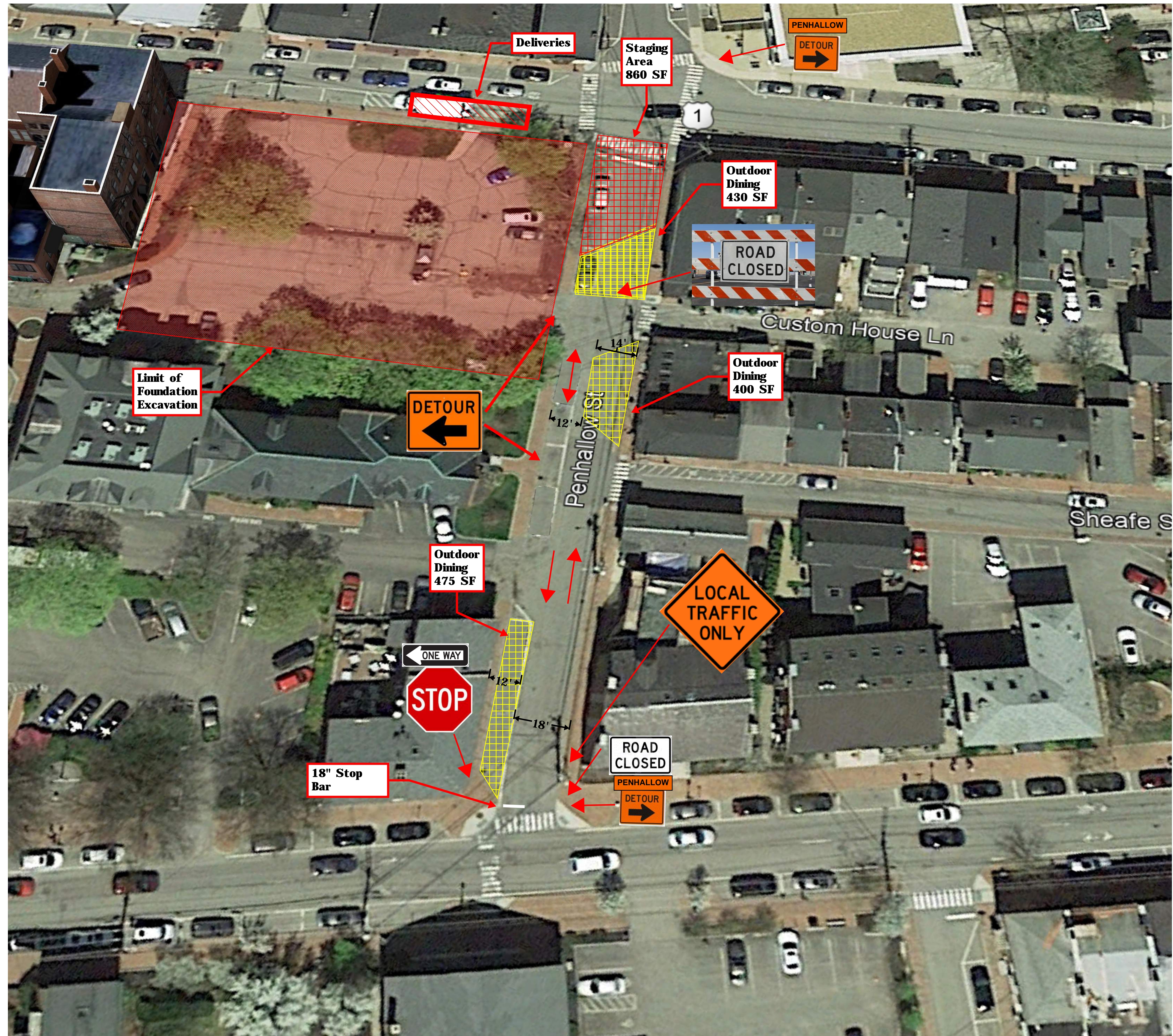
Traffic Control Plan Narrative:

Scope of Project:
Excavate approximately 25 feet below grade for new building foundation. Limits of the excavation are to the property lines. At the tail end of the building excavation, our excavator will have to occupy the staging area delineated in yellow. Later on, foundation crews will have to utilize this area to place steel reinforcement, forms, and concrete into the excavation.

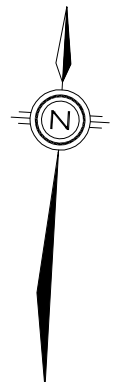
Traffic Plan:
Only local traffic will have access to the section of Penhallow St. between State St. and Daniel St. Residents and businesses will ingress and egress via 2-way traffic on this section of Penhallow to and from State Street. The Sidewalk on the east Side of Penhallow will remain open. Sidewalks on the west side of Penhallow will remain closed per the current project encumbrance plan. Detour signs will be placed to direct Penhallow through traffic to access Daniel St. from the east and to take a right turn onto Penhallow.

All Signage will meet current MUTCD guidelines.

There will be **NO** parking on this section of Penhallow during this closure.



Scale: NTS



Revised	Comments	Per City Comments	RD
11/3/2020			
11/6/2020			
1/30/2021			

SEVERINO TRUCKING CO., INC.
 512 Raymond Road Candia, NH 03034
 (603) 483-2133 Fax: (603) 483-2998
 www.severinotrucking.com

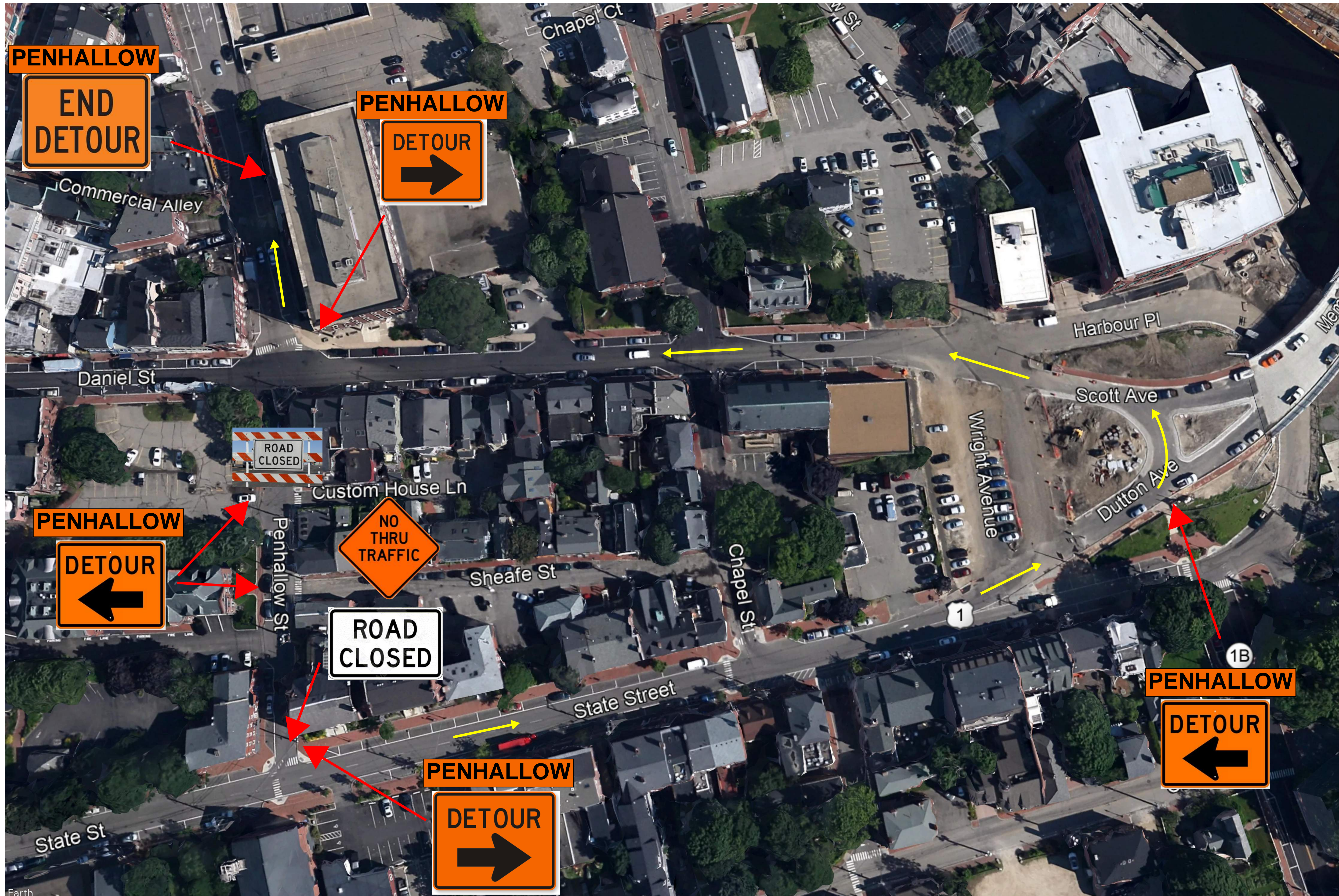
Prepared for:
MCNABB PROPERTIES, LTD
 30 Penhallow Street
 Portsmouth, NH 03801

Project
BRICK MARKET
 60 Penhallow Street
 Portsmouth, NH

Project Number:

Sheet Title:
Traffic Control Plan

10/22/2020



Scale: NTS

Revised	Comments
11/6/2020	

SEVERINO
TRUCKING CO., INC.
512 Raymond Road Candia, NH 03034
(603) 483-2133 Fax: (603) 483-2998
www.severinotrucking.com

Prepared for:
MCNABB PROPERTIES, LTD
30 Penhallow Street
Portsmouth, NH 03801

Project
Brick Market
60 Penhallow Street
Portsmouth, NH

Project Number:
Sheet Title:
Detour Plan

b

Karen Baer

File As: Baer, Karen
kbaer@devinemillimet.com
(603) 731-3744

Andy Baldman

File As: Baldman, Andy
andybaldman@gmail.com

Thomas Bertrand

File As: Bertrand, Thomas
thomas.bertrand@gmail.com

Karen Bouffard ✓

File As: Bouffard, Karen
kbouf@aol.com
(603) 969-4311

Ashley Busa

File As: Busa, Ashley
busa.ashley@gmail.com

c

Antone Cabral ✓

File As: Cabral, Antone
tcabral@piscataqua.com

Nicholas Caron

File As: Caron, Nicholas
nocholasj.caron@opco.com
(603) 433-3716

Chabot

File As: Chabot
chabotm@gmail.com

Joe Chase

File As: Chase, Joe
joe@joechase.com

Cheryl

File As: Cheryl
cheryl@eatmoes.Com

Jeremy Colby

File As: Colby, Jeremy
colbysportsmouth@gmail.com
(603) 436-3033

Stephanie Coyle

File As: Coyle, Stephanie
s.coyle@impaxam.com
(603) 501-7302
(631) 745-5408

Catherine Craig

File As: Craig, Catherine
catherinedcraig@gmail.com

Jeff Cutting ✓

File As: Cutting, Jeff

Julie Cutting-Kelley ✓

File As: Cutting-Kelley, Julie
juliecutting3@gmail.com

d

Erica Dodge

File As: Dodge, Erica
buzzerica@comcast.net

Ryan Duntley ✓

File As: Duntley, Ryan
rduntley@severinotrucking.com
(603) 234-8505
(603) 234-8505

e

Christer Ericsson

File As: Ericsson, Christer
cericsson@gpinet.com

File As: Eyeglass Store
office@egsportsmouth.com

f

Jill Federico

File As: Federico, Jill
Jill.e.Federico@gmail.com

Brian Fruh

File As: Fruh, Brian
(603) 988-3603

g

Maryann Gault

File As: Gault, Maryann
maryanngault@comcast.net

Joan Gile

File As: Gile, Joan
jgile@piscataqua.com

✓

h

Frank Heitker

File As: Heitker, Frank
fheitker@gmail.com

Petra Huda

File As: Huda, Petra
petrahudaportsmouth@gmail.com

✓

j

Joseph Johnson

File As: Johnson, Joseph
jjohnson@gpinet.com

k

Jim Keane

File As: Keane, Jim
jimkeane@comcast.net

Esther Kennedy

File As: Kennedy, Esther
estherkennedyportsmouth@gmail.com

✓

Weston Keyes

File As: Keyes, Weston
westonkeys@hotmail.com

Eric Tolbert Kilchenstein

File As: Kilchenstein, Eric Tolbert
ekilchenstein@devinemillimet.com
603-695-8565
(603) 724-7352

l

Paul Langford

File As: Langford, Paul
plangford@exeter.edu

Paul Leyden

File As: Leyden, Paul
paul.leyden@opco.com
(603) 433-3713
(617) 699-5474

✓

m

Bob Marchewka

File As: Marchewka, Bob
bob@onecommercialrealestate.com
(603) 373-8725
(603) 661-4880

✓

Morgia Massimo

File As: Massimo, Morgia
massimo101@comcast.net

✓

n

Samuel Nielsen

File As: Nielsen, Samuel
samuel.nielsen@opco.com
(603) 436-7626

p

Penny

File As: Penny
ceresbakeryportsmouth@gmail.com

✓

Karen Peterson

File As: Peterson, Karen
karen@uniontalentservices.com

Mark Piaseczny

File As: Piaseczny, Mark
markherbert52@gmail.com

✓

Stacey Picott

File As: Picott, Stacey
s.picott@impaxam.com

Registered did not attend

r

Diane Ralph

File As: Ralph, Diane
diane@plainspoke.com

Erin Rig

File As: Rig, Erin
erin.rig@gmail.com

Michael & Lanie Rozumek

File As: Rozumek, Michael & Lanie
michaelrozumek@yahoo.com

s

Kait Smith

File As: Smith, Kait
kaitsmithnh@gmail.com

Valerie & Jonathan Sobel

File As: Sobel, Valerie & Jonathan
vsobel@gmail.com

Susan

File As: Susan
scallops603@gmail.com
us@americansecurityalarm.com
800-289-4289

t

John Tabor

File As: Tabor, John
johntaborportsmouth@gmail.com

Bethany - TJ's

File As: TJ's, Bethany -
tjsportsmouth@gmail.com

Tom

File As: Tom
riverrunbookstore@gmail.com

Al Traore

File As: Traore, Al
(603) 417-8030

w

Juliet Walker

File As: Walker, Juliet
jthwalker@cityofportsmouth.com

Rick Wallis

File As: Wallis, Rick
rwallis@piscataqua.com

Anne Whitney

File As: Whitney, Anne
archwhit@aol.com

Jennifer Winkleman

File As: Winkleman, Jennifer
jenwinkleman@comcast.net
jenwinkelman@comcast.net
(603) 502-3944

Dawn Wivell

File As: Wivell, Dawn
dwivell@firebrandinternational.com

Sue Wolf

File As: Wolf, Sue
danielstreetproperty@gmail.com

y

Mike Yates

File As: Yates, Mike
lestersviking@aol.com
(603) 431-4247

z

Jim Ziesig

File As: Ziesig, Jim
jimziesig@comcast.net

✓

✓

Registered did not attend

✓

Registered did not attend

McNabb Properties
Marie Bodi host
Lynn Kramer construction
Christine LeBlanc operations

LICENSE AGREEMENT
DAGNY TAGGART, LLC

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 Dagny Taggart, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 30 Penhallow Street, Portsmouth, NH, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 60 Penhallow Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0107-0027-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5990 Page 1703.

The City further authorizes the Licensee to temporarily close off Penhallow Street at Daniel Street, use 860 square feet of the public roadway for a construction staging area and close ten (10) parking spaces located between Penhallow Street and State Street in order to temporarily convert the portion of Penhallow Street between Custom House Lane and State Street to two-way traffic as more particularly described in the attached Traffic Control and Detour Plan Exhibits.

These areas collectively comprise the License Area.

Dagny Taggart LLC's letter dated February 2, 2021 is incorporated by reference and made part of this Agreement. The individual restaurants will still be required to receive separate approval for use of the public streets and sidewalks for outdoor dining.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a four story building.
3. **Term:** The License shall be for 61 days beginning March 1, 2021 and ending April 30, 2021.

Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Area has been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Area and again when it returns the License Area to the City's control and use.
5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that the Owner will be charged a daily fee for each metered parking space and square foot of roadway encumbered by this License as determined by the fee schedule of \$50 per parking space per day and a daily fee of \$0.05 per square foot of encumbered roadway.

The License Area includes 860 square feet of roadway that abut the Subject Property on Penhallow Street. The fee of \$0.05 per 860 square feet per day is \$43. The total fee of \$43 for 61 days is \$2,623.

The License fee for the ten (10) parking spaces along Penhallow Street is \$50 a day per space and the total daily fee is \$500. The total fee of \$500 for 61 days is \$30,500.

The total License Fee for the parking spaces and roadway is **\$33,123**.

The total License Fee shall be paid in full to the City in advance of the commencement of the term of this Agreement.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if the License Area is returned to the City prior to the end of the License Term, the City will refund the Owner the portion of the License Fee paid but not used by the Owner.

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 utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
9. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City 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 or any condition of site plan and may at the City’s discretion, result in revocation.
- 11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
- 12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee’s vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2021

City of Portsmouth

By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____

Dated this _____ day of _____, 2021.

Dagny Taggart, LLC

By: _____

Penhallow Outdoor Dining Collaboration

Partial Road Closure: March thru April 30, 2021

McNabb Properties commits to converting existing planters, decorative elements, and providing the daily manpower to create outside dining area for Massimo, 7-days/week.

The two lane travel along Penhallow, allows Cure and Ceres to retain the outside dining configuration as 2020.

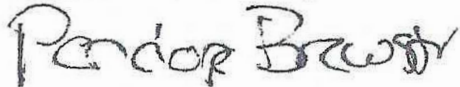
- Temporary Closure / Encumbrance(s)
May 2021 thru completion of the project:
- Concrete placements
 - Steel deliveries / erection
 - Drain line installation
 - Underground electrical installation

Hereby reviewed and agreed to by:

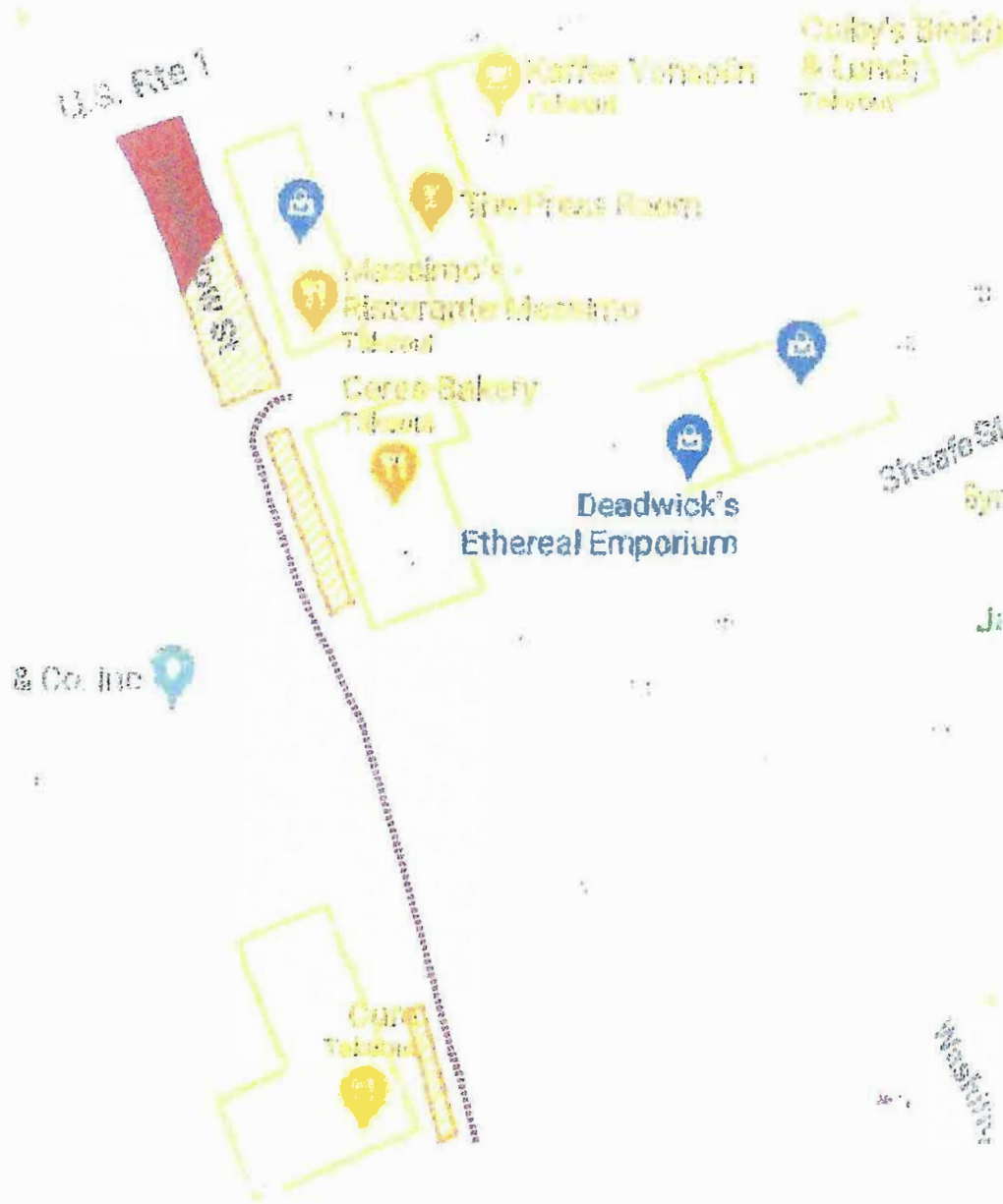
Massimo Morgia, Massimo Restaurant



Penny Brewster, Ceres Bakery



Julie Cutting, Cure Restaurant

Legend	Description
	Outdoor Dining
	Traffic Pattern
	Work Zone

Ceres Bakery and Cure outdoor dining configuration no changes for 2021.

Massimo's outside dining configuration to change as noted and reviewed with Massimo Morgia on Monday 4/11/21.



City of Portsmouth Art Acquisition Donation Submission Form

1. Title of Donation: "Victory of Peace Kimono"
2. Artist: Dustan Knight
3. Estimated Value: \$ 1,800 (current artist sale price)
Professional Appraised: Yes No
4. Endowment: _____
Funds Present: Yes No
5. Donor: Dan Rawling
6. Donor Address: 411 Middle Street, Portsmouth
7. Donor Phone: 603-502-0970
8. Donor E-Mail: dan@rawlingdesign.com
9. Proposed Location (if any):
City Hall or other appropriate City property
10. Reason for Donation Philanthropic gesture



11. Special Considerations/Donation Restrictions:

12. Maintenance Considerations:

Office Use Only:

Committee Recommendation: Date _____ Yes No Request More Information

CITY OF PORTSMOUTH
CITY COUNCIL POLICY No. 2012-02

POLICY REGARDING USE OF CITY PROPERTY FOR SIDEWALK CAFE'S
PROVIDING ALCOHOL SERVICE

WHEREAS, the City Council allowed the pilot use of City property by two sidewalk cafe's providing alcohol service during the 2011 summer season; and

WHEREAS, the City Council recognizes the benefit to residents, businesses, visitors and the City's economic vitality of allowing sidewalk cafe's with alcohol service on City property; and

WHEREAS, the City Council desires to balance said benefits of sidewalk cafe's with the safety, desires, and convenience of the public at large; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into City sidewalks; and

WHEREAS, the City Council recognizes the authority of the State to regulate alcohol service.

NOW THEREFORE, the City Council adopts the following policies, criteria and standards with regard to the use of City property for sidewalk cafe's providing alcohol service:

1. Requests for use of City property for sidewalk cafe's providing alcohol service shall be made in writing to the City Council on an annual basis by May 1st with no expectation of continued year-to-year use of the sidewalk area on a continuing basis.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for the sidewalk café, dimensioned routes of travel within the sidewalk café area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like.
3. The terms and conditions of any such requests that are approved by the City Council in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for sidewalk café use, with said Area Service Agreement to be signed by the City Manager and the party or parties making the request.
4. The term of the Area Service Agreement should be for no more than six (6) months and shall typically run mid-April thru mid-October.
5. Area Service Agreements shall not be assignable to other parties.
6. Use of the Area subject to the Area Service Agreement (the "Area") may be precluded, modified or made subject to any such terms and conditions as may be determined by the City in order to accommodate special municipal events.

7. A ten dollar (\$10.00) per square foot fee will be charged for the Area subject to the Area Service Agreement and the fee shall be for the entire 6 month season with no proration of the fee. The minimum fee for the season shall be \$2,000 even if the size of the Area subject to the Agreement is less than 200 square feet. The fee shall be due and payable to the City of Portsmouth prior to authorization to use the Area.
8. The Area specified for sidewalk café use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
9. Sidewalk cafés on City property shall indemnify and hold harmless the City of Portsmouth and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department.
10. Sidewalk cafe's shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use or maintenance purposes.
11. Sidewalk cafe's may utilize the Area for authorized purposes during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 10:30 p.m. 7 days a week with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
12. Sidewalk café operators shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission.
13. Sidewalk cafe's shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering a substantial meal with service at tables conducted by wait staff only.
14. Sidewalk café operators will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
15. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
16. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City by vote of the City Council.

17. Sidewalk cafe's with alcohol service should meet the following site design standards:
- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
 - Sidewalk cafe's shall have no audio or visual or entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed to patrons in the sidewalk café.
 - Sidewalk café seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City, and the adjacent public pedestrian way shall not be crossed in order to provide alcohol or food service to additional areas.
 - The internal dimensions and table/chair layout of the sidewalk café Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
 - Sidewalk cafe's must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
 - The enclosure system, tables and chairs shall be movable/non-permanent.
 - In Market Square the minimum width for the pedestrian way adjacent to the Area shall be 10-feet to 12-feet depending on site conditions. In all other areas where sidewalk cafe's are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 5-feet and, in any event, meet ADA, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of sight for drivers.
 - Canopies over the sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed, but must not extend beyond the Area.
 - No advertising of any kind shall be allowed in the Area.
 - No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.
18. Smoking should not be allowed in the sidewalk café Area.

19. Sidewalk café operators shall agree at all times to comply with all local laws, rules, regulations and orders including, but not limited to the following:
- Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and garbage contained at all times in covered receptacles. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
 - Inspections Department shall review/approve that bathroom facilities are sufficient to support outdoor sidewalk café seating. Permits shall be sought from the Inspections Department for any proposed Area lighting.
 - A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress.
20. No Area Service Agreement should be approved by the City except in conformance with the foregoing.
21. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City to be in the public interest.
22. The number and location of sidewalk cafe's on City sidewalks shall be at the sole unfettered discretion of the City Council acting in the public interest and no entitlement is created by this policy for any party to have a sidewalk café at any location.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **March 19, 2012**.
 Ratified by the Portsmouth City Council on January 13, 2014.
 Ratified by the Portsmouth City Council on January 11, 2016.
 Amended by the Portsmouth City Council on February 21, 2017.
 Ratified by the Portsmouth City Council on January 16, 2018.
 Ratified by the Portsmouth City Council on January 8, 2020.

Kelli L. Barnaby, MMC, CMC, CNHMC
 City Clerk

PARKING LOT USAGE/MAINTENANCE AGREEMENT

Middle Street Baptist Church, 18 Court Street, Portsmouth, New Hampshire (hereinafter " Church"), and the City of Portsmouth a municipal corporation with an address of 1 Junkins Avenue, Portsmouth, New Hampshire, (hereinafter "City"), hereby enter this agreement with respect to the parking lot owned by the Church (Map 127, Lot 2) (hereinafter "the Lot") for the purposes and under the terms and conditions contained herein.

1. This agreement shall commence in effect on April 1, 2021 and continue in effect until March 31, 2022.
2. During the period in which this agreement is in effect the 17 parking spaces in the Lot shown on the attached plan shall be available at the direction of the City for the purpose of allowing employees of the Portsmouth Library to park.
3. Parking under this Agreement shall be limited from Monday through Friday of each week and from the hours of 8:30 a.m. to 9:30 p.m. each day. Except, however, that by prior written notice delivered to the Library Director not less than twenty-four (24) hours in advance, the Church may have use of the seventeen (17) spaces for specific Church events during these hours up to eight (8) times per calendar year. Such use of the spaces by the Church beyond the eight (8) times shall be at the discretion of the City.
4. The City shall post and maintain signage in a manner to be approved by the Church to designate the 17 spaces for library employee parking. The signs shall include information about the hours and days when such employees are permitted to use the spaces.
5. The City shall have the authority to provide regular and consistent enforcement of its rules and regulations governing the use of these parking spaces during the times stated to ensure that the parking spaces are only being used by authorized permit holders.
6. The City shall install a key-locked security gate in the existing chain link fence in a manner subject to the reasonable approval of the Church. Keys to the gate shall be provided to the Church and to the Library employees. The City shall remove the security gate upon termination of the Agreement and restore the existing chain link fence to its original character.
7. The City shall plow snow, apply salt and sand, and remove snow as necessary from the Lot in accordance with its normal practices for City parking lots.
8. Except as described in this agreement all other the use of the lot shall be under the control of the Church.

- 9. The City agrees to indemnify and hold the Church harmless with respect to any and all claims for liability arising out of any use of the parking which is sanctioned, arranged, sponsored or conducted by the City, to the extent and under the terms and conditions under which the City itself is entitled to indemnification from the New Hampshire Local Government Center, Property and Liability Trust, under the terms of its member agreement as it may be in effect from time to time.
- 10. In exchange for the foregoing the City shall pay to Church the total annual compensation of \$1,000.00, which shall be due no later than July 31 of each year of the Agreement.
- 11. This Agreement may be terminated by the Church in the event that the City fails to maintain its obligations under it, after the City has been given written notice of such failure and a thirty (30) day period to cure it.

For the City of Portsmouth

**For Middle Street Baptist Church,
Portsmouth, NH**

Karen Conard, City Manager

Dated: _____

Dated: _____

Pursuant to vote of the City Council
on _____

Pursuant to vote of the Middle Street Baptist
Church Board of Trustees on

received
11/2/20

November 2, 2020

The Honorable Mayor Richard Becksted
Portsmouth City Council
1 Junkins Ave
Portsmouth NH 03801

Subject: Request for release of paper street contiguous to 45 Cliff Rd (map 223, lot 11) pursuant to NH RSA 231:51 and 231:52-294

Dear Mayor Becksted and Members of the Council:

Please consider this a formal petition for the release of all right, title and interest the City has for the undeveloped paper street portion of Cliff Rd, to the centerline of where it abuts our property, pursuant to NH RSA 231:51 and 231:52. Abutting property owners Kevin Smith and Christina D'Allesandro (map 223, lot 12) are filing a similar request.

The initial straight portion of Cliff Rd coming off of Sagamore Avenue has been known as a street at least since the 1930's (listed in "The Place Names of Portsmouth by Nancy Grossman). The bottom of the "L" portion of Cliff Rd was developed in 1952.

I purchased the above referenced lot in September, 2000, deed: Bk 3507, pg 1713, (attachment 1), and in that deed, it calls out "situate off Cliff Rd"..... and "Beginning at a point of a proposed street called Cliff Rd". This is in contrast to my neighbor that is on the blacktop "L" portion of Cliff Rd (developed in 1952), at 89 Cliff Rd, whereas their deed, Bk 5047, pg 2795, (attachment 2) states "situated on northeasterly side of Cliff Rd" and "running by said Cliff Rd".

City of Portsmouth Tax Map shows Cliff Rd as extending further past 45 Cliff Rd, however, this extension was never graded, marked, nor constructed and has never been used by the public. The Street Approval Ordinance of June 15, 1950, Chapter XXXLV, "Laying Out of Streets", required acceptance of a street to include "shall be laid out to an approved level and grade". The non-developed portion of Cliff Rd is not graded, and in fact is still 4-6 feet tall of exposed ledge. (attachment 3)

As per the blacktop street and historic use, Cliff Rd is an "L" shape, coming from Sagamore Ave, and bearing left at the edge my property and my neighbor to the north (71 Cliff Rd), as shown on the aerial photo attachment 4). Google maps shows the paper street portion, and shows my driveway veering off at an angle from the corner of the "L". (attachment 5)

As the paper street portion of Cliff Rd was dedicated to public use over 65 years ago and has not been developed, graded, built, opened, nor used for public travel where it abuts my property, per RSA 231:51, it should be released by the City, and since it is not needed for public travel, it should be released by the City, per RSA 231:52. In examination of City records, there is

no evidence found, of formal acceptance by the City Council vote in the years from 1923 though 1993, well after the allowed time of acceptance, per the RSA in force at the time.

We believe the non-constructed portion of Cliff Rd was never accepted, and should have reverted to the abutting owners in 1972, and the City no longer has any interest in the paper street. In order to clarify the record to create clean title for the abutting owners, we request the City confirm the release of its right, title and interest in and to, the non-constructed portion of Cliff Road pursuant to RSA 231:51 and RSA 231:52.

I respectfully request that the City formally resolve the disparity, and relinquish its rights to this portion of Cliff Rd.

Respectfully yours,
Glenn Lael

Attachment 1

←Back

BK 3507PG1713

WARRANTY DEED

KNOW EVERYONE BY THESE PRESENTS, That

Jeffrey R. Andrews, unmarried

of 45 Cliff Road, Portsmouth, New Hampshire 03801

for consideration paid, grant to Glenn T. Lacl ,

of 3B Rogers Road, Kittery, Maine 03904

with warranty covenants

A certain lot or parcel of land, with the buildings thereon, situate off Cliff Road, so-called, in Portsmouth in the County of Rockingham and State of New Hampshire, and more particularly bounded and described as follows:

Beginning at a point in the Westerly sideline of a proposed street called Cliff Road at the Southerly corner of land now or formerly of Thomas F. Tomkinson; thence turning and running North 70° 31' East by land now or formerly of Thomas F. Tomkinson one hundred twenty-five (125) feet, more or less, to the center of the road leading to the Walker Bungalow, so-called; thence turning and running Southeasterly by the center of said road one hundred twenty (120) feet to a corner at other land now or formerly of Joseph H. and Elizabeth Tomkinson; thence turning and running South 70° 31' West by other land now or formerly of Joseph H. and Elizabeth Tomkinson one hundred twenty (120) feet, more or less, to the sideline of said proposed street; thence turning and running North 24° 29' West by said proposed street one hundred twenty (120) feet to the point of beginning.

The above described premises are conveyed subject to the covenants, conditions, and restrictions set forth

053857

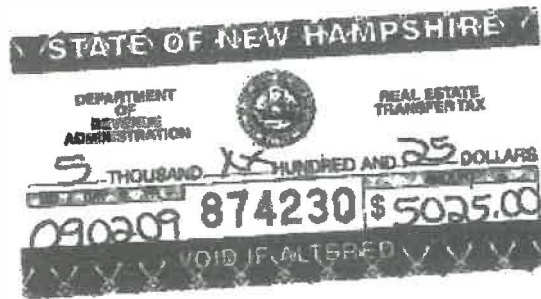
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Contact FAQ

Attachment 2

←Back

BK 5047 P6 2795



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Stacy Tarazewich, Single, of 89 Cliff Road, Portsmouth NH 03801, for consideration paid grant(s) to Gregory S. Norris and Corinne G. Norris, Husband and Wife, of 312 Miller Avenue, Portsmouth NH 03801, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain lot or parcel of land, with the buildings thereon, suited on the Northeastly side of Cliff Road, so-called in the City of Portsmouth, County of Rockingham and State of New Hampshire said parcel being more particularly bounded and described as follows:

Beginning on the Northeastly side of Cliff Road at a stake in the ground at the Northwestly corner of land now or formerly of Thomas F. Tomkinson, at the Southwestly corner of the premises herein conveyed; thence running by said Cliff Road N 25° 44' W one hundred eighteen and five-tenths (118.5) feet to a stake in the ground at land now or formerly of Fran W. Turbyne and Emerald W. Trubync; thence turning and running by said Turbyne land N 70° 31' E one

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Go 1 of 2

Contact FAQ

Attachment 3



Attachment 4



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Search

Attachment 5



1 sign - RTV

Google

Imagery ©2020 Maine GeoLibrary, Map data ©2020

United States

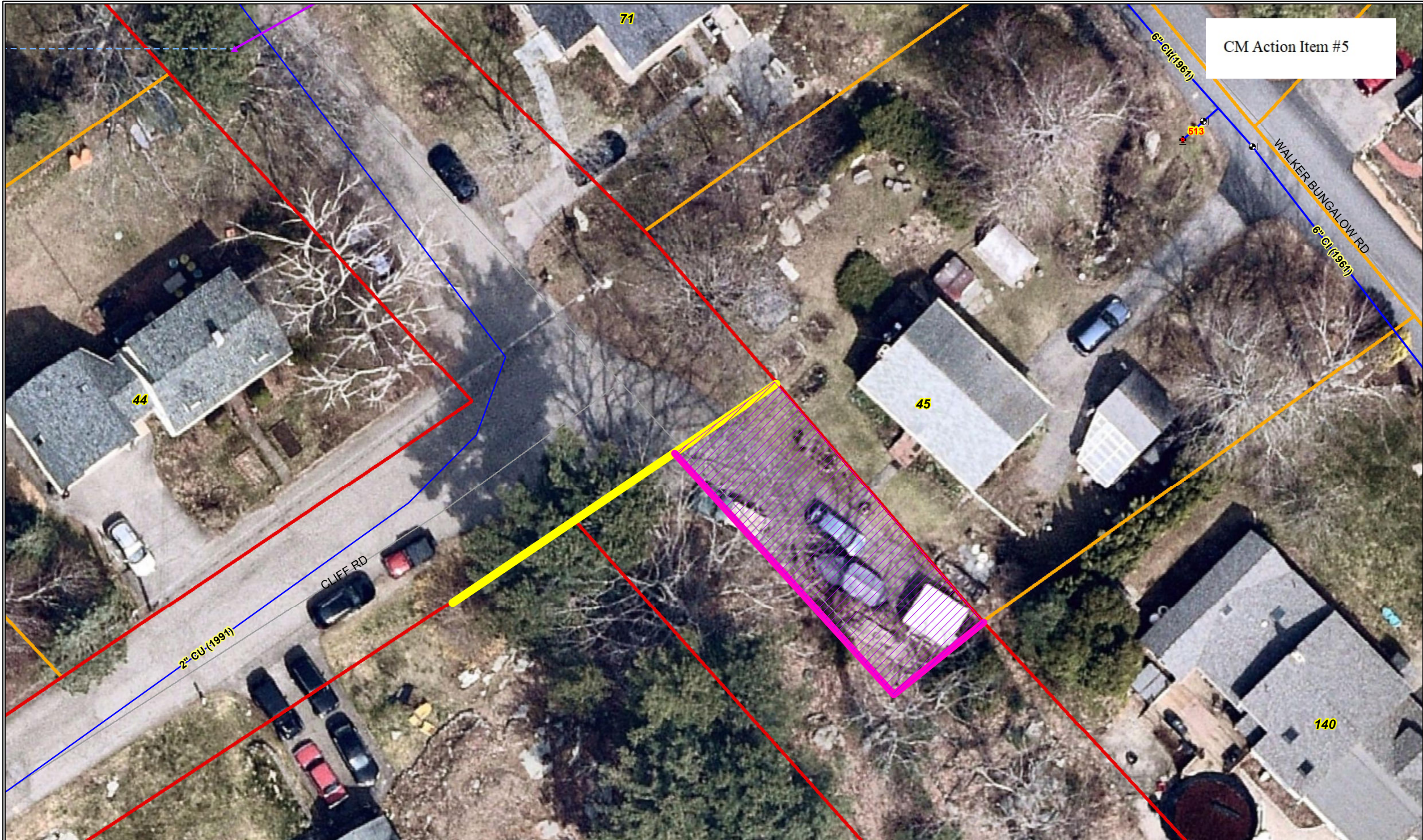
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Send feedback

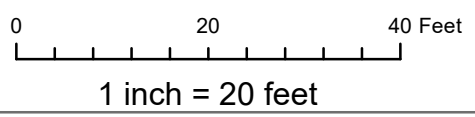
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CM Action Item #5



DISCLAIMER: The City of Portsmouth provides these Geographic Information System maps and data as a public information service. The maps and data provided are intended for informational purposes only. No guarantee or promise is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.



Existing Conditions

Map prepared by Portsmouth Department of Public Works

Printed: 11/25/2020



Millennium Running
138 Bedford Center Road
Bedford, NH 03110
www.millenniumrunning.com

February 1, 2021

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

Dear Ms. Conard,

I am writing you on behalf of Millennium Running and with the permissions of the Pease Development Authority for the City of Portsmouth's approval for the St. Patty's 5k & 10k to be held at Pease Tradeport on March 13, 2021.

Just as we do for our 2 dozen signature events annually and for over 100 events previously, we will work in complete cooperation with our local municipal Police and Fire Departments and venue partners to ensure a safe event.

As a leader in the running industry and largest operator of events in NH, I was honored to be asked by NH Governor Sununu's Task Force to develop procedures to safely produce endurance events in the Granite State. I'm proud to say that our recommendations and procedures shaped the guidelines that are now published on the State's COVID "Safer at Home 2.0" website. As such, Millennium Running has safely produced over 40 events since June of 2020 with our enhanced safety procedures.

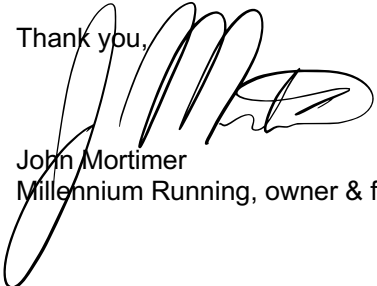
The St. Patty's 5k & 10k has a start and finish at 200 & 222 International Blvd and will be run entirely within the Pease Tradeport. All permissions have been granted by our venue partner's ownership and management group as well as the Pease Development Authority.

The course map can be viewed at <https://connect.garmin.com/modern/course/49372053>

This event will be making charitable donations to our official charity of the Mental Health Center of Greater Manchester as well as the Cross Country / Track & Field Booster Clubs from Exeter High School and Winnacunnet High School. To date, Millennium has distributed over \$985,000 to local organizations from our signature events. We look forward to producing safe, first class events for our running community while raising funds for our charitable partners.

Further information on the race can be found at <http://www.millenniumrunning.com/stpattys> or by contacting me directly with any questions and/or concerns.

Thank you,



John Mortimer
Millennium Running, owner & founder

CITY COUNCIL E-MAILS

January 25, 2021 (after 4:00 p.m.) – February 4, 2021 (before 9:00 a.m.)

February 8, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Melinda (Mollie) Mulligan (mmulligan@gmail.com) on Tuesday, January 26, 2021 at 10:40:10

address: 130 Thornton Street

comments: Dear City Councilors,

When considering the future city budget, I implore you to consider our schools as among the highest priorities and trim as little as possible from the school budget. We know the school department represents a significant portion of the City's overall budget, and it also represents one of the largest pieces of Portsmouth's draw, sustainability and legacy.

COVID-19 has placed incredible burden on all of our systems and residents. Yet, our students are among the most vulnerable population for long term impact. While the virus may not hit them the hardest immunologically, they are puppets to the larger decision making of our greater community. The needs our students have now and in the face of returning to "normal" will be tremendous. The efforts that our school staff and students have put in this year are herculean. We cannot afford to leave them unsupported in any capacity.

I understand that you will need to examine the City's budget critically. This will be a leaner year than most. That is wise and responsible. However, when looking at where to trim excess, I implore you to consider the school budget at the very last. We NEED every staff member and every resource to ensure the healthy growth, development and education of our students in Portsmouth.

This is a time to look critically at our legacy and the future of our city's most vulnerable residents. Our students cannot advocate or protect themselves. The responsibility falls to us -as a community. I, for one, hope that this Council and Portsmouth will consider carefully that responsibility and advocate to maintain as much of our School Department's budget as possible. This will ultimate pay us back ten-fold when we have a vibrant community of young minds and adults. Undoubtedly, our youth are a greater longterm resource to our community than new sidewalks, fireworks, or parking garages. I hope we can look back at this time in Portsmouth's history knowing that we did right by our children.

Thank you so much for your volunteering for this difficult job in a difficult time.

Sincerely,
Melinda (Mollie) Mulligan
includeInRecords: on

Below is the result of your feedback form. It was submitted by Maria Sillari (Msillari14@gmail.com) on Saturday, January 30, 2021 at 07:52:15

address: 171 Jones Avenue

comments: Councilors,

It was with disappointment and disgust that I read today in the police log that an "unidentified" city councilor, saying he worked for the city, was in the Parrot Ave parking lot asking people where they live and work for "his own research."

I have no problem with a councilor doing research. However, they should do it transparently, stating their NAME, POSITION, and REASON for the research.

I hope these actions will be addressed in your next council meeting and at a minimum the Councilor in question will be censured.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Elizabeth Bratter (gatoday@yahoo.com) on Sunday, January 31, 2021 at 07:32:33

address: 159 McDonough-Property owner

comments: Dear Mayor and City Councilors,

I would like to request that a complete list be provided to the general public regarding what all is being allowed to drain into the North Mill Pond. There is a lot of new development being proposed on its banks, the city is proposing a greenway less than 25' from the water's edge and the North Mill Pond Advocates provide an annual kayak tour of the North Mill Pond. It is a tidal pond but a lot of chemicals often end up in the sediment for years! The recent fuel spill into the pond may have been mitigated had the proper filtration been added to said outflow pipes. Generally speaking the North Mill Pond is a gem the City of Portsmouth should be protecting. This list would allow the City Council as well as the citizens to better understand where our priorities should be as it tries to meet MS4 requirements as well as protecting this and other natural resources which provide priceless gifts to this city.

Thank you for your time, Liz

includeInRecords: on



January 26, 2021

Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801

Members of the City Council,

The Music Hall respectfully submits this request to The City of Portsmouth to grant approval for the closure of Chestnut Street for outdoor events beginning May 1, 2021 through October 31, 2021. These events would end no later than 10PM in accordance with noise ordinances and the street would be cleared upon event completion for its intended usage.

After deliberation with city officials on Monday, January 25th, 2021 we are requesting the ability to program events on any day of the week between May 1 and October 31, 2021, while still allowing rain dates for each event on the following day. This would allow for three events per week, with the ability to schedule a fourth event when weather permits. Any time programming is scheduled on Chestnut Street, The Music Hall's indoor spaces will not be utilized for programming and vice versa.

In addition to the closure of Chestnut Street, we request the approval for alcohol to be served on Chestnut Street under The Music Hall's liquor license. Alcohol service would be served only by The Music Hall's professional, Servsafe and T.E.A.M. certified staff. With the event ending no later than 10PM, alcohol service will cease by 9:30PM at the latest.

Events taking place on Chestnut Street will comply with the most up to date New Hampshire and CDC COVID Guidelines. Patron seating will be placed at least 6 feet apart, allowing safe passage for servers and guests on sidewalks as well as a clear path down the middle of Chestnut Street. Servers will follow all universal and restaurant guidelines published by the Governor's Economic Reopening Task Force. Concessions will be ordered by guests at their tables through our online concessions ordering system. Additionally, preordering concessions items and drinks will be offered and encouraged to limit contact between patrons and staff/volunteers.

The bar itself will not be out on Chestnut Street; instead, we will utilize our existing bar in the lower lobby of The Music Hall. At least once per week, the brickwork, hardscape, and

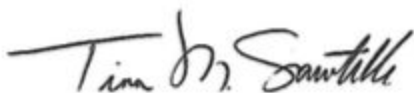
landscaping will be cleaned thoroughly to maintain and prolong the beauty of Chestnut Street.

In terms of entertainment at this event, we will be featuring local and regional talent on a small 12'x16' stage and following all performing arts guidelines published by the Governor's task force. The performers on stage will be small in number, possibly even solo artists, which will greatly mitigate any risks to the artists and staff around them. The stage will be small enough in size that in the event of an emergency, it can be moved to the side of the street to allow safe and speedy access for any emergency vehicle and personnel to Chestnut Street. With the aid of police presence at this event, emergency vehicles would also be able to access buildings on Chestnut Street via Porter Street. One change from last summer's events on Chestnut Street that we are requesting is that the sidewalk on The Music Hall side of Chestnut Street be closed to passers-by, to allow greater space within the event "walls" for spacious passage of patrons, volunteers, and waitstaff. This closed sidewalk would still be an accessible egress to and from Chestnut Street for emergency exit purposes.

As you are aware, The Music Hall had great success with our Live Under the Arch series this past summer and fall. We are extremely confident in our ability to execute again safely and successfully. Events such as these will have great economic impact, not only for The Music Hall and its corporate sponsors but also for local restaurants and musicians, and will help to stimulate the economic engine for other local retailers and the city itself.

We are so grateful to the City of Portsmouth officials, council people, and citizens for their continued support of our institution.

Sincerely,

A handwritten signature in black ink that reads "Tina M. Sawtelle". The signature is fluid and cursive, with the first name "Tina" and last name "Sawtelle" clearly legible, and a middle initial "M." in between.

Tina Sawtelle
Executive Director, The Music Hall
28 Chestnut St.
Portsmouth, NH 03801
tsawtelle@themusichall.org

CITY OF PORTSMOUTH, NH

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

PURSUANT TO RSA 674:39-aa

Name of Property Owner(s): Todd A. Buttrick 603-303-7212

Mailing Address: 14 Karlin Rd Fremont N.H. 03044

Telephone Number: 603-303-7212

Email Address: tvtb@comcast.net

Street Location of Parcels Affected by the Requested Restoration:
900 Middle Rd Portsmouth N.H.

Properties Requested to be Restored (attach additional sheet if needed):

Parcel 1

Current Deed Reference: Book 5345 Page 2869 Date Recorded July 30, 2012
~~Book 5210 Page 1010 Date Recorded November 5, 2011~~

Tax Map _____ Lot Number 33, 34, 35, 60

Parcel 2

Current Deed Reference: Book _____ Page _____ Date Recorded _____

Tax Map _____ Lot Number _____

Parcel 3

Current Deed Reference: Book _____ Page _____ Date Recorded _____

Tax Map _____ Lot Number _____

Please state when you believe the involuntary merger took place:

I do not know

Signature(s) of Property Owner(s):

Signature: [Handwritten Signature] Name: Todd A Buttrick Date: 1/15/2021

Signature: _____ Name: _____ Date: _____

KATHRYN S. WILLIAMS, ESQ.
K.S.W. LAW
57 Main Street, P.O. Box 836
Epping, New Hampshire 03042
(603) 679-5223
kwilliams@ksw-law.com

August 27, 2012

Todd Buttrick
14 Karlin Road
Fremont, NH 03044

**Re: Transfer of Real Estate
Property in Portsmouth, NH**

Dear Mr. Buttrick:

Enclosed is the original Fiduciary Deed for the above referenced property that was recorded on July 30, 2012 at Book 5345, Page 2869 in the Rockingham County Registry of Deeds. You should retain and store this document in a safe place for later use as needed.

The Declaration of Consideration and Inventory of Property Transfer forms that you previously signed have been completed and mailed for filing in the appropriate town and state offices.

Very truly yours


Kathryn S. Williams

KSW:vab

M

Return to:
Kathryn S. Williams
57 Main Street
Box 836
Epping, NH 03042



FIDUCIARY DEED

Kathryn S. Williams as Successor Trustee of The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003, of 57 Main Street, Epping, New Hampshire, for good and valuable consideration, grants to Todd Buttrick,* with Fiduciary Covenants, the real property described as follows:

* with a mailing address of 14 Karlin Road, Fremont, NH 0304

Four (4) certain lots of land with the buildings thereon situate on Middle Road and Woodworth Avenue in Portsmouth, County of Rockingham, State of New Hampshire, and being Lots No. 33, 34, 35 and 60 on Plan of Prospect Park, Portsmouth, N.H. recorded in Rockingham County Registry of Deeds Book 527, Page 481, and more particularly bounded as follows:

Beginning at a point in the Southeasterly side of Middle Road at the westerly side of Woodworth Avenue and running Southeasterly by the Westerly sideline of said Woodworth Avenue 148.6 feet more or less to land of Charles F. Caswell being Lot No. 59 on said Plan; thence turning and running Southwesterly by said Lot No. 59 80 feet more or less to a corner at land of Paul and Rose Gammon; thence turning and running Northwesterly by said land of Gammon, being Lots No. 36 and 37, 56 feet to a corner; thence turning and running Westerly by other land of said Gammons 40.8 feet more or less to a corner at land of Joseph and Mildred Markey, being Lot No. 32; thence turning and running Northwesterly by said land of Markeys 102.1 feet more or less to Middle Road; thence turning and running Northeasterly by Middle Road 122.4 feet more or less to the point of beginning.

This is not homestead property of the Grantor.

Barbara H. Buttrick's death certificate is on record at the Rockingham County Registry of Probate, 10th Circuit Court, Probate Division.

Meaning and intending to convey the same property described in the deed of Barbara H. Buttrick to Barbara H. Buttrick, Trustee of The Barbara H. Buttrick

040643


2012 AUG 15 AM 10: 07

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

Revocable Trust of 2003, u/d/t dated July 30, 2003, dated November 5, 2011, and recorded at the Rockingham County Registry of Deeds, at Book 5260, Page 1861.


Trustee's Certificate

The undersigned trustee is the Successor Trustee under the Trust created by Barbara H. Buttrick, as grantor under trust agreement dated July 30, 2003, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust, and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.


Kathryn S. Williams, Successor Trustee

This is a conveyance from a revocable trust pursuant to an estate planning trust. The original grantor, Barbara H. Buttrick is deceased. Kathryn S. Williams is the Successor Trustee under The Barbara H. Buttrick Revocable Trust of 2003, u/d/t dated July 30, 2003. Due to the death of Barbara H. Buttrick, the grantor under the trust, the Trust is terminated and this conveyance is a distribution of the real estate held in the Trust to the beneficiary of the Trust. The consideration paid was less than fair market value. This conveyance is subject to the minimum transfer stamps of \$40.00 as required under the New Hampshire Code of Administrative Rules, Department of Revenue Administration, Part Rev. 802.02.

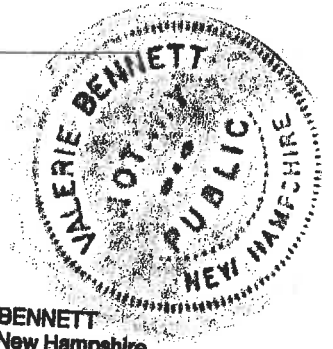
Dated this 30 day of July, 2012.


Kathryn S. Williams, Successor Trustee

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on the 30 day of
July, 2012, by Kathryn S. Williams.

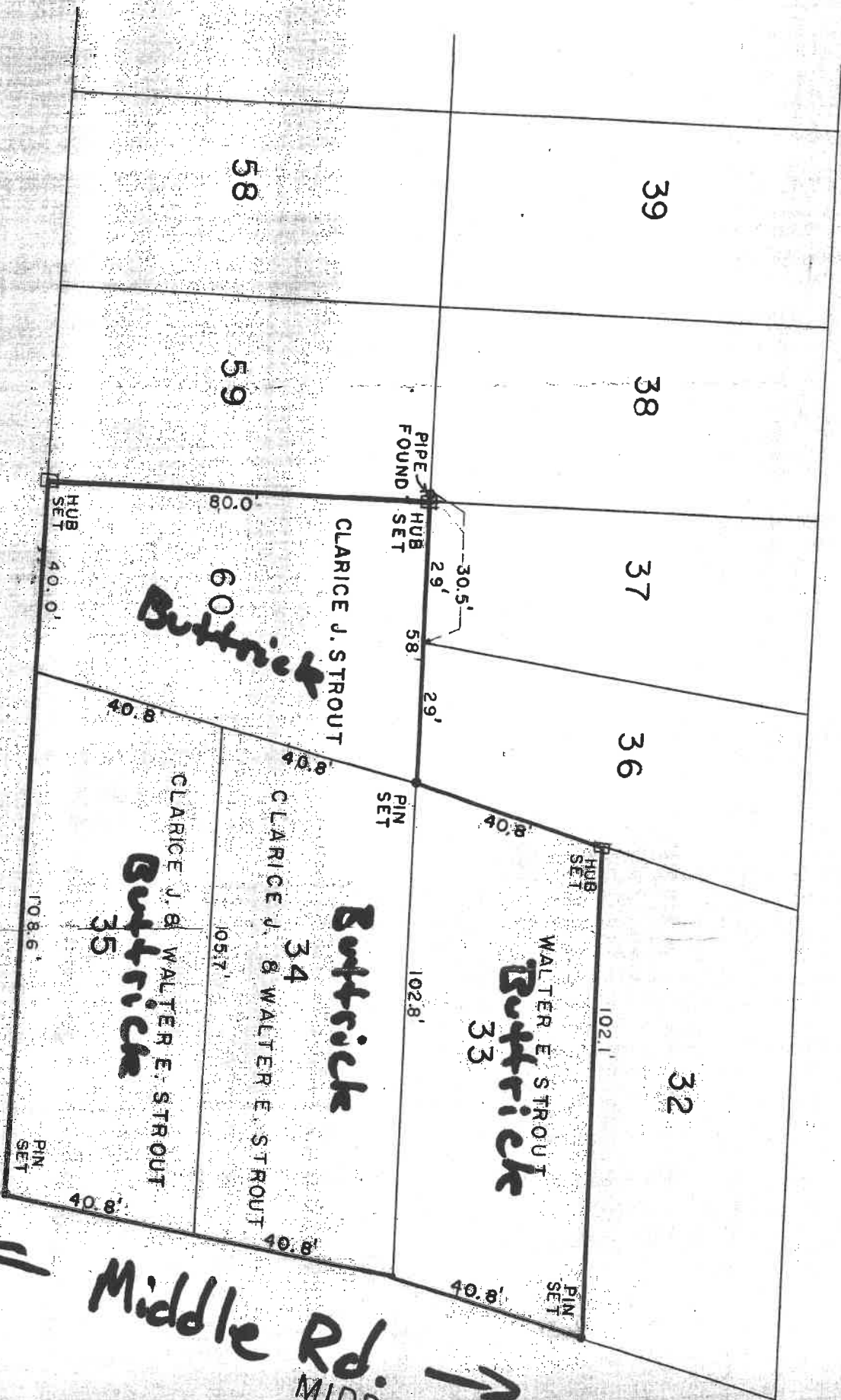
Valerie Bennett
Notary Public
My Commission Expires:
Seal:



VALERIE BENNETT
Notary Public - New Hampshire
My Commission Expires August 10, 2016

LEAVITT AVE.

WOODWORTH AVE.




Middle Rd.
 MIDDLE RD.

CITY OF PORTSMOUTH**LEGAL DEPARTMENT****MEMORANDUM**

DATE: February 2, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY 

RE: LIABILITY INSURANCE FOR SALES OF ALCOHOLIC BEVERAGE ON CITY PROPERTY

In the number of years since the City has allowed the sale of alcoholic beverages on City sidewalks, the required liability insurance covering the alcohol service has been \$3-million, naming the City as additional insured. There were no issues and no complaints about that level of coverage until the summer of 2020. During the summer of 2020, because of the COVID-19 pandemic, an increased number of City food service establishments were given permission by the City to sell alcoholic beverage not only on City sidewalks, but also in the street (blocked off with barricades). Since the summer of 2020, complaints have been received by the City Council that the \$3-million liability figure was too high for some businesses to reach in terms of the premiums to be paid.

After those complaints were received, I conducted research into the amount of additional premium that it would cost a business to increase liquor liability coverage from \$1-million to \$3-million by means of a \$2-million umbrella policy (the most common method). As it turns out, some businesses are able to do so very inexpensively while other businesses are required to pay substantial premiums. The difference between the two is based upon the gross liquor receipts of the particular businesses as well as its track record and the nature of its business. For example, to acquire a \$2-million umbrella to cover \$1-million liquor liability insurance, a fine dining establishment which served relatively low volumes of alcohol would pay less premium than a bar which relied more on alcohol sales than food sales.

After speaking with a number of people in the insurance business, I have determined to lower the amount which I recommend the City require in liquor liability coverage for businesses which are selling alcohol on City sidewalks, streets, and any other City property.

Although a \$3-million policy would still be preferable to adequately protect the City, I am cognizant of the City Council's oft stated intent to assist local businesses during the difficult pandemic times. Accordingly, for the duration of the pandemic and consequent utilization by restaurants of City streets and sidewalks under that exigent circumstance, my recommendation is being lowered from \$3-million to \$1-million. Although it is not difficult to conceive of a

scenario which would lead to a \$3-million claim against the City arising from the sale of alcohol, \$1-million is likely to be sufficient to cover most claims.

For all the foregoing reasons, and during the pendency of the pandemic, it is therefore my recommendation that the amount of alcohol or liquor liability insurance coverage required of private businesses utilizing City streets and sidewalks be reduced from \$3-million to \$1-million. The sole rationale in support of this reduction is to further the City Council goal of attempting assist food service businesses during these difficult times. At the end of the pandemic, the required liability amount will be reconsidered.

Attachment

cc: Juliet T.H. Walker, Planning Director
Suzanne M. Woodland, Deputy City Attorney
Jane M. Ferrini, Assistant City Attorney
Trevor P. McCourt, Staff Attorney