

# CITY COUNCIL MEETING

## PUBLIC PARTICIPATION TO BE CONDUCTED VIA ZOOM ONLY.

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<https://www.cityofportsmouth.com/citycouncil/contact-all-city-councilors>.

## THE CITY COUNCIL, CITY MANAGER, CITY ATTORNEY & CITY CLERK WILL BE MEETING IN PERSON

DATE: MONDAY, MAY 17, 2021

TIME: 6:00PM

### • 6:00PM ANTICIPATED NON-PUBLIC SESSIONS:

1. FIRE CHIEF EMPLOYMENT AGREEMENT – RSA 91-A:3, II (a)
2. SCHOOL SUPERINTENDENT EMPLOYMENT AGREEMENT – RSA 91-A:3, II (a)
3. COLLECTIVE BARGAINING NEGOTIATIONS UPDATE – RSA 91-A:3, II (a)

## 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 – APRIL 19, 2021 AND MAY 3, 2021
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] - **POSTPONED**
- XI. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

### Public Hearing

- A. RECOGNIZING INDIGENOUS PEOPLES' DAY EACH YEAR INSTEAD OF WHAT HAS BEEN TYPICALLY DESIGNATED BY THE STATE OF NEW HAMPSHIRE AS COLUMBUS DAY

**First Reading of Ordinance:**  
Revised the language for the two items under Councilor Huda

- B. First Reading of Ordinance amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – and Report Back on City Council Concerns Related to Bartlett Street Truck Restriction

**Third and Final Reading of Ordinance:**

- C. Third and Final Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY

**XII. MAYOR BECKSTED**

1. Appointments to be Considered:
- Richard Adams Reappointment to the Trees & Public Greenery Committee
  - Michael J. Griffin Reappointment to the Trees & Public Greenery Committee
  - Peter J. Loughlin Reappointment to the Trees & Public Greenery Committee
  - Dennis Souto Reappointment to the Trees & Public Greenery Committee
2. \*Appointments to be Voted:
- Daniel Brown to the Historic District Commission

**XIII. CITY COUNCIL MEMBERS**

**A. COUNCILOR WHELAN**

1. McIntyre Subcommittee (***Sample motion – move that the McIntyre Subcommittee as presently constituted authorized to commence negotiations with the City’s development partner Redgate/Kane in an effort to bring about the withdrawal of the SoBow Square LLC vs. City of Portsmouth lawsuit by means of an agreement under which SoBow Square would construct and operate the McIntyre project in general conformance with the preferred design Concept (Scheme I) presented by the report of the Principle Group dated May 4<sup>th</sup>, with any such agreement being brought back to the City Council for final approval***)

**B. COUNCILOR KENNEDY**

1. \*Walking trails on Peirce Island (***Sample motion – move for a report back from the city on the following:  
What is the city’s plan to groom the walking trails on Peirce Island?  
What is the design plan for public areas after the treatment plants updates?***)

**C. COUNCILOR HUDA**

1. ***Report back to the Council on the first meeting of the Mayor’s Blue Ribbon Audit Committee including a recommendation for an audit firm to be voted on by the Council***
2. ***As advised by City Legal Counsel, I would request another Councilor make a motion to approve the recommendation of the auditor by the Mayor’s Blue Ribbon Audit Committee and authorize the Audit Committee and the City Legal Department to move forward with the negotiation of a contract***

## **D. COUNCILOR TRACE**

Revised the language for the two items under Councilor Huda

1. \*A Report from the Historic District Commission – The unanimous vote by the Commission to have the City Council Representative bring forward to the City Council the Commissioners’ frustration with not being allowed to participate as residents in the McIntyre process to date (***Sample motion – move for a report back/presentation from City Attorney Sullivan at this Council meeting, on the Quasi-Judicial nature of the Land Use Boards. Presentation to include legal obligations of Members and Commissioners as they pertain to taking a public stance/opinion on a project before the project is formally brought before them by the applicant. Electronic and/or hard copy from the City of Portsmouth Legal Department to be provided to all Land Use Board Members and Commissioners following the City Council meeting***)
  
2. \*McIntyre Subcommittee (***Sample motion – move to support voting on the motion brought forward by Councilor Whelan as Chair of the McIntyre Subcommittee as listed under his name and as follows:***
  - 1) ***Move that the McIntyre Subcommittee as presently constituted by authorized to commence negotiations with the City’s development partner Redgate/Kane in an effort to bring about the withdrawal of the SoBow Square LLC vs. City of Portsmouth lawsuit by means of an agreement under which SoBow Square would construct and operate the McIntyre project in general conformance with the preferred design Concept (Scheme I) presented in the report of the Principle Group dated May 4, with any such agreement brought back to the City Council for final approval***)

***As moved by Chairman Whelan of the McIntyre Subcommittee***

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

*(There are no items on this section of the agenda)*

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

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

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

1. Approval of Fire Chief Employment Agreement
2. Approval of Superintendent Employment Agreement

## **XVI. CONSENT AGENDA**

- A. Request for License to Install a Projecting Sign for owner Marianne Janik of Callib., for property located at 21 Daniel 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;***

Revised the language for the two items under Councilor Huda

- **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**

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

- A. Email Correspondence (**Sample motion – move to accept and place on file**)
- B. Request of Restoration of Involuntary Merged Lot – 135 Thaxter Road (**Sample motion – move to refer to the Planning Board and City Assessor for report back**)

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

1. Report Back on March 2021 Monthly Summary Report as Requested by Councilor Huda at the May 3<sup>rd</sup> City Council Meeting
2. \*Report Back on all North Mill Pond Development Projects and Endangered Species as Requested by Councilor Trace at the May 3, 2021 City Council Meeting
3. Update on Reimbursement for COVID-19 Vaccination Efforts
4. Household Hazardous Waste Collection Day

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

**XX. ADJOURNMENT [at 10:30 p.m. or earlier]**

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

*\*Indicates verbal report*

**CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, APRIL 19, 2021

PORTSMOUTH, NH  
TIME: 6:00PM [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\\_GFgFtTcAS0-hOFNrI81SEA](https://zoom.us/webinar/register/WN_GFgFtTcAS0-hOFNrI81SEA)

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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.

At 6:00 p.m. a Work Session was held regarding Peirce Island Master Plan.

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.

**III. CALL TO ORDER**

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

**IV. ROLL CALL**

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

**V. INVOCATION**

Mayor Becksted asked for a moment of silent prayer in memory of Mr. Dow who recently passed away.

**VI. PLEDGE OF ALLEGIANCE**

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

**VII. ACCEPTANCE OF MINUTES – MARCH 15, 2021**

**Councilor McEachern moved to accept and approve the minutes of the March 15, 2021 City Council meeting. Seconded by Councilor Whelan.**

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

## **VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

City Manager Conard, Mayor Becksted and City Council issued a joint statement with the Town of Kittery in recognition and thanks to Bram Hepburn, NH DOT Bridge Operator for saving the life of a person who fell from the bridge on Sunday, April 4, 2021.

## **IX. PUBLIC COMMENT SESSION**

Vinnie Amico spoke in favor of a skateboard park being built in the City.

Andrea Amico spoke regarding PFAS at Pease and how it impacts health. She requested permission from the City Council to place lawn signs on City property in order to raise awareness of this important study.

Liza Hewitt spoke in favor of the skateboard park and commended Councilor Kennedy for her work on proposing a skateboard park in the City. She said that this will be a great park for the City.

Peter Somssich asked to make the Spinnaker Point a recreation center. He spoke to the improvements that have been made to the facility since COVID, however, there are ventilation issues that do not meet the needs currently to reopen the facility. He suggested an energy audit of the facility.

Julia Russell spoke in favor of the Peverly Hill Road Improvement Plan and the walkabout held by the City Council was a great way to hear from residents on the plan. She stated she is willing to accept the modifications and changes that will be made to her property. She said the road is unique and the biggest challenge is turning out of the driveway. She would like to make sure the easements are less intrusive.

Nancy MacDonald spoke in favor of the skateboard park and its proposed location at the former stump dump. She thanked Councilor Kennedy for the learning opportunity.

Noah Hester spoke in favor of the original Peverly Hill Road plan. The proposal is to provide a roadway for all users. He doesn't want to see a sidewalk only plan. He said the plan provides a safe place for many activities to take place.

Mark Brighton spoke in support of the skateboard park and is a good use of the former stump dump.

Jim Lee spoke in favor of the skateboard park and said this would be a great use of COVID funds. He stated this could be a great family facility.

Andrew Bagley spoke in favor of the skateboard park and said it is a great use of the former stump dump land. He said he also supports the cross walk at Middle Street. He said the current plan on Middle Street is dangerous. He addressed the parking fines and said he is opposed to increasing the fines.

Matthew Glenn spoke regarding the Peverly Hill Road Plan and said it is a better option to ride a bike but no less dangerous. He said many neighborhoods support the Complete Street Plan. He said if changes need to be made to the plan staff and residents should work together toward a plan that works for everyone.

Amy Court spoke regarding the skateboard park at the stump dump location. She said it is a perfect place for the park and spoke to the extensive search for a location by the Recreation Board. She said that kids need a place to go and this is the right location.

Roy Helse said he sent an e-mail with his thoughts regarding the Conservation Commission allowing the project at the North Mill Pond within the 50 foot buffer zone. He said developers should need to maintain the boundaries of the wetlands.

Nelson Wormstead spoke in favor of the skateboard park and his work in the field.

John Tilton spoke in support of the bike path and multi-use fields. He said the plan and current proposal makes the most sense.

Brendan Eaton spoke in favor of the new skateboard park plan. He said he was a part of the first skate board park committee 20 years ago and that there is a great deal of community support for park.

Byron Matto spoke in support of the skateboard park and its importance. He also spoke to Peverly Hill Road becoming a multi-modal path.

Lucia Von Letkemann spoke in support of the skateboard park. She said this is a very large sport and many people are getting involved. She spoke in favor of keeping multi-path in place for Peverly Hill Road.

Tracy George spoke in favor of the skateboard park. She spoke concerned with the mental health of kids during COVID and said this is a different creative venue which provides opportunities for kids.

Hatcher Caron spoke in favor of a skateboard park. He said this will be more local for users and that people of all ages could use the park and enjoy it. He said all great cities have a great park.

Robin Rousseau spoke to the proposed parking ticket increases and said people are going through financial hardships and this is the wrong time to raise fees. She suggested putting in place a parking program for Market Square.



Donald Jones spoke to multi-use lanes on Peverly Hill Road. He said he does not want to step back and have a single use sidewalk. He said Peverly Hill Road needs a safe path for access up and down the roadway.

**Councilor Kennedy moved to suspend the rules to take place Items XIII. D.1. – Presentation regarding Skateboard Park Improvements, XIII. D.2. – Skate board Park, XIII. D.3. – Blue Ribbon Committee and XVII. B. – Presentation and Report Back on Peverly Hill Road Complete Street Project. Seconded by Assistant Mayor Splaine.**

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

XIII. D.1. Presentation regarding Skateboard Park Improvements

Dave Cosgrove, Oliver Sieve and Seamus Durkin provided a Presentation regarding Skateboard Park Improvements. The Presentation included the importance of this action sport for the community and how it involves all ages and genders. David, Oliver and Seamus spoke to the importance of significant mental health benefits and how this activity follows people into adulthood. A review of a current park design was provided for review by the City Council.

**Councilor Kennedy moved that the Portsmouth City Council have the City Manager put out an RFP and fund a Skateboard Park using federal, state, and local funds, for a Skateboard Park and a community recreation field. Given the Recreation Board recommendation, this park will be placed in the area that we now call the Portsmouth Stump Dump off of Route 33. Seconded by Assistant Mayor Splaine.**

Councilor Kennedy thanked everyone that has been part of this request. She stated this request will include a recreational field that families can enjoy.

Councilor McEachern thanked Councilor Kennedy and everyone that put this together. He said it shows when you get everyone together on an issue something can happen. He thanked Oliver and Seamus for their work and speaking to this matter.

Assistant Mayor Splaine said he would like to know the next steps on this matter. City Manager Conard said she will work with Public Works Director Rice and Recreation Director Henley on this matter. She said it is her hope that COVID funding will become available for a skateboard park.

Recreation Director Henley said the Public Works Department will meet with Chris Rice for making the Greenleaf Park available for use until the skateboard park is completed at the stump dump.

Councilor Lazenby asked what would be an appropriate cost for a skateboard park. Mr. Cosgrove said it would be between \$300,000.00 - \$400,000.00 without additional recreational fields and family areas.

City Manager Conard said an update on design and engineering and providing a recommendation on paying for the project will be provided.



Councilor Trace said she would like to see a Blue Ribbon Committee put together and would like to see Seamus and Oliver serve on the Committee.

Mayor Becksted said he would have Seamus and Oliver serve.

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

**Councilor Kennedy moved to ask the Mayor to set up a Blue Ribbon Committee to include six individuals and one city councilor to support the city in the creation of the Portsmouth skateboard park and include Seamus Durkin, Oliver Sieve, Dave Cosgrove and Chris Rice as members of the Committee. Seconded by Councilor Huda.**

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

#### XVII. B. Presentation and Report Back on Peverly Hill Road Complete Street Project

City Manager Conard said this is a follow-up to the site walk and visit on Peverly Hill Road. She introduced consultant Brian Colburn of McFarland Johnson who would be making the presentation.

Deputy City Attorney Woodland briefly spoke to the site walk. She said the site walk was joined by many residents. She said there is a different design for the project. She spoke to the ROW which varies along the roadway. In addition, she indicated you will see the permanent easement areas needed and borrowing rights to construct the improvements on the plan which are often found at driveways. She reported that this is a federally partial funded project and there are challenges we can't discuss with property owners, such as the price we will pay for easements. She spoke to the formal appraisal process and that there is structure in the law to deal with these issues.

Brian Colburn, MacFarland Johnson, provided the presentation and discussed the footprint required for improvements. He provided review alternates from the current design and pinch points. He spoke to alternate designs and how they affect the ROW's and how it would appear if a sidewalk and bike lanes were installed. He reported on properties that will require permanent easements due to construction, whether it relates to drainage, sidewalk or roadway. Mr. Colburn reviewed the Complete Streets Program whereby the City has committed to approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users, and to use the best and latest design standards available. He reviewed possible next steps for each possible design and suggested a public hearing on June 7, 2021 or later.

Councilor Trace said she feels any change should be equitable to all property owners. She asked why the trucks can't be redirected up one exit further and to come up Route 1.

City Attorney Sullivan said it is possible to establish truck lanes or new truck lanes. He said it could be done but there would be difficult enforcement issues.

Councilor Lazenby said one more public input hearing for the neighborhood would benefit everyone in coming together. City Manager Conard said another input hearing could be held if that is the will of the Council. Mayor Becksted said he would prefer we have an in-person meeting rather than via zoom.

Councilor Kennedy said the neighborhood should look at all the plans. She asked Deputy City Attorney Woodland if one person does not agree with the project, is the project dead. She also spoke regarding her opposition to eminent domain and how she is very uncomfortable taking any properties. Deputy City Attorney Woodland said she has not heard from property owners against the project but it would be good to have another public input hearing on the project.

Councilor McEachern said we need to be careful and not impact another neighborhood. He said he supports another public input session on this project.

Councilor Whelan said he supports another meeting with residents as soon as possible.

Councilor Huda said she would also support another neighborhood meeting. She said we need to listen to all neighbors. She asked how much funds have been spent so far and how much is needed. Transportation and Parking Engineer Eby said the City has spent \$85,000.00 and the State has put in \$340,000.00 +.

**Councilor Lazenby moved to have a public meeting scheduled with the neighborhood for the Peverly Hill Road Complete Street Project. Seconded by Assistant Mayor Splaine.**

Assistant Mayor Splaine said he would not discount other people from the City in taking part in the public meeting on this project. He said there is a need for a sidewalk and bike lane on Peverly Hill Road.

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

At 9:20 p.m., Mayor Becksted declared a brief recess. At 9:30 p.m. Mayor Becksted called the meeting back to order.

## **XI. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

### First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY

Parking Director Fletcher spoke regarding the ordinance and the basis is to encourage residents and visitors to pay their fines on time and keep parking spaces open downtown. He explained that the pay and stay process has created a situation where people will stay in a parking space all day as the fine is cheaper than paying to park in multiple locations.

Councilor McEachern asked why multiple tickets couldn't be issued to address this situation. Parking Director Fletcher said that procedure has not been codified and it would still be less than the proposed fine. Discussion followed regarding the different scenarios for receiving a fine. Councilor McEachern said we need an incentive to create proper behavior without having to more than double a parking fine. He would like to see multiple tickets issued.

Assistant Mayor Splaine said we are after more money and doesn't feel we should be doing this as the City of the "Open Door". He asked City Manager Conard on the time period for paying a fine and whether we could increase that from 30 days to 60 days. City Manager Conard said that would require Parking and Traffic Safety Committee approval and an ordinance change.

Councilor Tabor spoke in favor of the fine and moving forward with the ordinance change.

**Councilor Lazenby moved to pass first reading and schedule a public hearing and second reading at the May 3, 2021 City Council meeting. Seconded by Councilor Whelan.**

Councilor McEachern said it is difficult to support the motion when we should be issuing multiple tickets. He said he would rather refer this back to Parking and Traffic Safety Committee on the issuance of multiple tickets.

**Councilor McEachern moved to amend the motion to refer ordinance back to Parking and Traffic Safety Committee to review issuing multiple parking tickets per day. Seconded by Assistant Mayor Splaine.**

Councilor Whelan said we need to make sure that parking spaces are turning over in the downtown and move this ordinance forward.

**On a roll call vote 3-6, motion to amend failed to pass. Assistant Mayor Splaine, Councilor McEachern and Mayor Becksted voted in favor. Councilors Whelan, Lazenby, Kennedy, Huda, Tabor and Trace voted opposed.**

Councilor Huda requested a report back and review of the other 5% of safety issue violations. City Manager Conard said she would work with Mayor Becksted to bring something forward for the Parking and Traffic Safety Committee meeting in May.

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

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

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

1. Portsmouth Outdoors, Year-round

Assistant Mayor Splaine requested a report back by City Manager Conard in July regarding having Portsmouth Outdoors, Year Round.

#### **B. COUNCILOR McEACHERN**

1. Update from the Recreation Board and recommendations of the 'Stump Dump' as preferred skate park location

Councilor McEachern provided a brief report regarding summer events, status of pickle ball courts, and an update on Spinnaker Point Center HVAC system issues.

Councilor Kennedy asked if you will get 6 courts. Councilor McEachern said they're waiting for a wetlands study at Portsmouth High School. He reported that we can currently place 5 courts length wise. City Manager Conard stated we are reorienting the courts. Councilor Kennedy asked how we will move forward with courts for the fall.

Councilor McEachern said he would bring this matter before the City Council before any work commences on the project. He reported that resurfacing has been planned and they're bringing in new lining and netting.

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

1. Request for Public Placement of PFAS Health Study Lawn Signs

Councilor Lazenby said this is to approve the placement of lawn signs for the PFAS Health Study.

**Councilor Lazenby moved that the City Council approve placement on City property of lawn signs and that City Manager Conard relax the enforcement regulations for signs on private property related to the CDC/ATSDR PFAS Health Study for a period of up to three months beginning April 20, 2021. The signs will measure 24" L x 18" H with graphics as contained in the City Council packet. Signs will be provided at no cost to the City of Portsmouth and will be placed by Pease CAP volunteers in locations approved by city staff. At the end of the approved period, all sign materials will be retrieved by Pease CAP volunteers. Seconded by Assistant Mayor Splaine.**

Assistant Mayor Splaine said he would like a memorandum outlining all signs placed on City property.

Councilor Kennedy said that anyone could place signs on private property for the next 3 months.

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

2. Request for Public Hearing Related to Indigenous Peoples' Day

Councilor Lazenby said We Speak of Portsmouth High School would like the public hearing held prior to the end of the school year.

**Councilor Lazenby moved to schedule a public hearing for the City of Portsmouth to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day. Seconded by Assistant Mayor Splaine.**

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

3. Planted for the Planet – Earth Day 2021

Councilor Lazenby encouraged people to eat more plant based foods to benefit the planet during April 22<sup>nd</sup> – 25<sup>th</sup>, 2021 Eating Event.

**E. COUNCILOR HUDA**

1. New Auditor RFP and Mayor's Blue Ribbon Audit Committee Status Report

Councilor Huda said on April 5, 2021 the City Council voted to have a new RFP for a new auditor and to form an Audit Committee. She requested that Mayor Becksted appoint an Audit Committee. She said the City Council will work with the Legal Department to develop an ordinance for an ongoing Audit Committee.

Assistant Mayor Splaine thanked Councilor Huda for getting on top of financial issues but he wants to make sure we are not encroaching on the City Manager/City Council form of government. He said there is a fine line when it comes to these matters.

City Attorney spoke to an Audit Committee and the selection of an outside auditor. He said staff should take the vote as a suggestion that an ordinance be drafted in conjunction with the City Manager and Finance Director.

Councilor McEachern said we took both actions last week. He said we are not currently out of compliance by not having an Auditing Committee.

City Attorney Sullivan said the City Council could exercise authority and there was no violation of the Charter in absence of a Committee. He said we would be leaning on staff to help with the selection process and that staff are the professionals in this area.

Councilor McEachern said the Audit Committee should be defined as an Ad-Hoc Committee.

Councilor Kennedy thanked Councilor Huda for her work on this matter. She said we need to look back at the Audit Committee and spoke to thoughts on where it came from. She said the RFP for an Audit Committee was initiated by City staff.

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

**On a roll call vote 8-0, motion passed. Councilor Tabor could not voice his vote relative to this item due to internet issues he was experiencing.**

2. Bond Issuance

**Councilor Huda moved for a report back from the City Manager to residents and City Council on the recently completed Bond Issuance of approximately \$30 million. (In preparation of the Work Session on May 4<sup>th</sup> regarding Bonds).**

**The purpose of this report is for the residents to see what projects are going to be funded by the issuance of these bonds and for the staff to provide the residents with the “Best Estimate Timeline” for the projects that are important to each neighborhood**

***This report should include the following:***

- **CIP Projects Funded by the new Bond Issuance Including:**
- **Name**
- **Amount**
- **Timeline**
- **Project Estimated Start Date**
- **If an ongoing project – Please include the current % complete status of the project to be funded (i.e. what phase of the project is this bond funding – Phase 1 – 2 – 3 or the remaining 40% of Phase 1)**

**Other relevant data that would assist residents in following their CIP projects. Seconded by Councilor Kennedy.**

**On a roll call vote 8-0, motion passed. Councilor Tabor could not voice his vote relative to this item due to internet issues he was experiencing.**

**F. COUNCILOR TRACE**

1. Intersection at Congress

Councilor Trace spoke to an incident where she received a green arrow and at the same time there was a wait hand signal. She said we need to take action on this matter and have the issue corrected. She requested a report back from City Staff.

**Councilor Trace moved for a report back from City Staff on plans to resequence the traffic signals / pedestrian signals at Congress Street intersection at junction of Islington/Maplewood/Middle Street. Further, report back on how to change the traffic signal to mirror the traffic signals on the Deer and Maplewood Intersection where there is a flashing yellow signal or the reverse of Islington Street. Seconded by Councilor Kennedy.**

Parking and Transportation Engineer Eby said that corrective action will be taken.

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

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

- A. Acceptance of a Donation to the Portsmouth Fire Department in memory of Vernon Boardman - \$150.00

**Councilor Kennedy moved to accept a donation to the Portsmouth Fire Department in the amount of \$150.00. Seconded by Councilor McEachern.**

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

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

- 1. South Church Temporary Construction License and License Fee Waiver Request

**Councilor Lazenby moved that the City Manager be authorized to execute and accept the temporary construction license regarding South Church. Seconded by Councilor Whelan.**

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

- 2. One Year Extension of Portsmouth Public Media Inc.'s (PPMtv) Lease of the South Meeting House

City Manager Conard reported we entered into a lease in 2011 and PPMtv is looking to extend the lease by a one year term.

**Councilor Kennedy moved to approve the one year extension of PPMtv's lease of the South Meeting House with the City. Seconded by Councilor Lazenby.**

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

- 3. Lafayette Trail Interpretive Marker Proposal

**Councilor Kennedy moved to grant the City Manager authorization to work with the Lafayette Trail organization for acceptance and installation of a donated historic marker in the City. Seconded by Councilor Huda.**



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

4. Request to Manage Contract for Seacoast Stormwater Coalition

City Manager Conard explained the request for the City of Portsmouth to manage the contract for the Seacoast Stormwater Coalition.

**Councilor Lazenby moved to authorize the City Manager to accept funds from the Southeast Watershed Alliance/Seacoast Stormwater Coalition for the purpose of administering a contract with VHB for the stormwater management purposes described. Seconded by Councilor Huda.**

Councilor Kennedy inquired as to the liability and if the funds are covered. Deputy City Attorney Woodland stated there is no additional liability that is covered in the line of work. She said Deputy Public Works Director Goetz would monitor the contract.

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

5. Portsmouth Brewery and Gaslight Temporary License for Relocating Dumpsters to Public Parking Lot

City Manager Conard requested the City Council approve the relocation of the dumpsters.

Councilor Trace said it is different from last year and asked if we are giving away more parking spaces.

Councilor Huda said to be fair this is a special request and would not support them using the spot.

**Councilor Lazenby moved that the City Manager be authorized to execute and accept a temporary license to allow the placement of two dumpsters on a City public parking lot and that any applicable license fees be waived. Seconded by Assistant Mayor Splaine.**

Councilor Lazenby spoke in support of the request and said we are doing many things to support the restaurants.

Councilor Kennedy asked how many parking spaces we are losing and how much in revenue.

Councilor Whelan said Parking Director Fletcher is looking at loading zones and converting those to limited parking spots and that way we could receive revenue for utilizing those spots which equates to 50 available spots.

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

6. Tuscan Market Request for Sidewalk Café License

Mayor Becksted said he would support last year's motion to work with the business next door.

Mayor Becksted passed the virtual gavel to Assistant Mayor Splaine.

**Mayor Becksted moved to deny the request. Seconded by Councilor Kennedy.**

Councilor McEachern said he is concerned that there is an active disagreement.

City Manager Conard said Portsmouth Feed has requested to use space for tables and chairs. She further stated Tuscan Market came forward with a new request.

Councilor Kennedy said she wanted to preserve public tables and space. She said they were generous last year and the most important thing is to keep public tables in the area.

Councilor Tabor said last year there were 32 private tables. He stated he does not think that is a good balance of public use of space.

Mayor Becksted said we are losing open space.

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

Assistant Mayor Splaine returned the virtual gavel to Mayor Becksted.

7. FY21 Bond Rescinding Resolution

City Manager Conard reported there are 3 separate resolutions that are being rescinded.

**Councilor Lazenby moved to approve rescinding the remaining borrowing authority with regard to the following resolutions:**

**General Fund:**

- i. Resolution #5-2019 for \$2,500,000 – Rescind amount \$439,185.24

**Sewer Fund:**

- ii. Resolution #15-2019 for \$7,145,000 – Rescind amount \$93,642.35

**Water Fund:**

- iii. Resolution #16-2019 for \$4,623,000 – Rescind amount \$60,576.97

*(The total amount to be rescinded would be \$593,404.56)*

**Seconded by Councilor Tabor.**

Finance Director Belanger explained the process and procedure for rescinding bonds.

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

## **XVI. CONSENT AGENDA**

- A. Letter from Sara Curry requesting permission to hold Summer Yoga Series in Prescott Park on Tuesday's at Noon from June through August (***Anticipated action – move to refer to the City Manager with Authority to Act***)
  
- B. Letter from JerriAnne Boggis, Black Heritage Trail of New Hampshire, requesting permission to hold the annual Juneteenth Celebration on Saturday, June 19, 2021 at 3:00 p.m. at the African Burying Ground Memorial (***Anticipated action – move to refer to the City Manager with Authority to Act***)

**Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Tabor.**

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

## **XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Email Correspondence

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

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

- C. Presentation from Peter Somssich regarding Real-Time Monitoring in NH of Radioactive Emissions in the 10-Mile Evacuation Planning Zone around the Seabrook Nuclear Facility

Peter Somssich provided a brief presentation regarding Real-Time Monitoring in NH of Radioactive Emissions. He thanked the City Council for their continued support of the project.

- D. Letter from Julia & Abigail Gindele, regarding 105 Bartlett Street Proposal

**Councilor Kennedy moved to refer to the Planning Department for a report back to the City Council. Seconded by Councilor Huda.**

**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.**

- E. Request by Paul & Kimi Gormley of 56 Salter Street for expansion of tidal docking structure within the Salter Street ROW and ROW setback

**Councilor Kennedy moved to refer to the City Attorney for report back to the City Council. Seconded by Councilor Huda.**

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

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

- 1. Report Back on Spinnaker Point as Requested by Assistant Mayor Splaine 4/5/2021

City Manager Conard said we have a 30 year lease with Spinnaker Point with 10 years remaining. She spoke to the needs that have been identified for the facility and that over \$750,000.00 of improvements have been made. She said we are dealing with a failing HVAC system but with a \$65,000.00 expense we can limp along without a new system.

Assistant Mayor Splaine said that is great news. He asked what is the timing for what will take place next and when could we reopen the facility. City Manager Conard said we are pursuing this new part which could take 8 weeks. She also indicated due to COVID there are many parts of the facility that would not work for reopening. Assistant Mayor Splaine stated that a resident suggested that people with the second vaccination wear masks and social spacing could use the facility and asked if that could be discussed with the Health Officer. City Manager Conard said the issue is whether the Building Inspector can issue an occupancy permit. She feels she can find the funds for the necessary repair needed at this time.

Mayor Becksted said when we opened the outdoor pool we limited it to residents only.

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

Councilor Kennedy said she would like to set up a walk for the I-95 sound barriers and try to get a State official present. She suggested the second Saturday in May for the walk of Pannaway Manor.

Councilor Lazenby said he would like to deal with neighborhoods on the barriers. He said the second Saturday in May will not work as that is Mother's Day weekend.

Councilor McEachern said he is all for engaging the public but he is concerned that we get some preliminary guidance. He said he would like some answers before having the walk. He would suggest a briefing by the State on this matter.

Councilor Kennedy said she is not making a motion. She spoke to potential infrastructure funding coming which may require shovel ready projects.

Mayor Becksted said we need a plan that is ready to go, if we might receive funding. He said we would pay for the engineering and design so the State has no more excuses.

Councilor Tabor said it is a matter of getting the project moved forward.

Councilor McEachern said he wants to avoid having a separate meeting on this matter. He asked if we could provide guidance to City Manager Conard on the Tuscan Market request for tables and chairs. He said 3 tables could be moved behind the tree to open the left side. He asked if we could reconsider the vote and give the City Manager authority to act on this matter. City Manager Conard said she understands the intent of the Council.

## **XX. ADJOURNMENT**

**At 12:00 a.m., Councilor McEachern moved to adjourn. Seconded by Assistant Mayor Splaine.**

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

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

**CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MAY 3, 2021

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\\_B4\\_7jZGKTVSPRvRBtj5Lsg](https://zoom.us/webinar/register/WN_B4_7jZGKTVSPRvRBtj5Lsg)

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.

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.

**III. CALL TO ORDER**

At 7:05 p.m. Assistant Mayor Splaine called the meeting to order.

Assistant Mayor Splaine announced that we may be meeting in the Chambers for the May 17, 2021 City Council meeting.

**IV. ROLL CALL**

PRESENT: Mayor Becksted (participated via cell phone), Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Tabor and Trace

**V. INVOCATION**

Assistant Mayor Splaine asked for a moment of silent prayer.

**VI. PLEDGE OF ALLEGIANCE**

City Clerk Barnaby led in the Pledge of Allegiance to the Flag.

**VII. ACCEPTANCE OF MINUTES – MARCH 22, 2021; APRIL 5, 2021 AND AUGUST 3, 2020**

**Councilor McEachern moved to accept and approve the minutes of the March 22, 2021; April 5, 2021 and August 3, 2020 City Council meetings. Seconded by Councilor Whelan.**

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

## **IX. PUBLIC COMMENT SESSION**

Andrew Bagley spoke in support of three subjects, the indoor pool, Fourth of July fireworks and the Halloween Parade. He applauded the efforts of the McIntyre Subcommittees for the recent plan which was a compromise by the parties and said it was a very fair and transparent process followed.

## **XI. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

### Public Hearing & Second Reading:

- A. Public Hearing/Second Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – PENALTIES, FORFEITURES AND SEPARABILITY

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

Andrew Bagley said he does not feel that the proposed parking fines should be so high. He said it would be more appropriate to have fines increase after 3 to 5 tickets have been issued. He said we are using a large hammer for a small problem.

After three calls and no further speakers, Assistant Mayor Splaine closed the public hearing.

**Councilor Tabor moved to pass second reading and schedule third and final reading at the May 17, 2021 City Council meeting. Seconded by Councilor Whelan.**

Councilor McEachern said there is a lack of parking throughout the downtown and would like to see multiple tickets issued for violations.

Assistant City Attorney Ferrini said issuing multiple tickets is not part of State law. She said when we had timed meters if vehicles stayed over the time limit they would receive repeat violations. She said that process has not been codified in the ordinance. She stated that the Parking and Traffic Safety Committee will address repeat offenders at their meeting on Thursday.

Councilor McEachern said if someone stays past the time allotted they have a legal right to stay in the space. Assistant City Attorney Ferrini said we could explore issuing a second ticket which would be created by ordinance.

Councilor Lazenby asked if repeat offenders would be considered the same day or different days. Assistant City Attorney Ferrini said it could include both.

Councilor Whelan reported it is cheaper for people to take the stay and pay ticket now. He said we could have further discussion and look into the matter.



Councilor Tabor spoke to the fee schedule on behalf of the Fee Committee. He said he would be in favor of moving forward to third and final reading.

Councilor McEachern said another solution would be to issue multiple tickets. He said the Parking and Traffic Safety Committee should review this and solve the missing piece within the ordinance.

Mayor Becksted asked City Attorney Sullivan if the ordinance could be amended with Councilor McEachern's recommendation. He said he would like to deny this ordinance and come back with a new ordinance. He does not feel we should increase the fines while we are still dealing with COVID.

**On a roll call vote 6-3, motion passed. Councilors Whelan, Lazenby, Kennedy, Huda, Tabor and Trace voted in favor. Assistant Mayor Splaine, Councilor McEachern and Mayor Becksted voted opposed.**

## **XII. MAYOR BECKSTED**

1. Appointment to be Considered:
  - Daniel Brown to the Historic District Commission as a regular member

The City Council considered the appointment of Daniel Brown to the Historic District Commission as a regular member to be voted upon at the May 17, 2021 City Council meeting.

2. Mayor's Blue Ribbon Audit Committee
  - Chris White
  - David McDonald
  - Council Representative Petra Huda

Mayor Becksted said that the RFP has been issued and announced that Chris White, David McDonald and Council Representative Petra Huda will be serving on the Mayor's Blue Ribbon Audit Committee.

Assistant Mayor Splaine passed the virtual gavel to Councilor McEachern.

## **XIII. CITY COUNCIL MEMBERS**

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

1. Neighborhood Committee Year-End Report – February 6, 1995 (*Informational*)

Assistant Mayor Splaine spoke to his February 6, 1995 Neighborhood Committee Year-End Report. He said it is interesting to review the history of matters in the City back in 1995 and see that some of the issues are still being considered today. He stated that the Neighborhood Committee still continues to look at important issues.

Councilor McEachern returned the virtual gavel to Assistant Mayor Splaine.

**B. COUNCLOR WHELAN**

**1. Action Items Needing Approval by City Council:**

- Request to prohibit truck traffic on Bartlett Street once Hodgdon Way (Cate Street connector) is fully open to traffic in July

Councilor Whelan reported that this was the main issue of the April 8, 2021, Parking and Traffic Safety Committee meeting. He said this will alleviate truck traffic on Bartlett Street.

**Councilor Whelan moved to have an ordinance drafted and brought back for first reading on May 17, 2021, to prohibit truck traffic on Bartlett Street as expeditiously as possible. Seconded by Councilor Whelan.**

Councilor Lazenby requested a report back from staff on the potential impacts, intentional or unintentional, on prohibiting truck traffic. City Manager Conard said that would be part of the report.

Councilor McEachern requested the report back include the matter of further measures taken specifically to the Cottage Street proposal for ending the left turn from Route 1 onto Cottage Street.

Councilor Huda requested the report back look at available options for truckers to make their deliveries.

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

2. Parking and Traffic Safety Action Sheet and Minutes of the April 8, 2021 meeting

**Councilor Whelan moved to accept and approve the April 8, 2021 Parking and Traffic Safety Committee actions and minutes. Seconded by Councilor Tabor.**

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

**C. COUNCILOR KENNEDY**

1. Request for Site Walk at Pannaway Manor

**Councilor Kennedy moved that the City Manager schedule a site walk at Pannaway Manor and New Franklin School area to look at the sound barrier and include those residents, any interested parties and the State with a date to be scheduled possibly on a Saturday. Seconded by Councilor Huda.**

Councilor Lazenby said he would like to have the following for future site walks: an agenda, a recording of site walk, minutes, and a report back from City Council to staff on what occurred during the site walk.

Councilor McEachern agreed and suggested a work session be held prior to the City Council meeting to discuss matters.

Councilor Kennedy and Councilor Huda agreed to add language for a work session to the original motion as a friendly amendment.

The motion now reads as follows:

**Move that the City Manager schedule a site walk at Pannaway Manor and New Franklin School area to look at the sound barrier and include those residents, any interested parties and the State with a date to be scheduled possibly on a Saturday and further, hold a work session prior to a City Council meeting regarding the site walk.**

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

**D. COUNCILOR HUDA**

**1. March 2021 Monthly Report**

**Councilor Huda moved for a report back at the May 17, 2021 City Council meeting from the City Manager to the residents and City Council on the following questions on the March 2021 Monthly Report:**

**1) On page 4  
General Government**

**Overtime is at 127% of Budget – (At 75% of the Fiscal Year)**

**Please identify which Departments this is in and why?**

**On page 5**

**If this capped at \$2,412,305, why is this overage showing here in general fund after revenue cap reached?**

**(Estimated revenues that are transferred to the general fund for the full year are \$2,412,305 YTD received is \$2,726,634 or 113%)**

**On page 6**

**Why are there 14 categories over 100% of estimated revenues when we are only 75% thru FY21?**

**(Same categories as March 2020) Why does this keep happening?**

**On page 7**

**Please correct the following % errors**

**Municipal Aid EST \$205,234 YTD Rec \$194,479 95%**

**Use of Fund Balance EST \$150,000 YTD Rec \$150,000 100%**

**What is the balance of the cash & short term investments at April 30, 2021. Seconded by Councilor Kennedy.**

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

**E. COUNCILOR TRACE**

**1. Proposed Development Projects Near North Mill Pond**

**Councilor Trace moved that the City Manager and Planning Department report back on all the currently proposed development projects bordering/near North Mill Pond. Which development projects have proposed buildings and/or parking that fall within the fifty foot buffer zone of North Mill Pond and what is percentage/footage of building. And again to report on, of proposed projects bordering/near North Mill Pond, which projects have buildings/parking that fall within the 100 foot buffer zone of North Mill Pond. How much of the buildings/project falls there for each development project and location. Seconded by Councilor Kennedy.**

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

**2. Endangered Species of the North Mill Pond**

**Councilor Trace moved that City Manager Conard and Department of Public Works or outside consultant report on any endangered species that use and or make North Mill Pond home at some point in their life or migrate to breed at the North Mill Pond. Seconded by Councilor Kennedy.**

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

**3. Fireworks Display**

**Councilor Trace moved to have City Manager Conard report back at the May 17, 2021 City Council meeting and have the City Council vote to endorse and approve the fireworks display we have annually on July 3<sup>rd</sup> in celebration of The Fourth of July with appropriate rain date of July 5, 2021. Seconded by Councilor Kennedy.**

Councilor Trace said she hadn't heard anything regarding the fireworks and wanted to bring the issue forward. She said the Fourth of July is a celebration of courage and strength during this last year of COVID.

City Manager Conard announced that staff has been speaking on fireworks since March and announced the fireworks will be held on July 3<sup>rd</sup> with no food or entertainment. She said we need to keep the celebration simple due to COVID.

Councilor Tabor asked if there would be guidance against large crowds gathering. He said we want people to come and see the display but not gather too early or stay following the fireworks.

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

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

- A. Wellness Reward - \$150.00

**Councilor Kennedy moved to approve and accept the reward of \$150.00 from HealthTrust. Seconded by Councilor Huda.**

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

- B. Acceptance of Grant from the NH Department of Safety for Night Vision Equipment - \$15,392.26 (***Sample motion – move to approve and accept the grant for the Police Department from the NH Department of Safety in the amount of \$15,392.26 as presented***)
- C. Acceptance of Grant from the NH Department of Justice for expenses incurred and service provided for direct victim services – \$24,759.00 (***Sample motion – move to approve and accept the pending grant funds for the Police Department from the NH Department of Justice in the amount of \$24,759.00 as presented***)
- D. Acceptance of Donation of Two Animal Carriers from Port City Veterinary Referral Hospital for the Police Department (***Sample motion – move to approve and accept the donation of two animal carriers for the Police Department and Animal Control Officer***)

**Councilor Kennedy moved to accept and approve the grants and donation as presented. 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. Portsmouth Waterfront, LLC's Temporary Construction License Request for 10 State Street

City Manager Conard reported on the encumbrance for the 1,000 square feet license area. She advised the City Council that the total cost for encumbering City land during the term of the license is \$11,550.00. She also informed the Council that the Planning and Legal Departments have reviewed and approved the proposed temporary construction license.

**Councilor McEachern moved that the City Manager be authorized to execute and accept the temporary construction license regarding 10 State Street as submitted. Seconded by Councilor Lazenby.**

City Councilors asked if the Fire Department had any issues with access to the area and the issuance of the permit.

Assistant Fire Chief McQuillen informed the City Council that the Fire Department has no issues with access for this permit.

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

2. Chevrolet Avenue Sidewalk Easements

City Manager Conard stated the construction of a sidewalk is critical to address pedestrian safety concerns. She reported in order to construct the sidewalk the City needs to secure rights to a section of land that is currently owned by the Malt House Exchange. She stated there would be an easement swap of roughly 2,547 square feet of area to be granted by the City, the City would acquire access to roughly 3,002 square feet of area.

**Councilor McEachern moved to authorize the City Manager to convey and acquire interests in land necessary to construct a sidewalk in substantially similar form to the sidewalk depicted on the attached construction plan in the City Council packet. Seconded by Councilor Whelan.**

Councilor Whelan reported that the Parking and Traffic Safety Committee discussed this matter and feels there are safety concerns with no sidewalk. He said the sidewalk will also slow down traffic along the roadway.

Councilor Lazenby asked why this project was getting done sooner than the sidewalks in Elwyn Park for Dondero School.

Public Works Director Rice explained that the Elwyn Park Sidewalk Project slipped off the project to do list. He said there are significant safety issues whereby the sidewalk needs to be secured and that it was a matter of moving forward if there was consensus. Councilor Lazenby said he understands opportunities coming up, but residents want an update from Public Works Director Rice regarding the installation of sidewalks in Elwyn Park leading to Dondero School.

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

3. Request to Schedule Public Hearing Regarding Indigenous Peoples' Day

**Councilor Lazenby moved to schedule a public hearing at the May 17, 2021 City Council meeting. Seconded by Councilor Tabor.**

Councilor McEachern asked if the City Council would be back in Chambers for the May 17, 2021 meeting and whether public comment would be in person. City Manager Conard said the meetings would be hybrid and participation by the public would be via zoom.

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

4. One-Year Extension of Operating and Lease Agreement with SIPP

City Manager Conard spoke to the reopening of the pool. She stated this is a one-year extension of the current agreement between the City and Save the Indoor Portsmouth Pool (SIPP) relative to the lease and operation of the Portsmouth Indoor Pool.

**Councilor Kennedy moved to authorize the City Manager to enter into the one-year extension of the agreement between the City and SIPP as presented. Seconded by Councilor McEachern.**

Councilor Huda asked with the necessary repairs and the deadline, will we deliver on this. Deputy City Attorney Woodland said the contractor is available and has placed us in the schedule. She said it would be 6-8 weeks before work can start and that will still leave us with time to reopen.

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

## **XVI. CONSENT AGENDA**

- A. Letter from Monte Bohanan, Portsmouth Halloween Parade, requesting permission to hold the Halloween Parade on Sunday, October 31, 2021 at 7:00 p.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)

**Councilor McEachern moved to adopt the Consent Agenda. Seconded by Councilor Kennedy.**

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



## **XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

### **A. Email Correspondence**

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

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

### **B. Request to Restoration of Involuntary Merged Lot – 635 Lincoln Avenue**

### **C. Request of Restoration of Involuntary Merged Lot – 344 Aldrich Road**

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

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

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

City Manager Conard shared the highlights of Fire Chief Germain's report.

4,244 have been administered individual shots

1,650 persons are completely vaccinated

944 have received their first dose

As of May 18<sup>th</sup>, 2,594 members of our community will be fully vaccinated.

Councilor Trace recognized all the firefighters and Chief Germain for their work on vaccinating the community and providing assistance at other sites outside of Portsmouth.

Councilor Tabor recognized Fire Chief Germain and Brinn Sullivan for their work in scheduling the clinics, the Fire Department for administering vaccinations, and for conducting the clinics at the Senior Community Center. He said that this was a great public service.

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

1. Citywide Neighborhood Committee Ward 1 Zoom Forum – March 31, 2021 Minutes
2. Citywide Neighborhood Committee Meeting – April 21, 2021 Minutes

The Citywide Neighborhood Committee minutes are provided as informational items only.

**Councilor Kennedy moved to enter into Non-Public Session in accordance with RSA – 91-A:3 II (d). Seconded by Councilor Huda.**

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

**Councilor Kennedy moved to adjourn the Non-Public Session at 9:00 p.m., Seconded by Councilor Huda.**

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

**Councilor Kennedy moved to seal the minutes of the Non-Public Session. Seconded by Councilor McEachern.**

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

**XX. ADJOURNMENT**

**At 9:05 p.m., Councilor McEachern, moved to adjourn the regular City Council meeting. Seconded by Councilor Kennedy.**

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



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, May 17, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on recognizing Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day. Due to the current State of Emergency related to COVID-19, the public hearing on May 17, 2021 may be conducted remotely via zoom conference call. Details regarding how to access the zoom meeting will be published on the Agenda if the meeting is held remotely.**

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

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

## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article VII, Section 7.702 – **TRUCK TRAFFIC PROHIBITED** 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 VII: TRUCK AND BUS TRAVEL**

#### **Section 7.702: TRUCK TRAFFIC PROHIBITED**

It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.704 of this Article.

1. Adams Avenue
2. Banfield Road
- ~~2.3.~~ **3. Bartlett Street**
- ~~3.4.~~ Broad Street (between South Street and Jones Avenue).
- ~~4.5.~~ Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
- ~~5.6.~~ **6. Cate Street between Cottage Street and Hodgdon Way**
- ~~6.7.~~ Chestnut Street (from Congress Street to Porter Street)
- ~~7.8.~~ Circuit Road
- ~~8.9.~~ Cleveland Drive
- ~~9.10.~~ Coolidge Drive
- ~~10.11.~~ ~~Dennett Street (Between Bartlett Avenue to Maplewood Avenue)~~
- ~~11.12.~~ Dwight Avenue
- ~~12.13.~~ Echo Avenue
- ~~13.14.~~ Edgewood Road
- ~~14.15.~~ Farm Lane
- ~~15.16.~~ Fillmore Road
- ~~16.17.~~ F.W. Hartford Drive
- ~~17.18.~~ Garfield Road
- ~~18.19.~~ Granite Street
- ~~19.20.~~ Grant Avenue
- ~~20.21.~~ Greenleaf Avenue
- ~~21.22.~~ Harding Road
- ~~22.23.~~ Hayes Place
- ~~23.24.~~ Hoover Drive
- ~~24.25.~~ Mangrove Street
- ~~25.26.~~ Maplewood Avenue (from Central Avenue to Woodbury Avenue)
- ~~26.27.~~ McKinley Road

- ~~27.28.~~ Myrtle Avenue (between Dennett St. and the Maine/New Hampshire Interstate so-called)
- ~~28.29.~~ Nixon Park
- ~~29.30.~~ Pickering Street
- ~~30.31.~~ Polk Avenue
- ~~31.32.~~ Profile Avenue
- ~~32.33.~~ Ranger Way
- ~~33.34.~~ Rockhill Avenue
- ~~34.35.~~ Sherburne Road
- ~~35.36.~~ Taft Road
- ~~36.37.~~ Taylor Lane
- ~~37.38.~~ Thornton Street (between Woodbury Avenue and Bartlett Street)
- ~~38.39.~~ T.J. Gamester Avenue
- ~~39.40.~~ Truman Place
- ~~40.41.~~ Van Buren Avenue
- ~~41.42.~~ Wilson Road
- ~~42.43.~~ Woodbury Avenue, between Market Street and Bartlett Street

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

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

This ordinance shall take effect **when Hodgdon Way is open for public travel.**

APPROVED:

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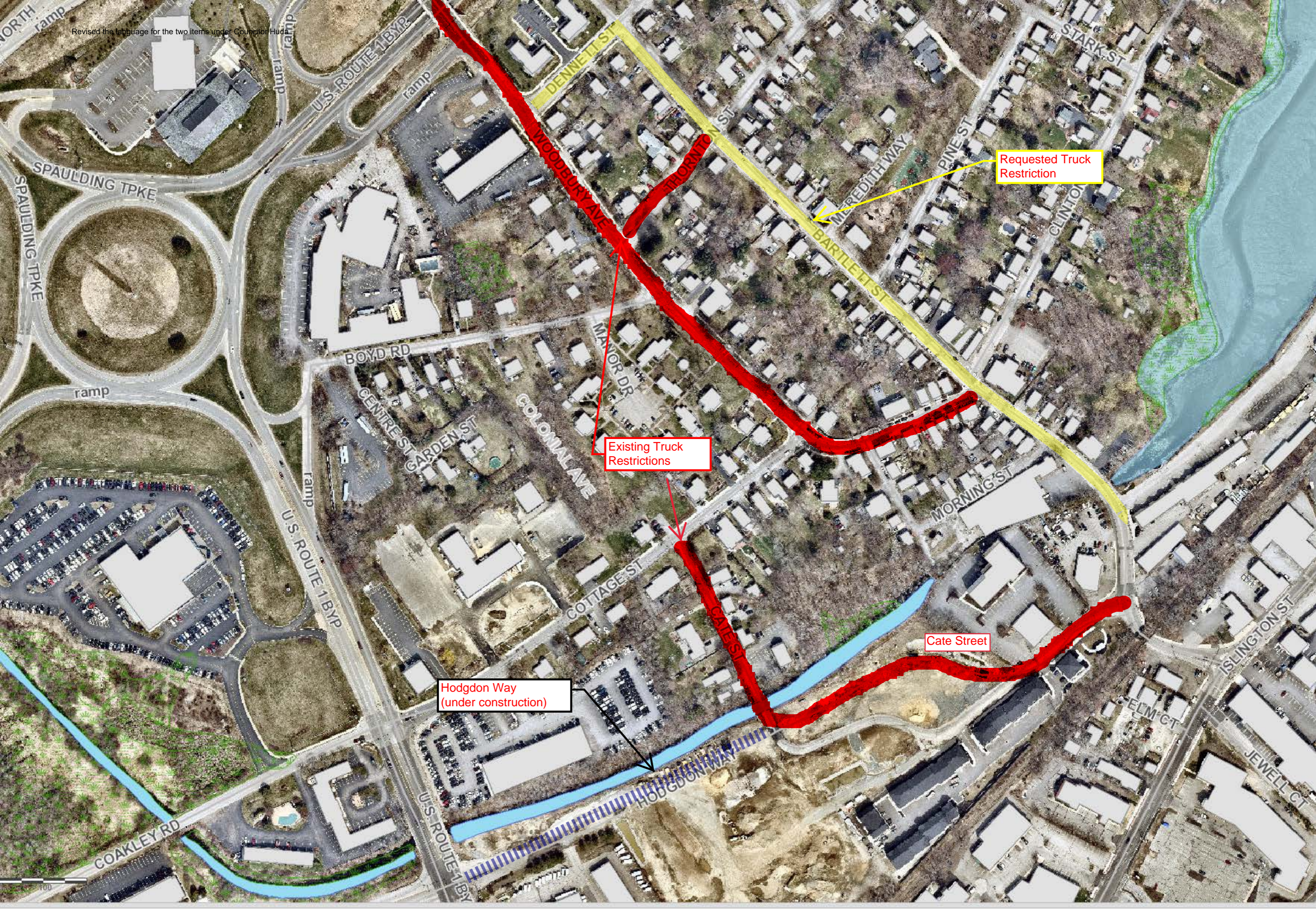
Rick Becksted, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk





Requested Truck Restriction

Existing Truck Restrictions

Cate Street

Hodgdon Way (under construction)



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IX, Section 7.901 – **PENALTIES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE IX: PENALTIES, FORFEITURES AND SEPARABILITY**

**Section 7.901: PENALTIES**

- A. Any person violating any of the provisions of this Chapter or any rule or regulation made by the Chief of Police pursuant thereto, except the rules and regulations found in Section 7.105 and except those rules referenced in paragraph B, C, D, E, F and H of this provision, shall be subject to a fine or not more than \$300 upon conviction therefore in the Portsmouth District Court.
- ~~B. Any person violating any of the provisions of Section 7.105 A or C (Two Hour Metered Parking Restrictions) or any rule or regulation made by the Chief of Police pursuant thereto shall forfeit to the City the sum of \$5.00 for each violation. In the event that payment of the forfeiture sum of \$5.00 is not made within thirty (30) calendar days of the violation, then the forfeiture shall be in the sum of \$25.00 for each violation.~~
- ~~B.C.~~ Notwithstanding any other provision of this Ordinance, any person violating an emergency order issued by the Chief of Police pursuant to Section 7.303 or Section 7.321 shall forfeit to the City of Portsmouth within forty-eight (48) hours of such violation the sum of \$50. In the event that such forfeiture is not made within thirty (30) days of the violation date, then the forfeiture shall be paid to the City of Portsmouth in the amount of \$75. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$100 upon conviction therefore in the ~~Portsmouth District Court~~ **10<sup>th</sup> Circuit Court, District Division**.
- ~~C.D.~~ Any person receiving more than ten (10) parking violations in one (1) year, July 1 to June 30 inclusive, shall forfeit an additional charge for each subsequent violation in the amount of \$25. In the event that this additional forfeiture of \$25 is not made within thirty (30) days of the date of the violation triggering the \$25 forfeiture, then the forfeiture amount shall become \$50.
- ~~D.E.~~ Notwithstanding any other provisions of this Ordinance, any person violating the following sections of this Chapter or any rule made by the Chief of Police pursuant thereto, shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation the amount designated below. In the event that the forfeiture amounts not ~~made paid~~ **made paid** within thirty (30) calendar days

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

<u>Section</u>	<u>Parking Violation</u>	<u>Fine Amount Within 30 Days</u>	<u>Fine Amount After 30 Days</u>
<b>7.102,</b>	Expired Meter	<del>\$15.00</del> <b>\$35.00</b>	<b>\$55.00</b>
<b>7.105 (A) (C)</b>			
<b>7.328.1</b>	Utilization of Multiple Spaces	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.315 (A)</b>	Parking Within an Intersection	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.315 (B)</b>	Parked in Crosswalk	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.315 (C)</b>	<b>Blocking Parked within 15 feet of a Fire Hydrant</b>	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.315 (D)</b>	Parked Within 15 Feet of Fire Station Driveway	<b>\$15.00</b>	<b>\$30.00</b>
<b>7.315 (E)</b>	Parked Blocking Driveway	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.315 (F)</b>	Parked on Sidewalk	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.315 (G)</b>	Obstructing Traffic During Construction Activity	<b>\$15.00</b>	<b>\$30.00</b>
<b>7.315 (H)</b>	Double Parking	<b>\$15.00</b>	<b>\$30.00</b>
<b>7.315 (I)</b>	Violating Traffic Signs Prohibiting Parking	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.315 (J)</b>	Parked, Wrong Direction	<b>\$15.00</b>	<b>\$30.00</b>
<b>7.316</b>	Back to Curb	<b>\$15.00</b>	<b>\$30.00</b>
<b>7.319</b>	Distance from Curb	<b>\$15.00</b>	<b>\$30.00</b>
<b>7.320</b>	Obstructing Street	<b>\$25.00</b>	<b>\$50.00</b>
<del><b>7.324</b></del>	<del>One Hour Parking</del>	<del>15.00</del>	
<b>7.325</b>	30 Minute Parking	<del>15.00</del> <b>\$35.00</b>	<b>\$55.00</b>
<b>7.326</b>	15 Minute Parking	<del>15.00</del> <b>\$35.00</b>	<b>\$55.00</b>
<b>7.327</b>	Limited Parking - Two Hours	<del>\$15.00</del> <b>\$35.00</b>	<b>\$55.00</b>
<del><b>7.329</b></del>	<del>Limited Parking – Four Hours</del>	<del>35.00</del>	
<b>7.330</b>	Parked in No Parking Area	<del>20.00</del> <b>\$35.00</b>	<b>\$55.00</b>
<b>7.331</b>	Parking Too Close to Intersection	<b>\$20.00</b>	<b>\$40.00</b>
<b>7.601</b>	<del>Trucks, Vans &amp; Other Commercial Delivery Vehicles on Certain Streets During Certain Hours</del>	<del>25.00</del> <b>\$35.00</b>	<b>\$55.00</b>
<b>7.602</b>	<del>Truck Loading/Unloading Zones Established 24-Hour Loading Zones</del>	<del>25.00</del> <b>\$35.00</b>	<b>\$55.00</b>
<b>7.1504</b>	Parking in Fire Lane	<b>\$25.00</b>	<b>\$50.00</b>
<b>7.1603</b>	Resident Only Parking	<b>\$25.00</b>	<b>\$50.00</b>



- EF.** Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle unlawfully parked in areas designated as reserved for parking for the walking disabled pursuant to Section 7.1200 shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation \$250. In the event that the payment of the forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$300. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$300 upon conviction therefore in the ~~Portsmouth District Court~~ **10<sup>th</sup> Circuit Court, District Division**.
- FG.** Overnight Parking – Winter. Notwithstanding any other provisions of this Ordinance, any person violating the provisions of Section 7.321(A) or an emergency snow ban as directed by the Director of Public Works under Section 7.321(B) shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation the sum of ~~\$25~~ **\$35**. In the event that payment of such forfeiture amount is not made within thirty (30) days of the violation, then the forfeiture amount shall be ~~\$35~~ **\$55**. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than ~~\$50~~ **\$100** upon conviction therefore in the ~~Portsmouth District Court~~ **10<sup>th</sup> Circuit Court, District Division**.
- GH.** Notwithstanding any other provision of this Ordinance, the owner or operator of a vehicle violating the provisions of Section 7.335 **(72 hour parking restrictions)** or 7.1000 ~~(72-hour parking restrictions)~~ **(Tow Zone)** shall forfeit to the City of Portsmouth within ~~forty-eight (48) hours~~ **thirty (30) days** of such violation \$50. In the event that the payment of forfeiture is not made within thirty (30) days of the violation, then the forfeiture shall be in the amount of \$100. In the event of failure to make such forfeiture, said person shall be subject to a fine of not more than \$150 upon conviction thereof in the ~~Portsmouth District Court~~ **10<sup>th</sup> Circuit Court, District Division**.

**Section 7.902: SEPARABILITY**

If any provision or part of any provision of this act or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

**Section 7.903: SUMMONS ADMINISTRATION FEE**

In addition to any fine or penalty otherwise established by this ordinance, any person or entity for whom the City serves a summons for any traffic or parking offense shall also be liable to the City for a summons administration fee in the amount to be set periodically by the City Council pursuant to its normal budget procedures.

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

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

**This ordinance shall take effect upon its passage.**

**APPROVED:**

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

**ADOPTED BY COUNCIL:**

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

## Portsmouth Parking Fine Schedule

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume along with this application

RECEIVED  
APR 07 2021  
Renewing applicant  
By \_\_\_\_\_

Committee: TREES & PUBLIC GREENERY

Name: RICHARD ADAMS Telephone: 436-4445

Could you be contacted at work? YES/NO - If so, telephone # \_\_\_\_\_  
*(NO circled)*

Street address: 75 KENT ST

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

Email address (for clerk's office communication): RADAMS C2 @ POST. HARVARD. EDU

How long have you been a resident of Portsmouth? NATIVE, RETURNED HERE  
25 YEARS AGO

Occupational background:

USMC OFFICER; AIRLINE PILOT  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Would you be able to commit to attending all meetings? YES/NO  
*(NO circled)*

Reasons for wishing to continue serving: HAVING BEEN A FOUNDING MEMBER  
OF THE COMMITTEE 17 YEARS AGO, I BRING A LOT OF INSTITUTIONAL  
MEMORY AND FEEL THAT I CAN CONTINUE TO HELP IT FUNCTION  
WELL.

OVER  
➔

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

PORTSMOUTH ATHENAEUM (BOARD OF DIRECTORS); WENTWORTH-GARDNER  
HISTORIC HOUSE ASS'N (BOARD PRESIDENT); PORTSMOUTH MUSIC + ARTS CENTER;  
SOUTHEAST LAND TRUST - BOARD OF DIRECTORS

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

- 1) PETER LOUGHLIN, THAXTER RD., 431-6466  
Name, address, telephone number
- 2) JOEY GIORDANO MAPLEWOOD AVE. 324-8180  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Richard M. Adam Date: 4/06/2021

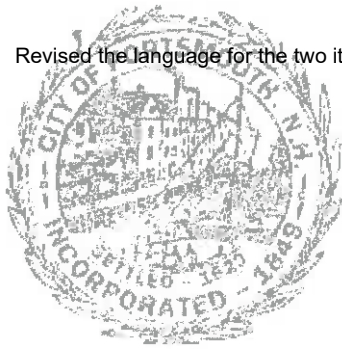
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: 03/17/2003

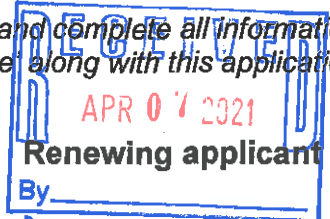
Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume along with this application



Committee: Tree and Public Greenery Committee

Name: Michael J. Griffin Telephone: (c) 603-488-8960

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

Street address: 579 Sagamore Avenue Unit 55

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

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

How long have you been a resident of Portsmouth? 69 years

Occupational background:

Regional VP (A.H. Harris & Sons) 43 years  
Commissioner Maine/NH Bridge Authority  
US Forestry Service

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

Reasons for wishing to continue serving: To continue to guide  
and assist the City of Portsmouth, to ensure  
the beauty of open space, and oversee maintenance  
of existing trees and future plantings.



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

NH Wildlife Federation, Society of NH Forest Protection  
Great Bay Conservation, Seacoast Science Center  
Portsmouth Lodge of Elks #97, Portsmouth Athenaeum,  
Warwick Club, Portsmouth Country Club, NH Historical  
Society

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

- 1) George Remick 1247 South Street (c) 603-817-5645  
Name, address, telephone number
- 2) Timothy (Ted) Connors 381 Newington Road Newington  
Name, address, telephone number (c) 603-502-6891

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Michael J. Triffen Date: 4/4/21

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_

Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_

Date of Original Appointment: 06/18/2018

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

Revised the language for the two items under Councilor Huda

579 Sagamore Avenue, #55  
Portsmouth, NH 03801

Email: mjeffip@comcast.com  
Home: 603-436-6546  
Cell: 603-498-8960

## Michael J. Griffin

<b>Professional Occupation</b>	1976 – present	A.H. Harris & Sons, Inc.	Portsmouth, NH
	<b>New England Regional Vice President</b>		
	<ul style="list-style-type: none"><li>• Operating a multi-state, construction material supply business. Manage 15 individual branch locations in New Hampshire, Maine, Massachusetts, Rhode Island and Connecticut, offering engineered forming and shoring systems, reinforcing steel, and specialty engineered construction products to the Commercial, Residential, Repair &amp; Restoration, Road and Bridge, and Marine Contractors</li><li>• A.H. Harris &amp; Sons is the largest Construction Material Supplier on the East Coast; with 62 locations from Maine to North Carolina.</li></ul>		
<b>Professional Experience</b>	1976-present	A.H. Harris & Sons, Inc.	Portsmouth, NH
	<b>Regional Vice President</b>		
	<ul style="list-style-type: none"><li>• Growth and expansion (opened 12 new branch locations)</li><li>• Managed company's supply contracts on the Central Artery "Big Dig" project</li></ul>		
<b>Personal Involvement and Experience (Piscataqua River, Bridge Construction)</b>	1973-1974	<b>I-95 Interstate Highway Expansion Project/Piscataqua River Bridge National Fence Granite Concord</b>	
		<ul style="list-style-type: none"><li>• Erected signage, fencing and guardrails</li></ul>	
	2011-2013	<b>Memorial Bridge- Archer Western</b>	
		Supplied engineered components (hangers) to form and pour bridge deck	
	2015-2017	<b>Sarah Mildred Long Bridge- Cianbro Corporation</b>	
		Key material supplier for cable grout, segmental epoxy gel, concrete forming systems (Harris 1500 system) structural inserts, rebar	
<b>Related Work Experience</b>	1965-1972	Rec./Commercial Lobster Fishing	New Castle, NH
		<ul style="list-style-type: none"><li>• Harvested lobsters for personal consumption, and retail sales. Fished primarily in the Back Channel, and around Fort Stark and Odiome Point</li></ul>	
	September 1976	US Forest Service	Aroostook County, ME
		<b>Spruce Budworm Project</b>	
		Crew captain; coordinated field research to determine the effectiveness (mortality) of several different types of aerial sprayed pesticides, used to control the defoliating effects of Spruce Budworm	
<b>Achievements/Public Service</b>	Portsmouth High School Senior Class President, 1971, Chairman AGC/ NH DOT Highway Specification Committee, Member of the Board of Directors New Hampshire Associated General Contractors, Planning Board Member; Town of		



Revised the language for the two items under Councilor Huda

**Greenland, Budget Committee; Town of Greenland, AH Harris MVP '86, Coach of the Year '93, A. H. Harris Regional Vice President Award 2010, 2011, 2012  
Adam Godzik Memorial Award 2014**

**Education**

1971–1975

University of New Hampshire

Durham, NH

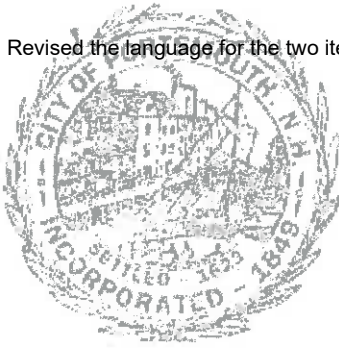
- B.S., Wildlife Management
- *Special Projects: Spring Migration Bird Count, Great Bay; Smelt Fishery Project, Great Bay*

**Associations & Memberships**

**Society of Protection of NH Forests, Stewards of Great Bay, Coastal Conservation Association, The Nature Conservancy, NH Wildlife Federation, Seacoast Science Center, Audubon Society, Portsmouth Elks, lodge #97, Portsmouth Athenaeum**

**Interests & Activities**

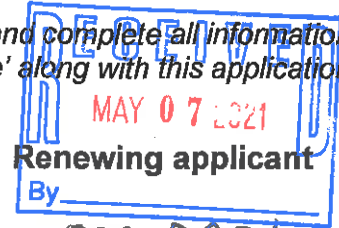
Hunting, fishing, birding, downhill skiing, biking, golf, tennis, tree restoration



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume' along with this application



Committee: Trees and Greenery

Name: Peter S. Loughlin Telephone: 603-828-7871

Could you be contacted at work?  YES  NO - If so, telephone # \_\_\_\_\_

Street address: 336 Thaxter Rd

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

Email address (for clerk's office communication): peter.loughlin@psllaw.com

How long have you been a resident of Portsmouth? 76 years

Occupational background:

Attorney / Tree Farmer

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

Reasons for wishing to continue serving: \_\_\_\_\_

General Interest in Trees and beauty of City



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

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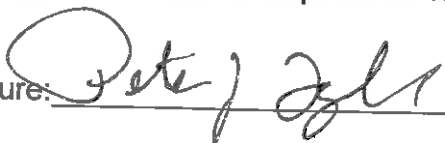
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Please list two character references not related to you or city staff members:  
*(Portsmouth references preferred)*

- 1) Richard Adams, Kent St  
Name, address, telephone number
- 2) Peter Rice 600 Beverly Hill Rd 431-2000  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

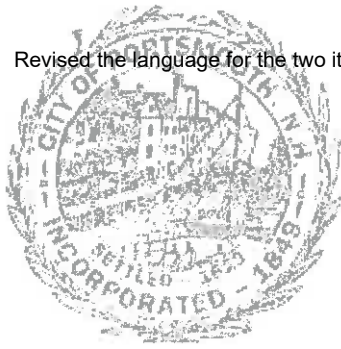
1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may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

Signature:  Date: 5/5/21

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: \_\_\_\_\_  
Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_  
Date of Original Appointment: 3/17/2003

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information  
Please submit resume' along with this application

Committee: TREES AND PUBLIC GREENERY  
Name: DENNIS SOUTO Telephone: (603) 436-2466

APR 05 2021  
Renewing applicant  
By

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

Street address: 218 WILLARD AVE PORTSMOUTH, NH 03801

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

Email address (for clerk's office communication): DENSOU@COMCAST.NET

How long have you been a resident of Portsmouth? 42 YEARS

Occupational background:

USDA FOREST SERVICE ENTOMOLOGIST 31 YEARS  
WEYERHAEUSER ENTOMOLOGIST 2 YEARS  
PEACE CORPS VOLUNTEER (WEST AFRICA) 2 YEARS

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

Reasons for wishing to continue serving: IT IS A GOOD WAY TO  
GIVE BACK TO MY COMMUNITY USING  
MY EXPERTISE AND PASSION FOR TREES.

OVER  
➔

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

STRAWBERRY BANKE COMMUNITY GARDEN  
PORTSMOUTH MUSIC AND ARTS CENTER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1) ISABEL MUNICK USDA FOREST SERVICE (603) 868-7636  
Name, address, telephone number
- 2) MIKE EDHNE USDA FOREST SERVICE (603) 868-7708  
Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

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

Signature: Dennis Lantz Date: 4/1/21

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: \_\_\_\_\_  
Annual Number of Meetings: \_\_\_\_\_ Number of Meetings Absent: \_\_\_\_\_  
Date of Original Appointment: 09/04/2012

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

# Comments: Councilor Lazenby

From: Cliff Lazenby - City Council

Sent: Sunday, May 9, 2021 4:40 PM

To: Peter Whelan; Deaglan McEachern; John Tabor; Paige Trace; Jim Splaine; Rick Becksted; Esther Kennedy; Petra Huda

Cc: Robert P. Sullivan; Karen Conard

Subject: McIntyre questions

Hello -

I submit these questions related to the Principle Group "proposed scheme I" for the McIntyre project. While I will follow the recommended process of the City Attorney and City Manager, I am concerned about transparency of these emails in respect to the Right to Know law. I would ask that all be included in the City Council packet for May 17.

1. The design we are being asked to support proposes new construction of 26,162 square feet above the one-story Post Office wing, or nearly two-fifths of the overall new proposed SF. In May of 2018, the NPS denied Redgate Kane from building above the one story wing, though their proposal above that wing was significantly smaller than what PG has proposed. (See Page 6 of this presentation from Sep 2018 -- [http://files.cityofportsmouth.com/files/mcintyreproject/CC\\_9\\_4\\_18\\_Final.pdf](http://files.cityofportsmouth.com/files/mcintyreproject/CC_9_4_18_Final.pdf))

A. What was the total SF of what Redgate Kane proposed above the one story wing, and was denied three years ago? How do the PG and RK proposals compare in SF, and as an overall percentage of each respective projects?

B. Striving to build above the one story wing would make a better project, just as it would have with the previous design proposed by Redgate Kane. However, rather than assume that the NPS will approve this part of the proposal, wouldn't it be less risky, or more realistic, to expect they would stay consistent with their decision to deny? The PG proposal is significantly larger than what the NPS denied of RK and they did so recently.

C. If the Subcommittee and/or PG have written correspondence to share from NPS regarding this topic, please share with the Council and public.

2. Reductions in the overall square footage in a revised project with Redgate Kane have likely impacts in adding burden to Portsmouth taxpayers.

A. How much less is the overall additional Square Footage of the Principle Group proposal compared to the Redgate Kane project agreed to in the Development Agreement from 2019?

B. If the NPS again denies building above the one story wing proposed by PG, how then would that total SF compare to the RK project?

3. What is the motion being proposed by the Subcommittee to move to the next stage? Please provide the language of the motion in the packet for preparation by the City Council and public.

4. If the Council does move ahead May 17 with Principle Group Scheme I as the concept to be brought to Redgate Kane, what is the updated proposed timeline on the subsequent next steps to move the project forward? Revised project drawings, financial analysis, contract negotiation and submission of a revised project to the NPS.

Thank you.  
Cliff

# Answers: Councilor Lazenby

Please find the Principle Group's answers below to Councilor Lazenby's questions in bold.

**1. The design we are being asked to support proposes new construction of 26,162 square feet above the one-story Post Office wing, or nearly two-fifths of the overall new proposed SF. In May of 2018, the NPS denied Redgate Kane from building above the one story wing, though their proposal above that wing was significantly smaller than what PG has proposed. (See Page 6 of this presentation from Sep 2018 -- [http://files.cityofportsmouth.com/files/mcintyreproject/CC\\_9\\_4\\_18\\_Final.pdf](http://files.cityofportsmouth.com/files/mcintyreproject/CC_9_4_18_Final.pdf))**

The community's plan will require further communication with both the development partner and National Park Service on the proposed addition to the one-story Post Office wing. Where the McIntyre is concerned, the National Park Service authority extends to the entire parcel, which includes the new from scratch buildings and any additions to the existing structures on the site. Each site is taken on an individual basis and considered for the historical significance of the entire site.

The community's plan has reduced density on the McIntyre site when compared with the Redgate Kane plan. The City and the McIntyre Subcommittee will guide the conversation with the National Park Service to highlight these changes.

On page 4 of the presentation from Sep 2018 ([linked here](#)), the NPS is quoted as stating the following in regards to a new addition versus a rooftop addition: "We would be willing to consider the addition of a low tower on top of the existing wing... We would also be willing to consider the removal of a portion of the wing towards the back... chopping off the back third or so of the wing would not be a dealbreaker." NPS - December, 2017

The community's plan adds three stories to the existing one-story Post Office wing, and reduces the overall new area square footage on the McIntyre site by nearly 50%. Additionally, The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995 states:

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**1 a. What was the total SF of what Redgate Kane proposed above the one story wing, and was denied three years ago? How do the PG and RK proposals compare in SF, and as an overall percentage of each respective projects?**

**1b. Striving to build above the one story wing would make a better project, just as it would have with the previous design proposed by Redgate Kane. However, rather than assume that the NPS will approve this part of the proposal, wouldn't it be less risky, or more realistic, to expect they would stay consistent with their decision to deny? The PG proposal is significantly larger than what the NPS denied of RK and they did so recently.**

**1c. If the Subcommittee and/or PG have written correspondence to share from NPS regarding this topic, please share with the Council and public.**

Please see table on page 88.

**2. Reductions in the overall square footage in a revised project with Redgate Kane have likely impacts in adding burden to Portsmouth taxpayers.**

**2a. How much less is the overall additional Square Footage of the Principle Group proposal compared to the Redgate Kane project agreed to in the Development Agreement from 2019?**

# Answers: Councilor Lazenby (Cont'd)

**2b. If the NPS again denies building above the one story wing proposed by PG, how then would that total SF compare to the RK project?**

Please see table on page 88.

**3. What is the motion being proposed by the Subcommittee to move to the next stage? Please provide the language of the motion in the packet for preparation by the City Council and public.**

Motion to be included in the Council Packet.

**4. If the Council does move ahead May 17 with Principle Group Scheme I as the concept to be brought to Redgate Kane, what is the updated proposed timeline on the subsequent next steps to move the project forward? Revised project drawings, financial analysis, contract negotiation and submission of a revised project to the NPS.**

Paraphrasing from the McIntyre Subcommittee meeting on May 12, 2021, the first step is for the Council to pass the motion included in their packet. Next, negotiation can begin with the development partner, which will include a preliminary financial analysis, to be agreed upon by the City, the development partner, and the National Park Service. Additionally, the McIntyre Subcommittee will seek preliminary feedback as the City works with the development partner.



# Answers: Councilor Lazenby (Cont'd)

## Volume Comparison of Redgate/ Kane Plan from Community Plan (GSA)

	A	B	C			
	McIntyre Building & Post Office Wing	Addition to the Post Office Wing	Bow & Penhallow St. Buildings	Total Gross Floor Area (GFA)	Net Estimated Lease Area (ENLA) 85.7%	Percentage of ENLA
Redgate / Kane Plan	66,684	0	87,236	153,920	131,946	-
Community Plan	65,862	26,162	39,783	131,807	112,959	85.6%
Community Plan -No addition on Post Office Wing	65,862	0	39,783	105,645	90,538	68.6%

### PROPOSED PLAN'S ADDITIONAL GROSS FLOOR AREA

FLOOR	PARKING McIntYRE	PARKING ADDITION	EXISTING McIntYRE***	POST OFFICE WING	PENHALLOW WING	BOW WING	TOTAL NEW / ADDITION
SUB-GRADE	?	34,161	0	0	0	0	0
FIRST FLOOR*			30,432	0	6,234	4,834	11,068
MEZZANINE			0	0	4,534	5,368	9,902
SECOND FLOOR			11,810	9,950	8,108	3,627	21,685
THIRD FLOOR			11,810	9,950	7,078	0	17,028
FOURTH FLOOR**			11,810	6,262	0	0	6,262
<b>TOTAL</b>			<b>65,862</b>	26,162	25,954	13,829	<b>65,945</b>

**MCINTYRE + ADDITION 131,807**

\* MCINTYRE INCLUDES 3,627sf for Winter Garden and EXCLUDES 1,941 sf of removed corner of existing building

\*\* EXCLUDES +/- 7500 sf of public roof observation deck and services

\*\*\* Existing square footage from plans provided by City of Portsmouth

### PROPOSED PLAN'S ADDITIONAL GROSS FLOOR AREA No Addition over Post Office

FLOOR	PARKING McIntYRE	PARKING ADDITION	EXISTING McIntYRE***	POST OFFICE WING	PENHALLOW WING	BOW WING	TOTAL NEW / ADDITION
SUB-GRADE	?	34,161	0	0	0	0	0
FIRST FLOOR*			30,432	0	6,234	4,834	11,068
MEZZANINE			0	0	4,534	5,368	9,902
SECOND FLOOR			11,810	0	8,108	3,627	11,735
THIRD FLOOR			11,810	0	7,078	0	7,078
FOURTH FLOOR**			11,810	0	0	0	0
<b>TOTAL</b>			<b>65,862</b>	0	25,954	13,829	<b>39,783</b>

**MCINTYRE + ADDITION 105,645**

\* MCINTYRE INCLUDES 3,627sf for Winter Garden and EXCLUDES 1,941 sf of removed corner of existing building

\*\* EXCLUDES +/- 7500 sf of public roof observation deck and services

\*\*\* Existing square footage from plans provided by City of Portsmouth

# Comments: Councilor Huda

From: Petra Huda  
Sent: Tuesday, May 11, 2021 10:54 AM  
To: Rick Becksted; Jim Splaine; Esther Kennedy; Cliff Lazenby; Paige Trace; Deaglan McEachern; John K. Tabor Jr. ; Karen Conard; Robert P. Sullivan; Peter Whelan  
Subject: McIntyre Design/development questions

TO MY FELLOW COUNCILORS ON THE MCINTYRE SUB COMMITTEE & THE PRINCIPLE GROUP:

MY SINCERE THANK YOU FOR ALL THE HARD WORK & TIME YOU HAVE PUT INTO THIS PROJECT AND THANK YOU IN ADVANCE FOR YOUR CONSIDERATION OF THE QUESTIONS LISTED BELOW.

PLEASE DO NOT HESITATE TO CONTACT ME IF YOU HAVE ANY QUESTIONS, I AM AVAILABLE AND LOOK FORWARD TO WORKING WITH YOU----- AS THE FINISH LINE IS SO CLOSE.

SINCERELY,  
PETRA  
(COUNCILOR HUDA)

MCINTYRE PROJECT- QUESTIONS FROM COUNCILOR HUDA TO THE MCINTYRE SUB COMMITTEE & THE PRINCIPLE GROUP.

HAVING HAD TIME TO THOROUGHLY REVIEW THE 5.4.21 "MCINTYRE PROJECT VISION REPORT " ALONG WITH ATTENDING THE NUMEROUS PUBLIC COMMENT SESSIONS THROUGHOUT THE PROCESS & MEETING WITH INDIVIDUAL GROUPS AFTER THE 5.4.21 CITY COUNCIL MEETING TO GATHER ADDITIONAL RESIDENT FEEDBACK/ INPUT.

THE FOLLOWING WAS ONE OF THE MOST ASKED QUESTIONS FROM THE RESIDENTS WHEN ASKED FOR FEEDBACK:

" WHY ARE THE STREETS OF PENHALLOW, BOW, AND DANIELS AND THE CHAPEL HILL PROPERTY INCLUDED THE DESIGN SCHEMES"?

AND THE RESIDENT PERSPECTIVE IS AS FOLLOWS AND I CONCUR :  
THE ORIGINAL SCOPE OF THE MCINTYRE PROJECT WAS & STILL IS DESCRIBED AS THE 2.1 ACRE PARCEL KNOWN AS THE " MCINTYRE PROPERTY" THE SURROUNDING STREETS OF BOW, PENHALLOW, & DANIELS & THE ABUTTING CHAPEL HILL CHURCH PARCEL & PARKING LOT SHOULD NOT INCLUDED IN ANY PART OF THE DESIGN OF THE "MCINTYRE VISION PROJECT". (THIS DESIGN OPPORTUNITY WAS NOT IN THE PREVIOUS RFP & HAS NOT BEEN ADVANCED BY THE FULL COUNCIL)

BASED ON THE DATA FOUND IN THE "MCINTYRE PROJECT VISION REPORT " INCLUDED ON THE ATTACHED PAGE 2 WHICH INCLUDES INPUT FROM ALL THE RESIDENTS IN THE SURVEYS, ROUNDTABLES, COMMENTS & OFFICE HOURS CAN BE SUMMARIZED AS FOLLOWS:

THE FOLLOWING TWO PREFERENCES CONSISTENTLY ROSE TO THE TOP AS THE RESIDENT CHOICES

- 1) RETURN OF THE POST OFFICE
- 2) CREATING OPEN PUBLIC SPACE LISTED AS: GREEN, INDOOR/OUTDOOR, GATHERING & HANG OUT & LINGER SPACE WHILE KEEPING THE NEW ENGLAND AESTHETIC.

IN RETURNING THE POST OFFICE TO ITS ORIGINAL LOCATION - THE ONLY ADDITIONAL REQUEST TO SATISFY THE REQUESTS OF THE RESIDENTS:

QUESTION #1

CAN SOME SHORT TERM PARKING SPACES FOR POST OFFICE PATRONS IN FRONT OF MCINTYRE BLDG/ POST OFFICE BLDG BE RETURNED? (AS NOTED IN SCHEME A DIAGONAL PARKING OR SPACES IN THE CURRENT LOT LOCATION)?

# Comments: Councilor Huda (Cont'd)

## QUESTION #2

HOW CAN WE AS A COUNCIL MOVE THIS PROJECT FORWARD TO SATISFY THE MOST REQUESTED ATTRIBUTES OF THE RESIDENTS BY LISTENING TO THE DATA?

ACCORDING TO THE DATA (SEE ATTACHED PAGE 2) THE PREFERENCES OF THE RESIDENTS HAVE NOT WAVERED FROM THE ORIGINAL UNH SURVEY RESULTS AND THROUGHOUT THE PROCESS. THE LARGEST % OF RESIDENT SATISFACTION WILL BE ACHIEVED WITH VARIOUS CONCEPTS OF PUBLIC SPACE, INCLUDING OPEN SPACE, GREEN SPACE, OUTDOOR SPACE, INDOOR PUBLIC SPACE & HANG OUT & LINGER SPACE.

PLEASE CONSIDER THIS REFINEMENT AS A SOLUTION:

THE MELDING TOGETHER OF 1/2 OF THE RESIDENTS MOST DESIRED ATTRIBUTES OF SCHEMES G & I (1ST VIEW)

THIS SOLUTION WOULD CREATE A CONTIGUOUS GREEN SPACE USING THE BOTTOM HALF OF SCHEME G

BY ADDING AN OPEN AREA ALONG BOW STREET COMBINED WITH SOUTH HALF OF SCHEME "I" CONTAINING THE CONTIGUOUS

PUBLIC INDOOR/OUTDOOR, GATHERING, OPEN PUBLIC SPACE MORE ALIGNED WITH PENHALLOW AND THE MCINTYRE BUILDING WHICH INCLUDES THE 1ST FLOOR OF THE MCINTYRE BUILDING + POST OFFICE + LINER BUILDING + AN ATTACHED SHED/TRIUM THAT IS FULLY OPEN ON THE NORTH SIDE TO AN UNOBSTRUCTED VIEW OF THE HISTORIC PORTSMOUTH WATERFRONT.

BENEFITS:

> THIS WILL CREATE TWO DISTINCT PUBLIC SPACES & SATISFY THE MOST RESIDENT REQUESTS AS SEEN IN THE DATA.

> THIS WILL BRING THE SCATTERED ODD-SHAPED GREEN SPACES TOGETHER IN ONE CONTIGUOUS LOCATION. (AS NOTED IN THE ORIGINAL RFP)

AND CREATE A CONTIGUOUS, MEASURABLE, DEFINED INDOOR, INDOOR/OUTDOOR, GATHERING, LINGERING PUBLIC SPACE AND ALSO MAKE

A SPACE ON SITE ON THE EAST SIDE FOR INCREASED ACCESS.

# Answers: Councilor Huda

Please find the Principle Group's answers below to Councilor Huda's questions in bold.

## **" WHY ARE THE STREETS OF PENHALLOW, BOW, AND DANIELS AND THE CHAPEL HILL PROPERTY INCLUDED THE DESIGN SCHEMES"?**

Coordinating the public spaces (streets) and private properties will align the community's visions and values on the McIntyre site. Yes, the plan could have looked at the site in isolation, but we know that creating great places requires careful coordination of the public spaces (streets) and buildings that frame those spaces. During the Portsmouth Listens process, we heard much about "flow" and "access" to the site, both of which require careful review and consideration of the surrounding streetscape. We needed to capture these thoughts, ideas, and aspirations at this time.

## **THE ORIGINAL SCOPE OF THE MCINTYRE PROJECT WAS & STILL IS DESCRIBED AS THE 2.1 ACRE PARCEL KNOWN AS THE " MCINTYRE PROPERTY" THE SURROUNDING STREETS OF BOW, PENHALLOW, & DANIELS & THE ABUTTING CHAPEL HILL CHURCH PARCEL & PARKING LOT SHOULD NOT INCLUDED IN ANY PART OF THE DESIGN OF THE "MCINTYRE VISION PROJECT".**

## **(THIS DESIGN OPPORTUNITY WAS NOT IN THE PREVIOUS RFP & HAS NOT BEEN ADVANCED BY THE FULL COUNCIL)**

A development project does not happen in a vacuum. The existing conditions of the surrounding parcels and streetscape are essential in planning for a thoughtful project. As a public-private partnership, the McIntyre redevelopment can provide more value to the community if consideration for the public rights-of-ways is included when looking at the project in its totality.

The Portsmouth Listens process, which indicated that members of the community wanted to increase access in, through, and around the McIntyre parcel, further led the design team to conceptually think about the existing public spaces surrounding the McIntyre and how the City can integrate those spaces into the design. Additionally, many Portsmouth Listens study groups shared a vision for increased pedestrian and bicycle access and around the McIntyre parcel.

Additionally, there may be improvements that the City can work into the development--or at very least, coordinate with the development schedule--with regards to public works, electrical work, or infrastructure upgrades or improvements, including underground work, fiber internet, electrical, sewer, water, and landscaping. The Portsmouth Listens process highlighted specific enhancements to the existing infrastructure (e.g., burying power

lines underground) that the community would find attractive. When coordinated, this type of streetscape improvement work, for instance, with planned excavation on the McIntyre parcel, is an example of where the City and the development partner may work together to provide additional public benefit to the community.

## **CAN SOME SHORT TERM PARKING SPACES FOR POST OFFICE PATRONS IN FRONT OF MCINTYRE BLDG/ POST OFFICE BLDG BE RETURNED? (AS NOTED IN SCHEME A DIAGONAL PARKING OR SPACES IN THE CURRENT LOT LOCATION)?**

The plan can undoubtedly accommodate this as the process progresses into more detailed phases of design. The community's plan is a high-level vision for the McIntyre parcel. Many more aspects and details will need to be addressed during the next stage of the City's process with its development partner, including coordinating with National Park Service, General Services Administration, and other local, state, and federal agencies. There are many future steps for the Council to move forward on the community's plan, including negotiations with the City's development partner and the project's economic feasibility for the National Park Service requirements around income. These instances highlight the different layers of process and input that the City and Community will require, likely resulting in additional plan adjustments and refinements down the line.

# Answers: Councilor Huda (Cont'd)

While the community's plan aims to be as comprehensive as possible, parking will be among the specific details that require further improvement.

## **HOW CAN WE AS A COUNCIL MOVE THIS PROJECT FORWARD TO SATISFY THE MOST REQUESTED ATTRIBUTES OF THE RESIDENTS BY LISTENING TO THE DATA?**

The community plan represents an amalgamation of the data collected over 14,000 hours from community members engaged in the community process. The raw data gleaned from these tens of thousands of hours provide context, which the team must synthesize into designs. Survey results are one set of many different inputs, in various mediums, considered in the design process. The community plan outlines the values and visions of the community as defined through the iterative dialogue around them and puts those values and visions into action through the conceptual design.

Revised the language for the two items under Councilor Huda  
**THE SOURCE OF THE DATA SUMMARIZED BELOW IS THE "MCINTYRE PROJECT VISION REPORT"**

**THE RESULTS AS NOTED BELOW CONSISTENTLY SUPPORT THE RESIDENTS POSITION THROUGHOUT THIS ENTIRE PROCESS. BRING THE POST OFFICE BACK & CREATE OPEN PUBLIC SPACES - GREEN, INDOOR & OUTDOOR, & GATHERING PUBLIC SPACES.**

**PLEASE NOTE- NO DATA NOTED THE REQUEST FOR RESIDENTIAL UNITS OR MORE COMMERCIAL SPACE, (EXCEPT AFFORDABLE HOUSING) THEN IN ONLY ONE SURVEY.**

- P.12 RESULTS FROM THE ORIGINAL UNH SURVEY THAT INCLUDED 3,495 RESIDENT RESPONSES:**  
 1) 38% > PUBLIC SPACE INCLUDES INDOOR OUTDOOR OR A COMBINATION OF PUBLIC SPACE IN ONE PIECE  
 2) 35% > POST OFFICE - RETURN THE POST OFFICE TO ITS ORIGINAL LOCATION  
 3) 8% > LESS DENSITY ON THE BOW ST. SIDE.  
**81%**

- P.16 KEY FINDINGS FAVORITE PLACES IN PORTSMOUTH**  
 1) 40% PRESCOTT PARK - (OPEN MIXED GREEN PUBLIC SPACE)  
 2) 25% MARKET SQUARE - SHOPS, CAFES RESTAURANTS  
 6) 4% FOUR TREE ISLAND (OPEN SPACE)  
 7) 3% PEIRCE ISLAND - (OPEN SPACE)  
**72%**

- P.16 MOST FREQUENTLY MENTIONED QUALITIES:**  
 1) 28% OPEN SPACE  
 2) 16% HUMAN SCALE  
 3) 14% HISTORIC/NEW ENGLAND AESTHETIC  
 4) 13% HANG OUT & LINGER  
**71%**

- P.17 GRAPH OF CATEGORIES OF FAVORITE PLACES IN PORTSMOUTH:**  
 1) 47.50% PARK  
 2) 18.20% HISTORIC NEIGHBORHOODS  
 3) 14.10% FOOD & DRINK  
 4) 10.10% SQUARE  
 10.10% CULTURAL & ENTERTAINMENT  
**100%**

- P.25 KEY FINDINGS VISIONS FOR THE MCINTYRE PROPERTY:**  
 1) 24% POST OFFICE  
 2) 23.5% OPEN SPACE  
 3) 16% GREEN SPACE  
 4) 14% PUBLIC SPACE  
 5) 8% OUTDOOR SPACE /INDOOR PUBLIC SPACE  
 6) 5% INDOOR PUBLIC SPACE  
**91%**

- P.25 MOST FREQUENTLY MENTIONED ATTRIBUTES:**  
 25% OPEN SPACE  
 17% HANG OUT & LINGER  
 12% HUMAN SCALE  
 14% HISTORIC/NEW ENGLAND AESTHETIC  
**68%**

**P.10 DESIGN SUMMARY - MCINTYRE 101> ROUNDTABLES> SURVEYS 1 & 2 >>>SKETCHES (SCHEMES) SAME FINDINGS THROUGHOUT THE ROUNDTABLES STILL REFLECTED THE SAME UNH SURVEY RESULTS THROUGH THE ENTIRE PROCESS!**

**ROUNDTABLE # 1 >>> DEVELOPED SCHEMES A,B,C,D,E,F,G,H,**

**NOTE IN THE DESIGNS THAT WERE NOT MOVED FORWARD BY THE RESIDENTS - SCHEMES A,B,C,E,F,H PER THE PLAN NOTES BELOW HAD THE MOST RESIDENTIAL OR COMMERCIAL SPACE VS. OPEN PUBLIC SPACE.**

**PLAN NOTES LISTED USES :**  
 SCHEME C- INCLUDED MIXED USE BUILDINGS & PAVILION WITH SMALL GREEN SPACE.  
 SCHEME D- INCLUDED COMMERCIAL, RESIDENTIAL OR HOSPITALITY  
 SCHEME E- INCLUDED MIXED USE BUILDINGS  
 SCHEME F- INCLUDED TOWN HOUSES

**ROUNDTABLE # 2 >>> NARROWED DOWN TO SCHEMES A,D,G,I, , THEN CHANGED & NOT SHARED WITH RESIDENTS PARTICIPANTS? WHY? AND KEPT CHANGING UNTIL PRESENTATION TO THE COUNCIL.**

- P.38 SCHEMES WITH THE MOST RESIDENT SUPPORT??**  
 1) 56% OPTION I-A (OPTION I-(B) NOT REVIEWED BY THE PUBLIC BEFORE BEING PRESENTED TO THE COUNCIL TO VOTE ON)  
 2) 18% OPTION G - THE MOST GREEN SPACE  
**74%**

236	TOTAL RESPONSES		
184	RESPONSES SELECTING FAVORITES		
52	NO SELECTION OF FAVORITE		
	<b>% OF FAVORITE VOTES</b>	<b># OF VOTES</b>	<b>% OF ALL RESPONDENTS</b>
I	56%	103	44%
G	18%	33	14%
A	15%	28	12%
D	11%	20	8%
	NO SELECTION OF FAVORITE	52	22%

# Comments: Councilor Kennedy

From: Esther Kennedy

Sent: Monday, May 10, 2021 10:22 PM

To: Robert P. Sullivan; Karen Conard; Assistant Mayor Splaine; Deaglan McEachern; Mayor Becksted; Paige Trace; Peter Whelan; John K. Tabor Jr.; Petra Huda;>  
Cliff Lazenby

Subject: For The McIntyre Development Committee

Statements for the McIntyre Sub Committee Based on the 5/4/21 report to City Council.

To the McIntyre Sub Committee,

Like many, I understand that you all have worked very hard on the McIntyre building plan and we thank you.

As I shared in my previous email, I have met with citizens on the project. Some of the individuals are neighbors that I have been trying to keep informed that do not use modern technology. What has become clear in my meetings with citizens these past six days is the need to clarify the plans in writing. As one citizen shared after I showed the plans. "What does this mean?" This particular individual has been trying to follow the project evolution on Zoom.

I believe it is time to put our thoughts into a motion. I understand the design plan has been a work in process. The plan even evolved since the last vote by the citizens. I would encourage the council to put what we have currently in a strong motion. I know we would all like to make sure the developer understands the citizens wishes for the 2.1 acres known as the

McIntyre.

I have shared what I'm presenting to you, with the constitutes I met with. Being transparent not everyone totally agreed with what I'm presenting, but all felt it was a good compromise. The citizens also appreciated the concept of me sending it to you in the included format.

Given my research I would ask the McIntyre Committee to include the following in any motion that you put forward. If you do not feel you can consider an Item, I would ask that you please share why it cannot be considered. Many of the items included in the motion are either in the plan known as the "Second I" or the original RFP for the McIntyre.

I would ask that the following items be include in the Motion brought forward to the City Council Meeting on May 17,2021:

The McIntyre "project" is only developed in the original 2.1-acre property known as the McIntyre site and does not include public streets or adjacent properties.

There will be no net loss of on-street parking on Daniel, Penhallow, and Bow Streets, at the completion of the project.

Penhallow, Bow and Daniel will remain open to motor vehicles and other users at the completion of the project.

Fifty One Percent of the original 2.1 acres of the McIntyre property will be community space.

A structure substantially similar in size to that shown as the Market Shed or covered plaza on scheme " I" will be included in the project.

The space known as the winter garden will be included in the project.

One half or more of the fifty one percent community space will be contiguous green space.

A public rooftop observatory will be included in the project

The project will include a memorial dedicated to the first NH state house.

The Post office will be welcomed back with a parking drop off area(s) of at least 4 spaces.

The building area that holds the post office will only go up three stories.

A minimum seventy-foot set back of open space off of Bow Street.

Please let me know if you have any questions. I will look forward to your response.

Esther Kennedy

# Answers: Councilor Kennedy

We encourage Councilor Kennedy to bring these comments forth to the Council. We appreciate the Councilor's thoughts on how to move the project forward.



Revised the language for the two items under Councilor Huda

**DATE: MAY 12, 2021**

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

**FROM: COUNCILOR HUDA**

**SUBJECT: MAY 17TH 2021 CITY COUNCIL MEETING AGENDA REQUEST  
PLEASE PUT THIS UNDER MY NAME. THANK YOU**

- > REPORT BACK TO THE COUNCIL ON THE FIRST MEETING OF THE MAYOR'S BLUE RIBBON COMMITTEE AUDIT COMMITTEE INCLUDING A RECOMMENDATION FOR AN AUDIT FIRM TO BE VOTED ON BY THE COUNCIL.**
- > AS ADVISED BY CITY LEGAL COUNSEL, I WOULD REQUEST THAT ANOTHER COUNCILOR MAKE A MOTION TO APPROVE THE RECOMMENDATION OF THE AUDITOR BY THE MAYOR'S BLUE RIBBON AUDIT COMMITTEE & AUTHORIZE THE AUDIT COMMITTEE AND THE CITY LEGAL DEPARTMENT TO MOVE FORWARD WITH THE NEGOTIATION OF A CONTRACT.**



## CITY OF PORTSMOUTH

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

Karen S. Conard  
City Manager

**Date:** May 13, 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 May 17, 2021

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

A. **Public Hearing Regarding Recognition of Indigenous Peoples' Day Each Year Instead of What Has Been Typically Designated by the State of New Hampshire as Columbus Day:**

At the April 17, 2021 City Council meeting, the City Council unanimously voted to hold a public hearing for the City of Portsmouth to recognize Indigenous Peoples' Day each year instead of what has been typically designated by the State of New Hampshire as Columbus Day. This public hearing was a request of WE Speak NH Listens, a student group at Portsmouth High School.

This public hearing was scheduled at the May 3<sup>rd</sup> City Council meeting to occur at this evening's meeting.

B. **First Reading of Ordinance Amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited – and Report Back on City Council Concerns Related to Bartlett Street Truck Restriction:**

At the May 3, 2021 City Council meeting, there were several questions and requests posed by Councilors for additional information relating to the proposed restriction of truck traffic on Bartlett Street after the opening of the new Hodgdon Way (Cate Street Connector) roadway to the Route 1 Bypass. The first request was regarding the potential impacts and consequences, intentional or unintentional, of prohibiting truck traffic on Bartlett Street. The second request was for an update of other measures to reroute trucks in the area, such as the restricting of left turns from the Bypass onto Cottage Street. The third request was for the remaining options for trucks in the Dennett Street area. [Attached please find a map](#) indicating the area being addressed.

The consequences of restricting truck traffic on any street is that trucks must find another route to their destination. This means that the volume of truck traffic will increase on other streets in the area that still allow for truck traffic.

In the case of Bartlett Street, the only nearby available streets will be Cottage Street and the new Hodgdon Way, as well as the section of Dennett Street between Woodbury Avenue and Bartlett Street. In order to reduce the impact of prohibiting truck traffic on Bartlett Street, the ordinance should be amended to prohibit truck traffic on this section of Dennett Street as well. Cottage Street allows truck traffic, but if trucks drive all the way up Cottage Street to Woodbury Avenue, they are directed to turn left onto Woodbury Avenue and then back onto the Route 1 Bypass. In the other direction, trucks are allowed on Maplewood Avenue, but this road would not be expected to see any significant increase in truck traffic as it leads to downtown.

Trucks using Bartlett Street are not destined for the downtown due to low clearance under the railroad bridge on Bartlett Street which restricts all but the lowest trucks.

At this time, there are no other measures planned to restrict trucks or traffic in the area. The possibility of restricting left turns from the Bypass onto Cottage Street is part of a long term planning consideration that would require coordination with the NHDOT and the provision of a connector roadway between Coakley Road and Borthwick Avenue. This measure could be pursued if the future traffic conditions on the Bypass warrant the removal of the traffic signal at the intersection of Coakley Road, Cottage Street and the Bypass.

As part of the Hodgdon Way connector roadway work, the intersection of Bartlett Street and Cate Street will be reconfigured to move the STOP sign from the Cate Street approach to the Bartlett Street approach. This will help to reinforce that Cate Street/Hodgdon Way is the intended primary route between Islington Street and the Route 1 Bypass, and will help to discourage cut-through traffic on Bartlett Street.

With the truck restriction on Bartlett Street, trucks should have no reason to exit from the Bypass onto Woodbury Avenue unless they are making a local delivery to a business or residence on a local street in the neighborhood. City ordinances allow for trucks on truck restricted streets if they are making a delivery to an address on that street and there is no other route to access the location. City staff will work with the NHDOT to determine if NO TRUCK signs can be placed at the exit ramps to Woodbury Avenue at the Bypass.

At its April 8, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted to unanimously recommend to the City Council that truck traffic be prohibited on Bartlett Street as soon as Hodgdon Way (Cate Street Connector) is open to traffic. The PTSC considered this recommendation as part of modifications to truck traffic in the Bartlett Street area in response to residents' concerns to calm traffic and create a more pedestrian friendly environment. On May 3rd, the City Council moved to schedule first reading at the May 17th meeting of an ordinance that would prohibit truck traffic on Bartlett Street as soon as practicable. [The attached ordinance](#) amends Chapter 7, Article VII, Section 7.702, TRUCK TRAFFIC PROHIBITED, to restrict truck traffic on Bartlett Street once Hodgdon Way is open for public travel and makes other minor amendments to the ordinance to effectuate the implementation of the revised truck route.

*I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the June 7, 2021 City Council meeting.*

**C. Third and Final Reading of Ordinance Amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability:**

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a citation protocol with a view to encouraging residents and visitors to pay the meter system for the use of City-managed parking inventory. This protocol includes patrolling the City’s parking spaces to ensure payment, and to issue parking citations when payment is not made, or a driver has allowed their session to expire without renewal. The current fine structure was last revisited in 2013.

The Parking Division recognizes that the City’s fine structure no longer encourages the desired behavior, particularly as it pertains to the new daily maximum rates under the Stay and Pay system. Out-of-town guests who find a \$15 citation on their vehicle are now more prone than before to simply skip payment for the remainder of the day, rather than be encouraged to either vacate the space or continue their parking session. Additionally, research of surrounding towns shows that Portsmouth lags behind peer averages in several violation categories.

To address this ongoing issue, the Parking Division initially recommended revisiting the fine structure in March 2020 to modify the four most-utilized citation categories. Those recommendations were brought before the Parking and Traffic Safety Committee (PTSC) on March 5, 2020, resulting in a unanimous vote to forward to the City Council for first reading on March 16<sup>th</sup> prior to the COVID-19 outbreak, which put this item on hold.

The request to update the fine structure was scheduled for first reading at the February 8, 2021 City Council meeting through an amendment to Chapter 7, Article IX, Section 7.901, Penalties, Forfeitures and Separability.

The proposed amendment recommended changes to the four most utilized citation categories of parking fines: session expired; parking in no parking area; emergency snow ban and commercial loading zone.

The amendment proposed increasing those fines to \$50, and after 30 days, to \$75 or \$100. The proposed amendment to Chapter 7, Article IX, Section 7.901 did not pass first reading on February 8, 2021. Council members noted they received comments from citizens concerned about the amount of the proposed increase to these parking fines and voted unanimously to refer the proposed parking fine schedule to the PTSC for a report back.

After receiving public comment, the PTSC reviewed the proposed fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone at its March 8, 2021 meeting. After discussion, the PTSC voted unanimously to recommend that the parking fines for session expired, parking in no parking area, emergency snow ban and commercial loading zone be increased to \$35, and if not paid in 30 days, increased to \$55. The PTSC also acknowledged the need to review additional parking violations including safety related violations and enhanced penalties for frequent offenders at a future meeting.

The Fee Committee reviewed the PTSC’s recommendations to increase parking fines as set forth above at its March 29, 2021 meeting. The Fee Committee voted unanimously to endorse these recommendations to the City Council to increase the parking fines as described in the [attached schedule](#).

The [attached amendment to Chapter 7, Article IX](#) has been changed since presented at the April 5<sup>th</sup> Council meeting. Some housekeeping amendments have been removed because the ordinance is going back to PTSC for review of the ordinance as a whole in order to simplify the ordinance, delete obsolete sections and recommend penalties for safety violations and repeat offenders. The [attached amendment](#) includes the proposed fine increases and updates the current section numbers and titles, lists the amount each penalty will increase after 30 days and references parking violations that were in other sections of Chapter 7 but were not included in the penalty section.

On May 3<sup>rd</sup>, the City Council moved to schedule a third and final reading at this evening’s meeting.

*I recommend that the City Council move to adopt the third and final reading of the proposed amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability.*

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

### **1. Approval of Fire Chief Employment Agreement:**

The City Council reviewed an employment agreement for Fire Chief, Todd Germain, in a Non-Public Session earlier this evening. Attached is the [proposed agreement](#).

*I recommend that the City Council move to ratify the agreement as presented with Fire Chief, Todd Germain.*

### **2. Approval of Superintendent Employment Agreement:**

The City Council reviewed an employment agreement for School Superintendent, Steve Zadravec, in a Non-Public Session earlier this evening. Attached is the [proposed agreement](#).

*I recommend that the City Council move to ratify the agreement as presented with School Superintendent, Steve Zadravec.*

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

### **A. Projecting Sign License – 21 Daniel Street:**

Permission is being sought to install a [projecting sign at 21 Daniel Street](#) that extends over the public right of way, as follows:

Sign dimensions: 24” x 48”

Sign area: 8 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 March 2021 Monthly Summary Report as Requested by Councilor Huda at the May 3<sup>rd</sup> City Council Meeting:**

A [report back is attached](#) addressing the questions and comments posed by Councilor Huda at the May 3, 2021 City Council meeting in regards to the [March 2021 Monthly Summary Report](#).

2. **Report Back on all North Mill Pond Development Projects and Endangered Species as Requested by Councilor Trace at the May 3<sup>rd</sup> City Council Meeting:**

At the May 3, 2021 Council meeting, the Council requested a report back as requested by Councilor Trace on currently proposed development projects bordering the North Mill Pond, including what percentage of the proposed buildings and/or parking areas fall within the 50 and 100 foot wetland buffer areas. In addition, the Council requested a report back on any endangered species that use and or make North Mill Pond home.

#### Summary of Recently Proposed or Approved Development Projects

The summaries below indicate the amount of impervious surface (areas covered by pavement or buildings where surface water cannot penetrate) for each project.

#### 105 Bartlett Street

- This project was approved by the Planning Board on April 15, 2021.
- Within the 0' to 25' buffer zone the total existing impervious area is 12,788 square feet (includes existing paved areas), and the total proposed impervious area is 6,788 square feet (including sidewalk and existing driveway), which represents a net reduction of 6,000 square feet.
- Within the 25' to 50' buffer zone the total existing impervious area (including existing buildings and paved areas) is 30,478 square feet and the total proposed impervious area is 22,394 square feet (including portions of existing driveway and sidewalks, but no buildings). This is a net reduction of buildings and paved areas in this buffer zone of 8,084 square feet.

- Within the 50’ to 100’ buffer zone the total existing impervious area is 66,844 square feet and the total proposed is 52,543 square feet (including a small portion of the new buildings, some of the existing Ricci Lumber buildings, and the existing driveway and sidewalks), which represents a net reduction of 14,301 square feet.

### 53 Green Street

- This project received a unanimous recommendation for approval from the Conservation Commission on April 14, but is still pending final review by the Technical Advisory Committee, Historic District Commission, and Planning Board.
- Within the 25’ to 50’ wetland buffer zone the total existing impervious area is 745 square feet (buildings and parking), total proposed is 98 square feet (pathway), which represents a net reduction of 647 square feet.
- Within the 50’ to 100’ wetland buffer zone the total existing impervious area is 10,836 square feet (buildings and parking), total proposed is 8,425 square feet (buildings and pathway), which represents a net reduction of 2,411 square feet.

### 1 & 31 Raynes Avenue and 203 Maplewood Avenue

- This project is currently pending review by the Conservation Commission, Technical Advisory Committee, Historic District Commission, and Planning Board.
- All of these numbers are as proposed in the application submitted for Conservation Commission review for the May 11th meeting.
- Within the 0’ to 25’ wetland buffer zone the total existing impervious area is 848 square feet (parking), the total proposed is 0 square feet, which represents a net reduction of 848 square feet.
- Within the 25’ to 50’ wetland buffer zone, the total existing impervious area is 3,006 square feet (parking and existing buildings), total proposed is 67 square feet (city sidewalk), which represents a net reduction of 2,939 square feet.
- Within the 50’ to 100’ wetland buffer zone, the total existing impervious area is 24,473 square feet (parking and existing buildings), total proposed is 24,528 square feet (mostly parking), which represents a net increase of 55 square feet.

### Endangered and Threatened Species

Lists of species that are considered “endangered” or “threatened” are maintained at both the state and federal level. The North Mill Pond includes salt marsh and estuarine habitat. Species with state level endangered or threatened designations that may be found in these natural habitats in Portsmouth are listed below. The actual presence of these species at the pond has not necessarily been confirmed. Any that are also included on the federal endangered (E) or threatened (T) species lists are starred.

#### Birds/Mammals:

- Northern long-eared bat (T)\*
- Common tern (T)

Fish:

- Atlantic sturgeon (T)\*
- Shortnose sturgeon (E)\*

Plants:

- Dwarf glasswort (E)
- Salt marsh gerardina (T)
- Marsh elder (T)

3. **Update on Reimbursement for COVID-19 Vaccination Efforts:**

The City will be reimbursed by the State of New Hampshire for the Fire Department's COVID-19 vaccination efforts. A memorandum providing more information on this reimbursement is [attached](#).

4. **Household Hazardous Waste Collection Day:**

Please find attached a [press release](#) announcing Household Hazardous Waste Collection Day on Saturday, May 22<sup>nd</sup>.

**AMENDMENT TO CURRENT EMPLOYMENT AGREEMENT**

**NOW COME** the Fire Commission, City of Portsmouth, New Hampshire (“the Commission”) and Todd Germain (“the Employee”) and hereby agree as follows:

1. The Employee is employed as the Fire Chief for the City of Portsmouth, New Hampshire.
2. The Commission and the Employee are parties to an Employment Agreement that covers the period July 15, 2019 through July 30, 2022 (“the Current Employment Agreement”).
3. Under the terms of the Current Employment Agreement, the Employee is presently on Grade 27, Step E of the City of Portsmouth Non-Union Salary Schedule.
4. The parties have agreed to amend the Current Employment Agreement to advance the Employee to Grade 27, Step G, effective May 1, 2021. The Employee will then advance to Grade 27, Step H, effective May 1, 2022.
5. The remaining terms of the Current Employment Agreement are unchanged.

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

\_\_\_\_\_  
Fire Commission  
City of Portsmouth, New Hampshire

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

\_\_\_\_\_  
Todd Germain

Approved by the City Council for the City of Portsmouth, New Hampshire.

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

\_\_\_\_\_  
City Clerk

## **2021-2022 EMPLOYMENT AGREEMENT**

### **1. Preamble.**

This Agreement (“the 2021-2022 Employment Agreement”) is entered into by and between the School Board of School Administrative Unit 52, Portsmouth, New Hampshire (the “Board” or the “SAU”) and Stephen Zdravec (the “Superintendent”).

### **2. Employment And Term.**

The Board and the Superintendent are parties to an existing Agreement, executed in September 2018 (“the 2018 Employment Agreement”). The 2018 Employment Agreement will remain in place and in full effect until June 30, 2021. This 2021-2022 Employment Agreement will then replace and supersede the 2018 Employment Agreement.

By this 2021-2022 Employment Agreement, the SAU agrees to employ the Superintendent and the Superintendent agrees to accept employment in the position of Superintendent of Schools of SAU 52 for a term commencing on July 1, 2021 and extending through June 30, 2022. Unless earlier terminated by either party, this 2021-2022 Employment Agreement automatically expires on June 30, 2022.

### **3. Salary.**

The Superintendent will be paid an annual salary of one hundred sixty thousand four hundred and eighty-four dollars and sixty-two cents (\$160,484.62). This salary will be payable in accordance with the SAU’s regular payroll practices and will be subject to such deductions as may be authorized by the Superintendent and/or as may be required by law.

### **4. Authority And Responsibility.**

The Superintendent agrees to administer and supervise the schools of the SAU in accordance with the laws of the State of New Hampshire and in accordance with the rules and regulations of the State Board of Education and the SAU. In addition, the Superintendent shall have the authority, subject to limitations in law, collective bargaining agreements and SAU policies and procedures, to organize, reorganize and arrange the administrative and supervisory staff of the SAU in such way, as in the Superintendent’s judgment, best serves the SAU. The



Superintendent shall be responsible for the nomination, placement, and transfer of personnel. The Superintendent shall also be responsible for conducting annual performance evaluations of his direct reports.

**5. Certification.**

The Superintendent will be required to hold for the life of this 2021-2022 Employment Agreement a valid certificate for Superintendent of Schools, properly registered and issued by the State of New Hampshire.

**6. Termination For Cause.**

This 2021-2022 Employment Agreement may be terminated by the SAU at any time for cause, i.e., failure on the part of the Superintendent to comply with any term or condition of this 2021-2022 Employment Agreement, the laws of the State of New Hampshire, or the rules and regulations of the State Board of Education, the SAU, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the office of the Superintendent of Schools as specified in the Municipal Charter of the City of Portsmouth or as directed by the SAU. If a conflict arises, the rules and regulations established by the SAU will prevail. Termination for Cause will take place only following written notification specifying the reasons for termination. Unless the Superintendent submits to the SAU, within twenty (20) days of receipt of such notification, a written request for a hearing before the SAU, the 2021-2022 Employment Agreement shall be considered terminated as of the date which falls thirty (30) days after the Superintendent's receipt of notification. If the Superintendent requests a hearing, the SAU shall hold this hearing within twenty (20) days after receipt of such request. The SAU shall render a written decision to the Superintendent within ten (10) days of the hearing. In the event of a termination for cause, the Superintendent shall receive no compensation beyond the last day worked.

**7. Termination By Mutual Consent/Voluntary Resignation.**

This 2021-2022 Employment Agreement may be terminated at any time by mutual consent of the SAU and the Superintendent or by the voluntary resignation of the Superintendent. In the event the Superintendent voluntarily resigns before the expiration of the term of this 2021-2022 Employment Agreement, the Superintendent will give the SAU sixty (60) days written notice in advance of such resignation.

**8. Termination With Payment.**

If at any time the SAU in its discretion shall so determine, the SAU may, without cause and with or without prior notice, relieve the Superintendent of his duties under this 2021-2022 Employment Agreement. In such event, the Superintendent will be entitled to severance benefits. As is set forth above in Section 6, if the termination is for cause, the Superintendent will not be entitled to severance benefits. Such severance benefits will be paid in a lump sum and determined as follows: if termination without cause occurs prior to January 1, 2022, one full year's salary or the balance of the contract, whichever is less; and if termination without cause occurs after January 1, 2022, six month's salary. Severance benefits will not be paid upon the voluntary resignation of the Superintendent.

**9. Vacation Leave.**

The Superintendent is entitled to thirty (30) days of vacation during the term of this 2021-2022 Employment Agreement. The Superintendent will be paid for unused vacation time, not to exceed ten (10) days, within fourteen (14) days following the expiration of this 2021-2022 Employment Agreement. Except for this provision, there shall be no payoff of unused vacation time under any circumstances. The per diem rate for the Superintendent for purposes of this provision will be calculated by dividing the Superintendent's base salary (not including 403(b) payments, mileage allowance or any other additional payments) by 230.

**10. Benefits.**

Except as otherwise provided herein, the Superintendent's fringe benefits will be established by and in accordance with the collective bargaining agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators. Nothing in this provision, however, shall entitle the Superintendent to any salary enhancements included in that collective bargaining agreement, including but not limited to longevity or degree stipends.

**11. 403(b) Plan.**

The SAU will pay an employer contribution in the total amount of seven thousand dollars (\$7,000.00) to the Superintendent's 403(b) plan. Taxes and New Hampshire Retirement System contributions will be withheld from this contribution only to the extent, if any, required by applicable law.


**12. Additional Economic Benefits.**

In addition to the salary set forth in Section 3 above, the Superintendent will also be entitled to the following:

- A. Reimbursement of mileage incurred on SAU business at the rate established by the Internal Revenue Service.
- B. Reimbursement of reasonable and necessary expenses incurred in attendance at appropriate professional conferences (within budgets approved by the SAU), and payment of annual professional dues (within budgets approved by the SAU).

**The parties below acknowledge that this 2021-2022 Employment Agreement is subject to the approval of the Portsmouth City Council, without which approval this Agreement is without force and effect.**

Dated: 4/20/21

  
School Board of School Administrative Unit  
52, Portsmouth, New Hampshire

Dated: 4/22/21

  
Stephen Zadravec

Approved by the City Council, Portsmouth, New Hampshire

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

\_\_\_\_\_  
City Clerk

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# M E M O R A N D U M

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**TO:** Karen Conard, City Manager

**FROM:** Juliet T. H. Walker, Planning Director *JTW*

**DATE:** April 29, 2021

**RE:** City Council Referral – Projecting Sign  
Address: 21 Daniel Street  
Business Name: Calli b.  
Business Owner: Marianne Janik

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Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

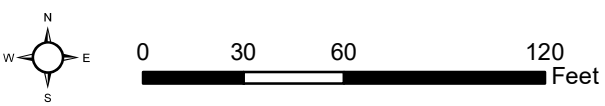
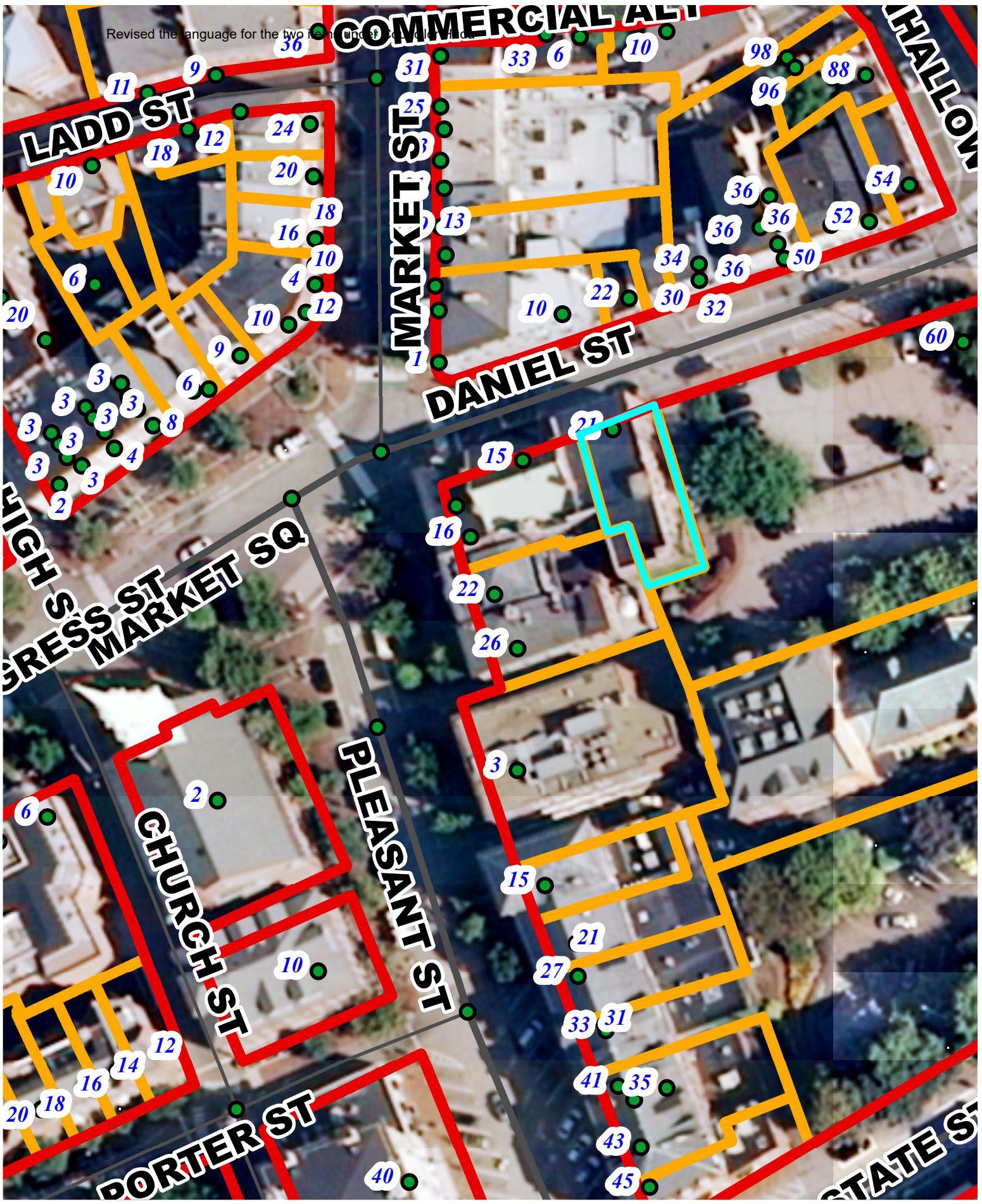
Sign dimensions: 24" x 48"  
Sign area: 8 sq. ft.

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.



Revised the language for the two items Under



**Request for license  
21 Daniel Street**



Side  
walk



ENTRANCE

4'

2'



Revised the language for the two items under Councilor Huda

Calli b.







May 3, 2021 (after 4:30 p.m.) – May 13, 2021 (before 9:00 a.m.)

## May 17, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Michael Frandzel ([mbfrandzel@gmail.com](mailto:mbfrandzel@gmail.com)) on Monday, May 3, 2021 at 15:52:05

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address: 404 Union St.

comments: Members of the city Council, Mr. Mayor: Please start/continue the process of reopening the indoor pool as expediently as possible. It is one of the gems of our city and a vital resource to the inhabitants and greater Seacoast community. Thank You

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Sarah Williams ([sarah.c.williams@gmail.com](mailto:sarah.c.williams@gmail.com)) on Monday, May 3, 2021 at 16:25:15

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address: 101 SPRING STREET

comments: Hello,

I'm writing to urge the City Council to allocate the funds necessary to re-open the Portsmouth Indoor Pool as soon as possible. It is a vital recreational facility and should be valued and operated as such. For our family personally, both of our children were athletes on the Portsmouth Swim Team before it shut down and dearly miss their teams and coaches. We have also used the pool for recreation purposes for years.

The indoor pool is a critical recreation center for the entire Seacoast and it needs to be re-opened for residents, non-residents, all four swim teams and aquatic businesses that have historically been using the pool for 40 years.

Thank you,

Sarah Williams

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Mary Mitchell ([mary@portsmouthswimteam.com](mailto:mary@portsmouthswimteam.com)) on Monday, May 3, 2021 at 16:41:23

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address: 562 Washington Rd. Rye, NH

comments: Dear City Councilors,

I am reaching out to you as the coach of the Portsmouth Swim Team and former coach of the Portsmouth High School swim team and encourage you to support the repairs needed to bring our beloved pool back to life! The Portsmouth Indoor Pool is a vital recreation facility for all seacoast residents, especially our children. The pool is a necessary facility to our community, from the learn to swim programs, high school swim team, and the life long swimmers that rely on it for recreation; we need our pool working!

I have been approached on a daily basis about the status of the pool as well as all the activities that happen at the pool. I would be happy to answer any questions to help get the pool back on line.

Best Regards,

Mary Mitchell

includeInRecords: on

Below is the result of your feedback form. It was submitted by Sharon Spinney ([4spinn@comcast.net](mailto:4spinn@comcast.net)) on Monday, May 3, 2021 at 16:55:37  
Revised the language for the two items under Councilor Huda

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address: 281 Islington Street

comments: In addition to what my husband,, Steve Spinney, wrote to you last week, we want express our support with all that's contained in Ken Goldman's most recent email to you on the subject.

Steve & Sharon Spinney

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Kym Berman ([chrym@comcast.net](mailto:chrym@comcast.net)) on Tuesday, May 4, 2021 at 11:56:38

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address: 191 Park St Portsmouth, NH

comments: I saw the article in Seacoast online regarding the possible opening of the Portsmouth Indoor Pool by September, and felt compelled to put in my 2 cents worth. I have been in this area since 1982. I assisted - coached the PAC swim team back then. I joined the Great Bay Masters swim team about then. My daughters learned to swim at that pool and have used the pool for conditioning and recreation since graduation from PHS. This pool is an unbelievably valuable venue and commodity for this community. Swimming is ( or was the last time I looked into it) the greatest school participation sport in the country, and it is one of the most accessible and tolerable activities for exercise and conditioning for the elderly and infirmed. Just look at the usage and numbers for the pool and you will see the need for this venue to open and remain open. It is an incredibly valuable public service. Even if it does not 'make a profit', the contribution it makes to our community is profound, Public service and recreational facilities are a benefit to the community and, in my opinion, should not necessarily 'make a profit' to be profitable to all of us! I impore and beg you all to fully support the repairs (costly as they will be) and the continued usage of the Portsmouth INdoor Pool. Thank you for your time. Kym Berman

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Pat Bagley ([patbagley@aol.com](mailto:patbagley@aol.com)) on Tuesday, May 4, 2021 at 15:29:46

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address: 213 Pleasant St

comments: Honourable Mayor and City Councilors,

I've participated in the study sessions, feedback sessions, breakout rooms, and returned surveys both to the Principle Group and to Revisit. It occurs to me that I've not shared specific thoughts with you. First, I'd like to thank the subcommittee for your effort, many hours, and patience, with all of us, trying to do what is best for Portsmouth residents while under threat of a Redgate/Kane lawsuit. Your position has been a no win, and you have handled it professionally.

As to my preferences, in abbreviated form, I was hoping the Principle Group's plan would be more of a compromise between a commercially overbuilt site and a park. I don't feel they've achieved this. Having said that, I am just one resident. As the Stones would sing, you can't always get what you want. I do hope, in the end, we get what we need.

Thank you for a monumental task during an incredibly difficult year.

Best wishes,

Pat Bagley

includeInRecords: on

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Below is the result of your feedback form. It was submitted by KYLE LACHANCE ([kylemariel@yahoo.com](mailto:kylemariel@yahoo.com)) on Wednesday, May 5, 2021 at 09:00:29  
Revised the language for the two items under Councilor Huda

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address: 86 S. School St

comments: I was on the Zoom meeting last night but was unable to make a public comment. I want to add my support for the proposal presented last night. After many hours by citizens of Portsmouth, the proposal respects the values and visions expressed by the focus groups. The facilitator of our group, Dave Cohen, did an excellent job guiding us through the discussions. At no point did he 'strong arm' us into a decision. If anything, it was the Revisit McIntyre group that was trying to force people into their way of thinking. The Revisit McIntyre group does not get to derail the work that was done because the outcome is not to their liking. They opened up this process and must accept what was discussed by the majority. Whereas others complained about it, I like the open space (currently called Shed) under the roof that protects the area in the winter. We don't necessarily need green space (Prescott park is very close), which was a point that was openly discussed in the Portsmouth Listens sessions. The UNH survey was without any discussion from various points of view. It should not be considered the final word. Thanks for reading. Regards, Kyle LaChance  
includeInRecords: on

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Below is the result of your feedback form. It was submitted by Sari Bennett ([sari.bennett@comcast.net](mailto:sari.bennett@comcast.net)) on Wednesday, May 5, 2021 at 09:14:19

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address: 162 Willard Ave.

comments: The indoor pool is a critical recreation center for the entire Seacoast and it needs to be re-opened for residents, all four swim teams and aquatic businesses that have historically been using the pool for 40 years. The indoor pool is the most visited recreational facility in the city, consistently logging over 100,000 visits per year since 2010. Seacoast residents and businesses donated over \$600,000 to keep the pool open and conduct the necessary upgrades. Membership fees were then added to the donations for a total of over \$1,000,000 that was spent on the upgrades. I want my investment open to the public. The pool opening must include residents, swim teams and other aquatic businesses that are critical to the financial viability of the pool based upon the business model created by SIPP in 2010. This business model made the pool financially viable for its long term operation. Sari Bennett  
162 Willard Ave.  
Portsmouth, NH 03801  
includeInRecords: on

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Below is the result of your feedback form. It was submitted by petar ramadanovic ([petarr@unh.edu](mailto:petarr@unh.edu)) on Wednesday, May 5, 2021 at 13:47:38

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address: 393 UNION ST

comments: Y that stayed open never became a great source of infection. Most old people are vaccinated. Older teenagers from PHS will be by mid May. Younger teenagers are soon to follow. A humid environment is known to kill covid. What are you waiting for now?  
includeInRecords: on

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Below is the result of your feedback form. It was submitted by Roy W. Helsel ([royhelsel@aol.com](mailto:royhelsel@aol.com)) on Thursday, May 6, 2021 at 11:34:18  
Revised the language for the two items under Councilor Huda

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address: 777 Middle Rd. Unit 22

comments: As a resident and taxpayer I feel that the design of the McIntyre project not be so dense and that the McIntyre building should be the only building in the project that is over ONE story high!

I agree with Duncan MacCullum the design is ugly and disappointing. I have spent many years in Europe and seen many Market Pavillions or Sheds both larger and smaller but they did not dominate the area that they were in, they complimented it. What is wrong with some green space in downtown. What about the effects of the abutters in the area? It should not shut them down by taking their parking or patronage. These are my thoughts! Thank You. Roy

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Keith Bates ([kbates@comcast.net](mailto:kbates@comcast.net)) on Friday, May 7, 2021 at 08:35:15

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address: 510 FW Hartford Drive

comments: Regarding the increase in parking fines, I see the increase as reasonable, but with one caveat. I have not parked downtown recently, but when I do I have had frequent hassles with the parking meters. I'm a pretty smart guy, but my frustration with the instructions on the meter has caused me on more than one occasion to just walk away and take my chances that the enforcement folks are not nearby. I use the garage for longer stays downtown, but the meters can be daunting. It appears that there are at least 2 different meter types with different instructions, and unreadable ones at that, especially when inclement weather discourages long periods interpreting the meter instructions. If the increase in fines is passed, I hope it will enable the City to upgrade to a single meter type where the meters still exist. The "pay & display" system is fine except in cases where a ticket is purchased "around the corner" and the car may be tagged for insufficient payment while still within the time allotted.

While I'm on the subject (are my three minutes up?), if the City enforced "no right on red" moving violations and collected fines for scofflaws perhaps the meter upgrade could be funded.

includeInRecords: on

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Below is the result of your feedback form. It was submitted by SCOTT HOWARD BORNSTEIN ([wescoraja@yahoo.com](mailto:wescoraja@yahoo.com)) on Friday, May 7, 2021 at 09:39:36

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address: 42 Squid St

comments: Councilors, it's time to lift the mask mandate. While I have staunchly supported the direction laid out by Councilor Splaine, in this area, the time has come. I do not believe anything from Florida, but I do from Texas. On March 2 Governor Abbott removed their mandate and allowed 100% opening of everything. We saw catastrophe coming, and it didn't happen. The numbers bare that out. June 30 is an excessive date. It's time. I submit the Texas dashboard as my supporting evidence. An advisory or similar is a reasonable compromise. The time for a mandate is over. Thanks.

<https://txdshs.maps.arcgis.com/apps/dashboards/ed483ecd702b4298ab01e8b9cafc8b83>

includeInRecords: on

Below is the result of your feedback form. It was submitted by Brian Amend ([bamend@yahoo.com](mailto:bamend@yahoo.com)) on Tuesday, May 11, 2021 at 06:57:26  
Revised the language for the two items under Councilor Huda

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address: 1 Victory Lane

comments: Why leave a bad taste of Portsmouth with increased parking fines? People will go to spend money, get fined and never want to come back. There are more alternatives to go out to dinner and shop than downtown Portsmouth. Raising the parking fines will ultimately support people NOT coming to downtown to spend money. Yes, there will be a few that spend the \$15 to park but they are likely spending money too. This is the case of a few ruining it for all.

However, if want to raise fee if do NOT paying the fee timely, then that makes sense.

Brian Amend

Rye NH (spending my dollars in Portsmouth)

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Joe Onosko ([jonosko@comcast.net](mailto:jonosko@comcast.net)) on Tuesday, May 11, 2021 at 19:15:52

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address: 27, Shaw Road

comments: Dear Councilors,

Mr. Brighton's suggestion that I see overtime as a method of padding officer salaries is incorrect. Instead, I see overtime as the most cost-effective way to cover shifts when adding positions isn't a possibility. I did comment at a recent PC meeting that an ancillary positive effect of overtime is that a few officers willing to work many additional hours can cobble together a salary that enables them to purchase a small ranch in the city. I would love to see more police (and teachers) living in our city, however, that has become less possible due to real estate values, as you know. Best, Commissioner Onosko

includeInRecords: on

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Below is the result of your feedback form. It was submitted by James A Hewitt ([samjakemax@aol.com](mailto:samjakemax@aol.com)) on Wednesday, May 12, 2021 at 15:02:48

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address: 726 Middle Road

comments: Dear Chairman Legg and Planning Board Members:

I thought the Planning Board could use some comparative information about the "affordable" micro-housing farce McNabb is trying pull off at 93 Pleasant St. Below is an announcement about the West End Yard apartment availability and their rents. A 480 SF studio at West End Yards' Soviet-style tenement house project, located 1.1 miles from Market Square, is going for \$2,000 / mo. . What is McNabb going to get for his 400 SF units only 500 feet from Market Square? \$3,000 / mo.? \$3,500 / mo.? (with or without the house mother). That's Kim Kardashian grade housing stock.

Regards,

Jim Hewitt

Good morning,

We are excited to announce that pre-leasing at West End Yards, Portsmouth's newest apartment community will begin shortly! Our first move in date is July 19, 2021. We would love to help you become one of our first residents of the property! In order to do so, there are a few questions that will help us to find the perfect apartment home for you. Will this apartment home be just for yourself or will others be moving in along with you? Also, just to confirm when are you looking to move? And lastly, do you have any pets? We are a pet friendly community.

I have listed our starting rental rates below.  
Revised the language for the two items under Councilor Huda

Studios:	Avg. rent \$1975 ( 480 SF)
1 bedroom:	Avg. rent \$2250 (600 SF)
1 bedroom + den:	Avg. rent \$2575 (750 SF)
2 bedrooms:	Avg. rent \$3085 (900 SF)

(Additional apartment details and floorplans will be up on our website soon at [www.westendyards.com](http://www.westendyards.com))  
We will begin conducting hard hat tours of our model units starting in May. We will be completing tours on specific days in the afternoons. Due to the ongoing construction, tour slots will be limited at first, so if you would like to meet before your scheduled tour time and reserve a unit, we will be available to do that as well. Our team at West End Yards is looking forward to hearing back from you!

West End Yards  
35 Hodgdon Way  
Portsmouth, NH 03801  
includeInRecords: on

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CITY OF PORTSMOUTH, NH

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS

PURSUANT TO RSA 674:39-aa

Name of Property Owner(s): VINCENT ZINGARIELLO AND MONICA ABRUZZESE

Mailing Address: 135 THAXTER RD. PORTSMOUTH, NH 03801

Telephone Number: 603 770 7999

Email Address: \_\_\_\_\_

Street Location of Parcels Affected by the Requested Restoration:

135 THAXTER RD.

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

Parcel 1

Current Deed Reference: Book 3410 Page 726 Date Recorded 7/26/1999

Tax Map 166 Lot Number 15

Parcel 2

Current Deed Reference: Book 3410 Page 726 Date Recorded 7/26/99

Tax Map 166 Lot Number 15

Parcel 3

Current Deed Reference: Book \_\_\_\_\_ Page \_\_\_\_\_ Date Recorded \_\_\_\_\_

Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_

Please state when you believe the involuntary merger took place:

Signature(s) of Property Owner(s):

Signature: [Signature] Name: Vincent Zingariello Date: 7.26.2021

Signature: [Signature] Name: Monica Zingariello Date: 7.26.2021  
Monica Abruzzese Monica Abruzzese





Running Southwesterly by Sewall Road One Hundred (100) feet to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Dale T. Genimatas and Nicholas W. Genimatas by deed of Harry F. Downing, Jr., Trustee, dated July 27, 1989 and recorded in the Rockingham County Registry of Deeds at Book 2802, Page 0921.

Signed this July 26, 1999.

*Dale T. Genimatas*  
 \_\_\_\_\_  
 DALE T. GENIMATAS

*Nicholas W. Genimatas*  
 \_\_\_\_\_  
 NICHOLAS W. GENIMATAS

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this 26th day of July, 1999 by DALE T. GENIMATAS and NICHOLAS W. GENIMATAS.

*[Signature]*  
 \_\_\_\_\_  
 Notary Public/Justice of the Peace

N:\data\5\59497\mcb\DEED.DOC  
July 23, 1999

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

3 THOUSAND 7 HUNDRED AND 50 DOLLARS

0721A9 389318 \$3750.00

VOID IF ALTERED

APPLICANTS' NARRATIVE  
LOT UNMERGER REQUEST  
VINCENT AND MONICA ZINGANELLO  
135 THAXTER ROAD

The property located at 135 Thaxter Road was originally Lots 52 and 53 as shown on the Westfield Park Plan recorded as Plan 0643 in the Registry of Deeds in 1929 (plan attached).

In 1933, Lot #53 was conveyed to Harry F. Downing (Bk 888 Pg 410, deed attached).

In 1936, Lot #52 was conveyed to Harry F. Downing (Bk 920, Pg 365, deed attached).

After the death of Harry F. Downing, his wife Bernice conveyed the two lots to a trust in December of 1980 (Bk 2379, Pg 328, deed attached).

Bernice Downing's son, Harry f. Downing, Jr., as Trustee of the trust conveyed the property as two lots to Dale and Nicholas Genimatas in 1989 (Bk 2802, Page 921, deed attached).

In January 1990, the Rockingham Superior Court in Docket 89-E-553 issued a decree that the Genimatases were the owners of two lots, being Lots 52 and 53 on the Westfield Park Plan. (Decree recorded at Bk 2824, Pg 2237 attached.)

The Genimatases conveyed the two lots to the applicants on July 26, 1999. (Deed attached, Bk 3410, Pg 726.)

None of the applicants' predecessors in title voluntarily merged the two lots and the property has always been conveyed as two lots, Lots 52 and 53 as shown on the Westfield Park Plan.

The applicants' have not voluntarily merged the two lots and Lot #53 has remained a vacant lot since 1933, and has no structures or improvements associated with Lot #52 thereon.

The two lots were involuntarily merged by the City Assessor's Office subsequent to 1983 when the tax card showed two separate lots.

  
Bernie W. Pelech, Esq.  
Attorney for Applicants

Revised the language for the two items under Councilor Huda

0643

*Revised and approved  
Dec. 3, 1924  
John W. Dunsen, C.E.*

# PLAN OF WESTFIELD PARK

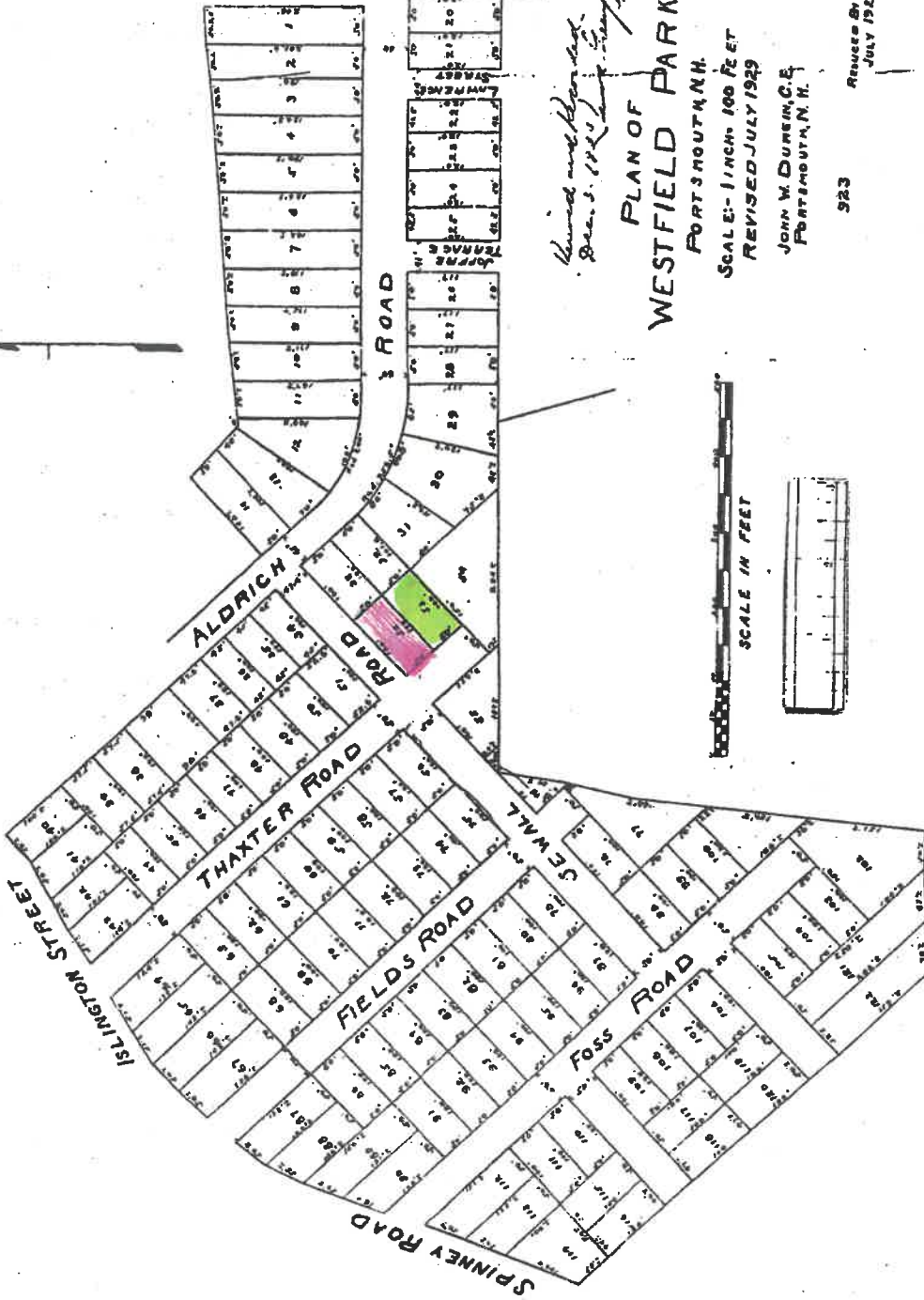
PORTSMOUTH, N.H.

SCALE - 1 INCH = 100 FEET  
REVISED JULY 1929

JOHN W. DUNSEN, C.E.  
PORTSMOUTH, N. H.

323

REVISED BY A.M.D.  
JULY 1927



*See Book 20 Plat 4*

# 135 THAXTER RD.



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019  
Data updated 7/17/2019





Running Southwesterly by Sewall Road One Hundred (100) feet to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Dale T. Genimatas and Nicholas W. Genimatas by deed of Harry F. Downing, Jr., Trustee, dated July 27, 1989 and recorded in the Rockingham County Registry of Deeds at Book 2802, Page 0921.

Signed this July 26, 1999.

*Dale T. Genimatas*  
 DALE T. GENIMATAS

*Nicholas W. Genimatas*  
 NICHOLAS W. GENIMATAS

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this 26th day of July, 1999 by DALE T. GENIMATAS and NICHOLAS W. GENIMATAS.

*[Signature]*  
 Notary Public/Justice of the Peace

N:\data\5\59497\mcb\DEED.DOC  
July 23, 1999

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

3 THOUSAND 7 HUNDRED AND 50 DOLLARS

072199 389318 \$3750.00

VOID IF ALTERED

2924 P2737

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT  
DOCKET #9-E-553

IN EQUITY

Nicholas W. Genimatas and Dale T. Genimatas

V.

Portsmouth Building Trust a/k/a Portsmouth Building Association  
its trustees, beneficiaries, successors and/or assigns  
and  
whom it may concern

DECREE

After hearing petitioners in the above entitled matter, and on the report of the Guardian Ad Litem, the Petitionees, being Portsmouth Building Trust a/k/a Portsmouth Building Association, its trustees, beneficiaries, successors and/or assigns and/or any other entity or unknown person who claims or may claim any interest or estate in and to the subject matter of this action, there having been no appearance filed by any such person, it is hereby Ordered, Adjudged and Decreed as follows:

1. The Petitioners, Nicholas W. Genimatas and Dale T. Genimatas, are the owners in fee simple of land located in the City of Portsmouth, County of Rockingham, State of New Hampshire, and being shown as lots numbered 52 and 53 on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929, by John W. Durgin, C. E. and recorded in the Rockingham County Registry of Deeds"; and being the same premises acquired by your petitioners by warranty deed from the Bernice M. Downing Trust, dated July 27, 1989, recorded in the Rockingham County Registry of Deeds at Book 2802, Page 921, to which deed reference is made for a more particular description as follows:

A certain parcel of land with the buildings thereon situate in said Portsmouth on the Northeastly side of Thaxter Road and known as Lot Number Fifty-Three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C. E. and recorded in Rockingham Registry of Deeds." said parcel is bounded and described as follows:

Beginning on Thaxter Road at the corner of Lot Number Fifty-Two (52) as shown on said plan, and running thence Northeastly by said Lot Number Fifty-Two (52) one hundred feet (100) to Lot Number Thirty-Two, as shown on said Plan; thence turning and running Southeastly by said Lot Number (52) Fifty-Two, as shown on said Plan, fifty feet (50) to Lot Number Fifty-Four (54); thence turning and running Southwestly by said Lot Number Fifty-Four (54) one hundred feet (100) to said Thaxter Road; thence turning and running Northwestly by said Thaxter Road fifty feet (50) to the point of beginning.

63571

JUN 29 10 14 AM '90

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

02824 P2738

And a certain lot or parcel of land situate in said Portsmouth and known as Lot Number Fifty-Two on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C. E. and recorded in Rockingham County Registry of Deeds. Said parcel is bounded and described as follows:

Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeasterly by Thaxter Road Fifty (50) feet to Lot number Fifty-Three as shown on said plan; thence running Northeasterly by Lot Number Fifty-Three (53) as shown on said plan One Hundred (100) feet to a common corner with Lots Number Thirty-Two (32) and Number Thirty-Three (33) as shown on said plan; thence running Northwesterly by Lot Number Thirty-Three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwesterly by Sewall Road One Hundred (100) feet to the point of beginning.

And the said Nicholas W. Genimatas and Dale T. Genimatas hold the same free and clear of all claims of Portsmouth Building Trust a/k/a Portsmouth Building Association, its trustees, beneficiaries, successors and/or assigns and/or any unknown other entity or unknown persons who claim or may claim any interest or estate in and to the subject matter of this action.

2. That title to the said real estate of said petitioner, Nicholas W. Genimatas and Dale T. Genimatas, as held and claimed by them as aforesaid is hereby ordered and decreed to be the sole and exclusive possession of said Petitioners, Nicholas W. Genimatas and Dale T. Genimatas, in fee simple, free and clear of all claims or rights of Portsmouth Building Trust a/k/a Portsmouth Building Association and/or any other person or entities who may claim an interest adverse to the Petitioners.

3. That a copy of this Decree be ordered recorded in the Rockingham County Registry of Deeds as evidence of the title of your Petitioners, Nicholas W. Genimatas and Dale T. Genimatas as against any interest of Portsmouth Building Trust a/k/a Portsmouth Building Association, its trustees, beneficiaries, successors and/or assigns, and/or any other entity or unknown persons who claim or may claim any interest in and to the subject matter of this action.

1-22-90  
Date

*Douglas R. G...*  
Presiding Justice

A TRUE COPY ATTEST  
CLERK *[Signature]*

W2802 P0921

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS

THAT I, Harry F. Downing, Jr., Trustee of trust dated December 8, 1980 recorded in the Rockingham County Registry of Deeds at Book 2379, Page 325 of 135 Thaxter Road, Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grant to Dale T. Genimatas and Nicholas W. Genimatas, being husband and wife of 1 Pickernell Lane, Kittery, County of York and State of Maine with WARRANTY COVENANTS, as joint tenants with the rights of survivorship the following described premises.

Two certain lots or parcels of land with the buildings thereon situated in said Portsmouth, County of Rockingham and State of New Hampshire on the Northeastly side of Thaxter Road and known as Lot Number fifty-three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C.E. and Lot Number Fifty-two (52) on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C.E. both being recorded in Rockingham County Registry of Deeds. Said parcels being bounded and described as follows:

Parcel 1. Beginning on Thaxter Road at the corner of Lot Number Fifty-two (52), as shown on said Plan, and running thence Northeastly by said Lot Number Fifty-two (52) one hundred feet (100) to Lot Number Thirty-two, as shown on said Plan; thence turning and running Southeastly by said Lot Number (52) Fifty-two, as shown on said Plan, fifty feet (50) to Lot Number Fifty-four (54); thence turning and running Southwestly by said lot Number Fifty-four (54); one hundred feet (100) to said Thaxter Road; thence turning and running Northwestly by said Thaxter Road fifty feet (50) to the point of beginning.

Parcel 2. Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeastly by Thaxter Road Fifty (50) feet to Lot number fifty-three (53) as shown on said Plan; thence running Northeastly by Lot Number Fifty-three (53) as shown on said Plan One hundred (100) feet to a common corner with Lots Number thirty-two (32) and Number thirty-three (33) as shown on said plan; thence running Northwestly by Lot Number thirty-three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwestly by Sewall Road One Hundred (100) feet to the point of beginning.

Meaning and intending to describe and convey the premises set forth in deed of Bernice M. Downing to Bernice M. Downing, Trustee dated December 8, 1980 and recorded in the Rockingham County Registry of Deeds at Book 2379, Page 328. Harry F.

32614

JUL 31 9 19 AM '80

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
JUL 31 '80  
999.00

STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
JUL 31 '80  
618.00

#2802 P0922

Downing, Jr. is Successor Trustee of the trust a declaration and memorandum of which dated December 8, 1980 and recorded in said registry at Book 2379, Page 326.


Both of the above parcels are subject to the following conditions:

No dwelling house shall be erected on said land to cost less than \$3,000.00. No dwelling house or other building shall be erected nearer than twenty-five feet fronting to said road; any garage or other out-buildings erected on said lot shall not be erected or maintained in front of the rear lines of any dwelling house erected on said lot; its grantors, successors, or assigns hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions and it is hereby agreed that by said re-entry the grantor, its successors or assigns shall terminate the estate of said grantee or his heirs or assigns in said granted premises. (Note is made of the fact that the term grantor used in the above stated condition makes references to Charolette M. Paterson as to Lot 53 and the Portsmouth Building Association as to Lot 52).

WITNESS our hands and seals this 27th day of July, 1989.

WITNESS:

JULY 27, 1989

  
Harry F. Downing, Jr. Trustee  
pursuant to Trust dated  
December 8, 1980 and recorded  
at the Rockingham County  
Registry of Deeds at Book 2379  
Page 325

STATE OF NEW HAMPSHIRE  
Rockingham, ss.

Personally appeared Harry F. Downing, Trustee, known to me, or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Before me,

  
Justice of the Peace/Notary Public



BK2379 P0328

DEC 9 9 55 AM '00 25900

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That I, BERNICE M. DOWNING of the City of Portsmouth, County of Rockingham and State of New Hampshire

for consideration paid, grant to BERNICE M. DOWNING, TRUSTEE under Declaration of Trust dated this date and recorded herewith

with QUITCLAIM COVENANTS A certain parcel of land with the buildings thereon situate in said Portsmouth on the Northeasterly side of Thaxter Road and known as Lot Number Fifty-three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C. E. and recorded in Rockingham Registry of Deeds." Said parcel is bounded and described as follows: Beginning on Thaxter Road at the corner of Lot Number Fifty-two (52), as shown on said Plan, and running thence Northeasterly by said Lot Number Fifty-two (52) one hundred feet (100) to Lot Number Thirty-two, as shown on said Plan; thence turning and running Southeasterly by said Lot Number (52) Fifty-two, as shown on said Plan, fifty feet (50) to Lot Number Fifty-four (54); thence turning and running Southwesterly by said Lot Number Fifty-four (54) one hundred feet (100) to said Thaxter Road; thence turning and running Northwesterly by said Thaxter Road fifty feet (50) to the point of beginning.

No dwelling house shall be erected on said land to cost less than \$3,000.00. No dwelling house or other building shall be erected nearer than twenty-five feet fronting to said road; any garage or other out-buildings erected on said lot shall not be erected or maintained in front of the rear lines of any dwelling house erected on said lot; its grantors, successors, or assigns hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions and it is hereby agree that by said re-entry the grantor, its successors or assigns shall terminate the estate of said grantee or his heirs or assigns in said granted premises.

Meaning and intending hereby to describe all and the same premises conveyed by Charlotte M. Paterson to Harry F. Downing dated November 29, 1933 and recorded in Rockingham County Records in Book 888 Page 410. My title is derived under the will of the late Harry F. Downing, deceased filed in the Rockingham County Registry of Probate.

And, a certain lot or parcel of land situate in said Portsmouth and known as Lot Number fifty-two (52) on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C. E. and recorded in Rockingham County Registry of Deeds. Said parcel is bounded and described as follows: Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeasterly by Thaxter Road Fifty (50) feet to Lot number fifty-three (53) as shown on said Plan; thence running Northeasterly by Lot Number Fifty-three (53) as shown on said Plan One hundred (100) feet to a common corner with Lots Number thirty-two (32) and Number thirty-three (33) as shown on said plan; thence running Northwesterly by Lot Number thirty-three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwesterly by Sewall Road One hundred (100) feet to the point of beginning.

Said premises are conveyed, however, under and subject to the following conditions and restrictions, viz; no dwelling house shall be erected on said land to cost less than Three Thousand (\$3,000) Dollars. No dwelling house or other buildings shall be erected nearer than Twenty-five (25)

BK2379 P0329

feet to said Thaxter Road fronting on said road. No garage or other out building erected on said Lot shall be erected or maintained in front of the rear lines of any dwelling house erected on said Lot and the grantee hereby covenants and agrees to and with said Grantors that all deeds and conveyances of other lots of land shall be subject thereto. The grantors, and its successors and assigns, do hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions. And it is hereby agreed that by said re-entry said grantors, its successors and assigns shall terminate the estate of said grantee and his heirs or assigns in said granted premises.

Meaning and intending hereby to describe and convey all and the same premises conveyed by the Portsmouth Building Association to Harry F. Downing by deed dated July 15, 1936 and recorded Rockingham County Records in Book 920 Page 365. My title is derived under the will of the late Harry F. Downing deceased filed in the Rockingham County Registry of Probate.

And I, Bernice M. Downing, as a widow,

WITNESS my hand and seal this <sup>(No Federal Revenue Stamps required)</sup> 27 day of December, 1980.

*Bernice M. Downing*  
Bernice M. Downing

WITNESS:

*Margaret F. Windille*  
*Margaret M. Downing*

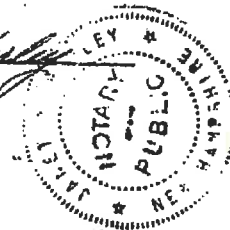
STATE OF NEW HAMPSHIRE

Rockingham, ss:

On the 27 day of December, 1980 personally appeared Bernice M. Downing known to me, or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Before me,

*Just M. [Signature]*  
Notary Public



My Commission expires: MY COMMISSION EXPIRES MARCH 24, 1983

STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
DEC-1980  
1.000



\$5.50

# Know all Men by these Presents

Book 0888 Page 0410

THAT I, Charlotte M. Paterson of Portsmouth in the County of Rockingham and State of New Hampshire

Paterson  
to  
Downing

for and in consideration of the sum of One Dollar and other valuable considerations to me in hand, before the delivery hereof well and truly paid by Harry F. Downing of said Portsmouth

Delivered to  
S. & Waldron

the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Harry F. Downing and his heirs and assigns forever,

A certain parcel of land with the buildings thereon situate in said Portsmouth on the Northeasterly side of Thaxter Road and known as Lot Number fifty-three (53) as shown on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire, revised July 1929 by John W. Durgin, C.E. and recorded in Rockingham Registry of Deeds." Said parcel is bounded and described as follows; Beginning on Thaxter Road at the corner of Lot Number fifty two (52) as shown on said Plan, and running thence North-easterly by said Lot Number fifty-two (52) one hundred feet (100) to Lot Number thirty two, as shown on said Plan; thence turning and running Southeasterly by said Lot Number (52) fifty-two, as shown on said Plan, fifty feet (50) to Lot Number Fifty four (54); thence turning and running Southwesterly by said Lot Number fifty-four (54) one hundred feet (100) to said Thaxter Road; thence turning and running Northwesterly by said Thaxter Road fifty feet (50) to the point of beginning.

No dwelling house shall be erected on said land to cost less than \$3,000.00. No dwelling house or other building shall be erected nearer than twenty-five feet fronting to said road; any garage or other out-buildings erected on said lot shall not be erected or maintained in front of the rear lines of any dwelling house erected on said lot; its grantors, successors, or assigns hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions and it is hereby agreed that by said re-entry the grantor's successors or assigns shall terminate the estate of said grantee or his heirs or assigns in said granted premises.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging to ~~Harry F. Downing~~ the said grantee and his heirs and assigns, to ~~and their~~ <sup>my</sup> proper use and ~~enjoyment~~ <sup>use</sup> forever. And I the said grantor and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantee and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and I am seized and possessed thereof in my own right and fee simple; and have full power and lawful authority to grant and convey the same in ~~any manner~~ <sup>any manner</sup> ~~addressed~~ <sup>addressed</sup> to the Portsmouth Savings Bank recorded in Rockingham Registry of Deeds and my heirs, executors and administrators, shall and will warrant and defend the same to the said grantee and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, Edward L. Paterson, husband of the said Charlotte M. Paterson for the consideration aforesaid, do hereby release my right of ~~claim~~ <sup>claim</sup> in the ~~premises~~ <sup>premises</sup>.

And we each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale or execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as so reserved as secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1881, entitled "An act to exempt the Homestead of Families from attachment and levy or sale, on execution," or by any other Statute or Statutes of said State. Under and by virtue of any law of the State of New Hampshire, and all other rights and interest therein, ~~in which we have hereunto set our hands and seals, this~~ <sup>in which we have hereunto set our hands and seals, this</sup> twenty-ninth day of November in the year of our Lord ~~1933~~ <sup>1933</sup>.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF US:

Margaret McGaffery

Charlotte M. Paterson (I.S.)

Edward L. Paterson (I.S.)

STATE OF NEW HAMPSHIRE, ROCKINGHAM, SS.

November 29th A.D. 19 33 .

Personally appeared the above named Charlotte M. Paterson and Edward L. Paterson and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME,

..... Margaret McGaffery..... Justice of the Peace.

Received and recorded.. Feb. 9, 19 34. A.M.

..... John M. A. Green..... Register.

Rev.

# Know all Men by these Presents,

THAT we, R. Clyde Margeson, Richman P. Margeson, Edward Seybolt, Henry B. Tilton and Fred A. Gray, all of Portsmouth in the County of Rockingham and State of New Hampshire, as trustees of the Portsmouth Building Association of said Portsmouth, are empowered to make conveyances of real estate owned by the said Association by virtue of powers conferred upon them as Trustees under a certain declaration of trust dated April 8, 1913 and recorded in Rockingham Registry of Deeds Book 674, Page 269,

for and in consideration of the sum of One Dollar and other valuable considerations to us in hand, before the delivery hereof well and truly paid by Harry F. Downing of said Portsmouth

Margeson et als to Downing

the receipt whereof We do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Harry F. Downing and his heirs and assigns forever,

dal. to grantees

A certain lot or parcel of land situate in said Portsmouth and known as Lot Number fifty two (52) on a plan entitled "Plan of Westfield Park, Portsmouth, New Hampshire" and drawn by John W. Durgin, C. E. and recorded in Rockingham Registry of Deeds.

Said parcel is bounded and described as follows; Beginning at the Westerly corner of the lot on the corner of Thaxter and Sewall Roads thence running Southeasterly by Thaxter Road fifty (50) feet to Lot number fifty three (53) as shown on said Plan; thence running Northeasterly by Lot Number fifty three (53) as shown on said Plan One hundred (100) feet to a common corner with Lots Number thirty two (32) and Number thirty three (33) as shown on said plan; thence running Northwesterly by Lot Number thirty three (33) as shown on said plan Fifty (50) feet to Sewall Road; thence running Southwesterly by Sewall Road One Hundred (100) feet to the point of beginning.

Said premises are conveyed, however, under and subject to the following conditions and restrictions, viz; No dwelling house shall be erected on said land to cost less than Three Thousand (\$3,000) Dollars. No Dwelling house or other buildings shall be erected nearer than Twenty-five (25) feet to said Thaxter Road fronting on said road.

No garage or other out building erected on said Lot shall be erected or maintained in front of the rear lines of any dwelling house erected on said Lot and the grantee hereby covenants and agrees to and with said Grantors that all deeds and conveyances of other lots of land shown on said plan as fronting upon Thaxter Road shall contain the same conditions and restrictions and that the said other lots of land shall be subject thereto. The grantors, and its successors and assigns, do hereby reserve the right as against the grantee and his heirs and assigns to enter on conditions broken if and in the event that he or they shall violate any of the said conditions. And it is hereby agreed that by said recited grantors, its successors and assigns shall terminate the estate of said grantee and his heirs or assigns in said granted premises. Harry Downing do have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to the said grantee and his heirs and assigns, to

And we the said grantors and our heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantee and his heirs and assigns, that until the delivery hereof we are the lawful owner of the said premises, and we seized thereof in our own right and fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that we and our heirs, executors and administrators, shall and will warrant and defend the same to the said grantee and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I, ~~the said grantee~~ wife of the said ~~grantor~~ in consideration aforesaid, do hereby release my right of dower in the above mentioned premises.

And we and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1851, entitled "An Act to exempt the Homestead of Families from attachment and levy or sale on execution, or by any other Statute of the State of said State."

In Witness whereof we have hereunto set our hand and seals, this fifteenth day of July in the year of our Lord one thousand nine hundred and 1936

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:  
Jeremy R. Waldron  
R. Clyde Margeson (L.S.)  
Richman P. Margeson (L.S.)  
Edward Seybolt (L.S.)  
Henry B. Tilton (L.S.)  
Fred A. Gray (L.S.)

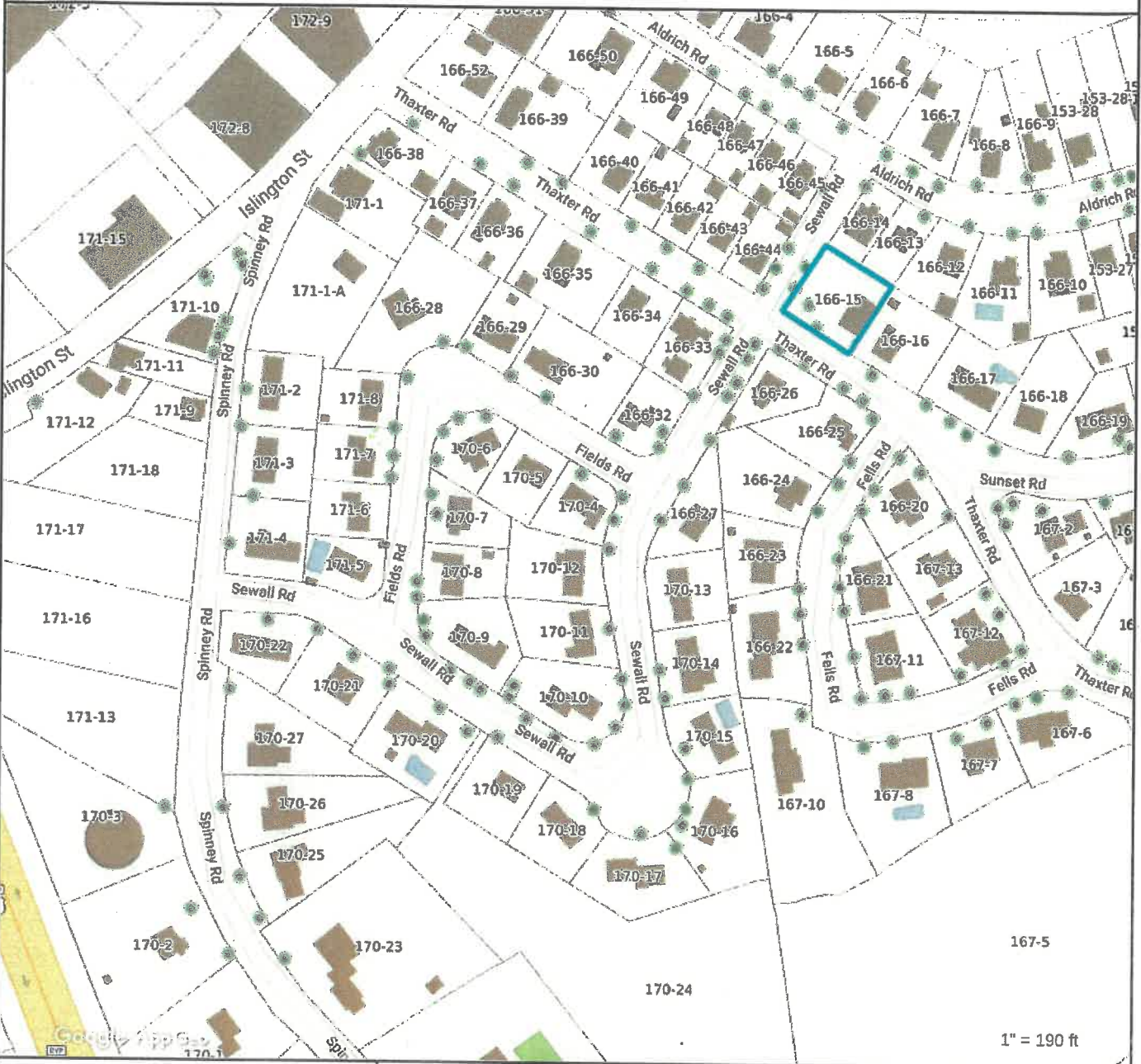
STATE OF NEW HAMPSHIRE, Rockingham, ss. July 21st A. D. 19 36.  
Personally appeared the above named R. Clyde Margeson, Richman P. Margeson, Edward Seybolt, Henry B. Tilton and Fred A. Gray, individually and in their said capacities as trustees and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME,  
..... Jeremy R. Waldron ..... Justice of the Peace.


Received and recorded August 3, 10 A.M. 19 36. John H. C. [Signature] Register.



# 135 Thaxter Rd.



Property Information	
Property ID	0166-0015-0000
Location	135 THAXTER RD
Owner	ZINGARIELLO VINCENT

  
**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019  
Data updated 7/17/2019

1" = 190 ft



CITY OF PORTSMOUTH, NH  
APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS  
PURSUANT TO RSA 674:39-aa

Name of Property Owner(s): VINCENT ZINGARIELLO and MONICA ABRUZZESE

Mailing Address: 135 THAXTER Rd. PORTSMOUTH, NH 03801

Telephone Number: 603 770 7999

Email Address: \_\_\_\_\_

Street Location of Parcels Affected by the Requested Restoration:

135 THAXTER Rd.

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

Parcel 1

Current Deed Reference: Book 3410 Page 726 Date Recorded 7/26/1999

Tax Map 166 Lot Number 15

Parcel 2

Current Deed Reference: Book 3410 Page 726 Date Recorded 7/26/99

Tax Map 166 Lot Number 15

Parcel 3

Current Deed Reference: Book \_\_\_\_\_ Page \_\_\_\_\_ Date Recorded \_\_\_\_\_

Tax Map \_\_\_\_\_ Lot Number \_\_\_\_\_

Please state when you believe the involuntary merger took place:

SUBSEQUENT TO 1983 WHEN THE TAX CARD SHOWED 2 LOTS

Signature(s) of Property Owner(s):

Signature: [Signature] Name: Vincent Zingariello Date: 2.26.2021

Signature: [Signature] Name: Monica Zingariello Date: 2.26.2021  
Monica Abruzzese Monica Abruzzese

## Bernie Pelech

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**From:** Bernie Pelech  
**Sent:** Wednesday, March 10, 2021 1:16 PM  
**To:** Bernie Pelech







Revised the language for the two items under Councilor Huda



Sent from my iPhone

## FINANCE DEPARTMENT



## MEMORANDUM

To: Karen Conard, City Manager  
 From: Judie Belanger, Director of Finance and Administration  
 Date: May 11, 2021  
 Re: Report Back May 3, 2021 Agenda- Councilor Huda- March Monthly Summary Report

In response to Councilor Huda's questions/comments from the May 3, 2021 City Council agenda, please see responses below:

- 1) ON PAGE 4)  
 GENERAL GOVERNMENT  
 OVERTIME IS AT 127% OF BUDGET -( AT 75% OF THE FISCAL YEAR)  
 PLEASE IDENTIFY WHICH DEPARTMENTS THIS IS IN & WHY?
- ON PAGE 5)  
 IF THIS CAPPED AT \$2,412,305, WHY IS THIS OVERAGE SHOWING HERE IN GENERAL FUND AFTER REVENUE CAP REACHED ?  
 (ESTIMATED REVENUES THAT ARE TRANSFERRED TO THE GENERAL FUND FOR THE FULL YEAR ARE \$2,412,305  
 YTD RECEIVED IS \$2,726,634 OR 113%)
- ON PAGE 6)  
 WHY ARE THERE 14 CATEGORIES OVER 100% OF ESTIMATED REVENUES WHEN WE ARE ONLY 75% THRU FY21?  
 (SAME CATEGORIES AS MARCH 2020) WHY DOES THIS KEEP HAPPENING?
- ON PAGE 7)  
 PLEASE CORRECT THE FOLLOWING % ERRORS  
 MUNICIPAL AID EST \$205,234 YTD REC \$194,479 95%  
 USE OF FUND BALANCE EST \$150,000 YTD REC \$150,000 100%
- 2) WHAT IS THE BALANCE OF THE CASH & SHORT TERM INVESTMENTS AT APRIL 30, 2021

1) Question on the Monthly Summary Report

The Monthly Summary report is intended to aid the reader on the status of revenues and expenditures to date. It is important to note that this information is unaudited and the numbers provided are not final at month end. At any time, adjusting entries may be made after the submission of this report.

- The General Government overtime line in the Monthly Summary Report is currently overspent primarily due to:
  - Emergency Management** - The Fire Department utilizing the Emergency Management budget for overtime relating to the COVID-19 pandemic in two ways:
    - Shift coverage for Firefighters and Fire Officers who are impacted by COVID-19 for reasons of possible exposure, illness, childcare and/or school closures. FEMA remains committed to reimburse these costs; and



- Assisting the State's Department of Health and Human Services with COVID-19 vaccination aid efforts. The state will reimburse the City for actual personnel expenditures incurred between January 15, 2021 through September 30, 2021.

**Recreation Department** – Overtime was utilized by existing staff in the absence of the Recreation Director.

- Parking Revenues- All revenues are collected in the General Fund and transferred over to the Parking & Transportation account on a monthly basis using 1/12 of the estimated transfer of \$3,339,698. At the year-end of the fiscal year, this account will be reconciled and the remainder will be transferred to Parking & Transportation, leaving a balance of \$2,412,305 in the General Fund.
- Councilor Huda comments that there are 14 categories of revenues that are over 100% collected when we are only 75% through FY21. Also commenting that these are the same categories as March 2020.

Many of the City's revenues are volatile and unpredictable. Conservative estimates were taken into consideration in the midst of the COVID-19 pandemic, in the preparation of the FY21 budget. Some of the estimates came in better than expected. It is important to keep in mind that:

- Some revenues are cyclical. Although we are 75% through the fiscal year, collection of these revenues can be seasonal, annually, or bi-annually; and
- Revenues such as Payment in Lieu of Taxes, Sale of Municipal Property, Rental of City Property, would include one-time or unanticipated collections.

Many of the line items should be grouped together as a revenue type such as line items relating to Planning, Inspections (building Permits) and Parking.

A couple of items are worth noting:

**Building Permits** – Revenues for building permits have exceeded 100% of estimated revenues to date. For FY21, the top ten projects equates to 1% of the total number of projects, however 66% of the total revenues. Building permits are volatile and unpredictable. Conservative estimates especially, during the COVID-19 pandemic, is necessary.

**Miscellaneous Revenue** - where one-time unanticipated revenues are reported. For FY21 this would include revenue from FEMA of \$125K for expenditures that were incurred in FY20 but not validated or approved by FEMA until late into FY21, Workers' Compensation Holiday Premium (rebate from previous year premiums) of \$122K, and HealthTrust dental holiday premium of \$21.5K.

## 2) Balance of Cash &amp; short term investments for April 30, 2021.

Analysis of Pooled Cash  
Unaudited

as of 04-30-21

## Bank Balance

Checking Account		6,459,173
NH Public Investment Pool		837,731
Money Market #1	20,902,136	
Money Market #2	9,999,545	
Money Market #3	32,088,461	
Money Market #4	30,624,522	
Money Market #5	2,119,093	

Total Money Markets		95,733,757
CD #1	10,204,910	
CD #2	5,420,002	
CD #3	5,323,425	

Total of CD's		20,948,336
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Total Pooled Cash		<u><u>123,978,997</u></u>
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## Balance by Fund type:

General Fund		34,682,875
Special Revenue Funds		10,964,018
Capital Funds		13,421,611
Debt Service Fund		72,867
Total Governmental Funds		<u>59,141,371</u>

Water Fund		15,844,072
Sewer Fund		48,993,555
Total Business-Type Funds		<u>64,837,627</u>

Total Cash and Short Term Investments		<u><u>123,978,997</u></u>
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**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: May 11, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: JUDIE BELANGER, FINANCE DIRECTOR  
SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY



RE: INFORMATIONAL ITEM FOR AGENDA

UPDATE ON REIMBURSEMENT FOR COVID-19 VACCINATION EFFORTS

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As reported by Memorandum to the City Council dated April 13, 2021, the City of Portsmouth has entered into a Memorandum of Understanding (MOU) with the State of New Hampshire to allow for the reimbursement of the Fire Department's effort to assist with COVID-19 vaccination efforts.

The total billed to the State under the MOU for the period January 2021 through April 2021 is \$270,589.43. The City has received reimbursements of \$172,665.16 for the period January 2021 through March 2021.

April 2021 vaccines were invoiced in the amount of \$119,481.00, which are anticipated to be paid by the State on or before June 15, 2021.

cc: Todd Germain, Fire Chief  
Kim McNamara, Health Officer

**CITY OF PORTSMOUTH**

May 5, 2021

**Portsmouth DPW Hosts Household Hazardous Waste Collection Day on May 22, 2021**

Portsmouth, New Hampshire -- The Portsmouth Department of Public Works will hold its biannual Household Hazardous Waste Collection Day on Saturday, May 22, 2021, at the Public Works facility at 680 Peverly Hill Road. Residents of Portsmouth, Greenland and Newington are encouraged to bring household chemicals for safe disposal between 8 am and 12 noon. Proof of residency is required.

Collection Day is organized as a no-touch, drive-through service. Residents remain in their vehicles and pull through the Public Works garage, where staff will remove disposable items from car trunks. All City staff will be wearing masks and will be practicing physical distancing. Residents will be asked verbally about their town of residence for survey purposes, in compliance with EPA requirements.

Household hazardous waste collection helps safely dispose of items that can harm residents' health, the environment and drinking water supplies.

**Items that qualify for collection include the following:**

- From the yard: fertilizer with pesticides or fungicides, insect spray, lighter fluid, pest strips/traps, pesticides, poisons and pool chemicals.
- From the garage: acids, car waxes/polish, creosote, driveway sealer/tar, flea powder, gasoline, radiator fluid and roofing tar.
- From the house: bathroom cleaner, disinfectants, furniture polish, metal polish, mothballs, oven cleaner, photo chemicals, rug cleaner and wood strippers.
- From the workbench: brush cleaner, corrosives, lead and oil-based paint/stain/finish, rust preventive solvents, thinner/turpentine and wood preservatives.

**Items that do NOT qualify include:**

- Empty containers for household items, which may be disposed of in the regular trash collection.
- Explosives
- Asbestos
- Medical waste
- Latex paint. To prepare latex paint for regular disposal at the Recycling Center or through trash pick-up, solidify the paint by adding kitty litter, sawdust or SpeediDri; or open the can to allow the liquid to dry out before disposal.

For more information on Household Hazardous Waste Day:

<http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>

For more information on the Recycling Center <https://www.cityofportsmouth.com/publicworks/solid-waste-recycling>