

CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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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 22, 2021

TIME: 7:00PM

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. 150 Greenleaf Avenue – Consideration of Litigation – RSA 91-A:3, II (e)

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AGENDA

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] - **POSTPONED****
- III. CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. ROLL CALL**
- V. INVOCATION**
- VI. PLEDGE OF ALLEGIANCE**
- VII. ACCEPTANCE OF MINUTES – FEBRUARY 8, 2021 & DECEMBER 21, 2020**
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 - A. *Farewell and Thanks to Deputy City Manager Nancy Colbert Puff
 - B. *Report from the Blue Ribbon Committee on Prescott Park Master Plan Implementation
 - C. *Presentation from the Blue Ribbon Committee to Reopen Portsmouth 2021 – Mark Stebbins and James Petersen
- IX. PUBLIC COMMENT SESSION – (Via Zoom)**
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED****
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

Public Hearing on Ordinance

- A. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission

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

XII. MAYOR BECKSTED

1. *Appointments to be Voted:
 - Richard Duddy to the Recreation Board
 - Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *City Manager Check-In (*Sample motion – move to schedule a Work Session on Monday, March 15, 2021 at 6:30 p.m.*)

B. COUNCILOR McEACHERN

1. *Update from the Recreation Board

C. COUNCILOR WHELAN

1. Action Items Needing Approval by City Council:
 - Report Back on recommendations for traffic calming measures for Banfield Road (*Sample motion – move to accept and approve the report with additional signage for pedestrian and bicycle crossings on Banfield Road*)
 - Report back on recommendations for traffic calming measures for Middle Road (*Sample motion – move to accept and approve the pilot program*)
2. Parking and Traffic Safety Action Sheet and Minutes of the February 4, 2021 meeting (*Sample motion – move to accept and approve the Parking and Traffic Safety Action Sheet and Minutes of the February 4, 2021 meeting*)

D. COUNCILOR LAZENBY

1. *Request for Report Back on Bike/Pedestrian CIP Budget related to request for Electronic Crosswalk Signs
2. Request for Report Back on effort and costs to implement Safety Recommendations for Middle Street Bike Lanes

E. COUNCILOR KENNEDY

1. *Demolition Committee

F. COUNCILOR HUDA

1. CAFR Projects (*Sample motion – move that the City Manager provide a report or list of unidentified projects per the CAFR FY18, FY19, FY20 Reports as noted on the attached summary schedule*)
 - Various Streets & Sidewalk, Infrastructure, (Unidentified)
 - Also please provide a list of the name of the projects, under General Fund, Water Fund & Sewer Fund where the total given does not add to the detail listing

G. COUNCILOR TRACE

1. *Islington Street Corridor Phase Two (2) Project (*Sample motion – move to have presentation of Islington Street Corridor Phase Two (2) Project by City of Portsmouth Planning Department before City Council Vote on CIP. The second phase to continue along Islington Street to Congress Street. The presentation to include also a separation of any Sewer Upgrade/Sewer Separation Figures by Department of Public Works from the figure for Islington Street Corridor Phase Two figure for all other work*)
2. *Peirce Island Master Plan (*Sample motion – move to have presentation on Peirce Island Master Plan by City Staff in Cooperation with Peirce Island Committee with input from that Committee and also Recreation Committee as appropriate*)

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *HealthTrust Wellness Program Reward (*Sample motion – move to approve and accept the reward as presented*)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Amendment to Water Tank License Agreement Property Located on International Drive
2. 135 Congress Street Temporary Construction License

XVI. CONSENT AGENDA

- A. Letter from Richard Mason, Veterans Count, requesting permission to hold the Pack & Boots 5K Road Race on Sunday, July 4, 2021 (alternate date October 2, 2021) (*Anticipated action – move to refer to the City Manager with Authority to Act*)

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *COVID-19 Vaccinations Status Update by Fire Chief Germain
- B. Email Correspondence (*Sample motion – move to accept and place on file*)

- C. Letter from CJ Fleck, Seacoast Area Bicycle Riders (SABR), requesting Implementing Toole Design recommendations for the Middle Street bike safety project
- D. Letter from Josh Denton, President, PopUp NH Board of Directors, regarding PopUp NH 2020 and 2021 Seasons

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

(There are no items under this section of the agenda this evening)

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, FEBRUARY 8, 2021

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

Remote Meeting via Zoom Conference Call

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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.

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 2020-25 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 7:10 p.m. Mayor Becksted called the meeting to order.

IV. **ROLL CALL**

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 memory of Phil Scarponi who recently passed away and offered thoughts to his family through their loss.

VI. **PLEDGE OF ALLEGIANCE**

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

VII. ACCEPTANCE OF MINUTES – JANUARY 25, 2021 AND JUNE 15, 2020

Assistant Mayor Splaine moved to approve and accept the minutes of the January 25, 2021 and June 15, 2020 City Council meetings. Seconded by Councilor Kennedy.

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

IX. PUBLIC COMMENT SESSION

Josh Denton requested a time line for when the Peirce Island off-leash dog area will be reopened. He spoke to the appointments of Lawrence Yerdon and Courtney Perkins and the recommendation by staff to lower the amount of liability insurance for alcohol use at outdoor tables and chairs.

Brenna Cavanaugh thanked the City for raising the flag up at City Hall. She said when the decision is made to lower or take down the flag it should be a decision of the Council.

Andrew Bagley said parking fees need a thoughtful analysis and no increases should be made for a year. He said the fee structure for parking fines is too high. He also spoke in support of keeping zoom for public comment sessions and public hearings when the City Council meets back in person.

Marie Bodi spoke to the abutters meeting recently with residents and property owners regarding the McNabb Project on Penhallow Street. She said before you this evening is a recommendation for a temporary road closure.

Byron Matto spoke in support of waiving fees for outdoor restaurants, keeping public comment via zoom after meeting back in person and his opposition to increased parking fees/fines.

Valerie Rochon spoke in support of waiving fees for outdoor seating and to authorize the City Manager to approve the new fees. She thanked the City Manager and City Attorney for reducing the amount of liability insurance required for serving alcohol for outdoor seating at restaurants.

XI. PUBLIC HEARING 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

Councilor Kennedy moved to pass first reading and schedule a public hearing and second reading at the February 22, 2021 City Council meeting. Seconded by Councilor Huda.

City Attorney Sullivan spoke to the quasi-judicial roles of the boards.

Mayor Becksted spoke in support of the ordinance and requested the support of the Council.

Councilor Lazenby said he does not see any inconsistencies or the need for this amendment.

Councilor Kennedy spoke in support of this housekeeping amendment.

Assistant Mayor Splaine said he supports the motion and appointments to the boards/commissions should not be popularity contests.

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.

- B. First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Councilor McEachern said he would like to see a compromise on the amendment and increase to fees/fines.

City Manager Conard said the request came from the Parking Traffic & Safety Committee and could go back to the Committee for further review and recommendation.

Councilor Kennedy moved to refer to the Parking Traffic & Safety Committee and Fee Committee for review. Seconded by Assistant Mayor Splaine.

Councilor Trace said some people cannot afford a \$50.00 parking ticket and the Council needs to take a deep breath on this matter.

Councilor Kennedy requested keeping Parrott Avenue lot free of parking meters. She said when the Parking Traffic & Safety Committee and Fee Committee meet on this matter they need to have a public comment session to hear how residents feel on this matter.

Assistant Mayor Splaine said he would like to hear from Fire Chief Germain and Police Chief Newport on these amendments. He said it is important to look at the big picture when considering the fees/fines.

Councilor Tabor said \$50.00 is too high for a parking ticket and the Council needs to receive more public input on adjusting the ticket fees.

Councilor McEachern said we need the Fee Committee reviewing this ordinance and recommended fees and fines. He said the ordinance needs to take a holistic approach and look at the downtown employee and what they can afford.

Councilor Whelan said Parking Traffic & Safety Committee will take another look at this and evaluate the unintended consequences from the Pay and Stay Program.

Councilor Lazenby said he agrees that the fine is too high and suggested creating a program for the downtown with better promotion and efforts in this area.

Mayor Becksted said there is a time and a place, but so many people are suffering financially. He spoke to parking bans being enforced in other areas of the City where they had not been enforced previously.

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

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*)

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

- **CITY COUNCIL QUESTIONS**

Councilor Trace said she has questions why the Islington Street Corridor has been pushed back again.

City Manager Conard said the CIP is a plan and the City Council can choose to bring certain plans forward and make recommendations as a City Council.

Mayor Becksted said the CIP would be adopted at the March 8, 2021 City Council meeting.

- **PUBLIC HEARING SPEAKERS**

Josh Denton spoke on two items that played a large role in achieving Portsmouth's Net Zero Energy Policy, one is the regional digester which took years to get into the CIP and has been removed, and the DC fast charger has also been removed from the CIP which he feels is leaving money on the table. He said the DC fast charger should be put back into the CIP for funding.

Andrew Bagley said the Islington Street project has been delayed a number of times and should move forward as a priority.

Gregory LaCamera said he supports moving the Islington Street project forward as it has been ongoing since 1997. He said it is an investment to complete the Islington Street project and it is unacceptable to delay any further. He stated this would connect the downtown with the West End.

Robin Husslage spoke in favor of Islington Street project moving forward in 2022. She is opposed to pushing the project out to 2027. Ms. Husslage stated the improvements will benefit the City. She requested that any changes that are significant or affect residents be posted to allow for input on the impact of changes.

Nicole LaPierre echoed concerns and comments made by Ms. Husslage. She said Islington Street needs to be a priority.

Michael Johnson said it is important to move forward with Phase II of the Islington Street project. He said expanding the West End is needed.

After three calls and no further speakers, Mayor Becksted asked if there were further questions from the Council.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor McEachern said if there is a fee to point out or a critical issue with a plan, a letter should be sent on changes to allow residents to come forward and speak to the matter. He said the Islington Street project should be moved back to 2022. He stated we need to make the Islington Street area more inviting.

Councilor Trace asked why this project keeps getting pushed back.

Mayor Becksted said because this is a large project and we are in the middle of COVID.

Public Works Director Rice said due to the feedback from residents and businesses some large projects were delayed. He also indicated delays were put in effect due to bonding and water and sewer rate increases. He stated he would work with the Finance Department and move the Islington Street project forward based on the direction of the City Council.

Councilor Lazenby inquired as to costs for the McIntyre building being put into the CIP. Councilor Whelan said there are some requirements from GSA that will need to be considered and a place holder put in the CIP.

Discussion followed among the Council regarding the need to install electronic signalizations at the corners of Madison Street and Middle Street and Essex Avenue and Middle Road.

Councilor Kennedy said the recent memorandum from Finance Director Belanger regarding bonding and rescinding bonds needs to have a real in-depth review with the CIP in mind. She said she would like to see what is contained in the CIP that could go into CARES Act funding.

Councilor Kennedy moved to continue the public hearing until the March 8, 2021 City Council meeting. Seconded by Councilor Huda.

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

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

Assistant Mayor Splaine recused himself from the public hearing because he is eligible for the elderly exemption.

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Becksted declared the public hearing closed.

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

Proposed Increase of Elderly Exemption:

Single	\$43,928.00 increase of \$777.00
Married	\$60,400.00 increase of \$1,068.00

Councilor Tabor moved to adopt Option 2 for the Elderly Exemption Resolution. Seconded by Councilor Lazenby.

On a unanimous roll call vote 8-0, motion passed. Assistant Mayor Splaine abstained from voting on this matter.

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**

Proposed Increase of Disabled Exemption:

Single	\$43,928.00 increase of \$777.00
Married	\$60,400.00 increase of \$1,068.00

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Becksted declared the public hearing closed.

Councilor McEachern moved to adopt Option 2 for the Disabled Exemption Resolution. Seconded by Councilor Tabor.

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

At 9:08 p.m., Mayor Becksted declared a brief recess. At 9:21 p.m., Mayor Becksted called the meeting back to order.

The City Council discussed the installation of electronic cross walk signs.

Councilor Trace moved to install electronic cross walk signals at the corners of Madison Street and Middle Street; Essex Avenue and Middle Road and Thornton Street and Bartlett Street. Seconded by Councilor Whelan.

Councilor Huda said Parking and Traffic Engineer Eby provides report backs on these kinds of requests.

Assistant Mayor Splaine suggested having staff review the request to see if buying multiple signs could be purchased at a reduced fee.

Councilor Lazenby questioned why we are not looking at other areas that may be a concern, and should be considered for these types of signs. He suggested referring this matter to the Parking Traffic & Safety Committee for report back or to have the purchasing of the signs be part of the CIP.

City Manager Conard said that this should go on the next Parking Traffic & Safety Committee agenda and the costs are approximately \$15,000.00 each for which we have funds in the Bike and Pedestrian Project.

Councilor Lazenby said he supports the City Manager recommended approach.

Mayor Becksted said this needs to happen because of public safety.

Councilor Kennedy move to pass Councilor Trace's motion and refer this matter to the Parking Traffic & Safety Committee for review and report back to the City Council if there are any questioners. Seconded by Councilor Huda.

Councilor Lazenby said part of the process is to place items on the agenda for people to be aware of things and speak to the matter. He said there are about 60 safety issues in the CIP and 200 requests submitted by residents and this just came out in the meeting this evening. He stated people should have input on this matter.

Mayor Becksted said the Parking Traffic & Safety Committee would look at all three items and implement them. He said he would like the Committee to look at each request independently.

On a roll call 6-3, voted to pass main motion, as amended to install electronic cross walk signals at the corners of Madison Street and Middle Street; Essex Avenue and Middle Road and Thornton Street and Bartlett Street and refer this matter to the Parking, Traffic & Safety Committee for review and report back to the City Council if there are any questions. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Trace and Mayor Becksted voted in favor. Councilors Lazenby, Huda and Tabor voted opposed.

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Richard Duddy to the Recreation Board
 - Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee

The City Council considered the appointment of Richard Duddy to the Recreation Board and Rebecca O'Brien to the Sustainable Practices Blue Ribbon Committee which will be voted on at the February 22, 2021 City Council meeting.

2. Announcement of Appointments to the Arts and Non-Profit Blue Ribbon Committee
 - Lawrence Yerdon
 - Courtney Perkins

Mayor Becksted announced the appointments of Lawrence Yerdon, Courtney Perkins, Robin Albert, Nihco Gallo and Bill Humphreys to the Arts and Non-Profit Blue Ribbon Committee.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

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

Assistant Mayor Splaine reported that a meeting was held with City Manager Conard, City Attorney Sullivan, and the City Manager's Evaluation Committee in the Law Library on Saturday, January 30, 2021. He reported that the Committee and City Manager agreed that the City Council will schedule a public meeting on Zoom on priorities and goals and the Council would keep the possibility of having a Non-Public Session at that time. Assistant Mayor Splaine requested the City Manager and Mayor schedule a meeting in the next 4 weeks.

Mayor Becksted said we would look at a date in March.

Councilor Huda said this seems to be a personnel review and would like to know what purpose it would have to be held in public. City Manager Conard said that this is a formal check-in that she asked for 6 months ago.

Assistant Mayor Splaine said guidance would be provided to the City Manager and from the City Attorney to the City Council.

Councilor Kennedy said she thought we were going to hold both a public and Non-Public session.

City Attorney Sullivan stated that the City Council could go into Non-Public Session without notice at that meeting.

B. COUNCILOR McEACHERN

1. Public Comment Post Pandemic

Councilor McEachern moved to extend the use of Zoom to Public Comment participants after the Council resumes meeting in person through the rest of the City Council's term. Seconded by Assistant Mayor Splaine.

Councilor McEachern said it allows the City Council to have more view points from residents throughout the City. He said this is something that should be at the top of our minds as a Council. He stated everyone should not have to overcome finding child care or residents that have issues with traveling in inclement weather.

Assistant Mayor Splaine said he supports the motion and the screen in the Council Chambers could be used to show the residents speaking. He said this is a great idea and allows for more public participation.

Mayor Becksted said he understands and sees us back in the Chambers soon. He would like to try this out to see what works and what doesn't. He feels we are better off meeting in a room face to face, and it may be the next City Council that imposes something like this.

Assistant Mayor Splaine requested to add public hearings to the motion as a friendly amendment that was accepted by Councilor McEachern. Councilor McEachern also agreed to add to the motion as a friendly amendment "through the rest of the City Council term."

Councilor Lazenby said that this will open up the process for residents. He said this might fit well to our City Council rules.

City Attorney Sullivan said it does fit well as a City Council rule and the motion could be converted to a City Council rule.

Councilor Lazenby said he would like to have this brought back at the next City Council meeting for a vote.

On a unanimous roll call 9-0, voted to extend the use of Zoom to Public Comment and Public Hearings participants after the Council resumes meeting in person through the rest of the City Council's term.

C. COUNCILOR WHELAN

1. McIntyre Update

Councilor Whelan announced the McIntyre round tables will meet Thursday, February 11, 2021 from 6:00 p.m. – 8:00 p.m.

Councilor Kennedy said if someone is not an architect, could they participate in the round tables.

Councilor Whelan said anyone from the public will be able to be part of the meeting.

Councilor Huda asked if the City Council can participate. Councilor Whelan said the City Council should not be part of it, a Councilor could listen but it is more for the public.

D. COUNCILOR HUDA

1. Preliminary FY22 Budget Guidance

Councilor Huda moved to finalize the FY22 Budget guidance for a zero percent increase over last year's budget. Seconded by Councilor Kennedy.

Councilor Huda said we are looking at a decrease in revenues and holding the line is what we have been discussing. She said she wants to make sure the City Manager can give clear guidance on this matter to staff.

Councilor Tabor said he appreciates the need for guidance but we have \$1.9 million in pension costs which have been downshifted from the State of New Hampshire and we would be looking at a 1.9% increase from that item alone which would be 20 employees.

Councilor Lazenby said he is interested in seeing what other increases are part of the budget. He said we need to see more details, and getting down to 0% will mean cuts.

Assistant Mayor Splaine said he supports the goal of a 0% budget but he would like to see us at that objective, however we need feedback from the School, Fire and Police Departments. He said there are real issues with the schools in particular. He said he would not support the motion as stated.

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

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

Councilor Kennedy said she would like to make an amendment that the motion makes it a goal and have everyone do their best and make the commitment to make the budget as low as possible.

Councilor Huda agreed to the wording for a goal to be part of the motion.

Motion reads: ***to finalize the FY22 Budget guidance for a goal of zero percent increase over last year's budget.***

Councilor McEachern said we need to reduce the burden on taxpayers. He said he feels that all hands are on deck to keep the budget low. He stated there are reductions in revenues and we need to speak to the ultimate goal that taxpayers are looking for in the budget process.

Assistant Mayor Splaine said maybe we don't need this motion as the School Board, Fire and Police Departments are doing a great job with their budgets. He said we could thank everyone in the budget process for their work, and that the work needed would be done.

Councilor Kennedy said we need the motion because people are asking where we are at.

Councilor Lazenby said he agrees with Assistant Mayor Splaine and everyone is working hard to keep things as trim as possible. He said a 0% budget will mean staff cuts and he would like to know what those cuts are.

Discussion followed among the City Council on this issue.

On a roll call 5-4, voted to finalize the FY22 Budget guidance for a goal of zero percent increase over last year's budget. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted opposed.

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?)***

Councilor Trace said last week she was provided information on bonds in the City and would like to know how this information will be disseminated to the public.

City Manager Conard said it would be part of this agenda packet under the City Manager's Informational Items along with the report on the CIP which is contained in the packet.

Councilor Huda asked what happens to funds that are not in the CIP.

City Manager Conard said the CIP is a plan and if money has not been associated with a project, that project does not move forward. She spoke to the budget and bonding process.

Councilor Kennedy asked if the Finance Department has a depreciated sheet for projects. City Manager Conard said we could make that available.

E. COUNCILOR TABOR

1. Waiver of Fees for Restaurant Outdoor Seating

Councilor Tabor moved to give the City Manager the authority to relieve restaurants of fees for outdoor seating due to COVID-19 as was done in 2020. Seconded by Councilor Whelan.

Councilor Tabor stated the Mayor's Blue Ribbon Committee gave this a strong endorsement and it is timely and good for everyone. He said the businesses need to know if there is a cost or not because they're looking to start early and increase aesthetics.

Assistant Mayor Splaine said he supports the motion and stated we might need to do this for the coming 3 to 5 years. He would like to know the cost to the City to provide the use of the outdoor sidewalks/streets/parking spaces and provide a report for the next meeting.

City Manager Conard said it is a license fee and reflects the cost to administer the program.

Discussion followed regarding CARES Act funding that has been provided to businesses.

City Manager Conard said she will provide updates at regular City Council meetings on the number of businesses that have applied for licenses.

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

2. Fee Committee Update

Councilor Tabor provided a brief report on the recent meeting he and Councilor Huda had with staff regarding the Fee Committee. He reported there are 550 fees with minor fee increases being requested. He stated a review and discussions were held regarding the creation of possible fees such as, treating storm water, water separation, recoup parking increases for tourists versus residents, charging for parking at the Parrott Avenue Parking Lot, selling wastewater treatment facility sludge, etc.

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

Councilor Kennedy moved to accept the donation in the amount of \$2,500.00 to the Police Department. Seconded by Councilor Huda.

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

- B. Acceptance of Donation to the Portsmouth Fire Department in the amount of \$2,500.00 from Paul Gormley and Kimi Iguchi

Councilor Kennedy moved to accept the donation in the amount of \$2,500.00 to the Fire Department. Seconded by Councilor Huda.

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

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. 60 Penhallow Street (Brick Market) Construction License

City Manager Conard said staff has reviewed this matter and residents are in support of the road closure. She reported the license fee for the partial closure of Penhallow Street is \$2,623.00 for the street and sidewalk and \$30,500.00 for the parking spaces on Penhallow Street for a total fee of \$33,123.00.

Councilor Kennedy asked what would happen if the construction is not completed and whether the document will be attached to the plan.

City Manager Conard stated after the April 30th timeline Mr. McNabb would need to go before the City Council for further approval.

Planning Director Walker reported that the License Agreement references the letter itself and is memorialize in the license.

Councilor Kennedy wants to make sure that signs for loading and unloading zones are put in place for the businesses. Planning Director Walker said the signs will be put in place.

Councilor Lazenby moved the City Manager be authorized to execute and accept the temporary construction license for the partial closure of Penhallow Street, use of 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. Seconded by Councilor Tabor.

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

2. Proposed Public Art Donation

City Manager Conard reported that the City has received an artwork donation offer from Dan Rawling. She stated the painting was made for the centennial celebration of the Japanese-Russian Peace Treaty of 1905 in Portsmouth. She recommended following the same process as the Council did with the McEachern Park whale sculpture donation.

Councilor Lazenby moved 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 recommend it come back to the City Council. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said in the future we need to look at the Arts Blue Ribbon Committee to be part of these type of requests.

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

3. City Council Policy No. 2012-02 Regarding Use of City Property for Sidewalk Cafes

Councilor Lazenby moved 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 restaurants and cafes that are current businesses in the City for the 2021 calendar year and further 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. Seconded by Assistant Mayor Splaine.

City Manager Conard noted that we will need to work in modifications into the policy and we need authorization.

Councilor McEachern said this allows for instance, the modification for Raleigh's to serve in front of the restaurant where bike racks were located.

Councilor Trace said she supports the motion and we need to help restaurants and businesses in the City.

Councilor Huda said this is only for this season and if everything goes back to normal so would the outdoor seating requirements.

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

4. Middle Street Baptist Church Parking Contract Renewal

City Manager Conard spoke to the contract renewal for parking at the Middle Street Baptist Church.

Councilor Kennedy moved to approve the agreement renewal as presented. Seconded by Councilor Lazenby.

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

5. Report Back to Council on Request for Release of City Interest in an Unimproved Portion of Cliff Road

City Manager Conard reviewed her memorandum on the paper street and reported that the Planning Board has voted and recommend releasing the paper street.

Councilor Lazenby moved 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. Seconded by Assistant Mayor Splaine.

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

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

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

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

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

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

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

- 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

Councilor Kennedy moved to refer to the City Manager with Authority to Act. Seconded by Councilor Whelan.

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

- C. Request of Restoration of Involuntary Merged Lot – 900 Middle Road

Councilor Kennedy moved to refer to the Planning Board and Assessor for report back. Seconded by Councilor Huda.

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

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

City Manager Conard reported that City Attorney Sullivan is recommending lowering the amount of liability insurance required for the sale of alcoholic beverages on City property throughout the pandemic.

Assistant Mayor Splaine moved to accept the report from City Attorney Sullivan on lowering insurance requirements. Seconded by Councilor Tabor.

Councilor Kennedy requested the City Attorney provide a letter from Primex stating they agree to lower the amount liability insurance requirements for the sale of alcoholic beverages on City property.

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

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

At 12:00 a.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, DECEMBER 21, 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_eupF_8yZQtSOX3hiiO5njA

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 2020-24, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

At 6:00 p.m., an Anticipated Non-Public Session was held regarding Discussion of Pending Litigation in accordance with RSA 91-A:3 II (e).

At 7:00PM a holiday musical performance by the Portsmouth High School Ensemble Band opened the meeting.

- I. **WORK SESSION – There was no Work Session held.**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – POSTPONED**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**

Mayor Becksted called the meeting to order at 7:13 p.m.

IV. **ROLL CALL**

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 2020-25 and Emergency Order #12, Section 3. Members location. All votes will be by roll call.

Councilors Present: Mayor Becksted, Assistant Mayor Splaine, Councilor McEachern, Councilor Whelan, Councilor Lazenby, Councilor Kennedy, Councilor Huda, Councilor Tabor and Councilor Trace. All Council members participated via zoom from their perspective homes.

V. **INVOCATION**

Jeff Pelkey, Fire and Police Chaplain gave the invocation.

VI. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Becksted.

Mayor Becksted stated he is bringing forward an item not on the Agenda and introduced Larry Cataldo and Mark Syracuse from the Citywide Neighborhood Blue Ribbon Committee to announce the winners of the Holiday Lighting contest.

Mayor Becksted thanked all of the participants stating that it was a lot of fun for all involved.

VII. ACCEPTANCE OF MINUTES – MAY 18, 2020 & JUNE 1, 2020

Councilor Tabor moved to accept the minutes of May 18, 2020 and June 1, 2020, seconded by Councilor Lazenby. Motion passed on a 9-0 roll call vote.

Councilor Lazenby took a moment to congratulate City Manager Conard on completing her first year as City Manager which City Manager Conard accepted with thanks and appreciation.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION – (*Via Zoom*)

Mayor Becksted opened the public comment session:

Josh Denton – spoke opposed to the proposal to delay the Styrofoam ban stating that this ordinance took 5 years to get adopted and was supported by the community. He stated that many Portsmouth High School students worked on this as well and were successful in changing then Mayor Blalocks' opinion.

Andrew Bagley –spoke regarding Holiday Parking and the lack thereof for the 2020 holiday season stating that the downtown shops really needed the help this would have provided. He stated that he is disappointed that this wasn't advertised properly either to the public or the downtown retailers themselves.

Christina Dubin – spoke opposed to delaying the Styrofoam ban ordinance stating that no one has spoken publicly in support of this delay.

Abigail Herrolz – PHS senior and President of the Eco Club – reviewed the history of the passage of the ordinance and has a petition of over 200 names opposing the delay of the implementation.

Jeremiah Johnson – spoke regarding Land Use Board appointments stating he is disappointed in the way the process has worked in regards to him being replaced instead of reappointed. He spoke to the time it takes to “learn the ropes” and that he fears this will discourage others from volunteering their time on city boards in the future.

Rebecca O'Brien, Executive Committee member of Surfrider Foundation – spoke opposed to the delay of the Styrofoam Ban stating we are at a critical point with the public health impact of these materials in our waste stream.

Ben Doyle, PHS student- spoke opposed to the delay of the Styrofoam ban and read a recent letter to the editor on the subject.

Kira Bailey, PHS student and Eco Club member – spoke in opposition to the delay of the Styrofoam ban and also read a letter on the subject.

Phoebe Luneau, former PHS student, explained that the issue of sustainability is a large part of the science curriculum at Portsmouth High School and many students have learned about it over the years. She stated she has spoken with Superintendent Zadavec who said the school department is ready to deal with the ban when it becomes effective. She stated the City of Portsmouth is an Eco Municipality and should not be taking steps backwards.

Lucia Hillman, PHS student, Eco Club member – stated she has spoken with a business owner downtown who said it is easy to make the switch away from Styrofoam and read a statement.

Mary Lou McElwain – stated she is disappointed and saddened that 5 Councilors have supported delaying the ban and feels that we should be supporting our children and their future.

Mark Brighton – stated he appreciates the civic engagement of our youth but feels this is not the best way to govern. He stated the Council needs to act with wisdom and not cause a true hardship on businesses who have already had to deal with a large burden.

Seth Sacks – stated he is opposed to delaying the ban and is disappointed that this issue is still being discussed in 2021.

James Boyle, referred to and spoke to the City Manager’s memo in the Council packet regarding various lawsuits.

Brenna Cavanaugh – stated she is concerned with the parking meters downtown and the many people who are all touching them in this time of the pandemic.

Seeing no one else wishing to speak, Mayor Becksted closed the Public Comment Session.

X. PUBLIC DIALOGUE SUMMARY [when applicable] - POSTPONED

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

A. Public Hearing/Second Reading of Ordinance amending Chapter 10, Article 6 – Overlay Districts – Flood Plain Overlay District Zoning Maps

- PRESENTATION - No presentation given.
- CITY COUNCIL QUESTIONS - No question from Councilors.

Councilor Trace recused herself from voting on this ordinance.

- PUBLIC HEARING SPEAKERS:

Mayor Becksted opened the public hearing asking if anyone wished to speak. Seeing no one, Mayor Becksted closed the public hearing.

- ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

Councilor Lazenby moved to pass second reading on the proposed amendments to the Floodplain Overlay District, and to schedule a third and final reading at the January 11, 2021 City Council meeting, seconded by Councilor Tabor. Motion passed on a 7-1 roll call vote. Councilor Kennedy voted opposed. Councilor Trace recused.

B. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Chase Drive: northerly side, from Michael Succi Drive to a point 30 feet on ~~either side~~ west of the driveway located at 355 Chase Drive

Councilor Whelan moved to adopt the third and final reading of this ordinance amendment, seconded by Councilor Tabor. Motion passed on a 9-0 roll call vote.

- C. Third and Final Reading of Ordinance amending Chapter 3, Article IX – Distribution of Single-Use Disposables on City Property – Effective Date: This Ordinance shall take effect on December 31, 2022

Councilor Huda moved to amend by having the ordinance be reviewed and finalized on September 30, 2021, seconded by Councilor Kennedy.

Councilor Huda stated she would like to give the businesses time to adjust over the summer.

Councilor Kennedy stated there are shortages of the sustainable products right now and also wonders about enforcement which isn't included in the ordinance. She stated she has spoken with business owners and they want to follow the ordinance but don't know where they can get the products.

City Attorney Sullivan clarified that both of the ordinances are at 3rd reading and would require a suspension of the rules to amend.

Assistant Mayor Splaine stated that this is becoming more complicated that it needs to be and feels that we need to begin to take the steps and if not now, when.

Councilor Lazenby stated there are already stipulations to allow the use of current stock and feels that this should move forward.

Councilor Whelan stated that he feels that the city property ordinance should go into effect as planned, but we should give the restaurants more time.

Councilor Trace agrees that the city property should go into effect as planned. She continued that the city-wide ordinance should also go into effect as planned, but delay the enforcement until September.

City Attorney Sullivan stated that it would be best for the Council to vote down the ordinance which would allow the original ordinance to go into effect as previously adopted.

Councilor Huda withdrew her motion to amend.

Councilor Kennedy moved to NOT PASS the third reading of the ordinance, seconded by Councilor Trace. Motion passed on a 9-0 roll call vote.

Existing ordinance will go into effect December 31, 2020.

- D. Third and Final Reading of Ordinance amending Chapter 3, Article X – Distribution of Single-Use Disposables – Citywide – Effective Date: This Ordinance shall take effect on December 31, 2022

Councilor Trace stated she wants this ordinance to be voted down so the original ordinance will go into effect on December 31, 2020 but no enforcement to occur until September 30, 2021.

Mayor Becksted stated he believes that this law is not recognized at the State level as we are not a Home Rule stated.

Councilor McEachern stated he feels we do have to

the right by the State to decide what goes into our dumps and to say it is not allowed is a step too far. He would like to see it be challenged.

Discussion ensued regarding enforcement of the ordinance and any fines etc.
City Attorney Sullivan stated this would be at the discretion of the Legal Department.

Councilor Trace moved to NOT PASS the third reading of the ordinance, seconded by Councilor McEachern. Motion passed on a 9-0 roll call vote.

**Councilor Trace moved to have staff review enforcement of the ordinance through September 30, 2021 and to institute education of the ordinance as they see fit, seconded by Councilor Lazenby.
Motion passed on a 9-0 roll call vote.**

Existing ordinance will go into effect December 31, 2020.

Third and Final Reading of Ordinance amending Chapter 3, Article XI – Face Coverings
– Effective Date: This ordinance shall take effect immediately and shall terminate on vote of the City Council to that effect

Assistant Mayor Splaine moved to adopt the third and final reading of this ordinance amendment, seconded by Councilor McEachern. Motion passed on a 9-0 roll call vote.

E. Third and Final Reading of Ordinance amending Chapter 11, Article II – Sewers, Section 11.203 and Section 11.204 – Waiver from Connection to Public Sewer

Councilor Whelan moved to adopt the third and final reading of this ordinance amendment, seconded by Councilor McEachern.

XII. MAYOR BECKSTED

1. Appointments to be Voted
 - Appointment of David MacDonald as a regular member to the Zoning Board of Adjustment
 - Appointment of Corey Clark as a regular member of the Planning Board
 - Appointment of Peter Harris as a regular member to the Planning Board
 - Appointment of Rick Chellman as a regular member to the Planning Board

Councilor Kennedy moved to adopt the aforementioned appointments, seconded by Councilor Huda.

Councilor Lazenby requested Mayor Becksted speak to his Item number 3 in relation to alternate members being considered to fill vacancies.

Mayor Becksted read Section 1.310, Chapter 1 regarding consideration of alternate members to the Zoning Board of Adjustment as well as other nominees by the Mayor stating that current alternate Chase Hagaman had submitted an application which was included in the Council packet.

Councilor McEachern thanked Chase Hagaman for submitting an application and feels we have

the benefit of having many qualified people. He stated it is the prerogative of the Mayor of who he wants to bring forward for appointment.

Mayor Becksted stated that Chase will still be an alternative on the Zoning Board of Adjustment.

Councilor Lazenby stated he will vote in favor of the appointments although it has been the practice in the past to move up alternates to regular positions as vacancies occur.

Councilor Trace stated she knows that all of the applicants are good choices and hopes that Chase Hagaman can be appointed a regular member in the future.

Motion passed on a 9-0 roll call vote.

2. Reopen Portsmouth 2021 Blue Ribbon Committee City Council Representative

Councilor Lazenby moved to suspend the rules to move up Item XVII.B. – Presentation by Portsmouth Citizens Response Task Force, seconded by Councilor Trace. Motion passed on a 9-0 roll call vote.

City Manager Conard gave a brief update of the newly formed ReOpen Portsmouth 2021 Blue Ribbon Committee stating they are currently looking to fill vacancies and are accepting applications.

Mayor Becksted announced that the City Council representative to the Blue Ribbon Committee will be Councilor Huda.

Councilor Lazenby stated he would like to see an Arts and Non-profit organization component to the process as well.

Mayor Becksted stated he has more ideas that he will be bringing forward.

Councilor Lazenby stated he would like to see people who have leadership roles within the City but who may not be residents be able to participate as well.

Mayor Becksted stated the ReOpen Portsmouth 2021 will consist of Portsmouth residents and stated again that he will be bringing forward more opportunities in the near future.

3. Ordinance Chapter 1 Section 1.310 requires that, “When making appointments to the Board of Adjustment the Council shall consider as candidate the alternates to the Board as well as other nominations by the Mayor”. For the reason the Council should be aware that Mr. Chase Hagaman is a current member of the Board who has submitted his name for consideration by the Council. The person nominated by the Mayor is David MacDonald

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Recognition of the People and History of Portsmouth’s North End

Assistant Mayor Splaine stated he is making the request of the City Manager to explore ways to recognize the diversity and history of Portsmouth’s North End and maybe coincide it with the upcoming 2023 400th Anniversary celebration.

City Manager Conard stated she will work on that request.

Councilor Kennedy stated she recalls seeing a musical regarding Portsmouth's North End at the Music Hall approximately 15 years ago and suggested that as a reference.

B. COUNCILOR KENNEDY

1. Toyota of Portsmouth (***Sample motion – move to give Toyota of Portsmouth (Jim Boyle) back his land per court agreement***)

Councilor Kennedy stated that she had voted against the taking of this land by eminent domain and further explained that last January, the court ruled against the City in this action. She stated she will pull this motion but wanted the public to know we are moving forward but are waiting for the courts.

Councilor Tabor moved to suspend the rules to introduce an item that had inadvertently been left off of the agenda, seconded by Councilor Kennedy. Motion passed on a 9-0 roll call vote.

Councilor Tabor moved to establish a Work Session on January 20, 2021 for a presentation from Portsmouth Listens regarding McIntyre Building Study Circles, seconded by Councilor Whelan.

Councilor Huda asked what is the purpose of having a work session.

Councilor Whelan stated that we have 257 residents participating in the study circles working toward solutions for the McIntyre project. He stated they will be presenting their findings.

Motion passed on a 9-0 roll call vote.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Samuel Winebaum for Vaughan Mall Lighting - \$5,000.00

Councilor Kennedy moved to approve and accept the donation from Samuel Winebaum for Vaughan Mall Lighting in the amount of \$5,000.00, seconded by Councilor Trace.

Mayor Becksted explained that this lighting is not holiday lighting but will be in place year round.

Motion passed on a 9-0 roll call vote.

Assistant Mayor Splaine moved to suspend the rules to move up Item XVII.A of the Agenda, seconded by Councilor Huda. Motion passed on a 9-0 roll call vote.

Presentation by Health Officer Kim McNamara regarding COVID-19 Update

Health Officer McNamara provided a brief presentation reporting on the current statistics in New Hampshire and the proposed tiered program of implementing the vaccine.

Mayor Becksted called a recess at 10:00 p.m. Meeting reconvened at 10:10 p.m.

Councilor Huda advised that the Holiday Parking issue was addressed at the March 16, 2020 Council meeting with the vote to implement the free parking from 03/17/20 – 03/31/20 due to COVID-19.

Assistant Mayor Splaine stated that there is still 1 ½ weeks left of the season and suggested that we could allow free parking now as well. He asked City Manager what the impact would be.

Councilor Huda stated that the parking revenue is significantly down already and we will be dealing with the budget very soon.

City Manager Conard stated the impact was \$100,000 last year and would be \$60,000 if implemented now.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for Work Session regarding Peirce Island

Councilor Kennedy moved to establish a Peirce Island work session on February 8, 2021 at 6:00 p.m., seconded by Councilor Huda. Motion passed on a 9-0 roll call vote.

2. Request to Name Private Subdivision Road Located off Banfield Road

Councilor Kennedy moved to approve the request for naming of the new private road to Walford Lane, seconded by Councilor Huda.

Mayor Becksted asked if there are any relatives still in the area.
City Manager Conard stated she is not sure.

Councilor Lazenby stated that this is referred to as a previous "Plantation" and asked if there were slaves on this plantation.

City Manager Conard stated not to her knowledge.

Councilor Lazenby expressed concerned with not knowing the history before making this decision.

Councilor Trace stated that the first enslaved person in Portsmouth was in 1645, so slavery was here at that time.

ITEM WITHDRAWN

3. Request to Name New Public Street Located Between Cate Street & Route 1 Bypass

Councilor Kennedy moved to name the new public road extending between Cate Street and US Route 1 Bypass as Hodgdon Way seconded by Councilor Huda.

Mayor Becksted requested that we research whether there is a living relative to notify.

Motion passed on a 9-0 roll call vote.

4. 46 Maplewood Avenue – Temporary Construction License

Councilor Lazenby moved that the City Manager be authorized to execute and accept the temporary construction license regarding 46-64 Maplewood Avenue as submitted, seconded by Councilor Huda.

Councilor Kennedy discussed the negativity surrounding the issue on Penhallow stating they are only asking the questions that need to be asked. She stated we need to make sure that these temporary licenses are not affecting businesses and asked if there have been any neighborhood meetings regarding the Maplewood Avenue request.

Planning Director Walker stated there is a construction mitigation plan, but neighborhood meetings are not the practice for this type of license. She stated the applicant has not moved as quickly as they have wanted him to and this has been extended several times.

Councilor Kennedy stated she would encourage outreach to become part of the practice during the pandemic because different issues have come up.

City Manager Conard stated this will be incorporated.

Motion passed on a 9-0 roll call vote.

Councilor Kennedy moved to suspend the rules to allow the meeting to go past 10:30 p.m., seconded by Councilor Trace. Motion passed on a 9-0 roll call vote.

XVI. CONSENT AGENDA

- A. Letter from Linda Carter, Big Brothers Big Sisters of New Hampshire, requesting permission to close Pleasant Street on Saturday, September 25, 2021 from 1:00 p.m. – 4:00 p.m. and hold the 12th Annual Stiletto Sprint ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Nick Diana, New Castle 10K, requesting permission to hold the 3d Annual New Castle 10K Road Race from 9:30 a.m. – 11:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Banfield Woods Development Conservation Easement and Water Access Easement ***(Anticipated action -move to grant authority for the City Manager to accept and execute the water access easement and conservation easement deed and plans on behalf of the City in a form similar to those attached)***
- D. Request for License to Install a Projecting Sign for Owner Larry Booz for The Mercantile Portsmouth for property located at 10 Ladd Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

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

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

Councilor Lazenby moved to adopt the Consent Agenda, seconded by Councilor Tabor. Motion passed on a 9-0 roll call vote.

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

Councilor Tabor moved to accept e-mail correspondence and place on file, seconded by Councilor Lazenby. Motion passed on a 9-0 roll call vote.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on Various Items as Requested by Councilor Kennedy and Huda at the December 7th City Council meeting

City Manager Conard stated that the information for the Bike Lane report back will not be available for another week or 2 so will bring back for the January 11, 2021 meeting.

Councilor Huda clarified that she was looking for bond issue information on the entire CIP for each category and more specifically the fire truck.

Finance Director Belanger explained that the bond issues have already been authorized and then the fire truck was ordered. She stated that bonds are issued one a year but were not this past June so we are going out to bond in January or February.

Councilor Huda stated she is also looking for the costs going forward since John Bohenko's departure until it ends.

City Manager Conard explained that his health insurance will continued even after the extension.

Council Kennedy stated she still has questions regarding whether we are looking for other auditing firms as we have had the same one for many years. Secondly, she asked if she needs to make a motion to request a work session on the Sagamore Sewer issue.

City Manager Conard explained that she cannot set a date for that work session as bids still need to be received.

Finance Director Belanger stated that we are still using the same firm but there are new people working for them and there will be a different person giving the auditor's report this year.

Councilor Kennedy stated her third issue is contracted legal bills and wonders what the difference would be to hire someone dedicated to specific issues instead of outside contracting.

City Attorney Sullivan stated he thinks about that a lot but when something requires specialized expertise or is a one-time project, then we don't need to hire someone. He stated he will continue to monitor issues and look at which option is best.

2. Letter from Superintendent Zadavec Regarding Single Use Disposables

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Splaine asked about voting on the holiday parking issue this evening.

City Manager Conard stated she is concerned that it wasn't on the agenda.

City Attorney Sullivan stated it is the ruling of the Mayor.

Mayor Becksted stated that this is going to be a tough winter but we need to decide if we want to do this now or later when it is needed in the spring.

City Manager Conard explained that it will take a few days to reprogram the meters.

Discussion ensued regarding the pros and cons of implementing holiday parking at this time.

Councilor McEachern stated we have enabled the City Manager to implement more 15 minute parking spots to help with turnover and feels that is the best strategy at this time.

Councilor McEachern thanked the Creek Neighborhood, especially Eileen Roskoski and Allison Dudas, for their work and participation in the Illumination Walk.

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

Mayor Becksted wished everyone a safe and happy holiday season.

Councilor Kennedy moved to adjourn at 11:00 p.m., seconded by Councilor Huda. Motion passed on a 9-0 roll call vote.

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

PRESCOTT PARK COMMITTEE REPORT

Due to the large size of the Prescott Park Committee Report, which was previously distributed as part of the January 11, 2021 City Council packet and February 16, 2021 Council Work Session, this item can be found as an attachment on the city website February 22, 2021 Council meeting posting.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 22, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article III, Section 1.310 – Zoning Board of Adjustment and Article IV, Section 1.404 – Historic District Commission. Due to the current State of Emergency related to COVID-19, the public hearing on February 22, 2021 will be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

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KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK
February 12, 2021

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III **BOARDS**, Section 1.310 **ZONING BAORD 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.

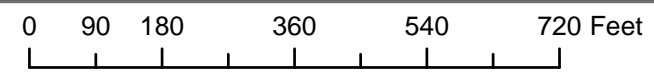
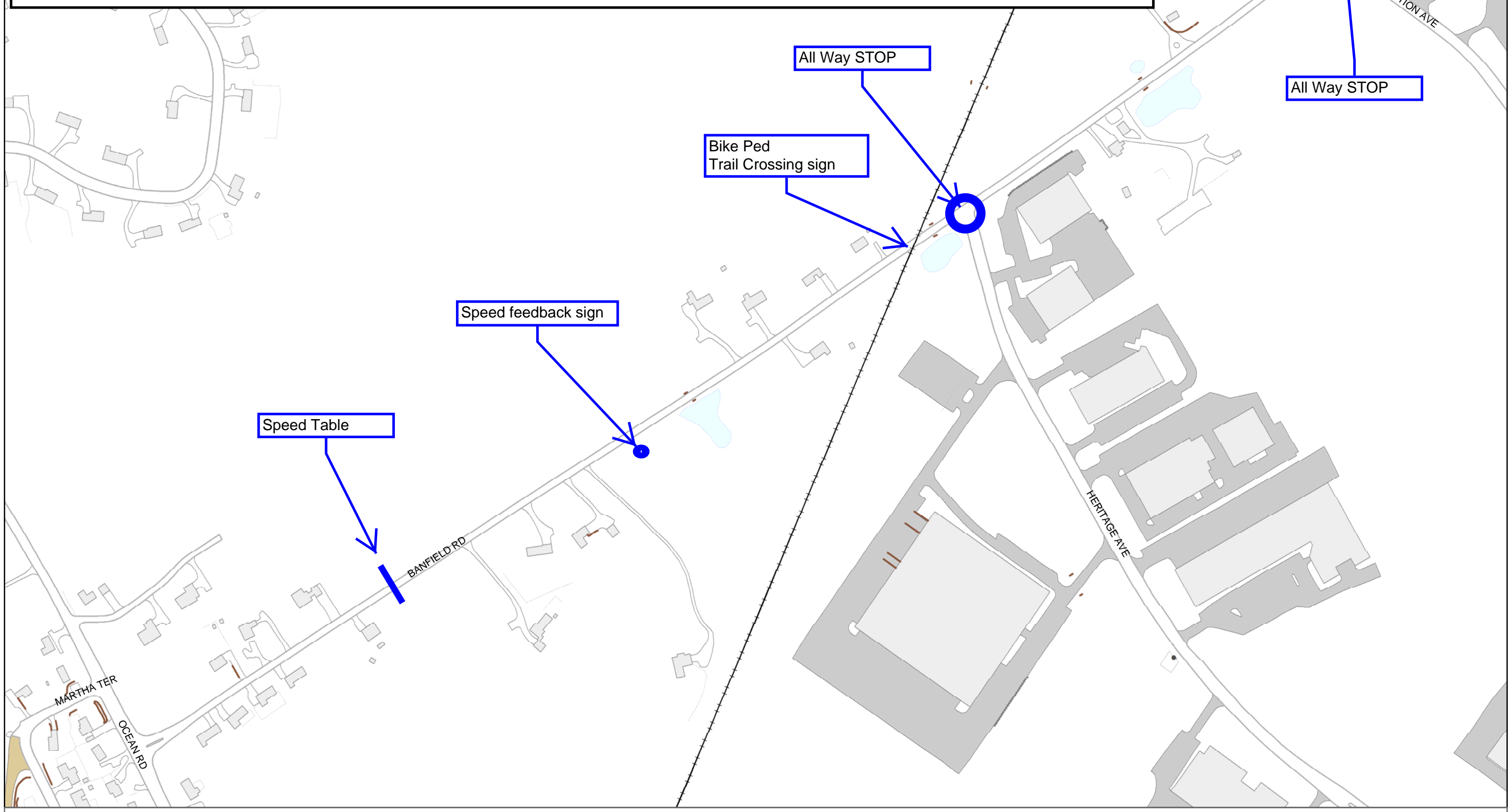
APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Banfield Road Draft Traffic Calming Plan

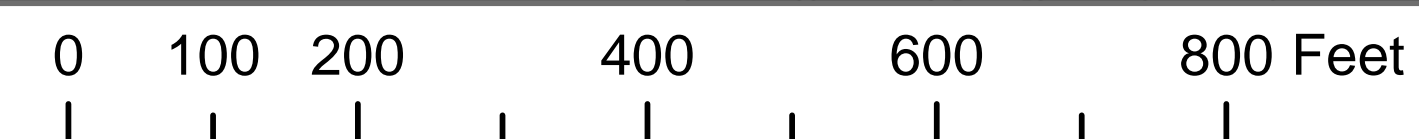
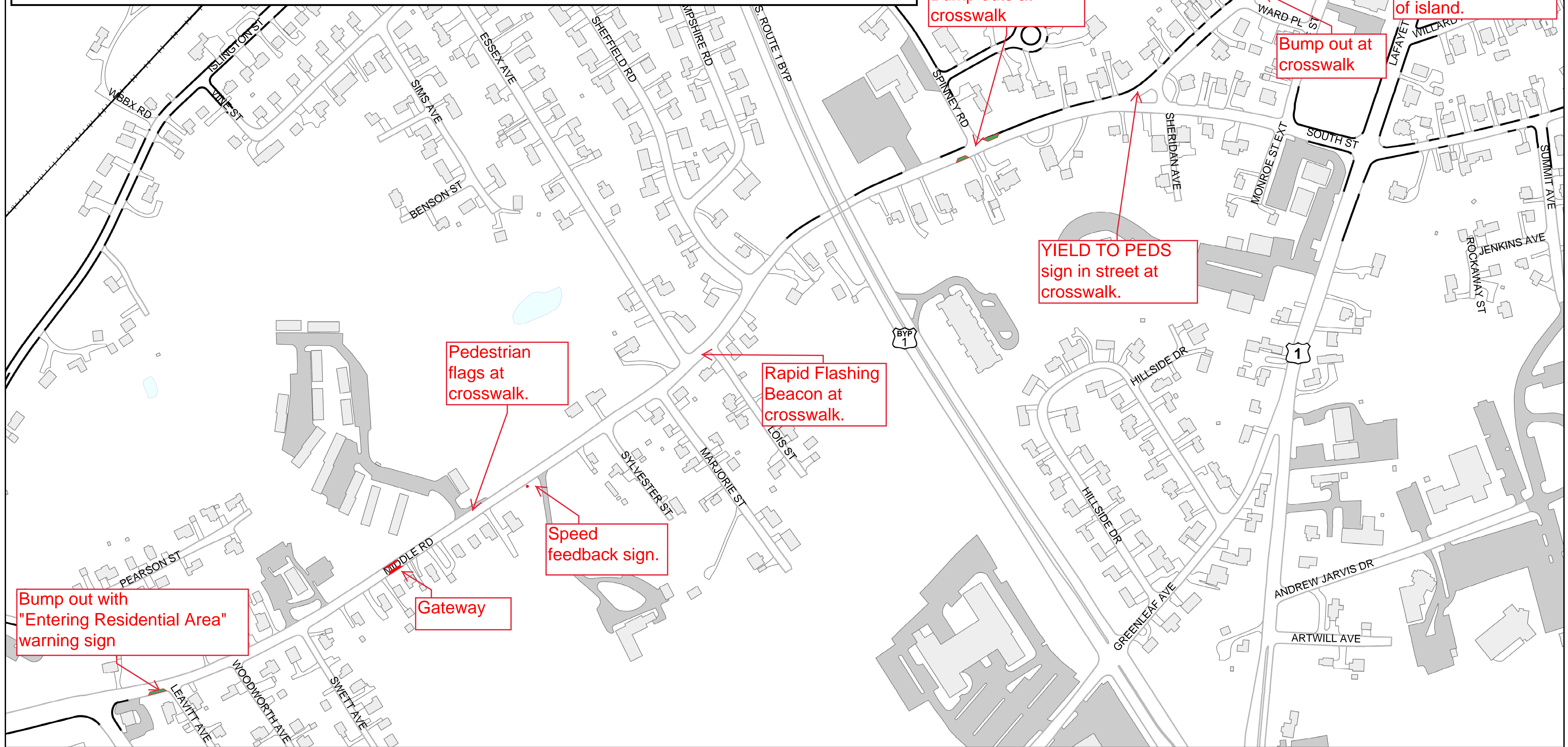


1 inch = 261 feet

DRAFT

Traffic Calming Corridor Plan for Middle Road

*subject to approval by City Council



1 inch = 284 feet

Bump out at Leavitt Avenue intersection



Add ENTERING RESIDENTIAL AREA sign here.

PEVERLY HILL RD

LEAVITT AVE



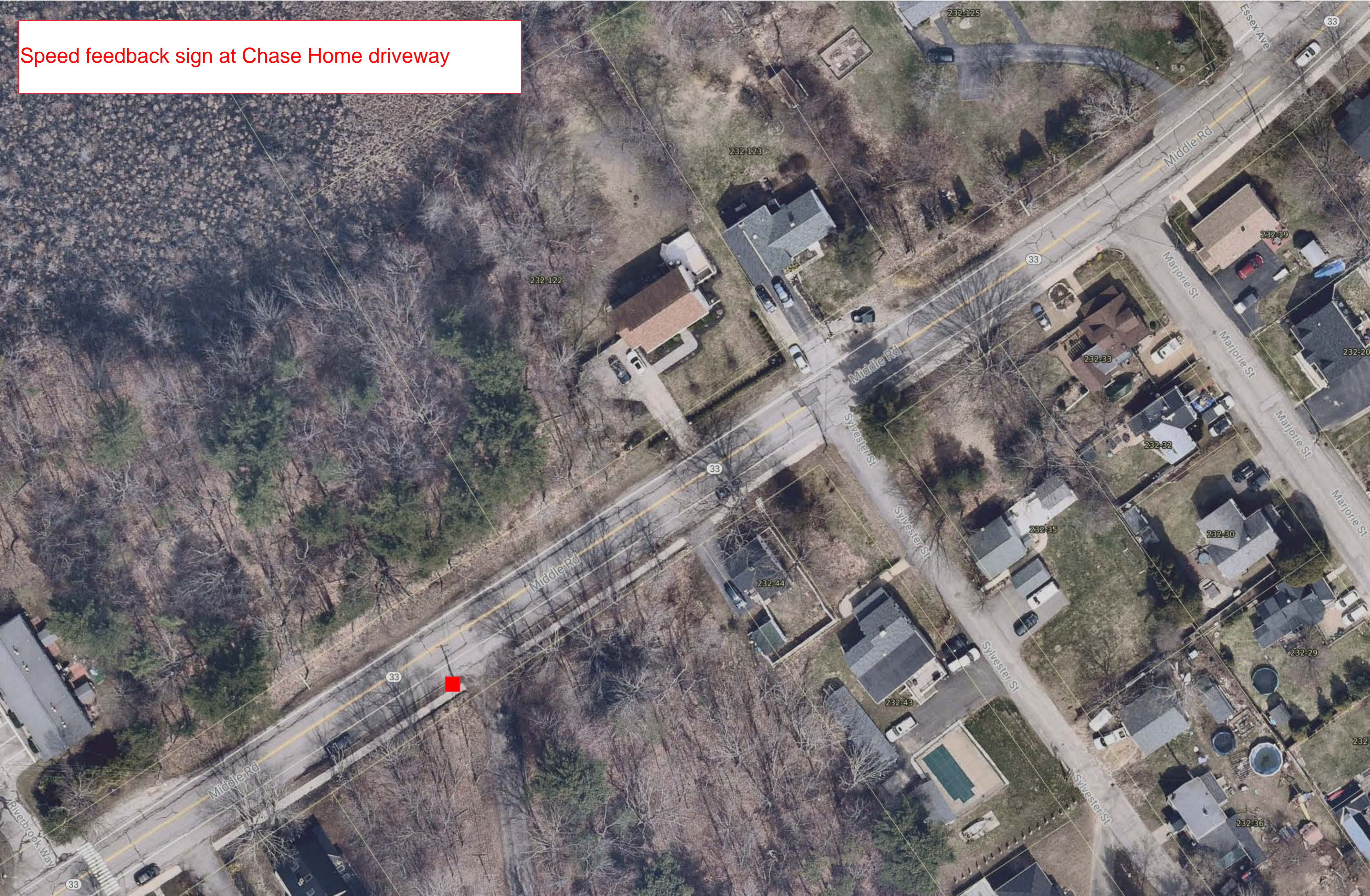
Possible pedestrian flags

ENTERING RESIDENTIAL AREA sign moved to Leavitt Avenue

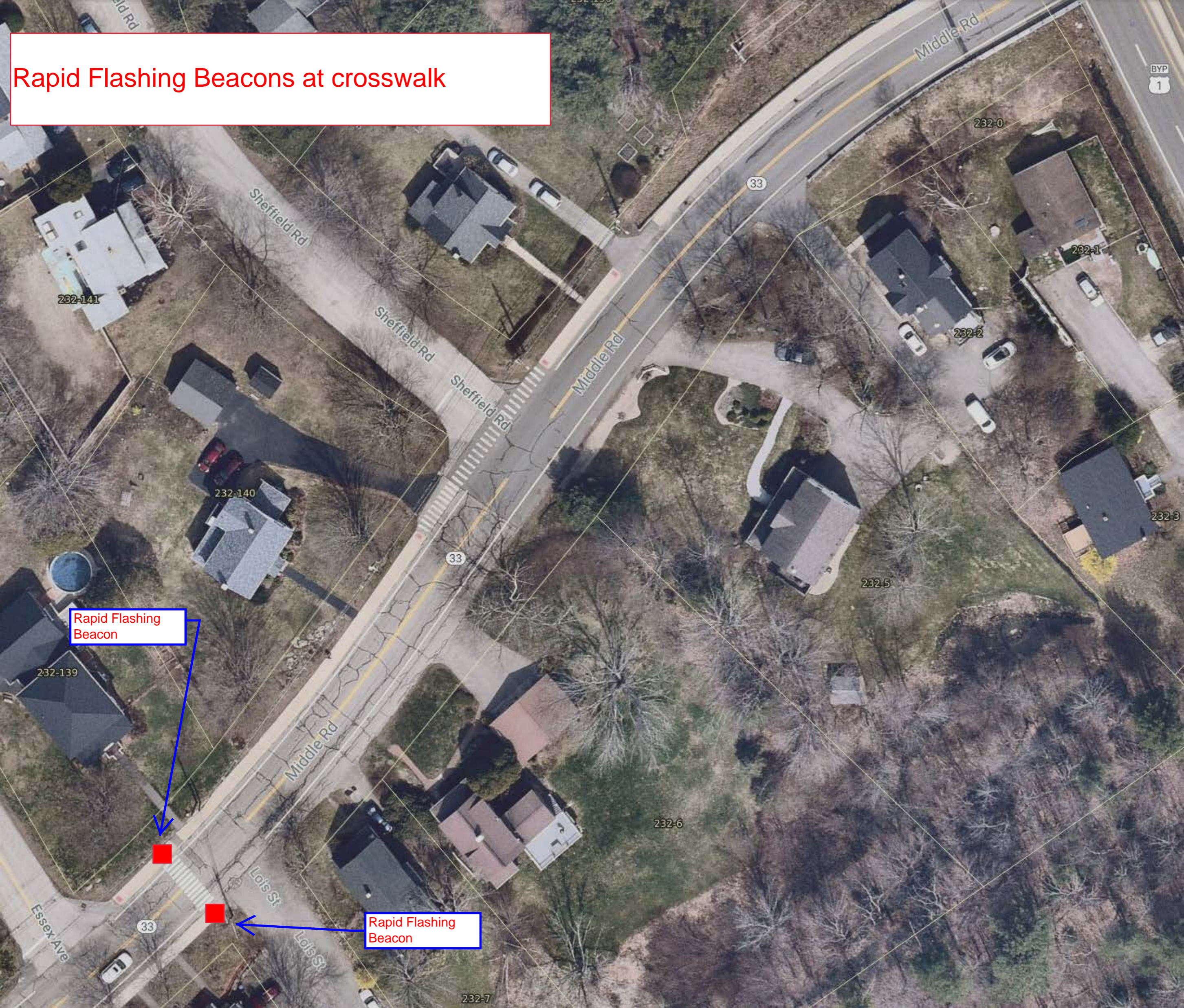
Possible pedestrian flags

Gateway bump outs

Speed feedback sign at Chase Home driveway



Rapid Flashing Beacons at crosswalk



Rapid Flashing Beacon

Rapid Flashing Beacon

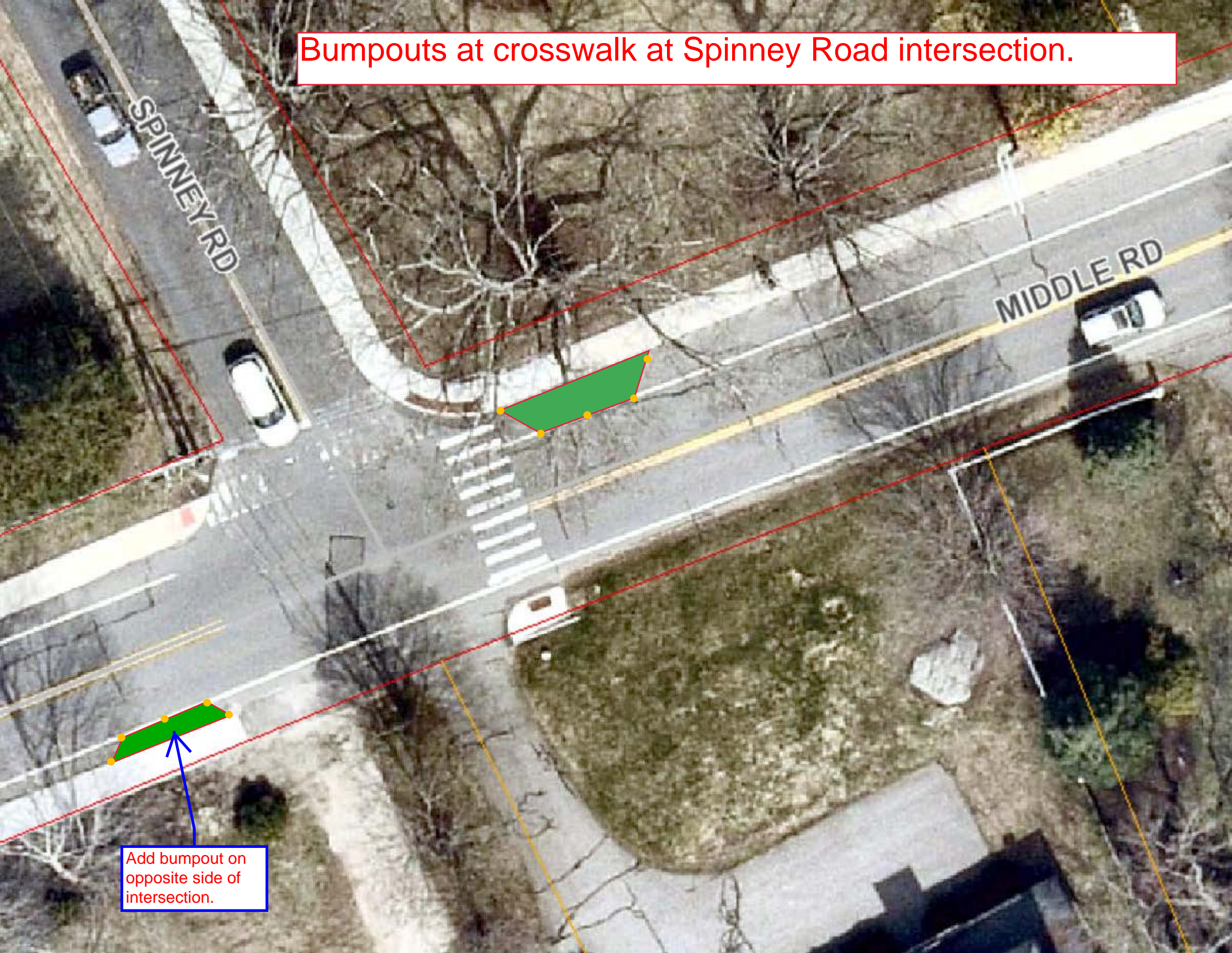
YIELD TO PEDS
sign in center of
road. Possible Red
flags.



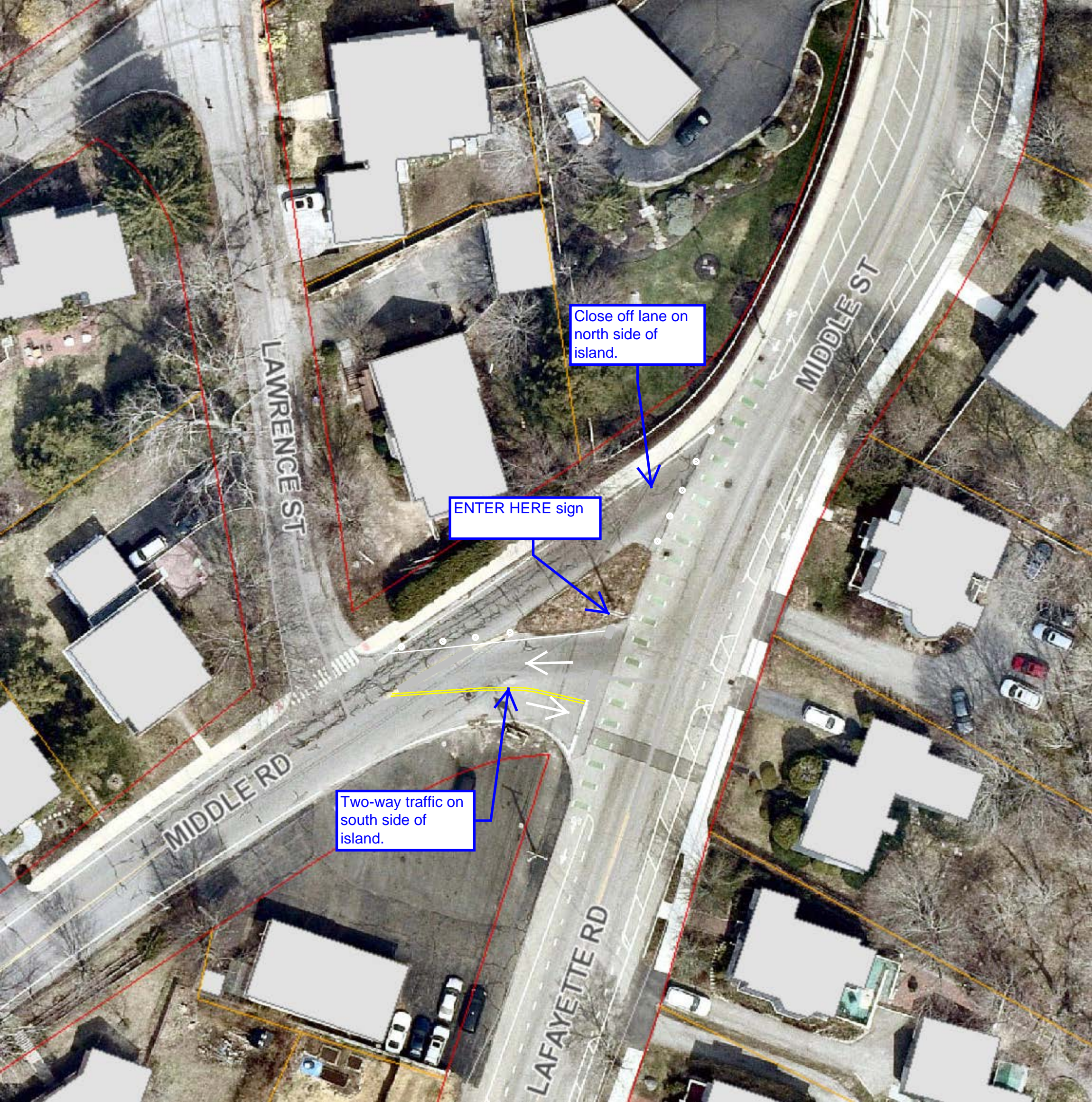
Future reconstruction
of intersection.
Potential options to
consider:
- 90 degree "T"
- roundabout



Bumpouts at crosswalk at Spinney Road intersection.



Add bumpout on opposite side of intersection.



Close off lane on north side of island.

ENTER HERE sign

Two-way traffic on south side of island.

**PARKING and TRAFFIC SAFETY COMMITTEE
ACTION SHEET**

8:00 A.M. – February 4, 2021
Remote Meeting via Zoom

PRESENT: City Councilor/Chairman Peter Whelan, City Manager Karen Conard,
Public Works Director Peter Rice, Fire Chief Todd Germain,
Police Captain Mike Maloney
Members: Mary Lou McElwain, Steve Pesci, Jonathan Sandberg,
Harold Whitehouse and Erica Wygonik (Alternate)

CITY STAFF: Parking and Transportation Engineer Eric Eby
Parking Director Ben Fletcher
Planning Director Juliet Walker

ACTION ITEMS NEEDING APPROVAL BY CITY COUNCIL
--

- | |
|---|
| <ul style="list-style-type: none">• <u>Report back on recommendations for traffic calming measures for Banfield Road.</u>
On a unanimous roll call 9-0, voted to present the report to the City Council with additional signage for pedestrian and bicycle crossings on Banfield Road.
• <u>Report back on recommendations for traffic calming measures for Middle Road.</u>
On a unanimous roll call 9-0, voted to move the pilot program forward to the City Council for their acceptance. |
|---|

1. Chairman Peter Whelan recited that this is a Remote Meeting via Zoom Conference Call. Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-20, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

2. Financial Report – **On a unanimous roll call, voted** to accept and approve the financial report dated December 31, 2020 as presented.

3. Public Comment Session – There were 5 speakers: Kelly Shaw (Banfield Road traffic calming), Liza Hewitt (Middle Road traffic calming), Jason Combs (Middle Road traffic calming), Rodney Rodriguez (Middle Road traffic calming), and Patrick Lyons (Middle Road traffic calming)

4. Report back on recommendations for traffic calming measures for South Street, from Lafayette Road to Marcy Street. Committee discussed improved speed limit signage, pavement markings and a possible signage campaign with Little Harbour School students to increase awareness in the area.

5. Report back on recommendations for traffic calming measures for Banfield Road. **On a unanimous roll call 9-0, voted** to present the report to the City Council with additional signage for pedestrian and bicycle crossings on Banfield Road.
6. Report back on recommendations for traffic calming measures for Middle Road. **On a unanimous roll call 9-0, voted** to move the pilot program forward to the City Council for their acceptance.
7. Aldrich Road neighborhood traffic calming meeting scheduled for February 23, 2021 at 6:30 PM – No action required.
8. Congress Street/Maplewood Avenue/Middle Street/Islington Street pedestrian signal changes update – Signal contractor will be replacing signal heads and signage will be moved to increase awareness.
9. Brewery Lane/Chevrolet Avenue area traffic study update – Data collection with consultant will begin soon.
10. Peverly Hill Road Complete Streets project update – Zoom meeting scheduled with the neighborhood on February 17, 2021 at 6:30 P.M.
11. Middle Street bike lanes status update – No action required.
12. Bicycle traffic volumes on Lafayette Road at South Street – No action required.
13. Traffic volumes during pandemic – No action required.
14. Monthly accident report from Police Department – No action required.
15. PTS Open Action Items – No Committee discussion.
16. Adjournment – At 9:26 a.m., **on a unanimous roll call 9-0, voted to adjourn.**

Respectfully submitted by:

Amy Chastain, Administrative Assistant, Department of Public Works

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

8:00 A.M. – February 4, 2021

Remote Meeting via Zoom

I. CALL TO ORDER:

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

II. ATTENDANCE BY ROLL CALL:

Members Present:

City Councilor/Chairman Peter Whelan

City Manager Karen Conard

Public Works Director Peter Rice

Fire Chief Todd Germain

Police Captain Mike Maloney

Mary Lou McElwain

Steve Pesci

Jonathan Sandberg

Harold Whitehouse

Erica Wygonik (Alternate)

City Staff Present:

Parking and Transportation Engineer Eric Eby

Parking Director Ben Fletcher

Planning Director Juliet Walker

III. FINANCIAL REPORT:

Parking Director Ben Fletcher commented that revenues are doing better than the revised budget, but it is still off compared to the original budget.

Public Works Director Peter Rice moved to accept and approve the financial report dated December 31, 2020 as presented, seconded by Mary Lou McElwain. **On a unanimous roll call, motion passed 9-0.**

IV. PUBLIC COMMENT:

Kelly Shaw commented on the Banfield Road project. Ms. Shaw thanked the City for helping to move the project along. Ms. Shaw commented that she hoped the three way stops and other traffic calming measures moved forward.

Liza Hewitt thanked staff for meeting with the neighborhood to discuss Middle Road traffic calming measures. She stated it will be interesting to see how the neighborhood feedback was incorporated into the final plans. A resident was involved in a hit and run at the Essex Avenue crosswalk. It would be good to install a Rapid Flashing Beacon (RFB) at that crosswalk. There should be more discussion about this. Bollards and bump-outs are only 3-season solutions because they are removed for the winter.

Jason Combs echoed Ms. Hewitt's comments. It was good for residents to give feedback. It will be interesting to see how the feedback is incorporated.

Rodney Rodriguez commented that he was the victim of the hit and run. Mr. Rodriguez thanked the staff for giving residents the opportunity to provide feedback. The goal is to make sure everyone is safe when traversing the street. It would be good to see a RFB at the Essex Avenue crosswalk.

Patrick Lyons echoed the previous comments regarding Middle Road traffic calming measures. Mr. Lyons appreciated the City putting a lot of effort into this effort. He has a child who is deaf and blind, so speed is a real challenge.

V. NEW BUSINESS:

No new business agenda items.

VI. OLD BUSINESS:

A. Report back on recommendations for traffic calming measures for South Street, from Lafayette Road to Marcy Street. Eric Eby commented that they conducted speed and volume studies at six locations along the South Street corridor. The average speeds were in the range of 25-30 mph on the lower end and the upper end had average speeds of 22-25 mph. The 85th percentile was 31-32 mph in the lower end and in the upper 20s mph for the upper end. The posted speed limit is 20 mph. By State law, a road like this should be 30-mph. The current speed limit is not consistent with State law. A reasonable speed would be 25-30 mph. South Street is classified as an arterial roadway and it is narrow. That limits the traffic calming options. Speed feedback signs, like the one before New Castle Avenue, can be added in other areas of the corridor. Bollards can be added, or the speed limit could be painted onto the road. The road is not wide enough to put in islands at the intersections. This data is being presented to the Committee to see if they had any ideas or thoughts. There is no staff recommendation at this time. It could be argued that speeding is not the problem. South Street has a speed limit problem. The 20-mph speed limit is inappropriate, but they do want to make sure vehicle speeds are lower near the schools when lights are flashing.

Erica Wygonik questioned if the school flashing lights were consistent with the current school times given the COVID-19 schedule. Eric Eby responded that the schools are in charge of the flashing signs, but he could check with them. Erica Wygonik commented that school access is the biggest concern. It is good to make sure they are doing what they can to slow speeds. The current speeds on the road are not out of character for the road itself, but there are schools and pedestrians in the area. It is a simple thing to make sure the flashing signs are activated at the appropriate times.

Harold Whitehouse mentioned the playground on the corner of South School Street and questioned if ripples in the roadway could be installed in that area. Mr. Eby responded that rumble strips are very effective in getting drivers attention, but they do make noise. When they are installed in residential areas, then they typically get complaints from residents.

Mary Lou McElwain commented that she and the neighbors appreciated the attention paid to this corridor. She noticed the studies were conducted during different years, and the most recent one was done in the winter. Traffic increases in warmer weather. There has also

been less traffic with schools not being open 5 days a week. The flashing speed limit sign has been very effective. More of them should be installed along the corridor. It would be good to see a flashing pedestrian sign like the one at Clough Drive near the playground on South School Street. People cross there often and don't use the RFB placed there. It would be good to have more police patrol on South Street issuing tickets and not just giving warnings.

Steve Pesci commented that they should rethink some of the 20-mph speed limits in the City. South Street should be more in line with State law and be 25-mph. It would allow police to better enforce this street. The speed limit of 20-mph is so impractical it's not having any effect. As the Committee looks at the speed limit network, the 20-mph zones should be limited to the dense downtown pedestrian area. Painting the speed limit in the roadway at the gateway is a good idea.

Erica Wygonik commented that the 20-mph speed limit signs are not to the current sign standards. They are too small and not retro reflective. She stated up to date signage could go a long way toward speed awareness as well.

Jonathan Sandberg commented that there may be an opportunity to engage the students at the Little Harbour School in a sign campaign. Students can create signs asking drivers to slow down.

Harold Whitehouse commented that his car has a bumper sticker saying that he is the "pace car" and it is effective.

Chairman Peter Whelan questioned if student signage would be effective. Eric Eby confirmed they could be. Signage could be posted in lawns abutting South Street. They could be similar to the "drive like your kids live here" signs.

Public Works Director Peter Rice commented that he would contact the art teacher at Little Harbour School about the idea. It would be good to reach out to the PTO for funding.

Mary Lou McElwain commented that she would be willing to coordinate with the art teacher.

Erica Wygonik noted that the PTO has been looking for remote friendly activities, so this could be a good idea for that.

B. Report back on recommendations for traffic calming measures for Banfield Road.

Eric Eby commented that they met with residents in November and conducted traffic counts and speed studies at Constitution Avenue and Heritage Avenue. Predominate flow is on Banfield Road with lower volumes on the side streets. Normally it is ideal to have a similar volume on all roads or at least a 60/40 split. The volumes in this area don't support that. However, there are limited sight lines at these corners, so an all-way stop is recommended because of that safety issue. Constitution Avenue is busy when Water Country is open in the summer. The alternative would be to remove more vegetation and work with neighbors for easements. An all-way stop at those locations would help to improve safety. The next idea would be to install a speed table halfway between Ocean Road and Heritage Avenue intersections. A speed feedback sign can be added on the road as well. Traffic calming

measures are concentrated on the area of the road that is mostly residential. These proposed measures can be incorporated into the consultant's contract.

Jonathan Sandberg noted that it would be helpful to add a pedestrian crossing sign at the rail trail to warn motorists. Eric Eby confirmed that they could put up a temporary sign until the rail trail becomes official.

Steve Pesci questioned if one of the all-way stops had a higher priority over the other. Eric Eby responded that the volume is steady at Heritage Avenue. However, the sight lines are limited at both locations. Both could use the all-way stop signs for safety improvements. It is a low-cost measure. Constitution Avenue is a higher priority in the summer, otherwise they are both equal priorities.

Steve Pesci questioned if the speed table would be okay for fire access. Fire Chief Todd Germain responded that the speed table was not a concern. It slows the truck down, but only temporarily. Eric Eby added that the speed table is designed for speeds of 25-30 mph. It is similar to the one on Maplewood Avenue. Fire Chief Todd Germain noted that this route was rarely used as a response route for Fire Station 2.

Harold Whitehouse questioned if snowplows would be impacted by the speed table. Public Works Director Peter Rice responded that he has not received any negative feedback from operating staff.

Mary Lou McElwain moved to present the report to the City Council with additional signage for pedestrian and bicycle crossings on Banfield Road, seconded by Harold Whitehouse. On a unanimous roll call, motion passed 9-0.

C. Report back on recommendations for traffic calming measures for Middle Road.
Eric Eby commented that they met with the neighborhood and presented their overall plan. The residents provided feedback that was included in revised plans. A bump-out with temporary bollards was proposed at Leavitt Avenue to see how it works. That would create a pinch point coming into the neighborhood. A diamond warning sign would be installed at the entrance to the residential area warning cars that they were entering a residential area. Further down the corridor there would be bump-outs in the long straight away. Pedestrian flags are proposed at the Riverbrook Condos crosswalk. This was not brought up with the neighborhood, but it could be considered. It's a low-cost improvement. Yellow flex posts down the middle of the road were proposed in one section. A speed feedback sign at the Chase Home driveway was also proposed. Mr. Eby stated the neighborhood did not want flex posts, so they were removed. The speed feedback sign was kept. Pedestrian flags could be added at the Essex Avenue location. There is no funding to include the flashing beacons. There were proposed flex posts at the intersection with South Street. However, based on residential feedback the flex posts were removed. There is a proposed yield sign in the middle of the crosswalk on Middle Road near South Street. As far as long-term solutions go, the intersection at Middle Road and South Street might be able to be reconstructed into a roundabout or a "T" intersection. Right now, traffic can take a turn onto South Street at 30-mph. A "T" intersection would force traffic to slow down as they turn. Bump-outs with flex post bollards are proposed at the intersection with Spinney Road. The bump-outs would create a pinch point and bring drivers' attention to the crosswalk. Another bump-out was added on the other side of the roadway as well. Bollards were not well received by the

neighborhood, so the plan was revised to eliminate most of them. The bump-out near the crosswalk will ensure people will not park too close to the crosswalk. The last intersection had a high rate of speed for traffic coming down Middle Street onto Middle Road. In the summer there are bollards for the bike lane that help to reduce speeds. Overall a "T" intersection configuration would be the best solution. There is enough width right now in the road to allow two-way traffic on one side of the island. It would force traffic to slow down for a right turn. Signage can be installed, and access to the other side of the island can be blocked off. This measure can be done quickly and easily.

Public Works Director Peter Rice commented that this is a pilot project. It is being proposed in order to collect data and better inform a permanent project. Initial funding will come in fiscal year 2022, but the bulk of funding will come in fiscal year 2024. This is an opportunity to see if options work and give the neighborhood the opportunity to see if they like it or not. The green shading on the plan will not be painted areas. There will be bollards in those locations.

Chairman Peter Whelan noted that this was discussed at length with the neighborhood. The neighborhood was informed that this is a pilot project, so if something goes wrong it can be changed. It is a great way to look at the corridor and try something new. He stated the pedestrian hit and run in the crosswalk was unacceptable, and changes need to be made.

Harold Whitehouse questioned if the flashing beacons would be funded from a grant or the operating budget. Public Works Director Peter Rice responded the beacons would be funded from the operating budget. They are not currently budgeted.

Steve Pesci commented that the revised plan was a good pilot project. The pedestrian flags would be a good use. They are currently used in front of the Durham Town Hall. It is a low cost, effective tool.

Mary Lou McElwain commented that she was not in favor of the bump-outs because they are very difficult for cyclists to maneuver around.

Jonathan Sandberg commented that making the Middle Road/Middle Street a "T" intersection would be a good solution sooner rather than later. That area is especially hazardous for cyclists. It would be good to see the area addressed.

Harold Whitehouse questioned if the area was all city-owned property. Public Works Director Peter Rice confirmed it was.

Mary Lou McElwain commended Eric Eby and his team for the good work on this pilot project. The neighbors have given great feedback. It will be a positive step for the neighborhood.

Chairman Peter Whelan agreed that the team did a good job and questioned when these measures could be implemented. Eric Eby responded that, depending on funding, it would likely be in the spring.

Erica Wygonik questioned if the bump-outs at the Spinney Road intersection were offset from the pedestrian crosswalk because of driveway access and truck turning movements. Eric

Eby confirmed that was correct. Erica Wygonik noted that the bump-outs don't shorten the crossing distance. Eric Eby responded that it does a little on one side because pedestrians can walk out to the edge of the bump-out.

Public Works Director Peter Rice moved to move the pilot program forward to the City Council for their acceptance, seconded by Steve Pesci. On a unanimous roll call, motion passed 9-0.

VII. INFORMATIONAL:

A. Aldrich Road neighborhood traffic calming meeting scheduled for February 23, 2021 at 6:30 PM. Eric Eby commented that notices were mailed to the neighborhood. The meeting will be to discuss possible traffic calming measures.

Harold Whitehouse questioned if the meeting would be broadcasted live on Channel 22. Public Works Director Peter Rice stated he could join the meeting via Zoom.

B. Congress Street/Maplewood Avenue/Middle Street/Islington Street pedestrian signal changes update. Eric Eby commented that the signal contractor will be installing a flashing right turn arrow. It will bring awareness to the traffic turning right that they should look for pedestrians. Signage warning traffic to look for pedestrians will be moved to eye level.

Jonathan Sandberg commented that he passes through the intersection twice a day. The most dangerous point is going past Discover Portsmouth trying to cross Islington Street. Cars coming from Islington Street turning right onto Middle Street do not look for pedestrians. The shrubs around Discover Portsmouth hide the sidewalk. The sidewalk should be pushed further into the intersection to force cars to go wider and pay more attention.

Mary Lou McElwain agreed it is a dangerous intersection. She was almost hit by a car at the intersection. She thanked Eric Eby for taking action.

C. Brewery Lane/Chevrolet Avenue area traffic study update.

Eric Eby commented that they have a contract in place with a consultant. The firm will be conducting traffic, pedestrian and truck traffic observations for the area. This will be a holistic look at the area in order to improve traffic and pedestrian flow. Public Works Director Peter Rice commented that they were using previously appropriated funding for this study.

D. Peeverly Hill Road Complete Streets project update.

Eric Eby commented that there would be another public meeting on February 17, 2021. Notices were mailed. There is a completed preliminary design on this project that is ready to be submitted to NHDOT. Before it is submitted, staff will meet with the neighborhood to make sure they are comfortable with the plan because it does involve easements. It is good to make sure everyone is on board because federal funding will be used.

Chairman Peter Whelan questioned if this would come back to PTS after the neighborhood meeting. Public Works Director Peter Rice noted that the intent was to report back to City Council because the additional meeting was their request.

E. Middle Street bike lanes status update.

Eric Eby commented that the City hired a peer review consultant to look at the current implementation and consider changes proposed by the City Council. The consultant made a presentation to the City Council and recommended not changing the parked car position because it provides protection to cyclists. There was a recommendation for improvements to the bike lanes with flashing pedestrian lights and bollards to improve sight lines and safety.

Public Works Director Peter Rice clarified that this was for a section of the bike lane and not the entire bike lane corridor.

Harold Whitehouse questioned if the City would have to return the federal monies if they did not comply by the design. Public Works Director Peter Rice responded that there were no final decisions made. The State would consider it once they saw something concrete. It was implied by NHDOT staff that the money would go back if major changes were made.

F. Bicycle traffic volumes on Lafayette Road at South Street.

Eric Eby commented that the bike traffic during the winter has consistently been in the single digits on the bike lanes. There is continuous use even in the winter.

Erica Wygonik commented that it was important to make sure that the snow was cleared as much as possible to keep the bike lanes safe.

G. Traffic volumes during pandemic.

Eric Eby commented that the traffic volumes were holding steady at 80-85% of the pre-pandemic levels.

H. Monthly accident report from Police Department.

Police Captain Mike Maloney clarified that he did not include non-reportable accidents in the most recent report. The past reports included both reportable and non-reportable. Because of that it looks like a 50% drop, but that's because non-reportable accidents were included in previous reports. Police Captain Mike Maloney questioned if the Committee wanted both types of accidents included in the report.

Jonathan Sandberg commented that it should be consistent to be a fair comparison. Police Captain Mike Maloney noted that 25% of all City accidents occurred in parking lots. The report can be run both ways as well.

Erica Wygonik commented that a report with reportable crashes is a nice standard, but it would be helpful to understand how the numbers relate to past years. Erica Wygonik questioned if reportable crashes included any bike and pedestrian accidents. Police Captain Mike Maloney confirmed those were always reportable.

Mary Lou McElwain commented that she did not remember reading or hearing about the pedestrian hit and run accident. It is important to report those because the community should know about it.

Police Captain Mike Maloney commented that this was still an open criminal investigation, so he could not share a lot of information.

I. PTS Open Action Items. No Committee discussion.

VIII. MISCELLANEOUS:

Mary Lou McElwain commented that she received an email from Doug Roberts about complaints about residents being overcharged at the parking garages because of the snow parking ban. She asked why the parking meters were still charging on holidays. She also noticed the crossing guards were not consistently using the flashing stop signs.

Parking Director Ben Fletcher explained what happened regarding the person who believed they were overcharged at the parking garage. He addressed the flashing stop signs used by the crossing guards. He also stated there are 9 holidays where the City does not conduct enforcement. The meter vendors do not allow the City to handle messaging on the machines. It is difficult to get the vendor to change the display in a timely fashion for that specific day.

Chairman Peter Whelan noted that he received a letter from Abby Frank who lives at 169 Madison Street. She was concerned about the crossing at Madison Street and Middle Street. Ms. Frank requested that a flashing crosswalk sign be added at the crosswalk. Eric Eby stated the crosswalk has been identified, but there is no funding for improvements. This concern is noted, and they will see what they can do with funding at a future time. Jonathan Sandberg noted that this could be another location where they try the pedestrian flags.

Eric Eby commented that he received a request this week for a crosswalk on Greenleaf Avenue by Hillside Drive. This will be presented to the Committee with a report back at a future meeting.

IX. ADJOURNMENT:

Harold Whitehouse moved to adjourn the meeting at 9:26 a.m., seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

Respectfully submitted by:

Becky Frey
PTS Recording Secretary

MEMORANDUM

January 5, 2021

To: Eric B. Eby, P.E., Parking and Transportation Engineer

Organization: Department of Public Works, City of Portsmouth

From: Jeremy Chrzan, P.E., PTOE, LEED AP, Multimodal Design Practice Lead

Re: Middle Street Bike Lane Peer Review

Toole Design has completed a review of the Middle Street Bike Lane design plans and implementation to assess concerns of safety and compliance with applicable design guidelines and best practices. The review included a review of the construction plans, as well as an on-site assessment to observe street operations and measure intersection sight distances and the constructed lane widths. Toole Design also reviewed the requested modifications from City Council, to place the on-street parking against the curb and locate the bike lane between the travel lane and parking lane. This memorandum summarizes our review of the existing design and implementation, the City Council requested modifications, and our suggested revisions for the Middle Street corridor.

Middle Street Bike Lane Review

Existing Conditions Review

Toole Design visited the project corridor (Middle Street from Cabot Street to Lincoln Avenue) on Monday, November 10, 2020 beginning around 7:20 AM. General observations were made, the installed pavement markings and signs were compared against the proposed plans, and sight distances were measured at each intersection.

General Observations

The review team was on-site for several hours and made observations that helped to inform our review and recommendations.

- As the site assessment was conducted in the Fall, leaves often covered at least 1' to 3' of the right side of the bike lanes, making the bike lanes appear narrower. People biking were often observed riding closer to the left side of the bike lanes where leaves occupied the right side; however, even in areas without leaves people biking tended to stay closer to the left edge of the bike lanes.
- A lack of vertical elements (flexible delineator, curb, etc.) in painted buffers means that parked vehicles can physically encroach into the buffer between the on-street parking and bike lane; however, when motorists parked within the designated parking spaces, the opened vehicle doors were not observed protruding into the bike lanes. See Figure 1.
- The crown of the roadway follows the baseline of the design plans and therefore deviates from the current painted center line in some portions of the roadway. This is particularly noticeable through the curve

between Aldrich Rd and Park St/Cass St. In this section, vehicles often drove on/over the NB bike lane buffer or the double yellow centerline travelling southbound.

- Although the pavement was often in reasonable condition, it exhibited some cracking, a variety of areas of disturbance from utility patches/installations, and an exposed pavement seam between Union Street and Cabot Street within the bike lane. See Figure 1.
- In addition to the above noted pavement seam within the bike lane between Cabot Street and Union Street, a catch basin also exists in this vicinity with some crumbling pavement surrounding it and a noticeable drop in elevation from the pavement surface to the catch basin grate. See Figure 1.
- The pavement marking lane lines appeared to be traffic paint rather than thermoplastic pavement markings. The existing markings were faded throughout the corridor.
- Flexible delineators were installed in some locations but were inconsistent and did not match the design plans.
- Some southbound bicyclists were observed traveling in the travel lane and waiting to enter the bike lane until Union Street.
- Bicyclists who entered at the bike lane taper south of Cabot Street often slowed down if they saw that a person was active at the on-street parking spaces. Additionally, the bicyclists would often not directly follow the painted taper but would instead ride over the painted buffer nearest the curb to move further away from the parked vehicles.



Figure 1: Photo of pavement seam and catch basin at start of southbound bike lane, and parked car with open door visible

Sight Distance Measurements

Two different sight distances were measured for each intersection within the project corridor. These intersection sight distances were checked in conformance with the AASHTO “A Policy on Geometric Designs of Streets and Highways” and the Portsmouth Department of Public Works “Driveway Rules and Procedures.” Stopping sight distances (SSD) on Middle Street were measured to confirm if a motorist could see and stop if a person or vehicle was about to enter the intersection. Intersection sight distances (ISD) were measured from the point of view of a motorist on a side street looking left and right along Middle Street to see if a vehicle is approaching. These measured sight distances, and the Minimum SSD and Desirable ISD based on the 30mph posted and observed speeds, are summarized in Table 1. The Minimum SSD and Desirable ISD values may be reduced when the posted speed limit is reduced to 25mph, as approved by the City, and if observed speeds are reduced.

The measurements for ISD were taken from the stop bar and 15’ back from the edge of the curblines where necessary. Although this is standard practice for measuring sight distances, in practice drivers do not assess sight distances from a single location but instead they pull up to the stop bar, assess if pedestrians are present, then advance forward to check for the presence of bicycle traffic, and then advance forward to check for approaching motorist traffic. This method allows a motorist to position themselves in the locations where they can best see approaching street users. This is particularly important for locations where on-street parking may be present so that a driver can identify the location where they can best see approaching traffic based on the specific vehicles that may or may not be parked in the on-street parking spaces, and their ability to see through a parked vehicle’s window, across their hood, or between gaps in the vehicles. Where the ISD is less than desirable, these locations

were often limited by roadway geometry, adjacent vegetation, adjacent buildings, or on-street parking. Although the provision of ISD is desirable at intersections to allow a motorist exiting the side streets to do so without Middle Street traffic slowing, the minimum requirement for any intersection is to at least provide the minimum SSD.

The measurements for SSD were taken from the face of curb at the side streets to the center of the travel lane on Middle Street. All intersections met the minimum SSD. Pedestrians were observed using the painted buffer between the bike lane and traffic lane as a de facto pedestrian refuge. This allows a pedestrian to position themselves to be more visible to an approaching motorist and effectively increases the available sight distance. Similarly, the available sight distance is improved when drivers advance forward to stop at the edge of the travel lane instead of at the curblin as discussed in the ISD summary.

Based on measured distances and observations about how the intersections operate, it appears that sight distances are generally good, but some locations would benefit from trimming adjacent roadside vegetation and some minor adjustments to on-street parking would be desirable to increase intersection visibility. These recommendations are outlined at the end of this memorandum.

Table 1: Stopping and Intersection Sight Distances

Location/Sight Distance	Minimum SSD	Measured SSD	Desirable ISD	Measured ISD
Middle Street at Lincoln Avenue:				
From the North	200'	305'	335'	182' **
From the South	200'	500'+	290'	500'+
Middle Street at Aldrich Road*:				
From the North	200'	500'+	290'	500'+
From the South	200'	500'+	335'	133' / 112' **
Middle Street at Park Street*:				
From the North	200'	500'+	335'	500'+
From the South	200'	254'	290'	188' / 143' **
Middle Street at Cass Street:				
From the North	200'	207'	290'	187' **
From the South	200'	380'	335'	390'
Middle Street at Wilbird Street:				
From the North	200'	500'+	335'	198' **
From the South	200'	500'+	290'	480'
Middle Street at Madison Street:				
From the North	200'	451'	290'	131' **
From the South	200'	215'	335'	68' **
Middle Street at Union Street Eastbound:				
From the North	200'	495'	290'	95' **
From the South	200'	500'+	335'	97' **
Middle Street at Union Street Westbound:				
From the North	200'	500'+	335'	170' **
From the South	200'	500'+	290'	128' **
Middle Street at Highland Street:				
From the North	200'	500'+	335'	500'+
From the South	200'	500'+	290'	500'+
Middle Street at Cabot Street:				
From the North	200'	307'	290'	125' **
From the South	200'	250'	335'	97' **

* Due to the setback of the minor street STOP bar, two ISD measurements were collected; one from 15' from the major street edge of roadway and one from the location of the STOP bar.

** Although Measured ISD is less than Desirable, in all cases the Minimum SSD is provided at each intersection. Additionally, the available ISD is significantly higher than indicated as drivers advance forward from the curblin into the bike lane to check for on-coming motorist traffic.

In addition to reviewing intersection and stopping sight distances, the team reviewed the sight distance conditions at the start of the southbound bike lane from the perspective of a person exiting an on-street parking space. This location was reviewed because it was the location of the only bicycle crash on the corridor. In this location, bicyclists are transitioning from a shared lane to a separated bike lane immediately behind the parked cars, so this could complicate a passenger's ability to see an approaching bicyclist. Our team's review found that when a passenger leans forward, they can better see the entirety of the bike lane and portions of the adjacent travel lane; however, additional recommendations to increase the sightlines at this location are included at the end of this memorandum.



Figure 2: Passenger's view from on-street parking if leaning forward in seat, with the approaching travel lane and entirety of bike lane visible

Lane Width Measurements

The lane widths proposed on the plans do not always match those installed in the field. Some select locations have motorist travel lane widths less than 10 ft wide; 9 ft 7 in. was the narrowest lane we measured. Although this is not a concern on straight segments of roadway, narrower lanes through curved sections of roadway can be somewhat more difficult for a motorist to navigate and may be the reason why some motorists were observed encroaching over the double yellow line or into the painted buffer along the bike lane.

Safety Data Review

Crash Data

Toole Design reviewed the crash data provided by the City. Based on the three years of data available, it appears that 26 crashes occurred the year prior to the implementation of the bike lane, 26 crashes occurred the first year that the bike lane was installed, and 12 crashes occurred the second year after the bike lane was installed. As such, there has been an overall decrease in crashes since the bike lanes were installed. A review of the crashes themselves showed that motorists struck parked vehicles 5 times in the first year of the bike lane installation and only 1 time in the second year. This reduction in number of overall crashes and reduction in drivers crashing into parked vehicles may imply a growing familiarity with the current conditions. A crash between a bicyclist and a passenger opening their door occurred in the second year of installation and is the only reported bicyclist crash in the two years since installation. Suggestions to address this crash type are included at the end of this memorandum. Other than the crashes with parked vehicles and the bicyclist-dooring incident, it appears that all other crashes were related to driver error and not directly attributable to the presence of the bike lane, on-street parking, available sight distances, etc.

Speed Data

Speed studies were provided by the City from 2014 through 2020. Although there were only a few locations where speed data was taken consistently from the same location, it appears that motorist travel speeds have not changed since the bike lane was installed with 50th, 85th, and 95th percentile speeds typically changing no more than +/- 1mph from year to year. The 95th percentile speeds (i.e. the fastest drivers) varied from 31 to 36mph and the average speeds varied from 26 to 31mph.

Review of City Council Request

Toole Design was asked to review the request from City Council to modify the bike lanes by reconfiguring the roadway to place the on-street parking against the curb and the bike lanes between the curbside parking and the vehicular travel lanes.

As stated on the City's Planning Department website, the goal of this project was "to make travel along a critical section of Route 1 safer and more appealing for pedestrians and bicyclists of all ages." This provision to accommodate people of all ages and abilities is a recognition that many people are interested in bicycling for transportation, but that most people are not comfortable bicycling with motor vehicles.

In 2019, the Federal Highway Administration (FHWA) released the Bikeway Selection Guide discussing this issue of accommodating people of all ages and abilities. Using a methodology that considers a person's level of comfort when bicycling on streets, they developed the bikeway selection table shown in Figure 3.

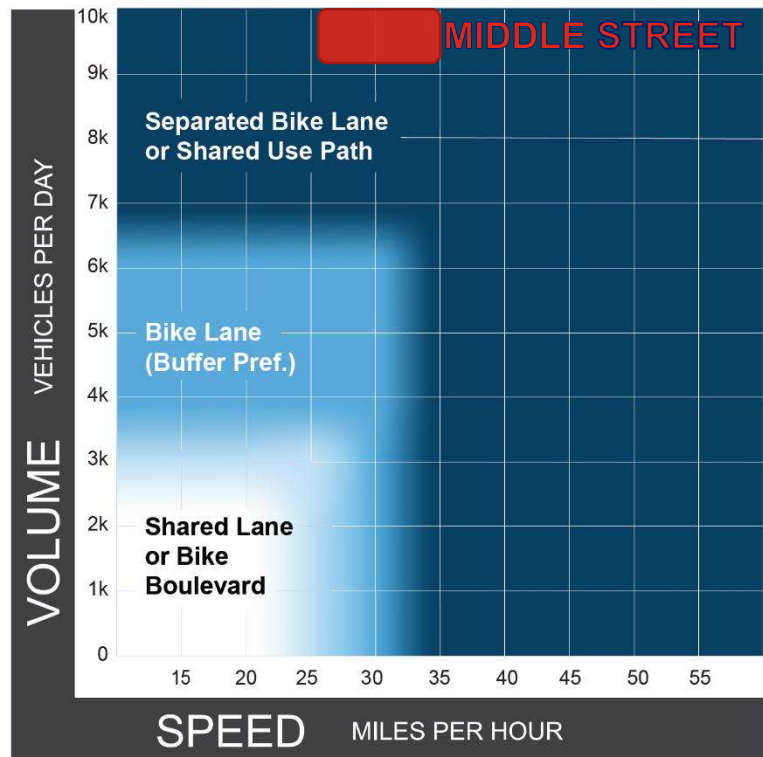


Figure 3: FHWA Preferred Bikeway Type - Middle Street identified

Figure 3 illustrates that as motor vehicle speeds and volumes increase, the need for additional separation from motorists similarly increases.

In reviewing the conditions of Middle Street through the project area, the traffic volumes are around 10,000 vehicles per day pointing to a need for separation between bicyclists and motorists to accommodate people of all ages and abilities. Similarly, with motorist speeds of the fastest drivers exceeding 30mph the provision of increased separation between people driving and biking is desirable.

In addition to the desire to make the street safer for people walking and biking, the crash data implies that at least in the most recent year for which crash data was available the current configuration has also increased motorist safety.

Finally, the location of the bike lane between the curblines and on-street parking generally results in better sight lines for drivers exiting driveways and side streets to see people bicycling first before advancing forward to look for motorists. If the bike lane were moved to the other side of on-street parking, it would effectively reduce the ISD because drivers exiting driveway and side streets would need to be able to view a bicyclist traveling adjacent to the on-street parking instead of only the motorist in the center of their lane like they do today. If the Council-requested conventional bike lane were implemented, we would recommend reducing the number of on-street parking spaces compared to the current conditions, and removal of the parking entirely in some areas, to provide adequate intersection and driveway sight distances to the bike lane.

Recommendations for Middle Street

After review of the site conditions, provided engineering plans, and available data, Toole Design recommends that the current separated bike lane configuration should generally remain, but that some modifications be implemented to improve the safety and comfort for all street users.

1. **Roadway resurfacing and restriping:** The pavement condition exhibits areas of cracking, unevenness, pavement scarring from utility work, lane striping, and crack sealing, as well as catch basin grates at different elevations from the surrounding pavement. Resurfacing the roadway will provide a smooth and stable surface allowing bicyclists to use the entirety of the provided bike lane and provide clarity of the lanes for motorists. When resurfacing the roadway, the roadway crown should align with the striped roadway centerline and the catch basin grates adjusted to match the pavement surface. It is recommended that all pavement markings should be retroreflective thermoplastic to guide motorists through the street alignment. Where horizontal curves exist, consider the use of reflective raised pavement markings to better guide motorists through the street alignment.
2. **Lane width considerations:** When restriping the roadway, ensure that all 10-foot wide lanes are installed to meet this minimum width. However, where horizontal curves exist along the corridor, consider balancing the lane widths to provide equal lane widths in each direction, i.e. 10.5' wide for both lanes instead of 11' in one direction and 10' in the other direction. This may help to address the over-tracking seen in the field where motorists traversed over the bike lane buffer.
3. **Bike lane alteration near Cabot Street:** The transition for a southbound bicyclist from the shared lane to the separated bike lane near Cabot Street should be adjusted to avoid the transition occurring immediately behind the on-street parking. As depicted in Figure 4, the preferred option would be to remove the on-street parking space immediately south of Cabot Street and begin the bike lane at Cabot Street. Removal of this parking space would maximize the amount of time that a bicyclist is visible to people entering/exiting the on-street parking further to the south. This parking removal would also increase the ISD and SSD at this intersection and help to make pedestrians more visible at the crosswalk. Alternatively, the taper could occur immediately south of this on-street parking space (approximately

Station 49+50), but this would not increase any intersection sight distances at Cabot Street. Although the shared lane markings could be removed from southbound Middle Street in this section, we recommend retaining these markings so that bicyclists already traveling southbound who wish to turn left on Highland Street can more easily make this connection. Bicyclists connecting from Cabot Street to Highland Street

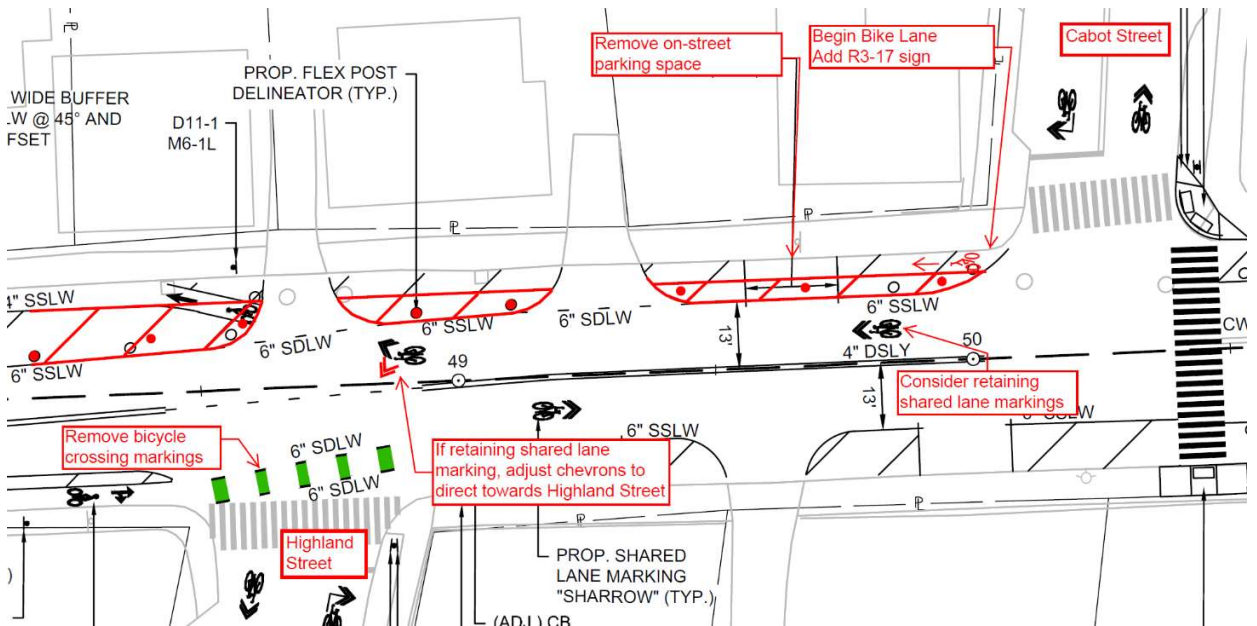


Figure 4: Preferred bike lane alteration near Cabot Street

can use the shared lane; however, it is more likely that bicyclists will use the separated bike lane and then use the driveway across from Highland Street to make this connection.

4. **Increase sight distances:** In addition to trimming vegetation at intersections, it is recommended that one (1) on-street parking space be removed south of Cabot and south of Madison Street. At both locations the parking limits sight distances for motorists and can also block sightlines between motorists and crossing pedestrians. Given that the parking space near Madison Street is also designated as a handicapped space, it is recommended that this sign be relocated to the first space on Madison Street. The removal of this parking space will also allow for an adjustment to the horizontal roadway alignment, as depicted in Figure 5, to replace the existing reverse curve with a single horizontal curve, essentially straightening the street for drivers.

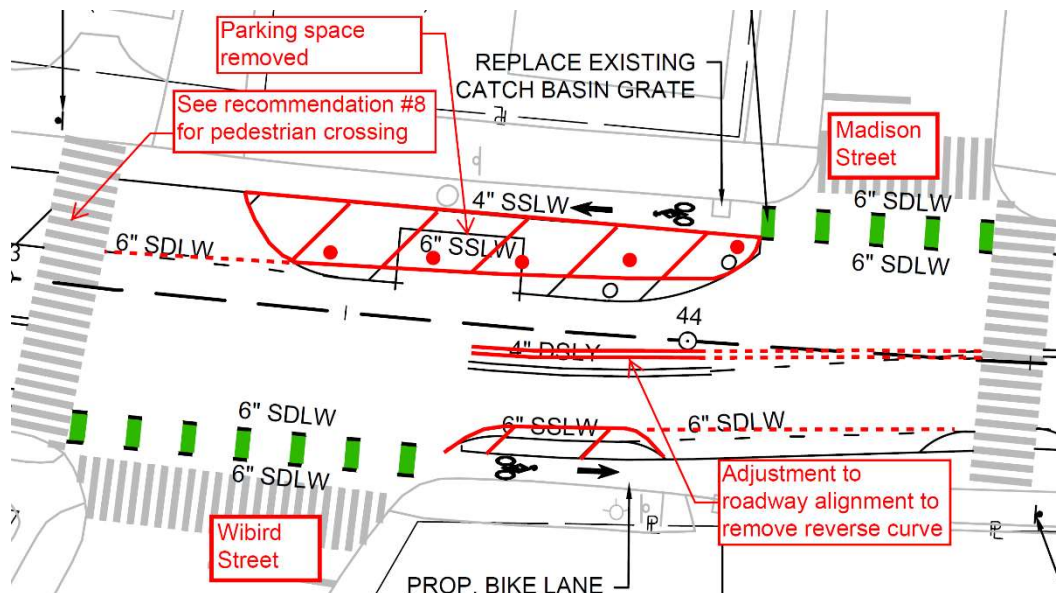


Figure 5: Parking space removal near Madison Street and Middle Street realignment

- Delineators to address on-street parking:** The crash data indicates that drivers had struck parked vehicles, particularly at locations where parking is located along the outside of a curve, such as the parking across from Lincoln Ave. Where these conditions exist, consider adding delineators preceding the on-street parking. Although the delineators could be installed along the edge line parallel to the roadway, it may be beneficial to install delineators along a taper (see Figure 6) so that they are more visible to drivers and can guide towards the travel lane. Delineator posts may also be considered within the buffer between the bike lane and on-street parking to help motorists to avoid parking in the buffer. If provided, these delineators should be located near the front wheel of the vehicle to avoid conflicts with opening doors and to maintain access aisles in front of and behind each vehicle.

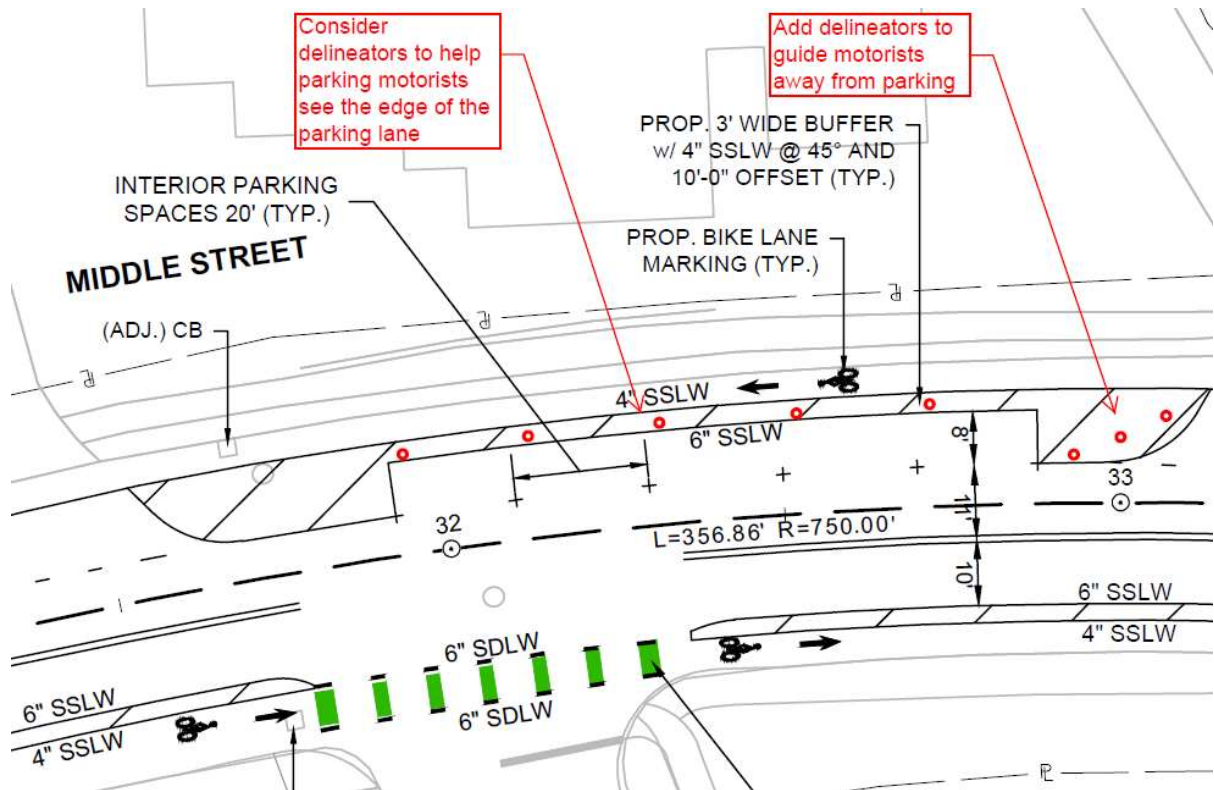


Figure 6: Delineator post recommendations approaching and along on-street parking

- Delineators:** The flexible delineator posts observed in the field did not match the locations shown on the original project plans nor the redlined plans dated March 2019. We recognize that the City's goal is to balance the safety goals of the project, the overall corridor aesthetics, and the number of posts installed in the field (which must then be maintained and are ultimately removed each winter). As noted in Figure 3, the entirety of this corridor would benefit from separated bike lanes, but if that is not possible we recommend prioritizing the locations of delineators at intersections to control the speeds of turning vehicles, at areas of parking as noted above, and along selections of buffered bike lane where the curvature of the roadway may cause motorists to encroach into the bike lane buffer. For aesthetics, other vertical elements could be considered to replace some of the traditional flexible delineators. The K71, or the more decorative K72, flexible delineators shown in Figure 7 could be considered. They are physically wider than traditional flexible delineators, which increases their visibility, but perform similarly if struck by a vehicle. Alternatively, decorative planters could be installed in the buffer and where space permits moved to the edge of sidewalk (top of curb) during the winter months.



Figure 7: K71 flexible delineators (left) and K72 flexible delineator (right)

7. **Green conflict markings:** The use of green pavement markings within intersections are intended to be used as a supplement to bicycle lane extension lines. The northbound bike lane ends at Highland Street and does not extend through this intersection; as such, the green conflict markings should not be provided across this intersection. The design may be revised to dash the bicycle lane buffer immediately south of Highland Street to signify to bicyclists that they may begin to merge into the shared lane.
8. **Pedestrian crossing improvement:** The original construction plans identified a Rectangular Rapid Flashing Beacon (RRFB) to be installed for the pedestrian crossing of Middle Street south of Wibird Street. This RRFB was not present at the time of our site visit and should be provided in accordance with the approved plans. However, the on-street parking south of the pedestrian crossing blocks a northbound motorist's view of the pedestrians until they are at the edge of the travel lane, and similarly blocks a pedestrian's view of approaching motorists until they've reached the edge of the travel lane. A pedestrian crossing refuge median should be considered to allow a pedestrian to get closer to the edge of the travel lane to be visible to approaching motorists. If this median is installed, the RRFB sign assembly should be installed on the median as depicted in Figure 8.

DATE: FEBRUARY 17, 2021

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

FROM: COUNCILOR HUDA

**SUBJECT: FEBRUARY 22ND 2021 CITY COUNCIL MEETING AGENDA REQUEST (ZOOM MEETING)
PLEASE PUT THIS UNDER MY NAME. THANK YOU**

I MAKE A MOTION THAT THE CITY MANAGER PROVIDE A REPORT OR LIST OF THE UNIDENTIFIED PROJECTS PER THE CAFR FY18, FY19 ,FY20 REPORTS AS NOTED ON THE ATTACHED SUMMARY SCHEDULE:

- VARIOUS STREETS & SIDEWALK, INFRASTRUCTURE, (UNIDENTIFIED)**
- ALSO PLEASE PROVIDE A LIST OF THE NAME OF THE PROJECTS, UNDER GENERAL FUND, WATER FUND, & SEWER FUND WHERE THE TOTAL GIVEN DOES NOT ADD TO THE DETAIL LISTING.**

CAPITAL ASSETS
LAND
BUILDING & INFACSTRUCTURE
MACHINES & EQUIP
INFACSTRUCTURE
CONSTRUCTION IN PROGRESS

GOVERNMENTAL (MUNICIPAL) ONLY			
	FY18	FY19	FY20
	18,285	23,402	23,402
	106,696	137,647	134,054
	8,273	9,326	10,864
	63,320	65,605	63,971
	29,591	5,062	17,362
	226,165	241,042	249,653

		CAFR P. 38	CAFR P. 34	CAFR P. 35	
		FY18	FY19	FY20	TOTAL
CONSTRUCTION IN PROGRESS - GENERAL FUND					
CIP	MAPLEWOOD AVE		593,521	1,743,735	2,337,256
CIP	ISLINGTON ST			986,369	986,369
CIP	MARKET ST EXT.		720,162	3,146,613	3,866,775
CIP	MCDONOUGH AREA			704,900	704,900
CIP	PLEASANT ST RECONSTRUCTION		1,246,227	1,291,713	2,537,940
CIP	PEVERLY HILL RD SIDEWALKS		324,016	375,184	699,200
CIP	DOBLES CTR		174,878	3,762,698	3,937,576
CIP	MULTI PURPOSE FIELDS (PEV HILL RD)		314,131	969,602	1,283,733
CIP	NEW FRANKLIN SCHOOL UPGRADES			958,123	958,123
CIP	ELEMENTARY SCHOOL UPGRADES	3,934,946			3,934,946
CIP	FOUNDRY PLACE GARAGE	20,164,418			20,164,418
CIP	MUNI COMPLEX UPGRADES	2,152,690			2,152,690
CIP	REC FIELD LIGHTING	871,692			871,692
VARIOUS ST'S & SIDEWALKS, INFACURE -(UNIDENTIFIED)		2,466,665	1,688,657	3,422,947	7,578,269
TOTAL PER CAFR RPT EACH FY		29,590,411	5,061,592	17,361,884	52,013,887
TOTAL CIP IN GENERAL FUND PER FY		29,590,411	5,061,592	17,361,884	52,013,887
MOVED TO CAPITAL ASSETS - GENERAL FUND					
		FY18	FY19	FY20	TOTAL
CA	TENNIS COURT REHAB	747,288			747,288
CA	OTHER SIDEWALK & STREET CONSTRUCTION	8,021,813			8,021,813
CA	FIRE STATION 3 RENOVATIONS (PEASE)	691,449			691,449
CA	WAYFINDING INFACSTRUCTURE	642,317			642,317
CA	CITY HALL WALL REPLACEMENT		4,413,969		4,413,969
CA	ANDREW JARVIS/LAFAYETE INTERSECTION UPGRADES		1,200,467		1,200,467
CA	FOUNDRY GARAGE CONSTRUCTION		20,780,752	351,533	21,132,285
CA	LEARY FIELD LIGHTING		1,088,924		1,088,924
CA	WOODBURY AVE SIGNAL UPGRADES		1,665,136		1,665,136
CA	BOW ST & GRAFTON RD			477,663	477,663
CA	HOOVER DR STORM DRAINAGE IMPROVEMENTS			538,140	538,140
CA	UPGRADES TO HIGH SCHOOL TRACK			399,950	399,950
CA	PARROTT AVE & CITY HALL PARKING LOTS			413,612	413,612
CA	CITY HALL SECURITY SYSTEM			143,164	143,164
CA	DONDERO SCHOOL UPGRADES		8,927,172		8,927,172
CA	CAPITALIED VECHILES PW	208,364	168,749	1,423,208	1,800,321
CA	CAPITALIED VECHILES POLICE	218,704		187,435	406,139
CA	CAPITALIED VECHILES FIRE	624,763	175,267	776,189	1,576,219
CA	CAPITALIED EQUIPMENT FIRE			119,553	119,553
CA	CAPITALIED VECHILES SCHOOL	68,691		82,900	151,591
TOTAL PER CAFR RPT EACH FY		11,223,389	38,420,436	4,913,347	54,557,172
TOTAL CIP MOVED TO CAPITAL ASSETS IN GENERAL FUND PER FY		13,381,184	48,032,014	5,462,994	66,876,192
DETAIL DOES NOT ADD TO TOTAL GIVEN????		2,157,795	9,611,578	549,647	12,319,020

CONSTRUCTION IN PROGRESS - WATER FUND		FY18	FY19	FY20	TOTAL
CIP	PEASE WELL DESIGN-CONSTRUCTION IN PROGRESS	1,057,090	1,771,085		2,828,175
CIP	PEASE WELL DESIGN/CONSTR			9,552,725	9,552,725
CIP	PEASE CARBON FILTRATION SYSTEM	935,623			935,623
CIP	GREENLAND WELL	1,022,154			1,022,154
CIP	MAPLEWOOD WATERLINE PROJECTS	675,465	1,904,707	3,877,276	6,457,448
CIP	FOUNDRY PLACE WATERLINE	945,508			945,508
CIP	UPGRADE TO NEWINGTON BOOSTER	353,635	3,271,439		3,625,074
CIP	SYSTEM PRESSURE & STORAGE	760,998			760,998
CIP	WOODBURY WATERLINE	622,146			622,146
CIP	PLESANT ST. WATERLINE		1,049,403	1,629,346	2,678,749
CIP	MCDONOUGH AREA WATER LINE			546,082	546,082
CIP	ISLINGTON ST WATERLINE			1,563,951	1,563,951
	TOTAL PER CAFR RPT FY	6,372,619	7,996,634	17,169,380	31,538,633
	TOTAL CIP IN WATER FUND PER FY	7,422,459	11,230,543	17,750,492	36,403,494
	DETAIL DOES NOT ADD TO TOTAL GIVEN????	1,049,840	3,233,909	581,112	4,864,861
MOVED TO CAPITAL ASSETS - WATER FUND		FY18	FY19	FY20	TOTAL
CA	NEW VEHICLES & EQUIPMENT	212,424		219,275	431,699
CA	NEW WATER TANK FOR HOBBS HILL	2,914,447			2,914,447
CA	VARIOUS OTHER WATERLINE UPGRADES	860,217			860,217
CA	BELLAMY RESERVOIR EASEMENT		420,929		420,929
CA	FOUNDRY PLACE WATERLINE		994,958		994,958
CA	WOODBURY WATERLINE		665,023		665,023
CA	GREENLAND WELL		1,039,509		1,039,509
CA	SYSTEM PRESSURE & STORAGE		790,998		790,998
CA	PEASE CARBON FILTRATION SYSTEM		935,623		935,623
CA	NEWINGTON BOOSTER STATION			4,237,416	4,237,416
CA	NEW CASTLE WATER LINE			271,982	271,982
CA	PEIRCE ISLAND WATERLINE			351,256	351,256
CA	CLOUGH DR WATERLINE			202,555	202,555
CA	HANOVER ST WATERLINE			204,700	204,700
	TOTAL PER CAFR RPT EACH FY	3,987,088	4,847,040	5,487,184	14,321,312
	TOTAL CIP MOVED TO CAPITAL ASSETS IN WATER FUND PER FY	4,274,204	5,601,657	5,859,554	15,735,415
	DETAIL DOES NOT ADD TO TOTAL GIVEN????	287,116	754,617	372,370	1,414,103

CONSTRUCTION IN PROGRESS - SEWER FUND		FY18	FY19	FY20	TOTAL
CIP	PEIRCE ISLAND WWTP	58,661,303	76,008,268	19,732,672	154,402,243
CIP	UPGRADES TO PEASE WWTP	1,193,725	5,248,367	7,812,051	14,254,143
CIP	UPGRADES TO LAFAYETTE PUMP STATION	3,347,854			3,347,854
CIP	GOOSE BAY DR.SEWER LINE	508,018	1,468,100		1,976,118
CIP	MAPLEWOOD AVE. SEWERLINE		1,555,167		1,555,167
CIP	FOUNDRY PLACE SEWER LINE	1,004,543			1,004,543
CIP	MAPLEWOOD SEWER LINE PROJECTS			2,417,790	2,417,790
CIP	HANOVER ST SEWER LINE			320,411	320,411
CIP	PLESANT ST SEWER LINE			783,274	783,274
CIP	ISLINGTON ST SEWER LINE			2,026,647	2,026,647
	TOTAL PER CAFR RPT FY	64,715,443	84,279,902	33,092,845	182,088,190
	TOTAL AS CIP IN SEWER FUND FOR FY	65,440,678	85,456,070	33,952,905	184,849,653
	DETAIL DOES NOT ADD TO TOTAL GIVEN????	725,235	1,176,168	860,060	2,761,463
MOVED TO CAPITAL ASSETS - SEWER FUND		FY18	FY19	FY20	TOTAL
CA	PEIRCE ISLAND WWTP-BUILDINGS EQUIPMENT & SEWER LINES			68,010,257	68,010,257
CA	UPGRADES TO MAIN ON PEIRCE ISLAND	498,651			498,651
CA	NEW VEHICLES & EQUIPMENT	450,944	389,588	926,722	1,767,254
CA	GOOSE BAY DR SEWER LINE UPGRADES			1,545,956	1,545,956
CA	GREEN ST SEWER LINE			468,432	468,432
CA	MULTI PURPOSE FIELDS (PEV HILL RD)			400,000	400,000
CA	FOUNDRY PLACE SEWER LINE		1,165,932		1,165,932
CA	INFILTRATION EVALUATION		585,676		585,676
CA	LAFAYETTE AVE PUMP STATION		3,364,328		3,364,328
CA	VARIOUS OTHER SEWER UPGRADES	1,233,926			1,233,926
	TOTAL PER CAFR RPT EACH FY	2,183,521	5,505,524	71,351,367	79,040,412
	TOTAL CIP MOVED TO CAPITAL ASSETS IN SEWER FUND PER FY	2,212,796	5,795,268	71,782,889	79,790,953
	DETAIL DOES NOT ADD TO TOTAL GIVEN????	29,275	289,744	431,522	750,541

CAPITAL ASSET AND DEBT ADMINISTRATION FY20

Capital Assets. Total investment in capital assets for governmental and business-type activities at year-end amounted to \$489,473,568 (net of accumulated depreciation), an increase of \$34,960,701 from the prior year. This investment in capital assets includes land, buildings, system improvements, and machinery and equipment.

	Capital Assets (000s) (net of depreciation)							
	Governmental Activities		Business-type Activities		Totals		Amount Change	% Change
	2020	2019	2020	2019	2020	2019		
Land	\$ 23,402	\$ 23,402	\$ 3,292	\$ 3,292	\$ 26,694	\$ 26,694	\$ -	0.00%
Building and improvement	134,054	137,647	52,367	19,336	186,421	156,983	29,438	18.75%
Machinery and equipment	10,864	9,326	37,697	12,294	48,561	21,620	26,941	124.61%
Infrastructure	63,971	65,605	94,761	81,862	158,732	147,467	11,265	7.64%
Construction in Progress	17,362	5,062	51,703	96,687	69,065	101,749	(32,684)	-32.12%
Total Assets	\$ 249,653	\$ 241,042	\$ 239,820	\$ 213,471	\$ 489,473	\$ 454,513	\$ 34,960	7.69%

Major capital asset events during the current fiscal year included the following:

- Construction in progress for governmental activities totaled \$17,361,884 at year end of which \$1,743,735, \$986,369, \$3,146,613, \$704,900 and \$1,291,713 are attributed to Maplewood Avenue, Islington Street, Market Street Extension, McDonough Area and Pleasant Street reconstruction activity respectively, \$375,184 for Peverly Hill Road Sidewalks, \$3,762,698 for upgrades to the former Dobles Center converting to the new Senior Center, and \$969,602 for continued construction of multi-purpose fields off of Peverly Hill Road, \$958,123 for upgrades to the New Franklin School and the remainder to various streets, sidewalks and infrastructure projects.
- Governmental funds capitalization of assets totaled \$5,462,994 are summarized as follows:
 - Bow Street and Grafton Road of \$477,663.
 - A new generator at fire station one of \$119,553.
 - City Hall security system of \$143,164.
 - Hoover Drive storm drainage improvements of \$538,140.
 - Additional work on the new Foundry Parking Facility of \$351,533.
 - Upgrades to the High School outdoor track of \$399,950.
 - Parrott Avenue and City Hall parking lots of \$413,612.
 - General government vehicles capitalized during the current year which included Public Works of \$1,423,208, Police of \$187,435, Fire of \$776,189 and School of \$82,900.

- Construction in progress in the water fund totaled \$17,750,492 at year end primarily due to \$9,552,725 for Pease Well Design/Construction, \$1,629,346 for Pleasant Street waterline, \$3,877,276 for Maplewood Avenue waterline projects, \$546,082 for McDonough area waterline, and \$1,563,951 for Islington Street waterline.
- The water fund had increases to capital assets of \$5,859,554 during the year which primarily consisted of \$4,237,416 for upgrades to the Newington Booster Station, \$271,982 for New Castle waterline, \$351,256 for Peirce Island waterline, \$202,555 for Clough Drive waterline, \$204,700 for Hanover Street waterline and \$219,275 for vehicles/equipment.
- Construction in progress in the sewer fund totaled \$33,952,905 at year end primarily due to \$19,732,672 for the continued construction of the Peirce Island wastewater treatment plant, \$7,812,051 for upgrades to the Pease wastewater treatment plant, \$2,026,647 for Islington Street sewerline, \$320,411 for Hanover St sewerline, \$783,274 for Pleasant Street sewerline and \$2,417,790 for Maplewood Avenue sewerline.
- The sewer fund had increases to capital assets of \$71,782,889 during the year which primarily consisted of \$68,010,257 for Equipment, buildings and sewerlines associated with the Peirce Island Waste Water Treatment Plant, \$1,545,956 for Goose Bay Drive sewer line, \$468,432 for Green Street sewer line, \$400,000 for sewer lines near the new playing fields on Peverly Road, and \$926,722 for equipment and vehicles.

Additional information on the City of Portsmouth’s capital assets can be found in Note 10 on pages 70-71 of this report. *

Long-term Debt. At the end of the current fiscal year, total bonded debt, including unamortized bond premiums, and State revolving fund loans outstanding, including business-type activities (water and sewer departments) was \$193,377,862 as shown in the table below, all of which was backed by the full faith and credit of the government.

State Revolving Fund Loan (SRF) program was created by the New Hampshire Legislature in 1987. This SRF program provides low-interest loans to help municipalities with projects such as wastewater treatment projects, landfill closures, and public water supply improvements.

The City of Portsmouth’s General Obligation bonds have an AAA rating from Standard and Poor’s Global rating services.

Outstanding Debt (000s)

	Governmental		Business-type		Totals	
	Activities		Activities			
	2020	2019	2020	2019	2020	2019
General obligation bonds	\$ 99,623	\$ 111,096	\$ 59,962	\$ 64,560	\$ 159,585	\$ 175,656
State revolving fund loans	=	32	17,831	20,630	17,831	20,662
Unamortized premium	<u>10,326</u>	<u>11,555</u>	<u>5,636</u>	<u>6,090</u>	<u>15,962</u>	<u>17,645</u>
Total Debt	\$ <u>109,949</u>	\$ <u>122,683</u>	\$ <u>83,429</u>	\$ <u>91,280</u>	\$ <u>193,378</u>	\$ <u>213,963</u>

CAPITAL ASSET AND DEBT ADMINISTRATION FY19

Capital Assets. Total investment in capital assets for governmental and business-type activities at year-end amounted to \$454,512,867 (net of accumulated depreciation), an increase of \$45,907,475 from the prior year. This investment in capital assets includes land, buildings, system improvements, and machinery and equipment.

	Capital Assets (000s) (net of depreciation)							
	Governmental Activities		Business-type Activities		Totals		Amount Change	% Change
	2019	2018	2019	2018	2019	2018		
Land	\$ 23,402	\$ 18,285	\$ 3,292	\$ 2,871	\$ 26,694	\$ 21,156	\$ 5,538	26.18%
Building and improvement	137,647	106,696	19,336	20,155	156,983	126,851	30,132	23.75%
Machinery and equipment	9,326	8,273	12,294	12,220	21,620	20,493	1,127	5.50%
Infrastructure	65,605	63,320	81,862	74,331	147,467	137,651	9,816	7.13%
Construction in Progress	5,062	29,591	96,687	72,863	101,749	102,454	(705)	-0.69%
Total Assets	\$ 241,042	\$ 226,165	\$ 213,471	\$ 182,440	\$ 454,513	\$ 408,605	\$ 45,908	11.24%

Major capital asset events during the current fiscal year included the following:

- Construction in progress for governmental activities totaled \$5,061,592 at year end of which \$1,246,227, \$720,162, and \$593,521 are attributed to Pleasant Street, Market Street extension, and Maplewood Avenue reconstruction activity respectively, \$324,016 for Pevery Hill Road Sidewalks, \$174,878 for upgrades to the former Dobles Center converting to the new Senior Center, and \$314,131 for continued construction of multi-purpose fields off of Pevery Hill Road, and the remainder to various streets, sidewalks and infrastructure projects.
- Governmental funds capitalization of assets totaled \$48,032,014 summarized as follows:
 - City Hall exterior wall replacement \$4,413,969.
 - Andrew Jarvis/Lafayette intersection upgrades in the amount of \$1,200,467.
 - Construction of the New Foundry Parking garage \$20,780,752.
 - Replacement of field lighting at Leary Field for \$1,088,924.
 - Woodbury Ave signal upgrades \$1,665,136.
 - Dondero Elementary School Upgrades of \$8,927,172.
 - General government vehicles capitalized during the current year which included Public Works of \$168,749 and Fire of \$175,267.
- Construction in progress in the water fund totaled \$11,230,543 at year end primarily due to \$1,771,085 for Pease Well Design/Construction, \$1,049,403 for the Pleasant Street waterline, \$1,904,707 for the Maplewood Avenue waterline projects and \$3,271,439 for upgrades to the Newington Booster.

- The water fund had increases to capital assets of \$5,601,657 during the year which primarily consisted of \$420,929 for the Bellamy Reservoir Easement, \$994,958 for the Foundry Place waterline installation, \$665,023 Woodbury Ave waterline upgrade, \$1,039,509 Greenland Well improvements, \$790,998 for System Pressure and Storage Improvements, and \$935,623 for the Caron Filtration System.
- Construction in progress in the sewer fund totaled \$85,456,070 at year end primarily due to \$76,008,268 for the design and construction of the Peirce Island wastewater treatment plant, \$5,248,367 for upgrades to the Pease wastewater treatment plant, \$1,468,100 for Goose Bay Drive sewer line, and \$1,555,167 for the Maplewood Avenue sewerline.
- The sewer fund had increases to capital assets of \$5,795,268 during the year which primarily consisted of \$3,364,328 for the Lafayette Road Pump Station Improvements, \$585,676 for Infiltration Evaluation, \$1,165,932 for the construction of the Foundry Place sewerline, and \$389,588 in equipment and vehicles.

Additional information on the City of Portsmouth’s capital assets can be found in Note 10 on pages 71-72 of this report.

Long-term Debt. At the end of the current fiscal year, total bonded debt and State revolving fund loans outstanding, including business-type activities (water and sewer departments) was \$213,962,480 as shown in the table below, all of which was backed by the full faith and credit of the government.

State Revolving Fund Loan (SRF) program was created by the New Hampshire Legislature in 1987. This SRF program provides low-interest loans to help municipalities with projects such as wastewater treatment projects, landfill closures, and public water supply improvements.

The City of Portsmouth’s General Obligation bonds have an AAA rating from Standard and Poor’s Global rating services.

	Outstanding Debt (000s)					
	Governmental Activities		Business-type Activities		Totals	
	<u>2019</u>	<u>2018</u>	<u>2019</u>	<u>2018</u>	<u>2019</u>	<u>2018</u>
General obligation bonds	\$ 111,096	\$ 87,534	\$ 64,560	\$ 58,327	\$ 175,656	\$ 145,861
State revolving fund loans	32	245	20,630	23,428	20,662	23,673
Unamortized premium	<u>11,555</u>	<u>8,392</u>	<u>6,090</u>	<u>5,256</u>	<u>17,645</u>	<u>13,648</u>
Total Debt	<u>\$ 122,683</u>	<u>\$ 96,171</u>	<u>\$ 91,280</u>	<u>\$ 87,011</u>	<u>\$ 213,963</u>	<u>\$ 183,182</u>

The City of Portsmouth’s total debt increased by \$30,780,574 or 16.8% during the current fiscal year. The key factors in this net increase are:

- Reductions of outstanding debt principal in the amount of \$17,086,027.

- Non-operating expenditures resulting in a net positive variance of \$383,731 is mainly attributed to \$527,673 surplus in debt related expenditures as a result of the timing of issuing debt, and a negative variance of \$163,133 from County Tax.

CAPITAL ASSET AND DEBT ADMINISTRATION - FY 18

Capital assets. Total investment in capital assets for governmental and business-type activities at year-end amounted to \$408,605,392 (net of accumulated depreciation), an increase of \$58,271,991 from the prior year. This investment in capital assets includes land, buildings, system improvements, and machinery and equipment.

	Capital Assets (000s) (net of depreciation)							
	Governmental Activities		Business-type Activities		Totals		Amount Change	% Change
	2018	2017	2018	2017	2018	2017		
Land	\$ 18,285	\$ 18,221	\$ 2,871	\$ 2,871	\$ 21,156	\$ 21,092	\$ 64	0.30%
Building and improvement	106,696	108,558	20,155	20,971	126,851	129,529	(2,678)	-2.07%
Machinery and equipment	8,273	7,403	12,220	12,812	20,493	20,215	278	1.38%
Infrastructure	63,320	56,865	74,331	70,259	137,651	127,124	10,527	8.28%
Construction in Progress	29,591	12,936	72,863	39,438	102,454	52,374	50,080	95.62%
Total Assets	\$ 226,165	\$ 203,983	\$ 182,440	\$ 146,351	\$ 408,605	\$ 350,334	\$ 58,271	16.63%

Major capital asset events during the current fiscal year included the following:

- Construction in progress for governmental activities totaled \$29,590,411 at year end which \$20,164,418 is attributed to the Foundry Place Parking Facility construction, \$2,152,690 for upgrades to the Municipal Complex outer wall, \$871,692 upgrades to Recreation field lighting, \$3,934,946 to upgrades Elementary School upgrades and the remainder to various streets, sidewalks.
 - Governmental funds capitalization of depreciable assets totaled \$13,381,184 summarized as follows:
 - Tennis Court rehabilitation in the amount of \$747,288.
 - A variety of other sidewalk and street construction contributed to capital assets of \$8,021,813.
 - Fire Station 3 renovations \$691,449.
 - Wayfinding infrastructure \$642,317.
 - General government vehicles and equipment capitalized during the current year which included Public Works of \$208,364, Police of \$218,704, Fire of \$624,763, and School vehicles of \$68,691.
- Construction in progress in the water fund totaled \$7,422,459 at year end primarily due to \$1,057,090 for Pease Well Design, \$1,022,154 for Greenland

Well, \$675,465 for the Maplewood waterline projects, \$945,508 for the Foundry Place waterline, \$353,635 for upgrades to the Newington Booster, \$760,998 for System Pressure and Storage, \$622,146 for the Woodbury Waterline and \$935,623 for a carbon filtration system.

- The water fund had increases to capital assets of \$4,274,204 during the year which primarily consisted of \$212,424 for vehicles and equipment, \$2,914,447 for a new water tank at Hobbs Hill, and \$860,217 for various other waterline upgrades.
- Construction in progress in the sewer fund totaled \$65,440,678 at year end primarily due to \$58,661,303 for the design and construction of the Peirce Island wastewater treatment plant, \$1,193,725 for upgrades to the Pease wastewater treatment plant, \$3,347,854 for upgrades to the Lafayette Pump Station, \$508,018 for Goose Bay Drive sewer line, and \$1,004,543 for Foundry Place sewer line.
- The sewer fund had increases to capital assets of \$2,212,796 during the year which primarily consisted of \$1,233,926 for various other sewer system upgrades, \$498,651 for upgrades to main on Peirce Island, and \$450,944 in equipment and vehicle investments.

Additional information on the City of Portsmouth's capital assets can be found in Note 10 on pages 75-76 of this report.

Long-term debt. At the end of the current fiscal year, total bonded debt and State revolving fund loans outstanding, including business-type activities (water and sewer departments) was \$183,181,908 as shown in the table below, all of which was backed by the full faith and credit of the government.

State Revolving Fund Loan (SRF) program was created by the New Hampshire Legislature in 1987. This SRF program provides low-interest loans to help municipalities with projects such as wastewater treatment projects, landfill closures, and public water supply improvements.

The City of Portsmouth's General Obligation bonds have an AAA rating from Standard and Poor's Global rating services.

Outstanding Debt (000s)

	Governmental		Business-type		Totals	
	<u>Activities</u>		<u>Activities</u>			
	<u>2018</u>	<u>2017</u>	<u>2018</u>	<u>2017</u>	<u>2018</u>	<u>2017</u>
General obligation bonds	\$ 87,534	\$ 85,375	\$ 58,327	\$ 53,947	\$ 145,861	\$ 139,322
State revolving fund loans	245	458	23,428	26,226	23,673	26,684
Unamortized premium	8,392	7,947	5,256	4,900	13,648	12,847
Total Debt	<u>\$ 96,171</u>	<u>\$ 93,780</u>	<u>\$ 87,011</u>	<u>\$ 85,073</u>	<u>\$ 183,182</u>	<u>\$ 178,853</u>



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 18, 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 22, 2021

VIII. Recognitions and Volunteer Committee Reports

A. **Farewell and Thanks to Deputy City Manager Nancy Colbert Puff:**

Mayor Becksted and I will offer our appreciation for Deputy City Manager Nancy Colbert Puff's years of service to the City as she resigns her position effective March 5, 2021. The Council is welcome and encouraged to join us.

B. **Report from the Blue Ribbon Committee on Prescott Park Master Plan Implementation:**

Committee Chairperson Tom Watson will present recommendations of the Blue Ribbon Committee on Prescott Park Master Plan Implementation, on which Councilor Huda also served. He will be accompanied by Cheri Ruane of Weston and Sampson. The Committee voted to recommend several updates to the 2017 Master Plan which are before the Council for endorsement. A Council vote to endorse these changes to the Master Plan is required prior to development of detailed design documents. The "Phase 1" work described in the presentation will be back before the Council for consideration during the CIP process, and since it will require bond financing, it will also be subject to an additional public hearing and vote.

I recommend that the City Council move to accept the proposed changes to the Prescott Park Master Plan as recommended by the Blue Ribbon Committee on Prescott Park Master Plan Implementation.

C. **Presentation from the Blue Ribbon Committee to Reopen Portsmouth 2021:**

Co-Chairs of the Blue Ribbon Committee to Reopen Portsmouth 2021, James Petersen and Mark Stebbins, will present an update at this evening's meeting.

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

A. Public Hearing and Second 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 February 8, 2021, an ordinance affecting the land use regulatory board appointment process has been placed on this evening's agenda for a public hearing and second 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](#).

XIV. Approval of Grants/Donations:

A. HealthTrust Wellness Program Reward:

In the month of January, department members from Human Resources, Department of Public Works, Fire and Police attended training through HealthTrust as returning Wellness Coordinators. As a reward for being returning Wellness Coordinators, they each received \$500 for their departments to use towards wellness initiatives in 2021. The total amount received was \$2,000.

This money will be used differently in each department, but some ideas of how the money will be spent is raffles, blood pressure monitors, fitness devices, water bottles, fitness equipment and other initiatives to promote wellness for City employees.

The goal of the HealthTrust Wellness program, Slice of Life, is to reduce health risk factors and promote a healthier lifestyle of City employees.

To realize this goal, the City, through its Wellness program, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

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

XV. City Manager's Items which Require Action:

1. Amendment to Water Tank License Agreement for Property Located on International Drive:

In 2011, the City entered into a License Agreement (the "License") with the State of New Hampshire's Department of Transportation (DOT), which permitted DOT to install and maintain equipment on the Hobbs Hill Water Tower (the "Tower").

That equipment is primarily used by DOT to monitor traffic on Route I-95. That agreement expires by its terms on September 28, 2021, and DOT now requests that the City renew and modify the existing agreement to be permitted to add additional equipment to the tower. The additional equipment will provide a better signal to DOT, and includes a generator to provide backup power to DOT's equipment. DOT will continue to pay a license fee of \$350 per month, which will increase in 2% increments annually.

The [attached Amendment 1](#) would permit DOT to add the additional equipment to the Tower for renewable five-year terms. The Agreement will automatically renew for five-year terms, with each party holding the right to terminate with written notice delivered 60-days prior to renewal. DOT provided an independent review by a qualified engineer, who determined the proposed additional equipment will not interfere with the City's existing infrastructure. Review by City staff confirmed these findings.

DOT now requests that the City Council authorize the extension of this License Agreement according to the attached terms.

I recommend that the City Council authorize the City Manager to execute Amendment 1 to the Water Tank License Agreement with DOT in a form substantially similar to the attached document.

2. **135 Congress Street Temporary Construction License:**

On January 18, 2018, the Planning Board granted site plan approval for a 2,943 square foot rear addition to this building for construction of a restaurant expansion and function space.

Previously, the City Council approved a 6-month temporary construction license for Bluestone Properties of Rye, LLC to encumber four parking spaces in the Worth Lot located at the rear of the 135 Congress Street. The approved license terms were November 1, 2019 to January 31, 2020 and April 1, 2020 to June 30, 2020. They subsequently revised their request and received approval from the Council to extend their license to February 1, 2021.

In late January 2021, the applicant reached out to the City to advise that there have been ongoing delays in construction and that [they would like to extend their license again to October 1, 2021](#) for a total of an additional 221 days. As the previous license term has already expired, the applicant is paying a daily fee to the City until this request can be considered by Council.

The License Area is shown on the [attached plan](#). The total license area is 567 square feet and includes four parking spaces. Per the City's policy for "License Fee for Encumbrance of City Property", the total fee for the temporary license is calculated at \$35 per metered parking space or \$30,940 for 221 days.

The [attached proposed license agreement](#) provides that, if the license area is returned to the City prior to the end of the License Term, the City will refund to the applicant the portion of the license fee already paid to the City.

The Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

I recommend that the City Council move that the City Manager be authorized to execute and accept the temporary construction license regarding 135 Congress Street as submitted.

XVII. Presentations and Consideration of Written Communications and Petitions:

A. COVID-19 Vaccination Status Update by Fire Chief Germain:

Fire Chief Germain will be present at this evening's meeting to provide a brief update on Portsmouth's COVID-19 vaccination status.

AMENDMENT 1 TO INTERNATIONAL DRIVE WATER TANK LICENSE AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire (hereinafter “Licensor”) and the State of New Hampshire, acting through its Department of Transportation, with an office at 54 TMC, P.O. Box 483, Concord, New Hampshire 03302 (“Licensee”) hereby agree as follows:

WHEREAS, the Licensor and Licensee have entered into a License Agreement for the International Drive Water Tank dated September 28, 2011 (the “License Agreement”); and

WHEREAS, the Licensor owns certain infrastructure located on certain premises located off Pinecrest Terrace in the City of Portsmouth, County of Rockingham, and State of New Hampshire, known as the Hobbs Hill Water Storage Tank, (the water tank and other fixtures and improvements referred to collectively as the “Property”); and

WHEREAS, the Licensee seeks to amend the Agreement by including additional telecommunication transmitting and receiving equipment associated with its Advanced Traffic Management System program (“Additional Equipment”) which Licensee may install, maintain and operate on the Property and under the terms of and subject to the Agreement; and

WHEREAS, the Licensee and Licensor agree to enter into Amendment 1 to International Drive Water Tank License Agreement (“Amendment 1”); and

NOW THEREFORE, the Licensee and Licensor hereby agree as follows:

1. To remove and replace paragraph 1 of the Agreement, **LICENSE** in the Agreement with the following:

LICENSE: Subject to the terms and conditions of this Agreement, Licensor grants to licensee a license to use certain space on and around the water tank portion of the Property for the installation of Equipment. The Equipment is defined and listed as Exhibit A to this Amendment, attached herewith.

2. To remove and replace paragraph 4. **TERM**, with the following:

TERM: The initial term of this License shall be five (5) years commencing on the date of Governor and Council Approval (the "Commencement Date"). As used herein, "Term" refers to the initial term and any renewal term as provided herein. If, at any time during the Term, Licensee makes a good faith determination that the Licensed Premises have become unsuitable for the conduct of Licensee's telecommunication needs Licensee may terminate this Agreement by written notice to Licensor. Termination shall be effective thirty (30) days after receipt of notice by Licensor, except that in the case of a casualty or taking by eminent domain, the License Fee shall be payable only to the date of the casualty or the transfer of property to the condemning party, as the case may be.

3. To remove and replace Paragraph 5, Fees, in its entirety with the following:

FEES:

- (a) License Fee. Licensee shall pay Licensor a license fee hereunder monthly in advance on and from the Commencement Date, the sum of Three Hundred Dollars (\$300.00) (the "License Fee"), without notice, deduction or setoff.
- (b) Increase of License Fee. At each anniversary of the Commencement Date, the License Fee in effect for the subsequent year shall increase two per cent (2.00%).
- (c) Payment. All Fees due from Licensee under this Amendment shall be made payable to:

City of Portsmouth
 Attn: Controller
 One Junkins Ave
 Portsmouth, NH 03801

- (d) Invoices. The Licensor may send monthly invoices to the Licensee at the following address:

Bureau of TSMO Administrator
 NH. Dept of Transportation
 PO Box 483
 Concord, NH 03302-0483.

Failure by the Licensor shall not constitute a waiver of Licensee's obligation to pay the License Fee, and shall in no way relieve the Licensee of its duty to pay the License Fee.

4. To remove and replace paragraph 3 of the Agreement, **LICENSE RENEWAL** with the following:

LICENSE RENEWAL: Provided Licensee is not in default of any provision hereunder, the expiration of each five-year (5) Term, this Agreement shall be automatically renewed for the successive five (5) year term unless either party gives written notice to the other of its

intention to cancel this Agreement at least sixty (60) days prior to the expiration of the extended Term hereunder.

LICENSOR
City of Portsmouth
PORTSMOUTH, NEW HAMPSHIRE

Date: _____

By: _____
Karen S. Conard, City Manager

Pursuant to vote of the City Council on _____.

LICENSEE
STATE OF NEW HAMPSHIRE,
Department of Transportation

By: _____
Print Name: _____
Title: _____

Pursuant to vote of Governor and Council on _____.

EXHIBIT A to Amendment 1 to the International Drive Water Tank License Agreement

List of Inventory

A. Radio antennae located on top of water tank

1. 1 of 6 Microwave dish antenna HP2-18 339° to location-2 Spaulding 2.4-mile marker
2. 2 of 6 Microwave dish antenna HP4-11, 250° to location-3, Troop –A, Epping, NH
3. 3 of 6 Microwave dish antenna HP4-11 197° to Location-4, Hampton Water Tank
4. 4 of 6 Microwave dish antenna HP4-11, 333° to Location-5 Spaulding Turnpike 12.4
5. 5 of 6 Microwave dish antenna Model TBD 88° to Memorial Bridge, Portsmouth
6. 6 of 6 Microwave dish antenna Model TBD 60° to Kearsage Way, Portsmouth
7. 1 of 3 Motorola PMP 49400, 4.9 Ghz Access point (AP) panel antenna integrated radio
8. 2 of 3 Motorola PMP 49400, 4.9 Ghz Access point (AP) panel antenna integrated radio
9. 3 of 3 Motorola PMP 49400, 4.9 Ghz Access point (AP) panel antenna integrated radio
10. 1 of 1 LMR Andrews DB-201, Omni directional uni-gain UHF antenna

Notes: Items 5, 6, and 10 and associated items such as cables to be added during this license term
Item-9 to be removed during this license term and replaced by Item #6

B. Microwave radio integrated with antenna located at top of tank.

1. 1 of 8 remote mount Dragonwave Compact + Microwave radio, 18 Ghz to Location -2
2. 2 of 8 remote mount Dragonwave Compact + Microwave radio, 18 Ghz to Location -2 (Standby)
3. 3 of 8 remote mount Dragonwave Compact + Microwave radio, 11 Ghz to Location- 3
4. 4 of 8 remote mount Dragonwave Compact + Horizontal Microwave radio, 11 Ghz to Location - 4
5. 5 of 8 remote mount Dragonwave Compact + Vertical Microwave radio, 11 Ghz to Location - 4
6. 6 of 8 remote mount Dragonwave Compact + Microwave radio 11 Ghz. to Location-5
7. 7 of 8 remote mount maker TBD microwave radio to Memorial Bridge, Portsmouth

8. 8 of 8 remote mount maker TBD microwave radio to Kearsage Way DOT facility
Portsmouth

C. Associated cables

1. Eight (8) Ethernet Data cables between ITS cabinet and all outdoor mount radios
2. Eight (8) Ethernet management cables between ITS cabinet and all remote mount radios
3. Three (3) Ethernet data cables between outdoor mount PMP Access point radios
4. Coaxial cable with Polyphaser surge suppressor for LMR base radio

D. Floor mounted equipment cabinet located within ground floor of water tank

1. Rugged Comm Switch 1 of 2
2. Rugged Comm Switch 2 of 2
3. Cluster Management Module CMM4 with Etherwan Switch and power supply, GPS antenna
4. 8-each rack-mount Ethernet surge suppressors
5. Telex Radio over IP interface bridge for LMR
6. Tait UHF radio repeater TB9135-H2MP-0000-J400

E. UPS (floor) cabinet with batteries located within ground floor of water tank

F. DOT utility electric meter and 100 Ampere, primary breaker panel, and electric generator transfer panel Located within perimeter fence in northwest corner

G. Electric Generator – Kohler, model 8KW RESV and Liquid Propane tank located within perimeter fence in northwest corner.



**AUGER
BUILDING
COMPANY, INC.**

February 3, 2021

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

Dear Ms. Conard,

On behalf of Bluestone Properties, Auger Building Company has been leasing four (4) parking spaces in the Worth Lot, adjacent to 135 Congress Street, for the purpose of renovating an existing building and constructing an addition on the property. It is not feasible to complete the renovation of the existing building and construction of the addition without the use of the aforementioned parking spaces because the property has no additional land to accommodate necessary machinery, deliveries and storage of building materials. The license has expired, and Auger Building Company would like to extend its term until October 1, 2021.

We request that you please put this matter on the City Council's agenda for the next meeting for review. The License is attached and was also uploaded as an attachment to the online record # for this permit (ENCM 19-30). I am also attaching a copy of Exhibit A, as used in the license.

Should there be any questions or concerns in the meantime, please feel free to contact me at (207)451-7253 to discuss.

Sincerely,

Louis Hamel
Site Superintendent, Auger Building Company

2 5 5 P o r t s m o u t h A v e n u e
G r e e n l a n d , N H 0 3 8 4 0
• (6 0 3) 4 3 0 - 9 0 0 4 • F A X : (6 0 3) 4 3 0 - 9 0 0 2 •
E - M a i l : i n f o @ a u g e r b u i l d i n g c o m p a n y . c o m

APPROVED BY THE PORTSMOUTH PLANNING BOARD
 CHAIRMAN _____ DATE _____

ENGINEER:
ALTUS
 ENGINEERING, INC.
 133 COURT STREET PORTSMOUTH, NH 03801
 (603) 433-2335 www.ALTUS-ENG.com



ISSUED FOR: TAC SUBMITTAL
 ISSUE DATE: SEPTEMBER 18, 2017

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	09/18/17

DRAWN BY: RLH
 APPROVED BY: EDW
 DRAWING FILE: 4871DETAILS.DWG

SCALE:
 22" x 34" - 1" = 5'
 11" x 17" - 1" = 10'

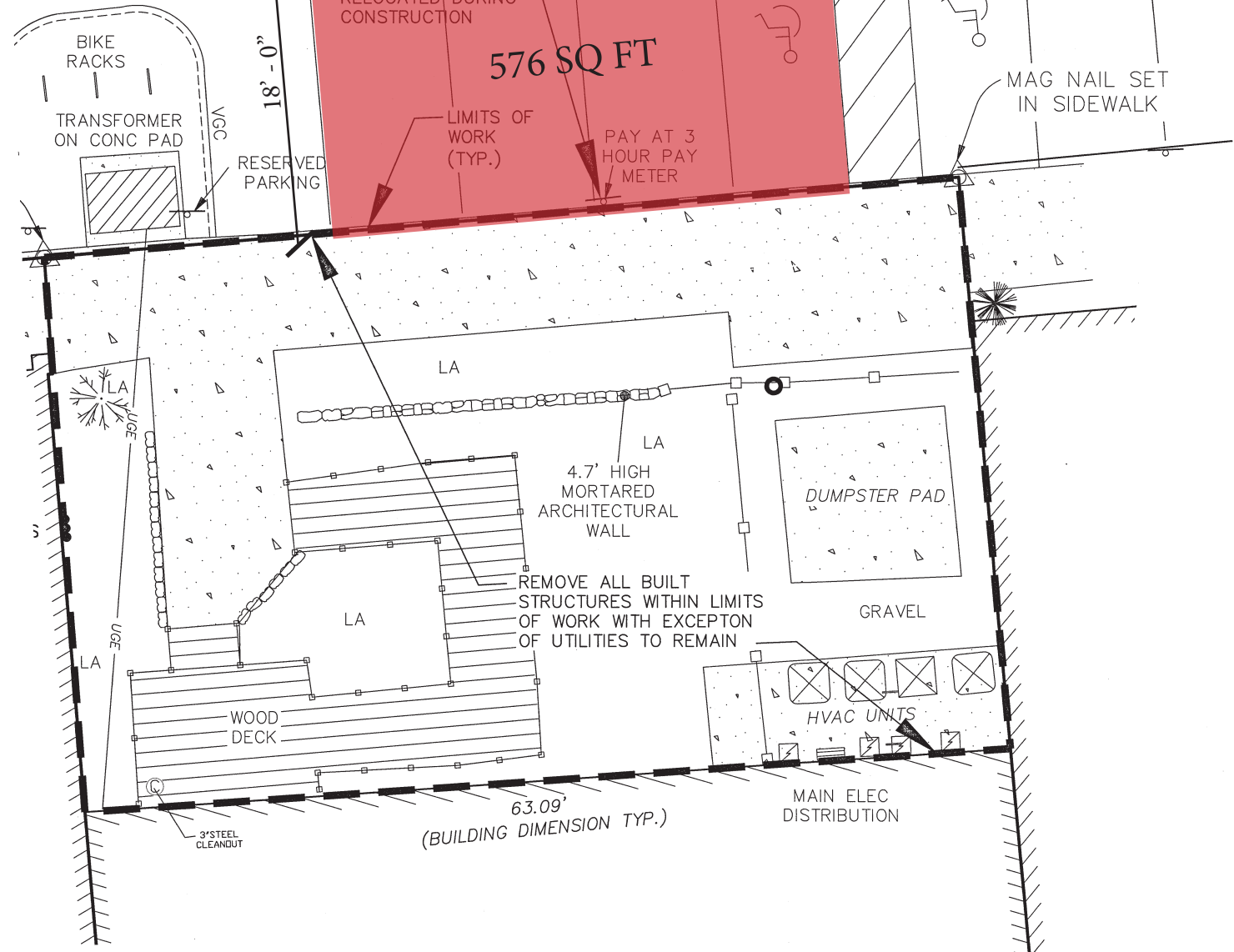
OWNER/APPLICANT:
 BLUESTONE PROPERTIES
 OF RYE, LLC
 PO BOX 4780
 PORTSMOUTH, NH 03802

PROJECT:
 PROPOSED SITE
 REDEVELOPMENT
 PLANS
 135 CONGRESS STREET
 PORTSMOUTH, NH
 ASSESSOR'S PARCEL
 126-5

TITLE:

WORTH LOT

126-3
 CITY OF PORTSMOUTH
 1 JUNKINS AVENUE
 PORTSMOUTH, NH 03801
 4701/534



SHIFT HANDICAP PARKING
 ONE SPACE →

REAR LOT @ 135 CONGRESS ST, ADJACENT TO WORTH LOT

CITY OWNED ENCUMBERED SPACE

LICENSE AGREEMENT
FOR BLUESTONE PROPERTIES OF RYE, 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 Bluestone Properties of Rye, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at PO Box 4780, Portsmouth, NH 03802 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 135 Congress Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0126-0005-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5761 Page 1289

The City authorizes Licensee to temporarily use four parking spaces located in the Worth Lot, more particularly described in the attached Exhibit A, as follows:

License Area : 576 square feet which includes four parking spaces depicted and described as the License Area in Exhibit A: city owned encumbered space. The License Area includes one ADA parking space and three metered parking spaces. The Department of Public Works will create one temporary ADA parking space in the Worth Lot to replace the ADA parking space encumbered by this License as shown in Exhibit B.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a three story building.
3. **Term:** The license for the License Area shall be from February 23, 2021 through October 1, 2021 for a total of 221 days. Because this is an extension of the term of the current License, the Licensee may not make application to the City Manager for any further extension of this term but must seek approval from the City Council. Owner shall be responsible for applicable license fees associated with any extension of the term.

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

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee returns the License Area to the City's control and 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.
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 encumbered by this License as determined by the fee schedule.
6. **License Area:** The License Area is 576 square feet which includes four parking spaces in the Worth Lot. The daily fee for each parking space is \$35 a day and the daily fee for the four parking spaces is \$140.

The \$140 daily License Fee for the four parking spaces will be paid for the 221 day License Term for a total License Fee of **\$30,940**.

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.

7. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
8. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per

occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement.

9. **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.
10. **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.
11. **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.
12. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice provided if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
13. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2019

City of Portsmouth

By: _____

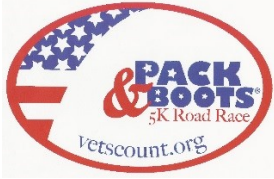
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____

Dated this _____ day of _____, 2019.

Bluestone Properties of Rye, LLC

By: _____



Richard A. Mason, Logistic Chair
2021 Veterans Count 5K Road Race
3 Suzanne Drive, Portsmouth, New Hampshire 03801
Rmason55@comcast.net cell: 603-396-8604

February 9, 2021

Ms. Karen Conard, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Ms. Conard:

Veterans Count is seeking the appropriate approvals for our Pack & Boots 5K Road Race sponsored by the Seacoast Veterans Count, an affiliate of Easter Seals-NH. We offer the following information, just as we have for the past several years.

DATE/TIME: July 4, 2021 with an 8:00 am start with the 1-mile Pack & Boots race restricted to the immediate area of Strawberry Banke followed at 8:30 am with the 5K road race (times may be earlier). We do have an alternate date of October 2, 2021.

LOCATION: The 5k portion's location will be the same as the Seacoast Rotary's Turkey Trot (Thanksgiving Day) which begins at Pierce Island, Marcy Street, South Street, Lafayette Road, Middle Street, Court Street and ending on Marcy Street near the Mombo Restaurant parking lot. The Seacoast Rotary has volunteered to assist us with the logistics as they have utilized this race route and venue for all our previous years.

ATTENDEES: We are hoping for about 300 runners in the 5K and possibly 50 in the Pack & Boots race.

TIMEFRAME: We anticipate being cleaned and off premises at 11:00 am.

FOOD: As in the past we will have donated off-site prepared food, we will seek the appropriate permits and information. There will be no alcohol at this event.

SANITATION: We will have the appropriate number of porta-potties on site, working with the Portsmouth Health Officials.

POLICE: We will work with the Portsmouth Police Department to have details as required as we have previously.

Once again much of the information listed is a repeat of both previous years so we will be working again with the City to make this as seamless as possible.

I am available at the above contact information for further questions or if you wish me to attend a logistics meeting with the City Officials.

Thanks!

Richard Mason

CC: Chris Lucas

CITY COUNCIL E-MAILS

February 8, 2021 (after 5:00 p.m.) – February 18, 2021 (before 9:00 a.m.)

February 22, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Jodi Gilman Jones (Jodi.Jones@rocketmail.com) on Monday, February 8, 2021 at 16:12:21

address: 45 Winchester St

comments: Are you kidding me with \$50.00 parking? What the heck is wrong with you? Do we want tourism and businesses in town? Don't be stupid with ridiculous parking costs. This is not little Boston!
includeInRecords: on

Below is the result of your feedback form. It was submitted by Dominic Smith (dfpsmith@gmail.com) on Monday, February 8, 2021 at 16:38:07

address: 110 Woodbury Ave

comments: Dear Honorable Mayor, Assistant Mayor, and City Councilors, Going from \$15 for parking tickets to \$50 is unreasonable, drastic and most likely to affect lower income folks and the workforce who already struggles managing parking in downtown Portsmouth.

Note: this is NOT advocating for more parking, I believe there is abundant parking within 1 mile of DTP, we simply need better infrastructure for pedestrians, better public transportation options and a bicycle path that connects the west end to downtown without interfering with the roads (Mill Pond... hint hint.)

Please pass this item:

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) And accept the recommendation of the legal department to reduce liability from \$3 million to \$1 million for our restaurants.

Thanks very much.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Robin Albert Lehman (ralbert52@hotmail.com) on Monday, February 8, 2021 at 17:00:18

address: 401 State St, M304

comments: I'm writing to oppose any increase in parking tickets. Though we should all obey parking rules, sometimes life happens and we must pay the price via a ticket. However, increasing the amount could severely hurt both downtown workers and visitors.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Ashlynn Xiarhos (Xiarhosashlynn@gmail.com) on Monday, February 8, 2021 at 17:42:18

address: 440 Hanover street

comments: I am very opposed to raising the parking ticket from \$15 to \$50

includeInRecords: on

Below is the result of your feedback form. It was submitted by Lizzie Xiarhos (xiarhoslizzie@yahoo.com) on Monday, February 8, 2021 at 17:57:06

address: 440 Hanover St

comments: "The parking rates are ridiculous as it is, and yeah, it's not that much of a fine," Beck said. "It's \$15, but when you work downtown, I mean, I don't know how much money I've paid to the city of Portsmouth with parking over the last 10 years. A lot. I probably could have bought a new car."

Think of these people while you try to come up with a master plan to make up for lost revenue due to covid by charging \$50 for a parking ticket verses \$15. Have a plan for the industry workers, residents and small business owners that make up this city of Portsmouth.

includeInRecords: on

Below is the result of your feedback form. It was submitted by andrew bagley (abagley21@gmail.com) on Monday, February 8, 2021 at 18:59:12

address: 40 Chauncey Street

comments: Councilor Kennedy made a point about repeat offenders on parking violations and there is already an ordinance for repeat offenders that could be adjusted to accomplish those goals.

"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."

Best regards,

Andrew Bagley

includeInRecords: on

Below is the result of your feedback form. It was submitted by Carrie Jose (carrie.jose@gmail.com) on Monday, February 8, 2021 at 20:14:00

address: 49 Wilson Rd

comments: Folks a few things on the City Council agenda tonight that would be worth writing in about. Please consider sending this in, your voice will make a difference.

Dear Honorable Mayor, Assistant Mayor, and City Councilors,

Going from \$15 for parking tickets to \$50 is unreasonable. Please keep fees as they are now.

Thank you.

includeInRecords: on

Below is the result of your feedback form. It was submitted by wendy poilin (wpoulin1@comcast.net) on Tuesday, February 9, 2021 at 06:23:51

address: 97 abigale lane new castle 03854

comments: changing parking fines is unreasonable and greedy

includeInRecords: on

Below is the result of your feedback form. It was submitted by Kiera M Ryan (KIERA@GLERUPS.COM) on Tuesday, February 9, 2021 at 11:02:44

address: 440 Hanover St

comments: To all local councilors and city officials,

I urge you all to oppose the proposed raising of parking fines in the Downtown Portsmouth area and surrounding. To consider raising fines during a global pandemic is simply unethical. Look around you, everyone is struggling. Business' are closed, many people are out of work or on unemployment. What type of a message does it send to the future and current generation of taxpayers?... that when times are hard our city will compile on to make it harder?

It is an absolutely abhorrent thought to even push to a vote, and frankly not the message we should be sending our community.

To cite the excuse and claim that out of state and towns people would rather pay the fee than pay the meter presents the actual issue in line here.. RESIDENT PARKING.

Should you *the council* wish to raise the punishment for people out of town or state violating parking timelines there should be a resident parking program in place BEFORE you raise any prices. Said program should be equal for ALL residents in Portsmouth including but not limited to: renters, property owners, business owners, people who work in town etc.

Why on earth are we treating the people who actually live/work here year round like they are the problem. Additionally removing the Citizens Bank lot that is currently predominantly parked in by the people who work in town (most of which are service industry and the hardest hit buy this pandemic) you should be ashamed of yourselves for even considering this motion at this time.

Stand up for the people who live and work here. Stand up for the people who voted you into place.

Do as the great Bill Belichick says and simply put just: Do your job.

Regards,

Kiera M Ryan

440 Hanover St Portsmouth NH 03801

includeInRecords: on

Below is the result of your feedback form. It was submitted by Patricia mahoney (misstriciamahoney@msn.com) on Tuesday, February 9, 2021 at 16:13:34

address: 58 Washington St Ste 3 Portsmouth NH

comments: I do Not agree with the increase. I would agree with a \$5 increase but these increases are harsh.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Tamara Whalen (tammy.whalen@comcast.net) on Tuesday, February 9, 2021 at 17:01:34

address: Hampton NH

comments: I once had 2 parking tickets in one day. I forgot my wallet and was working so I couldn't leave to get it. That's on me but I had to transport someone to an appointment, I left my spot and returned to Portsmouth to park in a different lot (only parking for maybe 15-20 mins while I helped my client get into his apartment safely) I found my second ticket! If your parking enforcers weren't on top of ticketing round the clock, I'd say \$50 is fair assuming you'd have to leave your car all day in order to get one. That's just being lazy. But I know it can be mere minutes before finding the giant orange tag of shame! Portsmouth has the most committed parking enforcement employees! I don't get reimbursed for parking tickets. That comes out of my own pocket.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Kate Sheridan (mksheridan5@gmail.com) on Wednesday, February 10, 2021 at 09:39:36

address: 8 Chapel Street, Dover, NH 03820

comments: Dear City Council,

Although I am not a resident of Portsmouth, I spend a lot of time there and have worked there in the past. In other words, I need to park in Portsmouth often. This morning I saw on Facebook that you are considering raising parking ticket prices from \$15 to \$50. I think it goes without saying that these are difficult economic times for all Americans. I am writing in to tell you that \$50 is A LOT of money to A LOT of Americans. This is a completely unreasonable price. I would be curious to hear if there are any other cities, similar to Portsmouth, with ticket prices so high. It seems so out of sync with the economic reality of 2021. It baffles the mind. Please don't do this. We the people simply cannot afford such an exorbitant price.

Many thanks,
Kate Sheridan
includeInRecords: on

Below is the result of your feedback form. It was submitted by Robert Bowser (bob_bowser@me.com) on Wednesday, February 10, 2021 at 09:42:57

address: 692 State Street

comments: I appreciate the planning departments diligence in trying to balance competing demands for limited resources in the current Capital Improvement plan.

However, the low priority on the Islington Street Improvements phase 2 project, is short sighted, and the weighted scoring methodology does not capture the importance of this project to the city.

I understand the substantial cost of this street scape improvement but can think of no other project, even the McIntyre redevelopment project, that will have a more transformational impact on the future growth of the city.

The West End is the place that is growing and can grow rapidly over the next 10 years. It is the last remaining urban neighborhood in Portsmouth where substantial residential growth is happening. The west end has new businesses, apartments, condos with many more in planning stages and has the potential to shift the balance of the city back towards businesses and housing for residents of the city. I fear, without this rebalancing, the city itself will become less vital both to residents and visitors and be known solely as a tourist Mecca past its prime days. You don't have to look far for other compelling examples of cities that have overplayed there visitor appeal.

At present, the sections of Islington Street, a major gateway to the city, are in need of repair and are a mess of delayed maintenance waiting for a major upgrade. As this is the major artery, in this vital growing neighborhood, city investment is essential to ensure this neighborhood connects with grace to the rest of the city and has infrastructure investment that signals this is an up and coming area to live and work.

Without this investment, other areas will likely become more viable to live and visit for people who want a bit more of an authentic and affordable neighborhood. Kittery and Dover are both alternatives to people not wanting to live or visit a city core increasingly dominated by visitors and wealthy retiring transplants.

In short, I think the vision of Portsmouth as a vital place to live and work, hinges more than any other competing project on this street scape improvement project. I would like to suggest that the project get higher priority as I don't believe the importance of the project to the future of the city was captured in the capital improvement plan.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Robin Rousseau (robinrousseau@aol.com) on Thursday, February 11, 2021 at 13:10:28

address: 90 Fleet Street, 4-2

comments: Dear Councilors,

It cost me \$33 to park my car in the Hanover garage for the last snow storm. The ban was called off at 4 PM. That meant I had 2 hours to get my car out of the garage. For the handicap, the elderly or those with night vision challenges, walking on the icy streets in twenty degree weather is not safely possible.

I spoke with Peter Rice about this issue. He thinks he has a really great snow ban program. He does not. I know many people who live downtown including elderly and handicap people who don't think his program is so great. I proposed to him that if he called off a snow ban, after dark, that he allows downtown residents to move their car by noon time the next day. This would prevent slip and fall accidents by those who are physically challenged. It allows for the snow and ice to melt more during the morning hours. Peter was not interested in making any changes for those who are challenged.

As City Counselors who represents the interests of ALL residents—not just businesses and not just tourists, but taxpaying residents, that you would be more opened minded to effect change around this issue. I'm speaking for many residents who don't want to make trouble right now. I don't have a problem with that. Please speak to Peter Rice and get some changes in place for those in our community who need more flexibility. As I mentioned to him, not all downtown residents are twenty years old. We need a more reasonable policy. Of course if we had Resident Permit Parking, the residents would shovel out their own car and we wouldn't need such a policy. I've had Resident Permit Parking when I lived in downtown Boston. It worked out just fine.

Thank you in advance for the changes,

Robin

includeInRecords: on

Below is the result of your feedback form. It was submitted by Matthew Glenn (matthglenn@gmail.com) on Friday, February 12, 2021 at 20:22:13

address: 34 Harrison Ave

comments: Dear Mayor and Councilors,

Like you, I was shocked to hear of the gentleman who was hit by a driver trying to cross Middle Road, and then abandoned. I appreciate the desire to want to respond quickly, and I'm also a fan of the new rapid flashing crosswalk beacons that are being installed in many places around town. I've been asking (along with neighbors) for one at Harding and Elwyn Road (to cross into Urban Forestry Center) and at Lafayette and West Road (to cross a very dangerous arterial, 1/2 of a mile in either direction to a traffic light and crosswalk). It looks like those may be built in three and five years respectively... if we're lucky. I'd love to see a flashing beacon at Middle and Madison (as planned when the bike lanes first went in, and as recommended by Mr. Chzan of Toole Design last month). I also agree that both Middle Road and Thornton at Bartlett can feel dangerous for pedestrians-- I pushed a stroller through that intersection for a few years, and plenty of drivers didn't stop for me.

My issue is with the process on display at your last meeting. It doesn't seem right to me for the mayor to tell the city to spend \$15k to put a flashing light in a certain spot, to please a constituent, or for councilor McEachern to say "then I want one in ward one as well". I applaud councilors Lazenby, Kennedy, and Huda for at least asking that it go before the Parking and Traffic Safety committee and get input from staff engineer Eric Eby.

Furthermore, I don't believe that a yellow flashing light will make much difference to the kind of driver that would hit a man and not stop. Unfortunately "hit and runs" are all too common. Here's an article just this week-- about the recent surge in bicyclists hit, but also very much about pedestrians:

<https://usa.streetsblog.org/2021/02/09/hit-and-runs-against-cyclists-surge-during-quarantine/>

Middle Road needs a more holistic traffic calming solution, and that process has already begun with excellent neighborhood input and professional input from Mr. Eby. As the council, you should be supporting that process and similar ones for other parts of the city, and backing them with funding. You should be taking steps to further the bicycle pedestrian plan, and the many worthwhile bike/ped projects in the Capital Improvement Plan. If there are funds available, put them there-- not on impulsively buying three flashing lights to install in the places you choose and thinking that will solve our traffic violence problem.

Sincerely,

Matthew Glenn

includeInRecords: on

Below is the result of your feedback form. It was submitted by petar ramadanovic (petarr@unh.edu) on Saturday, February 13, 2021 at 13:26:24

address: 393 UNION ST

comments: Given that there is still time, why not try to remove McIntyre bldg from the National Registrar? that would allow the town to tear it down. The process seems straightforward,

<https://www.law.cornell.edu/cfr/text/36/60.15>

thanks in advance for considering this proposal, petar

includeInRecords: on

Below is the result of your feedback form. It was submitted by Roy W. Helsel (royhelsel@aol.com) on Tuesday, February 16, 2021 at 09:29:16

address: 777 Middle Rd Unit 22

comments: MAYOR Beckstead and CITY Councilors; I am writing this E-Mail as a concerned city resident and tax payer since 1981 and a visitor since the early 1960's.

I have a few questions and observations I would like to have answered:

1. I have noticed that each time a developer builds near the wetlands or the water, it appears that they offer the city the 100FT setback for some favorable trade. The city/board agrees and the trade is usually for a higher building or a larger footprint on the project or a future project.
2. This setback is required to be maintained by the builder/owner of the property by state law. The state requirement also states that no structure or building can be built on the setback so then the city must maintain the setback with city tax dollars/workers. Wow! The developer makes out twice. They do not have to maintain the 100 ft set back PLUS they get some other project exception/approval, as I stated above.
3. I resent the Board Member/City Worker for disregarding the 100 ft setback on the North Mill Pond project to excuse the projected access road to this project. The 100 ft setback by the State prohibits any construction on the 100 ft setback and I believe the access road is construction, is it not? I also believe that an access road should be part of the development.
4. This is why I feel that the city continues to be supplementing developers and builders!
5. Do the Developers/Builders have to pay an IMPACT fee to build in our City? They do have a large Impact on our cities resources! They have an impact on our city's water supply, the sewer system, the new sewage plant, our cities work force, Police, Fire Department, Public Works, ETC...
6. They are continually building these UGLY 5 story buildings, turning a once UNIQUE New England town into a LITTLE BOSTON! If tourists want to see BOSTON, that is where they will go.
7. Around 10 years ago, I informed the city council about an incident that occurred when I was vacationing in Porto Vallarta, western Mexico: While conversing with other fellow tourists about where we

were from and mentioning that I was from Portsmouth, they asked me what we were doing to the city. In surprise, I asked them what they meant and they replied, why are so many large, UGLY buildings being built there? When I told them that there were even more to be built, both couples stated they would find other unique New England towns to visit!

Thank You:

Roy W. Helsel
777 Middle Rd Unit 22
Portsmouth, N.H. 03801
603-433-4134
includeInRecords: on

Below is the result of your feedback form. It was submitted by Barbara Jenny (brjenny@comcast.net) on Wednesday, February 17, 2021 at 12:35:55

address: 81 Lincoln Ave

comments: Below please see an email from a retail tenant in our commercial building at 92 Pleasant St.. I hope the council will consider the needs of retail downtown as well as restaurants when planning for Covid accommodations this spring. Thank you for your consideration.
Jan 26.2021

Hello Barbara,

I wanted to take a moment to thank you for coming by the other day and getting me up to speed on the construction project slated to be happening soon next door to my shop.

As you know, this last year for small business downtown has been incredibly challenging due to the pandemic. While there was a big push to help local restaurants, many small businesses like mine did not benefit from the outside dining. In my particular situation it had a negative effect due to half of my street being closed off and the jersey barriers that were brought in to construct the outside dining space for The Clipper Tavern. In conjunction with the empty lot at the corner of State Street and Pleasant Street it actually gave the appearance that the road was under construction and no businesses were open. This was something I heard multiple times over the Summer despite my marketing efforts. Adding insult to injury, because my business opened during the pandemic I did not qualify for any of the government assistance nor will I as we move forward so it is imperative to the success of my business that we find a way to overcome these obstacles.

While much is still undecided about what will and will not be happening this Summer in downtown we do know that outside dining has been approved. With that and all the construction slated to be happening the potential for additional lost revenue is a great concern of mine. Aside from increasing my marketing budget to help combat this I would suggest that instead of just closing part of Pleasant Street that the city close off all of Pleasant Street and use it for additional outside seating. Using bistro style seating similar to what has graced the corner of Pleasant and Market street for decades would draw people all the way down to the other end of Pleasant to enjoy their food or beverage. Additionally, street performers would then have an area to set up creating a unique and quaint experience for both locals and visitors. The Clipper Tavern would then be able to establish an outside dining space that did not need to be protected by jersey barriers creating a more welcoming space as well.

I would ask that signs be placed with strong visibility at the corner of State and Pleasant that Hello Lovely and Port City Barbers are open for business during construction regardless of anything else.

I am hopeful we can find a resolution that is in everyone's best interest.

Thank you for taking the time to hear my concerns.

Be well,

Jen

includeInRecords: on



CJ Fleck, President
Seacoast Area Bicycle Riders
Email: cj@seacoastbikes.org
Cell: 317-460-1152

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

Implementing Toole Design recommendations for the Middle Street bike safety project

Ms. Conard:

The Seacoast Area Bicycle Riders (SABR) non-profit requests that the City take the next step in further improving the Middle Street bike safety project. In addition to its positive assessment of the project, Toole Design recommended a number of relatively minor improvements to ensure not only the safety of bicyclists in this corridor, but also addressing the safety of pedestrians and enhancing the comfort of drivers. Implementing many of these changes — some will have to wait until the next road repaving — will take us one step further to meeting the goals of the *2014 Portsmouth Bicycle and Pedestrian Plan*.

In advance of coming warmer weather, we are asking the City to estimate the actual cost of implementing the Toole Design recommendations prior to approving the work. Because the safety of the project depends entirely on painted stripes and plastic delineators — relatively inexpensive components now that the project is functional — we suggest the City plans to implement these improvements in the spring. The COVID pandemic has produced a whole new cohort of bicyclists of all ages and we need to be ready for them when they take to our streets soon. SABR is happy to partner with and support the City in any way that helps move forward this important project — and many more projects in the future.

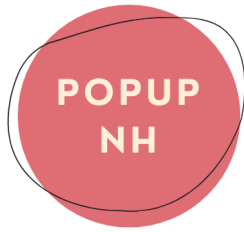
We request that you include this letter in the council packet for the council meeting on February 22nd.

Sincerely,

CJ Fleck

CC

Kelli Barnaby, City Clerk
Juliet Walker, Director of Planning
Councilor Peter Whelan, Chair of Parking & Traffic Safety



To: Mayor Rick Becksted and City Councilors

From: Josh Denton, President, PopUp NH Board of Directors

CC: Karen Conard, City Manager, Robert Marchewka, Economic Development Commission Chair, and Russ Grazier & Barbara Massar, Blue Ribbon Committee on Arts and Nonprofits Co-Chairs

Date: February 16, 2021

RE: PopUp NH 2020 and 2021 Seasons

PopUp NH is excited to announce that we will be filing for our 501(c)(3) status as an arts, cultural organization this week, and that we will begin fundraising accordingly towards a full 2021 season of our socially distanced outdoor performance venue. This document contains both the follow-up to our November 15, 2020, Preliminary Financial Report, and an initial proposal for our 2021 season based off the ongoing feedback we have been receiving from both the potentially impacted businesses and our beloved arts and nonprofit organizations.

2020 Partial Season

Many arts and nonprofit organizations suffered financial losses due to the COVID-19 pandemic in 2020. To survive, they had to pivot and adapt to the changing environment in new and creative ways. This led to a large community effort and formation of PopUp NH in July 2020. According to the Americans for the Arts, economic impact of the nonprofit & culture industry calculator, **PopUp NH's socially distanced outdoor performance venue alone had \$292,697 in total expenditures, supported nine full time equivalent jobs in our community, and generated \$9,186 in local revenue for the City of Portsmouth.** Of note, the calculator does not factor in our patrons that dined in the food court area and did not purchase tickets to attend one of our performances.

In July 2020, PopUp NH began constructing our socially distanced outdoor performance venue in the Bridge Street Lot. In just a matter of weeks, our four food sheds were built to code, our water shed was built to code, and our stage was erected. For the PopUp to come to fruition, PopUp NH relied on the contributions from our donors, the time of our volunteers, and the tireless work of Portsmouth's invaluable City Staff. The PopUp would have never been a success

without our Title Sponsor, the Service Credit Union, all of our other wonderful sponsors, and the understanding of our surrounding neighborhood. PopUp NH's top five initial expenses for our 2020 partial season are below.

Top Initial Expenses	Amount
Construction Lumber	20,963
Plumbing and Equipment	20,175
Shed and Walkway Construction	19,878
Kitchen Equipment	14,381
Electrical and Equipment	11,318

The 2020 Season began on August 8, lasted eleven weekends, and concluded on October 18. The PopUp operated on Thursday and Friday late afternoons and early evenings, as well as Saturday and Sunday afternoons and early evenings. As the Citizen Response Task Force's Bridge Street Subcommittee noted, many community members said visiting the PopUp was their first venture out to a restaurant or performance space since COVID-19 hit. PopUp NH far exceeded New Hampshire and CDC COVID Guidelines, with patron seating being fifteen feet apart and twenty-five feet being between the stage and the audience. All ordering was contactless via mobile devices, with guests only leaving their designated areas to wash their hands, use the bathroom, or leave the venue. No cases of COVID-19 were associated with PopUp NH's 2020 partial season.

The performance venue sold 2,144 tickets to forty performances. The \$49,024 in ticket revenue from these performances paid for the performers directly or through local art and nonprofit organizations. Seventy-five percent of ticket sales went directly to the performers or the art and nonprofit organizations. The organizations that participated were the Portsmouth Music and Arts Center (PMAC), the Prescott Park Arts Festival, 3S Artspace, the Seacoast Repertory Theater, Opera on Tap, and the Portsmouth Halloween Parade. Diners generated a total of \$132,707 in restaurant and beverage sales. Ninety-eight percent of that revenue went to the five restaurants that participated. In addition to the full time General Manager, full time Assistant General Manager, and two-part time employees that PopUp NH hired, the restaurants operating out of our food sheds either hired new employees or extended the hours of existing employees that otherwise would not have had the additional work. PopUp NH's top five operational expenses for our partial 2020 season are below.

Top Operational Expenses	Amount
Generators and Fuel	\$27,000
Audio Rental	24,000
Salaries	23,766
Insurance	14,382
Lifting and Transporting Sheds	7,550

The **three big takeaways** from PopUp NH's extremely successful partial season are:

1. **More preparation time would have allowed for plays** to be performed by our art and nonprofit organizations. Significant time is required to acquire the rights, cast actors, and rehearse. Unfortunately, the short duration of our first season did not allow for this preparation time and therefore not every local art and nonprofit organization would have been able to participate.
2. **More preparation time would have saved money** in both our initial and ongoing costs. For example, the \$27,000 that the City spent on generators could have gone towards a utility company burying permanent power lines if enough lead time was given.
3. **PopUp NH recommends a uniform social distancing requirement** for all of Portsmouth's art and nonprofit organizations offering outdoor performances. Our unique fifteen-foot social distancing requirement negatively impacted our viability, by significantly limiting our capacity. New Hampshire and the Center of Disease Control COVID Guidelines require seating to be placed six-feet apart and a 2021 uniform social distancing requirement should be based off the distancing used at the Music Hall's extremely successful Live Under the Arch series. A similar requirement would have significantly benefited our performers with increased ticket sales and our restaurants with increased food sales.

2021 Full Season

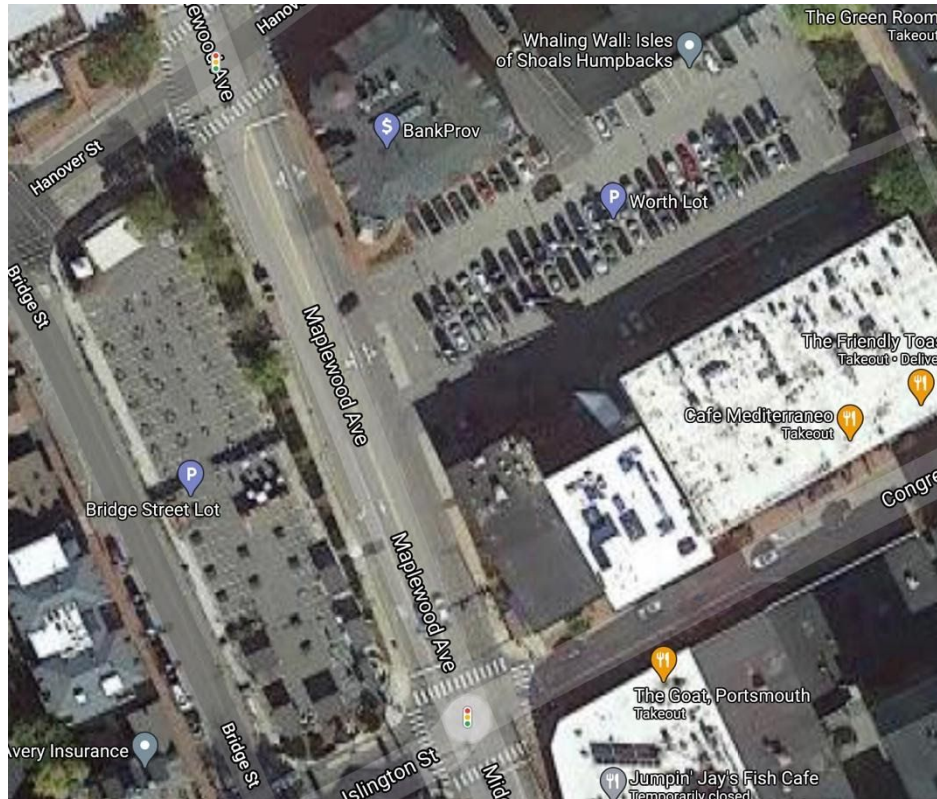
Over half a dozen of our beloved restaurants have entered hibernation and all Portsmouth residents will not be able to go and enjoy a show until vaccines are at least made available to all 300 million Americans, which is currently estimated to happen by the end of July 2021. Therefore, PopUp NH has begun preparations for a full six-month season of our socially distanced outdoor performance venue, from May 1st thru October 31st, 2021.

The Worth Lot is currently envisioned by the City to become a plaza between a refurbished Vaughn Mall and repurposed Bridge Street Park. The Worth Lot was also used by the Music Hall for this very purpose on June 16, 2019, for their extremely successful Concert in the Lot partnership with the City. Further, the Worth Lot was suggested in 2020, as a better location for a 2021 PopUp season by several Citizen Response Task Force members.

The biggest benefit of PopUp NH using the Worth Lot for a full 2021 season, is that in addition to our food and drink sheds, **any interested downtown restaurant should be able to safely run takeout orders** in compostable containers to our guests. These expanded menu options would attract more patrons and therefore be mutually beneficial to any participating downtown restaurant and to the local art and nonprofit organizations that want to use our stage.

The amount of space that PopUp NH uses in the Worth Lot for a performance venue, and the number of days during the week that the venue operates, has a direct correlation to the amount Portsmouth's art and nonprofit organizations would benefit from ticket sales and the amount Portsmouth's restaurants will benefit from food sales. Therefore, the use of the entire Worth Lot, like the Music Hall's Concert in the Lot, would be the most beneficial to the

participating art and nonprofit organizations and downtown restaurants. However, based on the initial feedback of our ongoing solicitation from the businesses that would be most impacted by PopUp NH's use of the Worth Lot as the location of our 2021 season, we have developed and are proposing a **hybrid performance venue option**.



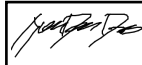
Google Earth image of the PopUp in the Bridge Street Lot alongside the Worth Lot.

In a hybrid performance venue at the Worth Lot, the twenty-four or so impacted special parking spaces (handicap parking, condo association parking, and Portsmouth Health Food Center parking) could be consolidated to the Maplewood entrance to the parking lot. While this configuration would only allow PopUp NH to use three quarters of the lot, it would allow for the City to maintain current commitments and for the renovations of the former YMCA building to continue unimpeded. In this hybrid performance venue option, the stage could be erected in Vaughn Mall where the park benches currently are. The food sheds, watershed, grilling structure, and propane cage could be located in parking spaces along the Whaling Wall. Two portable storage containers, for audio and other equipment, and the latrine / handwashing stations could also be located in parking spaces. Further, the tables, chairs, and metal barricades used during performances could be **consolidated in parking spaces when the performance venue is closed**. This could potentially free up other parking spaces, and more importantly, allow for deliveries to the businesses and for the dumpsters to be easily emptied. Such a hybrid arraignment would require continuous electronic signage and parking enforcement by the City.

PopUp NH has begun reaching out to Portsmouth's arts and nonprofit organizations for feedback. If planning for a full second season of our socially distanced outdoor performance venue were to begin now, Portsmouth's arts and nonprofit organizations that specialize in doing their own theater could start preparations for limited releases to be performed on our stage several days in a row. Meanwhile, the Music Hall's Live Under the Arch and 3S Artspace's Loading Dock series would be welcomed to use the PopUp for larger acts. Of note, PopUp NH's use of the Worth Lot could compliment the Music Hall's second Live Under the Arch season with sound deconfliction being accomplished by coordinating the two hours each venue uses between their own performances. The percentage of ticket sales from participating art and nonprofit organizations that would be paid towards the venue's operating costs would entirely depend on the number of tables that are allowed in the performance venue.

The percentage of food sales from all participating restaurants to go towards operations would also entirely depend on the number of tables that are allowed. **Special arrangements would be made with the three restaurants that would be most impacted** by a 2021 PopUp NH season happening in the Worth Lot. For example, La Maison Navarre, the Friendly Toast, and Café Mediterraneo should be able to use their assigned parking spaces from the 2020 outdoor dining season for their sole use when the venue is not operating. Additional options are currently being explored and copies of this document will be hand delivered to the easily accessible businesses that border the Worth Lot over the weekend of February 20.

The Americans for the Arts, economic impact of the nonprofit & culture industry calculator demonstrated the benefits that PopUp NH's partial 2020 season had on all of Portsmouth, beyond the funding generated for both our arts and nonprofit organizations and our culinary arts. **A full 2021 season of PopUp NH's socially distanced performance venue would undoubtedly surpass the \$292,697 in total expenditures, nine full time equivalent jobs supported in our community, and the \$9,186 generated in local revenue for the City of Portsmouth by our partial 2020 season.** Food sales would also far surpass our 2021 figure, assisting even more of our struggling restaurants. We look forward to discussing, working again with Portsmouth's exceptional City Staff, and another very successful community effort.

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Josh Denton
(603) 553-1810