

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 4, 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://us06web.zoom.us/webinar/register/WN_611zCV1RT7uugTcl8z5ATA

6:00PM – ANTICIPATED NON-PUBLIC SESSION:

1. **CONSIDERATION OF LEGAL ADVICE – RSA: 91-A:3, II (I)**
2. **MCINTYRE – RSA: 91-A:3, I (d)**

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 – Reacceptance of AUGUST 2, 2021 (Sample motion – move to reaccept and approve the minutes of August 2, 2021 as presented) SEPTEMBER 7, 2021 & SEPTEMBER 20, 2021 (Sample motion – move to accept and approve the minutes of the September 7, 2021 and September 20, 2021 meetings as presented)**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION – (participation may be in person or via Zoom)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] – N/A**
- XI. **PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

Public Hearing and Second Reading of Ordinances & Resolutions:

- A. **ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SECTION 7.1100 – SPEED LIMITS SUB-SECTION E – SPEED LIMIT: 25 MPH – CHEVROLET AVENUE**
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

(Sample motion – move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting)

B. ORDINANCE AMENDING CHAPTER 7, ARTICLE XII, SECTION 7.1200 – PARKING FOR THE WALKING DISABLED

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

(Sample motion – move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting)

Public Input:

C. “SHALL WE ALLOW THE OPERATION OF KENO GAMES WITHIN THE CITY OF PORTSMOUTH” *THIS QUESTION WILL APPEAR ON THE NOVEMBER 2, 2021 MUNICIPAL ELECTION BALLOT*

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

(No action required. Question will appear on the Municipal Election Ballot)

XII. MAYOR BECKSTED

1. Appointment to be Considered:
 - Sarah Lachance reappointment to the Economic Development Commission
2. Letter from Ron Zolla regarding not seeking reappointment to the Economic Development Commission
3. *Announcement of Audit Committee Council Representatives

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. *Railroad Grant Money Application *(Sample motion – move to authorize the City Manager to submit an application for the Consolidated Rail Infrastructure and Safety Improvements Program (FY 2021) no later than 5:00 p.m. EDT, November 29, 2021)*

B. COUNCILOR WHELAN

1. Action Items Needing Approval by City Council:
 - Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott *(Tabled from the September 20, 2021 City Council meeting)* *(Sample motion – move to approve agreements)*
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 2, 2021 meeting *(Tabled from the September 20, 2021 City Council meeting)* *(Sample motion – move to accept and approve the Action Sheet and Minutes of the September 2, 2021 Parking & Traffic Safety Committee meeting)*

C. COUNCILOR LAZENBY

1. "Drawdown Portsmouth – Climate Solutions 101" Dialogue 10/6/21

D. COUNCILOR KENNEDY

1. *Cutts Avenue

E. COUNCILOR HUDA

1. August 2021 Monthly Report (***Sample motion – move for a report back from the City Manager to the residents at the October 18th City Council meeting on the following related to the August 2021 Monthly Report:***

At the month of August we are at 16.7% of the Fiscal Year

- ***On Page 7 – School Revenues – other sources is 1042% of budgeted amount-listed as School Dental Care Reimbursement, please define***
- ***On Page 13 – Parking & Transportation***
 - Parking Enforcement - \$130,279.00 – 30.4%***
 - Parking Meter Ops - \$149,718.00 – 46.6%***
 - Contingency - \$54,554 – 27.7%***
 - Please described why the % expended is so high)***

F. COUNCILOR TRACE

1. *Request for Presentation regarding Conditional Use Permits (***Sample motion – move to have a presentation by City Staff on the use/approval of Conditional Use Permits and the effects on Character Based Zoning. The report to be given during the next City Council meeting)***
2. *Presentation regarding unsafe speeding on Woodbury Avenue (***Sample motion – move that City Staff report back with presentation on solutions to the unsafe speeding on Woodbury Avenue at the next City Council meeting)***

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Donation to the African Burying Ground Trust from JoAnn Monagle - \$50.00 (***Sample motion – move to approve and accept the donation from JoAnn M. Monagle in the amount of \$50.00 as presented)***
- B. *Approval for Moose License Plate Conservation Grant - \$9,150.00 (***Sample motion – move to approve and accept the grant from the New Hampshire State Library in the amount \$9,150.00 as presented)***
- C. NHDES Household Hazardous Waste Day FY22 Grant - \$4,587.00 (***Sample motion – move to approve and accept a grant from the DES in the amount of \$4,587.00 for the purpose of household hazardous waste collection events, and authorize the City Manager to execute any documents which may be necessary for this grant contract)***
- D. *Acceptance of Donation to Skateboard Park - \$100.00 (***Sample motion – move to approve and accept the donation from Linda Desjardins in the amount of \$100.00 as presented)***

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Request to Schedule Portsmouth Housing Authority Work Session
2. *Request to Establish Polling Hours for Municipal Election

XVI. CONSENT AGENDA

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

- A. Letter from Barbara Massar, Pro Portsmouth Inc., requesting permission to hold the following 2022 events:
 - First Night Portsmouth 2022, Friday, December 31, 2021
 - Children's Day, Sunday, May 1, 2022
 - 45th Annual Market Square Day Festival & 10k Road Race, Saturday, June 11, 2022
 - 19th Annual Summer in the Street – Saturday evenings – July 2nd, 9th, 16th, 23rd, 30th, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
 - Request the City's Financial Support for First Night Sponsorship for Fireworks' Display - \$3,000.00
- B. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to put up scarecrows on Thursday, October 7th through Monday, November 1st ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Chris Carragher, Seacoast Paddleboard Club, requesting permission to hold the Annual Halloween Costume Paddle Contest at Peirce Island on Sunday, October 24th from 11:00 a.m. to 12:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Request for License to Install Projecting Sign for owner Josh Bolduc of ATX Fitness Therapy for property located at 951 Islington 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***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation – Stormwater Outreach Update
- B. Email Correspondence (*Sample motion – move to accept and place on file*)

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Response to Councilor Huda’s Audit Questions
- 2. Sagamore Sewer Extension Project Update with Responses to Various Questions
- 3. Report Back regarding Combat Deployment Tax Credit
- 4. *NHDOT Noise Program Information

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



OFFICE OF THE CITY CLERK

TO: MAYOR BECKSTED & CITY COUNCL

FROM: KELLI L. BARNABY, CITY CLERK

DATE: SEPTEMBER 23, 2021

SUBJECT: REACCEPTANCE OF MINUTES

Attached are the August 2, 2021 City Council minutes, which will require to be reaccepted due to amendments requested by Councilor Huda.

Please be advised that corrections have been made to pages five, six, nine, eleven and thirteen. Each correction has the original language stricken through with the new language placed in red.

In discussing this matter with City Attorney Sullivan as to the process needed to have the minutes reaccepted I was advised that if the City Council wishes to have these amendments made part of the final approved minutes a motion would be made as follows: ***move to reaccept and approve the minutes of August 2, 2021 as presented.***

If you should have any questions, please do not hesitate to contact the office.

cc: Karen Conard, City Manager
Robert Sullivan, City Attorney

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 2, 2021

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

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:12 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 4, 2021 & JULY 12, 2021

Councilor McEachern moved to accept and approve the minutes of the May 4, 2021 and July 12, 2021 City Council meetings. Seconded by Councilor Whelan and voted.

Discussion among the City Council occurred regarding meetings that take place with a quorum and whether minutes should be kept of the meeting. City Attorney Sullivan explained keeping of minutes and said if the City Council would like a policy, one would need to be written and brought forward for the Council to review.

VIII. RECOGNITION AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION

Bob Lister spoke regarding the increased noise around Woodbury Avenue neighborhoods. He said there are significant noise issues relating to the Pannaway neighborhood. He said years ago a stockade fence was installed but never maintained and there needs to be more done to help with the noise. He asked the City Council to work with the state and neighborhood to begin a conversation on the noise issues and that he would like to see the City Council conduct a walk of the neighborhood.

Bruce Schlieper spoke to the traffic in the area of Rockingham Avenue. He said there is a report from the NH DOT which indicates the noise in the area is unacceptable. He requested something be done to address this issue.

Justin Richardson said he is three houses off of I-95 and he knew there was noise prior to purchasing his home but he did not understand what the noise would actually be like in the area. He said the installation of a sound barrier is important to the residents in the neighborhood. He spoke in support of a site walk and he suggested having the NH Delegation involved in this matter.

Michelle Wirth spoke on the Neighborhood Parking Plan and said there was not correct data or collection of information collected that the program would work. She also spoke to the issue of cars moving from parking in one neighborhood to another and how it furthers the problems that exist. She spoke opposed to the plan and having it in place.

Pat Bagley thanked the City Council and staff for navigating the City through this difficult time with COVID. She said she is grateful for the leadership shown by the City Manager and staff and for everyone working collectively for the betterment of the City.

Roy Helsel asked why the City accepts property in the wetlands and why is the City granting variances. He expressed his concerns regarding this matter.

Scott Forte provided a sheet of data regarding COVID cases from the CDC. He spoke to the various age groups and stated there is a 95% survival rate. He also addressed the categories of deaths and said wearing masks will not help children.

Nicole LaPierre said pushing parking into other neighborhoods is an acknowledgement that there is a problem. She said a great deal of time has been put in place regarding the parking issues in the area of the Islington Creek Neighborhood. She said the parking plan is a pilot and it is an ideal location for this pilot. She spoke to creating a mechanism to review the data in order to have a proactive response versus a reactive one.

Susan Saurman asked about the mosquito control program and spraying. She said she lives near the bog and there are issues with mosquitos and would like to know when spraying will occur.

Peter Somssich spoke in support of sound barriers for I-95. He also spoke in favor of a site walk for Pannaway neighborhood.

Josh Denton asked the City Council to support the Optional Tax Credit for Combat Service Resolution before them this evening. He said there is not an estimate available on the cost of the credit because we do not know the number of people that would apply.

Ken Goldman spoke regarding the parking problem and said it should treat everyone equal. He said we will need data collected to see if the parking patterns change. He suggested reviewing data and polling the neighborhood to see if they want this program.

Mark Phillips, Newington, NH spoke regarding Hodgdon Lane being used for the West End Yards development when that name currently exists off of Woodbury Avenue. He said another name should be selected.

Bill Downey said the McIntyre process has been corrupted and there is a lack of transparency. He said he has asked for the underlying data for the current design of the McIntyre and has yet to receive the information. He asked Mayor Becksted to produce the information.

Shawn George spoke regarding the need for sound barriers near I-95. He said the traffic and noise continues to increase for the New Franklin neighborhood.

Tracy George said she cannot open her windows due to the traffic and noise near I-95. She said she would like attention given to this matter.

Patrick McCartney said the noise is an issue and it is important to have noise barriers installed. He said the noise and traffic is effecting property values in the neighborhood.

Ryan Cress spoke in support of the installation of a sound barrier. He said residents cannot have a conversation in their front yards due to the noise. He requested the City Council take a walk through the neighborhood.

Councilor Kennedy moved to suspend the rules to take up Item XIII. D.2. – Ask the City Manager to set up a date for a Site Walk for the New Franklin/Jewel’s Neighborhood. Seconded by Councilor McEachern and voted.

Councilor Kennedy moved to set a date for a Site Walk of the New Franklin/Jewel’s Neighborhood and invite Representative in Congress; State Representatives, State Senator, US Senators, and the Legislative Committee to attend and provide a detailed history of the area. Seconded by Councilor Huda.

City Manager Conard said she would provide a more detailed and thorough history of the area at the next City Council meeting.

Motion passed.

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

Mayor Becksted said we are continuing the public hearing.

City Manager Conard said the City Attorney's office and staff were charged to work with the Audit Committee and stated we have not agreed on language and we would like to continue the work.

Mayor Becksted open the public hearing and called for speakers.

David MacDonald said he has served on the Audit Committee since its inception. He addressed the Resolutions **bond issuance** and said the City is into some issues with credit rating due to the amount and number of Resolutions approved.

Dick Bagley said the auditing world is different from municipal to outside businesses. He said the Audit Committee should select the Auditor and every firm recommends you change auditors every five years. He said the auditor's opinion stands on its own. He recommended the City Manager serve on the committee and participate which is in the best interest of the City. He also recommended considering internal controls.

Mark Brighton said this is a simple way to act in compliance with the City Charter. He stated nowhere in section 7.4 does it mention city staff. He said the City Manager has no business being part of the committee. He recommended that accounting and banking experience should be part of the committee. He stated that we need to take action this evening on this matter.

Alice Cornish White spoke in support of the Audit Committee which manages and controls finances. She said that all financials should be monitored by an independent auditor. She stated that internal controls need to be reviewed and part of the process. **She stated publicly held corporations and municipalities must conduct their business in a transparent and a reliable fashion. She spoke to New York City was required to establish an independent Audit Committee as a condition of the federal government debt guarantee. She spoke to Board of Directors which are similar to a City Council from a governance point of view. She spoke to the composition of an Audit Committee where independence is very important.**

Christopher White said he is honored to serve on the Mayor's Blue Ribbon Audit Committee with his financial background assisting in the process. He said the city's level of indebtedness is large and could affect the bond rating. He said the City management should not be in control over the auditor. He expressed concerns with the City Auditor being in place for 25 years.

After three calls and no further speakers, Mayor Becksted did not close the public hearing.

Councilor Huda moved to remove Section B and replace it with the new Section B and C to be in compliance with a City Auditor Charter. Seconded by Councilor Kennedy.

Councilor Tabor spoke opposed to the motion and stated it needs to be the City Council's responsibility and Councilor Huda has made it clear that it is the governing body's role to select an Audit Committee. He said in accordance with GFOA requirements it should be a subcommittee of the City Council.

Councilor McEachern spoke to the survey of other communities regarding an ~~Audit Committee~~ Auditor and 63% reported they did not have such a committee. He said it is the City Council's job to select an Audit Committee.

Councilor Kennedy said for clarification, if you look at other communities they have finance committees which are similar to an Audit Committee. She said that she feels staff should not select the Audit Committee.

City Manager Conard said we do not have a negative debt and we are low overall less than 3% with a triple A bond rating.

Councilor McEachern said the comments from Councilor Kennedy are illustrated in that, the problem he has had with the Audit Committee so far as it's proposed, it has had a large scope much beyond selecting an auditor with an assumption that an auditing firm would not be impartial. He said the a lot of the reasons for an audit committee to be as robust as this is that there is some belief that the auditors are not seeing something because they have worked here so long and somehow city staff is not arm's length enough. He further stated that there are a professional set of standards that an auditor must abide by in terms of how they conduct themselves. He said he would support changing the auditing firm and selecting a firm and discuss a finance committee is a separate conversation from this discussion.

Councilor Tabor said we need additional time to clarify what we are doing.

Assistant Mayor Splaine thanked Councilor Huda for bringing this to the City Council's attention and stated we may be looking at this differently than we should. He suggested that the audit function is a City Council function.

Deputy City Attorney Woodland said there is a fundamental question as who should sit as members of the auditing committee and there was a debate with the audit committee but what you see in the draft is what is being recommended by the audit committee. She stated that the Finance Department has responsibility for the procurement process. She stated there is a way to beef up the governing body's role in the selection process. She said proposals could be brought to the whole governing body or a subset of the governing body and review the selection criteria, you could interview candidate firms that are qualified so there are options for the governing body to have a more robust role to follow the procurement process and bring the Council some candidates to review. We had planned to do a robust RFP process in the fall but COVID-19 hit. She said we were trying to find a way to recognize the multiple roles and find the right balance where you would have the selection piece and staff would have the procurement piece. She said this would be in coordination with the Council's role.

Councilor Huda spoke regarding independence being the most important thing with the process. She stated that duties do not circumvent staff. She said the City Council must follow the Charter and Administrative Code.

Councilor Trace said her concern is compliance with the City Charter. She said we have responsibility to make sure the City is on sound ground and we could go to the community to help the City Council get some advice. She said ultimately it is the City Council's responsibility and it is better to continue this on another night.

Councilor Whelan moved to continue the public hearing and second reading at the August 23, 2021 City Council meeting. Seconded by Councilor Kennedy and voted.

Councilor Huda move to suspend the rules to take up Item 1 under City Manager's Informational Items – Report Back on Updated Debt Limit Calculation as Requested by Councilor Kennedy. Seconded by Councilor Kennedy and voted. Councilor Lazenby voted opposed.

City Manager Conard spoke to the debt ratio and said the authority to bond allows us to move forward.

Councilor Kennedy would like to see what we have done in the last 6 months to know where we are right now.

Finance Director Belanger reported that the debt limit will be presented in the June 30th 2020 audit. She said the current debt limit for school and other general government is 35% of the legal debt limit. She stated we have 65% allowable debt.

Councilor Tabor said given the debt we have and what we are voting on this evening do you see an issue with our triple A bond rating. Finance Director Belanger stated that we stay far below the debt limit for the State. She spoke to the policy to stay under 10% for the City. She advised the Council that we are looked at favorably by Standard and Poors.

- 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

Mayor Becksted opened the public hearing and called for speakers.

Councilor Lazenby asked at what point do we look at a new space for the Police Department. He also asked when we stop putting funds into the facility. Councilor McEachern said we need to make the station habitable until we find a new station.

Dick Bagley said he would support the bonding and at the end of the day we have a difficult environment for people to work in and the Council is responsible for fixing it. He expressed concerns regarding the amount of money and bond projects that we did not use. He stated he would support all the bonds being requested this evening.

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

**Assistant Mayor Splaine moved to adopt the Resolution to be bonded as presented.
Seconded by Councilor McEachern and voted.**

- 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

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

Dick Bagley said we need to do whatever is necessary to get kids back into the classrooms again. He said we need to make sure the air quality is right and other structural needs are addressed.

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

**Assistant Mayor Splaine moved to adopt the Resolution to be bonded as presented.
Seconded by Councilor McEachern.**

Councilor Kennedy said COVID funds may be used for air handlers and perhaps that is something we should fund through the COVID monies to be received.

Nathan Lunney, School Department, spoke to the projects that would be funded through this bond. He spoke to air quality and climate control importance at New Franklin and Dondero Schools.

Motion passed.

- 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

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Becksted closed the public hearing.

**Assistant Mayor Splaine moved to adopt the Resolution to be bonded as presented.
Seconded by Councilor McEachern.**

Public Works Director Rice reported that the numbers are generated through a paving program and the recommendation is to continue with \$2,000,000.00 each year.

Councilor Huda said the schedule tells her that we are behind on paving. Public Works Director Rice said we have a back log of road work of \$17,000,000.00 due to COVID. Councilor Huda asked if the funds would be expended. Public Works Director Rice said they would.

Councilor Kennedy asked for another update on CIP funding. She asked what will happen with Prescott Park and if the formal gardens would be touched. Public Works Director Rice said the funding does not include the gardens. He said the City Council approved the gardening plans and one of the phases is to relocate the formal gardens. He said the phased program is on the website and was presented to the City Council previously.

Motion passed.

At 9:55 p.m., Mayor Becksted called for a brief recess. At 10:05 p.m., Mayor Becksted called the meeting back to order.

- 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

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

Councilor Kennedy moved to adopt the Resolution to be bonded as presented. Seconded by Councilor Huda.

Dick Bagley spoke in support of the Resolution. He spoke to social media and the impact it has on projects.

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

Motion passed.

- 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

City Manager Conard said after requesting this item and publishing the legal notice we learned that the price was increasing by \$1.9 million and we will need to bring this back for another public hearing at the next City Council meeting.

Councilor Kennedy moved to amend the Resolution amount to Thirteen Million Nine Hundred Thousand Dollars (\$13,900,000.00) and reschedule the public hearing and adoption to the August 23, 2021 City Council meeting. Seconded by Councilor Lazenby.

Deputy Public Works Director Goetz said the increase is due to the permit from the Army Corp and DES and there was to be a silk curtain but the method has changed. He advised the City Council that there is a 30 day comment period, not a public hearing, with the Army Corp.

Motion passed.

- 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

Mayor Becksted read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Becksted closed the public hearing.

Councilor Lazenby moved to adopt the Resolution to be bonded as presented. Seconded by Councilor Trace.

Councilor Kennedy asked when the public hearing will be on the Mechanic Street Pumping Station. Public Works Director Rice said we are not changing the site at all so there is no public meeting on this matter.

Councilor Kennedy advised Public Works Director Rice that there is a concern regarding the odor coming from the treatment plant.

Councilor Kennedy moved to suspend the rule to continue the meeting beyond 10:30 p.m., Seconded by Councilor Huda and voted. Assistant Mayor Splaine voted opposed.

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Jason Brewster to the Peirce Island Committee
 - Deborah Chag to the Trees and Public Greenery Committee

The City Council considered the appointments of Jason Brewster to the Peirce Island Committee and Deborah Chag to the Trees and Public Greenery Committee to be voted on at the August 23, 2021 City Council meeting.

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

Councilor Kennedy moved to appoint John Flynn, Jesse Court, and Henry Purple to the Mayor’s Blue Ribbon Skate Park Committee. Seconded by Councilor Huda and voted.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. “Portsmouth Outdoors Year-Round”

Assistant Mayor Splaine requested a report back from the City Manager on what Portsmouth Outdoors Year-Round would look like. No action taken.

2. North Mill Pond Land Availability

Assistant Mayor Splaine requested the City Manager provide a report back in the next month or two on land availability at the North Mill Pond. No action taken.

3. Rainbow Crosswalks

Assistant Mayor Splaine indicated he would bring this item back at a future meeting before the end of this year. No action taken.

B. COUNCILOR McEACHERN

1. Public Access to Water / Shoreline in Portsmouth

Councilor McEachern moved that the City Manager identifies public access to waterfront and marks waterfront access and overflow areas with signage. Seconded by Assistant Mayor Splaine.

Councilor McEachern said he would like Portsmouth to mark their waterfront, access areas, and overflow areas.

Councilor Kennedy said she would like to have neighborhood meetings were applicable, prior to signs being installed.

Councilor McEachern said he would like all areas identified and placed on the City website.

Councilor Huda said she would like large signs marking the South Mill Pond as an overflow area near the dog park.

Motion passed.

2. Work Session with Portsmouth Housing Authority

Councilor McEachern moved to request a work session with the PHA to discuss below market rate housing opportunities and funding sources available to the City of Portsmouth. Seconded by Assistant Mayor Splaine.

Councilor McEachern said there is a lot we could discuss on how do we bond and move on some of the statutes.

Assistant Mayor Splaine said that this is an excellent idea and he would like to see us work towards work force housing and dormitory housing.

Councilor Huda asked if we were going to ask the City to bond to give money to the Portsmouth Housing Authority to do this.

Councilor McEachern said the work session would be to discuss bonding options available to the City. He stated we could bond and give money to the PHA for the purpose of building housing for.

Councilor Huda asked if PHA is a department of the City. City Attorney Sullivan stated that is a statute that authorizes the City to donate money to the housing authority.

Councilor Kennedy said she would like questions brought forward on what the definition is for fair market value.

Motion passed.

3. Acknowledge Portsmouth Resident Michelle Sechser and her accomplishments at the 2020 Tokyo Summer Games

Councilor McEachern recognized Portsmouth resident Michelle Sechser and her partner Molly Reckford for their accomplishments at the 2020 Tokyo Summer Games. No action taken.

C. COUNCILOR WHELAN

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

- Request to review Islington Creek Neighborhood Parking Program Summary

Councilor Whelan moved to adopt for six months 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. Seconded by Councilor Trace.

Councilor Whelan said the neighborhood has been looking for relief due to all the development that has happened in the North End. He stated we have listened to the residents and finally are at a point where a majority are in favor of the plan. He said this is a pilot program. He stated that Parking Director Fletcher and City Manager Conard will be able to make adjustments, if necessary. He said this could be a model for the rest of the City. Councilor Whelan stated that a parking permit does not guarantee a parking space on street but a way to hunt for spots.

Councilor Kennedy said messages were sent expressing concern with non-residents. Councilor Whelan said no non-residents will be issued a permit because the permit is tied to the vehicle registration.

Parking Director Fletcher said counts have been taken since 2017 and counts are taken three times throughout the day.

Discussion followed regarding aspects of the program and that it will be governed as it is currently.

Councilor Huda asked about the \$100,000.00 for the start of the program. Parking Director Fletcher said a previous City Council voted to expend the \$100,000.00.

Councilor Whelan advised the City Council that the program is free for the first six months.

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

2. Parking & Traffic Safety Committee Action Sheet and Minutes of the July 22, 2021 meeting

Councilor Whelan moved to accept and approve the Action Sheet and Minutes of the July 22, 2021 Parking & Traffic Safety Committee meeting. Seconded by Councilor Trace and voted. Councilors Kennedy and Huda voted opposed.

D. COUNCILOR KENNEDY

2. Ask the City Manager to set up a date for a Site Walk for the New Franklin/Jewel's Neighborhood

Councilor Kennedy requested that the City Manager schedule a date for a Site Walk for the New Franklin/Jewel's Neighborhood and would like to invite the Legislative Delegation.

E. COUNCILOR HUDA

1. The Final FY21 Budget Surplus/Deficit Amounts by Budget Unit Estimate @ June 30, 2021: Police, Fire, Municipal, School

Councilor Huda requested the final FY21 Budget Surplus/Deficit Amounts by Budget Unit Estimate at June 30, 2021 for the Police, Fire, Municipal and School Departments.

City Manager Conard advised Councilor Huda that the auditor's will not be in place until August and we will honor the request as soon as we have the information available.

Councilor Huda said she is asking for estimates, **as we already have a trial balance and doesn't understand why an estimate cannot be given.**

No motion taken.

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

Councilor Trace moved for a report back 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. Seconded by Assistant Mayor Splaine and voted.

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

Councilor Trace requested a report back by the City Manager/Planning Department on the number of upcoming/ongoing development projects and the number of living units/office spaces per project and the number of parking spaces provided per development where appropriate. No action taken.

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

Councilor Trace moved to hold a joint work session with nonprofits providing shelter, services and help to those of our city who find themselves homeless. Seconded by Assistant Mayor Splaine.

Councilor Lazenby requested that city staff attend the session.

Motion passed.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. 2018 Homeland Security Grant Program Award – EMS Warm Zone Equipment – Fire Department - \$6,000.00

Assistant Mayor Splaine moved to accept and approve the grant for the Fire Department in the amount of \$6,000.00 as presented. Seconded by Councilor Kennedy and voted.

XV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 1. Sale of Surplus Police Vehicles and DPW Equipment

Assistant Mayor Splaine moved to approve the disposal of the items listed on the attached table in the Council Packet through the GovDeals online auction website. Seconded by Councilor McEachern and voted.

- 2. Request for First Reading of Proposed Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Assistant Mayor Splaine moved to schedule a first reading regarding these ordinance amendments at the August 23, 2021 City Council meeting. Seconded by Councilor Whelan and voted.

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

Assistant Mayor Splaine moved 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 Street for a five day term of August 2, 2021 through August 6, 2021 as requested. Seconded by Councilor Whelan.

Councilor Kennedy said we owe it to the neighborhood to have time to work and speak with developers and have a neighborhood meeting before this moves forward.

Assistant Mayor Splaine said City Manager Conard could work with developers without holding a neighborhood meeting.

Deputy City Attorney Woodland said the concerns have been addressed with the developer and they would be willing to hold a neighborhood meeting on this matter.

Motion passed. Councilors Kennedy and Huda voted opposed.

4. 55 Hanover Street Temporary Construction License

Councilor Lazenby moved 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. Seconded by Councilor Whelan and voted.

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

Councilor McEachern moved to 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. Seconded by Councilor Whelan and voted.

XVI. 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 47th annual Seacoast Century Bicycle Ride on Saturday, September 25, 2021 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Councilor Lazenby moved to adopt the Consent Agenda. Seconded by Councilor Whelan and voted.

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Assistant Mayor Splaine moved to accept and place on file. Seconded by Councilor Huda and voted.

- B. Letter from Matthew 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

Assistant Mayor Splaine moved to refer to the Planning Board and Assessor for report back. Seconded by Councilor Whelan and voted.

- 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.

Councilor Kennedy moved to refer to the City Manager with Authority to Act. Seconded by Assistant Mayor Splaine and voted.

- 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

Assistant Mayor Splaine moved to refer to the Legal Department and Assessor for a projection of cost with a report back. Seconded by Councilor Whelan and voted.

- E. Letter from Brian Walsh, Knights of Columbus, requesting permission to hold a Boot Drive on Saturday, September 11, 2021

Assistant Mayor Splaine moved to refer to the Legal Department. Seconded by Councilor McEachern and voted.

XVIII. CITY MANAGER’S INFORMATIONAL ITEMS

- 2. Report Back on Bartlett Street and Cate Street Intersection as Requested by Mayor Becksted

Mayor Becksted ask for clarification on meetings with residents on where we stand.

Public Works Director Rice said the intersection is challenging and a complex issue. He said we are working with design engineers overall and reported that the intersection is working well but one section is an area of concern for the crosswalks. He stated we are working with the engineer on modifications and adjusting the island for distance. Public Works Director Rice said he should be able to report back at the August 23, 2021 City Council meeting.

Councilor Kennedy said the yellow lines are causing confusion for people.

Councilor McEachern requested to hear the pros and cons to the crosswalk and whether there is an ability for a speed table or any alternative measures that were considered for the current crosswalk. Also, if there are any steps or measures to be taken to promote the new flow of traffic and break the habit of people just going up Bartlett Street.

Councilor Lazenby asked about the naming of the street. City Manager Conard said the staff went to the state and received approval by the DOT. Public Works Director Rice said the home on Hodgdon Way has been changed to a Woodbury Avenue address.

Mayor Becksted asked about the spraying for mosquitos. Public Works Director Rice said he would provide a report back regarding this issue.

Councilor Kennedy requested that more education on mosquito spraying be included in the City Manager's Newsletter.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Mayor Becksted and the City Council congratulated the 8-10 year old Little League State Champions and Legion Post 6 State Champions.

XX. ADJOURNMENT

Assistant Mayor Splaine moved to adjourn at 12:05 a.m. Seconded by Councilor Whelan and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, SEPTEMBER 7, 2021

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

Councilor McEachern moved to come out of Non-Public Session, seconded by Councilor Kennedy. Motion passed on a 9-0 roll call vote.

Councilor Kennedy moved to adjourn and seal the minutes, seconded by Councilor McEachern. Motion passed on a 9-0 roll call vote.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:08 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 in memory of the 13 soldiers recently killed in Afghanistan.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – AUGUST 23 2021 and DECEMBER 14, 2020

Councilor McEachern moved to accept and approve the minutes of the August 23, 2021 and December 14, 2020 City Council meetings. Seconded by Councilor Lazenby.

Councilor Huda stated she has several amendments to the August 23, 2021 minutes that she would discuss separately with City Clerk Barnaby.

Motion to accept the minutes of December 14, 2020 City Council meeting as presented and the August 23, 2021 City Council meeting pending Councilor Huda amendments passed.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Recognition of Juliet Walker, Director of Planning

City Manager Conard, Mayor Becksted and City Council recognized Director of Planning Juliet Walker for her 8 years of service and dedication to the City of Portsmouth as she moves on to other endeavors.

IX. PUBLIC COMMENT SESSION

Cheryl McCusker - spoke regarding the easement issue at Gosport Road explaining the history of the area and the recent problems neighbors have encountered trying to access the water through the easement.

Don Dougherty – spoke regarding the easement issue at Gosport Road and read his prepared statement which was submitted for the record.

Jason Karlin – spoke regarding Cutts Avenue and the legal proceedings being brought regarding the procedures followed with the project and urged the City to not oppose the legal action.

George Dempsey – spoke regarding the Audit Committee and the need to have different perspectives.

Ed Richards – spoke regarding the hiring of a new Planning Director as he feels there is an opportunity to do a nation-wide search for someone who is experienced in historic town development. Secondly, he discussed the Cutts Avenue legal action stating this is a result of flawed 2017 zoning change process and urged the City Council to not oppose the legal action.

Josh Denton – thanked the Mayor for the observance of the 13 soldiers killed in Afghanistan and stated that we also need to do more to support those currently deployed. He urged them to go forward with the Veteran's Tax Credit he has requested previously and stated he has spoken with the Legal Department but has heard nothing from any of the Councilors.

Andrew Bagley – began by thanking those who are wearing masks and asked if there is going to be another mask ordinance needed, then the process should be started now as it takes 3 readings. Secondly, he discussed the public water access which the city has the authority to oversee and he strongly urges that all public accesses in the City be marked as such.

Marilee Clark – stated she supports the comments of previous speaker Ed Richards regarding spot zoning. Secondly she discussed John Bohenko Park on Market Street stating it is a nice park to walk through, but feels that the crosswalk to get to the park is unsafe and would like it relocated.

Matt Glenn – discussed the issue with the Middle Street bike lanes and the 6 month trial to put the cars back to the curb against professional advice stating that 5 months into the trial period it is still not safe and feels that drivers are now going even faster. He stated that former Traffic Engineer Eby had not recommended placing the crosswalk where it is now and feels it should be moved to Mendum Avenue. He concluded asking where and when are the public meetings required, since the 6 months is almost up and feels that the NHDOT is not going to accept this solution.

Peter Somssich (via Zoom) - spoke regarding the motions under Assistant Mayor Splaine's name on the agenda regarding mask and vaccination policies and urged the City Council to support these motions.

Gerry Duffy (via Zoom) – spoke regarding the McIntyre project and its' current information and lack of information being provided by the subcommittee to the public. He stated the public needs to know the timeline and if the design has been modified but we aren't being provided this information.

Byron Matto (via Zoom) – thanked the City Manager and Assistant Mayor Splaine on their leadership regarding the masks and vaccines stating this issue should be based on the data. Next he discussed the Audit Committee stating that the City Attorney was correct that it should be made up of City Councilors and not appointed. Finally, he stated he agrees that Middle Street is not safe for bicyclists and the kids riding to school and would also like a crossing guard at Mendum Avenue.

Sue Polidura – spoke regarding COVID-19 facts stating that there is no reason to be requiring masks.

Seeing no one else wishing to speak, Mayor Becksted closed the Public Comment Session.

Councilor Kennedy moved to suspend the rules to move up on the Agenda Item XIII.D. Councilor Kennedy Item 1, Addressing Cutts Avenue Concerns and Item XVII.A Presentation from Health Officer Kim McNamara regarding COVID-19.

XIII.D.1 Addressing Cutts Avenue Concerns

Councilor Kennedy moved to gather all information on Cutts Avenue concern for a public report back and status update by the Legal Department and to schedule a site walk of the area, seconded by Councilor Huda.

Councilor McEachern asked if this would be non-public information as it is regarding legal issues.

City Attorney Sullivan stated that much of the information is public and will prepare his report accordingly but if there are any confidential issues then those will have to be discussed in non-public.

Motion passed on a 9-0 vote.

XVII.A. Presentation from Health Officer, Kim McNamara regarding COVID-19

Health Officer McNamara provided a brief update of the current local COVID-19 statistics.

Mayor Becksted reminded everyone of the vaccine van on Pleasant Street in Market Square on Wednesdays.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Public Hearings of Ordinances:

- A. Ordinance Amendments to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Councilor Tabor moved to pass second reading, and to schedule a third and final reading of these ordinance amendments at the September 20, 2021 City Council meeting. Seconded by Councilor Whelan.

Mayor Becksted read the legal notice and opened the public hearing. Seeing no one wishing to speak, Mayor Becksted closed the public hearing.

Assistant Mayor Splaine asked for a review of the increases for the public.

Parking Director Fletcher reviewed the ordinance and the proposed increase.

Assistant Mayor Splaine moved to amend the penalty time period where applicable from 30 days to 45 days, seconded by Councilor McEachern.

Assistant Mayor explained that this can be a lot for people on a fixed budget who need to plan how their money will be used within a month and feels that 45 days allows more time for them to budget.

Councilor Kennedy stated that there are other areas in the ordinance that is within 30 days and would want it to be consistent.

Assistant Mayor Splaine stated that his amendment is meant for all 30 day time periods to 45 days. City Attorney Sullivan clarified that if this amendment passes, the changes would come back for the 3rd and final reading.

Motion to amend FAILED on a 4-5 roll call vote. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

Main motion passed on a 7-2 roll call vote. Assistant Mayor Splaine and Mayor Becksted voted opposed.

- B. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, SECTION 1.414 AUDIT COMMITTEE (*Continued from the August 23, 2021 City Council meeting*)

- **ADDITIONAL COUNCILOR QUESTIONS AND DELIBERATIONS**

Councilor Huda read the August 31, 2021 memorandum to the Mayor and City Council into the record as follows;

“On August 30, 2021, the Mayor’s Blue Ribbon Audit Committee (MBRAC) met to consider possible amendments to the form of the Audit Committee ordinance which went to first reading before the City Council on June 21, 2021. The MBRAC took into account the discussions of the ordinance which have been held by the City Council since that date. Subsequent to that discussion, the MBRAC voted unanimously to recommend the following amendments to the version of the ordinance which is now at second reading before the Council. Attached is a redlined ordinance showing the original ordinance as amended.”

Mayor Becksted opened the continued Public Hearing:

Andrew Bagley – stated he doesn't think the amendments go far enough. He stated in watching the Audit Committee meeting, he was surprised by the lack of notification to proper authority within the ordinance.

Sue Polidura – stated that the city is currently not following the Charter. She stated that she doesn't feel there is any maleficence but the committee is meant to advise the Council.

Christopher White (via zoom) – stated he is a member of the Audit Committee and reviewed 5 objections to the ordinance he has heard and gave his responses.

Mayor Becksted closed the public hearing.

Councilor Huda moved to hold second reading of the Audit Committee Section 1.414 Ordinance and amend with the attached redlined ordinance changes as discussed and voted on by the Mayor's Blue Ribbon Audit Committee, seconded by Councilor Kennedy.

Councilor Kennedy made a friendly amendment to remove the last 8 words from paragraph B, Councilor Huda agreed.

Discussion ensued regarding the powers and duties being proposed for the Audit Committee.

Several friendly amendments to Paragraph B were voted on 6-3 roll call votes with Assistant Mayor Splaine, Councilors Kennedy and Huda voting opposed.

Paragraph B as amended reads as follows:

- B. Duties and Powers: The Primary purpose of the Audit Committee is to recommend an external auditor to the City Council. In the event the auditor identifies any serious exceptions, the Audit Committee shall advise and work with the City Council as to next steps.

Discussion and clarification by City Attorney Sullivan was held regarding reconsideration of previous proposed amendment votes.

Councilor Trace moved to suspend rules to reconsider a previous vote and to amend Paragraph A by adding the City Manager as a non-voting member with voice, seconded by Councilor Lazenby. Motion passed on an 8-1 roll call vote, Councilor Huda voted opposed.

The amended section of Paragraph A reads as follows:

- A. Membership and Term: The Audit Committee shall have five (5) voting members who shall be appointed by the Mayor and confirmed by the City Council, two members shall be City Councilors. The City Manager shall be a member of the Committee with voice, non-voting. (The remainder of paragraph A accepted without further amendment).

Mayor Becksted called for a roll call vote to pass second reading as amended and to schedule a third and final reading at the September 20, 2021 City Council meeting. Motion passed on a 6-3 roll call vote. Assistant Mayor Splaine, Councilors Huda and Tabor voted opposed.

Councilor Huda moved to suspend the rules to hold 3rd reading at this meeting, seconded by Councilor Kennedy. Motion failed on a 2-7 roll call vote. Councilors Kennedy and Huda voted in favor.

Councilor Lazenby moved to move up Agenda City Manager Item XV.2. New Castle Water Line Easements, seconded by Councilor Whelan and voted.

XV.2. New Castle Water Line and Easements

Councilor Lazenby moved to authorize the City Manager to accept the new water lines if constructed to the satisfaction of the City and accept the easements necessary for the city to access and maintain them, seconded by Assistant Mayor Splaine.

Councilor Trace asked how many buildings are being proposed in the special assessment area as currently it doesn't show any units there.

Councilor Lazenby moved to suspend the rules to allow New Castle Selectman Bill Stuart to address the Council, seconded by Councilor Trace and voted.

Mr. Stuart stated there are actually 19 existing homes in that area and there old and inadequate pipes that need to be replaced.

Councilor Trace asked if that is sewer as well. Mr. Stuart responded no.

Councilor Huda asked if there is any cost to Portsmouth taxpayers with maintenance to those lines.

City Attorney Sullivan explained that new water lines last a long time and the maintenance is already built into the rate model.

Motion passed on a 9-0 vote.

**Mayor Becksted called a brief recess at 9:15 p.m.
Reconvened at 9:25 p.m.**

XII. MAYOR BECKSTED

1. Appointments to be Considered:

- Alan Gold reappointment to the Economic Development Commission
- Marsha Filion reappointment to the Board of Library Trustees

The City Council considered the appointments which will be acted upon at the September 20, 2021 City Council meeting.

2. Appointments to be Voted:

- Marylou McElwain reappointment to the Parking and Traffic Safety Committee
- Stephen Pesci reappointment to the Parking and Traffic Safety Committee
- Harold Whitehouse reappointment to the Parking and Traffic Safety Committee
- Mark Syracuse appointment to the Parking and Traffic Safety Committee

Councilor Kennedy moved to approve the above stated reappointments/appointment to the Parking and Traffic Safety Committee with terms to expired September 17, 2024. Seconded by Assistant Mayor Splaine and voted.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Encouraging Masks in All City Buildings

Assistant Mayor Splaine moved that with new cases and hospitalizations increasing, the Portsmouth City Council is concerned about the impact of COVID-19 and its variants on the health and well-being of our residents, visitors, and city employees. Therefore, we encourage the City Manager to set an administrative policy that masks be worn indoors at all times by city employees, residents, and visitors in the public areas of all city buildings. We will back the City Manager in setting the administrative policy, with exceptions and a timetable to be determined by the City Manager, seconded by Councilor Lazenby.

Assistant Mayor Splaine explained that because there are breakthrough variants and we are concerned with children who cannot be vaccinated yet we need to reduce any spread that we can. He read a portion of the September 2,/2021 Mayor's BRC Health Committee minutes outlining their concerns.

Councilor Huda suggested a friendly amendment to the motion to add "administrative" before policy which the maker of the motion accepted.

Discussion ensued regarding the City Manager authority to set policy for city facilities.

Assistant Mayor Splaine stated this is meant to show support for the policy City Manager Conard has put in place.

Councilor Kennedy explained that within the school system for which she works they have a color code system in place as to whether a mask is required at any given place and time and suggested the Health Committee look at this system.

Councilor Lazenby asked for clarification that the City's ability to set a mandate is dependent on a Governor's order and does this policy include schools.

City Attorney Sullivan stated that yes there needs to be a Governor's Order in place to set a mandate and further clarified that this policy does not include the schools.

Mayor Becksted stated he agrees with the color coding system and feels that this type of thing is occurring in stores as well and is their choice to do so.

Motion passed on a 9-0 roll call vote.

2. Encouraging COVID-19 Vaccinations or Tests for City Employees

Assistant Mayor Splaine moved that with nearly 40% of the population of New Hampshire unvaccinated and with the Delta variant now infecting many who are vaccinated and unvaccinated, the Portsmouth City Council is concerned about the impact of COVID-19 on the health and well-being of our residents, visitors, and city employees. We also agree with the science about the spread of viruses, and the advice of medical professionals, that every additional person who is vaccinated contributes to the reduction and impact of the spread of COVID-19 and variants. Therefore, we encourage the City Manager to set a policy that all city employees, full and part-time, and contractors who work in city buildings, be vaccinated. We also encourage that the City Manager set an administrative policy that employees and contractors who do not produce proof of vaccination be required to be tested for COVID-19 at least once a week. We will back the City Manager in setting that administrative policy, with exceptions and a timetable to be determined by the City Manager, seconded by Councilor McEachern.

Assistant Mayor Splaine stated that many public sector employees are being encouraged to be vaccinated and although we cannot mandate it, we can encourage it. He read a letter received by long-time resident and past City Councilor Linda Panori explaining the various vaccination requirements implemented and mandated over the years for public health.

Councilor Kennedy recused herself from the vote and discussion as her employer's attorneys have stated that this cannot be requested.

Councilor Huda asked for the same friendly amendment to add "administrative" before policy but agrees with Councilor Kennedy that this cannot be required or asked of the employees.

City Attorney Sullivan clarified that it is correct that members of the public cannot be required to be vaccinated but if it is negotiated in the collective bargaining agreements, then it could happen with employees.

Councilor McEachern stated that he has been required to be vaccinated through his employer but understands that there are unions involved so this can be a challenge. He stated he supports the spirit of this as our employees serve the public and there are services provided that must be done in person in the building.

Councilor Trace moved to add a friendly amendment: "that she feels best benefits all city employees" after, Therefore, we encourage the City Manager to set an administrative policy....", which as accepted by the maker of the motion, Assistant Mayor Splaine.

Mayor Becksted stated he doesn't want COVID-19 testing paid for by the city.

Main motion passed on a 7-0 roll call vote. Councilor Kennedy recused herself and Councilor Huda abstained.

B. COUNCILOR WHELAN

1. **Action Item Needing Approval by City Council**

- No Parking sign 20 feet from crosswalk at intersection of Kensington Road and Middle Road, and triangle mark the No Parking area

2. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 5, 2021 meeting

Councilor McEachern moved to accept and approve the Action Sheet and Minutes of the August 5, 2021 Parking & Traffic Safety Committee meeting, seconded by Councilor Lazenby. Motion passed on a 7-2 vote, Councilors Kennedy and Huda voted opposed.

C. COUNCILOR LAZENBY

1. Proposed City Policy regarding Transparency of Information to Elected Officials

Councilor Lazenby moved that the City Council adopt City Council Policy No. 2021-01 regarding Transparency of Information to Elected Officials, as written, effective immediately, seconded by Assistant Mayor Splaine.

Councilor Lazenby explained that he feels a policy is necessary as the Council needs access to information to fulfill their duty to the citizens of Portsmouth. He explained that there have been some recent incidents that information has been denied to some Councilors by city staff regarding the McIntyre for example, that has been available to 4 Councilors but not the rest.

Councilor McEachern cited the example of the non-public session held prior to this meeting stating that the documents that they were handed were then collected at the end of the meeting and also expressed concern that the level of IT security on individual Councilor's computers is not known. He stated it is not about mistrust of Councilors but of ensuring security.

Councilor Lazenby stated the simple solution to that is to not send the information electronically and stated that language could be added to the policy "If confidential in nature, the City Manager will not send electronically".

Councilor Kennedy stated she will not support this as they agreed as a Council on the McIntyre Subcommittee and they have to do sensitive work. She stated that there are 4 Councilors, each representing differing views on the issue, who have put a lot of hours into this and we owe it to them to finish the process. She stated that she feels Councilor Lazenby has just publicly spoken about non-public issues.

Councilor Lazenby stated he did not speak about non-public information as those were e-mails that were publicly discussed. He continued that this policy was prompted by the McIntyre but it isn't about that specifically and is about information flowing to all 9 Councilors on all issues as all of them are elected.

Councilor Whelan stated he will not support this either and feels that the last sentence is unbelievable. He continued that the McIntyre has been an open process with minutes and prior to this Council there were no minutes and everything was done in private and as Councilor Lazenby as Assistant Mayor at that time, he didn't have any problems with the process. He

stated that more information will be coming out about the McIntyre in a few days and they have been working with the partners and feels this is the last thing we need.

Councilor Lazenby stated this is not about the subcommittee and feels it is revisionist history to say he didn't care then as he had made the motion to have minutes. He stated the last election was about the McIntyre and the information needs to be shared and that the resistance to this is of concern.

Assistant Mayor Splaine stated he would like to get off the McIntyre discussion as he likes the generic approach of the policy. He stated as Assistant Mayor 5 times, he was told that the Mayor was aware of information that the other Councilors were not and wants to know the implications involved if everyone were to receive all information. He stated he would like to make sure that it is properly worded.

Assistant Mayor Splaine moved to refer the policy to the City Manager and City Attorney for report back of their opinion of the policy within the next month, seconded by Councilor McEachern.

Councilor McEachern stated he supports this in general but wants clarification as to what information is included, would it be everything they all get, including mail addressed to them specifically, etc.

Councilor Tabor stated he likes the idea of referring to legal and appreciates the spirit of transparency. He stated that there are always different negotiations ongoing all of the time and asked if there is flexibility such as receiving summaries.

Councilor Lazenby stated that this would be for reasonable requests and doesn't feel that summaries are appropriate.

Motion to refer to City Manager and City Attorney for report back passed on a 7-2 vote. Councilors Kennedy and Huda voted opposed.

3. McIntyre Project – Request for Updated Timeline and Status of Post Office Correspondence

Mayor Becksted stated there will be an update when available.

D. COUNCILOR KENNEDY

1. Addressing Cutts Avenue Concerns (*Previously addressed*)

E. COUNCILOR HUDA

1. Audit Committee Section 1.414 Ordinance (*Previously addressed*)

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant from the State Department of Justice for the NH Internet Crimes Against Children (ICAC) Task Force Grant

B. Acceptance of Skate Board Park Donation - \$2,500.00

Councilor Kennedy moved to approve and accept the grant for the Police Department in the amount of \$200,000.00 as presented and the donation from the Blalock family in the amount of \$2,500.00 as presented. Seconded by Councilor Huda and voted.

Councilor Whelan moved to suspend the rules to go past 10:30 p.m. Seconded by Councilor Kennedy and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request to Schedule Portsmouth Housing Authority Work Session

City Manager Conard stated that in speaking with the Portsmouth Housing Authority, they suggested meeting at 6:00 p.m. on October 18th prior to the regular Council meeting.

Councilor Kennedy stated she feels this is a big subject and should have its own meeting night.

Discussion ensued regarding the time needed and which topics should be included in the discussion.

Councilor Lazenby moved to schedule a work session with Portsmouth Housing Authority on a mutually available date in November 2021. Seconded by Councilor McEachern and voted.

2. New Castle Water Line and Easements (*Previously addressed*)

3. Acquisition of Sewer Line Easements and Proposed Release of Paper Street

Councilor Huda asked about the 3 easements for the property with no structures on the property as the owners don't reside there, but what happens if the property changes hands, does the easement go with the property.

Deputy City Attorney Woodland explained that this is a unique situation where the neighbors want the sewer and they can't use the property so it is a trade-off.

Councilor Lazenby moved to authorize the acceptance of four (4) sewer line easements as described and to release the paper street known as Ruth Street where it abuts 28 Thornton Street as shown. Seconded by Councilor McEachern and voted.

4. Request for First Reading regarding Amendment to Chapter 7, Article XI, Section 7.1100 – Speed Limits

Councilor McEachern moved to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council Meeting, seconded by Councilor Lazenby.

Councilor McEachern requested Chief Newport to be present at the next meeting to discuss speed limits.

Mayor Becksted stated he would like a discussion on changing all 30 mph zones to 25 mph zones and will be presenting legislation to the delegation regarding this issue.

Motion passed.

5. Request for First Reading regarding Amendment to Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled

Councilor Huda moved to schedule a first reading regarding this ordinance amendment at the September 20, 2021 City Council Meeting. Seconded by Councilor Kennedy and voted.

6. Borthwick Forest Easements

Councilor Kennedy moved to have a presentation on Borthwick Forest Easements at the next meeting, seconded by Councilor Huda.

Kennedy stated that the previous Council dealt with this a lot and there needs to be an update for the citizens.

Motion passed on a 7-2 vote. Councilors Lazenby and Tabor voted opposed.

7. Report Back on 135 Thaxter Road Request for Restoration of Involuntarily Merged Lots

Councilor Lazenby moved to grant the request to restore the involuntarily merged lots at 135 Thaxter Road. Seconded by Councilor Whelan and voted.

8. Request to Establish a Public Hearing for Refinancing a Callable Bond

Councilor Huda stated that she wants a report back on various questions that she still has on refinancing callable bonds.

After a brief review by Finance Director Belanger, Councilor Huda stated she still needs more information and clarification.

Councilor Lazenby moved to establish a public hearing at the September 20, 2021 City Council meeting for a Refunding Bond Resolution of up to Eleven Million Six Hundred and Fifty Thousand Dollars (\$11,650,000) to refund the remaining portion of the aforementioned callable bond and all related costs; and to establish a public hearing at the September 20, 2021 City Council meeting for a Refunding Bond Resolution of up to One Million Six Hundred Thousand Dollars (\$1,600,000) to refund the remaining portion of the aforementioned callable bond and all related costs. Seconded by Councilor McEachern and voted.

XVI. CONSENT AGENDA

Councilor Kennedy moved to adopt the Consent Agenda. Seconded by Councilor Trace and voted.

- A. Request for License to Install Projecting Sign from owner John Tilton, of Troupe Studio for property located at 18 Ladd 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***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Presentation from Health Officer, Kim McNamara regarding COVID-19 ***(Previously addressed)***
- B. Email Correspondence

Councilor Tabor moved to accept and place on file. Seconded by Councilor Lazenby and voted.

- C. Letter from H. Dixon Turner regarding mitigation of speeding on Woodbury Avenue

Councilor Whelan moved to refer to the Parking and Traffic Safety Committee for a report back. Seconded by Councilor McEachern and voted.

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Peverly Hill Road Public Necessity Hearing

Councilor Kennedy moved to send out invitations by mail to ensure all residents and abutters are notified of the meeting, seconded by Councilor Huda.

Councilor McEachern asked if this was already required.

Deputy City Attorney Woodland explained that those directly impacted are notified by certified mail.

Mayor Becksted stated that the more ways that people are notified the better.

Motion voted.

2. Islington Creek Residents Comments to Surface Transportation Board regarding Rail Yard
3. Wetland Conditional Use Permits Granted by the Planning Board according to Section 10.1017 of the Portsmouth Zoning Ordinance between August 2017 and August 2021

City Manager Conard explained that she e-mailed the complete list of CUP's which will be included in the next City Council packet as well.

Councilor Trace clarified that her original request did not specify Wetlands only and the time-frame was 4 years.

4. Report Back on the Number of Upcoming/Ongoing Development Projects
5. Report Back on Litigation List
6. City Council Quorum
7. Report Back on Portsmouth Community Garden

City Attorney Sullivan stated that the City owns the property and we are close to having an agreement to bring back to the Council as the group is looking to start planting this fall.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Kennedy reminded everyone of the Site Walk beginning at New Franklin School regarding the Sound Barriers on September 13, 2021 at 5:00 p.m.

Secondly, Councilor Kennedy stated that there was a tremendous response to serve on the newly formed Mayor's Blue Ribbon Cemeteries Committee and **moved to raise the number of members of 7 to 13. Seconded by Councilor Huda and voted.**

Councilor Trace requested a report back on when the excavated bones from the North Cemetery will be reinterred.

Councilor Kennedy thanked City Attorney Sullivan and Judy Renaud from Finance Department for getting the Skateboard Park donation button to the City website.

Mayor Becksted stated that there will not be the usual 9/11 ceremony held in the upper parking lot of city hall but there will be flowers placed at the memorial site. He stated the formal ceremony will be in conjunction with the Air Show at Pease.

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

At 11:05 p.m., Councilor Huda moved to adjourn. Seconded by Councilor Whelan and voted.

Respectfully submitted by:

Valerie A. French
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 20, 2021

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

Councilor Kennedy moved to come out of Non-Public Session and to seal the minutes. Seconded by Councilor McEachern and voted.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:00 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 *(There are no minutes on this evening for acceptance)*

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Recognition of Salt Pile Rescue

Fire Chief Germain recognized members of the Fire Department for an incident in Newington at the Sprague Terminal for a person trapped inside a salt pile. Chief Germain presented the members of the department that assisted in the rescue with a Unit Citation. Mayor Becksted, City Manager Conard, and City Council expressed their thanks and appreciation to Fire Chief Germain and the department for their outstanding work with this incident and all that they do for the community.

IX. PUBLIC COMMENT SESSION

Paul Mannle asked the City Council to refer the easements for Borthwick Forest to the Planning Board. He stated he has followed the process for the last 18 years and the easements were not reviewed by the Planning Board because he did not receive an abutters notice.

Dick Bagley spoke to the McIntyre Plan and said he would like to know the next steps for the project. He said items C & D in the parking ordinance are confusing.

Councilor Kennedy moved to suspend the rules to bring items XV. A.2. – Authorization of Purchase and Sale for Acquisition of Community Campus forward for action. Seconded by Councilor Huda and voted.

Members Stuart Levenson, Darci Knowles and Deb Grabowski of Foundation for Seacoast Health were present via zoom to discuss the strategic planning process to retain the property for community use and non-profit. Ms. Grabowski said she feels the City is the perfect party to sell the property to and it would be a community investment.

City Manager Conard said that Public Works Director Rice, Facilities Manager Almeida and Recreation Director Henley are present to answer any questions the Council may have this evening regarding the building.

Mayor Becksted said it is an honor to work with the Foundation for Seacoast Health on this project to purchase the property.

Councilor Kennedy moved to authorize the City Manager to negotiate a purchase and sale agreement to be brought back to the Council for final approval, and to refer this acquisition to the Planning Board for its review and report back. Seconded by Assistant Mayor Splaine.

Councilor Kennedy said for those individuals wondering the preschool will remain on site. She said she would like to refer to this as the people's campus as we move forward. She stated we are looking at federal funding and that this will be everyone's place to have activities for the City.

Assistant Mayor Splaine said that this has become a reality and the future City Council will decide how to best use the property, which is a gift for the future.

Councilor McEachern thanked the City and the Foundation for Seacoast Health for their work on this plan. He said he looks forward to signing the deal for the non-profits and schools to continue to exist at the location.

Motion passed.

XI. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Public Hearings of Ordinances & Resolutions:

- A. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ELEVEN MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$11,650,000.00) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO

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

Councilor Tabor moved to adopt the proposed resolution as presented. Seconded by Councilor Trace.

Councilor Kennedy thanked the City for their efforts on refinancing bonds and reducing the finance rate, which is a positive move.

Councilor McEachern said it is fantastic we are in the position to do this and he supports this matter.

Councilor Tabor said it will save the City \$1.7 million for the future.

City Manager Conard said as we see bonds we will bring them forward for refinancing.

Councilor Huda thanked staff for their work in answering her questions.

Dick Bagley spoke in favor of the Resolution and said he is pleased that we are saving money over time.

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

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

- B. RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF UP TO ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY SO AS TO REDUCE INTERESTS COSTS, AND TO PAY ALL COSTS INCIDENTAL AND RELATED THERETO

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

Councilor Kennedy moved to adopt the proposed resolution as presented. Seconded by Councilor Huda.

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

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

First Reading of Ordinances:

- C. First Reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section E – Speed Limit: 25 MPH – Chevrolet Avenue

Councilor Kennedy moved to pass first reading, and schedule a public hearing and second reading at the October 4, 2021 City Council meeting. Seconded by Councilor Huda and voted.

- D. First Reading of Ordinance amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled

Councilor Kennedy moved to pass first reading, and schedule a public hearing and second reading at the October 4, 2021 City Council meeting. Seconded by Councilor Whelan and voted.

Third and Final Reading of Ordinances:

- E. Third and Final Reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Audit Committee

Councilor Whelan moved to pass third and final reading of this ordinance amendment, and adopt the ordinance as presented. Seconded by Assistant Mayor Splaine.

Councilor Tabor said he would like to pause and think about voting on this ordinance and whether it is a better ordinance now, than when it was proposed. He stated he will vote opposed to the ordinance in order to stay consistent with his previous votes. He said he feels that the committee should be made up of City Council members. He said that delegating the authority of oversight is a core responsibility of the committee. He stated he would be in favor of a committee made up of City Council members. He said this could be done as a committee of the whole.

Assistant Mayor Splaine said he agrees with Councilor Tabor's comments and this should be the responsibility of City Council members. He said the process has been mushy getting here and that different City Councils can make changes with the ordinance going forward.

Councilor McEachern said he understands Councilor Tabor's concerns. He said throughout the process the committee proposed before us is stronger than when we started. He spoke to Melanson's work being reviewed by different auditors and that they work with many cities in the State of New Hampshire.

Councilor Kennedy thanked Councilor Huda and the committee for looking into this because it has assisted the Council in understanding the audit.

Councilor Whelan said the City Council has control over the audit process and the buck stops with the Council.

Councilor Trace thanked Councilor Huda for bringing this forward and the committee that has worked on this ordinance.

Mayor Becksted said he would support the ordinance.

Councilor Lazenby said he would support the ordinance. He stated city staff supports the committee, but one word of caution is, you should advise the City Council and not make allegations if there are issues down the line.

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

- F. Third and Final Reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

Councilor Kennedy moved to pass third and final reading of this ordinance amendment, and adopt the ordinance as presented. Seconded by Councilor Whelan.

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

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Kevin Charette, Energy Advisory Committee
 - Ben D’Antonio, Energy Advisory Committee
 - Tom Rooney, Energy Advisory Committee
 - Peter Somssich, Energy Advisory Committee
 - Allison Tanner, Energy Advisory Committee

City Attorney Sullivan reported that this is a Mayor’s Blue Ribbon Committee and no action is required for these appointments, the Mayor simply appoints the individuals to serve.

Mayor Becksted announced the following individuals will serve on the Mayor’s Blue Ribbon Energy Advisory Committee: Kevin Charette, Ben D’Antonio, Tom Rooney, Peter Somssich and Allison Tanner. Also Rebecca Raum O’Brien will be representing the Sustainability Committee. He advised the Council that Councilors Lazenby and Tabor will be serving as City Council representatives. Staff Representatives: Public Works Director Peter Rice and City Manager Karen Conard.

Assistant Mayor Splaine stated that the committee will need to follow the right-to-know law with posting of meetings and the taking of minutes.

Councilor Huda expressed concerns regarding three members that are currently receiving compensation from Eversource and stated that is a conflict. Councilor Tabor said Eversource role is a contribution to the committee and we are looking at all options. He said he feels there would be benefits from having people from Eversource serve on the committee. Councilor Lazenby said there is no personal gain from serving on the committee.

2. Appointments to be Voted:
 - Alan Gold reappointment to the Economic Development Commission
 - Marsha Filion reappointment to the Board of Library Trustees

Councilor Kennedy moved to reappoint Alan Gold to the Economic Development Commission until October 1, 2025 and reappoint Marsha Filion to the Board of Library Trustees until October 1, 2024. Seconded by Assistant Mayor Splaine and voted.

3. Note from Dana Levenson – Not seeking reappointment to Economic Development Commission

Mayor Becksted announced that Dana Levenson is not seeking reappointment to the Economic Development Commission. He stated he would like to see the board make some structure changes and add more individuals to the commission.

Councilor Kennedy moved to accept the note with regret and to send Mr. Levenson a letter of thanks and appreciation for his years of service on the Economic Development Commission. Seconded by Assistant Mayor Splaine.

Councilor Lazenby thanked Dana for his service to the city by serving on the Economic Development Commission.

Assistant Mayor Splaine said Dana is an initiator of ideas and we should look at expanding the committee and having environmental experts and business community as well as non-profits serve the commission. He recommended the commission have 12 people to serve on it.

Motion passed.

4. Mayor's Blue Ribbon Cemetery Committee (Not on Agenda)

Mayor Becksted announced the following individuals will serve on the Mayor's Blue Ribbon Cemetery Committee: David Falck, Kerry Rubinstein, Chris Benecick, Stephanie Pagliaro, Sue Polidura, Don Margeson, Mike Griffin, Karen Bouffard, Duncan McCallum, Sherri BrandSema, Susan Sterry and Romona Charland. City Council Representatives: Councilor Esther Kennedy and Mayor Rick Becksted. Staff Representatives: Public Works Director Peter Rice and City Manager Karen Conard.

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. Request a report back from the Legal Department on interpretation of Type 1 Highway Project Qualifications

Councilor McEachern requested a report back from the Legal Department on interpretation of Type 1 Highway Project Qualifications. He said we need to be made aware of the process and if we are not type 1 we need to challenge that.

Councilor Kennedy said she supports Councilor McEachern's request and now is the time to take action. She said our meeting is being held on Monday, September 27th at the Epping Town Hall at 7:00 p.m. regarding sound barriers. She said this is not just a neighborhood issue, it is a Portsmouth issue. She advised the Council that there are 10 meetings upcoming and encouraged residents to attend.

Councilor McEachern announced the NHDOT 10 year plan hearing regarding sound barriers have been scheduled as follows:

Monday, September 27th at Epping Town Hall at 7:00 p.m.
Monday, October 4th at Dover Town Hall Auditorium at 2:00 p.m.
Monday, October 4th at Somersworth High School at 7:00 p.m.
Wednesday, October 6th at Kingston Town Hall at 7:00 p.m.
Sunday, October 10th at Hampton Beach Seashell Pavilion at 7:00 p.m.

City Manager Conard said she will speak with Councilor Stephens on holding a meeting in the city.

2. Resuming the use of video inspections to help with backlog

Acting Deputy City Manager/Deputy City Attorney Woodland reported that staff is in the process of creating a video inspections program through the Viewpoint Permitting System. She announced that we are bringing on a second plumbing/electrical inspector as well as administrative assistance for the department.

Councilor McEachern spoke to the importance of having video inspections. City Manager Conard said we are working on that matter currently, but there are liability issues that require us to move cautiously.

B. COUNCILOR WHELAN

1. **Action Items Needing Approval by City Council:**
 - Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott (***Sample motion – move to approve agreements***)
2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 2, 2021 meeting (***Sample motion – move to accept and approve the Action Sheet and Minutes of the September 2, 2021 Parking & Traffic Safety Committee meeting***)

Councilor Whelan moved to table the Valet Agreements and the Parking & Traffic Safety Action Sheet and Minutes in order to have the Valet Agreements copies included in the October 4th City Council packet for approval. Seconded by Councilor Trace and voted.

3. McIntyre Committee Update

Councilor Whelan spoke to the presentation that is in the packet regarding the Revised Concept Plan for National Park Service preliminary review. He stated we are committed with development partner Redgate Kane to move the project forward. He said we had a good candid discussion during our Non-Public Session this evening. Councilor Whelan stated there are certain guidelines and criteria we must meet for the National Park Service. He addressed community input into the process and said we will keep the process moving forward.

Councilor Lazenby said it was good to see the presentation but the cover letter indicates that the presentation has the endorsement of the City Council that did not occur. He also spoke to the financial support of the project and stated that the City Council did not vote to financial support of the project.

Councilor Whelan stated that 37% of residents of the survey would support the financial support for the project. Councilor Lazenby stated the financial support was to have a place holder and not a specific number. He said financial support should come from the City Council and not the city survey. City Attorney Sullivan said that negotiations included that more money will be needed. He stated it has been a direction that the City Council and City are headed in.

C. COUNCILOR LAZENBY & COUNCILOR TABOR

1. Portsmouth Energy Advisory Committee

Councilor Tabor thanked Mayor Becksted for appointing the members and that the committee will review our electrical demand and provide a list of different suppliers.

Councilor Lazenby stated we have a large number of people with experience to serve on the committee.

D. COUNCILOR HUDA

1. Sagamore Creek Sewer Extension Project (***Sample motion – move for a report back from the City Manager to the residents and the Council at the October 4th City Council meeting on the status of the Sagamore Creek Sewer Extension Project***)

Questions to be Addressed:

- ***What were the results of the core sample testing?***
- ***Has the results of testing changed the cost of the project?***
- ***Current count of residents opting to participate?***
- ***Current cost estimate of the project?***
- ***Current cost estimate per resident count for those residents opting in?***
- ***Are there any changes in the process or progress of this project that the residents & Council should be made aware of?***

Councilor Huda moved for a report back from the City Manager to the residents and the Council at the October 4th City Council meeting on the status of the Sagamore Creek Sewer Extension Project.

Questions to be Addressed:

- ***What were the results of the core sample testing?***
- ***Has the results of testing changed the cost of the project?***
- ***Current count of residents opting to participate?***
- ***Current cost estimate of the project?***
- ***Current cost estimate per resident count for those residents opting in?***
- ***Are there any changes in the process or progress of this project that the residents & Council should be made aware of?***

Seconded by Councilor Kennedy and voted.

2. Per the City Charter 7.4 – Independent Audit “Reporting to the City Council”

FY21 Melanson Audit Contract:

- I request a copy of the final signed, executed, FY21 Melanson Audit Contract to be included in the Council packet of 9/20/21 for the Council to review.
- I request a progress update from staff to the City Council on the status of the FY21 Audit to be included in the Council packet of 9/20/21 for the Council to review.

(as the communication channel was diverted to City staff & the MBRAC has no visibility to the current process)

Questions to be Addressed:

- ***Has the planning meeting phase of the FY21 Audit been completed?***
- ***When will the auditors be starting the on-site testing?***
- ***Have there been any requested changes made by Melanson?***

(Sample motion – move that the City of Portsmouth join the New England Government Finance Officers Association)

(It is free & will enable the City access to more certified public accounting firms that perform municipal audits)

Councilor Huda thanked Finance Director Belanger for providing answers to her request for a progress update on the FY21 Audit. She stated she would not make the motion to join the New England Government Finance Officers Association as we have been a member since 1996.

City Manager Conard said Melanson has verified our compliance and we will continue to be in compliance.

E. COUNCILOR TRACE

1. Report back on “The new Bartlett Street intersection cross walk”

Councilor Trace moved to suspend the rules to bring forward City Manager’s Informational Item 1 – Report Back on Bartlett and Cate Street Intersection along with Report back on “The new Bartlett Street intersection cross walk” under Councilor Trace’s name. Seconded by Councilor McEachern and voted.

Councilor Trace spoke to issue with line of sight coming from Islington Street when going through the intersection. She said something needs to be done with the intersection.

Public Works Director Rice stated they are looking for an alternate route to Route 1. He said the development allowed for the easement and construction has been split in half. He stated they are improving pedestrian access and the intersection is working as designed but there are improvements that could be made.

Director of Public Works Rice introduced engineers from Fuss & O’Neill, Rick Lundborn and Linda Greer who will be presenting on this matter. Mr. Lundborn said traffic improvements are occurring and the traffic is mitigating. He spoke to the site walk of the area during lunch time. He reported there is a utility pole that obstructs some views. He stated a review of options was done with Option 1 – moves the crosswalk beginning toward the bridge abutment more fully within driver line of sight. Option 2 – Mid-block crosswalk on Bartlett closer to Ricci Lumber southern driveway. He showed pictures of both options with Option 1 looking north through bridge and Option 2 looking south. Mr. Lundborn and Ms. Greer recommend Option 1; Closer to Bridge and provided the following:

- Slower speeds; 13 mph average, 16 mph 85th percentile
- 90-ft sight distance to crosswalk start (eastside of Bartlett)
 - *87-ft required for 16 mph, Exceeds requirement*
- 127-ft sight distance to a RRFB on the island
 - *115-ft required for 20 mph Exceeds requirement for speed limit*
- Refuge Island for pedestrians

Option 2:

Option 2; Mid-block Crosswalk – Not Preferred

- Higher speeds; 20 mph average, 24 mph 85th percentile
- 146-ft sight distance to crosswalk start (westside of Bartlett)
 - *148.8-ft required, NOT MET*
- Obstructions on west side; Trees, Brush would need to be limbed and cleared
- RRFB’s would require easements on both sides of Bartlett Street

Other Notable Information:

- Could you Add a sidewalk to the west side of Bartlett under the bridge?
 - If you do:
 - For a 5-6-ft sidewalk you would need to remove the sidewalk on the east side
 - Have two 3-ft+ sidewalks under the bridge
 - Realign eastside curb line north and south of bridge to accommodate lane shift and narrower sidewalks
 - West sidewalk under the bridge would dump pedestrians into 3 Brothers Garage's parking area
 - *Over 150-ft to Islington Street sidewalk*
- Ultimately cannot recommend

Intersection Performance

- Intersection is shifting the traffic pattern toward Route 1 Bypass as anticipated
- Traffic on Bartlett north of intersection is reduced
- Overall Traffic Volume through intersection has not returned to Pre-COVID volumes
 - 20% lower than 2018 PM Peak
 - 11% Lower Saturday mid-day peak

Mayor Becksted said he would like to see continuing the sidewalk on Cate Street. He stated winter during plowing times is a concern with a need to cross three streets. He asked if there was an option to extend to the bridge sidewalk with a crossup to the bridge and run parallel with the bridge. Mr. Lundborn said this issue would be putting us back to a stop sign on Bartlett. Mayor Becksted said that it is less distance for crossing. Mayor Becksted said a site walk for the residents should take place in the area. Mr. Lundborn also indicated it would be a grade change with obstructions. Ms. Greer said it would be a long crossing area as well.

Councilor McEachern said he thought the goal was to re-route truck traffic, but Public Works Director Rice said you reduced traffic as well. He spoke to his concern with an island and not a turn off. He said cars do not yield and he would like to know why the island exists.

Ms. Greer said the intersection had 500 cars going through it and the City did a new count and in August it was 350 cars. She said that this is a critical issue you would add 300 more cars.

Mr. Lundborn said the ability to have the island is like a right on red while keep going up Bartlett Street. He stated this issue would create cars coming from Cate Street trying to do the same thing, which would create issues.

Mayor Becksted said we need to do a walk of the area.

Public Works Director Rice said the intersection is working well and encouraged the Council to move forward for the safety of the neighborhoods.

Councilor Kennedy moved to hold a Site Walk in the next two weeks. Seconded by Councilor Huda.

Councilor Kennedy said the neighborhoods need to meet with the consultants and staff on this matter.

Motion passed.

Public Works Director Rice encouraged the City Council to rely on the traffic professionals. He said do not design by committee. He stated this was a Peer Review by another engineer.

Councilor Trace thanked Public Works Director Rice for his comments. She said the City Council voted on no trucks on Bartlett Street. She stated she would like an update on that issue. Public Works Director Rice reported signs were installed for no truck traffic and the area needs additional enforcement.

Councilor Tabor said he is pleased to hear we are getting feedback from residents and he would like to do a test on Option 1 with striping the area.

Councilor McEachern said the City Councils job is to make it clear as to why it is this way. He said come forward with data for why there is an island. He stated we need to bring people in that are living this issue. Ms. Greer said the island allows for the flashing beacon and another stop sign.

XIV. APPROVAL OF GRANTS/DONATIONS

Councilor Kennedy said she would like to take up all items with one motion.

- A. Memorial Plaque Donation in Honor of Kate Crowell
- B. A Grant to the Portsmouth Police Department from the State Department of Justice for the New Hampshire Internet Crimes Against Children (ICAC) Task Force - \$500,000.00
- C. A Grant to the Portsmouth Police Department from the New Hampshire Department of Safety for nine different highway safety initiatives - \$17,641.00

Councilor Kennedy moved to approve and accept a memorial plaque donation from Linda Bernier in recognition of Kate Crowell to be placed in the Jay Smith Pocket Park; further to approve and accept the grant for the Police Department in the amount of \$500,000.00 as presented; and to approve and accept the grant for the Police Department in the amount of \$17,641.00 as presented. Seconded by Assistant Mayor Splaine and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Borthwick Forest Easements

City Manager Conard reported on May 22, 2017 the Planning Board granted the easements. Acting Deputy City Manager/Deputy City Attorney Woodland said there is a new road with an additional bike path. She stated we are capturing the water line across the property and putting that into an easement. She stated the easements have been approved by the Planning Board.

Mayor Becksted said he would like the Planning Board to review the easements.

Councilor Kennedy moved to refer this to the Planning Board for report back to the City Council. Seconded by Councilor Huda and voted. Councilor Lazenby voted opposed.

XVI. CONSENT AGENDA

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

- A. Letter from Anna Howard, Women's March Seacoast Org., requesting permission to hold the Women's March on Saturday, October 2, 2021 ***(Sample motion – move to refer to the City Manager with Authority to Act)***

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

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

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on Bartlett and Cate Street Intersection
2. Report Back on Conditional Use Permits
3. Additional Information Regarding Resolutions for Callable Bonds as presented on September 7, 2021
4. *Eversource Public Coordination Meeting for Little Harbor Road Tree Removal
5. Funding Request from the Mayor's Blue Ribbon Committee on Arts and Non-Profits

Councilor Trace thanked the City Manager for the report on all the Conditional Use Permits.

Councilor McEachern asked how we notified residents of the Little Harbor Road Tree Removal. City Manager Conard said letters went out to Little Harbor Road residents and we published information on the website and other areas for notification.

Councilor Kennedy asked about the funding from one committee to another in regards to item 5. She said it should be a vote by the City Council. She expressed concern that some small businesses and small non-profits might not be receiving funding. She also expressed issues she has with the kiosk in Market Square that the Chamber of Commerce uses.

City Manager Conard explained where the funds are and that there is no need for a vote by the Council.

Councilor Kennedy moved to enact this funding request from the Mayor's Blue Ribbon Committee on Arts and Non-Profit and authorize the City Manager to handle this matter. Seconded by Assistant Mayor Splaine.

Councilor Huda asked what the recording would be on this. She asked how we guarantee other non-profits have the ability to be considered for the funding.

City Manager Conard said all arts and non-profits will be served by the funding.

Motion passed.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor McEachern expressed his thanks to the Department of Public Works employee that he met at the transfer station over the weekend, who relayed a situation with a resident who was not kind and respectful to him. Councilor McEachern said we need to be kind and respectful to all our employees for all they do for the City and its residents.

XX. ADJOURNMENT

At 9:40 p.m., Assistant Mayor Splaine moved to adjourn. Seconded by Councilor Kennedy and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 4, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section E – Speed Limit: 25 MPH – Chevrolet Avenue. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article XI, Section 7.1100 – **SPEED LIMITS** sub-section E of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.1100: SPEED LIMITS

E. Speed Limit: 25 MPH

Chevrolet Avenue

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 4, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article XII, Section 7.1200 – **PARKING FOR THE WALKING DISABLED** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE XII: PARKING FOR THE WALKING DISABLED

Section 7.1200: PARKING FOR THE WALKING DISABLED

- A. The City Council may designate portions of any street, alley, public way, public park, ~~or~~ municipal parking lot **or municipal parking facility** within the City of Portsmouth as reserved – for parking vehicles displaying special license plates, ~~deals~~ or **eards windshield placards** issued to persons with walking disabilities pursuant to state law (**“Authorized Vehicles”**);
- B. Such reserved parking **areas spaces (“Reserved Parking Spaces”)** shall be marked by the international accessibility symbol. **Parking spaces that are not marked by the international accessibility symbol are unreserved parking spaces (“Unreserved Parking Spaces”)**;
- C. ~~No vehicle shall be parked in areas designated as reserved parking for the walking disabled unless it displays the requisite license plate, deal or card.~~ **Only Authorized Vehicles may park in Reserved Parking Spaces.**
- D. It shall not be a defense to a complaint alleging failure to display the required **special** license plate, ~~deal~~ or **eard windshield placard** that the owner or operator neglected to display an otherwise valid **special license** plate, ~~deal~~ or **eard hanging windshield placard**.
- E. **Authorized Vehicles parked in Reserved Parking Spaces in parking meter zones are entitled to a three (3) hour free parking session during enforcement hours, 9:00 a.m. through 8:00 p.m. Monday through Saturday, and between 12:00 p.m. through 8:00 p.m. on Sundays. Authorized Vehicles that remain in the Reserved Parking Space after the three (3) hour free parking session has expired shall be considered unlawfully parked and subject to the penalties and enforcement provisions of this Chapter. If the Authorized Vehicle is moved to a different Reserved Parking Space or an Unreserved Parking Space during the hours of enforcement in the same day, it will not be entitled to an additional three (3) hour free parking session.**

F. Authorized Vehicles parked in Unreserved Parking Spaces in parking meter zones are entitled to a three (3) hour free parking session during enforcement hours, 9:00 a.m. through 8:00 p.m. Monday through Saturday, and between 12:00 p.m. through 8:00 p.m. on Sundays. Authorized Vehicle may remain in the same Unreserved Parking Space after the three (3) hour free parking session has expired if the parking meter is paid for a parking session. Authorized Vehicles that fail to pay for a parking session after the three (3) hour free parking session has expired shall be considered unlawfully parking and subject to the penalties and enforcement provisions of this Chapter. If the Authorized Vehicle is moved to a Reserved Parking Space or a different Unreserved Parking Space during the hours of enforcement in the same day, it will not be entitled to an additional three (3) hour free parking session.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Rick Becksted, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 4, 2021 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on the following Ballot Question:

“Shall we allow the operation of KENO games within the City of Portsmouth?”

This question will appear on the November 2, 2021 Municipal Election Ballot.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

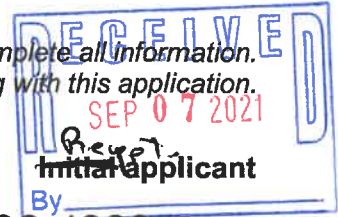
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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Economic Development Commission

Name: Sarah Lachance Telephone: 603-682-4830

Could you be contacted at work? YES NO If so, telephone# _____

Street address: 316 Coolidge Drive, Portsmouth, NH

Mailing address (if different): _____

Email address (for clerk's office communication): selachance@gmail.com

How long have you been a resident of Portsmouth? 22 years

Occupational background:

Director, Cybersecurity Governance, Risk, and Compliance - Liberty Mutual. Senior Engineering Manager (and several other roles) at IBM.

Please list experience you have in respect to this Board/Commission:

EDC Subcommittee on permitting visibility and streamlining. Subcommittee on education for commercial property valuations. Coordinated and managed annual planning and prioritized initiatives for the EDC. Served on the Reopening Task Force as EDC representative.

➔ OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO

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

Reasons for wishing to serve: _____

I'd like to continue my work on the board - some of which has been put on pause due to necessary refocusing on pandemic response. We have an opportunity to take the lessons that we've learned from the last 18 months and promote a more resilient city that not only attracts new industry and talent, but retains the businesses, workers, and economic engines we have. We also have an obligation to look ahead and ensure that our city is ready for the future. My experience in the tech industry positions me well to contribute in these areas.

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

I serve on the UNH Industrial Advisory Board for the Information Technology program, the International Association of Privacy Professionals Privacy Engineering Advisory Board. I've also taught and spoken on cybersecurity and advised on best practices for local organizations.

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

1) Joshua Cyr, 990 Maplewood Avenue, 603-205-1171

Name, address, telephone number

2) Robin Lurie-Meyerkopf, 53 Whidden St. 603-520-4780

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Josh Lurie Date: 09/03/2021

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

Original Appt. Date: 01/09/2017

Number of meetings 2020 12 Number Absent 0

Hi Kelli

I have decided not to seek reappointment on the EDC. I have enjoyed the privilege of serving for many years.

I have been impressed with the quality of the commission members, there depth and breadth of business experience and commitment to making Portsmouth the great place it is. Nancy Carmer has done an excellent job coordinating EDC activities and represents Portsmouth well when dealing with external private and public business entities.

Portsmouth is a great place to work and live based on excellent contributions from the EDC and other city committees. Additionally, I have found the City manager(s) and city staff to be competent and responsive to all EDC initiatives.

The EDC has been designed to have limited term lengths and normal turnover which allows for diversity and a fresh perspective is a good thing!

Thank you for the privilege of allowing me to serve for many years.

Warm regards,

Ron Zolla

**LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 2 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Portwalk HI LLC ("the Owner ") and is associated with the Hampton Inn & Suites.

2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
 - The hours of operation for valet parking services are 24 hours per day, seven days per week.
 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.

3. **Signage:**
 - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine

the placement of sign poles and will have final approval over the size and content of signs.

- This License Agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.
4. **Term:** This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
 5. **Payment Terms:** Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
 6. **Indemnification:** Licensee agrees to Indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
 7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
 8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
 9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 11/9/2020

CITY OF PORTSMOUTH

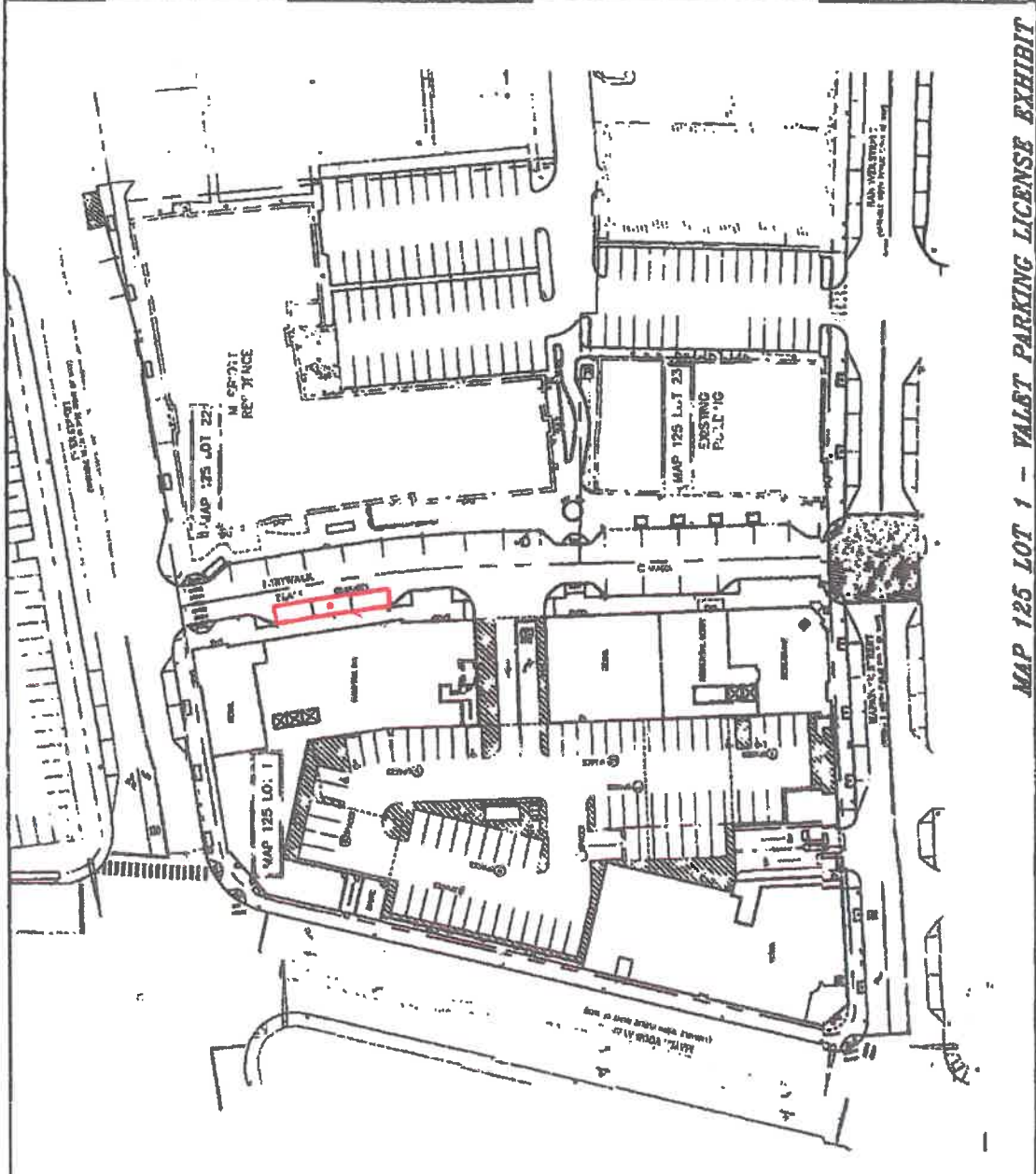
By: KSCS
Karen Conard, City Manager

Pursuant to vote of the City Council on
October 19, 2020

Dated: 10/22/2020

ULTIMATE PARKING II, LLC
d/b/a LAZ Parking

By: [Signature]
Print Name: Brian Hussey
Print Title: REGIONAL VICE PRESIDENT



LICENSE LEGEND.
 VALET LICENSE
 3 PARKING SPOTS
 ON MAP 125 LOT 1

PERMITS:
 1. CITY OF PORTLAND PLANNING DEPARTMENT FOR THE CITY ENGINEER FOR
 PERMITS LOCATED AT 100 HANOVER STREET DATED: JULY 2, 2007
 APPROVAL FOR PERMIT: 10-0700 AT 100 HANOVER STREET DATED:
 AUGUST 24, 2005
 2. CITY OF PORTLAND PLANNING DEPARTMENT FOR THE CITY ENGINEER, AS
 PART OF PERMIT: 10-0700 AT 100 HANOVER STREET DATED:
 SEPTEMBER 22, 2004
 3. CITY OF PORTLAND PLANNING DEPARTMENT FOR THE CITY ENGINEER, AS
 PART OF PERMIT: 10-0700 AT 100 HANOVER STREET DATED:
 SEPTEMBER 22, 2004
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 SEPTEMBER 22, 2004
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 SEPTEMBER 22, 2004
 13. CITY OF PORTLAND PLANNING DEPARTMENT FOR THE CITY ENGINEER, AS
 PART OF PERMIT: 10-0700 AT 100 HANOVER STREET DATED:
 SEPTEMBER 22, 2004
 14. CITY OF PORTLAND PLANNING DEPARTMENT FOR THE CITY ENGINEER, AS
 PART OF PERMIT: 10-0700 AT 100 HANOVER STREET DATED:
 SEPTEMBER 22, 2004

MAP 125 LOT 1 - VALET PARKING LICENSE EXHIBIT



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/9/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Amity Insurance Agency, Inc. 500 Victory Rd. Marina Bay North Quincy MA 02171	CONTACT NAME: Frank Griffin	
	PHONE (A/C, No, Ext): (617) 471-1220 FAX (A/C, No): (617) 479-5147 E-MAIL ADDRESS: fgriffin@amityins.com	
INSURED LAZ Parking Limited, LLC Three Copley Place Second Floor, Suite 3202 Boston MA 02116	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Liberty Mutual Fire Insurance	23035
	INSURER B: Liberty Insurance Corporation	42404
	INSURER C: Berkley Insurance Company	32603
	INSURER D: Markel American Insurance Company	28932
	INSURER E: Federal Insurance Company	20281
	INSURER F: Everest National Insurance Company	10120

COVERAGES CERTIFICATE NUMBER: 20-21 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			EB2611260451030	7/31/2020	7/31/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ EXCLUDED PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC						
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS			AS2611260451010	7/31/2020	7/31/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	SCHEDULED AUTOS NON-OWNED AUTOS						
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB			SEE ATTACHED LIST OF POLICIES	7/31/2020	7/31/2021	EACH OCCURRENCE \$ 100,000,000 AGGREGATE \$ 100,000,000
	DED RETENTION \$						
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N	NA761D260451020	7/31/2020	7/31/2021	<input checked="" type="checkbox"/> WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	GARAGEKEEPERS LIABILITY		X	AS2611260451010	7/31/2020	7/31/2021	\$1,000,000 LIMIT
C	CRIME/EMPLOYEE DISHONESTY			BCCR4500289222	7/31/2020	7/31/2021	\$1,000,000 LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
If agreed upon in a written contract or agreement, City of Portsmouth, its officers, city council members and employees, Parade Residence Hotel, LLC and Portwalk HI, LLC are included as an additional insured for general liability and garagekeepers liability, but only with respect to the operations of the named insured.
Re: 550510 - Portwalk Place (Valet Parking)

CERTIFICATE HOLDER City of Portsmouth City Hall 1 Junkins Avenue Portsmouth, NH 03801	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Frank Griffin/FG



AGENCY CUSTOMER ID: 25084

LOC #: See ACORD 25

ADDITIONAL REMARKS SCHEDULE

Page ___ of ___

AGENCY Amity Insurance Agency, Inc.		NAMED INSURED 	
POLICY NUMBER See Certificate		See ACORD 25	
CARRIER See Certificate	NAIC CODE 	EFFECTIVE DATE: 7/31/2020	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 **FORM TITLE:** Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER G: American Guarantee & Liability Insurance Company	26247
INSURER H: Great American Assurance Company	26344

ADDITIONAL POLICIES If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (mm/dd/yyyy)	POLICY EXPIRATION DATE (mm/dd/yyyy)	LIMITS	
D	EXCESS GENERAL LIABILITY			MKLM1EUL101301	7/31/2020	7/31/2021	AGGREGATE	\$4,000,000
E	UMBRELLA LIABILITY			79863543	7/31/2020	7/31/2021	AGGREGATE	\$25,000,000
F	EXCESS LIABILITY			XC5EX00784201	7/31/2020	7/31/2021	AGGREGATE	\$15,000,000
G	EXCESS LIABILITY			AEC011173106	7/31/2020	7/31/2021	AGGREGATE	\$25,000,000
H	EXCESS LIABILITY			EXC3275819	7/31/2020	7/31/2021	AGGREGATE	\$10,000,000
E	EXCESS LIABILITY			78187246	7/31/2020	7/31/2021	AGGREGATE	\$25,000,000

**LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 1 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Parade Residence Hotel LLC ("the Owner ") and is associated with the Marriott Residence Inn and the Portsmouth Harbor Events & Conference Center.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
 - The hours of operation for valet parking services are 24 hours per day, seven days per week.
 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
3. **Signage:**
 - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine the

placement of sign poles and will have final approval over the size and content of signs.

- This License agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.

4. **Term:** This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
5. **Payment Terms:** Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 11/9/2020

CITY OF PORTSMOUTH

By: KSLS
Karen Conard, City Manager

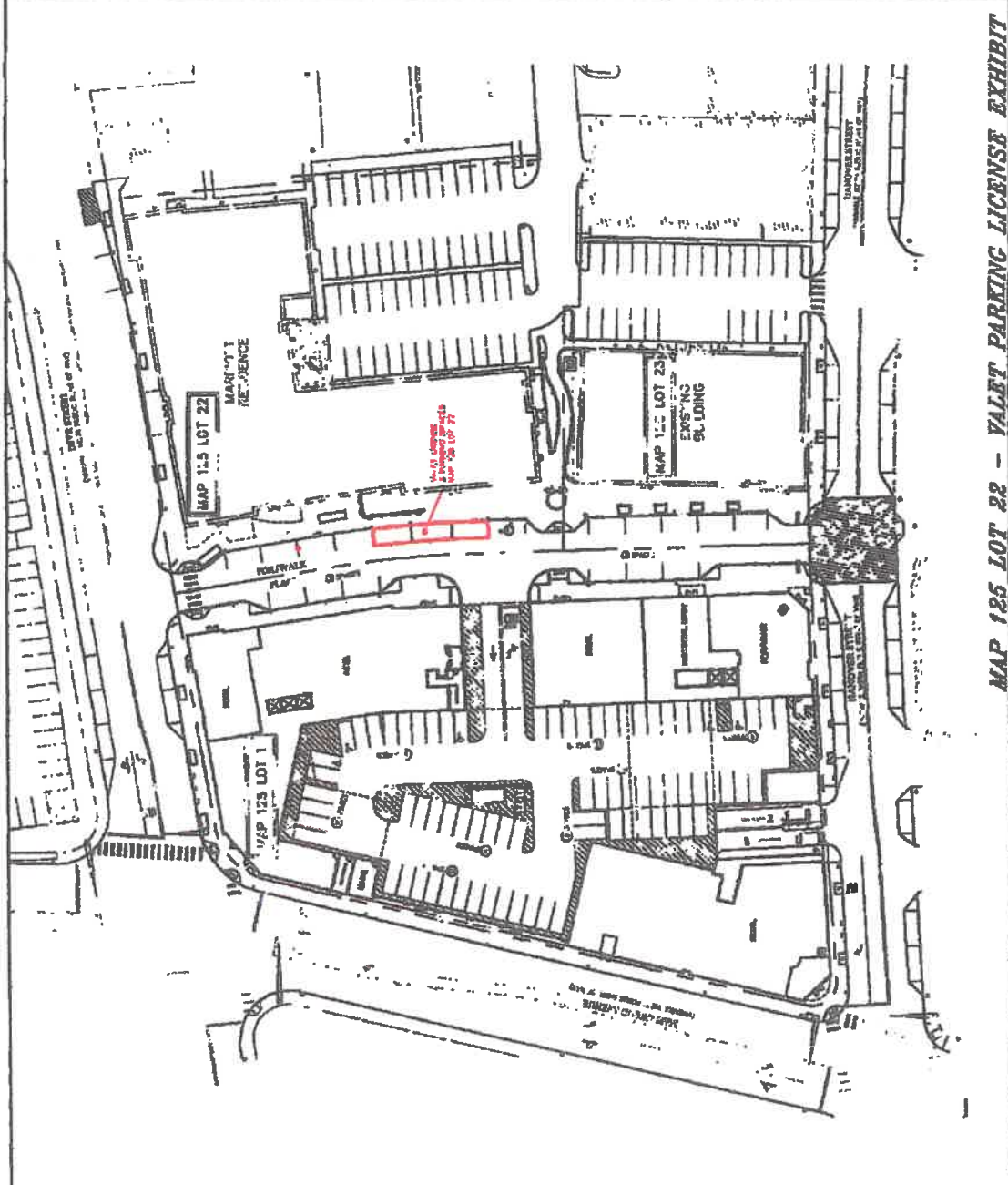
Pursuant to vote of the City Council on
October 19, 2020

ULTIMATE PARKING II, LLC
d/b/a LAZ Parking

Dated: 10/22/2020

By: [Signature]
Print Name: BRANDY HALEY
Print Title: Regional Vice Pres. Ops

MAP 125 LOT 22 - VALET PARKING LICENSE EXHIBIT



- LEGEND:**
- 1. SIDEWALK LICENSE
 - 2. SIDEWALK LICENSE
 - 3. SIDEWALK LICENSE
 - 4. SIDEWALK LICENSE
 - 5. SIDEWALK LICENSE
 - 6. SIDEWALK LICENSE
 - 7. SIDEWALK LICENSE
 - 8. SIDEWALK LICENSE
 - 9. SIDEWALK LICENSE
 - 10. SIDEWALK LICENSE
 - 11. SIDEWALK LICENSE
 - 12. SIDEWALK LICENSE
 - 13. SIDEWALK LICENSE
 - 14. SIDEWALK LICENSE
 - 15. SIDEWALK LICENSE
 - 16. SIDEWALK LICENSE
- EXHIBIT NOTES:**
1. THE VALET PARKING LICENSE IS FOR THE VALET PARKING SERVICE PROVIDED BY THE APPLICANT AT THE PROPERTY LOCATED AT 185 RAMSEY STREET, FORT WORTH, TEXAS 76102.
 2. THE VALET PARKING LICENSE IS FOR THE VALET PARKING SERVICE PROVIDED BY THE APPLICANT AT THE PROPERTY LOCATED AT 185 RAMSEY STREET, FORT WORTH, TEXAS 76102.
 3. THE VALET PARKING LICENSE IS FOR THE VALET PARKING SERVICE PROVIDED BY THE APPLICANT AT THE PROPERTY LOCATED AT 185 RAMSEY STREET, FORT WORTH, TEXAS 76102.
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 16. THE VALET PARKING LICENSE IS FOR THE VALET PARKING SERVICE PROVIDED BY THE APPLICANT AT THE PROPERTY LOCATED AT 185 RAMSEY STREET, FORT WORTH, TEXAS 76102.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/9/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Amity Insurance Agency, Inc. 500 Victory Rd. Marina Bay North Quincy MA 02171	CONTACT NAME: Frank Griffin	
	PHONE (A/C No, Ext): (617) 471-1220	FAX (A/C, No): (617) 479-5147
INSURED LAZ Parking Limited, LLC Three Copley Place Second Floor, Suite 3202 Boston MA 02116	E-MAIL ADDRESS: fgriffin@amityins.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Liberty Mutual Fire Insurance	NAIC # 23035
	INSURER B: Liberty Insurance Corporation	42404
	INSURER C: Berkley Insurance Company	32603
	INSURER D: Markel American Insurance Company	28932
	INSURER E: Federal Insurance Company	20281
	INSURER F: Everest National Insurance Company	10120

COVERAGES CERTIFICATE NUMBER: 20-21 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	<input checked="" type="checkbox"/>		EB2611260451030	7/31/2020	7/31/2021	MED EXP (Any one person) \$ EXCLUDED
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC						PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OPAGG \$ 2,000,000
							\$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			AS2611260451010	7/31/2020	7/31/2021	BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	<input checked="" type="checkbox"/> UMBRELLA LIAB						EACH OCCURRENCE \$ 100,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB	<input checked="" type="checkbox"/> OCCUR		SEE ATTACHED LIST OF POLICIES	7/31/2020	7/31/2021	AGGREGATE \$ 100,000,000
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> CLAIMS-MADE					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below.	<input checked="" type="checkbox"/> N	N/A	WA761D260451020	7/31/2020	7/31/2021	E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	GARAGEKEEPERS LIABILITY	<input checked="" type="checkbox"/>		AS2611260451010	7/31/2020	7/31/2021	\$1,000,000 LIMIT
C	CRIME/EMPLOYEE DISHONESTY			BCCR4500289222	7/31/2020	7/31/2021	\$1,000,000 LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
If agreed upon in a written contract or agreement, City of Portsmouth, its officers, city council members and employees, Parade Residence Hotel, LLC and Portwalk HI, LLC are included as an additional insured for general liability and garagekeepers liability, but only with respect to the operations of the named insured.
Re: 550510 - Portwalk Place (Valet Parking)

CERTIFICATE HOLDER

City of Portsmouth
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Frank Griffin/FG



AGENCY CUSTOMER ID: 25084

LOC #: See ACORD 25

ADDITIONAL REMARKS SCHEDULE

Page ___ of ___

AGENCY Amity Insurance Agency, Inc.		NAMED INSURED	
POLICY NUMBER See Certificate		See ACORD 25	
CARRIER See Certificate	NAIC CODE	EFFECTIVE DATE: 7/31/2020	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER G: American Guarantee & Liability Insurance Company	26247
INSURER H: Great American Assurance Company	26344

ADDITIONAL POLICIES If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (mm/dd/yyyy)	POLICY EXPIRATION DATE (mm/dd/yyyy)	LIMITS	
D	EXCESS GENERAL LIABILITY			MKLM1EUL101301	7/31/2020	7/31/2021	AGGREGATE	\$4,000,000
E	UMBRELLA LIABILITY			79863543	7/31/2020	7/31/2021	AGGREGATE	\$25,000,000
F	EXCESS LIABILITY			XC5EX00784201	7/31/2020	7/31/2021	AGGREGATE	\$15,000,000
G	EXCESS LIABILITY			AEC011173106	7/31/2020	7/31/2021	AGGREGATE	\$25,000,000
H	EXCESS LIABILITY			EXC3275819	7/31/2020	7/31/2021	AGGREGATE	\$10,000,000
E	EXCESS LIABILITY			78187246	7/31/2020	7/31/2021	AGGREGATE	\$25,000,000

**PARKING and TRAFFIC SAFETY COMMITTEE
ACTION SHEET**

3:00 P.M. – September 2nd, 2021
Conference Room A

PRESENT: City Councilor/Chairman Peter Whelan, City Manager Karen Conard,
Public Works Director Peter Rice
Members: Mary Lou McElwain, Steve Pesci, Jonathan Sandberg, Harold
Whitehouse, Fire Chief Todd Germain, Police Captain Mike Maloney,
Erica Wygonik.

CITY STAFF: Parking Director Ben Fletcher

ACTION ITEM FOR CITY COUNCIL

- | |
|--|
| <ul style="list-style-type: none">• Request for Approval of Executed Valet Agreements of Portwalk Hampton and Portwalk Marriott. |
|--|

1. Financial Report – Accepted and placed on file financial report dated July 31, 2021.
2. Public Comment Session – There were 8 speakers: Chuck Collins (Little Harbor Road Analysis), Lisa Oakes (Little Harbor Road Analysis, Little Harbor Dog Waste, Bartlett Street Traffic Change), Liza Hewitt (Middle Road Traffic Calming Pilot, Bike Route on Lincoln Positive Feedback), Kelly Shaw (Banfield Road Speeding, Box Truck Usage and Traffic), Robert Najjar (Little Harbor Road Speeding), Matt Glenn (Bike Lanes and Passes at Route 1 Bypass), Paige Trace (Speeding on Woodbury Avenue), Andrew Bagley (Cross Inquiry for Chapel Street and Bow Street, Codifying Veteran Parking, First Time Offender Parking Tickets).
3. Request for Approval of Executed Valet Agreements Portwalk Hampton. Portwalk Marriott.
Voted to approve agreements as shown and move to City Council for approval.
4. Request for RRFB at Wentworth Road (1B) and Sagamore Street.
Voted to revisit after area is rebuilt, pending sidewalk installation along Route 1B.
5. Request for Traffic Calming and Speed Controls on Little Harbor Road.
Voted to have staff place radar device further down Road, analyze results and report back.
6. Request for RRFB (flashing beacon) at crosswalk(s) situated at Marcy and Pleasant (Sanders Fish Mkt.).
Voted to have staff complete on-site visit, and review data to assess need for RRFB (flashing beacon) and report back.
7. Request for traffic calming measures on Sherburne Road, by residents of Sherburne Road
Voted to have staff continue to monitor and report back.

8. Request to review site distance at intersection of Washington and Pleasant.
Voted to accept Public Works Director Peter Rice's recommendation, based on review, for no action at this time.
9. Cate Street and Bartlett Street progress update by Public Works Director Peter Rice.
- Informational, no action required.
10. Monthly accident report from Police.
- Informational, no action required.
11. Bike and vehicular traffic volume data.
- Informational, no action required.
12. Two Traffic Signals at Borthwith Avenue, Hodgdon Brook, and Coakley Road and Cotage Street at Route 1 Bypass. – *Informational, no action required.*
13. PTS Action Items.
- Informational, no action required.
14. Adjournment – At 4:07 p.m., **Voted** to adjourn.

Respectfully submitted by: Shanleigh McGonagle

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE

3:00 P.M. – September 2, 2021

CONFERENCE ROOM A

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

3:00 PM

MINUTES

Sept. 2nd, 2021

I. CALL TO ORDER

Chairman Peter Whelan called the meeting to order at 3:00 p.m.

II. ATTENDANCE

Members Present:

City Councilor/Chairman Peter Whelan

City Manager Karen Conard

Public Works Director Peter Rice

Fire Chief Todd Germain

Police Captain Mike Maloney

Mary Lou McElwain

Steve Pesci

Jonathan Sandberg

Harold Whitehouse

Erica Wygonik (Alternate)

Absent

City Staff Present:

Parking Director Ben Fletcher

III. FINANCIAL REPORT

Parking Director Ben Fletcher commented that this was the financial report through July 31, 2021, and they are at 11% of the annual revenue. They are off to a good start.

Harold Whitehouse moved to accept the financial report dated July 31, 2021, and place on file, seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

IV. PUBLIC COMMENT (15 MINUTES)

Chuck Collins of 3 Little Harbor Rd. commented that he had not seen the impact results of the roadway, so he requested to speak after that is discussed in the agenda. Chairman Peter Whelan confirmed that the public could come up and speak after it was presented.

Lisa Oaks of 315 Little Harbor Rd. commented that she was also interested in the impact analysis results. The road should continue to be monitored. Ms. Oaks also commented that the Bartlett St. intersection was confusing and would create accidents.

Liza Hewitt of 726 Middle Rd. commented on the traffic calming pilot program. Ms. Hewitt questioned if there would be a formal review at some point about the progress. The new RFB has been a gamechanger. Blocking the right off Middle St. has also been great. They have made a big difference. Ms. Hewitt was concerned that the bollards may come down for the winter. It could be confusing if they are removed. Ms. Hewitt has not seen a big difference in speed on her end of Middle Rd. The bump outs have not made a huge difference. There has not been as much of a police presence down there either. The speed limit should be 25 mph. It's 25 mph on Middle St., Woodbury Ave., and Maplewood Ave. It should be 25 mph here too. The new bike route on Lincoln Ave. is very safe.

Kelly Shaw of Banfield Rd. commented on several concerns. Cars are going too fast on Banfield Rd. They are still speeding even with construction going on. Box trucks are supposed to use Route 1, but they are still using Banfield Road multiple times a day. Ms. Shaw was also concerned about tractor trailer trucks at 375 Banfield Rd. It is zoned industrial, but the sightlines are greatly reduced. Banfield Rd. is not built to sustain this level of truck traffic. It is dangerous to have them on a rural road. These trucks should all be on Route 1. The amount of development in the gateway area is also concerning. This will add more traffic and speeding to the area and there is not enough of a police force to monitor it.

Robert Najar of 10 Martine Cottage Rd. commented that there was a lot of pedestrian traffic on that Little Harbor Rd. Cars are speeding off Sagamore Ave. and continue to speed onto Little Harbor Rd. It would be helpful to add signage warning about pedestrians. This road is in the CIP to be repaved. When that project happens, it may make sense to add a speed table.

Matt Glenn of 34 Harrison Ave. commented that the multiuse pathway on Hodgson Way does not continue onto Borthwick Ave. People must cross a multi lane road to get there. Mr. Glenn questioned if they would include a crosswalk and light there. A bike box may make sense as well. Mr. Glenn also addressed the safe routes to school on Lincoln Ave. The route should direct bikers to take a left on Park St. and a right Mendum Ave. for a safer crossing.

Paige Trace of 27 Hancock St. spoke as a resident. Ms. Trace requested that the Parking, Traffic and Safety Committee address the speeding on Woodbury Ave. in the October agenda. More people are taking Woodbury Ave. because of the new speed tables on Maplewood Ave. Ms. Trace suggested adding speed tables to Woodbury Ave. as well. Woodbury Ave. is a straight shot and people don't go 25 mph.

Andrew Bagley of 40 Chauncey St. commented that in the past a crosswalk has been requested at the intersection of Chapel St. and Bow St. It is a risky area to cross. The free veteran parking should be codified. Mr. Bagley questioned if the people should be forgiven for their first parking ticket.

V. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

A. Request for Approval of Executed Valet Agreements

a. PortwalkHampton

b. Portwalk Marriott

Parking Director Ben Fletcher commented that these were standard agreements that are typically renewed each year. The contracts have been reviewed by Assistant City Attorney Jane Ferrini. These need to be approved by PTS and then they go to City Council.

Mary Lou McElwain clarified that each request would have 3 spaces. Parking Director Ben Fletcher confirmed that was correct. Mary Lou McElwain noted that it looked like the Marriott currently had 6 spaces marked for valet. Parking Director Ben Fletcher responded that they would review what is out there compared to the contract and ensure they comply.

Mary Lou McElwain questioned if the \$1500 fee should be increased. Parking Director Ben Fletcher responded that cost was determined by the Fee Committee. Public Works Director Peter Rice noted that they could review that with the Fee Committee, but the fee has already been set for this year. The fee is calculated by the on-street rates, and nothing has changed there. Nothing would be warranting a change on this. It is a private street. The revenue generated from this street goes to the property owner after the City takes out the operations cost.

Public Works Director Peter Rice moved to approve agreements as shown and move to City Council for approval, seconded by Jonathan Sandberg. On a unanimous roll call, motion passed 9-0.

B. Request for RRFB at Wentworth Road (1B) and Sagamore.

Parking Director Ben Fletcher commented that there was a discussion about whether to put a crosswalk across in this location. Currently, there is no sidewalk there. It is not good practice to install a crosswalk without a sidewalk. The recommendation is to revisit this when the block is rebuilt. If a sidewalk is put in with that project, then a crosswalk could be put in.

Harold Whitehouse moved to revisit after area is rebuilt, pending sidewalk installation along Route 1B, seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

VI. OLD BUSINESS

A. Request for Traffic Calming and Speed Controls on Little Harbor Road. Sample Motion: Staff to report collected data and recommend at 9.2.21 meeting.

Parking Director Ben Fletcher commented that they monitored Little Harbor Rd. The results were nearly identical for the weekday and weekend. The slowest speed was 8 mph and the highest was 34 mph. The average speed was 21 mph and the 85th percentile was 25 mph.

Mary Lou McElwain questioned if the device recorded bikes passing by. Parking Director Ben Fletcher responded that the device tracks the size of vehicles. Anything less than 9 feet in length is programmed to be treated as a bike. This is different than the flashing "your speed is" sign.

Mary Lou McElwain commented that adding caution pedestrian signage would be helpful for that road.

Chairman Peter Whelan questioned where the monitoring device was placed on Little Harbor Rd. Parking Director Ben Fletcher responded that it was placed about 250 meters down the road from its intersection with Sagamore, on the right.

Lisa Oaks of 315 Little Harbor Rd. requested that they move the device further down the road. Chairman Peter Whelan confirmed that they could continue monitoring.

Chuck Collins of 3 Little Harbor Rd. commented that this road did not have an outlet. There should be a caution pedestrian sign. Most vehicles are traveling down there for recreational purposes. The speed on Little Harbor Rd. is 30 mph, but it should be slower. It should be posted as a 15-mph recreational use roadway. Mr. Collins was concerned that the road would be widened when the City resurfaced it, and the cars would travel even faster.

Parking Director Ben Fletcher confirmed they would move the tracking device further down the road for additional monitoring.

Mr. Pesci commented that this could lead to a broader discussion about speed limits in the City. It may make sense to lower this to 25 mph as opposed to the default.

Harold Whitehouse questioned if they could post a 15-mph speed limit. Public Works Director Peter Rice responded that the State does not allow anything without a warrant study done to justify reducing the speed from 30 to 25 mph. Speed limits lower than that throughout the City are not enforceable. Putting it up there may make people feel better and drive slower. However, police are hesitant to enforce that unless there is a concurrent issue. This street is seeing average speeds of 21 mph, so that is encouraging. Speed tables are not effective at speeds of 25 mph. They do well to get people to go below 30 mph. Speed tables are designed for 25 mph speeds. There are no plans to widen the road.

City Manager Karen Conard moved to have staff place radar device further down Road, analyze results and report back, seconded by Erica Wygonik. On a unanimous roll call, motion passed 9-0.

Chuck Collins questioned if they could monitor pedestrian traffic as well. Public Works Director Peter Rice confirmed they could add a camera.

B. Request for RRFB (flashing beacon) at crosswalk(s) situated at Marcy and Pleasant (Sanders Fish Mkt.).

Parking Director Ben Fletcher commented that they would like to do a site visit to see if the footprint and sightlines allow for this. They will report back after that.

Public Works Director Peter Rice moved to have staff complete on-site visit, and review data to assess need for RRFB (flashing beacon) and report back, seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

C. Request for traffic calming measures on Sherburne Road, by residents of Sherburne Road.

Parking Director Ben Fletcher commented that they have not had an opportunity to address this yet. The goal will be to get the radar out onto Sherburne Ave. to monitor speed and try to address this for the October meeting.

Mary Lou McElwain moved to have staff continue to monitor and report back, seconded by Harold Whitehouse. On a unanimous roll call, motion passed 9-0.

D. Request to review site distance at intersection of Washington and Pleasant

Public Works Director Peter Rice commented that this intersection has been monitored and reviewed previously. This was brought forward because a resident requested that it be brought forward again. It is tight in that area. The sight distance is adequate and based on review the recommendation is to take no action.

Mary Lou McElwain moved to accept Public Works Director Peter Rice's recommendation, based on review, for no action at this time, seconded by Mr. Pesci. On a unanimous roll call, motion passed 9-0.

VII. INFORMATIONAL

1. Cate Street and Bartlett Street progress update by Public Works Director Peter Rice.

Public Works Director Peter Rice commented that they were going to be presenting a full review on September 20, 2021, at the City Council Meeting. The major concern is the crosswalk along the slip lane at the intersection. Despite that concern, the intersection is functioning very well. It can handle the tractor trailer trucks. People are learning the new intersection and being aware to watch and yield for through traffic. They are collecting traffic data on the intersection now. The goal was to create a through lane out to the Bypass.

Jonathan Sandberg questioned why the slip lane was needed. Public Works Director Peter Rice responded that if it was not there, then it would create a pinch point for cars taking a left off the Bypass and going up Bartlett. It would cause a backup at the Islington St. intersection. The slip lane prevents a backup and allows through traffic to continue onto the Bypass. The intent was to keep traffic moving and create less congestion.

Mary Lou McElwain commented that the volume from all the developments in the area should be considered as well. It is unclear how thoroughly this is discussed prior to a development going in.

Harold Whitehouse questioned what jurisdiction PTS had over the increase in traffic. Eventually it will be a serious problem. Chairman Peter Whelan responded that traffic is addressed through the TAC and Planning Board process. They can request traffic studies.

2. Monthly accident report from Police.

Police Captain Mike Maloney commented that July had 93 total crashes and 57 of those were reportable. In 2019 there were 105 accidents. There were no reported bike or pedestrian accidents in July, but there was a serious one in August.

Bike and vehicular traffic volume data.

Parking Director Ben Fletcher commented that they have continued to monitor traffic and it has increased peaking in July then dipping in August. The numbers are still below what it was in 2019 numbers.

PTS Action Items.

Harold Whitehouse questioned if they could paint the words “look up” in the crosswalks on Maplewood Ave. and Congress St. and Maplewood Ave. and Deer St. Chairman Peter Whelan confirmed that they could bring that up in the October Meeting.

VIII. MISCELLANEOUS

A. Two Traffic Signals at Borthwick Avenue, Hodgdon Brook, and Coakley Road and

Chairman Whelan commented that there has been an issue with those two intersections signals being off in timing. Public Works Director Peter Rice commented that they were State controlled signals. One is a temporary signal that will be replaced with a permanent one. The State is aware of the issue.

Jonathan Sandberg questioned if there were plans to remove the signal at Coakley St. and Cottage St. Public Works Director Peter Rice responded that is identified as a long-term project in the CIP. They need to work with DOT to see if it's warranted. If this issue of queuing through the intersection continues, then it will be good indication that it's needed.

Mary Lou McElwain commented that a heavy volume of traffic equals impatient drivers. There needs to be more enforcement.

Erika Wygonik questioned who was in charge of the crossing guards for the schools. Parking Director Ben Fletcher responded that they work with the schools to schedule crossing guards. Parking Director Ben Fletcher confirmed he could direct Erika Wygonik to the correct person to discuss the schedule.

Chairman Whelan commented that Tom Morgan wrote a letter to the Council about bike lanes on Woodbury Ave. Paige Trace raised the idea of speed tables on Woodbury Ave. Those can be discussed at the next meeting.

Steve Pesci commented that the Cate St. and Bartlett St. intersection was working very well. The most dangerous point is when something is newly installed. The slip lane may need different signage to alert unexpecting drivers. It will be good to see the final design. Some people are abusing the click and fix by sending a note every time there is a truck on Bartlett St. Local deliveries are still allowed. They are legally able to use it.

Public Works Director Peter Rice commented that the sidewalks on Chevrolet Ave. were complete.

Parking Director Ben Fletcher questioned if they should continue to have meetings at 3 p.m. or go back to 8 a.m. Chairman Peter Whelan responded they should go back to 8 a.m.

IX. ADJOURNMENT

Harold Whitehouse moved to adjourn at 4:07 p.m., seconded by Mary Lou McElwain. On a unanimous roll call, motion passed 9-0.

Respectfully submitted by:

Becky Frey

Acting Parking, Traffic and Safety Secretary

CITY OF PORTSMOUTH



September 23, 2021

City of Portsmouth Blue Ribbon Sustainable Practices Committee and SEAREI Host “Drawdown Portsmouth – Climate Solutions 101” Virtual Dialogue on October 6, 2021

Portsmouth, New Hampshire -- The Mayor’s Blue Ribbon Committee on Sustainable Practices, in collaboration with the Seacoast Renewable Energy Initiative (SEAREI), <https://searei.org/> presents a virtual community discussion on Wednesday, October 6, 2021 at 7 pm via Zoom to provide an update on their work in support of Portsmouth’s Eco-Municipality commitment. For the link to participate in the discussion by Zoom, click here:

<https://us02web.zoom.us/meeting/register/tZEsdOmorT8rH9ApZSMTY2O8jW-D6f3ZXHLY>

The purpose of the discussion is to provide an update on the committee’s work in support of Portsmouth’s Eco-Municipality commitment. As part of the discussion, the committee will introduce a workshop on “Drawdown Portsmouth: Climate Solutions 101,” a continuation of the workshop, “How Portsmouth Can Apply Project Drawdown Tools to Help Achieve a Climate-Safe Planet,” that launched in 2020.

Project Drawdown [<https://drawdown.org>] is a global effort, launched in 2017 by Paul Hawken, to help reach “drawdown”-- the point in the future when levels of greenhouse gases in the atmosphere stop climbing and start to decline steadily, thereby reducing catastrophic climate change.

According to the Committee, “Climate Solutions 101” [<https://drawdown.org/climate-solutions-101>] is the world’s first major educational effort focused solely on solutions. Rather than rehashing well-known climate challenges, Project Drawdown centers game-changing climate action based on its own rigorous scientific research and analysis. This course, presented in video units and in-depth conversations, combines Project Drawdown’s trusted resources with the expertise of several inspiring voices from around the world. Climate solutions become attainable with increased access to free, science-based educational resources, elevated public discourse and tangible examples of real-world action.”

The public Zoom dialogue supports Portsmouth ongoing efforts as an Eco-Municipality to meet its commitment to the four core principles of “The Natural Step”:

- Reduce dependence upon fossil fuels and extracted underground metals and minerals
- Reduce dependence on chemicals and other manufactured substances that can accumulate in nature
- Reduce dependence on activities that harm life-sustaining eco-systems
- Meet the hierarchy of present and future human needs fairly and efficiently.

The meeting on October 6th is an introductory session that will be followed by 6 sessions on consecutive weeks to discuss key topics:

- Stopping climate change
- Reducing sources
- Supporting sinks and improving society
- Putting it all together
- Making it happen
- Local actions

For more information on the Blue Ribbon Committee on Sustainable Practices, visit:

<https://www.cityofportsmouth.com/sustainability/sustainable-practices-blue-ribbon-committee>

DATE: SEPTEMBER 29, 2021

CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD

FROM: COUNCILOR HUDA

SUBJECT: OCTOBER 4, 2021 CITY COUNCIL MEETING AGENDA REQUEST
PLEASE PUT THIS UNDER MY NAME. THANK YOU

1) I MAKE A MOTION FOR A REPORT BACK FROM THE CITY MANAGER AND
THE COUNCIL AT THE OCTOBER 18th CITY COUNCIL MEETING ON THE
FOLLOWING RELATED TO THE AUGUST 2021 MONTHLY REPORT:

AT THE MONTH OF AUGUST WE ARE AT 16.7% OF THE FISCAL YEAR

> ON PAGE 7 - SCHOOL REVENUES - OTHER SOURCES IS 1042% OF BUDGETED
AMOUNT-LISTED AS SCHOL
DENTAL CARE REIMBURSEMENT, PLEASE DEFINE

ON PAGE 13 - PARKING & TRANSPORTATION

PARKING ENFORCEMENT - \$130,279 - 30.4%

PARKING METER OPS - \$149,718 - 46.6%

CONTINGENCY - \$54,554 - 27.7%

PLEASE DESCRIBE WHY THE % EXPENDED IS SO HIGH.

Subject: GRANT OF MATCHING FUNDS PURSUANT TO RSA 147-B:6, I-A

GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby mutually agree as follows:

GENERAL PROVISIONS

1. IDENTIFICATIONS

1.1 State Agency Name Department of Environmental Services		1.2 State Agency Address 29 Hazen Drive Concord, NH 03301	
1.3 Grantee Name City of Portsmouth		1.4 Grantee Address 680 Peverly Hill Road Portsmouth, NH 03060	
1.5 Effective Date	1.6 Completion Date June 30, 2022	1.7 Audit Date N/A	1.8 Grant Limitation \$4,587
1.9 Grant Officer for State Agency Dean F. Robinson II, HHW Coordinator NH Department of Environmental Services		1.10 State Agency Telephone Number 603-271-2047	
1.11 Grantee Signature		1.12 Name & Title of Grantee Signor	
1.13 Acknowledgment: State of New Hampshire, County of _____ On ____ / ____ / _____, before the undersigned officer, personally appeared the person identified in block 1.12., or satisfactorily proven to be the person whose name is signed in block 1.11., and acknowledged that s/he executed this document in the capacity indicated in block 1.12.			
1.13.1 Signature of Notary Public or Justice of the Peace (Seal)			
1.13.2 Name & Title of Notary Public or Justice of the Peace			
1.14 State Agency Signature(s)		1.15 Name/Title of State Agency Signor(s) Robert R. Scott, Commissioner	
1.16 Approval by Attorney General's Office (Form, Substance and Execution) By: _____ Attorney, On: ____ / ____ / _____			
1.17 Approval by the Governor and Council By: _____ On: ____ / ____ / _____			

2. SCOPE OF WORK. In exchange for grant funds provided by the state of New Hampshire, acting through the agency identified in block 1.1 (hereinafter referred to as “the State”), pursuant to RSA 21-O, the Grantee identified in block 1.3 (hereinafter referred to as “the Grantee”), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being referred to as “the Project”).

3. AREA COVERED. Except as otherwise specifically provided for herein, the Grantee shall perform the Project in, and with respect to, the state of New Hampshire.

4. EFFECTIVE DATE; COMPLETION OF PROJECT.

4.1 This Agreement, and all obligations of the parties hereunder, shall become effective on the date in block 1.5 or on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire whichever is later (hereinafter referred to as “the Effective Date”).

4.2 Except as otherwise specifically provided for herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.6 (hereinafter referred to as “the Completion Date”).

5. GRANT AMOUNT; LIMITATION ON AMOUNT; VOUCHERS; PAYMENT.

5.1 The Grant Amount is identified and more particularly described in EXHIBIT B, attached hereto.

5.2 The manner of, and schedule of payment shall be as set forth in EXHIBIT B.

5.3 In accordance with the provisions set forth in EXHIBIT B, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.

5.4 The payment by the State of the Grant amount shall be the only, and the complete, compensation to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.

5.5 Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.

6. COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS. In connection with the performance of the Project, the Grantee shall comply with all statutes, laws, regulations, and orders of federal, state, county, or municipal authorities which shall

impose any obligations or duty upon the Grantee, including the acquisition of any and all necessary permits.

7. RECORDS AND ACCOUNTS.

7.1 Between the Effective Date and the date seven (7) years after the Completion Date the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.

7.2 Between the Effective Date and the date seven (7) years after the Completion Date, at any time during the Grantee’s normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records or personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, “Grantee” includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these general provisions.

8. PERSONNEL.

8.1 The Grantee shall, at its own expense, provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.

8.2 The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform such Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.

8.3 The Grant officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.

9. DATA: RETENTION OF DATA; ACCESS.

9.1 As used in this Agreement, the word “data” shall mean all information and things developed or obtained during the performance of, or acquired or developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs, computer printouts, notes, letters, memoranda, papers, and documents, all whether finished or unfinished.

9.2 Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person

designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.

9.3 No data shall be subject to copyright in the United States or any other country by anyone other than the State.

9.4 On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.

9.5 The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.

10. CONDITIONAL NATURE OR AGREEMENT.

Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.

11. EVENT OF DEFAULT; REMEDIES.

11.1 Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):

11.1.1 failure to perform the Project satisfactorily or on schedule; or

11.1.2 failure to submit any report required hereunder; or

11.1.3 failure to maintain, or permit access to, the records required hereunder; or

11.1.4 failure to perform any of the other covenants and conditions of this Agreement.

11.2 Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:

11.2.1 give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and

11.2.2 give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the grantee during the period from the date of such notice until such time as the State determines that

the Grantee has cured the Event of Default shall never be paid to the Grantee; and

11.2.3 set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and

11.2.4 treat the agreement as breached and pursue any of its remedies at law or in equity, or both.

12. TERMINATION.

12.1 In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.

12.2 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.

12.3 In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee's breach of its obligations hereunder.

12.4 Notwithstanding anything in this Agreement to the contrary, either the State or except where notice default has been given to the Grantee hereunder, the Grantee, may terminate this Agreement without cause upon thirty (30) days written notice.

13. CONFLICT OF INTEREST. No officer, member or employee of the Grantee and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interests or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

14. GRANTEE'S RELATION TO THE STATE. In the performance of this Agreement, the Grantee, its employees, and any subcontractor or subgrantee of the Grantee are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Grantee nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.

15. ASSIGNMENT AND SUBCONTRACTS. The Grantee shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be

subcontracted or subgranted by the Grantee other than as set forth in Exhibit A without the prior written consent of the State.

16. **INDEMNIFICATION.** The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee of Subcontractor, or subgrantee or other agent of the Grantee.

Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.

17. **INSURANCE AND BOND.**

17.1 The Grantee shall, at its sole expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:

17.1.1 statutory workers' compensation and employees liability insurance for all employees engaged in the performance of the Project, and

17.1.2 comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$2,000,000 for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2 The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice has been received by the State.

18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure or waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Grantee.

19. **NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.

20. **AMENDMENT.** This agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire.

21. **CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

22. **THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.

23. **ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.

EXHIBIT A
List of Services

1. The Grantee shall conduct the collection portion of its Project for **Portsmouth, Greenland, and Newington** in accordance with the terms and conditions of a contract which incorporates, at a minimum, all of the provisions set forth in Section 3 below between the Grantee and its contracted permitted hazardous waste transporter (the contractor). For purposes of this agreement, the contractor shall mean the primary contractor and the Subcontractor means all additional contractors that the contractor hires for participating in the Project.
2. The Grantee shall spend its grant monies solely for the purpose of paying the Project's contractor and/or for paying the expenses associated with conducting the Project's educational component, as required under the NH Hazardous Waste Rules Env-Hw 1003.07.
3. The Grantee shall enter into a contract with a contractor to perform the household hazardous waste collection project that includes, as a minimum, the following provisions:
 - a. That the contractor shall handle all household hazardous wastes collected at the project site as hazardous wastes, and shall comply with all state and federal laws and regulations governing hazardous waste, including but not limited to, the provisions of RSA 147-A and Chapter Env-Wm 100 through Chapter Env-Hw 1000 involving hazardous waste safety standards, transportation requirements, and requirements for proper generation, treatment, storage, and disposal of hazardous wastes. Said requirements shall include RSA 147-A, Chapter Env-Hw 100 through Chapter Env-Wm 1000, and those of the state(s) through which and to which the waste has been sent;
 - b. That the contractor must act as the generator of the hazardous wastes that it collects at the project site and that the contractor must sign the Project's manifest forms as such generator;
 - c. That the contractor must have all necessary permits and licenses to handle and transport hazardous wastes in New Hampshire and other states associated with the conduct of the project;
 - d. That the contractor may not assign or subcontract any of the duties to be performed under the contract without prior written approval by the Grantee and by the Department. Further, that any additional Subcontractor must also have all necessary permits and licenses to carry out the functions that are the subject of the subcontract;
 - e. That the contractor shall, at its sole expense, obtain and maintain in force, and shall require all Subcontractors to obtain and maintain in force, comprehensive public liability insurance against all claims of bodily injuries, death, or property damage, in amounts and terms complying with, at a minimum, all applicable state requirements for hazardous waste transporters, including NH Code of Administrative Rules Env-Hw 603.12. Such policies shall cover the State and the Grantee as additional insured parties and shall comply, in form and substance, with all applicable provisions of the NH Liability Insurance Act, RSA Ch. 412, and the rules thereunder;
 - f. That the contractor shall transport all household hazardous wastes collected at the project site to an authorized treatment, storage, or disposal facility. Said facility shall be in compliance with appropriate state and federal requirements.

EXHIBIT A

Page 2

- g. That the Grantee shall not pay the contractor until after (1) the Department has received copies of all Project manifest forms required under Part Env-Hw 510, including Copy #2 of all Project manifest forms signed by the operator of the permitted hazardous waste facility or facilities to which the Project's collected hazardous wastes were delivered, and (2) the Department has reviewed the Project's collection, handling, transportation, storage, treatment, recycling and disposal of hazardous waste for compliance with applicable state and federal requirements. The Department's payment of funds to the Grantee shall not be construed as a waiver of any past, present or future right, claim, or cause of action related to the performance of this agreement or the enforcement of any applicable State or federal law;
 - h. That the contractor shall adhere to a work plan and a site safety plan, such plans may be reviewed by the Department.
 - i. That the Department may exercise its authority to modify, suspend or terminate the Project if it decides that the Project poses a threat to human health or the environment; and
- 4. The Grantee shall conduct public education activities regarding household hazardous waste in accordance with the provisions of RSA 147-B:6, I-a and Section Env-Hw 1003.07. Said activities shall include those set forth in the Grantee's application for Grant Monies, as approved by the Department.
 - 5. The Grantee shall keep a count of persons participating in the Project and to conduct a questionnaire of said persons incorporating, at a minimum, the questions set forth on the Participant Exit Survey.
 - 6. The Grantee shall conduct the collection portion of its project on or before the completion date shown in Section 1.6 of the contract. Failure to do so may result in termination of this agreement.
 - 7. The Grantee shall allow the Department to have access to and conduct any monitoring of the Project deemed necessary by the Department to ensure its compliance with the terms of the contract and with state and federal statutes and regulations.

EXHIBIT B
Method of Payment

1. The State agrees to pay the Grantee the Grant Monies upon the successful completion of the Project. Successful completion shall mean that (1) the Grantee has fulfilled the terms and conditions of this agreement, (2) the Grantee's accounting records, submitted to the Department have been reviewed by the Department, (3) the contractor has fulfilled the terms and conditions of its contract with the Grantee, and (4) the State has received and reviewed all Project manifest forms required in accordance with this contract and all applicable state and federal requirements. No Grant Monies shall be paid to the Grantee until the Department has determined that all the Project's collected hazardous wastes have been delivered to a permitted hazardous waste facility and the Department has reviewed the handling, transportation, and storage, treatment, recycling and/or disposal of the Project's collected hazardous wastes for compliance with applicable state and federal requirements. Said requirements shall include RSA 147-A, Chapter Env-Wm 100 through Chapter Env-Wm 1000, and those of the state(s) through which and to which the waste has been sent. However, the payment of funds to the Grantee shall not be construed as a waiver by the Department of any past, present or future right, claim or cause of action related to the performance of this agreement or the enforcement of all applicable state or federal laws.
2. Upon fulfillment of the terms and conditions of this contract, including all of the conditions of a successful completion of the Project, the Department shall pay to the Grantee Grant Monies in the amount not to exceed **\$4,587** This amount is based on a rate of **\$0.171 per capita** and on a population base of **26,823** to be made to the Grantee within 30 days of either the Department's receipt of the Grantee to be served by this Project. However, in no case shall the Department pay more than fifty percent (50%) of the total costs of the Project. All invoices must be submitted no more than 45 days past the completion date of the contract. Invoices greater than 180 days past the completion date will not be accepted or paid. Payment shall be made to the Grantee within 30 days of either the Department's receipt of the Grantee's invoice or the Department's determination that the Project has been successfully completed in accordance with this contract, whichever is later.
3. Grantee expenses not directly associated with the Project shall not be reimbursable by the Department. Only costs that otherwise would not have been spent by the Grantee were it not for the Project, and the Grantee's coordination thereof, shall be reimbursed by the Department. Nonreimbursable items shall include, but not be limited to, the following: employee benefits, payroll taxes, insurance, rent, utilities, dues, and depreciation.
4. The Grantee agrees to expend monies on the Project in an amount not less than the Project's Grant Monies, in fulfillment of the matching requirement set forth in RSA 147-B:6, I-a and in Part Env-Wm 1003.
5. The Grantee agrees to pay for all Project costs beyond the amount of Grant Monies.
6. Prior to the Department's awarding of the Grant Monies specified in this agreement, the Grantee agrees to provide the Department with records showing an accounting for all monies spent and/or costs incurred from the Project, including the Project's Grant Monies. Further, the Grantee agrees that no Grant Monies shall be paid by the Department unless and until the Department has reviewed and determined that such costs or expenditures qualify for funding under the terms of this agreement, and all applicable state and federal requirements; provided that the Department's payment of funds to the Grantee shall not be construed as a waiver of any past, present or future right, claim or cause of action related to the performance of this agreement or any applicable state or federal law.
7. The Grantee agrees to submit an invoice to the State for the Grant Monies specified in this agreement. Said invoice shall be submitted to the NH Department of Environmental Services, 29 Hazen Drive, Concord, NH 03301-6509.

EXHIBIT C
Special Provisions

1. The State reserves the right to audit the Grantee's expenditures for the Project and to retract and/or seek reimbursement for Grant Monies paid to the Grantee whenever, subsequent to payment of Grant Monies, it becomes known that any of the terms and conditions of this agreement were, in fact, not fulfilled.
2. Paragraph 15 of the General Provisions is amended in that the parties intend the Grantee to retain a Contractor in accordance with Exhibit A of this agreement.



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: September 30, 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 October 4, 2021

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article XI, Section 7.1100 – Speed Limits Sub-Section E – Speed Limit: 25 MPH – Chevrolet Avenue:

At its October 8, 2020 meeting, the Parking and Traffic Safety Committee (PTSC) heard a report back on traffic calming on Chevrolet Avenue in response to residents' concerns about pedestrian and traffic safety. In addition to a discussion on beginning a neighborhood traffic pattern plan for the area, the PTSC voted unanimously to lower the speed limit on Chevrolet Avenue from 30 mph to 25 mph as a measure to improve pedestrian and traffic safety.

The speed limit became a temporary parking and traffic regulation through the Council's approval of the PTSC's meeting minutes on November 16, 2020. Temporary parking regulations expire one year after approval unless they are adopted by the Council as an amendment to Chapter 7 through the City's ordinance adoption process.

The Parking and Traffic Safety Committee recommends the adoption of **an amendment to Chapter 7, Section XI, Section 7.1100 Speed Limits, Sub-Section E** to reduce the speed limit on Chevrolet Avenue from 30 mph to 25 mph.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled:

At its August 5, 2021 meeting, the Parking and Traffic Safety Committee (PTSC) voted unanimously to recommend to the City Council **an amendment to Chapter 7, Article XII, Section 7.1200** that would provide three hours of free parking in parking metered zones for ADA-credentialed vehicles. Over the course of several prior meetings, the PTSC acknowledged that before the enactment of the Stay and Pay system, the City had an uncodified policy of providing three hours of free parking for the walking disabled in time-limited parking spaces.

This policy conformed with NH RSA 265:74, which provides that a municipality must provide free parking for the walking disabled but has discretion to set reasonable time limits for free parking.

After the enactment of the Stay and Pay System, most time limits in City-managed parking spaces were abolished. The PTSC was uncertain as to what would qualify as reasonable time limits for free parking under our Stay and Pay parking system because we no longer have time limited parking and the guidance documents provided by the Governor's Commission on Disability did not address a Stay and Pay type parking system. The PTSC instructed staff to reach out to the Commission for clarification. Representatives at the Commission's Office confirmed that three hours of free parking for the walking disabled was reasonable under our Stay and Pay system and was consistent with the Commissions' policies and state law.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting.

C. Public Hearing Regarding Keno Games within the City of Portsmouth:

Pursuant to NH RSA 284:51, the City Council will be conducting a public hearing on the question of, "shall we allow the operation of keno games within the City of Portsmouth," during this evening's meeting.

This question will appear on the November 2, 2021 municipal election ballot.

XIV. Approval of Grants/Donations:

A. Donation to the African Burying Ground Trust - \$50:

The City received a donation to the African Burying Ground Trust in the amount of \$50 from JoAnn M. Monagle.

I recommend that the City Council move to approve and accept the donation from JoAnn M. Monagle in the amount of \$50 as presented.

B. NH State Library Moose Plate Conservation Grant - \$9,150:

The Finance Department is pleased to announce that the City of Portsmouth has been awarded one of the FY2021/2022 Moose License Plate Conservation Grants from the New Hampshire State Library in the amount of \$9,150 for the conservation project Preservation, Microfilming and Digitalization of two Portsmouth Inventory Document Collections Dated 1800-1899. These monies will help preserve legally required and historically significant documents held by the Finance Department that initially were intended to be financed through the City's Capital Improvement Program.

The New Hampshire State Library's (NHSL) FY2021/2022 Conservation License Plate Grant Program is designed to help municipalities as well as other public organizations preserve their historic documents. The NHSL Grant awards up to \$10,000 to applicants to conserve publicly owned documents.

The program aims to aid in the preservation of New Hampshire's historic manuscripts as well as increase their availability to the public. The grant requires that these documents not only be professionally preserved but also scanned to preservation microfilm as well as digitized.

This is the fifth Moose License Plate Conservation grant the City has been awarded, for a total of \$46,096. Last Fiscal Year, the City was awarded a grant for \$9,760 to preserve nine historic documents dated 1853-1895. The Finance Department is grateful to have been awarded this grant which will aid in both increasing resident access to historic city documents as well as helping to offset capital dollars needed to complete this required work.

I recommend that the City Council move to approve and accept the grant from the New Hampshire State Library in the amount of \$9,150 as presented.

C. NH DES Household Hazardous Waste Day FY22 Grant - \$4,587:

\$30,000 has been committed from the Water & Sewer Enterprise Fund for two household hazardous waste collection events in the FY22 budget.

Household hazardous waste collection events help protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed of. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than twenty years. Over 200,000 gallons of hazardous waste have been properly disposed of during this time. An average of almost 600 families take advantage of the collection events every year.

In the spirit of being a good neighbor, the City also offers the services to residents of Newington and Greenland. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$4,587 from the Department of Environmental Services (DES) has been applied for and is available to the City to assist in managing the cost of these events. This grant would supplement the City funds proposed in the FY22 budget.

I recommend that the City Council move to approve and accept a grant from the DES in the amount of \$4,587 for the purpose of household hazardous waste collection events, and authorize the City Manager to execute any documents which may be necessary for this grant contract.

D. Donation to the Skateboard Park - \$100:

The City received a donation to the Skateboard Park in the amount of \$100 from Linda Desjardins in loving memory of Rob Desjardins.

I recommend that the City Council move to approve and accept the donation from Linda Desjardins in the amount of \$100 as presented.

XV. City Manager's Items which Require Action:

1. **Request to Schedule Portsmouth Housing Authority Work Session:**

Per Councilor McEachern's request at the August 2, 2021 City Council meeting, I would like to propose a joint work session with the City Council and the Portsmouth Housing Authority on November 8, 2021 at 6:30 p.m.

I recommend that the City Council move to schedule a joint work session with the Portsmouth Housing Authority on November 8, 2021 at 6:30 p.m.

2. **Request to Establish Polling Hours for Municipal Election:**

In accordance with RSA 659:4, the City Council shall determine the polling hours for a Municipal Election. I would request that the polling hours on November 2, 2021 be set from 8:00 a.m. to 7:00 p.m.

I recommend that the City Council move to approve the polling hours of 8:00 a.m. to 7:00 p.m. for the Municipal Election on November 2, 2021 as recommended by the City Clerk.

XVI. Consent Agenda:

D. **Projecting Sign License – 951 Islington Street:**

Permission is being sought to install a projecting sign at **951 Islington Street** that extends over the public right of way, as follows:

Sign dimensions: 36" x 18"

Sign area: 4.5 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. Presentation and Update Regarding Stormwater Outreach:

The City's Deputy Director of Public Works, Brian Goetz, will be providing an update on the City's stormwater outreach efforts.

XVIII. City Manager's Informational Items:

1. Response to Councilor Huda's Audit Questions:

City staff did not have time to respond to some of Councilor Huda's questions on the September 20, 2021 City Council agenda prior to the Council packet and materials being finalized for distribution to the Council and the public. On September 17, 2021, Acting Deputy City Manager Woodland sent the **attached memorandum** to the Council via email.

2. Sagamore Sewer Extension Project Update with Responses to Various Questions:

At the September 20, 2021 City Council meeting, various questions were posed and an update was requested regarding the Sagamore Sewer Extension Project. A **report back** has been prepared with that information.

3. Report Back Regarding Combat Deployment Tax Credit:

The Legal and Assessing Departments have prepared a **report back on a Combat Deployment Tax Credit**, which was proposed by Josh Denton via written correspondence at the August 2, 2021 City Council meeting.

4. NHDOT Noise Program Information:

As requested by Councilors Lazenby and McEachern, we provide information relative to the City's history in pursuit of sound barriers along with material that details NHDOT's noise program.

In response to residents' long standing concerns about highway noise in their neighborhoods along the I-95 corridor, the City began the process of applying for acceptance by NHDOT into the NH Type II Highway Noise Abatement Program in September 2016. The City's first application was rejected. The City was advised by NHDOT that the City needed to enact highway noise compatible planning and development regulations in order to be accepted into the program. City staff worked with NHDOT's Noise Program Manager to draft a Highway Noise Overlay District as part of the City's Zoning Ordinance. This ordinance was enacted by the Council on January 1, 2019 and on July 8, 2019, the City was advised by NHDOT that it was accepted into the Type II Highway Noise Abatement Program. The City was the first community in NH to meet the Type II criteria.

Acceptance into the program triggered NHDOT to perform a Type II Community Noise Assessment. The Type II Noise Abatement project for the City is currently identified in the Ten Year Transportation Plan but has yet to be funded.

Included is a link to the booklet shared by Rockingham Planning Commissioner Assistant Director David Walker at the Pannaway Manor site visit, along with the Type II statewide study that was completed a few years ago.

- NHDOT's Air and Noise Program website:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/air-noise.htm>
- NHDOT's Noise Barrier Programs booklet:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/documents/NHDOTNoiseBarrierPrograms.pdf>
- NHDOT's 2016 Noise Policy:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/documents/2016NHDOTTypeIandIINoisePolicy.pdf>
- NHDOT's Type II Noise Barrier Program Information:
<https://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/noise-barrier.htm>

A verbal update, which will have recent and relevant information from Mr. Walker and NHDOT, will be provided by myself and Assistant City Attorney, Jane Ferrini, at this evening's meeting.

September 23, 2021

Mayor Becksted and the City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Dear Mayor Becksted and Council:

On behalf of Pro Portsmouth, Inc., I am requesting the City's permission to produce the following:

- **First Night Portsmouth 2022**, Friday, December 31, 2021.
Activities TBD, but may include:
Ice Sculpture – Market Square/North Church
Fireworks – South Mill Pond – Time TBD (Parrott Avenue plus various lot closures for fire safety zone)
Street closures – Church Street @ Congress Street – 1pm to midnight (assembly of ice sculpture, heavy pedestrian traffic), Pleasant Street from Porter to the Square at 4pm (Dance: TBD)
- **Children's Day**, Sunday, May 1, 2022; Noon – 4pm.
Street closure: 11am – 4:30pm – Pleasant Street: State Street to Market Square, no parking on Market Street – Bow Street to ISSCo. entrance (creates an extra pedestrian "lane.")
- **45th Annual Market Square Day Festival & 10K Road Race**, Saturday, June 11, 2022; 9am – 4pm
Street closures – Downtown streets from 4am – 7pm.
Race course – 8:30am start (shift from 8am start in 2021 to 8:30am; had been 9am in the past.)
Roving closures along the course, with Marcy Street between Mechanic & Court Streets closed to traffic from 7:30am – 11am.
- **19th Annual Summer in the Street**, Saturday evenings 5pm – 9:30pm – July 2, 9, 16, 23, 30., 2022.
Street Closures: 4pm (set up) – 9:30pm (clean up) – Pleasant Street – Porter Street to Market Square

First Night Sponsorship:

We respectfully request the City's financial support to defray the costs of the free elements of the event. The combined overall costs of outdoor activities (fireworks, ice sculpture, and street dance) are projected to cost \$10,000 this year. Accordingly, we are requesting that, as was the case in prior years, the City joins us as a sponsor in support of the fireworks' display in the amount of \$3,000. We would acknowledge the City of Portsmouth as the official sponsor of the fireworks in all promotional materials.

Your consideration of this request is greatly appreciated, and your support will ensure that this event continues to draw thousands of visitors to the City, supporting our local performers, businesses and community as a whole.

I look forward to meeting with you to discuss the permitting process for all of our upcoming events.

Thank you in advance for your consideration.

Best regards,

Barbara Massar
Executive Director

cc: Karen Conard, City Manager

September 17, 2021

City Council
1 Junkins Avenue
Portsmouth New Hampshire 03801

Dear Portsmouth City Council,

Hard to believe October is just around the corner. On behalf of the Scarecrows of the Port Committee, I am writing to request permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area.

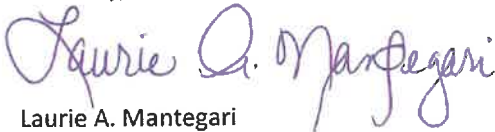
We are happy to continue the tradition once again this year for the Scarecrows of the Port 13th season. We continue to remain a grassroots committee that is working to continue this annual event where retailers and different downtown business associations can collaborate to decorate their stores in a festive manner to attract visitors and locals to the downtown.

At this time we are planning to put up 45 scarecrows that would be on City Property. We would like to put up the scarecrows on Thursday, October 7th and take them down on Monday, November 1st. The Scarecrows of the Port Committee volunteers will be responsible for placement and removal.

We appreciate any assistance from DPW. As in the past we will supply you with our insurance coverage information.

Thank you for your continued support, we are very thankful for all you do to help us keep the scarecrows sharing smiles in our community.

Sincerely,



Laurie A. Mantegari
Committee Member
Scarecrows of the Port

From: [Chris Carragher](#)
To: [Karen Conard](#); [Jessica S. Griffin](#); [Tim P. Bailey](#)
Subject: SPC Halloween Costume Paddle Contest
Date: Monday, September 13, 2021 1:01:26 PM

Good Afternoon Karen and Jessica,

My name is Chris Carragher and I am writing on behalf of the Seacoast Paddleboard Club (SPC).

For the past four years, SPC has hosted our Annual Halloween Costume Paddle Contest at Peirce Island. This event, which typically attracts 20 - 30 paddlers, serves as a fundraiser for the Portsmouth Halloween Parade.

The purpose of this email is to inform you of our plan to host this on-water event again on **Sunday, October 24** from **11:00 am to 12:30 pm**.

Tim Bailey, from Portsmouth Recreation, suggested that I contact you to see if there were any protocols you'd like us to follow amid the COVID-19 pandemic.

I can assure you that our group has already established stringent guidelines that all paddlers are required to follow, but we want to make sure we manage this event in good faith and in accordance with the policies and procedures outlined by your office.

If you have any questions or recommendations, please let me know. If you'd prefer to speak with me by phone, I can be reached at 603.498.8198.

Thank you for your time and consideration.

Respectfully,
Chris Carragher

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Chris Carragher | Founder & Board Member

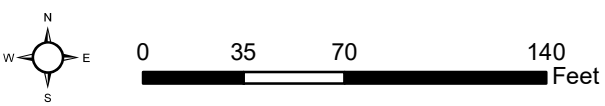
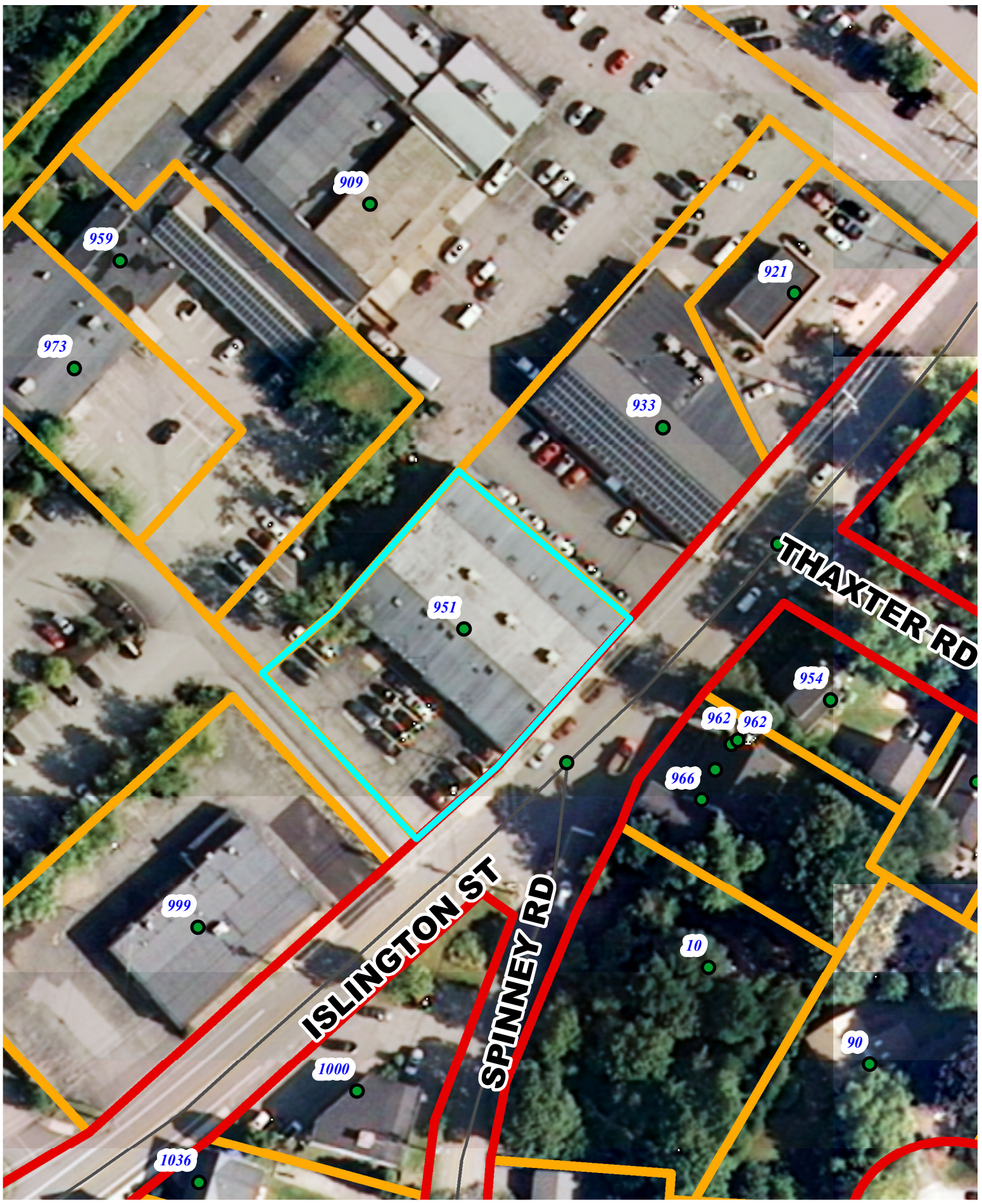
Seacoast Paddleboard Club

e: Chris@SeacoastPaddleboardClub.com |

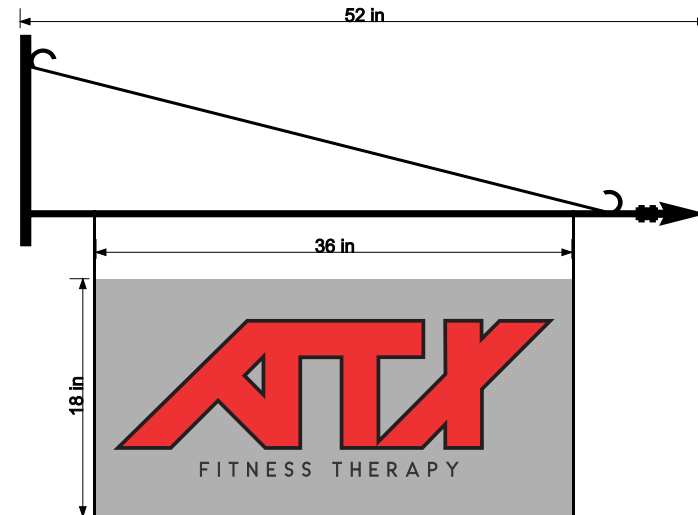
w: www.SeacoastPaddleboardClub.com

p: 603.498.8198





**Request for license
951 Islington Street**



 <p>PortsmouthSign.com 603-436-0047</p>	<p>REVISION: All orders under \$250 include 1 revision only. All orders over \$250 include 2 revisions only. Additional revisions will be charged at \$25 per revision.</p> <p>PLEASE NOTE: Designs are NOT actual size and color may vary depending on printer and/or monitor.</p>	<p>9/17/2021</p> <p>RETURN SIGNED TO: service@portsmouthsign.com</p> <p>I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.</p> <p>SIGNATURE: _____ Date: _____</p>	<p>Member of:</p>  <p>GREATER DOVER CHAMBER OF COMMERCE</p>  <p>GREATER PORTSMOUTH CHAMBER OF COMMERCE</p> <p>the Greater York Region Chamber of Commerce</p>
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Shop Use Only	Qty:	Materials:	Background Color:	Vinyl Color:	Other:
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CITY COUNCIL E-MAILS

Received: September 20, 2021 (after 5:00 pm.) – September 30, 2021 (before 9:00 a.m.)

October 4, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Jenna Koines (jennakoines@gmail.com) on Monday, September 20, 2021 at 20:43:20

address: Unit 30, 30 Cate Street

comments: Dear Councilors,

Thank you so much for your attention to the traffic/crosswalk issue at this evening's meeting which I viewed via Zoom. It's very apparent that each of you has the safety of pedestrians in mind as this issue continues to be studied. My impression is that the engineering study's main focus is on the flow of vehicular traffic without making pedestrian safety a priority. I appreciate your care and concern and I'm relieved that you're planning to do an on-site walkthrough within the next two weeks.

Sincerely,

Jenna Koines

includeInRecords: on

Below is the result of your feedback form. It was submitted by Peter Geremia (p.geremia@icloud.com) on Wednesday, September 22, 2021 at 17:30:09

address: 315 Maplewood Ave.

comments: Hello,

I would ask that you remove the below section from the city community newsletter. This is pure fear mongering to scare people into wearing masks 24/7. Kids are the LOWEST risk age group and that is proven science. So why are you doing this?

NH is doing fantastic. While you can argue "cases" I argue truth. It is time that Portsmouth and NH start to get back to normal. This means being cautious but not going overboard.

We need to allow our citizens to make their own decisions regarding masks. If they want to wear one they are entitled to that. If they do not want to wear one they are entitled to that as well.

Let's start focusing on living our lives rather than the constant in your face fear mongering that has been going on for now almost 2 years.

Thank You,

Peter Geremia

"KEEP OUR KIDS SAFE.

PLEASE WEAR A MASK INDOORS IN PUBLIC SPACES.

Masks work. COVID-19 transmission rates are high.

Masks are strongly recommended in all City buildings.

Help protect our kids and community.

Thank you for your assistance."

includeInRecords: on

Below is the result of your feedback form. It was submitted by Robin Schnell (r.hary.schnell@gmail.com) on Monday, September 27, 2021 at 08:43:04

address: 109 Spring St

comments: Hello, I am a member of Raise Up NH, a sub-group of Granite State Organizing. We have recognized that it is presently not possible to get the NH minimum wage raised, or to get rid of the tipped wage at the state level. We are now looking at the municipal wages. Because I'm a Portsmouth resident, I was asked to contact you to see if there is anything we can do in Portsmouth to raise wages. It looks as if most in the city earn at least \$15/hr., which is great. It looks like lifeguards only earn \$12, though. Can we raise that? Yes, they are usually young people, but wages should not be based on age or the employer's thoughts on what the worker might need the money for. A lifeguard might need the money to augment family income or saving for college. It's a highly responsible job! Crossing guards get \$25/hr. Why the difference? (I have no personal connection to either lifeguards or crossing guards.) If there are other municipal wages less than \$15/hr., why? Portsmouth is expensive to live in.

includeInRecords: on

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: SEPTEMBER 17, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: JUDIE BELANGER, FINANCE DIRECTOR
SUZANNE M. WOODLAND, DEPUTY CITY ATTORNEY

RE: RESPONSES TO COUNCILOR HUDA'S AUDIT QUESTIONS

The City of Portsmouth has supplied to the auditing firm, Melanson, the Preliminary Trial Balance and supporting documentation initially requested by the auditor as part of the audit process. Information was shared using Melanson's secure Sharefile.

Melanson conducted preliminary audit work the week of August 23 as described in the contract. The Finance Department is in the process of closing out the FY 21 financials and providing those updates to Melanson.

Melanson is scheduled to return on site the week of October 25 as identified in the contract. All remaining work is currently on schedule to complete the Comprehensive Annual Financial Report by December 31, 2021. The Finance Department recommends that a meeting be scheduled with the City Council and the auditor in January 2022 to review the Comprehensive Annual Financial Report and respond to any questions.

Melanson has requested no changes to date.

The City has been a member of the Government Finance Office Association (GFOA), National, New England and New Hampshire organizations since at least 1996.

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen Conard, City Manager

FROM: Terry Desmarais, City Engineer
Zachary Cronin, Assistant City Engineer

CC: Suzanne Woodland, Deputy City Attorney
Peter Rice, Director of Public Works
Brian Goetz, Deputy Director of Public Works

DATE: September 27, 2021

SUBJECT: Report Back on Sagamore Creek Sewer Extension Project

A report back on the Sagamore Avenue Sewer Extension Project was requested at the September 20, 2021 City Council meeting.

The City of Portsmouth received bids for the Sagamore Avenue Sewer Extension Project on August 12, 2021. Two contractors placed bids for the work. The lowest bid for the work of installing the main line pressure sewer in the roadway ("base bid") was in the amount of \$5,150,000. With construction engineering and oversight the cost for this work would be approximately \$5,923,000. This cost exceeds the remaining funds available from the City's funding authorization of \$4.4 million on July 15, 2019 (authorized as part of the "Loan of up to Seven Million One Hundred Forty-Five Thousand Dollars (\$7,145,000.00) for Costs related to Annual Sewer Line Replacements, Consent Decree Mitigation, Pleasant Street Sewers, and Maplewood Avenue Area Reconstruction"). As a result, the bids have been rejected and the bid package will be reconfigured and re-bid so that the base bid work will be in budget. The new base bid will include the work to install the main line sewer in the project area north of Sagamore Creek (Walker Bungalow Rd, Shaw Rd, Cliff Rd, and portions of Sagamore Avenue). It is anticipated that updated prices will be received in January 2022. In addition to the base bid, updated prices will be obtained for the main line sewer south of Sagamore Creek (Sagamore Grove, portions of Sagamore Avenue and portions of Wentworth House Rd) and for the proposed work on private property giving the City Council the opportunity to identify additional funding.

The following answers the specific questions requested in the report back:

What were the results of the core sample testing?

Borings and probes were conducted as part of the design process to determine the location of the ledge below the surface. The ledge depth varied throughout the project area. These boring results were provided to bidders and results are available in the bid documents online.

Have the results of testing changed the cost of the project?

Information from the borings and probes was used to develop the quantities of ledge to be removed and was included in the contractors bid prices received. The project cost estimate was adjusted during the course of design but the project overall costs were within budget prior to receiving bids in September 2021.

Current count of residents opting to participate?

Sixty three (approximately 70%) of the properties participated in a site visit to determine a design to connect their property to the sewer. An accurate number of residents opting to connect cannot be determined at this time. Residents will decide whether to opt into the project after the City Council votes on a cost apportionment.

Current cost estimate of the project?

Please see the current estimate on project cost above.

Current cost estimate per resident count for those residents opting in?

An estimate of cost per resident has not been determined at this time. There are significant differences in the layout and needs of each property that drastically affect the price. New bids will be received and values for each property that requested a design can be determined.

Are there any changes in the process or progress of this project that the residents & Council should be made aware of?

Please see above for progress and updates on the project.

CITY OF PORTSMOUTH**LEGAL DEPARTMENT****MEMORANDUM**

DATE: September 1, 2021

TO: KAREN S. CONARD, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: OPTIONAL TAX CREDIT FOR COMBAT SERVICE

At the August 2, 2021 City Council meeting, the Council requested a report back on the captioned, to include a projection of cost. This is that report.

At RSA 72:28-c, the State legislature has specifically authorized that the City Council could adopt an Optional Tax Credit for Combat Service in an amount from \$50 to \$500. The City Assessor Rosann Maurice-Lentz has written a detailed memorandum dated August 31, 2021 on the substance of that statute as it might apply in the City. That memorandum is attached hereto as Exhibit A. To simplify review of her memorandum, also attached as Exhibit B is a copy of Josh Denton's letter addressed to Mayor Becksted dated July 25, 2021, as well as the proposed resolution that he provided with that letter. Please note that the proposed resolution would call for the maximum tax credit allowed by statute in the amount of \$500.

Insofar as the procedure for the adoption of the Tax Credit is concerned, the applicable provision of law RSA 72:27-a, which reads in pertinent part:

In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

Notwithstanding the apparent grammatical issue with the statute (the word "city" should be followed by a comma), under the statute the City Council could either hold a public hearing and vote on a resolution or vote to place the question on the ballot in November if it wishes to proceed in this matter.

Attachments

cc: Josh Denton, Commander, V.F.W. Post 168

City of Portsmouth Assessor Office

To: Karen Conard, City Manager
From: Rosann Maurice-Lentz, City Assessor *Rosann Lentz*
CC: Robert Sullivan, City Attorney
Date: August 31, 2021
Re: Report Back Optional Tax Credit for Combat Service Resolution Request

EXHIBIT A

The Optional Tax Credit for Combat Service (RSA 72:28-c) if adopted by the City Council can be in an amount from \$50 to \$500. To qualify a person must be a resident of the State of New Hampshire, a resident of Portsmouth owning property within the City, and be a member of the New Hampshire National Guard or a reserve component of the United States Armed forces. A service member must also be called to active duty and assigned in an active combat area as designated by the President in an Executive Order for which the service member receives special pay for duty subject to hostile fire or imminent danger.

Combat service shall mean:

- (a) An active combat area as designated by the President in an Executive Order, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.
- (b) A support area as designated by the Department of Defense in direct sustainment of military operations in the combat zone, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.
- (c) Service in a contingency operation as designated by the Department of Defense, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

All applications for the tax credit shall be accompanied by the service member military orders in order to verify dates of combat service and would be reviewed annually for any changes in service. This tax credit shall be in lieu of, and not in addition to, the optional veteran's tax credit under RSA 72:28 or the all veterans' tax credit under RSA 72:2-b.

I spoke with Josh Denton, Commander of the V.F.W. Post 168. He agreed that it would be difficult to attain information from the National Guard and the United States Armed Forces Reserves as to how many service members who may qualify live within the City. Commander Denton was able to get an estimate that approximately 150 National Guard and Reserve members live in Portsmouth. These guard and reserve units limit the amount of members to approximately 50% to be deployed to combat service. Commander Denton also estimates approximately 50% of these service members rent within the City or cannot be deployed and would not qualify.

As an estimate based on the above information 38 service members may qualify at any given time. If the Portsmouth City Council decided to adopt the maximum limit of \$500, an estimated cost to the City of Portsmouth taxpayers would be \$19,000.



Veterans of Foreign Wars

Emerson Hovey Post 168
Portsmouth, New Hampshire 03801

July 25, 2021

EXHIBIT B

Mayor Rick Becksted
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Subject: Optional Tax Credit for Combat Service Resolution Request

Mayor Becksted and City Councilors,

Thank you for unanimously voting to support the End of the Afghanistan War "Welcome Home" Parade. Members of the National Guard and the United States Armed Forces Reserves have been disproportionately called to active duty during this conflict. However, many would not qualify for a residential property tax credit in Portsmouth when deployed in combat service.

Veterans of Foreign Wars (VFW) Post 168 is requesting that you pass the enclosed Optional Tax Credit for Combat Service Resolution. It would allow for Portsmouth members of the New Hampshire National Guard, or Portsmouth members of a United States Armed Forces Reserve Component, called to active duty in combat service to be eligible for a \$500 tax credit from their residential property taxes. RSA 72:28-c is the enabling legislation and is also enclosed.

The Optional Tax Credit for Combat Service is very similar to Portsmouth's longstanding \$500 Standard Veterans Tax Credit, 2017 \$500 All Veterans Tax Credit, and 2019 doubling of the Disabled Veterans Tax Credit. VFW Post 168 requests that this City Council pass a motion to adopt the Optional Tax Credit for Combat Service Resolution. Feel free to call me with any questions at (603) 553-1810.

Sincerely,



Josh Denton
Commander
V.F.W. Post 168

Enclosures:

CC: City Manager Karen Conard;
City Attorney Robert Sullivan; and
Director of Finance and Administration Judie Belanger

THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE

OPTIONAL TAX CREDIT FOR COMBAT SERVICE

RESOLUTION #

BE IT RESOLVED:

THAT Pursuant to RSA 72:28-c the City of Portsmouth hereby adopts a tax credit in the amount of \$500.00 on the taxes due on the residential property of any member of the New Hampshire National Guard or a United States Armed Forces Reserve Component called to active duty in combat service during that taxable period. For the purposes of this resolution, combat service shall mean military service in one of the following areas:

- a) An active combat area as designated by the President in an Executive Order, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense;
- b) A support area as designated by the Department of Defense in direct sustainment of military operations in the combat zone, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense;
- c) Service in a contingency operation as designated by the Department of Defense, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

The service member shall be eligible for the tax credit in each tax year in which the combat service occurs and the tax credit will not be prorated in the second tax year based on the duration of combat service.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

ADOPTED BY THE CITY COUNCIL:
, 2021

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

TITLE V: TAXATION**CHAPTER 72: PERSONS AND PROPERTY LIABLE TO TAXATION****Property Taxes****72:28-c Optional Tax Credit for Combat Service.**

I. A town or city may adopt or rescind an optional tax credit for combat service pursuant to the procedure provided in RSA 72:27-a.

II. The optional tax credit for combat service, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$50 up to \$500. The tax credit for combat service shall be subtracted each year from the property tax on the qualifying service member's residential real estate, as defined in RSA 72:29, II.

III. To qualify for the tax credit for combat service, a person shall be a resident of this state engaged at any point during the taxable period in combat service as a member of the New Hampshire national guard or a reserve component of the United States armed forces, called to active duty. For purposes of this section, and in accordance with Internal Revenue Service Publication 3, Armed Forces Tax Guide, "combat service" shall mean military service in one of the following areas:

(a) An active combat area as designated by the President in an Executive Order, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

(b) A support area as designated by the Department of Defense in direct sustainment of military operations in the combat zone, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

(c) Service in a contingency operation as designated by the Department of Defense, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

IV. The application for the tax credit under this section shall be accompanied by the service member's military orders, and shall include such information as may be required for the assessor's office to verify the dates of combat service.

V. A tax credit for combat service shall be in lieu of, and not in addition to, the optional veteran's tax credit under RSA 72:28 or the all veterans' tax credit under RSA 72:28-b. The service member shall be eligible for the credit in each tax year in which the combat service occurs, but the credit may be prorated in the second tax year based on the duration of combat service.

From: Josh Denton [mailto:joshuaddenton@hotmail.com]

Sent: Monday, September 27, 2021 9:15 PM

To: Karen Conard <kconard@cityofportsmouth.com>

Cc: Robert P. Sullivan <rpsullivan@cityofportsmouth.com>; Kelli L. Barnaby <klbarnaby@cityofportsmouth.com>

Subject: National Guard and Reserves Combat Deployment Tax Credit

Karen,

Attached is a renamed National Guard and Reserves Combat Deployment Tax Credit Resolution and the following write up is based on our conversation last week:

Portsmouth currently has several different residential property tax credits available for veterans. Unfortunately, not all members of the National Guard or the United States Armed Forces Reserve Component currently qualify for a residential property tax credit. By statute, Portsmouth's longstanding \$500 Standard Veterans Tax Credit was only allowed to be for veterans that served during specified times of conflict. Our 2017 \$500 All Veterans Tax Credit expanded the number of eligible veterans to include those that did not serve during a specified time of conflict. However, many members of the National Guard and the United States Armed Forces Component do not qualify for either of these tax credits because they have not served the required amount of time on active duty to be considered a veteran by statute. Therefore, Veterans of Foreign Wars Post #168 has proposed the National Guard and Reserves Combat Deployment Tax Credit. If adopted, Portsmouth members of the New Hampshire National Guard, or Portsmouth members of a United States Armed Forces Reserve Component, called to active duty in combat service would be eligible for a \$500 tax credit towards their residential property taxes during the year(s) of their deployment. The enabling legislation for this tax credit is 72:28-c and the term combat service is defined by statute.

Please let me know if further clarification would be helpful.

Josh

553-1810

New Version from Josh Denton 9/27/2021

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE**

NATIONAL GUARD AND RESERVES COMBAT DEPLOYMENT TAX CREDIT

RESOLUTION #

BE IT RESOLVED:

THAT Pursuant to RSA 72:28-c the City of Portsmouth hereby adopts a tax credit in the amount of \$500.00 on the taxes due on the residential property of any member of the New Hampshire National Guard or a United States Armed Forces Reserve Component called to active duty in combat service during that taxable period. For the purposes of this resolution, combat service shall mean military service in one of the following areas:

- a) An active combat area as designated by the President in an Executive Order, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense;
- b) A support area as designated by the Department of Defense in direct sustainment of military operations in the combat zone, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense;
- c) Service in a contingency operation as designated by the Department of Defense, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

The service member shall be eligible for the tax credit in each tax year in which the combat service occurs and the tax credit will not be prorated in the second tax year based on the duration of combat service.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2021**

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

TITLE V: TAXATION

CHAPTER 72: PERSONS AND PROPERTY LIABLE TO TAXATION

Property Taxes

72:28-c Optional Tax Credit for Combat Service.

I. A town or city may adopt or rescind an optional tax credit for combat service pursuant to the procedure provided in RSA 72:27-a.

II. The optional tax credit for combat service, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$50 up to \$500. The tax credit for combat service shall be subtracted each year from the property tax on the qualifying service member's residential real estate, as defined in RSA 72:29, II.

III. To qualify for the tax credit for combat service, a person shall be a resident of this state engaged at any point during the taxable period in combat service as a member of the New Hampshire national guard or a reserve component of the United States armed forces, called to active duty. For purposes of this section, and in accordance with Internal Revenue Service Publication 3, Armed Forces Tax Guide, "combat service" shall mean military service in one of the following areas:

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(c) Service in a contingency operation as designated by the Department of Defense, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

IV. The application for the tax credit under this section shall be accompanied by the service member's military orders, and shall include such information as may be required for the assessor's office to verify the dates of combat service.

V. A tax credit for combat service shall be in lieu of, and not in addition to, the optional veteran's tax credit under RSA 72:28 or the all veterans' tax credit under RSA 72:28-b. The service member shall be eligible for the credit in each tax year in which the combat service occurs, but the credit may be prorated in the second tax year based on the duration of combat service.