

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 2, 2021 TIME: 6:30PM

*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://us06web.zoom.us/webinar/register/WN\\_fDmfDEg1RheL9Asv-5jNZA](https://us06web.zoom.us/webinar/register/WN_fDmfDEg1RheL9Asv-5jNZA)

## **6:30PM – ANTICIPATED NON-PUBLIC SESSIONS:**

- 1. PARAEDUCATORS ASSOCIATION TENTATIVE AGREEMENT – COLLECTIVE BARGAINING – RSA 91-A:3, II (a)**
- 2. FOOD SERVICE TENTATIVE AGREEMENT – COLLECTIVE BARGAINING – 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] – 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 4, 2021 & JULY 12, 2021 (Sample motion – move to accept and approve the minutes of the May 4, 2021 and July 12, 2021 City Council meetings)**
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. PUBLIC COMMENT SESSION – (Via Zoom)**
- X. PUBLIC DIALOGUE SUMMARY [when applicable] – N/A**
- XI. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

### **Public Hearings of Ordinance and Resolutions with Adoption:**

- A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE (Continued from the July 12, 2021 City Council meeting)**
  - PRESENTATION**
  - CITY COUNCIL QUESTIONS**
  - PUBLIC HEARING SPEAKERS**
  - ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

*(Sample motion – move to continue the public hearing and the second reading at the August 23, 2021 City Council meeting)*

B. RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES OF UP TO FOUR HUNDRED THOUSAND (\$400,000.00) DOLLARS FOR COSTS RELATED TO THE UPGRADE OF THE POLICE FACILITY

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

*(Sample motion – move to adopt the Resolution to be bonded as presented)*

C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00) FOR COSTS RELATED TO SCHOOL FACILITIES IMPROVEMENTS

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

*(Sample motion – move to adopt the Resolution to be bonded as presented)*

D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THIRTEEN MILLION THREE HUNDRED THOUSAND DOLLARS (\$13,300,000.00) FOR COSTS RELATED TO PRESCOTT PARK MASTER PLAN IMPLEMENTATION, STREET AND SIDEWALK UPGRADES

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

*(Sample motion – move to adopt the Resolution to be bonded as presented)*

E. RESOLUTION AUTHORIZING THE BORROWING OF UP TO SIX MILLION THREE HUNDRED THOUSAND DOLLARS (\$6,300,000.00) THROUGH THE ISSUE OF BONDS AND/OR NOTES FOR COSTS RELATED TO THE UPGRADE OF THE HANOVER PARKING FACILITY

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

*(Sample motion – move to adopt the Resolution to be bonded as presented)*

F. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWELVE MILLION DOLLARS (\$12,000,000.00) RELATED TO WATER LINE UPGRADES, WATER TRANSMISSION MAIN REPLACEMENT, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION

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

*(Sample motion – move to amend the Resolution and schedule a new public hearing at the August 23, 2021 City Council meeting)*

G. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWELVE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$12,450,000.00) FOR COSTS RELATED TO SEWERLINE UPGRADES, PEASE WASTEWATER TREATMENT FACILITY, WASTEWATER PUMPING STATIONS, MECHANIC STREET PUMPING STATION, MARJORIE STREET WASTEWATER PUMPING STATION, SEWER SERVICE FUNDING FOR A SAGAMORE AVENUE AREA SEWER EXTENSION, ISLINGTON STREET IMPROVEMENTS PHASE 2, WILLARD AVENUE UPGRADES AND UNION STREET RECONSTRUCTION

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

*(Sample motion – move to adopt the Resolution to be bonded as presented)*

## **XII. MAYOR BECKSTED**

1. Appointments to be Considered:
  - Jason Brewster to the Peirce Island Committee
  - Deborah Chag to the Trees and Public Greenery Committee
2. \*Appointment of New Members for the Mayor's Blue Ribbon Skate Park Committee. These students will be supporting the committee while our seniors are off to college:
  - John Flynn
  - Jesse Court
  - Henry Purple

*(Sample motion – move to appoint John Flynn, Jesse Court and Henry Purple to the Mayor's Blue Ribbon Skate Park Committee)*

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

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

1. "Portsmouth Outdoors Year-Round"
2. North Mill Pond Land Availability
3. Rainbow Crosswalks

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

1. \*Public Access to Water / Shoreline in Portsmouth (***Sample motion – move that the City Manager identifies public access to waterfront and marks waterfront access with a sign where legally permitted***)
2. \*Work Session with Portsmouth Housing Authority (***Sample motion – move to request a work session with the PHA to discuss below market rate housing opportunities and funding sources available to the City of Portsmouth***)
3. \*Acknowledge Portsmouth Resident Michelle Sechser and her accomplishments at the 2020 Tokyo Summer Games

#### **C. COUNCILOR WHELAN**

1. **Action Item Needing Approval by City Council:**
  - Request to review Islington Creek Neighborhood Parking Program Summary (***Sample motion – move to adopt the Islington Creek Neighborhood Parking Program Summary, as amended to include south side of Islington Street between Dover and Bridge Street, as a temporary parking regulation***)
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 22, 2021 meeting (***Sample motion – move to accept and approve the Action Sheet and Minutes of the July 22, 2021 Parking & Traffic Safety Committee meeting***)

#### **D. COUNCILOR KENNEDY**

1. \*Update 95 Sound Barriers and Site Walk at Pannaway Manor – Wednesday, August 25<sup>th</sup> at 5:30 p.m.
2. \*Ask the City Manager to set up a date for a Site Walk for the New Franklin/Jewel's Neighborhood

## **E. COUNCILOR HUDA**

1. The Final FY21 Budget Surplus/Deficit Amounts by Budget Unit Estimate @ June 30, 2021:  
Police  
Fire  
Municipal  
School  
***(Sample motion – move for a report back from the City Manager on the FY21 Surplus/Deficit by Budget Unit at the August 23, 2021 City Council meeting)***

## **F. COUNCILOR TRACE**

1. \*A report from City Manager and Head of Planning Department on the number of Conditional Use Permits (CUP's) issued in the last four years. Along with a discussion of the impact on development in the city due to issuance of the CUP's
2. \*A report by City Manager/Planning Department on the number of upcoming/ongoing development projects and the number of living units/office space per project and the number of parking spaces provided per development where appropriate
3. \*Report on possibility of a joint work session with nonprofits providing shelter, services and help to those of our city who find themselves homeless

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

- A. 2018 Homeland Security Grant Program Award – EMS Warm Zone Equipment – Fire Department - \$6,000.00 ***(Sample motion – move to accept and approve the grant for the Fire Department in the amount of \$6,000.00 as presented)***

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

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

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

1. Sale of Surplus Police Vehicles and DPW Equipment
2. Request for First Reading of Proposed Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability
3. 60 Penhallow Street (Brick Market) Temporary Construction License Extension
4. 55 Hanover Street Temporary Construction License
5. Acquisition of Sewer Line Easements and Proposed Release of Paper Street

## XVI. CONSENT AGENDA

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

- A. Request for License to Install Projecting Sign for owner Scott Prevost of Viacals LLC, DBA Cowabunga Media for property located at 55 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***
- B. Letter from Donna Hepp, Granite State Wheelmen, Inc., requesting permission to hold the 47<sup>th</sup> annual Seacoast Century Bicycle Ride on Saturday, September 25, 2021 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

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

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. Letter from Mathew Reichl requesting a quit claim from the City to release its interest in the “paper street” portions of Sylvester Street adjoining his parcels at 15 Marjorie Street ***(Anticipated action – move to refer to the Planning Board for report back)***
- C. Letter from Linda Conti, Seacoast Jazz Society, requesting permission to hold a street performance in two locations on Sunday, August 15, 2021 and Sunday, August 22, 2021 from Noon to 2:00 p.m. ***(Sample motion – move to refer to the City Manager with Authority to Act)***
- D. Letter from Josh Denton, Commander V.F.W. Post 168, requesting that the City Council pass an Optional Tax Credit for Combat Service Resolution ***(Sample motion – move to refer to the Legal Department for report back)***
- E. Letter from Brian Walsh, Knights of Columbus, requesting permission to hold a Boot Drive on Saturday, September 11, 2021 ***(Sample motion – move to refer to the Legal Department)***

## XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. \*Report Back on Updated Debt Limit Calculation as Requested by Councilor Kennedy
2. \*Report Back on Peverly Hill Complete Street Public Information Meeting as Requested by Councilor Trace

3. \*Report Back on Bartlett Street and Cate Street Intersection as Requested by Mayor Becksted
4. Report Back on Survey of NH Municipalities on Audit Committees

**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  
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(603) 610-7201

Karen S. Conard  
City Manager

**Date:** July 29, 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 August 2, 2021

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

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

At the City Council meeting of July 12, 2021, the City Council held a second reading and a public hearing on a **proposed ordinance to create an Audit Committee**. At the meeting, various questions and concerns were raised concerning the proposed ordinance before the City Council. As a result of those expressed concerns, the City Attorney offered to work further with the Audit Committee and Councilor Huda in particular to revise the proposed ordinance.

The City Attorney and the Deputy City Attorney have met with both the Audit Committee and Councilor Huda individually. Hours have been dedicated by all parties to advance the next version of the draft ordinance. That stated, the current proposed version under discussion does not address all of the concerns of the City Manager and staff. The **draft version of the ordinance being discussed is attached** so that the City Council can see the efforts that have been made to date. The City Attorney and Deputy City Attorney recommend meeting with the Audit Committee to review the areas where there is still concern to see if some agreement on revised language can be reached.

*I recommend that the City Council move to continue the public hearing and the second reading at the August 23, 2021 City Council meeting.*

**B. Public Hearing and Adoption of Resolution Authorizing a Bond Issue, and/or Notes of Up to Four Hundred Thousand Dollars (\$400,000.00) for Costs Related to the Upgrade of the Police Facility:**

Attached is the **proposed resolution** and corresponding **element sheet**.

*I recommend that the City Council move to adopt the proposed resolution to be bonded as presented.*



C. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of Up to One Million and One Hundred Thousand Dollars (\$1,100,000.00) for Costs Related to School Facilities Improvements:**

Attached is the **proposed resolution** and corresponding **element sheet**.

*I recommend that the City Council move to adopt the proposed resolution to be bonded as presented.*

D. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of Up to Thirteen Million and Three Hundred Thousand Dollars (\$13,300,000.00) for Costs Related to Prescott Park Master Plan Implementation, Street, and Sidewalk Upgrades:**

Attached is the **proposed resolution** and corresponding **element sheet**.

*I recommend that the City Council move to adopt the proposed resolution to be bonded as presented.*

E. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of Up to Six Million and Three Hundred Thousand Dollars (\$6,300,000.00) for Costs Related to the Upgrade of the Hanover Parking Facility:**

Attached is the **proposed resolution** and corresponding **element sheet**.

*I recommend that the City Council move to adopt the proposed resolution to be bonded as presented.*

F. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of Up to Twelve Million Dollars (\$12,000,000.00) Related to Water Line Upgrades, Water Transmission Main Replacement, Islington Street Improvements Phase 2, Willard Avenue Upgrades, and Union Street Reconstruction:**

Based on the City's consulting engineer's current total project cost estimate for the Little Bay Water Transmission Main Replacement (FY22 CIP Project EF-18-WD-82), we recently learned of the need to increase the bonding resolution for this project from \$5.4 million to \$7.3 million due to the type of construction necessary to meet the regulatory requirements for reducing the amount of disturbance the construction will have on the wetlands and the Little Bay waters. The original design and cost estimate called for the installation of turbidity curtains to contain sediment while in water excavation occurs for the pipeline. The design now calls for installation of a temporary sheet pile cofferdam to contain sediment during excavation which will reduce the temporary impacts to the salt marsh zone. A temporary trestle structure has also been designed to enable access of the large construction equipment.

Due to the increase of the estimated cost of this project, an amended resolution of \$13,900,000.00 is recommended.

*I recommend that the City Council move to amend the resolution and schedule a new public hearing at the August 23, 2021 City Council meeting.*

**G. Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of Up to Twelve Million and Four Hundred and Fifty Thousand Dollars (\$12,450,000.00) for Costs Related to Sewerline Upgrades, Pease Wastewater Treatment Facility, Wastewater Pumping Stations, Mechanic Street Pumping Station, Marjorie Street Wastewater Pumping Station, Sewer Service Funding for Sagamore Avenue Area Sewer Extension, Islington Street Improvements Phase 2, Willard Avenue Upgrades and Union Street Reconstruction:**

Attached is the **proposed resolution** and corresponding **element sheet**.

*I recommend that the City Council move to adopt the proposed resolution to be bonded as presented.*

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

**A. 2018 Homeland Security Grant Program Award for Fire Department - \$6,000:**

At the July 20, 2021 Fire Commission meeting, Commissioners accepted a **grant in the amount of \$6,000**. These funds have been awarded from the NH Department of Safety under the State Homeland Security Program portion of the 2018 Homeland Security Grant Program for the purchase of ballistic gear.

*I recommend that the City Council move to accept and approve the grant for the Fire Department in the amount of \$6,000 as presented.*

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

**1. Sale of Surplus Police Vehicles and DPW Equipment:**

The Police Department has a total of fifteen (15) vehicles that can no longer be in service for police utilization. Four (4) of these vehicles are suitable to be transferred to DPW for City use.

The **attached lists** include eleven (11) police surplus vehicles and Department of Public Works surplus property comprising of vehicle parts, tools and various equipment that are ready for disposal.

The City will use GovDeals, an online auction site in which the equipment is sold to the highest bidder, to dispose of these surplus items. Utilizing this online auction site has proven to result in more competitive bidding than through the sealed bid process.

According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

*I recommend that the City Council approve the disposal of the items listed on the **attached table** through the GovDeals online auction website.*

2. **Request for First Reading of Proposed Ordinance Amendments to 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. The citation 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 four most common citations were updated via City Council passing of third reading on May 17, 2021.

During discussions regarding the four most common citations, it was further discussed that a number of additional violation categories were similarly in need of an update. Research of surrounding towns shows that Portsmouth lagged behind peer averages in several violation categories. To address the issue of modernizing the fine structure for safety violations, the Parking Division presented the **attached fine schedule** to the Parking and Traffic Safety Committee on June 3, 2021, resulting in a unanimous vote to forward to the City Council for first reading.

*I recommend that the City Council move to schedule a first reading regarding these ordinance amendments at the August 23, 2021 City Council meeting.*

3. **60 Penhallow Street (Brick Market) Temporary Construction License Extension:**

On January 16, 2020, the Planning Board granted site plan review approval for an application from Dagny Taggart, LLC for property located at 60 Penhallow Street for the second part of the proposed Brick Market development to construct a new 4-story commercial building.

The Construction Mitigation and Management Plan (CMMP), signed in April 2020, identified temporary encumbrances of the public right-of-way on Penhallow Street and Daniel Street for project-related work during the project's construction. Encumbrances for a duration longer than 30 consecutive working days require a license approved by the City Council. In addition, the licenses are subject to the "License Fee for Encumbrance of City Property" policy.

The Council previously approved a temporary construction license for a partial road closure of Penhallow Street which started March 1, 2021 and ended on April 30, 2021. This license permitted Dagny Taggart to block off part of the public roadway and convert Penhallow between Custom House Lane and State Street to two-way traffic. It also granted a license for use of 10 parking spaces along Penhallow. This license also included a separate agreement between Dagny Taggart with abutting restaurant owners regarding redesign of outdoor dining footprints.

In a second extension request the Council approved a temporary construction license for this project that included closure of sidewalks on Penhallow Street and Daniel Street as well as three (3) parking spaces on Daniel Street and four (4) parking spaces on Penhallow Street. That license was extended at the February 8, 2021 Council Meeting.

The encumbrance for the sidewalks along Penhallow and Daniel Street and parking along Daniel Street expires under this license extension on July 31, 2021. The license for the four (4) parking spaces on Penhallow expired on February 28, 2021.

Dagny Taggart has submitted a third request for an extension to close the 1,740 square feet of sidewalk along Daniel and Penhallow from August 1, 2021 through January 31, 2022 and the three (3) parking spaces on Daniel Street for five days, August 2, 2021 through August 6, 2021. The current request does not include encumbering any parking spaces along Penhallow.

The License Fee for the closure of 1,740 square feet of sidewalk along Penhallow and Daniel is \$16,008 (1,700 sq. ft X \$0.05 x 184 days). The License Fee for the three (3) parking spaces on Daniel is \$750 (\$50 per space x 3 x 5 days). The total License Fee is \$16,758.

The Legal and Planning Department have reviewed and approved the form of the attached license.

If the Council agrees to grant the request to extend the temporary construction license for use of the three (3) parking spaces on Daniel Street and the sidewalks immediately abutting the property on Daniel Street and Penhallow Street, an appropriate motion would be:

*To move that the City Manager be authorized to execute and accept the temporary construction license for the term of August 1, 2021 to January 31, 2022 for use of the sidewalks on Daniel Street and Penhallow Street that immediately abut 60 Penhallow and three (3) parking spaces on Daniel for a five day term of August 2, 2021 through August 6, 2021 as requested.*

4. **55 Hanover Street Temporary Construction License:**

Insurcomm, Inc. is performing remodeling work for all units at 55 Hanover Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0018-0023-006A-6D ("Subject Property"). The applicant has encumbered the two 15 minute parking spaces in front of the Subject Property for 30 consecutive working days in order to perform remodeling work. In order to encumber the two parking spaces beyond 30 days, a license approved by the City Council is required. In addition, the license is subject to the "License Fee for Encumbrance of City Property" policy.

Insurcomm, Inc. has requested to encumber the two 15 minute parking spaces in front of 55 Hanover Street for nine days (August 3-6 and August 9-13, 2021). The License Fee for the use of the two parking spaces on Hanover Street is \$900 (\$50 per space x 2 x 9 days equals \$900).

The Legal and Planning Departments have reviewed and approved the form of the attached license.

If the Council agrees to grant the temporary construction license for use of the two 15 minute parking spaces that immediately abut 55 Hanover Street, an appropriate motion would be:

*To move that the City Manager be authorized to execute and accept the temporary construction license for the term of nine days from August 3-6, 2021 and August 9-13, 2021 for use of two 15 minute parking spaces that immediately abut 55 Hanover Street as requested.*

5. **Acquisition of Sewer Line Easements and Proposed Release of Paper Street:**

In order to complete the Sagamore Avenue sewer line project, the City requires sewer line easements within a private right of way known as Sagamore Avenue West. Three easements are required from property owners that will directly benefit from the public sewer extension. Those property owners are: Debra Dupont of 911 Sagamore Avenue; Hogsweave LLC of 912 Sagamore Avenue; and the Heidi S. Ricci Revocable Trust of 913 Sagamore Avenue. A **schematic showing the easement needs is attached**, titled “Sagamore Avenue Sewer Extension Project”.

In addition to the three easements described above, a fourth easement is required over property of Mark Simpson, located on Sagamore Avenue, which contains exclusively a private right-of-way (no structures on the property). Mr. Simpson resides at 28 Thornton Street and is not benefited by the public sewer line extension. In consideration for the grant of a sewer line easement over the private right of way, Mr. Simpson requests the City convey by quitclaim deed any interest it may have in a portion of a paper street, called Ruth Street, adjacent to his home at 28 Thornton Street. See **attached drawing titled “Ruth Street Area”**. On July 11, 2020, the City Council voted to release an adjacent portion of this paper street, which is also shown on the attached drawing. The Department of Public Works has advised that no current or planned utility needs would be impacted by the City releasing its interest in this portion of Ruth Street.

The action requested at this meeting is to refer these easement needs and the release of the paper street, Ruth Street, to the Planning Board for review and recommendation. Deputy City Attorney Woodland will be available to answer any questions this evening.

*I recommend that the City Council refer these easement requests, and the request to release the paper street known as Ruth Street where it abuts 28 Thornton Street, to the Planning Board for its review and recommendation.*

***XVI. Consent Agenda:***

A. **Projecting Sign License – 55 Congress Street:**

Permission is being sought to install a projecting sign at **55 Congress Street** that extends over the public right of way, as follows:

Sign dimensions: 30” x 20”

Sign area: 4.1 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 Updated Debt Limit Calculation as Requested by Councilor Kennedy:**

At the July 12<sup>th</sup> City Council meeting, Councilor Kennedy asked for the updated debt limit calculation in relation to the bond authorization item that was presented that evening.

The latest updated debt limit calculation is located on page 31 [page 35 of the pdf] of the [CIP for FY22-FY27](#).

### **2. Report Back on Peverly Hill Complete Street Public Information Meeting as Requested by Councilor Trace:**

On April 19, 2021, the City staff made a presentation to the City Council regarding the Peverly Hill Road Complete Street project.

City staff understood it was to set up a follow-up meeting with residents to review the presentation and obtain additional resident input. The Eileen Dondero Foley City Council Chambers was selected for the meeting location due to the availability of technology to allow remote participation for those who were not comfortable in an indoor meeting space. Unfortunately the Legal Department did not provide the Clerk's Office with notice that a potential quorum of the City Councilors might attend the resident meeting.

The following City Councilors attended the meeting: Mayor Rick Becksted; Deaglan McEachern; Peter A. Whelan; Cliff Lazenby; Esther Kennedy; Petra Huda; John K. Tabor; Paige Trace.

In light of the fact that a potential meeting of the City Council had not been noticed, the City Councilors were not introduced during the meeting and were not invited to sit at the dias. Councilors separated themselves in the room so as to avoid five or more of them being within speaking distance of each other.

Staff will certainly look to avoid any repeat of a similar situation in the future.

### **3. Report Back on Bartlett Street and Cate Street Intersection as Requested by Mayor Becksted:**

The Bartlett/Cate Street intersection modification was designed by the engineering firm Fuss and O'Neil to improve traffic and pedestrian safety in conjunction with the creation of Hodgdon Way. The new roadway from Cate Street to the Route 1 Bypass was created in part as a response to resident requests to reduce truck and vehicle traffic in the Bartlett Street Neighborhood.

The design was peer reviewed for the City by the traffic engineering firm TEC and approved by the City's Planning Board. The design was stamped by TEC's Professional Engineer of Record.

The approved design was implemented on July 16, 2021. The current configuration has been done in a manner to allow for an adjustment period during which the Department of Public Works is monitoring the traffic pattern to confirm the effectiveness of the modified roadway. The department is currently collecting video of the intersection, including the pedestrian crosswalks, and is anticipating reviewing the data with the Engineer of Record to determine what if any adjustments to the layout are needed. The video data will be collected through July 28, 2021. Analysis of the data is done both manually and by a traffic analysis program. This work is anticipated to take approximately three weeks to complete. A follow-up report to City Council will be provided once the review is complete.

4. **Report Back on Survey of NH Municipalities on Audit Committees:**

Please find attached a **report back** relative to which municipalities have Audit Committees.