

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 12, 2021 **TIME: 6:00PM**

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:

https://zoom.us/webinar/register/WN_V89y5_KMRj6euwS4aG9mGA

6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:

1. ACQUISITION OF REAL ESTATE – RSA 91-A:3, I (d)
2. DEER STREET ASSOCIATES – RSA 91-A:3, II (I)
3. BOYLE – LEGAL ADVICE – RSA 91-A:3, II (I)

AGENDA

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE
- VII. ACCEPTANCE OF MINUTES – MAY 10, 2021 & JUNE 21, 2021 (*Sample motion – move to accept and approve the minutes of the May 10, 2021 and June 21, 2021 City Council meetings*)
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 1. Mayor’s Blue Ribbon Committee to Reopen Portsmouth 2021 Final Report
- IX. PUBLIC COMMENT SESSION – (*Via Zoom*)
- X. PUBLIC DIALOGUE SUMMARY [when applicable] – **N/A**
- XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION

Public Hearing and Second Reading:

- A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS

(Sample motion – move to pass second reading and hold third and final reading at the August 2, 2021 City Council meeting)

XII. MAYOR BECKSTED

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

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR WHELAN

1. Request to Renew Valet Parking License Agreement for The 100 Club ***(Sample motion – move to recommend renewal of valet parking license agreement for The 100 Club for a term of one year contingent upon staff working out the details with the property owners)***
2. *Report Back on Aldrich Road Traffic Calming Recommendations ***(Sample motion – move to recommend a raised intersection at Boss Avenue be added to the CIP and two more on Aldrich Road with locations to be determined)***
3. Parking & Traffic Safety Committee Action Sheets and Minutes of the May 6, 2021 and June 3, 2021 meetings ***(Sample motion – move to accept and approve the May 6, 2021 and June 3, 2021 Parking & Traffic Safety Committee actions and minutes as presented)***
4. *Request for Approval of a Neighborhood Parking Program for the Islington Creek Area

B. COUNCILOR KENNEDY

1. *Requested Charter Change for the November 2, 2021 Municipal Election ***(Sample motion – move to place the following question on the November 2, 2021 Municipal Election – The budget shall be finally adopted not later than the last day of the fiscal year currently ending. Should the Council take no further action on or prior to such day, the budget of the currently ending fiscal year shall be renewed and shall be deemed to have been finally adopted by the Council as the budget for the next fiscal year)***
2. Waterfront and Building Siting ***(Sample motion – move to refer the attached memo to the Planning Board for review with a report back to the City Council at the August 2, 2021 meeting. At the August 2, 2021 City Council meeting the Council can consider any zoning changes that should be made based on the outcome of the Planning Board’s discussion on the memo)***

C. COUNCILOR HUDA

1. Status of Requests regarding Peverly Hill Road Project ***(Sample motion – move for a report back from the City Manager ASAP on the status of request by numerous residents at the June 28th meeting on Peverly Hill Road Project for a 8ft. multi-use path only. No separate sidewalk on the opposite side of the street. This report should be included as an optional plan with all of the details the other 3 City presented plans had included for comparison by the residents)***

D. COUNCILOR TRACE

1. *Peverly Hill Road Complete Streets Public Input Meeting (***Sample motion – move to request a report back from City Manager Conard on the Peverly Hill Road Complete Streets Public Input Meeting held on Monday evening June 28, 2021 at One Junkins Avenue in City Council Chambers. Specifically as to attendance by Council Members and what will be done in the future to assure that the City Council will be welcome to attend and those in attendance will be announced when a member of the public asks. Also from a standpoint of transparency, a list of which City Councilors were in attendance at that meeting***)
2. *Creation of a Public Facebook Page (***Sample motion – move to have City Manager Conard report back at the next meeting on the possible creation of a public Facebook Page for the City of Portsmouth so that all residents of Portsmouth might be included. That the “administrators” to include City staff. The Facebook Page to be used to quickly disseminate appropriate information/explanations pertaining to current City Projects and issues involving all City of Portsmouth neighborhoods. That the page promote inclusively to all and civility during conversations***)

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *ARPA Grant for Library – \$3,450.00 (***Sample motion – move to approve and accept the grant in the amount of \$3,450.00***)

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Resolution for the Authorization for Transfer of Balance of Bond Proceeds After Completion of Various Projects
2. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY22
3. *Request to Schedule a Work Session Regarding the Building of a New Police Department Facility
4. Approval of 1386B Collective Bargaining Agreement
5. Naming of Private Subdivision Road to Watson’s Landing
6. Tooley License and Easement
7. Acceptance of Dedicated Way on Walker Bungalow Road

XVI. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda - move to adopt the Consent Agenda)

- A. Letter from Maria Bernarda Salguero, New Generation, requesting permission to hold a 5K Walk/Run on Saturday, October 23, 2021 from 8:00 a.m. to Noon ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Request for License to Install Projecting Sign for owner Carrie Jose of CJ Physical Therapy for property located at 25 Maplewood Avenue Unit 102 ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- C. Request for License to Install Projecting Sign for owner Peter T. Henry of Market Square Jewelers, Inc. for property located at 124 Congress Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- D. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold a Boot Drive on Saturday, August 14, 2021 in Market Square from 8:00 a.m. to 4:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from Maria Leach, North Church of Portsmouth, requesting permission to hold the Seacoast Area Crop Walk on Sunday, October 17, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Peeverly Hill Road Improvement Project: Presentation following Neighborhood Meeting on June 28, 2021 – Peter Rice, Public Works Director, Suzanne Woodland, Deputy City Attorney (***Sample motion – move to schedule a public necessity hearing to allow the project to move to final design***)
- B. Email Correspondence (***Sample motion – move to accept and place on file***)
- C. Letter from Nancy and Kearn Knowles regarding Neighborhood Parking Program Pilot

VIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Report Back on Portsmouth Workforce Housing Trust Fund and Housing Needs Assessment
- 2. Withdrawal of Unmerger Request for 635 Lincoln Avenue
- 3. Memorandum from City Attorney Sullivan Regarding Keno
- 4. Memorandum from Deputy City Attorney Woodland Regarding Peeverly Hill Road Improvement Project, Public Necessity and Eminent Domain
- 5. Dual Pole Settlement Agreement

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 OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: July 8, 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 July 12, 2021

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities, Section 1.414 Audit Committee:

At this evening's meeting, there will be a public hearing and second reading of a **proposed ordinance** brought forward by Councilor Huda at the June 21st City Council meeting. This was drafted for the purpose of fulfilling the City Council's obligation to oversee external auditing per the City Charter.

XIV. Approval of Grants/Donations:

A. ARPA Grant for the Library - \$3,450:

The Portsmouth Public Library has been named a recipient of ARPA (American Rescue Plan Act 2021) grant monies given to every New Hampshire library based on population from the Institute for Museum and Library Services (IMLS) in the amount of \$3,450.

According to IMLS, this grant program, received through the New Hampshire State Library for the benefit of New Hampshire's public libraries, "supports museum and library services in addressing community needs created or exacerbated by the COVID-19 pandemic and in assisting with recovery."

The Library has chosen to address two accessibility needs made more obvious over the course of the past year, namely inequities in access to pre-literacy and early literacy materials via high-speed internet and the demand to continue offering virtual/hybrid programming options for those unable to come to the library for programs. The money will be spent over the next two months and integrated into services. Purchases include reading and activity materials for young readers as well as a technology assisting with better on-site/online programming.

I recommend that the City Council move to approve and accept the grant in the amount of \$3,450.

XV. City Manager’s Items which Require Action:

1. Resolution for the Authorization for Transfer of Balance of Bond Proceeds After Completion of Various Projects:

I am requesting that the City Council authorize the transfer of Bond Proceeds that are no longer needed for the projects for which they were initially borrowed to pay the costs of other capital projects in accordance with RSA 33:3-a (II). Please note the projects noted in the **resolution** are also listed below. Please note a 2/3 vote is required to authorize this transfer of bond proceeds.

<u>Original Project Description</u>	<u>Original Borrowing Amount</u>	<u>Approval Date</u>	<u>Unexpended Balance</u>	<u>Allocate to Project</u>
Lafayette Pump Station	\$ 3,500,000.00	08/17/2015	\$196,560.07	Islington Street Phase 2
Goose Bay Drive Sewerline	\$ 500,000.00	07/11/2016	\$141,285.17	Islington Street Phase 2
Fire Apparatus	\$ 600,000.00	08/06/2018	\$ 26,392.06	Fire Apparatus
Foundry Parking Garage	\$ 3,000,000.00	08/07/2017	\$203,938.72	Hanover Parking Garage
Total			\$568,176.02	

I recommend that the City Council move to adopt the resolution as presented.

2. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY22:

I am requesting that the City Council establish a public hearing on each of the proposed Bonding Resolutions at the August 2, 2021 City Council meeting for projects identified to begin in FY22. **Resolutions and element sheets are attached.**

GENERAL FUND

Police Facility Improvements - \$400,000:

- a) Address storage and lock room issues
- b) IT and Communication Infrastructure upgrades/fixes
- c) Upgrades/Renovations to the facility

Elementary School Upgrade - \$1,100,000:

- a) Address identified building safety concerns and complete air handling upgrades at New Franklin Elementary School

Prescott Park Master Plan Implementation and City Facility Street and Sidewalk Upgrades - \$13,300,000:

- a) Implementation of the Prescott Park Master Plan – \$1,750,000
 - Plan for climate change, preserve antique historic structures, accommodate performances and event space and ensure iconic Portsmouth places continue to serve the public;
- b) Banfield Road Pedestrian Accommodations and Traffic Calming – \$500,000
 - Traffic calming measures and pedestrian accommodations as requested by residents;
- c) Citywide Sidewalk Reconstruction Program – \$800,000
 - Reconstruction work coordinated with other street and utility improvement projects as well as those identified based on condition per the Sidewalk Condition Index;
- d) Street Paving, Management and Rehabilitation – \$4,000,000
 - Implementation of recommended projects based on the City’s Pavement Condition Management Index;
- e) Pease International Tradeport Roadway Rehabilitation – \$750,000
 - Provide Public Works services including repairs to roads, streets, bridges and sidewalks to the non-airfield area of the Pease International Tradeport;
- f) Maplewood Avenue Bridge Rehabilitation - \$1,000,000
 - Resurfacing of the roadway, resetting the curb and reconstruction of the sidewalks;
- g) Islington Street Improvements Phase 2 - \$2,300,000
- h) Willard Avenue Upgrades - \$1,200,000
- i) Union Street Reconstruction - \$1,000,000

PARKING FUND

Hanover Parking Facility – Capital Improvements - \$6,300,000:

- a) Capital Improvements to the Parking Facility

WATER FUND

FY22 Water Projects - \$12,000,000

- a) Annual Water Line Replacement - \$1,000,000
- b) Water Transmission Main Replacement - \$5,400,000
- c) Islington Street Improvements Phase 2 - \$2,300,000
- d) Willard Avenue Upgrades - \$1,800,000
- e) Union Street Reconstruction - \$1,500,000

SEWER FUND

FY22 Sewer Projects - \$12,450,000

- a) Annual Sewer Line Replacement - \$500,000
- b) Pease Wastewater Treatment Facility - \$1,500,000
- c) Wastewater Pumping Station Improvements - \$750,000
- d) Mechanic Street Pumping Station Upgrade - \$2,000,000
- e) Marjorie Street Wastewater Pumping Station - \$1,000,000
- f) Sewer Service Funding for Sagamore Avenue Area Sewer Extension - \$300,000
- g) Islington Street Improvements - \$2,300,000
- h) Willard Avenue Upgrades - \$3,000,000
- i) Union Street Reconstruction - \$1,100,000

I recommend the City Council move to authorize the city manager to bring back for public hearing and adoption, the various proposed CIP projects, as presented, for the August 2, 2021 City Council meeting.

3. Request to Schedule a Work Session Regarding the Building of a New Police Department Facility:

Based off of the City Council's feedback at the March 15, 2021 City Council meeting at which the FY22 – FY27 Capital Improvement Plan was adopted, I would like to schedule a work session in order to begin the discussion regarding a new police facility to both move the project forward as well as provide ample opportunity for Council and resident discussion.

I recommend that the City Council move to schedule a work session on September 7, 2021 at 6:00 p.m.

4. Approval of 1386B Collective Bargaining Agreement:

The City's negotiating team has reached a tentative agreement with the Portsmouth City Employees, Local #1386B, on a new one (1) year collective bargaining agreement. **Attached** is a draft version of that tentative agreement.

I recommend that the City Council move to ratify the agreement as presented with the Portsmouth City Employees, Local #1386B.

5. Naming of Private Subdivision Road to Watson's Landing:

At the March 18, 2021 Planning Board meeting, the Board granted subdivision approval for a four-lot subdivision off of Clark Drive located on a **newly private road called Watson's Landing**. The applicant's engineer has indicated that the name was chosen because Watson is the current owner's last name and his father lived on the property. The Landing part was a nod to the fact that this is waterfront property.

When public roads are requested to be named or renamed, the Planning Board and City Council would typically consult a list of potential road names developed by the City in 2007/2008.

When private roads are considered, the naming of the road is typically left up to the applicant, subject to final approval by the Council.

The primary purpose for the Council to approve the naming of private roads is to ensure there is no conflict with existing road names in the city that would present a challenge for emergency responders.

The requested name has been approved by the Planning Department, Fire Department, Police Department, and Public Works Department along with confirmation that there is no known conflict with any existing road names in the City.

I recommend that the City Council vote to approve naming the private road as Watson's Landing.

6. Tooley License and Easement:

By license dated September 23, 2010, the City Council had granted David and Vasilia Tooley of 166 New Castle Avenue the right to improve certain City property at the intersection of New Castle Avenue and Marcy Street in front of their home as an extension of their front yard. In the Council's packet is a **letter from Attorney Thomas Watson** requesting on behalf of the Tooleys that:

- a) The earlier license be amended to allow for a further expansion of the license to allow a stone wall, a brick drive and other improvements as described in an **attached amendment to the license**; and
- b) An easement to allow a small deck encroachment as shown on the **attached easement plan** as the "Deck Easement Detail" to remain in place. That **proposed easement** is also in the packet.

An appropriate motion might be:

- *To authorize the City Manager to execute and deliver the First Amendment to the License Agreement dated September 23, 2010 to David and Vasilia Tooley, as presented; and*
- *Refer the easement request of David and Vasilia Tooley to the Planning Board for a report back.*

7. Acceptance of Dedicated Way on Walker Bungalow Road:

During the course of the City's preparation of bid documents for the Sagamore Area Sewer Extension Project, the Legal Department discovered that the City Council has never formally accepted the roadway improvements at the end of Walker Bungalow Road (the cul-de-sac area). When the Sagamore Landing Condominium Association was formed in 1993, it obtained Portsmouth Planning Board site plan approval for a dedicated cul-de-sac. That cul-de-sac was to be dedicated to the City pursuant to RSA 674:41, I(b)(3). Since its construction, the City has treated the cul-de-sac as a public way, however this area was never formally accepted by vote of the City Council, as required by RSA 674:41, I(b)(4). In order to ensure clean title to the cul-de-sac at the end of Walker Bungalow Road prior to construction of the new sewer line, the City Council should formally accept the dedication made in 1993.

The plan page, recorded at the Rockingham County Registry of Deeds as D-22410, showing the cul-de-sac to be conveyed to the City is [attached for reference](#). Also [attached is a proposed City Council Resolution](#).

I recommend that the City Council adopt the proposed resolution, attached, to resolve this title issue.

XVI. Consent Agenda:

B. Projecting Sign License – 25 Maplewood Avenue Unit 102:

Permission is being sought to install a projecting sign at [25 Maplewood Avenue Unit 102](#) that extends over the public right of way, as follows:

Sign dimensions: 46” x 36”

Sign area: 11.5 sq. ft.

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

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

C. Projecting Sign License – 124 Congress Street:

Permission is being sought to install a projecting sign at [124 Congress Street](#) that extends over the public right of way, as follows:

Sign dimensions: 48” x 25.75”

Sign area: 8.5 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.*

XVII. Presentations and Consideration of Written Communications and Petitions:

A. Peverly Hill Road Improvement Project: Presentation Following Neighborhood Meeting on June 28, 2021:

As follow-up to the June 28, 2021 Public Input meeting for the Peverly Hill Road Complete Streets Project, Deputy City Attorney Suzanne Woodland, Public Works Director Peter Rice, and the City's Design Consultant, Brian Colburn, will provide a brief presentation and answer Council questions on the status of the project. The report back will focus on input received at the June 28th Public Input meeting, and will include review of the recommended option as well as a single multiuse path alternative.

I recommend that the City Council move to schedule a public necessity hearing to allow the project to move to final design.

XVIII. City Manager's Informational Items:

1. Report Back on Portsmouth Workforce Housing Trust Fund and Housing Needs Assessment:

At the June 7th and June 21st Council meetings, Councilor McEachern requested information from staff related to updating the City's Housing Needs Assessment and creation of a Community Housing Trust Fund.

Housing Needs Assessment Update

A comprehensive Housing Study that included a Housing Needs Assessment was completed in 2014 in preparation for the update to the City's Master Plan. That housing report, (completed by a planning consulting firm which specializes in housing) was broader in scope and used locally verifiable data regarding housing inventory, costs, and needs. In order to complete an update to the 2014 report, the Planning Department estimates an outside consultant would cost about \$10,000 to \$15,000. Staff is discussing potential collaboration with the Portsmouth Housing Authority and/or Regional Planning Commissions.

Housing Trust Fund

The City has an existing **Workforce Housing Trust Fund**, created by Council in 2009. The trust fund was established by the Council at the recommendation of the 2008 Blue Ribbon Committee on Housing and may be used to receive and hold property and funds in trust for the construction/rehabilitation and retention of affordable housing units. The fund has no money in it presently and no dedicated source of funding.

In order to utilize the fund, the City would need to secure a source of dedicated funding such as one or more of the following:

- **Dedicated Housing Fees.** Many jurisdictions have established commercial linkage fees or housing impact fees on commercial or residential development projects that generate new jobs. The fees are used to support the development of housing affordable to employees living in or attracted to the community. Condominium conversion fees for converting rental units to ownership are another example;
- **Inclusionary housing programs** that require new developments meeting certain criteria to provide a percentage of affordable housing as a condition of development. These programs generally allow in-lieu fees to be paid as an alternative to direct construction of the required housing;
- **Discretionary Local Revenues.** In some cases, local jurisdictions contribute directly to the housing trust fund from discretionary local revenues. These can include general fund appropriations or a designated portion of existing local revenue sources, such as a share of the local sales tax or transient occupancy tax;
- **Grant and Charitable Contribution Funds.** Some funds accept grants, charitable contributions, or other non-recurring sources of funding that are dedicated to affordable housing. These can include revenues from capital campaigns organized by private sector organizations or ongoing contributions by major employers. These housing trust funds may be operated by a single jurisdiction, a consortium of several local agencies, or even an independent nonprofit agency;
- **Loan Repayments and Commercial Development Loans.** Often housing trust funds lend money to private or nonprofit developers for affordable housing projects. Loan repayments are then used to create a revolving fund that allows the trust fund to make additional investments. Housing Trust Funds can also be used to convey bank commercial development loans, such as investments made to receive credits under the Community Reinvestment Act (CRA); and
- **State-Funded Local Housing Trust Funds.** The state may have funds (allocated to NHHFA) to contribute to a local trust fund, particularly from funds recently received in ARPA.

Further, staff recognize that administrative processes for allocating these trust funds would need to be developed. Community Development staff would be a logical fit to administer grant programs funded by the Portsmouth Workforce Housing Trust Fund, particularly because of their experience managing similar housing programs. There are numerous models for housing trust program administration, including the National Affordable Housing Trust, as well as fairly extensive guidance through HUD’s Community Development Programs.

2. **Withdrawal of Unmerger Request for 635 Lincoln Avenue:**

At its meeting on May 3, 2021, the City Council considered a request from Bradley M. Lown, Esq. of Rainboth, Murphy & Lown, PA, on behalf of the property owner Marcie Shearman, requesting the restoration of involuntarily merged lots at 635 Lincoln Avenue to their pre-merger status pursuant to NH RSA 674:39-aa. The Council voted to refer this request to the Planning Board and the City Assessor for a report back.

In May, Attorney Lown submitted a letter indicating that the property owner has decided to withdraw the request. No further action is required.

3. **Memorandum from City Attorney Sullivan Regarding Keno:**

Per the City Council's request at the June 21st meeting, attached please find a memorandum from City Attorney Sullivan regarding Keno.

4. **Memorandum from Deputy City Attorney Woodland Regarding Peverly Hill Road Improvement Project, Public Necessity and Eminent Domain:**

Deputy City Attorney Woodland has prepared a memorandum addressing permanent and temporary easements as it relates to the Peverly Hill Road Improvement Project.

5. **Dual Pole Settlement Agreement:**

In July 2020, the Town of Durham, City of Dover, City of Portsmouth, City of Somersworth, Town of Newmarket, Town of Newington, and Town of Exeter sent a letter to the Public Utilities Commission complaining about the untimeliness of Consolidated Communications in removing its equipment and utility poles through the seacoast communities. This delay in Consolidated Communications' action has resulted in the communities experiencing so-called double or dual poles. In Portsmouth, Eversource is the pole setting utility. Eversource provides notice to the other utilities to move their equipment from the old pole to the new pole, but Consolidated is often untimely in taking action resulting in both an old pole and new pole remaining in place for an extended period of time, frequently over a year.

The PUC opened a docket to investigate the complaint filed by the communities. After some facilitated discussion it became evident that it was in the interest of the complaining seacoast communities to reach an agreement directly with Consolidated to resolve the large backlog of dual poles. That Settlement Agreement is attached and will be on file in the City Clerk's office. This Settlement Agreement requires Consolidated to resolve, over an approximately three-year period, outstanding double poles within the City of Portsmouth and the other seacoast communities listed above.