

# CITY COUNCIL MEETING

Remote Meeting via Zoom Conference Call

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

[https://zoom.us/webinar/register/WN\\_6xNBjq9\\_S46azNsl8cmTtg](https://zoom.us/webinar/register/WN_6xNBjq9_S46azNsl8cmTtg)

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

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-25, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**DATE: MONDAY, MARCH 22, 2021**

**TIME: 7:00PM**

- **5:30PM – ANTICIPATED NON-PUBLIC SESSION REGARDING MCINTYRE PROJECT – PENDING CLAIMS – RSA 91-A:3 II (e)** [https://zoom.us/webinar/register/WN\\_SVku9MbpTZ6m7zaxvnp1Kg](https://zoom.us/webinar/register/WN_SVku9MbpTZ6m7zaxvnp1Kg)

## AGENDA

- 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 22, 2021; JUNE 22, 2020 & JULY 15, 2020
  
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
  
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)
  
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**
  
- XI. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS  
*(There are no items on under this section of the agenda this evening)*
  
- XII. MAYOR BECKSTED
  - 1. Appointments to be Considered:
    - Reappointment of Samantha Collins to be Conservation Commission
    - Appointment of Chris Gallot to the Peirce Island Committee
    - Reappointment of Thomas Ferrini to the Portsmouth Housing Authority
    - Reappointment of Carl Diemer to the Recreation Board
    - Reappointment of Kathryn Lynch to the Recreation Board
    - Appointment of Robert Bogardus to the Recreation Board
    - Appointment of Aubrey Gewehr to the Sustainable Practices Blue Ribbon Committee

### XIII. CITY COUNCIL MEMBERS

#### A. COUNCILOR LAZENBY

1. Proposed City Council Rule regarding transparency of City Council actions (***Sample motion – move to adopt, as part of the Revised Rules & Orders of the Portsmouth City Council,***

**Rule 48: Motions to be Germane to Agenda**

***No Member of the City Council shall make any motion at a City Council meeting except those motions which logically relate to an item contained in the written Agenda. To make a motion not logically related to an item contained in the written Agenda, the City Council would first need to vote by a two-thirds majority to suspend this rule.***

### XIV. APPROVAL OF GRANTS/DONATIONS

- A. Approval of National League of Cities Grant - \$10,000.00 (***Sample motion – move to authorize the City Manager to execute the Memorandum of Understanding with the National League of Cities as presented, and accept the grant funds in the amount of \$10,000.00***)

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

#### A. CITY MANAGER CONARD

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

1. Adoption of Proposed Capital Improvement Plan
2. Peverly Hill Road Complete Street Project Public Comment Summary and Request for Public Necessity Hearing (*This is the link to the Peverly Hill Road Public Informational Session held on February 17<sup>th</sup>*) <https://youtu.be/3T3g4MM20tE>
3. Resolutions to Opt-In to the Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement

### XVI. CONSENT AGENDA

- A. Request for License to Install a Projecting Sign for owner NNE Hospitality Group LLC for property The Puddle Dock Restaurant, LLC located at 66 Marcy Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations**

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

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

- B. Request for License to Install a Projecting Sign for owner Henry Pariseau for property Portsmouth Feed Co. located at 22 Market Square Unit 1 (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations**

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

- C. Request for License to Install a Projecting Sign for owner Ahmed Beju for property Sineore Cannoli located at 70 Congress Street (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

**Planning Director's Stipulations**

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

- D. Letter from Ilysse Sirmaian, Portsmouth Babe Ruth, requesting permission for placement of temporary signage at Leary Field during the 2021 baseball season (***Sample motion – move to refer to the City Manager with Authority to Act***)

**XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Larry Cataldo, Citywide Neighborhood Committee, regarding Chervolet Avenue Sidewalk Project (***Sample motion – move to refer to the City Manager for report back***)

- C. Email Correspondence from Bill Watson, NH Department of Transportation, regarding Middle Street Bike Lanes

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

- 1. Report Back on CIP and Bonding Process as Requested by Councilor Huda at the 3/15/2021 Council Meeting

**XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

- 1. Citywide Neighborhood Committee Meeting Minutes of March 3, 2021

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

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

*\* Indicates verbal report*



Karen S. Conard  
City Manager

## CITY OF PORTSMOUTH

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

**Date:** March 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 March 22, 2021

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

#### **A. Approval of National League of Cities Grant - \$10,000:**

The National League of Cities (NLC), an advocacy organization supporting cities, towns, and villages across the United States, announced eight new cities, including the City of Portsmouth, for the Leadership in Community Resilience program. This program has awarded the City \$10,000 in direct financial support, as well as technical assistance and advisory services from NLC staff and partners, to help Portsmouth meet community-specific resiliency goals.

These grant funds were applied for and will be administered by the Coastal Adaptation workgroup and the Great Bay Stewards. Proposals detailing resiliency challenges in the community and proposed projects that could support local capacity building activities were prepared in consideration for this grant program. In particular, this project will highlight some of the resilience efforts completed by Portsmouth and other communities in Seacoast, NH from which the Coastal Adaptation Workgroup will develop a guide for the region to assist communities in their coastal resilience efforts.

A Memorandum of Understanding (MOU) is required by NLC in order for the City to accept the award, and allow the grant money to go to the Coastal Adaptation workgroup and the Great Bay Stewards. Although the funds are not being directly received by the City, these grant funds will still need formal acceptance by the City Council, along with the [attached MOU](#).

*I recommend that the City Council move to authorize the City Manager to execute the Memorandum of Understanding with the National League of Cities as presented, and accept the grant funds in the amount of \$10,000.*

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

### 1. **Adoption of Proposed Capital Improvement Plan:**

In accordance with Section 7.7 of the City Charter, the City Council is reconvening a public hearing at this evening's City Council meeting regarding the [proposed Capital Improvement Plan for FY 2022 – FY 2027](#). In addition to this evening's public hearing, the City Council held a work session on January 13, 2021 and opened the public hearing on February 8, 2021. At the work session, the proposed CIP was presented by City staff. The public hearing was closed at the March 15, 2021 City Council meeting.

The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council. It is anticipated the proposed FY 2022 budget will be transmitted on or about April 24, 2021.

*I recommend that the City Council move to adopt the Capital Improvement Plan as presented.*

### 2. **Peverly Hill Road Complete Street Project Public Comment Summary and Request for Public Necessity Hearing:**

City staff held a public meeting on the [Peverly Hill Road Complete Street Project on February 17, 2021](#). The purpose of the meeting was to present the Preliminary Design plans, incorporating the changes made to the plans based on the comments received from the public at the last meeting in March 2019. Attendees were also informed of the need for easements from several landowners necessary to construct the project. Comments and feedback were requested from residents so that the City could determine the level of support for the project and the next step of starting the right-of-way (ROW) acquisition process.

The meeting included a total of 47 participants, of which 37 were public citizens, 7 were City staff/project consultants, and 3 were City Councilors. The following [summarizes the comments and concerns](#) received during the meeting, as well as the period through February 26:

- What are the impacts on the project from the planned residential project adjacent to the cemetery?
- How long will the actual project construction last?
- How will trucks be able to navigate the narrowed roadway lane widths?
- How many trees will be removed and what types of trees will be planted under the power lines?
- What is the cost to relocate the utility poles and where will they be placed?
- Will the gravel wetland on Greenleaf Avenue be located 9 feet above the creek flood level?
- What happens to oil and debris in the gravel wetland when it overflows?
- What can be done about drainage problems on Greenleaf Avenue, and will the construction damage the trees on the street?
- Can the entire bike path be narrowed to 8 feet?
- Will residents receive advance notification of construction impacts on their property?

- Will my driveway width still allow me to use it as I need and desire?
- How will mail and delivery vehicles pull over with a narrow and curbed roadway?
- How and where will snow be removed and placed?
- Will serious cyclists actually use the bike path, if it means having to cross the road twice?
- Can the on-street bike lane going up the hill between Banfield Road and the DPW driveway be widened?
- Can truck use on Peverly Hill Road be restricted?
- Will the proposed drainage area at the corner of Moffat Street be fenced and/or cleaned of debris regularly?
- Wetland and buffer impacts should be minimized.
- Can a ramp onto the bike path be provided at the Greenleaf Avenue intersection?
- Will flashing beacons be installed at the crosswalks?

While there were concerns regarding wetland impacts and the width of the bike lane and roadway, there have not been any comments regarding an unwillingness to work with the City to provide the easements necessary for the project. Therefore, staff recommends that the project proceed as designed, submitting the Preliminary Design plans to NHDOT for review and approval, obtaining NEPA clearance, and holding a public necessity hearing to begin the ROW acquisition process. The comments that have been received can be addressed during the Final Design and ROW process.

*I recommend that the City Council move to schedule a public necessity hearing on April 5, 2021 during the regular City Council meeting to establish the right-of-way needs for the Peverly Hill Road Complete Street Project.*

3. **Resolutions to Opt-In to the Great Bay Total Nitrogen General Permit and Draft Intermunicipal Agreement:**

I am requesting City Council action on two resolutions this evening. The first resolution addresses the City’s need to make a decision by April 1, 2021 to opt-in to the Great Bay Total Nitrogen General Permit (“General Permit”). The second resolution addresses the opportunity to opt-in to an Intermunicipal Agreement with other impacted communities to coordinate and implement certain aspects of the General Permit. A public meeting was held on this topic on Thursday March 11, 2021, which is available for the public to view on the [City’s Youtube channel](#).

Great Bay Total Nitrogen General Permit

The Great Bay Total Nitrogen General Permit (“General Permit”) was issued on November 24, 2020. It became effective February 1, 2021. The General Permit and further information can be found on the Environmental Protection Agency’s website at this link: <https://www.epa.gov/npdes-permits/great-bay-total-nitrogen-general-permit>

The General Permit is an opt-in permit; the opt-in election date is April 1, 2021. Permittees that do not elect to opt-in will be issued individual permits for their plants requiring limits of technology for nitrogen removal.

It is in the best interest of the City to opt-in because individually issued permits with nitrogen limits set at the limit of technology would result in the Pease WWTF being in non-compliance. Rochester, Dover and Newington have already voted to opt-in and other towns and cities have also indicated they are anticipating opting in.

A resolution to opt-in to the General Permit, for consideration by the City Council this evening is [attached](#).

#### Intermunicipal Agreement for Adaptive Management

In order to accomplish the adaptive management plan and other tasks described in Part Three of the General Permit, an [Intermunicipal Agreement has been drafted](#) to facilitate the coordination and cost-sharing of that work among the regulated communities. The New Hampshire Attorney General's office has approved the form of the Agreement. The Cities of Dover and Rochester have already voted to enter into the Intermunicipal Agreement along with the Town of Newington.

In response to concerns by Councilor Kennedy at the March 11<sup>th</sup> public meeting regarding transparency and participation, the proposed Resolution has been revised to specifically direct the City Manager to address those items either by working with the communities that have already entered into the Agreement to amend it and/or to make a separate commitment involving the members of the Executive Board. Both Dover and Rochester have indicated that they are amenable to additional transparency and participation.

A revised resolution to enter into the Intermunicipal Agreement, for consideration by the City Council this evening is [attached](#).

*I recommend that the City Council move to adopt the Resolution entitled, "Approval to Submit a Notice of Intent to Obtain Coverage under the Great Bay Total Nitrogen General Permit" and the Revised Resolution entitled, "Approval to Enter an Intermunicipal Agreement for Development of an Adaptive Water Quality Management Plan for Great Bay Estuary."*

## ***XVI. Consent Agenda:***

### **A. Projecting Sign License – 66 Marcy Street:**

Permission is being sought to install a projecting sign at [66 Marcy Street](#) that extends over the public right of way, as follows:

Sign dimensions: 42" x 30"

Sign area: 8.75 sq. ft.



The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

**B. Projecting Sign License – 22 Market Square Unit 1:**

Permission is being sought to install a projecting sign at [22 Market Square Unit 1](#) that extends over the public right of way, as follows:

Sign dimensions: 6' x 4.5'

Sign area: 27 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

**C. Projecting Sign License – 70 Congress Street:**

Permission is being sought to install a projecting sign at [70 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 41.75" x 40"

Sign area: 11.6 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*

2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and

3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.

### *XVIII. City Manager's Informational Items:*

1. **Report Back on CIP and Bonding Process as Requested by Councilor Huda at the 3/15/2021 Council Meeting:**

Please find [attached a report back](#) regarding the CIP and bonding process.