

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 7, 2021

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

### **III. CALL TO ORDER**

Mayor Becksted called the meeting to order at 7:03 p.m.

### **IV. ROLL CALL**

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

### **V. INVOCATION**

Mayor Becksted asked everyone to join in a moment of silent prayer.

### **VI. PLEDGE OF ALLEGINANCE**

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

### **VII. ACCEPTANCE OF MINUTES – MAY 17, 2021; JUNE 1, 2021; AUGUST 18, 2020; SEPTEMBER 14, 2020 & SEPTEMBER 22, 2020**

**Councilor McEachern moved to accept and approve the minutes of the May 17, 2021; June 1, 2021; August 18, 2020; September 14, 2020 and September 22, 2020 City Council meetings. Seconded by Councilor Lazenby.**

Councilor Huda requested a change to page 5 of the minutes of May 17, 2021 relative to her response regarding first reading of truck traffic to read as follows: *Councilor Huda said being a former resident of Dennett Street, she witnessed a tractor trailer turning the wrong way on Woodbury Avenue in traffic which was paralyzing to the area of Dennett Street and Woodbury Avenue for two to three hours.*

**Motion passed.**

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

- A. Recognition of Fire Department and Health Department Staff for COVID-19 Vaccination Efforts

Mayor Becksted, on behalf of the City Council and City of Portsmouth, expressed his sincere thanks and appreciation to Fire Chief Germain and Health Officer McNamara for all they did during the COVID-19 vaccination efforts. Mayor Becksted presented both Fire Chief Germain and Health Officer McNamara with a City of Portsmouth coin.

B. Sustainable Practices Committee Presentation: Community Power – Councilor Lazenby & Portsmouth High School Eco Club – Darla Mahoney and Maya McKinnon

Councilor Lazenby said he appreciates the time the City Council is giving for this presentation and said the Sustainable Practices Committee has been working on this for the past 8 months. He said the Sustainability Committee aim to move climate solutions towards Drawdown as quickly, safely, and equitably as possible. He introduced Portsmouth High School Eco Club members Darla Mahoney and Maya McKinnon.

Ms. McKinnon said Drawdown is the future point in time when levels of greenhouse gases in the atmosphere stop climbing and start to steadily decline. She said electricity is one of the top ten items of importance.

Councilor Lazenby said the Sustainability Practices Committee would like to have a work session with the City Council to discuss these matters further. He spoke to a program with the State of New Hampshire regarding supply sources of electricity.

*Benefits of Community Power:*

- Cost Savings through coordinated purchasing, municipalities receive opportunities to buy electricity supply at lower cost for consumers
- Aggregation of Local Renewables Cleaner & renewable energy options generated locally – solar, hydro, wind
- Municipal Cooperation of Sustainable Energy NH communities share best practices and improved leverage to use Greener power with better efficiency

Ms. Mahoney stated Community Power authorized under NH RSA 53-E, empowers cities and towns to aggregate local power and/or manage electricity suppliers for residences and businesses using existing distribution carriers.

Councilor Lazenby said the Sustainability Practices Committee has met with some of the communities pursuing Community Power. He said we have learned best practices from existing programs:

- Town of Hanover
- City of Lebanon
- City of Nashua
- City of Keene
- Town of Harrisville
- Cheshire County
- 30+ NH towns/cities/counties already considering Community Power

Councilor Lazenby said the Sustainability Practices Committee would like to hold a work session and review Community Power in-depth and form an Energy Committee. He spoke to the creation of such a committee would review the details and the City Council representatives and City Staff representative would bring further recommendations on moving forward.

Ms. Mahoney said in closing, she hopes the City Council will support Community Power.

**Councilor Lazenby moved to suspend the rules to bring forward Item XIII. C.1. – Work Session regarding Community Power. Seconded by Assistant Mayor Splaine and voted.**

**C. COUNCILOR LAZENBY**

1. Work Session Regarding Community Power

**Councilor Lazenby moved to schedule a City Council Work Session regarding Community Power during the summer 2021. Seconded by Assistant Mayor Splaine.**

City Manager Conard said she would like the City Council to consider the following dates for a work session, July 19<sup>th</sup> or August 9<sup>th</sup>.

**Motion passed.**

Mayor Becksted expressed his appreciation and thanks to Steve Jones and students of the CTE Program for the painting of the barriers and the building of the planters. He said we are open and ready for a great summer ahead. He said the downtown outdoor dining establishments have been transformed with the barriers and planters.

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

Jackie Cali-Pitts said the city needs to take time and look at Indigenous Peoples' Day versus Columbus Day. She also suggested the closing of Congress Street for the outdoor dining experience.

Andrew Bagley spoke in support of the budget. He said that we are losing teachers at Little Harbor School which he opposes. He addressed the six foot distancing inside of restaurants and how that is negatively impacting small establishments.

Zelita Morgan said it is good to see the City Council back in the Chambers. She thanked the City Council for their leadership in the current state of the country. She further thanked the City Council for listening, being respectful and keeping civility.

Bill Downey spoke to data he requested on Revisit McIntyre and said it was not satisfactory. He called out to the City Council to bring forward the information. He said the City Council should provide the same effort to the McIntyre issue like they did for the bike lanes. He thanked Assistant Mayor Splaine for coming up big on the vote at the last City Council meeting. He said we should not move forward on McIntyre as it is on shaky ground.

Carly Galantia spoke to the mask mandate and said we are the only community that is causing people to wear masks. She said people have had enough with wearing masks and some are not wearing them correctly anymore.

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

### Public Hearings/Second Reading of Ordinances:

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

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

**Councilor Lazenby moved 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 Councilor Tabor.**

**Councilor Huda moved to amend to add the choice of recognizing Indigenous Peoples' Day or Columbus Day until such time as the State or Federal laws recognize the need for the change for elimination of the current name. Seconded by Councilor Kennedy.**

Andrew Bagley said it is time to move forward and celebration Indigenous Peoples' Day independently from Columbus Day. He said he would suggest moving forward with the amendment.

Lilia Potter-Schwartz, Portsmouth High School (PHS), We Speak, spoke opposed to the amendment and expressed her support for the original motion. She advised the City Council that We Speak has a petition with over 1,000 signatures in support of recognizing Indigenous Peoples' Day.

Harini Subramanian, PHS, We Speak, spoke in opposition to the amendment and is supportive of the original motion made. She said Columbus was not the first person to discover America. She said celebrating Columbus Day is causing stress to the indigenous people. She spoke of indigenous peoples' hardships and urged the City Council to pass the motion to recognize Indigenous Peoples' Day.

Sue Polidura spoke opposed to renaming Columbus Day to Indigenous Peoples' Day. She said it is a Federal holiday and should remain as so. She said if individuals want to celebrate Indigenous Peoples' Day it could be done at any time.

Jackie Cali-Pitts thanked Councilor Huda for the amendment and asked who the indigenous people are. She said she does not know who or what we would be changing Columbus Day to.

Maya McKinnon, PHS, We Speak, said that she does not support the amendment to the original motion. She said this is the third time students have brought this matter forward. She said Columbus Day is painful to indigenous people and Columbus afflicted so much harm to the indigenous people.

Becky Sidwell, PHS, We Speak, spoke opposed to the amendment because it would recognize Columbus. She said a majority of residents may not be affected but this is for racial justice.

Nora (inaudible) spoke in favor of Indigenous Peoples' Day. She urged the City Council to approve the request of We Speak.

Darla Mahoney, PHS, We Speak, spoke opposed to teaching Columbus Day with honor. She said indigenous people are forced to sit in classrooms and listen to the stories of Columbus which cause them pain.

Kristin Jeffrey, School Board Chair, spoke in support of the name change and opposed to the amendment to the motion. She said students now have 1,058 people supporting this change and we need to be more thoughtful on how history is taught in our schools.

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

Assistant Mayor Splaine said he respects the maker of the motion to arrive at a compromise. He said Columbus did not discover America and said he would not support the amendment but will support the original motion. He said he would hope that the City Council support moving forward the main motion.

Councilor Kennedy thanked the students for coming forward. She said Indigenous Peoples' Day should be celebrated separately and she would support the amendment because it allows choice.

Councilor McEachern said he would not be supporting the amendment. He expressed his support of We Speak for coming forward and the education process for Indigenous Peoples' Day.

Councilor Tabor said Portsmouth High School students are challenging the Council to tell the truth about Indigenous Peoples' Day. He spoke opposed to the amendment and feels we are going a step backwards with the amendment. He said the City of Portsmouth could be a leader in celebrating Indigenous Peoples' Day.

Councilor Lazenby thanked the students of We Speak for getting the ball rolling and bringing this to the City Council's attention. He requested the maker of the amendment to allow for us to celebrate both days.

**Councilor Lazenby moved to amend the motion to change the word "or" to "and". Seconded by Councilor Tabor.**

Councilor Lazenby said this will move us further into the future and provides a compromise to celebrate Columbus Day.

**Councilor Lazenby amendment passed with Councilor Huda opposed.**

Councilor Lazenby said the motion was specific last year with a date of October 12, 2020 and we committed to holding a public hearing and did not set a policy.

**Councilor McEachern moved to amend the motion to strike the State requirement of enabling legislation to celebrate Indigenous Peoples' Day alongside Columbus Day. Seconded by Assistant Mayor Splaine.**

Councilor Trace said this allows an individual the choice to celebrate Indigenous Peoples' Day or Columbus Day. She said this is about having the freedom to make our own choice and she wants residents to have a choice.

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

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

B. "REOPENING OF PUBLIC HEARING REGARDING FY22 BUDGET"

Mayor Becksted reopened the public hearing on the FY22 Budget and called for speakers.

Andrew Bagley spoke opposed to losing teachers at Little Harbor School. He said we are getting a large amount of money from the Federal Government, therefore we should not be losing teachers.

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

Mayor Becksted said the School budget was passed on the recommendations of the School Department.

C. PUBLIC HEARING/ORDINANCE AMENDING CHAPTER 3, ARTICLE XI, FACE COVERINGS DURING THE COVID-19 PANDEMIC IS HEREBY REPEALED IN ITS ENTIRETY

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

Carly Galantia said businesses are suffering from this mask mandate and people are choosing to go out in other communities rather than Portsmouth. She said the majority of people are vaccinated and last week we were on track to be at less than 1%. She spoke opposed to keeping the mandate in place until the end of June. She stated that people wearing the masks are not wearing them properly because they don't want to wear them at all.

Andrew Bagley asked the City Council to overturn the mask mandate and not to make any amendments to the ordinance. He said a number of restaurants and stores are not requiring masks inside.

Carly Galantia she spoke to the meeting last week where it was stated that people disobeying the ordinance could be charged with trespassing and finds that concerning.

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

**Assistant Mayor Splaine moved to pass second reading. Seconded by Councilor McEachern.**

Councilor Tabor said the Health Director and the Health Task Force are recommending keeping the mask requirement for indoors. He asked that we amend the motion to eliminate masks outdoors but keep the indoor requirement until June 30<sup>th</sup>.

**Councilor Tabor moved to amend the ordinance to eliminate the outside mask requirement but keep the inside mandate until the ordinance naturally ends on June 30, 2020. Seconded by Councilor Lazenby.**

Councilor Tabor said this supports our schools who voted to keep the mask mandate in place. He said the Assistant Mayor has said moving slowly we are not moving forward. He said we are trying to do what is best and moving towards slowly opening again is the right thing.

Assistant Mayor Splaine said he opposes the amendment and no one was more supportive than him for the mandate. He spoke to the mandate saving lives and now it is extraordinarily difficult to know what to do. He read a letter from a business that said the mandate is costing him business.

Councilor McEachern said he agrees with Assistant Mayor Splaine that we are at a low transfer risk and below every county in the state for number of cases. He spoke to hearing from a business today where they required the mask up until last Friday and they will not require it any longer. He said we need to support the businesses and those that want to wear a mask. He does not feel this is a political issue.

Councilor Lazenby said he agrees with the tenor of the conversation. He said everyone is asking that we continue the mask mandate inside and we should respect those groups and continue the mandate. He asked the City Attorney if businesses could still require masks. City Attorney Sullivan said a business is allowed to have the right to require masks. Councilor Lazenby said the Arts Committee asked that we allow an easy way to reinstate the masks if necessary. City Attorney Sullivan explained that it would require three readings. Councilor Lazenby said he would not support the amendment.

Mayor Becksted provided numbers of where Portsmouth stands and Rockingham County on the virus. He said the City Council is being asked to eliminate the mandate and we are in a good place to make this decision this evening.

Councilor Trace said there are non-profits, specifically museum's that will support their employees to wear a mask. She said it is clear to support the passage of the main motion this evening.

Assistant Mayor Splaine asked how the vote of the Council would affect the schools and City Hall. City Manager Conard said City Hall will follow the course of the action by the City Council. She indicated the Library would like to continue to require the masks and the School Department is requiring masks until the end of the school year.

**On a voice vote 1-8, motion to amend the ordinance failed to pass. Councilor Tabor voted in favor. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Huda, Trace and Mayor Becksted voted opposed.**

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

**Assistant Mayor Splaine moved to suspend the rules to take up third and final reading of the ordinance. Seconded by Councilor McEachern.**

Councilor Trace said the outdoor event for the prom that took place this weekend was a special event. She said she had never seen so many happy faces to be outside without a mask.

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

**Assistant Mayor Splaine moved to pass third and final reading of the ordinance. Seconded by Councilor McEachern. On a unanimous roll call 9-0, motion passed.**

D. PUBLIC HEARING/ORDINANCE AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.702 – TRUCK TRAFFIC PROHIBITED

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

Transportation & Parking Engineer Eby provided a brief presentation on the map outlining the locations of truck traffic that is prohibited.

City Manager Conard announced that at the end of June, Eric Eby will be leaving the City to go and work for the Vermont DOT. Mayor Becksted and the City Council wished Mr. Eby well and thanked him for his work with the City of Portsmouth.

After three calls and no speakers, Mayor Becksted declared the public hearing closed.

**Councilor McEachern moved to pass second reading and schedule third and final reading at the June 21, 2021 City Council meeting. Seconded by Councilor Lazenby and voted.**



At 9:17 p.m., Mayor Becksted declared a brief recess. At 9:27 p.m., Mayor Becksted called the meeting back to order.

E. Adoption of Budget Resolutions for Fiscal Year July 1, 2021 through June 30, 2022 (FY22)

➤ Adoption of Budget Resolution No. 7-2021 – Municipal Fees

City Manager Conard advised the City Council that the reduction of \$650,000.00 from the proposed health insurance will result in a decrease of \$366,462.00 over FY21 Budget. She reported the reduction of \$650,000.00 from the FY22 appropriations will result in the utilization of approximately \$755,000.00 from Committed Fund Balance at the close of FY22.

**Considerations:**

<i>Reduction in Health Insurance</i>	<i>\$650,000.00</i>
<i>Possible use of ARPA Funds – Capital Projects</i>	<i>\$400,000.00</i>
<i>Inspection Permit Revenue Increase</i>	<i>\$300,000.00</i>
<i>Use of Unassigned Fund Balance – McIntyre Building Maintenance</i>	<i>\$480,000.00</i>

*Reduction in estimated tax rate if adopted* *Rounded to \$.29*

*These adjustments will result in an estimated tax rate of \$15.07 or \$.37 over prior year of which \$.26 is directly related to the NHRS rate increase.*

Councilor Kennedy said we need to add the retirement costs in. She said the budget is not at 2% with those costs. Councilor Kennedy thanked City Manager Conard, Finance Director Belanger, Deputy Finance Director Purgiel and Assistant City Attorney Ferrini for working with her and Councilor Huda in regards to the budget.

The matter of whether there needed to be a public hearing for the acceptance of federal funds followed. City Attorney Sullivan stated that the requirement for a public hearing is for a town form of government however, the City Council could have a public hearing if it chooses to.

Councilor Huda recommended that the fees be increased to \$550,000.00. City Manager Conard said figure is conservative and we are not comfortable going over that, as we don't know what to expect.

Finance Director Belanger spoke to the increase in Inspection revenue over the last year. She advised the City Council that she spoke with Planning Director Walker and Building Inspector Marsilia regarding the expected revenue and she feels comfortable leaving the increase in-line with \$1.2 million and she prefers to be conservative and does not want to be over confident.

Councilor Huda said she agrees to disagree with Finance Director Belanger as we are always take in more money in revenues and this figure does not seem sufficient. Finance Director Belanger spoke to the ramifications of raising the revenues too high.

Councilor Kennedy also spoke in support of increasing the fees and stated she would like to see an additional \$.8 off the tax rate, which would bring us down to the cost of living increase.

City Manager Conard said Mayor Becksted and other Mayor's in the State have been made aware of an increase of 30% in meals and rooms tax. She reported a conservative estimate could mean an additional \$385,000.00 in funding which, would equal \$.6 off the tax rate and we may see additional funding from the County level. She indicated she would advise the Council where we are in terms of the tax rate in the fall. Finance Director Belanger indicated any changes in revenue would require the tax rate to be changed. Discussion followed on the parking revenues. Mayor Becksted said many other communities use parking revenues for other areas in the budget to lessen the burden on the taxpayers.

**Councilor McEachern moved to adopt Resolution #7-2021 – Municipal Fees. Seconded by Councilor Tabor.**

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

➤ **Resolution No. 8-2021 – General Fund Expenditures**

City Manager Conard reported the budget total is \$123,209,033.00.

**Councilor Lazenby moved to adopt Resolution #8-2021 – General Fund Expenditures. Seconded Councilor Tabor.**

Councilor Kennedy said with the revaluation taxes will change and she would support a cost of living increase for the budget.

Councilor Tabor said the rate is going to \$15.07 or \$.37 over the prior year. He spoke to the increase of retirement costs. He stated he feels that this is a good budget and well managed.

Councilor McEachern said that this is a good budget and coming in at 2.5% increase, which reflects the value of the City of Portsmouth.

Councilor Whelan spoke in support of the budget and said he is looking at it in a 2 year span. He stated we are expanding services and improving some things. He said the key point is our head count has gone down. He complimented the City Manager and staff for their work on the budget.

Mayor Becksted said he supports Councilor Whelan's comments. He stated we went down \$.16 last year and there was no increase in assessments. He stated we could possibly see an additional \$.6 reduction, and we will be having a work session on better understanding the CARES Act funding. He stated he would support the budget. He indicated it was a little higher but we need to start somewhere and there are avenues to take in the next several months. Mayor Becksted said he has some ideas of getting more revenues and would be working with the Legislative Committee in the coming months.

Councilor Trace thanked City Manager Conard and staff for a thoughtful budget. She said we are coming out of the pandemic and this moves us forward in a health standpoint.

Councilor Lazenby complimented the City Manager, Finance Department and staff for their work on the budget. He expressed concerns regarding the McIntyre project and the DSA lawsuit not being in the budget. He said a zero cost for the McIntyre project is not reality.

**Councilor Lazenby moved to include in the Capital Improvement Plan a placeholder for McIntyre Redevelopment Cost or Settlement of Litigation. Seconded by Councilor McEachern.**

Mayor Becksted said he understand the intent, we're still in litigation and we still don't know some of the answers but putting this in the CIP obligates us somewhere.

Councilor Kennedy said she would not support the motion. She said this matter should have been brought forward during the previous discussions and vote of the Capital Improvement Plan.

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

**Councilor Lazenby moved the Islington Street Phase II Project to Fiscal Year 24 to allow the Resolution of the Contingency Liabilities of the McIntyre Project and the Deer Street Associates versus City of Portsmouth law suit. Seconded by Councilor McEachern.**

Councilor Lazenby said he thinks about people trying to pay bills and we are trying to plan that.

Councilor McEachern asked City Attorney Sullivan if this motion put us in a better or worst situation. City Attorney Sullivan said these are issues the City would need to face. He said the matter becomes more difficult because the negotiator sees our cards before they are played. He said it is not good to place a number on these types of things.

Councilor Trace said we are under threat of litigation that could be applied to Deer Street Associates or McIntyre. She said there are much more complexities with Islington Street and the project will help the North Mill Pond and the South Mill Pond.

Councilor Lazenby said he did not put a number on the projects but we have to acknowledge these things. He said he is asking for us to hold off on a seven digit expenditure for the Islington Street project as we do not have an endless amount of money.

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

**On a voice vote 8-1, main motion passed to adopt Resolution #8-2021 – General Fund Expenditures in the amount of \$123,209,033.00. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted in favor. Councilor Lazenby voted opposed.**

Department	Appropriation
General Government	\$21,458,910.00
Police	\$12,553,495.00
Fire	\$9,816,421.00
School	\$53,492,241.00
Collective Bargaining	\$108,000.00
Transfer to Indoor Pool	\$150,000.00
Transfer to Prescott Park	\$177,486.00
McIntyre Building Maintenance	\$480,000.00
Non-Operating	\$24,972,480.00
<b>Total</b>	<b>\$123,209,033.00</b>

**Councilor Kennedy moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Huda and voted.**

➤ Resolution No. 9 -2021 – Sewer Fund Expenditures

**Assistant Mayor Splaine moved to adopt Resolution #9-2021 – Sewer Fund Expenditures. Seconded by Councilor Whelan and voted. Mayor Becksted abstained from voting on this Resolution.**

- *Appropriate sum of \$19,269,492.00 to defray expenses for the operations of the sewer system*
- *Cash requirement of \$21,919,035.00 to defray expenses for the operations of the sewer system*

- ***Sewer user rate effective July 1, 2021 is \$14.89 per unit for the first 10 units of consumption per month, and \$16.38 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the sewer system***
- Adoption of Budget Resolution #10-2021 – Water Fund Expenditures

**Assistant Mayor Splaine moved to adopt Resolution #10-2021 – Water Fund Expenditures. Seconded by Councilor McEachern and voted.**

- ***Appropriate sum of \$9,941,953.00 to defray expenses for the operations of the water system***
- ***Cash requirement of \$10,377,764.00 to defray expenses for the operations of the water system***
- ***Water user rate effective July 1, 2021 is \$4.40 per unit for the first 10 units of water consumed per month, and \$5.30 per unit of all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system***
- ***Water irrigation user rate effective July 1, 2021 is \$5.30 per unit for the first 10 units of water consumed per month, \$10.00 for consumption over 10 and up to 20 units consumed, and \$12.34 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the water system***
- Adoption of Budget Resolution #11-2021 – Special Revenues, Debt Service Fund, and Committed Fund Balance for Necessary Expenditures

**Assistant Mayor Splaine moved to adopt Resolution #11-2021 – Special Revenues, Debt Service Fund, and Committed Fund Balance for Necessary Expenditures. Seconded by Councilor McEachern and voted.**

- Adoption of Budget Resolution #12-2021 – Investment Policy

**Assistant Mayor Splaine moved to adopt Resolution #12-2021 – Investment Policy. Seconded by Councilor McEachern and voted. Councilors Kennedy and Huda voted opposed.**

## **XII. MAYOR BECKSTED**

1. Resignation of John Formella from the Zoning Board of Adjustment

Mayor Becksted announced that John Formella has resigned from the Zoning Board of Adjustment.

2. Appointments to be Considered:
  - Appointment of Henry Mellynchuck to the Conservation Commission
  - Appointment of Beth Margeson to the Zoning Board of Adjustment

The City Council considered the appointments listed above which will be acted upon at the June 21, 2021 City Council meeting.

3. Appointments to be Voted:
  - 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

**Councilor Kennedy moved to reappoint Richard Adams, Michael Griffin, Peter Loughlin and Dennis Souto to the Trees & Public Greenery Committee until June 7, 2024. Seconded by Councilor McEachern and voted.**

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

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

1. Allowing for 60 days instead of 30 days for the payment of parking fees before they are increased due to non-payment

**Assistant Mayor Splaine moved to request City Manager Conard and Parking & Traffic Safety Committee to make a recommendation on this item and report back to the City Council in 60 days. Seconded by Councilor McEachern and voted.**

2. PFAS / Playing Fields

**Assistant Mayor Splaine moved to refer to City Manager Conard for a response back in 30 days to the City Council. Seconded by Councilor Kennedy.**

City Manager Conard reported that we have letters indicating that there is no PFAS.

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

1. Request to Update Housing Needs Assessment

Councilor McEachern requested a report back to the City Council regarding an update to the Housing Needs Assessment and to look at actual data on what the City takes on in the future.

**D. COUNCILOR KENNEDY**

1. Portsmouth Skateboard Park Fund

**Councilor Kennedy moved to set up a designated city fund for the Portsmouth Skateboard Park. The fund will allow individuals and businesses to donate to the city on behalf of the new Portsmouth Skateboard Park. Seconded by Councilor Huda and voted.**

2. Greenleaf Skateboard Park Event

**Councilor Kennedy moved to grant permission for the Mayor's Blue Ribbon Committee to hold a celebration at the Greenleaf Skateboard Park. The event will occur on National Skateboard Day Monday, June 21, 2021 from 5:00 p.m. to 7:00 p.m. We would like to invite everyone for Pizza, Skateboard Tricks, Prizes and Fun. Seconded by Councilor Huda and voted.**

**E. COUNCILOR HUDA**

1. Creation of Ordinance Re: Independent Audit Committee

**Councilor Huda moved to create an ordinance that the City of Portsmouth permanently create and maintain an Independent Audit Committee. This Audit Committee will be composed of 5 members, one of whom will be a City Councilor, for the purpose of annually selecting & engaging an independent Certified Public Accounting Firm reporting directly to the City Council in compliance with the City Charter Section 7.4 – Independent Audit and the applicable laws of the State of New Hampshire. Seconded by Councilor Kennedy.**

Councilor McEachern said not all boards/commissions have a City Council representative such as the Zoning Board of Adjustment. He said that this is a specific task to a Councilor relative to the RFP process.

City Attorney Sullivan said that he would meet with Councilor Huda for the drafting of this ordinance.

**Motion passed.**

2. Discussion on City Manager & Staff responding to questions from the Council

Councilor Huda asked for clarification on City Manager and staff responding to questions of the Council.

City Attorney Sullivan explained in detail the Right-to-Know law regarding communication by the City Council with the City Manager and staff. He advised the Council, if more than five Councilors are involved in City business it becomes a meeting. He indicated that the City Council has the authority to deal directly with the City Manager, City Attorney, Finance Director or the City Clerk.

#### XIV. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Community Development Block Fund Grants (**Sample motion – move to accept and expend a Community Development Block Grant in the amount of \$531,393 from the U.S. Department of Housing and Urban Development**)
- B. Acceptance of Memorial Bench Donation in Memory of Joe Iudice (**Sample motion – move to approve and accept the donation for a bench in memory of Joe Iudice, as presented**)
- C. Acceptance of Memorial Bench Donation in Memory of Rus Wilson (**Sample motion – move to approve and accept the donation for a bench in memory of Rus Wilson, as presented**)
- D. Acceptance of Grant from the NH Department of Safety to the Portsmouth Police Department for Night Vision Equipment (**Sample motion – move to accept and approve the grant for the Police Department from the NH Department of Safety in the amount of \$7,801.75 for night vision equipment**)
- E. Acceptance of Amended Grant from the NH Office of Highway Safety to the Portsmouth Police Department for FY21 Highway Safety (**Sample motion – move to accept and approve the amended grant for the Police Department from the NH Office of Highway Safety as presented**)
- F. Acceptance of a Donation of a Baby Gate from Port City Veterinary Referral Hospital to the Portsmouth Police Department’s Animal Control Officer (**Sample motion – moved to accept and approve the donation of a baby gate from Port City Veterinary Referral Hospital as presented**)

Councilor Kennedy moved to accept and approve the Grants and Donation as presented. Seconded by Assistant Mayor Splaine and voted.

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

##### A. CITY MANAGER CONARD

- 1. Proposed Art Donation by Dan Rawling

City Manager Conard said this is a donation of a painting entitled, “Victory of Peace Kimono” being offered by resident Dan Rawling and painted by local artist Dustan Knight. She reported that the Advisory Group met on May 4, 2021 and in accordance with the criteria for public art acquisitions as set forth in the Public Art Acquisition Policy 2009-06 they unanimously agreed to recommend that the City Council accept the painting.



**Councilor Lazenby moved to accept the proposed Portsmouth Peace Treaty commemorating painting, “Victory of Peace Kimono,” by Dustan Knight and display it in City Hall with an appropriate interpretive plaque. Seconded by Councilor McEachern and voted.**

2. Acceptance of American Rescue Plan Act Funds and Request for Related Work Session

City Manager Conard reported the City has received the first half of our funds in the amount of \$6,441,140.00 which has been deposited in a special revenue fund. She recommended the Council vote to accept these funds this evening.

**Councilor McEachern moved to schedule a work session on Monday, June 14, 2021 at 7:00 p.m. to assess our community’s needs and to begin creating a plan to expend the Coronavirus State and Local Fiscal Recovery Funds received through the American Rescue Plan Act of 2021. Seconded by Councilor Trace.**

Councilor Kennedy stated she would not be available for the work session.

City Manager Conard said the Council could hold a public hearing at the June 21, 2021 City Council meeting but the work session needs to happen first.

**Motion passed.**

3. Report Back on 900 Middle Road Request for Unmerger of Involuntarily Merged Lots

City Manager Conard reported that the City Assessor has reviewed the request as well as the Planning Board and it is recommended that the City Council deny the request.

**Councilor Kennedy moved to deny this request as recommended by the Planning Board and the City Assessor. Seconded by Assistant Mayor Splaine and voted.**

## **XVI. CONSENT AGENDA**

- A. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 16<sup>th</sup> Annual Seacoast Half Marathon on Sunday, October 31, 2021 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- B. Letter from Lilia Potter-Schwartz, Race to Educate, requesting permission to hold the 6<sup>th</sup> Annual Race to Educate on Saturday, July 31, 2021 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 13<sup>th</sup> Annual Seacoast Rotary Turkey Trot 5k on Thursday, November 25, 2021 **(Anticipated action – move to the City Manager with Authority to Act)**

- D. Letter from Michelle Bitterli requesting permission to hold free yoga classes at Prescott Park beginning June 7, 2021 through August 30, 2021 on Monday's and Wednesday's at 12:00 p.m. – 12:45 p.m. (***Anticipated action – move to the City Manager with Authority to Act***)

**Assistant Mayor Splaine moved to adopt the Consent Agenda. Seconded by Councilor McEachern and voted.**

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

- A. Email Correspondence

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

- B. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street, 1 lane of Hanover Street between Fleet Street and the Portwalk Garage entrance, and the southern half of Portwalk Place to present a multi-stage outdoor Music Festival on Saturday, September 25, 2021 to benefit the community's first responders and frontline essential workers

**Councilor Kennedy moved to refer to the City Manager with Authority to Act. Seconded by Councilor McEachern and voted.**

- C. Letter from Tricia Donohue, Beth Hartnett and Tamara Henderson, Portsmouth Community Garden Steering Committee, requesting permission for the creation of a Portsmouth Community Garden partnership with the City of Portsmouth and require the following support
- Space at the Route 33 city-owned NH Rideshare Lot which has unused, open space with parking, sun exposure and flat topography
  - Extension of the water line to create two water stations at either end of the garden area
  - Any additional liability rider to existing city insurance policy to cover this Portsmouth Community Garden
- D. Letter from James Petersen and Mark Stebbins of the BRC to Reopen Portsmouth, and Kathryn Lynch of the BRC on Health, requesting the continuation of the indoor mask mandate when physical distancing cannot be maintained from persons outside one's household/cohort

**Councilor Kennedy moved to refer the letter from the Community Garden Steering Committee to the Legal Department for report back and the letter from the BRC to Reopen Portsmouth and the BRC on Health to accept and place on file. Seconded by Councilor McEachern and voted.**

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

Councilor Kennedy asked for a status update on her request for a report back from City Manager Conard on the sound barriers and site walk at Pannaway Manor and New Franklin School area.

Councilor Huda requested that the City Manager select a different color for her memorandum when outlining attachments and recommended motions. She indicated that the blue color is difficult to see.

**XX. ADJOURNMENT**

**At 11:30 p.m., Councilor Huda moved to adjourn. Seconded by Councilor Kennedy and voted.**

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