

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, OCTOBER 18, 2021 TIME: 7:00PM

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*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\\_wKiMuBLSO6M9KrxKhaz2g](https://us06web.zoom.us/webinar/register/WN_wKiMuBLSO6M9KrxKhaz2g)

## 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 – OCTOBER 4, 2021 (Sample motion – move to accept and approve the minutes of the October 4, 2021 meeting 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**

### Third and Final Reading of Ordinances:

- A. Ordinance amending Chapter 7, Article XI, Section 7.1100 – SPEED LIMITS Sub-section E – Speed Limit: 25 MPH – Chevrolet Avenue (**Sample motion – move to pass third and final reading of the ordinance as presented**)
  - B. Ordinance amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled (**Sample motion – move to pass third and final reading of the ordinance as presented**)
- XII. MAYOR BECKSTED**
1. Appointments to be Considered:
    - Hawk Furman appointment to the Audit Committee (2 year term)
    - Christopher White appointment to the Audit Committee (3 year term)
  2. \*Appointment to be Voted:
    - Sarah Lachance reappointment to the Economic Development Commission

### XIII. CITY COUNCIL MEMBERS

#### A. ASSISTANT MAYOR SPLAINE & COUNCILOR WHELAN

1. Testing for PFAS On Artificial Turf Playing Fields (***Sample motion – move that the City Council requires the City Manager to commission independent third party test for PFAS of the new playing field. As recommended by independent experts, the testing shall use the non-targeted PFAS analysis and total oxidizable precursor (TOP) assay methods to look for the presence of PFAS in the synthetic turf, shock pad, and infill material. The results will be provided to the City Council within 30 days***)

#### B. COUNCILOR McEACHERN

1. \*Letter requesting air quality testing in the immediate vicinity of the city railways

### XIV. APPROVAL OF GRANTS/DONATIONS

- A. \*Donation to the Portsmouth 400<sup>th</sup> - \$10.00 (***Sample motion – move to approve and accept the donation from Valerie Rochon in the amount of \$10.00 as presented***)

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

#### A. CITY MANAGER CONARD

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

1. Request from Pontine Theatre for Shed
2. \*Surplus Granite and Portsmouth Housing Authority
3. Eversource Pole and Vault License Request
4. Resolution Regarding Optional Tax Credit for Combat Service
5. Approval of Community Garden License Agreement

### XVI. CONSENT AGENDA

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

- A. Letter from Adam Benoit, The Greg Hill Foundation, requesting permission to hold the 9<sup>th</sup> Annual Jingle All The Way 5K Road Race on Saturday, December 4, 2021 at 10:00 a.m. – 11:30 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Request for License to Install Projecting Sign for owner Emily Stearns of The Drift Collective LLC, for property located at 50 Daniel 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***
- C. Letter from Nick Diana, requesting permission to host the 5<sup>th</sup> annual Running Road Race on Saturday, April 23, 2022 from 9:30 a.m. to 11:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

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

- A. \*Presentation Regarding Conditional Use Permits by Interim Planning Director, Peter Britz and Principal Planner, Nicholas Cracknell
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***

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

1. Clarification Regarding Ward 3 Polling Location
2. Household Hazardous Waste Collection Day – October 30, 2021
3. Report Back on August 2021 Monthly Summary Report
4. Little Harbor Road Paving
5. Report Regarding Request for Costs of McIntyre Consultants to Date

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

1. Citywide Neighborhood Committee Ward 2 Forum – September 14, 2021 Minutes

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

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

*\*Indicates verbal report*

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, OCTOBER 4, 2021

PORTSMOUTH, NH  
TIME: 6:00PM [or thereafter]

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

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

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

Mayor Becksted called the meeting to order at 7:32 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 – REACCEPTANCE OF AUGUST 2, 2021; SEPTEMBER 7, 2021 & SEPTEMBER 20, 2021**

**Councilor McEachern moved to reaccept and approve the minutes of the August 2, 2021 meeting as presented. Seconded by Councilor Lazenby and voted.**

**Councilor Tabor moved to accept and approve the minutes of the September 7, 2021 and September 20, 2021 meetings as presented. Seconded by Councilor Whelan and voted.**

### **PROCLAMATION (Not on Agenda)**

1. Breast Cancer Awareness

Mayor Becksted read a Proclamation declaring October as Breast Cancer Awareness Month. He stated this marks the 10<sup>th</sup> year that his wife is breast cancer free.

### **IX. PUBLIC COMMENT SESSION**

Mayor Becksted announced that individuals that have signed up to speak regarding KENO should speak during the Public Hearing on this matter.

Josh Denton, Commander #168 VFW, requested that the Council bring back the Combat Veterans Tax Credit at the October 18<sup>th</sup> City Council meeting. He spoke to the importance of this credit for the combat veterans. He said this resolution would allow for the \$500.00 tax credit but they could not double dip.

Liza Hewitt addressed Tuesday's Board of Adjustment meeting where outside legal counsel was engaged. She adamantly spoke opposed to outside legal counsel being used and said it was disrespectful to the residents and taxpayers.

Bill Downey said it has been over 60 days and they have still not received the McIntyre data they requested. He said they want the final survey data for the final design. He asked why the group that requested this information has not had their request answered by the subcommittee and where is the transparency on this matter.

Frank Denpasar urged the City Council to bring back the resolution for the tax credit for our veterans.

George Remick said he supports the resolution on the veteran's tax credit.

**Councilor Kennedy moved to suspend the rules to bring forward Item XI. C. – Public Hearing – “Shall we Allow the Operation of KENO Games within the City of Portsmouth.” Seconded by Councilor Huda and voted.**

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*

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

George Remick spoke in support of the referendum question regarding KENO on the ballot.

Michael Griffin spoke in support of placing the question on the ballot regarding KENO. He is speaking on behalf of the Elks Lodge, which offer lottery games and this will add to their revenue stream which assists them in the many scholarships provided to Portsmouth High School, Little League, Babe Ruth, Connie Bean Basketball teams, etc. He said they also offer support to our veteran's and provide “Welcome Kits” to the homeless transitioning back to living in a home. He requested that residents give KENO consideration when voting your ballot at the November Municipal Election.

Kelly Jean Cleland, Lottery Commission, said she is encouraged and amazed by the residents desire to bring this issue to the ballot for the residents to decide. She spoke to the various benefits of KENO and that she is available to answer any questions anyone may have this evening regarding KENO coming to your community, if it is adopted.

Eli Sokorelis spoke in support of KENO being allowed in the City. He said he has a business in Seabrook that has KENO and it works out well for the customers and him. He asked that residents consider the referendum question on the ballot in November.

After three calls and no further speakers, Mayor Becksted declared the Public Hearing closed.

Councilor McEachern said he appreciates the comments this evening but he does not feel this will solve the education funding matters we have. He said he does feel it is a business decision to allow for KENO.

Councilor Kennedy said it is important to have voters weigh in on things now. She said voters have a choice to decide and this may help some of the smaller establishments. She said she is pleased with what is being done for veterans in the community with the tax credit.

Mayor Becksted said it is up to voters to make the decision on KENO. He knows how hard it is for small businesses and if this helps, he supports it.

## **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

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

**Councilor Kennedy moved to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting. Seconded by Councilor Huda and voted.**

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

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

**Councilor Kennedy moved to pass second reading, and schedule a third and final reading at the October 18, 2021 City Council meeting. Seconded by Councilor Huda.**

Councilor Kennedy said whenever we can support people with disabilities she supports it. She said she appreciates this coming forward.

**Motion passed.**

## **XII. MAYOR BECKSTED**

1. Appointment to be Considered:
  - Sarah Lachance reappointment to the Economic Development Commission

The City Council considered the reappointment of Sarah Lachance to the Economic Development Commission, which will be voted upon by the Council at the October 18, 2021 meeting.

2. Letter from Ron Zolla regarding not seeking reappointment to the Economic Development Commission

**Councilor McEachern moved to accept and send a letter of thanks to Mr. Zolla for his years of service to the Economic Development Commission and City. Seconded by Councilor Whelan.**

Assistant Mayor Splaine said he was impressed every time Mr. Zolla makes a comment, it always contributes to economic improvement to the City. He said we will miss both Mr. Zolla and Mr. Levenson on the Economic Development Commission.

Mayor Becksted said he presented Certificates of Thanks for Service to Dana Levenson and Ron Zolla at the last Economic Development Commission meeting.

Mayor Becksted said we are looking for appointees to serve on the Economic Development Commission.

**Motion passed.**

3. Announcement of Audit Committee Council Representatives

Mayor Becksted announced the City Council Representatives to the Audit Committee are Councilor Kennedy and Councilor Huda. He said he would bring forward appointments to the Committee at the next City Council meeting.

## **XIII. CITY COUNCIL MEMBERS**

### **A. COUNCILOR McEACHERN**

1. Railroad Grant Money Application

**Councilor McEachern moved to authorize the City Manager to submit an application for the Consolidated Rail Infrastructure and Safety Improvements Program (FY2021) no later than 5:00 p.m. EDT, November 29, 2021 if applicable projects are identified. Seconded by Assistant Mayor Splaine.**

Councilor McEachern said \$365,000,000.00 has been appropriated for projects by the federal government.

Mayor Becksted asked if there is anything else that the grants could be used for. He said for every non-signal intersections trains need to blow their horns.

## **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*)

**Councilor Kennedy moved to approve the agreements. Seconded by Councilor McEachern.**

Councilor Kennedy asked if parking spots are being taken and where are the cars going to be placed. Public Works Director Rice said they cannot use the garages or lots owned by the City for parking the vehicles. He said he does not know where they will be placing the cars.

**Motion passed.**

2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 2, 2021 meeting (*Tabled from the September 20, 2021 City Council meeting*)

**Councilor Whelan moved to accept and approve the Action Sheet and Minutes of the September 2, 2021 Parking & Traffic Safety Committee meeting. Seconded by Councilor McEachern and voted. Councilors Kennedy and Huda voted opposed.**

## **C. COUNCILOR LAZENBY**

1. "Drawdown Portsmouth – Climate Solutions 101" Dialogue 10/6/2021

Councilor Lazenby announced the Blue Ribbon Committee on Sustainable Practices is having a Virtual Dialogue on October 6, 2021 at 7:00 p.m. regarding Drawdown Portsmouth – Climate Solutions 101.

Councilor Kennedy stated that is the same night of the meeting regarding Sound Barriers and she will not be attending because she committed to the Sound Barrier meeting.

## **D. COUNCILOR KENNEDY**

1. Cutts Avenue

**Councilor Kennedy moved to have a date for the Cutts Avenue Neighborhood Walk provided at the October 18, 2021 City Council meeting. Seconded by Councilor Huda.**



Councilor Kennedy said we might want to have the walk on a Saturday morning or Sunday afternoon.

**Motion passed.**

**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 18<sup>th</sup> 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)*

Councilor Huda moved for a report back from the City Manager to the residents at the October 18<sup>th</sup> 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*

Seconded by Councilor Kennedy and voted.

**F. COUNCILOR TRACE**

1. Request for Presentation regarding Conditional Use Permits

Councilor Trace moved to have a presentation by City Staff on the use/approval of Conditional Use Permits and the effects on Character Based Zoning at the October 18, 2021 City Council meeting. Seconded by Councilor Kennedy.

Councilor Trace said we need greater clarity on how all Conditional Use Permits apply to Character Based Zoning. She said there are multiple situations going on. She said the use of Conditional Use Permits has provided a vehicle to help or hinder our zoning to provide affordable housing. She would like clarification on zoning regulations.

**Motion passed.**

2. Presentation regarding unsafe speeding on Woodbury Avenue

Councilor Whelan said this matter is on the agenda for the Thursday Parking and Traffic Safety Committee meeting.

**Councilor Trace moved that City Staff report back with a presentation on solutions to the unsafe speeding on Woodbury Avenue at the October 18, 2021 City Council meeting. Seconded by Councilor Kennedy.**

Public Works Director Rice said data will be presented at the October 7<sup>th</sup> Parking and Traffic Safety Committee meeting but the solution cannot be developed at that time. He said it is difficult to get these things accomplished without a Transportation Director.

Councilor Trace said it could be a small presentation on the data provided to the Parking and Traffic Safety Committee. Public Works Director Rice said the same information would be provided to the City Council as is at the Parking and Traffic Safety Committee meeting.

**Motion passed.**

**XIV. APPROVAL OF GRANTS/DONATIONS**

A. Donation to the African Burying Ground Trust from JoAnn Monagle - \$50.00

**Councilor Kennedy moved to approve and accept the donation from JoAnn M. Monagle in the amount of \$50.00 as presented. Seconded by Councilor Huda and voted.**

B. Approval for Moose License Plate Conservation Grant - \$9,150.00

**Councilor Kennedy moved to approve and accept the grant from the New Hampshire State Library in the amount of \$9,150.00 as presented. Seconded by Councilor Huda and voted.**

C. NHDES Household Hazardous Waste Day FY22 Grant - \$4,587.00

**Councilor Kennedy moved 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. Seconded by Councilor Huda and voted.**

- D. Acceptance of Donation to Skateboard Park - \$100.00

**Councilor Kennedy moved to approve and accept the donation from Linda Desjardins in the amount of \$100.00 as presented. Seconded by Councilor Huda 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 said we have coordinated a scheduled date for a Joint Work Session with the Portsmouth Housing Authority, on an off City Council meeting evening for November 8, 2021 at 6:30 p.m.

**Councilor Kennedy moved to schedule a joint work session with the Portsmouth Housing Authority on November 8, 2021 at 6:30 p.m. Seconded by Councilor Trace and voted.**

2. Request to Establish Polling Hours for Municipal Election

**Councilor Kennedy moved 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. Seconded by Councilor McEachern and voted.**

Mayor Becksted said that Ward 3 polling location was moved to the Senior Activity Center from the Robert J. Lister Academy last year and he would like this advertised well this year because he feels there was a misstep during the last election.

## **XVI. 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
  - 45<sup>th</sup> Annual Market Square Day Festival & 10k Road Race, Saturday, June 11, 2022
  - 19<sup>th</sup> Annual Summer in the Street – Saturday evenings – July 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>, 30<sup>th</sup>, 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 7<sup>th</sup> through Monday, November 1<sup>st</sup> (**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 24<sup>th</sup> 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***

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

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

- A. Presentation – Stormwater Outreach Update

Deputy Public Works Director Goetz said a component of the MS4 Stormwater Permit Requirements is to have a public outreach to distribute educational materials to the community, or conduct equivalent outreach activities about the impacts of stormwater discharges on local water bodies and the steps that can be taken to reduce stormwater pollution. He reported that we started out with the written forms and had a water/sewer billing insert that provided information on what is stormwater and what the City is doing, and how the public help can. He said we updated the City website, which continues to evolve. He spoke to the production of post cards. He addressed the lawn care post cards. He said we had a Rake It or Leave It Campaign on what to do with your leaves and grass clippings. He said City Clerk Barnaby and staff hand out Pet Waste postcards regarding picking up your dog wastes. He said there are also signs throughout the City on picking up dog waste. He spoke to the launch two years ago of "Think Blue...What Can You Do?" He said the campaign was involved in-house by Joe Almeida's daughter Jane, a graphic designer, created "Blue". He also addressed an exhibit at Strawberry Banke – "Water Has A Memory" with "Think Blue!" and an Outreach Component. He said there is an inactive component at the end of the exhibit.

Deputy Public Works Director Goetz spoke to Stormwater GIS Staff Phoebe Rafferty and Dan Okuniewicz. He advised the City Council that Phoebe's last day was today and that she has taken a job in Oakland, California for Stormwater with the State. He spoke to Dan and Phoebe's idea of creating short informative videos on stormwater. He said our City Attorney Sullivan and his dog Panda have been part of two short videos created on stormwater.

B. Email Correspondence

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

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

1. Response to Councilor Huda's Audit Questions

City Manager Conard said Councilor Huda's audit questions were answered at the last Council meeting but the written answers have been provided in the packet.

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

**Councilor Huda moved to hold a work session on this matter with residents. Seconded by Councilor Kennedy.**

Councilor Huda said it would be valuable to have a work session on this matter and inform the residents on this information.

**Motion passed.**

3. Report Back regarding Combat Deployment Tax Credit

Councilor Lazenby asked City Attorney Sullivan what would be an appropriate motion to bring this item back for the next City Council meeting.

City Attorney Sullivan said to request a Resolution to be drafted and brought back to the City Council at the next meeting.

**Councilor McEachern moved to request a Resolution to be drafted and brought back to the City Council at the October 18, 2021 meeting. Seconded by Councilor Trace and voted.**

#### 4. NHDOT Noise Program Information

City Manager Conard reported that Assistant City Attorney Ferrini had a conversation with David at DOT regarding the 10-year plan and the public hearing that was scheduled at the Kingston Town Office, which has been changed to Thursday, October 21<sup>st</sup> at 7:00 p.m. at the Kingston Town Office, in the Town Hall Meeting Room. She listed the other two dates as follows:

- Monday, November 1, 2021, Hampton Beach at 7:00 p.m. at the Seashell Ocean Front Pavilion Room
- Wednesday, November 3, 2021 Virtual at 7:00 p.m. with information to be posted on website (1) week before

Councilor Kennedy requested the updated information be posted on our Facebook Page.

Mayor Becksted said he would like to see the November 1, 2021 meeting changed to another time due to Municipal Elections.

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

Councilor McEachern said he would like more information on the process of how a project is identified as a Type 1 or Type 2 and if there is any history of that being challenged. Assistant City Attorney Ferrini explained that currently construction from exit 3 to the bridge is Type 1 and Pannaway Manor is Type 2. She said everything is being reviewed, and it is an ongoing process. She said we continue to try and gather information from the DOT to have communication to relay to the Council and the residents. She said we will continue to find out who makes the decisions. Councilor McEachern said this does not need to be exhaustive research, but he would like to know, has there been any municipality that has challenged a project and if they were successful or not.

Councilor Kennedy said she would like, as part of the City Manager's weekly report, a summary update on the sound barriers to be included.

#### **XX. ADJOURNMENT**

**At 8:52 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda and voted.**



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:

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Rick Becksted, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, 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, ~~decal~~ **or cards 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, decal 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, ~~decal~~ **or card windshield placard** that the owner or operator neglected to display an otherwise valid **special license** plate, ~~decal~~ **or card 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:

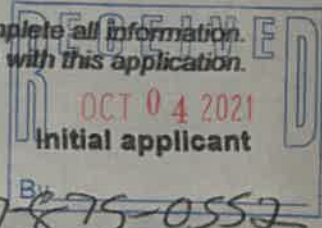
\_\_\_\_\_  
Kelli L. Barnaby, City Clerk



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: Audit

Name: HAWK FURMAN Telephone: 617-875-0552

Could you be contacted at work?  YES  NO If so, telephone# 617-875-0552

Street address: 557 STATE STREET

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

Email address (for clerk's office communication ): HAWK@HAWKCOMMUNICATION.COM

How long have you been a resident of Portsmouth? 8 YEARS

Occupational background:

UNIT MANAGER PROGRESS GAMBLE 1969-1972  
PRESIDENT OF FURMAN LUMBER, GREEN BUSINESS  
TO BECOME THE LARGEST LUMBER WHOLESALE IN US.  
SOLD TO BOISE CASCADE 1999. OWNER OF HAWK LUMBER  
1992-1999 1 CAPTAIN

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

SEWER ON MANY BOARDS:  
MALETTE INC, TIMMINS, ONTARIO  
FRIENDSHIP WORKS, BOSTON, MA  
CAREER COLLABORATIVE, BOSTON MA  
CHARLES RIVER PUBLIC INTERNET CENTER, WATTHAM  
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 WISH TO GET MORE INVOLVED IN THE COMMUNITY. MY BUSINESS AND NON PROFIT EXPERIENCE HAVE SHAPED ME TO ASK THE CRITICAL QUESTIONS.

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

CURRENTLY NONE

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

1) RICH MONTONI 1 HANOVER, NEWBURY, MA 703-994-2126  
Name, address, telephone number

2) DAVID ASHEIM 5610A GRANNY WHITE PIKE, BREWSTER TN 37027  
Name, address, telephone number 415-297-6677

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: Hunt Jan

Date: October 3, 2011

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 Jenkins Avenue, Portsmouth, NH 03801

6/27/2012



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: Audit Committee Initial applicant

Name: Christopher M. White (Chris) Telephone: 617-633-0405 (Mobile)

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

Street address: 28 Porter Street, Portsmouth, NH 03801

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

Email address (for clerk's office communication ): cmw2559@gmail.com

How long have you been a resident of Portsmouth? 1 year \_\_\_\_\_

Occupational background:

- Hemenway Trust Company, Salem, NH 2015 - 2020: Sr. Investment Mgr.
- Marble Harbor Investment Council, Boston, MA 2012 - 2014: Sr. Investment Mgr.
- Fiduciary Trust Company, Boston, MA 2000 - 2012: Chief Investment Officer
- Two Boston-based banks 1993 - 2000: Sr. Investment Mgr. for high-net worth clients
- CIGNA Investments, Bloomfield, CT 1989 - 1993: Equity analyst. I analyzed several sectors of the S&P 500, including the municipal bond insurers

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

In 1989, I received an MBA from Columbia Business School, New York, majoring in finance and accounting. I earned my Chartered Financial Analyst (CFA) designation in 1993. Throughout my career I have analyzed publicly-held companies for their suitability for investment in my clients' portfolios, using accounting practices in that work. I have also served on non-profit boards during my career, managing investment committees and working on executive committees. In this latter function, I received auditor reports on the organizations' financial practices as well as recommendations for organizational improvements.

OVER

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

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

Reasons for wishing to serve: I am eager to contribute my financial knowledge to help Portsmouth better manage its resources. Portsmouth has recently passed an ordinance to create a permanent Audit Committee. I served on its predecessor Committee and am familiar with the complexities of the role the new Audit Committee might play. In addition, I have experience in analyzing financial statements and managing complex organizational processes. In many of my jobs, I have been tasked with establishing new or revised investment processes to better respond to the organization's evolving needs. I believe that I would be able to contribute in this and other ways to help place the new Audit Committee on a sound footing.

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

- Secretary, Porter Street Homeowners' Association
- Portsmouth Athenaeum, Proprietor
- Strawberry Banke, Member
- Portsmouth Historical Society, Member
- The Music Hall, Member

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

1) John Rice, 460 F.W. Hartford Drive, Portsmouth, NH 03801 603-498-4034  
Name, address, telephone number

2) Bradley Lown, Rainboth, Murphy & Lown, 439 Middle Street, Portsmouth, NH 03801  
603-431-1993  
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:  Date: 10-2-2021

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 Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**

6/27/2012

October 6, 2021

Non Toxic Portsmouth NH

## **Independent Testing Needed for PFAS Chemicals in New Synthetic Field**

Dear Mayor Becksted and City Council,

Testing commissioned by our group of the new artificial turf field installed by the Community Campus over a new regional stormwater treatment system shows that PFAS contaminate the turf, shock pad, and backing of the \$1.6 million plastic field.

Last summer, Dr. Graham Peaslee, a physicist at the University of Notre Dame and one of the world's top experts in detecting PFAS, personally urged the City Council to conduct independent testing of the synthetic turf product before installation. This warning was after lab tests had already found PFAS in Portsmouth High School's Tom Daubney Field. In the letter to the City Council, disclosing the finding of PFAS at the high school field, Jeff Gearhart, MS, Research Director for the nonprofit Ecology Center advised, "A company claiming PFAS-free turf fiber should...be able to produce testing results showing less than 1 part per million of total organic fluorine or total fluorine."

A June 15, 2020 motion to commission independent total fluorine testing was denied by the City Council on a 5-4 vote. However, the Council did stipulate that the new field must be "PFAS free." The City's Request for Proposals did require that the new field be PFAS free, but despite the science and the recommendations presented by experts, the city did not require total fluorine testing. The testing commissioned by the manufacturer of the synthetic turf and shock pad looked for only about 30 PFAS chemicals directly. These are just a fraction of a percent of the thousands of chemicals in the PFAS class.

According to the Toxics Use Reduction Institute (TURI) at UMass Lowell, "...lack of detection of one or more specific PFAS does not mean that a material is free of PFAS."

This is why it is vital for the city to conduct the right testing to look for the presence of PFAS chemicals.

There is a test called a non-targeted PFAS analysis that can specifically answer this question. This was not commercially available in June 2020. This test can be

conducted along with a total oxidizable precursor assay (TOP assay) to give a fuller picture. Other municipalities have used these tests to determine the chemicals present in products they are considering.

Long before the field was installed, numerous requests were made to the City to share samples of the field so we could have them properly tested ourselves, at no cost to taxpayers. Our emails went unanswered.

Non Toxic Portsmouth was able to obtain virgin samples of all of the new field's components, and had them independently tested under the guidance of the Ecology Center.

The test results clearly indicate the presence of PFAS, and directly contradict a statement by the manufacturer FieldTurf, that their "supplier has confirmed that their products are free of...fluorine." Our independent testing showed a range of 119 ppm to 16 ppm of fluorine. A total fluorine analysis was performed using standard operating procedures developed by Galbraith Laboratories, Inc. (see attached).

When presented with the results of our recent testing the City's engineering consultants replied with a written statement that is straight out of the tobacco industry playbook. Weston & Sampson's hired toxicologist, Marie Rudiman's attempts to obscure the facts and create doubt about the accuracy of the testing performed by Galbraith are flimsy at best.

In her letter dated Sept. 21st, Ms. Rudiman completely failed to address the fact that the manufacturer claimed their product is fluorine free, and tries to allege that the fluorine present in the sample came from soil, city water or some other source.

The samples obtained by our group were new, unused, and clean. Proper chain of custody was followed, and the results of our testing are consistent with all other samples of synthetic turf tested to date, and we welcome more testing to be done.

The Assistant City Attorney has been told that to commission a PFAS analysis, the city would have to remove a 5 foot by 5 foot square from the existing field, and it will cost \$5,000. This is absurd! The tests are a fraction of that cost and obviously the manufacturer can provide samples. Surely, you can see how we are being played by the industry.

If these products are truly “PFAS free” as being claimed, the engineering consultants and manufacturers should have been happy to have also conducted these other tests in the first place. Instead, they are avoiding them, and outright denying our results. Something’s not right.

The proponents of these fields have yet to provide sufficient evidence to prove their claims, despite the availability of more appropriate testing.

**We strongly urge the City to hold these consultants and manufacturers accountable on behalf of taxpayers and residents. Please vote to conduct the independent testing needed to determine if the new synthetic field is indeed PFAS free.**

Ted Jankowski & Diana Carpinone

Non Toxic Portsmouth



## Laboratory Report

**Report prepared for:**

Jeff Gearhart  
Ecology Center  
Suite 300  
339 E Liberty  
Ann Arbor, MI 48104  
Phone: 734-945-7738  
Email: [jeffg@ecocenter.org](mailto:jeffg@ecocenter.org)

**Report prepared by:**

Christy Love

**Purchase Order:**
**For further assistance, contact:**

Christy Love  
Report Coordinator  
PO Box 51610  
Knoxville, TN 37950 -1610  
(865) 546-1335  
[chrstylvlove@galbraith.com](mailto:chrstylvlove@galbraith.com)

<b>Sample:</b> 275790	<b>Received:</b> 2021-07-21
<b>Lab ID:</b> 2021-N-9396	

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	97 ppm	As Received	213.99 mg	2021-07-22

<b>Sample:</b> 275791	<b>Received:</b> 2021-07-21
<b>Lab ID:</b> 2021-N-9397	

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	83 ppm	As Received	207.94 mg	2021-07-22

<b>Sample:</b> 275792	<b>Received:</b> 2021-07-21
<b>Lab ID:</b> 2021-N-9398	

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	119 ppm	As Received	233.02 mg	2021-07-22

<b>Sample:</b> 275792-A	<b>Received:</b> 2021-07-21
<b>Lab ID:</b> 2021-N-9399	

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	16 ppm	As Received	202.22 mg	2021-07-22

<b>Sample:</b> 275794					
<b>Lab ID:</b> 2021-N-9400		<b>Received:</b> 2021-07-21			
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
<i>F : Fluorine</i>	GLI Procedure E9-3	61 ppm	As Received	216.20 mg	2021-07-22

**Signatures:**

Created By: Christy.Love  
Published By: Christy.Love

2021-07-23T21:16:01.777-04:00  
2021-07-23T21:17:08.84-04:00

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# EPA Researchers Use Innovative Approach to Find PFAS in the Environment



*Published August 13, 2018*

There are thousands of per- and polyfluoroalkyl substances (PFAS) in use for countless consumer products. PFAS can make products non-stick or waterproof. They are also used in industrial processes and make up fire-fighting foams used by first responders. With so many types of PFAS in use, EPA researchers have had to use new and innovative tools to gather more information about these chemicals.

Traditionally, sample collection, concentration, and analysis has been time consuming and labor intensive and ultimately, researchers must know what chemicals they are looking for. This traditional approach is called targeted analysis. In targeted analysis, researchers are limited by knowing what chemical, or target, they are looking for and they use a specific method and analysis designed to find that specific chemical.

Over the last decade, there has been a transformation in approaches to understanding how chemical exposures are linked to human and ecological health. Today, researchers can rapidly characterize thousands of never studied chemical compounds in a wide variety of environmental, residential, and biological media. This approach is called non-targeted analysis. It differs from targeted analysis because researchers do not have to know what specific chemical they are looking for in a sample. They can use high resolution mass spectrometry (HRMS), a more sensitive analysis, that helps researchers identify many of the chemicals present in a sample. The HRMS measures the accurate mass of molecules and can find chemicals that were previously unknown. This approach is beneficial not just to researchers, but to States, tribes, and local communities who might want to know more about chemical exposure.

Researchers from EPA and NC State University used the non-targeted approach to understand the impact of industrial discharges in the Cape Fear River in North Carolina. Researchers took sequential samples at locations along the river at specific distances from each other. They then compared what new chemicals occurred downstream relative to an industrial discharge source upstream. When researchers found new chemicals in a downstream sample, they used HRMS to figure out the chemical formula and proposed chemical structure of what they found. Using HRMS they identified many PFAS, including GenX, which is a trade name for a PFAS chemical, in the Cape Fear River. The researchers coordinated with the EPA regional office, the state, and industry to reduce PFAS in the watershed <<https://deq.nc.gov/news/hot-topics/genx-investigation/health-related-resources-about-genx-pfoa-and-pfas>>.

Non-targeted analysis is proving to be useful in other communities as well. EPA researchers are currently using this approach to help communities in New Hampshire and New Jersey determine the impact of PFAS exposure. Researchers are including air and char (material that has been burned) samples in this analysis.

While the non-targeted approach helps researchers determine what chemicals might be in the environment, it still takes time to figure out which ones are important in each sample. This is because all chemicals, whether they are naturally occurring or manmade, are visible in a sample using HRMS.

“PFAS stand out from other manmade and natural chemicals because of a property called negative mass defect, which means they contain many fluorine atoms,” says EPA researcher Mark Strynar. “This characteristic helps us isolate chemicals that require further investigation.”

For many chemicals, especially PFAS, there is little known about how they move through the environment. With this new non-targeted approach, researchers can pinpoint what chemicals are in a sample and at what concentrations, as well as how they flow through a river, or move through the air or in soil. This innovative approach is important to states, tribes, and local communities to protect their health and the health of the environment.

**Learn more:**

Per- and Polyfluoroalkyl Substances (PFAS) <<https://epa.gov/pfas>>

Contact Us <<https://epa.gov/sciencematters/forms/contact-us-about-science-matters>> to ask a question, provide feedback, or report a problem.



**Discover**



October 13, 2021

Dear Mayor Becksted and Council,

My name is Rebekah Thomson. I live in West Tisbury, Massachusetts on the island of Martha's Vineyard and am a co-founder of the nonprofit organization, The Field Fund.

Like Portsmouth, Martha's Vineyard is an environmentally conscious, coastal community striving to improve its athletic fields. Also like Portsmouth, we have experienced the contamination of our drinking water due to the historic use of AFFF and other unknown causes.

Our regional high school has proposed installing a plastic field — a first for the island — on its campus. Their landscape architect submitted letters from various industry representatives and industry funded consultants, all of which downplayed or denied the presence of PFAS in the proposed products. This included letters from TenCate, BrockUSA, and Marie Rudiman and Steven LaRosa on behalf of Weston & Sampson.

Because of the widespread community concern regarding possible further contamination of our aquifer, extensive testing of all the proposed plastic field components was mandated by the Martha's Vineyard Commission as part of the proposal review, prior to the approval and installation of the project. GreenFields USA Iron Turf Ultra Green, BrockUSA YSR Shockpad, BrockUSA BrockFILL (a plant-based infill made from pine trees), and two adhesives, Reynolds 775 and Mapei Ultra Bond, were all tested.

The following tests were conducted:

Total Metals Analysis  
Total Semivolatile Organic Compounds (SVOCs) Analysis  
Synthetic Precipitation Leaching Procedure (SPLP) Process  
SPLP Metals Analysis  
SPLP SVOCs Analysis  
Total and SPLP PFAS Analysis  
Total Oxidizable Precursor PFAS Analysis  
Total Organic Fluorine Analysis

**Among other findings, every single proposed component tested positive for PFAS.** The results were consistent with those reported in [The Boston Globe](#) and [The Intercept](#) in 2019. Some downplayed the risks of PFAS and/or pointed to other potential sources of PFAS — shellfish, septic systems, compost, etc. — although unlike synthetic turf, they are not point sources. No one denied the actual findings.

As you are hopefully aware, comprehensive testing is essential, particularly when it comes to a class of bio-accumulating chemicals that are so toxic they are measured in parts per trillion. And for a class of chemicals that are notoriously difficult to test for. Thankfully the science is advancing and communities are increasingly better able to understand the risks associated with various products. Even in the months since the Martha's Vineyard Commission had its testing conducted, new tests have become available.

Given how extremely limited the testing was that Portsmouth conducted prior to installing its new plastic field, I strongly urge you to conduct non-targeted analysis and TOP assay now. Your city and its residents were assured that the product they were purchasing was "PFAS-Free" and deserve to have that claim verified.

Thank you for the opportunity to comment. Please don't hesitate to contact us with any questions.

Sincerely,

Rebekah Thomson

The Field Fund

[www.fieldfundinc.org](http://www.fieldfundinc.org)

[thefieldfund@gmail.com](mailto:thefieldfund@gmail.com)

**CITY COUNCIL MEETING  
OCTOBER 18, 2021**

**Due to the large size of the attachment (281 pages), please follow the link to access the following document:**

**A. ASSISTANT MAYOR SPLAINE & COUNCILOR WHELAN**

1. Testing for PFAS On Artificial Turf Playing Fields

Attachment #3

<http://files.cityofportsmouth.com/agendas/2021/citycouncil/cc101821-Attachment3.pdf>

**If you need further information, please contact the City Clerk's Office at 610-7208.**





# PFAS Analysis

# Per- and Polyfluorinated Alkyl Substances (PFAS)

## What are PFAS Compounds?

Per- and Polyfluorinated Alkyl Substances (PFAS) are a large group of manufactured compounds that are used in a wide range of industrial and consumer applications. PFAS are also the principle components in Aqueous Film Forming Foams (AFFF) firefighting products that meet military specifications.

PFAS compounds are used to repel oil and water in textile products like clothing, carpeting and furniture, as well as in food packaging and in the manufacture of fluoropolymers used in non-stick cookware. Some of the unique chemical characteristics that make PFAS compounds attractive for use in surface coatings also render them resistant to biodegradation in the environment. Therefore, PFAS compounds are persistent and have been shown to bioaccumulate in humans and wildlife. PFAS compounds have been found throughout the environment in groundwater, surface water, soil and sediment. Studies have shown detections of PFAS in air, biota and food.

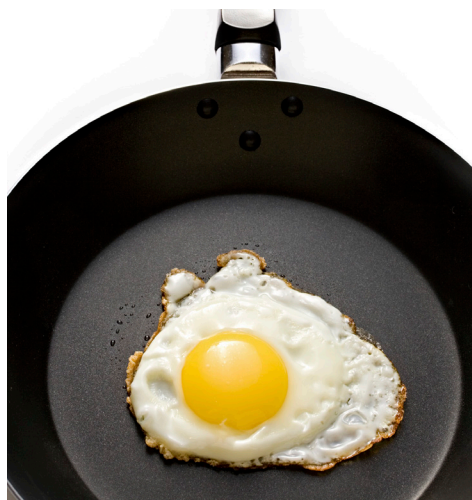
## Leading the Industry in PFAS Analysis

When dealing with contaminants of emerging concern, it is vital that you work with an experienced laboratory capable of providing defensible data, especially due to the lack of EPA standard methods. Utilizing industry-leading practices, Eurofins not only has dedicated laboratory space and instrumentation for PFAS analysis, but also dedicated teams who provide the highest quality results each and every time. These teams provide an unmatched level of experience, and a capacity to analyze tens of thousands of PFAS samples per month.

PFAS methodologies and regulations are continually evolving as additional compounds are identified and states continue to expand their testing requirements for these contaminants. With our dedicated teams, Eurofins is able to offer you the flexibility to develop and adapt to the continually changing analytical needs.

Eurofins offers you:

- The ability to test a wide range of matrices for **up to 75 PFAS compounds**. 70 PFAS are supported from a single LCMSMS analysis with 5 FTOH PFAS supported by GC/MS/MS analysis.
- **North America's largest capacity with 37 instruments** dedicated to PFAS analysis and a throughput of 40,000 samples per month.
- The use of **gold-standard methods** including isotope dilution, as well as EPA 537.1 and 533 for drinking water analysis.
- **Dedicated sample preparation and cleanup space** minimizing the chance of cross-contamination.
- Two laboratories dedicated to drinking water analyses that have been analyzing PFAS for over 10 years as well as additional drinking water testing capacity throughout our network of laboratories.
- Analysis for **GenX and other perfluoroether carboxylic acids (PFECA)** used as replacement compounds.
- Analytical results that **meet or exceed current regulatory and advisory limits**.
- Multiple accreditations including **DoD QSM, ISO 17025, NELAC** and various state-specific programs.



## Capabilities and Capacity

Eurofins is a global leader in providing innovative and high-quality environmental analytical laboratory services. Our PFAS laboratories, located in Lancaster, Pennsylvania; Denver, Colorado; South Bend, Indiana; Monrovia and Sacramento, California; Burlington, Vermont; and Knoxville, Tennessee are equipped with state-of-the-art technology and instrumentation. With thousands of employees dedicated to environmental testing, Eurofins has the capacity and financial stability to meet your project needs.

We perform PFAS analysis on a variety of environmental matrices including:

- air
- drinking water
- groundwater
- wastewater
- soil
- sediment
- leachate
- tissue
- biosolids
- consumer products
- AFFF
- Emulsions and Fluoropolymer Dispersions
- Food, Feed and Agricultural Products
- Blood/Serum

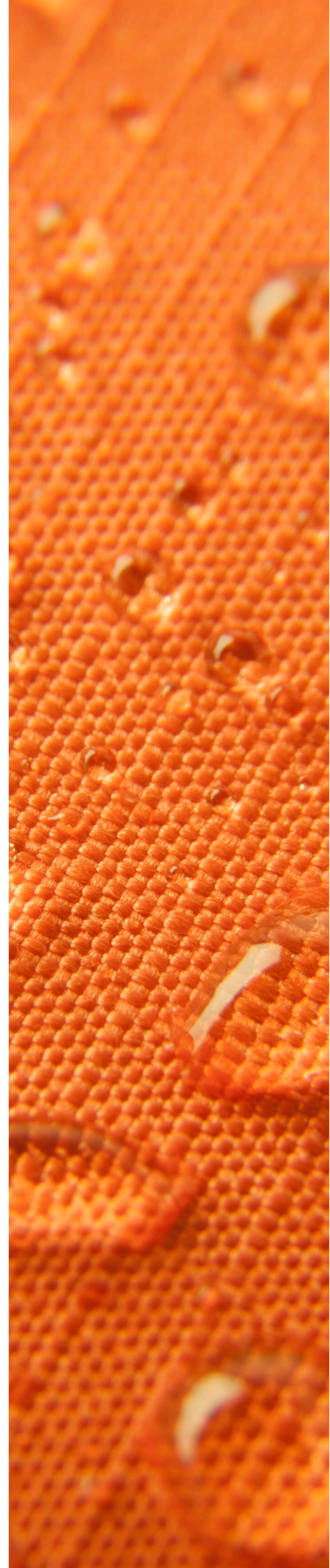
We use state-of-the-art LC/MS/MS instrumentation in support of trace-level reporting of PFAS contaminants as well as GC/MS/MS for the analysis of other emerging contaminants. Within our isolated PFAS laboratories, we run numerous dedicated systems over multiple shifts, giving us unmatched capacity for any project size. We have optimized our systems so that the data reported to you meets or exceeds all of the current regulatory or Health Advisory limits. We offer several analytical methods to meet state, federal and DoD criteria. The isotope dilution method can be utilized when testing potable water, non-potable water, soil/sediment, tissue and nontraditional matrices. For drinking water, we support EPA methods 537 and 533, without modification. To accommodate unique project reporting requirements, data can be provided in a client specific Data Deliverable format as well as a Level II, III or IV data package.


In accordance with the EPA's September 2016 Technical Advisory and EPA method 537.1, Eurofins includes branched/linear isomers in the quantification of PFOA, PFOS, PFHxS, NETFOSAA and NMeFOSAA. While a technical grade standard of PFOA is analyzed with each initial calibration for a qualitative reference and identification, branched/linear isomers are in the calibration for PFOS, PFHxS, NETFOSAA and NMeFOSAA.

Our depth of knowledge, redundancy of systems and state-of-the-art facilities are key to our success in supporting the PFAS market. Eurofins' reinvestment in the business ensures that we continue to offer highly sensitive methods, low reporting limits and compliance with method protocols meeting regulatory guidance over the duration of the client program.

## Drinking Water Analysis

Eurofins has the largest potable water testing laboratory in the United States, serving water quality professionals throughout the United States and in more than 100 countries worldwide. Eurofins' two drinking water laboratories serve more than 7,000 state and local municipalities as well as bottlers, engineering firms, consultants and federal agencies such as the EPA and U.S. Military. Eurofins is drinking water certified or approved in all 50 states and territories, and we support EPA methods 537.1 and 533, without modification.



A vertical image on the left side of the page shows clear water being poured from a height into a glass. The water is captured in motion, creating a dynamic splash and ripples on the surface of the water already in the glass. The lighting is bright, highlighting the transparency and texture of the liquid.

## Advanced Analytical and Forensic Tools: TOF, TOP Assay, Branched/Linear Isomers, and Non-Target Analysis

Current analytical methodologies measure a discrete list of 40 PFAS compounds on average. Many additional PFAS are not determined as discrete compounds by existing commercial methods, therefore we may be underestimating the PFAS mass present in the environment. As the investigation and treatment of sites contaminated with PFAS matures, there is a growing interest in determining the contributions of different sources to the overall contamination and understanding the true mass of PFAS present.

Eurofins has implemented several tools that illuminate additional pieces of the PFAS puzzle.

AFFF impacted samples analyzed by the TOP Assay have been shown to reveal an additional mass of PFAS compounds that can comprise of up to 70% of the fluorinated organics in the sample. The combination of the TOP analysis and the standard suite of PFAS compounds can give a more complete characterization of the PFAS contamination present.

### Total Oxidizable Precursors (TOP) Assay

Water, soil, and sediment are treated with persulfate, hydroxide and heat to create a hydroxyl radical oxidation. An initial aliquot of each sample is analyzed for a suite of targeted PFAS compounds. Then a second portion of the sample is oxidized. When the oxidation is complete, the oxidized portion is extracted in the normal fashion for the same suite of PFAS compounds and then compared to the initial analysis. Increases in the concentrations in the Perfluorocarboxylic Acids (PFCAs) indicate the presence of oxidizable precursors which constitutes a portion of the hidden mass. Achievable detection limits are in the part per trillion (ppt) range.

### Total Organofluorine (TOF)

The determination of total organic fluorine approaches quantitation of the unknown mass of PFAS from the angle of the fluorine content of a sample. With the use of combustion ion chromatography (CIC) a wide range of matrices are analyzed for Total Organic Fluorine (TOF), Total Absorbable Organofluorine (AOF) in water, or Extractable Organic Fluorine (EOF) in solids. Achievable detection limits are in the part per billion (ppb) range.

### Extensive Compound List

As AFFF and other PFAS sources have changed vendors and formulations over the years, the concentration and composition of PFAS in those products has also changed. As the number of targeted compounds increases, the likelihood of a unique identification increases. This is not to say that increasing from a list of 30 PFAS to a list of 70 PFAS will elucidate a point source, only increase the potential for additional and unique positive identifications. Achievable detection limits are in the part per trillion (ppt) range.

### Linear/Branched/Total PFAS

Separate results of the linear isomer and the sum of branched PFAS isomers for PFOA, PFOS, PFHxS, MeFOSAA, and EtFOSAA are possible. There are two main processes in which PFAS are created: Electrochemical and Telomerization. The electrochemical process produces both linear and branched isomers, but all are saturated, meaning that every carbon in the backbone is only bonded to another carbon and fluorine. The telomerization process results in mixed saturation but linear isomers only. These data reported separately can yield more information than a single value would.

### Non-Targeted Analysis (NTA)

While a long compound list and the ability to differentiate linear and branched isomers are powerful tools, there are estimated to be thousands of PFAS in-use or with legacy usage. As there are only analytical standards for a fraction of these compounds, additional instrumentation is needed to identify PFAS without commercially available standards. This task is best suited for Quadrupole-Time-Of-Flight Mass Spectrometry (QTOF-MS). This data results in exact mass, capable of matching identified compounds to a library of exact mass spectra (unique fragments of the original compound). Eurofins has recently expanded our PFAS library from 300 compounds to ~2400 compounds. This allows for unknown compounds to be identified with chemical formula, name, and CAS number.

# PFAS Certifications & Accreditations

Eurofins is accredited in each state, where certification is offered, for method(s) of PFAS Analysis. Our laboratories hold certification with the Department of Defense (DoD) ELAP program and state accreditations for per- and polyfluorinated chemical analysis that follow QSM Table B15 protocol.

	EPA 537.1 Potable Water (SDWA)	Non Potable (CWA)	Solid Waste (RCRA)		EPA 537.1 Potable Water (SDWA)	Non Potable (CWA)	Solid Waste (RCRA)
Alabama	✓	✓	✓	Montana	✓	✓	✓
Alaska	✓	✓	✓	Nebraska	✓	✓	✓
Arizona	✓	✓	✓	Nevada	✓	✓	✓
Arkansas	✓	✓	✓	New Hampshire	✓	✓	✓
California	✓	✓	✓	New Jersey	✓	✓	✓
Colorado	✓	✓	✓	New Mexico	✓	✓	✓
Connecticut	✓	✓	✓	New York	✓	✓	✓
Delaware	✓	✓	✓	North Carolina	✓	✓	✓
Florida	✓	✓	✓	North Dakota	✓	✓	✓
Georgia	✓	✓	✓	Ohio	✓	✓	✓
Hawaii	✓	✓	✓	Oklahoma		✓	✓
Idaho	✓	✓	✓	Oregon	✓	✓	✓
Illinois	✓	✓	✓	Pennsylvania	✓	✓	✓
Indiana	✓	✓	✓	Rhode Island	✓	✓	✓
Iowa	✓	✓	✓	South Carolina	✓	✓	✓
Kansas	✓	✓	✓	South Dakota	✓	✓	✓
Kentucky	✓	✓	✓	Tennessee	✓	✓	✓
Louisiana	✓	✓	✓	Texas	✓	✓	✓
Maine	✓	✓	✓	Utah	✓	✓	✓
Maryland	✓	✓	✓	Vermont	✓	✓	✓
Massachusetts	✓	✓	✓	Virginia	✓	✓	✓
Michigan	✓	✓	✓	Washington	✓	✓	✓
Minnesota	✓	✓	✓	West Virginia	✓	✓	✓
Mississippi	✓	✓	✓	Wisconsin	✓	🕒	🕒
Missouri	✓	✓	✓	Wyoming	✓	✓	✓

✓ Certifications or Accreditation Held

🕒 Accreditation in Process

✓ Certification Not Offered by State

*Eurofins is able to support work without state specific accreditation.*

*Note: Certifications are subject to change. Last updated: 2/2021*

## Sampling Preservatives and Bottles

Matrix	Container/Preservation	Method
Potable Water	2 x 250mL Plastic/ ammonium acetate	EPA 533
Potable Water	2 x 250mL Plastic/Trizma	EPA 537.1
Aqueous	2 x 250mL Plastic/ none	537 Isotope Dilution
Aqueous (DOD)	2 x 250mL Plastic/ none	537 Isotope Dilution QSM 5.1 table B-15
TOP in Water (Pre-Oxidation)	3 x 250mL Plastic/ none	537 Isotope Dilution
TOP in Water (Post-Oxidation)	3 x 250mL Plastic/ none	537 Isotope Dilution
Solid	1 x 125mL Plastic/ none	537 Isotope Dilution
Solid (DOD)	1 x 125mL Plastic/ none	537 Isotope Dilution QSM 5.1 table B-15
AFFF	1 x 250mL Plastic/ none	537 Isotope Dilution

Eurofins provides sample collection bottles made of high-density polyethylene plastic (HDPE) and lids that are free of Teflon™ lining.



## Eurofins Locations for PFAS Analysis

### Eurofins Eaton Analytical Monrovia, CA and South Bend, IN

- PFAS in drinking water
- Largest drinking water lab in the country
- Backup capacity between two labs to accommodate project schedules
- NELAP / ISO 17025 accredited

### Eurofins Lancaster Laboratories Environmental Lancaster, PA

- PFAS in drinking water, groundwater, wastewater, soil, sediment, tissue, biosolids, AFFF, milk, food and vegetation and consumer products
- DoD / NELAP / ISO 17025 accredited
- Total Oxidizable Precursors (TOP) Assay
- Total Organic Fluorine (TOF) Analysis
- Non-Target Analysis (NTA)

### Eurofins TestAmerica

#### West Sacramento, CA; Denver, CO; Burlington, VT; Knoxville, TN

- PFAS in drinking water, groundwater, wastewater, soil, sediment, tissue, blood/serum, biosolids, AFFF, consumer products and air
- DoD / NELAP / ISO 17025 accredited
- Total Oxidizable Precursors (TOP) Assay
- Non-Target Analysis (NTA)



[www.EurofinsPFAS.com](http://www.EurofinsPFAS.com)

Dear Mayor Becksted, Council Members, Manager Conard, and Atty Woodland,

In March 2020, you received two letters from me, sent in my capacity as Director of WRAFT, regarding the potential for PFAS contamination from a proposed artificial turf field system installation. At that time, as an advocate for a community's natural resources, I strongly recommended you commission both Total Oxidizable Precursor (TOP) assay and "non-targeted PFAS analysis" of the field components, which at the time were only available from university researchers working in the field. That laboratory testing is now available from commercial laboratories like Eurofins (1, also attached to this email) and recognized by the EPA (2).

Recently, I have been informed that a total fluorine analysis determined fluorine present in products claimed to be fluorine-free. This is a strong indication that PFAS has been used in the production of a material and warrants further inquiry.

I am reaching out to you today, from my position as the Chair of our City Council's Natural Resources Committee - and having both a Bachelors degree in Chemistry and a Masters degree in Analytical Chemistry, to strongly suggest that you consider contacting Eurofins and have brand new field component materials, with a complete chain of custody, tested for PFAS using both the TOP assay and a non-targeted analysis.

Given the extraordinary persistence, bioaccumulation, and toxicity of the class of PFAS chemicals, the fact that PFAS are used as both ingredients and lubricants in the production of turf field carpets and components (3,4,5), and the over-exposure of our residents to PFAS from water contamination **this testing is the very least that can be done** to help protect our natural resources and residents from further unnecessary toxic PFAS exposure when evaluating the installation or renewal of any artificial turf field system.

Please feel free to contact me should you need further information, references, or clarification. Also, please be sure to add this communication to the public comments of your October 18th meeting.

Thank you for considering this information during your deliberations.

Very sincerely,

Kristen Mello

---

Kristen L. Mello, M.Sc. (she/her)  
Chair | Natural Resources Committee  
Councilor At-Large | Westfield City Council  
413.564.4772 (cell)

1. [https://www.eurofinsus.com/media/1713837/pfas-user-guide\\_221.pdf](https://www.eurofinsus.com/media/1713837/pfas-user-guide_221.pdf)
2. <https://www.epa.gov/water-research/pfas-analytical-methods-development-and-sampling-research>
3. Lerner, Sharon. "Toxic PFAS Chemicals Found in Artificial Turf." *The Intercept*, 8 Oct. 2019, [//theintercept.com/2019/10/08/pfas-chemicals-artificial-turf-soccer](https://theintercept.com/2019/10/08/pfas-chemicals-artificial-turf-soccer).
4. Martin et al. Artificial Turf Yarn. US 9040627 B2, United States Patent and Trademark Office, 26 May 2014. *Google Patents*, <https://patentimages.storage.googleapis.com/f4/ad/dc/3724adab75b06f/US9040627.pdf>
5. Giovanni Capra. Extruded, Polymeric Underlayment Pads. US 2019/0352861 A1, United States Patent and Trademark Office, 21 November 2019. *Google Patents*, <https://patentimages.storage.googleapis.com/58/53/df/95734ce56a851f/US20190352861A1.pdf>

Dear City Manager Conard, DPW Director Rice, and City Attorney Woodland,

Thank you for meeting with me by zoom last Friday to listen to my concerns re: the test results from Non Toxic Portsmouth indicating fluorine was found in the City's new artificial turf at Community Campus.

To briefly recap my concerns, [fluorine is a main component of PFAS](#) (per- and polyfluoroalkyl substances). The findings of fluorine is highly indicative that PFAS might be in the artificial turf field. I used the analogy that fluorine is smoke and PFAS is fire. We are seeing smoke (fluorine in the field) and the City needs to be diligent and make sure there isn't a fire (PFAS in the field). The fluorine results should be concerning to the City, as you [contracted for a PFAS free field](#), and prompt additional PFAS testing.

I reviewed the [data on the City website re: the Artificial Turf](#). Three main concerns stood out to me:

A letter dated 10/19/2019 by Darren Gill (Senior Vice President of FieldTurf) says "Our supplier has confirmed that their products are free of PFAS, PFOS and fluorine". Fluorine has been found in the City's new field and therefore the Vice President at FieldTurf should be contacted and made aware that his letter is inaccurate.

All the PFAS data is presented in ug/kg or parts per billion (ppb). Drinking water advisories and regulations are presented in parts per trillion (ppt). Testing at the part per billion range is not sensitive enough and means a significant amount of PFAS could go undetected. For example, 1 ppb = 1,000 ppt and a significant amount of PFAS may not be detected in the lab analyzing at the ppb level. Repeat sampling should be done through a lab that can test at the lowest detection limit possible in the ppt range.

Lastly, EPA Method 537 was used to analyze the samples and that only tests for 29 PFAS. PFAS is a class of thousands of chemicals so it is critically important to test for as many compounds as possible (and at the lowest detection limit). Eurofins Lab in Lancaster, Pennsylvania can currently test for 70 PFAS at low detection limits. They are a respected and reputable lab that has experience and equipment to perform PFAS testing on many different types of matrices and has experience in sampling artificial turf.

Many Portsmouth residents have been highly exposed to PFAS from contaminated drinking water at the Pease Tradeport. And many of them are children who attended day care centers located at the Pease Tradeport and are now school aged and using the City's new turf field for recreation. Artificial turf contains multiple chemicals and there are many exposure pathways in children such as dermal, ingestion, and inhalation. In my short time allowing my children to play on the new field (prior to learning about the fluorine results), I observed babies crawling on the field, children eating snacks on the field, children running barefoot on the field, children eating blades of grass from the field, and families sitting and lounging on the field. The Seacoast also has a [double pediatric cancer cluster](#) and [New Hampshire has the highest rate for pediatric cancer in the nation](#). Therefore it is critical to provide clean drinking water to our community and



reduce environmental exposures to our community. There are tips for turf safety from reputable, scientific groups (most notably [Environmental Working Group](#) and [Icahn School of Medicine](#)). I am requesting the City immediately post signs to the fields with tips for Turf Safety (adopted from these reputable organizations). Also, the City should post the same tips for Turf Safety on their website and the City's Recreation Department should include the tips for Turf Safety document with every activity Portsmouth residents enroll in that involves the turf field to provide education and awareness on how to reduce risk when playing on an artificial turf.

To recap, I have the following suggestions:

Notify FieldTurf their field is not fluorine free per their letter dated 10/19/2019.

Sample the field for as many PFAS compounds at the lowest detection limit possible (ppt and not ppb). I recommend Eurofins Lancaster as they are a respectable and reputable lab that has tested artificial turf many times in the past and can now test for 70 PFAS. The main contact for artificial turf testing is Jeff Mapson ([Jeff.Mapson@eurofinset.com](mailto:Jeff.Mapson@eurofinset.com)).

Consider sampling PFAS in the water draining from the field and a nearby rain water sample for comparison to assess leaching of PFAS into the environment (groundwater, soil, wetlands, etc.).

Immediately post signs on Turf Safety at the field. Create a document on Turf Safety to be posted on the City website as well as to be sent to all enrollees for every program they enroll in that will take place on the City turf field.

If repeat sampling shows PFAS in the field, notify the public and host a community meeting to discuss the results, offer Q&A, and public input on the City's next steps.

Thank you again for your time on Friday and for listening to my concerns. And thank you for your consideration of my suggestions to investigate PFAS further on the turf and take steps to inform our residents on turf safety to keep our community healthy and safe.

Best,  
Andrea Amico  
187 Grant Ave  
Portsmouth, NH 03801

2016

3M Dynamar, pg 11, for use in synthetic turf

## Other extrusion processes

**5** Any continuous extrusion process with shear rates of up to  $2000 \text{ sec}^{-1}$  may be influenced by PPA. Depending on the given formulation and processes, typical extrusion benefits provided by 3M™ Dynamar™ PPA include:

- Reduction of die build-up
- Pressure reduction
- Faster color transitions
- Energy savings
- Better surface quality



### Recommended Products

#### Sheet Extrusion

- ▶ FX 5911 ▶ FX 5912
- ▶ FX 9613 ▶ FX 9614

#### LDPE, HDPE & PP Artificial Grass

- ▶ FX 5911 ▶ FX 9613

#### PP Carpet Backing

- ▶ FX 5911

#### Cable Extrusion

- ▶ FX 5912

#### Polyamide Black Compounds

- ▶ FX 5914 ▶ FX 5911

#### Wood Plastic Composites (WPC)

- ▶ FX 5911

#### Other Engineering Resins

- ▶ FX 5911

<https://multimedia.3m.com/mws/media/1027184O/3m-dynamar-ppas-product-comparison-guide.pdf>

[https://drive.google.com/file/d/1eUogQyz0SvG\\_c67-Yt4HbkYpeqOesT42/view?usp=drivesdk](https://drive.google.com/file/d/1eUogQyz0SvG_c67-Yt4HbkYpeqOesT42/view?usp=drivesdk)

[https://drive.google.com/file/d/1qBVUHulLzR6M-MkR6yGmthw0kYJx\\_8MK/view?usp=drivesdk](https://drive.google.com/file/d/1qBVUHulLzR6M-MkR6yGmthw0kYJx_8MK/view?usp=drivesdk)

## **2019**

Oliver Ames High School, Easton, MA (Shaw Sports Turf, “shock pad series,” sand and crumb rubber infill): “300 ppt of 6:2-Fluorotelomersulfonic acid (6:2 FTSA), a short-chain GenX PFAS, in the backing.” Levels found were 20 times the state’s proposed limit of 15 parts per trillion (ppt).<sup>1</sup>

Circa. 2004 discarded turf backing, Franklin, MA: 190 ppt of PFOS.<sup>1</sup>

100% of plastic grass fibers from 5 different fields, including leading manufacturers<sup>1</sup>

Shaw and TurfFactory Direct brands, revealed 44-255 ppm total fluorine<sup>1</sup>

18 Oct 2019- results of SprintTurf testing done by RTI Laboratories, Inc., Livonia, MI

\* SprintTurf Synthetic Grass Fibers, revealed the presence of PFAS<sup>2</sup>

\* SprintTurf Synthetic Grass Backing, revealed the presence of PFAS<sup>3</sup>

Email communications with Susan Farris, Vice President of Sustainability & Corporate Communications at Shaw Industries and an anonymous inquirer confirmed Shaw Industries use of PFAS in their manufacturing of synthetic grass carpet:<sup>4</sup>

On Wed., Oct 9, 2019 at 11:50 AM (name, contact info redacted)

*Thanks, Susan. Will you guys be eliminating PFAS in the artificial turf you manufacture as well? Can you say a bit more about what PFAS chemicals are used in producing your turf?*

Susan Farris, Vice President of Sustainability & Corporate Communications at Shaw Industries stated (contact info redacted)

Forwarded message -----From: Susan Farris  
Date: Wed, Oct 9, 2019, 6:32 PM  
Subject: Re: Shaw Inquiry regardingTurf

*As new formulations are available to perform the same or similar functions as PFAS chemicals have historically, Shaw has shifted to new ingredients. We are exploring alternatives with our technical*

*teams and suppliers but have not yet identified a substitute that provides the non-stick properties required for manufacturing synthetic turf.*

This admission was published two hours later in The Boston Globe.<sup>5</sup>

23 Oct 2019

TenCate's tap dance!<sup>6</sup>



## FAQs: TenCate Grass on PFAS

10/23/19

### **Does synthetic turf contain substances that cause cancer?**

TenCate Grass does not manufacture any products using materials that are known to cause cancer. We take customers' safety extremely seriously. The wellbeing of the communities we serve is our number one priority.

### **What are PFAS?**

Poly and perfluorinated alkyl substances, or PFAS substances, are a family of chemical compounds used in many products, like rain jackets, tennis shoes and fast food wrappers. Some manufacturers rely on them to apply durable waterproof coatings to their products.

Scientists have recently begun to express some concerns about the safety of some forms of PFAS: PFOS or PFOA materials. The scientific community's understanding of PFAS is still evolving, but early research suggests that some particular types could be dangerous to humans. TenCate Grass customers shouldn't be concerned about this. TenCate's turf fibers are not manufactured with any PFOS or PFOA materials.

### **What about recent reporting in The Intercept and the Boston Globe alleging that artificial turf contains PFAS?**

That reporting was highly speculative. As several environmentalists and environmental organizations have pointed out, there are a number of problems with the science those articles have cited, including dubious testing methods and conditions and an extremely small sample size. We'd be happy to refer you to those experts if you'd like to learn more.

### **Do TenCate products contain PFAS?**

Again, we want to assure our customers that the fibers that TenCate Grass grass uses to manufacture synthetic turf do not contain any PFOS (the type of PFAS reported in the Boston Globe).

### **What about the backing (or other components of carpet)?**

Out of an abundance of caution, and to provide an extra layer of reassurance to our customers, we are currently in the process of confirming that none of our suppliers' products contain PFOS or PFOA materials.

### **What standards does TenCate adhere to for consumer safety?**

TenCate Grass products fully comply with the most stringent environmental standards in the world, California's Prop 65 and Europe's REACH. We are happy to do so.

What's more, TenCate designs turf products that have minimal impact on the environment. In fact, our newest woven IRONTURF fields are 100-percent recyclable.

1131 Broadway Street • Dayton, TN 37321 • 423-775-0792 • Fax 423-775-4460

25 Oct 2019

Written attestation by FieldTurf<sup>7</sup>

October 25, 2019

To Whom it May Concern:

We are aware of media reports around the potential presence of trace amounts of PFAS chemicals in some artificial turf fields. In light of these reports, we have worked closely with our supplier of artificial turf filaments to verify that our products do not contain these chemicals. **Our supplier has confirmed that their products are free of PFAS, PFOS and fluorine.** We care deeply about the safety of our surfaces and those who use them and we will continue to vigilantly monitor our products to ensure that they remain free of these substances.

Regards,



Darren Gill  
Senior Vice-President of Marketing & Innovation

---

4 Dec 2019 Netherlands<sup>8</sup>

"The Secretary of State has admitted that the Industry uses PFAS to produce artificial grass. Therefore it's in there.

She now asked the EU for a guidance in this subject. En probably there will be a ban to use PFAS to produce artificial grass

She answered in questions asked by our parliament.

She didn't answer the question about health issues.

On October 10, I received written questions from member Kröger about PFAS in artificial grass. I hereby send you the answers to the questions asked.

Question 1

Do you know the message "Toxic PFAS Chemicals Found in Artificial Turf"? (1)

Answer 1

Yes.

Question 2

As far as you know, is polypropylene and perfluoroalkyl substances (PFAS) used in the production of artificial grass used in the Netherlands?

#### Answer 2

Yes. Fluoropolymers from the PFAS group are used in extrusion processes in the plastics industry, such as in the production of fibers for artificial grass. Due to the wide application of PFAS in a large number of processes and the risks that this poses to the environment and health, the government has opted to work in a European context on phasing out the use of PFAS in non-essential applications via the REACH regulation .

#### Question 3

Has the PFAS content of artificial grass used in the Netherlands been investigated? If not, are you planning this now that PFAS is a very worrying substance?

#### Question 4

If Dutch artificial grass is contaminated with PFAS, what are the exposure risks for athletes, employees of artificial grass companies or maintenance staff of artificial grass sports fields?

#### Question 5

What are the risks for the environment, soil and water, due to leaching of PFAS?

#### Answer questions 3, 4 and 5

Because PFAS is used worldwide in a large number of products and processes, I have a broad focus on the risks of PFAS. At the moment nothing is known about the specific risks of PFAS in artificial grass in scientific literature and at RIVM and ECHA.

The Minister of IenW and I have promised two investigations into the release of PFAS from different sources. I asked Rijkswaterstaat to do research into (diffuse) discharges from PFAS and the causes thereof. The RIVM is also involved in this. Completion is planned for the second quarter of 2020. In addition, I promised to have a study carried out into PFAS in products, production processes and waste streams. This will be done by Arcadis. This investigation is scheduled to be completed by the end of 2020. These investigations have since been started. Given the size of the PFAS group, it is not feasible to include all processes and products that potentially use substances from this group. Based on available literature and previous studies, the scope is focused on products, processes and discharge points with the greatest risk of environmental and health effects due to release of PFAS into the environment and / or human exposure. For the research into PFAS in products, production processes and waste streams, this scope will be further specified in the first phase that has recently started. This will also include the production of plastics and plastic products.

#### Question 6

What are the risks arising from the processing and recycling of artificial grass?

#### Answer 6

At the moment nothing is known about the specific risks of PFAS in artificial grass in scientific literature and at RIVM and ECHA. This also applies to its processing and recycling. I will await the aforementioned investigations for this. In a general sense, the Environmental Management Act requires waste processors to take measures to control risks to the environment that they are

aware of (or may reasonably be aware of). On behalf of the competent authority, this is supervised by the environmental services.“

29 Sep 2020 FieldTurf Patent Declaration<sup>9</sup>

FieldTurf Patents:

<https://patents.justia.com/patent/20120263892>

<https://patents.justia.com/patent/8986807>

## **2020**

20 Jan 2020 Sharon, MA

Results from Dr. David Teter regarding FieldTurf Vertex, FieldTurf Vertex Prime, SprinTurf 46oz DFE and Brockfill. Findings contested by Dr.Helen Poyntan and Dr. Debbie Tatro.<sup>10</sup>

21 Jan 2020 Sharon, MA, Standard Building Committee

Testimony of Dr.Debbie Tatro<sup>11</sup>

19 May 2020 communication with USDA re: PFAS in SynLawn synthetic turf.<sup>12</sup>



**From:** USDA BioPreferred <[help@usdabiopreferred.net](mailto:help@usdabiopreferred.net)>

**Date:** May 19, 2020 at 6:52:19 AM PDT

**To:** [REDACTED] <[dmwoelke@gmail.com](mailto:dmwoelke@gmail.com)>

**Subject:** RE: "Bio-preferred" Synthetic turf

Hello [REDACTED] Woelke,

Thank you for taking the time to reach out to the USDA BioPreferred Program. I would love to provide some background on the USDA BioPreferred Program. The Program was created with the purpose of spurring economic development, creating new jobs, and providing new markets for farm commodities. The Program is a single attribute certification program. Eligibility is based solely on the biobased content of a product. As long as a product meets the biobased content minimum of the category it falls under, the product is eligible to participate in the USDA BioPreferred Program. All certified products currently listed in the catalog have completed third-party certification and have met the requirements for Program certification.

With that in mind, we have reached out to Jelle Meurrens with SYNLawN to clarify what role PFAS may or may not have in the composition of their product. Jelle stated SYNLawN has begun an internal study in cooperation with their suppliers to study their manufacturing process from raw materials to final product. The study found that "none of [the] suppliers are willingly or knowingly

adding PFAS into their processes, and submittal of samples to an accredited lab (AIRL inc. Cleveland TN) showed that [the] raw materials used in SYN Lawn products are free of PFAS according to method ASTM D7968-17a m and EPA 537. Further in the study, finished turf samples [were analyzed] for PFAS and those also came back negative using the same test methods."

If you would like any additional information on PFAS in synthetic turf, you are welcome to reach out to the Synthetic Turf Council (<https://www.syntheticurfCouncil.org/>). Weston and Sampson (<https://www.westonandsampson.com/>) has also been very active in the PFAS subject serving as an intermediate third party independent consulting service between architects, manufacturers, and project stake-holders.

We appreciate you reaching out and hope this additional background helps clarify the criteria for certification and how products are eligible to participate in the Program. Please reach out if you have any additional questions or concerns.

Warm Regards,

BioPreferred Program Technical Support

SynLawn Patents:

<https://patents.justia.com/patent/20200291583>

<https://patents.justia.com/patent/20180291567>

<https://patents.justia.com/search?q=GEL+WITH+PU+MATRIX+AND+VEGETABLE+OIL>

<https://patents.justia.com/patent/20190292731>

<https://patents.justia.com/search?q=ARTIFICIAL+TURF+COMPRISING+AN+AGGLOMERATE+INFILL>

<https://patents.justia.com/search?q=ARTIFICIAL+TURF+PRODUCTION+USING+A+NUCLEATING+AGENT>

<https://patents.justia.com/patent/20190256642>

1 Jun 2020

Letter from Jeff Gearhardt, Research Director, the Ecology Center, Ann Arbor, MI to Director of Finance and Administration City of Portsmouth, NH<sup>13</sup>

*“A company claiming PFAS-free turf fiber should thus be able to **produce testing results showing less than 1 part per million of total organic fluorine or total fluorine. We recommend that companies be required to test products and provide these results. In addition to our academic collaborators, we have found a range of third-party labs capable of conducting this type of analysis. These include, but are not limited to: Eurofins Australia or Test America (Sacramento); Galbraith Labs; ALS Environmental; and SGS.**”*

20 Jul 2020 Portsmouth, NH. PFAS results, 11yr old FieldTurf Duraspine field.<sup>14</sup>

<b>Sample:</b> 120355		<b>Received:</b> 2020-02-17			
<b>Lab ID:</b> 2020-K-6334					
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
<i>F : Fluorine</i>					
	GLI Procedure E9-3	79 ppm	As Received	201.60 mg	2020-02-20

19 Jan 2021 Martha's Vineyard, MA<sup>15</sup>

Proposed field testing results: Greenfields USA Iron Turf Ultra Green (TenCate); Brock USA YSR shock pad; Brockfill infill

### Laboratory Report

**Report prepared for:**

Nichole Hunt  
Alpha Analytical Labs  
8 Walkup Dr  
Westborough, MA 01581  
Email: [nhunt@alphalab.com](mailto:nhunt@alphalab.com), [subreports@alphalab.com](mailto:subreports@alphalab.com)

**Report prepared by:**

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(865) 546-1335  
[debbierobertson@galbraith.com](mailto:debbierobertson@galbraith.com)

<b>Sample:</b> GREENFIELD TURF		<b>Received:</b> 2021-01-13			
<b>Lab ID:</b> 2021-M-6443					
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
<i>F : Fluorine</i>					
	GLI Procedure E9-3	70 ppm	As Received	202.15 mg	2021-01-14

<b>Sample:</b> BROCK SHOCK PAD -		<b>Received:</b> 2021-01-13			
<b>Lab ID:</b> 2021-M-6444					
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
1. There was insufficient sample to test for fluorine; if you want to submit additional 200 mgs of sample. please include a copy of this report.					

<b>Sample:</b> BROCK FILL		<b>Received:</b> 2021-01-13			
<b>Lab ID:</b> 2021-M-6445					
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
<i>F : Fluorine</i>					
	GLI Procedure E9-3	< 10 ppm	As Received	212.45 mg	2021-01-14

<b>Sample:</b> REYNOLDS 775 GLUE		<b>Received:</b> 2021-01-13			
<b>Lab ID:</b> 2021-M-6446					
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
<i>F : Fluorine</i>					
	GLI Procedure E9-3	10 ppm	As Received	211.67 mg	2021-01-14

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<b>Sample:</b> MAPEI ULTRA BOND					
<b>Lab ID:</b> 2021-M-6447		<b>Received:</b> 2021-01-13			
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	11 ppm	As Received	200.96 mg	2021-01-14

**Signatures:**

Published By: Debbie.S.Robertson  
Created By: Debbie.S.Robertson

2021-01-19T20:04:41.3-05:00  
2021-01-19T20:03:35.063-05:00

- Physical signatures are on file.
- "Published By" signature indicates authorized release of data.



*Amended Laboratory Report*

**Report prepared for:**

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<b>Sample:</b> Brock Shock Pad					
<b>Lab ID:</b> 2021-M-7028		<b>Received:</b> 2021-01-21			
Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	26 ppm	As Received	209.33 mg	2021-01-25

**For all samples on this report:**

1. Amended Report: This report amends data included in report 128242

**Signatures:**

Published By: Debbie.S.Robertson 2021-02-01T17:14:52.777-05:00  
 Created By: Debbie.S.Robertson 2021-02-01T17:14:43.37-05:00

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Testimony of Kristen Mello, MSc re: PFAS results for proposed field.<sup>16</sup>

23 Jul 2021 Portsmouth, NH<sup>17</sup>

FieldTurf Vertex with shock pad and Safeshell (walnut) infill. June 2021 Installation.

From: [REDACTED]@galbraith.com>

Date: Mon, Sep 20, 2021 at 5:47 PM

Subject: RE: Lab Results from Portsmouth

To: [REDACTED]@gmail.com>



I added the sample description to the lab ID's bellow in red. Let me know if you need further information.

**Sample:** 275790- Ports Mouth NH -Turf White  
**Lab ID:** 2021-N-9396 **Received:** 2021-07-21

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	97 ppm	As Received	213.99 mg	2021-07-22

**Sample:** 275791- Ports Mouth NH -Turf Green  
**Lab ID:** 2021-N-9397 **Received:** 2021-07-21

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	83 ppm	As Received	207.94 mg	2021-07-22

**Sample:** 275792- Ports Mouth NH -Turf Yellow  
**Lab ID:** 2021-N-9398 **Received:** 2021-07-21

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	119 ppm	As Received	233.02 mg	2021-07-22

**Sample:** 275792-A Ports Mouth NH -Turf Backing  
**Lab ID:** 2021-N-9399 **Received:** 2021-07-21

Analysis	Method	Result	Basis	Sample Amount Used	Date (Time)
F : Fluorine	GLI Procedure E9-3	16 ppm	As Received	202.22 mg	2021-07-22



7 Aug 2021 Amity, CT<sup>18</sup>

FieldTurf [Revolution 360], crumb rubber infill

*“Dear Woodbridge and Amity officers et al,*

*I write to inform you that surface water testing by a reputable, independent 3rd party, EPA-accredited environmental laboratory, York Lab in Stratford, indicates that several new types of PFAS have been found in surface water adjacent to the newly constructed artificial turf field with crumb tire rubber infill at Amity High School. The increase in PFAS levels is a violation of the guarantee in the contract established by the Woodbridge town TPZ and Amity/FieldTurf. Fieldturf, the artificial turf company that Amity contracted with to construct the field, signed a pledge that there are NO PFAS IN ITS PRODUCTS.*

*The citizens of Woodbridge and the parents of Amity HS students want to know what steps will be taken to assure that this breach of contract is addressed through environmental remediation and mitigation so that the students at Amity High School, the residents of Woodbridge, and the aquatic life in the vicinity of Amity High School are not exposed to increased levels of PFAS.*

*The citizens of Woodbridge also call for independent, 3rd party testing of the actual FieldTurf materials that constitute the field, including the plastic grass, tire rubber infill, and plastic backing. This testing was NOT performed prior to construction, despite multiple requests from the citizens of Woodbridge to both Amity and Woodbridge agencies such as the BOS, TPZ, and Inland Wetlands.*

*Baseline testing was performed on surface water in late April 2021 to indicate preliminary levels of both PFAS and heavy metals BEFORE artificial turf field construction, when FieldTurf’s artificial turf materials were not present. The surface water testing was performed on a swale beside the field. Official results with details are attached. Baseline testing found the following:*

*Perfluorooctanoic acid (PFOA) 4.60 ng/L*

*Perfluorooctanesulfonic acid (PFOS) 5.52 ng/L*

*Construction of the artificial turf field with tire rubber infill was completed in July 2021. After the first rainfall upon completion of the artificial turf field, a second round of testing for PFAS and heavy metals was performed on surface water in the exact same swale location. Official results with details are attached. Post-artificial-turf-field-construction testing found the following new PFAS chemicals and heightened levels of the previous PFAS chemicals:*

*Perfluorooctanoic acid (PFOA) 7.57 ng/L 1.19*

*Perfluorooctanesulfonic acid (PFOS) 6.44 ng/L 1.19*

*Perfluorobutanesulfonic acid (PFBS) 1.39 ng/L 1.19*

*Perfluorohexanoic acid (PFHxA) 3.33 ng/L 1.19*

*Perfluoroheptanoic acid (PFHpA) 2.04 ng/L 1.19*

*Selenium 1.18 ug/L*

*Dr. Graham Peaslee, professor at Notre Dame and the foremost PFAS researcher in the country (his lab did the testing of PFAS-levels in firefighting foam and gear that showed an increased incidence of testicular and kidney cancer and that led to legislative change*

*<https://www.mlive.com/public-interest/2021/05/michigan-testing-blood-of-firefighters-to-analyze-pfas-exposure.html>), has examined the Amity test results and found them concerning. He*

say[s], “[These] are non-zero values and they increase after a rain event - neither of which is good. With rain, there should be more volume of water (dilution) and lower PFAS concentrations... The appearance of more short-chain PFAS after the rain would be one indication of what I would expect from a turf grass....[These results are] not good for the environment nor people that drink the water, or the products irrigated with the water, etc.” The citizens of Woodbridge and the parents of Amity HS students request your immediate response to the breach of contract between the Town of Woodbridge and FieldTurf/Amity, and formally ask what steps you will be taking to address this important health and safety issue.

Regards,  
Chandra Prasad on behalf of Concerned Woodbridge Residents and Amity Parents”

Test Results, Amity High School field:

PFAS before installation

<https://drive.google.com/file/d/1tWc6g7oiy5rx-voZcsYsJWYsY4ueEQ9h/view?usp=drivesdk>

PFAS after installation

<https://drive.google.com/file/d/1ZWgjWkVbFgakQ66C4imQEtpoEYw5kuoD/view?usp=drivesdk>

Heavy Metals before installation

<https://drive.google.com/file/d/1VzIAfvJaBZ8B8UeWbkF04UEPPA4sPY1l/view?usp=drivesdk>

Heavy Metals after installation

[https://drive.google.com/file/d/1hNu9NgZ0nrSXdJ88KiEdqEeNycy\\_9y1N/view?usp=drivesdk](https://drive.google.com/file/d/1hNu9NgZ0nrSXdJ88KiEdqEeNycy_9y1N/view?usp=drivesdk)

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<https://polymer-additives.specialchem.com/searchsites/searchproducts?q=Artificial%20turf>

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<https://nontoxicdovernh.files.wordpress.com/2020/03/turf-fiber-test-results-sprint-turf-1.pdf>
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## **SynTurf Patents**

In Process

Dianne Woelke

27 Mar 2021 ©

### **DiGeronimo-Mikula Associates, LLC**

Patent History

Patent number: 7357966

Type: Grant

Filed: Aug 31, 2004

Date of Patent: Apr 15, 2008

Patent Publication Number: 20060045994

Assignee: [New England Soccer School, LLC](#) (Andover, MA)

Inventors: [Ted Dipple](#) (Andover, MA), [Joe DiGeronimo](#) (Sturbridge, MA)

Primary Examiner: [Jennifer C. McNeil](#)

Assistant Examiner: [Gordon R. Baldwin](#)

Attorney: [DLA Piper US LLP](#)

Application Number: 10/931,125

<https://patents.justia.com/patent/7357966>

### **Dow Global Technologies Inc**

SYNTHETIC TURF WITH SHOCK ABSORPTION LAYER

Patent History

Publication number: 20100279032

Type: Application

Filed: Aug 28, 2008

Publication Date: Nov 4, 2010

Applicant: [Dow Global Technologies Inc.](#) (Midland, MI)

Inventors: [Loic Chereau](#) (Zurich), [Enrique Torres](#) (Thalwil), [Andy Cheng Chang](#) (Houston, TX), [Jill Minick Martin](#) (Pearland, TX), [Christine Delabroye](#) (Riedisheim), [Jean-Francois Xavier Koenig](#) (Strasbourg), [Jacques Carrere](#) (Strasbourg), [Carolin Boehm](#) (Menden), [Filip Tauson](#) (Freeport, TX) Application Number: 12/679,486

<https://patents.justia.com/patent/20100279032>

### **du Pont de Nemours and Company**

Carpets prepared from yarns comprising a fluorinated polyester blend

Patent History

Patent number: 9017788

Type: Grant

Filed: Dec 28, 2011

Date of Patent: Apr 28, 2015

Patent Publication Number: 20130004701

Assignee: [E I du Pont de Nemours and Company](#) (Wilmington, DE)

Inventors: [Neville Everton Drysdale](#) (Newark, DE), [Fredrik Nederberg](#) (Greenville, DE) Primary Examiner: [Cheryl Juska](#)

Application Number: 13/338,369

<https://patents.justia.com/search?q=Carpets+prepared+from+yarns+comprising+a+fluorinated+polyester+blend>

## **Shaw Industries**

Method of producing a woven artificial turf

Dec 29, 2009

“The PE-Monofilament ribbon manufactured by Thiolon of Daton, Tenn. may be used in the this embodiment.”

Thiolon is a trademark of Ten Cate, Dayton, TN

<https://patents.justia.com/patent/7874320>

YARN FILAMENT FOR ARTIFICIAL TURF AND METHOD FOR MAKING SAME

Jul 25, 2013 - SHAW INDUSTRIES GROUP INC.

<https://patents.justia.com/patent/20140030450>

Synthetic turf having cooling layer

Patent History:

Patent number: 8795834

Type: Grant

Filed: Mar 8, 2012

Date of Patent: Aug 5, 2014

Patent Publication Number: 20120258811

Assignee: [Sapturf, LLC](#) (Cincinnati, OH)

Inventors: [Christopher Tetrault](#) (Amelia, OH), [Phil M. Stricklen](#) (Dalton, GA), [Raymond A. Berard](#) (Portsmouth, RI)

Primary Examiner: [Cheryl Juska](#)

Application Number: 13/414,813

<https://patents.justia.com/patent/8795834>

Synthetic turf having a cooling layer

Patent History

Patent number: 9963835

Type: Grant

Filed: Jul 7, 2014

Date of Patent: May 8, 2018

Patent Publication Number: 20140322459

Assignee: [Sapturf LLC](#) (Amelia, OH)

Inventors: [Christopher Tetrault](#) (Amelia, OH), [Phil M. Stricklen](#) (Dalton, GA), [Raymond A. Berard](#) (Portsmouth, RI)

Primary Examiner: [Cheryl Juska](#)

Application Number: 14/324,463

<https://patents.justia.com/patent/9963835>

## **SynLawn**

Polymer Material with Flame Retardant

Patent History

Publication number: 20200291583

Type: Application

Filed: Oct 26, 2018

Publication Date: Sep 17, 2020

Applicant: Polytex Sportbelage Produktions-GmbH (Grefrath)

Inventors: Stephan SICK (Willich-Neersen), Dirk SCHMITZ (Weeze), Dirk SANDER (Kerken), Bernd JANSEN (Nettetal), Ivo LOHR (Kempen)

Application Number: 16/753,157

<https://patents.justia.com/patent/20200291583>

USING A POLYOL MIXTURE COMPRISING PBD FOR CREATING A PU- BASED ARTIFICIAL TURF

Patent History

Publication number: 20170265547

Type: Application

Filed: Mar 18, 2016

Publication Date: Sep 21, 2017

Inventors: Stephan SICK (Willich-Neersen), Frank LUCARELLI (Zelienople, PA), Axel HINRICHS (Acworth, GA), Andreas SCHULZE-ISING (Sewickley, PA)

Application Number: 15/074,136

<https://patents.justia.com/patent/20180291567>

GEL WITH PU MATRIX AND VEGETABLE OIL

Patent History

Publication number: 20190345361

Type: Application

Filed: Dec 28, 2017

Publication Date: Nov 14, 2019

Applicant: Advanced Polymer Technology Corp. (Harmony, PA)

Inventors: Stephan Sick (Willich-Neersen), Frank LUCCARELLI (Zelienople, PA), Wesley BAUM (Emlenton, PA), Andreas SCHULZE-ISING (Sewickley, PA)

Application Number: 16/474,314

<https://patents.justia.com/search?q=GEL+WITH+PU+MATRIX+AND+VEGETABLE+OIL>

NATURAL FIBER COATED ARTIFICIAL TURF INFILL

Patent History

Publication number: 20190292731 Type: Application

Filed: Jul 21, 2017

Publication Date: Sep 26, 2019

Applicant: Melos GmbH (Melle)

Inventors: Jorg SIEKMANN (Guetersloh), Stephan SICK (Willich-Neersen) Application Number: 16/316,914

<https://patents.justia.com/patent/20190292731>

FLOOR PAVEMENT STRUCTURE WITH GEL LAYER

Patent History

Publication number: 20190338096

Type: Application

Filed: Dec 28, 2017

Publication Date: Nov 7, 2019

Applicant: Advanced Polymer Technology Corp. (Harmony, PA)

Inventors: Stephan SICK (Willich-Neersen), Frank LUCCARELLI (Zelienople, PA), Wesley BAUM (Emlenton, PA), Andreas SCHULZE-ISING (Sewickley, PA)

Application Number: 16/474,294

<https://patents.justia.com/search?q=FLOOR+PAVEMENT+STRUCTURE+WITH+GEL+LAYER>

ARTIFICIAL TURF COMPRISING AN AGGLOMERATE INFILL

Patent History

Publication number: 20190153679

Type: Application

Filed: Jul 18, 2017

Publication Date: May 23, 2019

Applicant: Polytex Sportbelage Produktions-GmbH (Grefrath)

Inventors: Ulrich NEUHOFF (Duisburg), Stephan SICK (Willich-Neersen), Ivo LOHR (Kempen) Application Number: 16/316,743

<https://patents.justia.com/search?q=ARTIFICIAL+TURF+COMPRISING+AN+AGGLOMERATE+INFILL>

ARTIFICIAL TURF PRODUCTION USING A NUCLEATING AGENT

Patent History

Publication number: 20170051453

Type: Application

Filed: Apr 16, 2015

Publication Date: Feb 23, 2017

Inventors: Stephan Sick (Willich-Neersen), Dirk Sander (Kerken), Bernd Jansen (Nettetal), James M. Tritt (Pakenham), Dirk Schmitz (Weeze)

Application Number: 15/308,203

<https://patents.justia.com/search?q=ARTIFICIAL+TURF+PRODUCTION+USING+A+NUCLEATING+AGENT>

PU FLOORING PRODUCTION FOR A SPORTS FIELD

Patent History

Publication number: 20190256642

Type: Application

Filed: Jun 29, 2017

Publication Date: Aug 22, 2019

Applicant: Polytex Sportbelage Produktions-GmbH (Grefrath) Inventors: Stephan SICK (Willich), Zdenka FINDER (Rohrenfels) Application Number: 16/307,793

<https://patents.justia.com/patent/20190256642>

**TARKETT** – Field Turf

Fire resistant artificial turf

Patent History

Patent number: 8986807

Type: Grant

Filed: Jul 29, 2011

Date of Patent: Mar 24, 2015

Patent Publication Number: 20120263892 Assignee: Tarkett Inc. (Quebec)

Inventor: John Rodgers (Hixson, TN) Primary Examiner: Cheryl Juska Application Number: 13/193,953

<https://patents.justia.com/patent/20120263892>

Fire Resistant Artificial Turf

Patent History

Publication number: 20120263892 Type: Application

Filed: Jul 29, 2011

Publication Date: Oct 18, 2012

Patent Grant number: 8986807 Applicant: Tarkett, Inc. (TMR-Montreal) Inventor: John Rodgers (Hixson, TN)

Application Number: 13/193,953



<https://patents.justia.com/patent/8986807>

<http://appft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=2&u=%2Fnethtml%2FPTO%2Fsearch-bool.html&r=79&f=G&l=50&co1=AND&d=PG01&s1=Tarkett&OS=Tarkett&RS=Tarkett>

### **TenCate**

Artificial Turf System

Infill "...granules are compostable and biodegradable and comprise a material selected from the group consisting of: PEF, PHA, PLA, PBS, PCL, PBAT, and TPS."

Patent number: 10844553

Type: Grant

Filed: May 27, 2016

Date of Patent: Nov 24, 2020

<https://patents.justia.com/patent/10844553>

Infill Mixture for Artificial Turf

Jul 5, 2018 - Ten Cate Thiolon B.V.

Application; published 16 Jul 2020

"A cork-based infill mixture for an artificial turf system, wherein the infill mixture comprises a predominance of cork particulates and a quantity of smooth, hard granules interspersed between the particulates."

<https://patents.justia.com/patent/20200224374>

Artificial Turf System

Type: Application

Filed: May 27, 2016

Publication Date: Jun 21, 2018

Patent Grant number: 10844553

<https://patents.justia.com/patent/20180171566>

Split Resistant Fibre

Type: Application

Filed: November 30, 2017

Publication date: October 24, 2019

<https://patents.justia.com/patent/20190323179>

Artificial grass lawn form sports fields

Patent number: 6955841

Type: Grant

Filed: Jun 14, 2001

Date of Patent: Oct 18, 2005

Rubber blades

<https://patents.justia.com/patent/6955841>

SYNTHETIC FIBER AND METHOD OF MANUFACTURE

Type: Application

Filed: Apr 11, 2005

Publication Date: Feb 18, 2010 "...layer of synthetic material comprises at least two layers of different synthetic materials, using a co-extrusion process."

<https://patents.justia.com/patent/20100040808>

Total Research & Technology Feluy.( Belgium)

**TEXTILE RUBBER AND CHEMICAL COMPANY, INC.**

Fire Retardants, Fire Retardant Synthetic Turf Products and Methods of Making Same

Patent History

Publication number: 20130078394

Type: Application

Filed: Sep 27, 2011

Publication Date: Mar 28, 2013

Applicant: TEXTILE RUBBER AND CHEMICAL COMPANY, INC. (Dalton, GA) Inventor: Leslie Jay Taylor (Acworth, GA)

Application Number: 13/246,286

<https://patents.justia.com/patent/20130078394>

Total Research & Technology Feluy.( Belgium)

Polyethylene composition for artificial turf yarn

Patent number: 10836889

Type: Grant

Filed: Jun 29, 2017

Date of Patent: Nov 17, 2020

Patent Publication Number: [20190185647](#)

Assignee: [Total Research & Technology Feluy](#) (Seneffe)

Inventors: [Jeroen Wassenaar](#) (Altona), [Leen De Groof](#) (Heverlee)

Primary Examiner: [Hannah J Pak](#)

Application Number: 16/310,501

3M Advanced Materials Division

# 3M™ Dynamar™ Polymer Processing Additive FX 9613

## Features and Benefits

- Reduces or eliminates melt fracture
- Ideal for use in low melt index LLDPE and high molecular weight HDPE resins
- Improves extrusion processing of polyolefin resins
- Excellent thermal stability for high temperature processing
- Reduces or eliminates die build-up
- Lowers apparent melt viscosity

## Product Description

3M™ Dynamar™ Polymer Processing Additive FX 9613 is a free flowing granular form of a fluoropolymer processing aid designed for use at low levels to improve the processing of thermoplastics. At the low use levels (typically 400 –1000 ppm) necessary to improve processing, it does not alter or detract from the mechanical properties associated with high strength plastics.

Dynamar FX 9613 exhibits exceptional commercial utility in low melt index film grade polyolefins such as linear low-density polyethylene (LLDPE) and higher molecular weight, high-density polyethylene (HMW-HDPE) resins.

## Typical Physical Properties (Not for specification purposes.)

Property	3M™ Dynamar™ Polymer Processing Additive FX 9613
Form	Granular
Partitioning agent	10% Inorganic
Color	Off-White
Particle size	Less than 10 Mesh
Bulk density	51 lb/ft <sup>3</sup> (0.8 g/cm <sup>3</sup> )
Typical use levels	400 – 1000 ppm

It can also be used at low levels to reduce extruder die build-up when processing low-density polyethylene (LDPE), ethylene vinyl acetate (EVA) and other polyolefin resins.

Dynamar FX 9613 lowers apparent melt viscosity and permits processors to use high strength resins which otherwise could not be processed on available equipment. With the aid of Dynamar FX 9613, fabricators can produce films and other articles of improved strength and quality.

As a polymer processing additive (PPA), Dynamar FX 9613 can reduce or eliminate melt fracture and can reduce extruder torque. Through optimization of the extrusion process, the use of Dynamar FX 9613 may also allow an increase in output and yield films with enhanced and balanced bi-directional physical properties and improved clarity and gloss.

## Incorporation Procedure

To be effective, Dynamar FX 9613 can be melt blended into the host resin at any of the following stages prior to conversion into extruded products:

- Resin Producer
  - Direct addition (See 3M™ Dynamar™ PPA: Direct Addition During Resin Manufacture Guidelines)
  - Use a concentrate containing FX 9613 and let down to an appropriate level
- Concentrate Producer
  - See 3M™ Dynamar™ PPA Concentrate Preparation Guidelines
- End User
  - Source resin containing FX 9613 from a resin producer
  - Source a concentrate containing 2–3% FX 9613 and let down to an appropriate level

## Food Contact/FDA Regulatory Status

This 3M product may be used at levels up to 2000 parts per million (ppm) as a polymer processing additive for all polymers intended for use in contact with all food types described in Table 1 of 21 C.F.R. 176.170(c) under Conditions of Use A through H described in Table 2 of 21 C.F.R. 176.170(c).

3M makes no recommendation about the suitability of this product in the user's intended application. It is user's responsibility to determine whether its use of 3M products in a particular application is suitable and will comply with applicable laws and regulations.

## Storage and Handling

3M™ Dynamar™ FX 9613, when stored in a clean dry environment at temperatures below 27°C (80°F), has an extended shelf life of two years. Please refer to the Safety Data Sheet for details on handling.

## Safety/Toxicology

To avoid potential hazards (including the evolution of toxic vapors) associated with processing this material, please read and follow the information provided in these documents available to you through your 3M sales representative:

- Product Label
- Safety Data Sheet
- 3M™ Dynamar™ PPA Concentrate Preparation Guidelines
- 3M™ Dynamar™ PPA Direct Addition During Resin Manufacture
- 3M™ Dynamar™ PPA Evaluation Guidelines

You should also read and follow all directions from suppliers of other ingredients that you intend to use in conjunction with 3M Dynamar PPA material.

**Warranty, Limited Remedy, and Disclaimer:** Many factors beyond 3M's control and uniquely within user's knowledge and control can affect the use and performance of a 3M product in a particular application. User is solely responsible for evaluating the 3M product and determining whether it is fit for a particular purpose and suitable for user's method of application. User is solely responsible for evaluating third party intellectual property rights and for ensuring that user's use of 3M product does not violate any third party intellectual property rights. Unless a different warranty is specifically stated in the applicable product literature or packaging insert, 3M warrants that each 3M product meets the applicable 3M product specification at the time 3M ships the product. 3M MAKES NO OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OR CONDITION OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY IMPLIED WARRANTY OF NON-INFRINGEMENT OR ANY IMPLIED WARRANTY OR CONDITION ARISING OUT OF A COURSE OF DEALING, CUSTOM OR USAGE OF TRADE. If the 3M product does not conform to this warranty, then the sole and exclusive remedy is, at 3M's option, replacement of the 3M product or refund of the purchase price.

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### 3M Advanced Materials Division

3M Center  
St. Paul, MN 55144 USA

Phone 1-800-810-8499  
Web [www.3M.com/ppa](http://www.3M.com/ppa)

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98-0504-1094-7 Rev. C

3M Advanced Materials Division

# 3M™ Dynamar™ Polymer Processing Additive FX 5911

## Features and Benefits

- Reduces or eliminates die build-up
- Excellent thermal stability for high temperature processing
- Ideal for use in high viscosity, high molecular weight polyolefins
- Lowers apparent melt viscosity
- Speeds colorant change

## Product Description

3M™ Dynamar™ Polymer Processing Additive FX 5911 is a free-flowing fluoropolymer processing aid designed for use at very low levels to improve processing of thermoplastics. At the very low use levels (typically 200–1000 ppm) necessary to improve processing, it does not alter or detract from the physical properties associated with high strength plastics.

Dynamar FX 5911 improves extrusion processing of polyolefins and other thermoplastic resins, and can offer performance and cost benefits in a wide range of polymers. It is particularly useful at low levels in reducing extruder die build-up.

## Application

Dynamar FX 5911 lowers apparent melt viscosity and permits fabricators to use high viscosity, high molecular weight resins in many film, pipe and blow molding

## Typical Physical Properties (Not for specification purposes.)

Property	3M™ Dynamar™ Polymer Processing Additive FX 5911
Form	Free-flowing Granular
Color	Clear to Off-White
Active ingredients	100%
Melting point	110 to 126°C
Melt flow index	6 – 14 g/10 min (265°C/5 Kg)
Specific gravity	1.90 to 1.96 g/cm <sup>3</sup>
Particle size	98% less than 2400 µm
Typical use levels	200-1000 ppm

processes which otherwise could not be processed on available equipment. Now with the aid of FX 5911, fabricators can produce blow molded bottles, pipes and other HMW-HDPE articles with improved surface finish and quality.

As a polymer processing additive (PPA), Dynamar FX 5911 reduces or eliminates melt fracture and can reduce extruder torque. Through optimization of the extrusion process, the use of Dynamar FX 5911 may also

allow for an increase in output during extrusion.

Dynamar FX 5911 is effective at low use levels in reducing die build-up in many polymers including LLDPE, LDPE, HDPE, PP and other thermoplastic resins. This allows for longer defect-free run times and improved gauge uniformity in cast film (see Figures 1 and 2) and BOPP processes as well as reduced fiber breakage in monofilament and fiber processes.

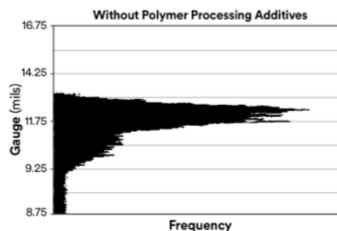


Figure 1

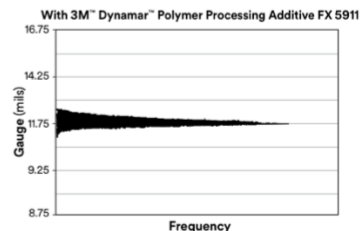


Figure 2

## Incorporation Procedure

To be effective, 3M™ Dynamar™ Polymer Processing Additive FX 5911 can be melt blended into the host resin at any of the following stages prior to conversion into extruded products:

- Resin Producer
  - Direct addition (See 3M™ Dynamar™ PPA Direct Addition During Resin Manufacture Guidelines)
  - Use a concentrate containing FX 5911 and let down at appropriate level
- Concentrate Producer
  - See 3M™ Dynamar™ PPA Concentrate Preparation Guidelines
- End User
  - Source resin containing FX 5911 from a resin producer
  - Source a concentrate containing 2–3% FX 5911 and let down at appropriate level

## Food Contact/FDA Regulatory Status

This 3M product may be used at levels up to 2000 parts per million (ppm) as a processing additive for all polymers intended for use in contact with all food types as described in Table 1 of 21 C.F.R. 176.170(c) under FDA Conditions of Use A through H described in Table 2 of 21 C.F.R. 176.170(c).

3M makes no recommendation about the suitability of these products in the user's intended application. It is user's responsibility to determine whether its use of 3M products in a particular application is suitable and will comply with applicable laws and regulations.

## Storage and Material Handling

Store Dynamar Polymer Processing Additive FX 5911 in a clean dry place. Please refer to the Safety Data Sheet for details on handling.

## Safety/Toxicology

To avoid potential hazards (including the evolution of toxic vapors) associated with processing this material, please read and follow the information provided in these documents available to you through your 3M sales representative:

- Product Label
- Safety Data Sheet
- 3M™ Dynamar™ PPA Concentrate Preparation Guidelines
- 3M™ Dynamar™ PPA Direct Addition During Resin Manufacture
- 3M™ Dynamar™ PPA Evaluation Guidelines

You should also read and follow all directions from suppliers of other ingredients that you intend to use in conjunction with 3M Dynamar PPA material.

**Warranty, Limited Remedy, and Disclaimer:** Many factors beyond 3M's control and uniquely within user's knowledge and control can affect the use and performance of a 3M product in a particular application. User is solely responsible for evaluating the 3M product and determining whether it is fit for a particular purpose and suitable for user's method of application. User is solely responsible for evaluating third party intellectual property rights and for ensuring that user's use of 3M product does not violate any third party intellectual property rights. Unless a different warranty is specifically stated in the applicable product literature or packaging insert, 3M warrants that each 3M product meets the applicable 3M product specification at the time 3M ships the product. 3M MAKES NO OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OR CONDITION OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY IMPLIED WARRANTY OF NON-INFRINGEMENT OR ANY IMPLIED WARRANTY OR CONDITION ARISING OUT OF A COURSE OF DEALING, CUSTOM OR USAGE OF TRADE. If the 3M product does not conform to this warranty, then the sole and exclusive remedy is, at 3M's option, replacement of the 3M product or refund of the purchase price.

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### 3M Advanced Materials Division

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98-0504-1422-0 Rev. B



## CITY OF PORTSMOUTH

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

Karen S. Conard  
City Manager

**Date:** October 14, 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 18, 2021

---

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

**A. Third and Final 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 the third and final reading, and adopt the ordinance amendment as presented.*

**B. Third and Final 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 the third and final reading, and adopt the ordinance amendment as presented.*

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

##### **A. Donation to the Portsmouth 400<sup>th</sup> - \$10:**

The City received a donation of \$10 from Valerie Rochon for the Portsmouth 400<sup>th</sup> celebration.

For anyone interested in donating to this celebration, donations will be accepted on the [City's website](#) and via a "DONATE" button on the homepage of [PortsmouthNH400.org](http://PortsmouthNH400.org)

*I recommend that the City Council move to approve and accept the donation from Valerie Rochon in the amount of \$10 as presented.*

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

##### **1. Request from Pontine Theatre for Shed:**

Pontine Theatre currently leases the Plains School under a 10-year lease with the City. The organization, in a cost sharing agreement with the City, repaired and improved the building in 2017 as part of its lease obligations. The organization is currently seeking to erect a shed for the storage of equipment at its cost. See **attached request letter**. Pontine has coordinated with the Department of Public Works, which supports the installation of the shed.

*I recommend that the City Manager be authorized to approve Pontine's installation of the shed and to make such minor adjustments to the existing lease document as may be necessary to reference this new structure.*

##### **2. Surplus Granite for Portsmouth Housing Authority:**

As part of the Portsmouth Housing Authority's workforce housing project at 160 Court Street, the Portsmouth Housing Authority conveyed to the City community space easements for the purposes of public pocket parks and a plaza.



These community space easement areas include land adjacent to Fire Station One and the area of the Firefighter statue. These community space easements were approved by the City Council on November 23, 2020.

Portsmouth Housing Authority (PHA) has approved designed plans for the hardscape for the community space areas which includes granite benches. The City has various pieces of surplus granite that would be appropriate for these benches. Authorization is sought for the release of these pieces of granite for installation by PHA's contractor into the community spaces areas as part of the approved designed. As they will become part of the approved hardscape, ownership will transfer to the Portsmouth Housing Authority, but the Housing Authority will have the requirement to maintain the area in accord with the approved plans for the public benefit.

*I recommend that the City Manager be authorized to release to the Portsmouth Housing Authority granite pieces for benches to be installed in the public community space areas as part of the Court Street work force housing project.*

3. **Eversource Pole and Vault License Request:**

Eversource is seeking a license for a new pole, underground vaults and conduit along State, Penhallow and Daniel Streets. This proposed infrastructure is part of the long term effort to bury the overhead wires and to improve the distribution of electricity in the downtown. Specifically, this work will eliminate the wires on Daniel Street from Penhallow Street to Market Square, and set the City up for more eliminations on Penhallow Street when the McIntyre Building work comes to fruition.

Eversource would typically submit its pole licensing request later in its design and licensing process, however, it would like to start excavation work as soon as possible to avoid winter time conditions (the next City Council meeting is not until November 15, 2021 and some excavation work may be able to take place before that date). Thus, City staff have worked with Eversource to submit this request for preliminary license approval. After the conduit and manholes are constructed, Eversource will come forward for final approval of the pole license in its usual form with all vaults and conduits shown in their as-built locations.

The installation of the conduit and other improvements is being financed by the 60 Penhallow private development and no City funds are being spent as part of this effort. Attached are the schematic locations for the conduits and vaults as shown on **two plan sheets from the Brick Market project**. The work shown on these two plans is part of a larger discussion with Eversource and the City to improve the electrical infrastructure in the downtown. Public Works personnel and Eversource have approved these locations.

*I recommend that the City Manager be provided with the authority to negotiate and approve a preliminary license agreement with Eversource for the excavation, conduit installation and other work needed ahead of the final pole licensing submission by Eversource.*

4. **Resolution Regarding Optional Tax Credit for Combat Service:**

As you are aware, a proposed resolution regarding the optional tax credit for combat service was brought forward at the recommendation of Josh Denton, Commander of #168 VFW, for the City Council’s consideration at the October 4, 2021 City Council meeting. At that meeting the City Council voted to request a **Resolution** to be drafted by the City Attorney and brought back to the City Council at this evening’s meeting.

*I recommend that the City Council move to schedule a public hearing and adoption of the Optional Tax Credit for Combat Service Resolution at the November 15, 2021 City Council meeting.*

5. **Approval of Community Garden License Agreement:**

**Attached is a license agreement** for a proposed community garden located on Greenland Road.

*I recommend that the City Council move to authorize the City Manager to execute the Community Garden License Agreement as presented.*

***XVI. Consent Agenda:***

B. **Projecting Sign License – 50 Daniel Street:**

Permission is being sought to install a projecting sign at **50 Daniel Street** that extends over the public right of way, as follows:

Sign dimensions: 48” x 36”

Sign area: 12 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 Regarding Conditional Use Permits:**

Interim Planning Director, Peter Britz, and Principal Planner, Nicholas Cracknell, will be providing a presentation on Conditional Use Permits during this evening’s meeting.

## *XVIII. City Manager's Informational Items:*

### 1. **Clarification Regarding Ward 3 Polling Location:**

Please find attached a memorandum regarding the Ward 3 polling location during the 2020 election.

### 2. **Household Hazardous Waste Collection – October 30, 2021:**

On October 30, 2021, the Department of Public Works will host Household Hazardous Waste Collection Day from 8:00 a.m. to 12 noon. A press release with additional details is attached.

### 3. **Report Back on August 2021 Monthly Summary Report:**

Please find attached a report back on the August 2021 Monthly Summary Report that was requested at the October 4, 2021 City Council meeting.

### 4. **Little Harbor Road Paving:**

As part of its annual road maintenance program, Public Works Staff are planning on reclaiming and binder paving Little Harbor Road. The Little Harbor Road project is one of many paving projects managed by Public Works in accordance with the City's Capital Improvement Plan and available funding.

The road work will start late in October 2021, weather permitting, and will take several days as road crews grind up the existing surface and then put down a binder pavement layer. The road will be accessible throughout, though travel will be limited to one lane, alternating traffic. Flaggers will be in place to direct traffic.

This initial work will be followed in the spring of 2022 with the final wearing course of paving. Prior to final paving, staff will solicit public input and work with the Parking and Traffic Safety Committee to identify acceptable traffic calming measures that can be implemented as part of the final paving. Questions related to this project can be directed to Dave Desfosses at 603-766-1411. Attached please find a press release regarding this issue.

### 5. **Report Back on Request for Costs of McIntyre Consultants to Date:**

Attached please find a report back with the costs of the McIntyre Redevelopment consultants to date as requested by Councilor Lazenby.



ONE PLAINS AVENUE, PORTSMOUTH NH 03801 · (603) 436-6660 · [INFO@PONTINE.ORG](mailto:INFO@PONTINE.ORG)

October 2, 2021

Karen Conard, City Manager  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Ms. Conard:

I am writing on behalf of Pontine Theatre, leaseholder at the Plains School, 1 Plains Avenue.

We are requesting permission to erect a storage shed at the rear of the property, behind the schoolhouse, to be used for storing and securing equipment and supplies used in maintaining the property.

We have selected a 6' X' 10 design, to be built and installed by Reeds Ferry Sheds. The cost, paid entirely by Pontine Theatre, will be \$5,299.00.

I have previously consulted with the Department of Public Works. They agree that a maintenance shed will be a useful addition to the property and have vetted both the design and placement of the proposed shed.

Sincerely,

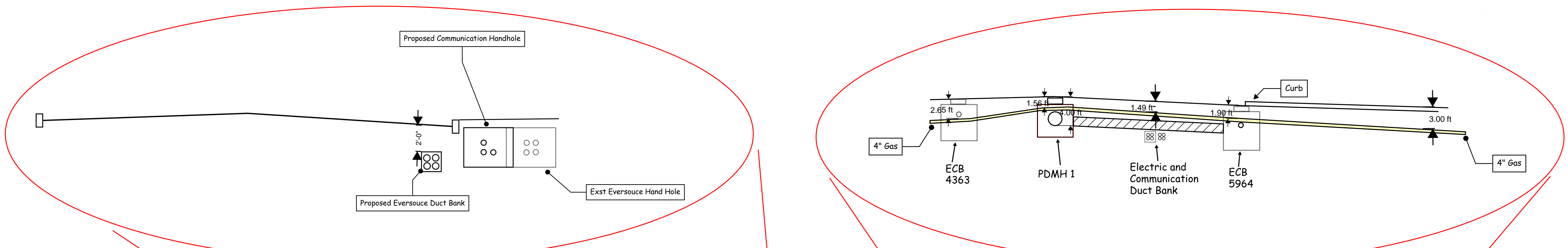
Greg Gathers  
Co-Artistic Director

Draft Print

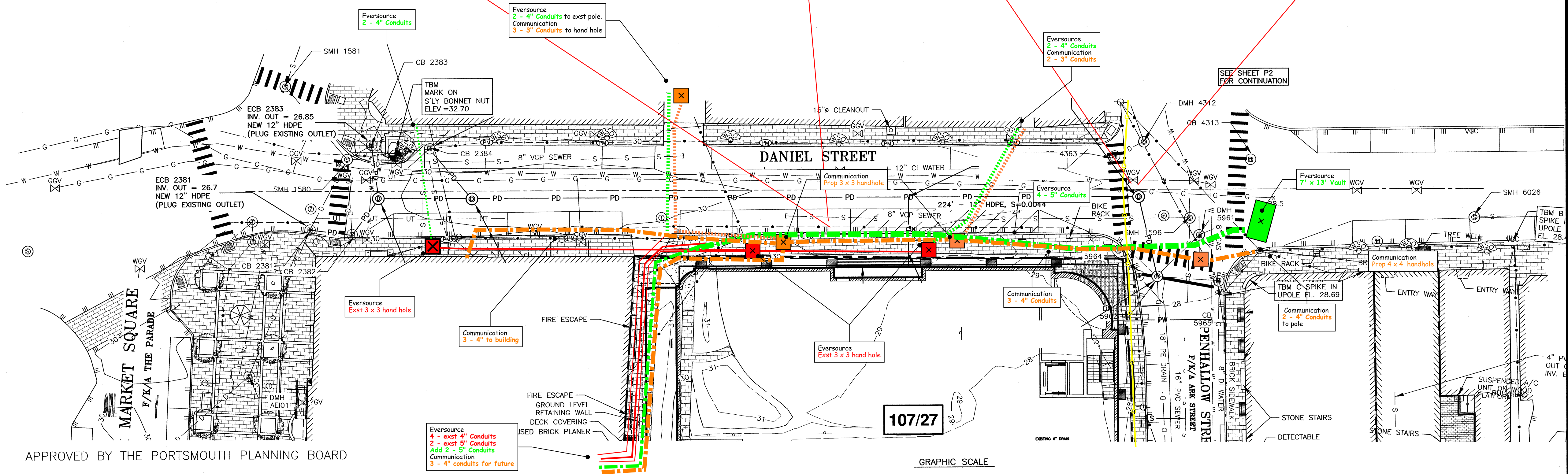
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NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) CITY SHALL BE NOTIFIED IF THERE ARE ANY CONFLICTS WITH PROPOSED DRAINAGE PIPES UNCOVERED DURING CONSTRUCTION. REVIEW AND APPROVAL OF REMEDIES, BY THE CITY, REQUIRED.
- 5) ANY HISTORIC SERVICES ENCOUNTERED DURING UTILITY WORK SHALL BE ABANDONED PER THE REQUIREMENTS OF THE PORTSMOUTH DEPARTMENT OF PUBLIC WORKS.
- 6) WORK WITH CONSOLIDATED COMMUNICATION TO RELOCATE IMPACTED DUCTS AS NEEDED.

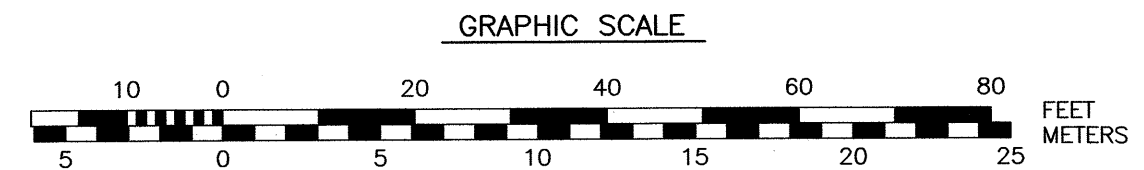


2000  
 MAGNETIC R.C.R.D. PLAN  
 C-28714



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

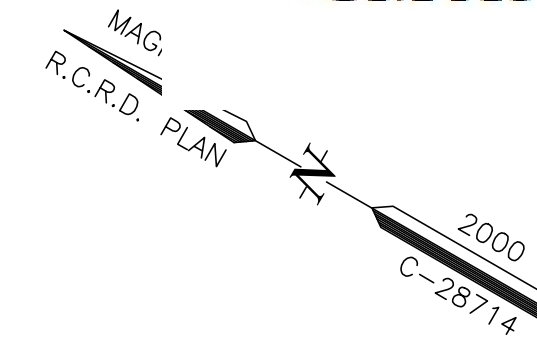


BRICK MARKET  
 60 PENHALLOW STREET  
 PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
REVISIONS		

SCALE: 1"=20' September 28, 2021

DANIEL STREET  
 OFFSITE IMPROVEMENTS **E1**

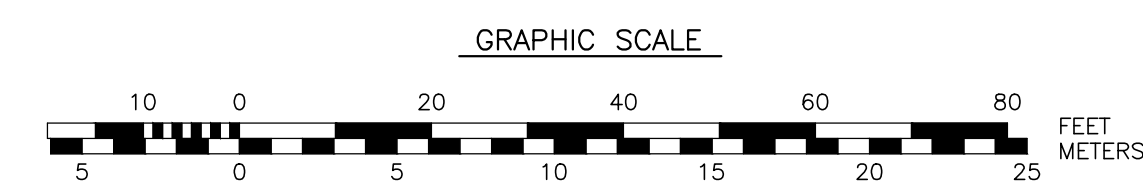
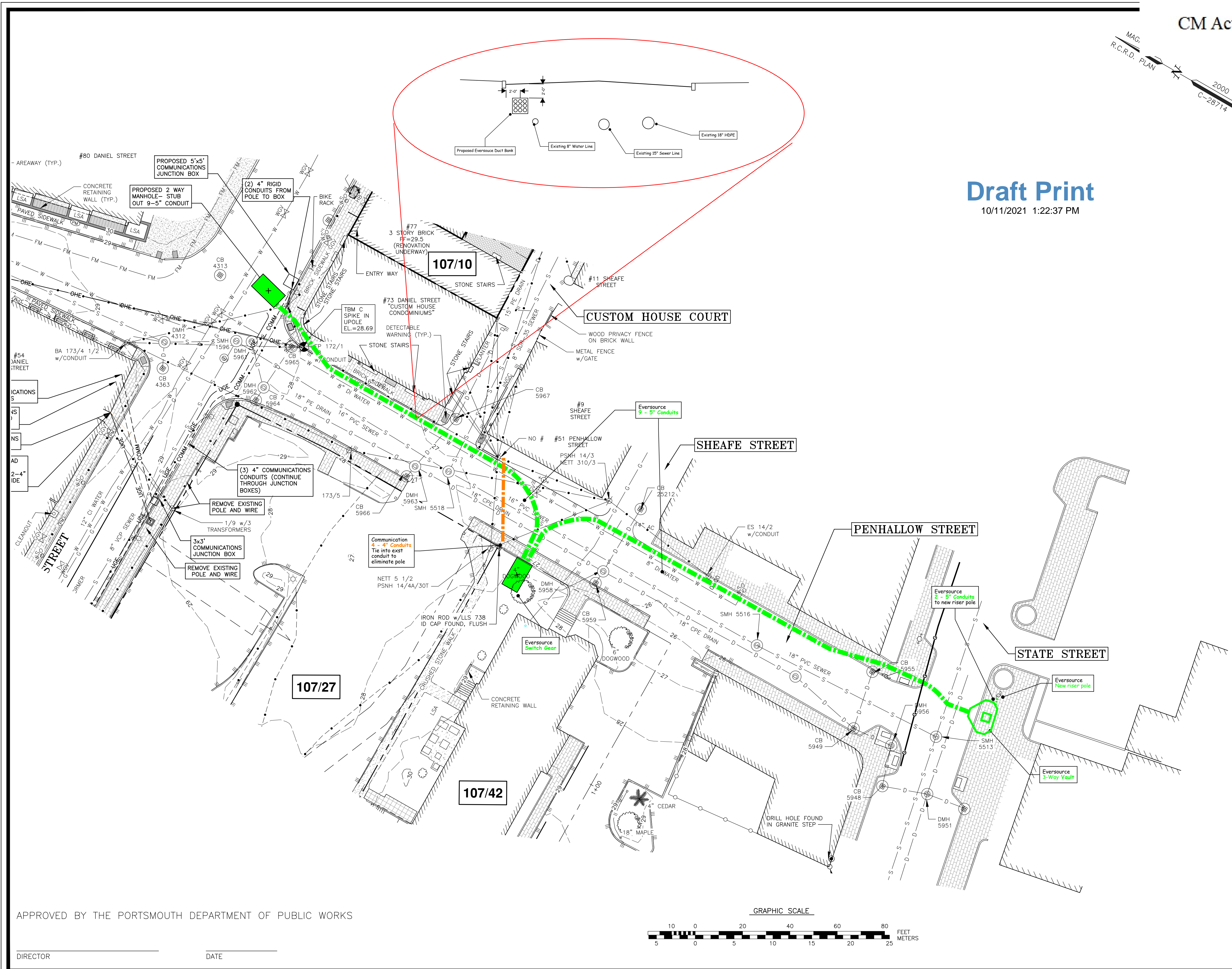


NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER. THE UTILITIES SHOWN HEREON ARE **NOT BASED ON UTILITY FIELD LOCATIONS.**
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
- 4) COORDINATE ALL WORK WITH EVERSOURCE - UTILIZING FINAL APPROVED PLANS

**Draft Print**

10/11/2021 1:22:37 PM



**BRICK MARKET  
60 PENHALLOW STREET  
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	9/17/21

REVISIONS	

SCALE: 1"=20' OCTOBER 2021

PENHALLOW STREET  
OFFSITE IMPROVEMENTS **E2**

APPROVED BY THE PORTSMOUTH DEPARTMENT OF PUBLIC WORKS

DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

**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 for combat service in the amount of \$500.00 to be subtracted each year from the property tax on the qualifying residential real estate, as defined in RSA 72:29 II, of any qualifying service member 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, CMC  
CITY CLERK**

NOTE (Not Part of Resolution)

(A) RSA 72:28-c allows that the Combat Service exempt may be "from \$50 up to \$500."

(B) RSA 72:28-c would allow the credit to be pro-rated in the second tax year based on the duration of combat service.

## CITY OF PORTSMOUTH

### Community Garden License Agreement

THIS COMMUNITY GARDEN LICENSE AGREEMENT, (the “Agreement”), dated \_\_\_\_\_, is by and between CITY OF PORTSMOUTH, NEW HAMPSHIRE acting by and through its City Council (the “City”) with a principal office at 1 Junkins Avenue, Portsmouth, NH 03801 and the Portsmouth Community Garden (the “Licensee”), a New Hampshire non-profit corporation with its principal address of 87 Ash Street, Portsmouth, NH 03801, email [communitygarden603@gmail.com](mailto:communitygarden603@gmail.com).

#### RECITALS

WHEREAS, The City is the owner of record of certain parcels of land known as City Assessors tax map 0258-0026, located on Greenland Road in the City, (the “Land”); and

WHEREAS, Licensee desires to use a portion of the Land more particularly described in Exhibit A (the “Premises”) to conduct community gardening activities (Note, Exhibit A needs to be provided for the City Council);

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and the payment of other consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby enter into a license agreement upon the terms and conditions set forth herein.

1. Grant of License.

a. The City hereby grants to Licensee a temporary, non-exclusive, revocable license to enter upon and use the Premises exclusively for the purposes described herein, subject to the terms and conditions set forth herein.

b. The City does not make any representation or warranty as to any matter affecting or relating to the Land or the Premises, including, but not limited to, the physical condition or suitability thereof for community gardening purposes, and Licensee acknowledges that no such representation or warranty has been made and Licensee agrees that this Agreement relates to the Premises in “as-is” condition as of the date of this Agreement.

2. Term. The term of this License shall commence on the date hereof and shall continue indefinitely unless terminated by either party by writing delivered to the other party as described herein.



3. Permitted Use; Ownership of Improvements. The Licensee shall use the Premises solely for creation, installation, maintenance and use of a community garden in accordance with the provisions of the Agreement, to the extent now and hereafter from time to time permitted under applicable laws, bylaws, ordinances, codes, rules, regulations, orders and other lawful requirements of governmental bodies having jurisdiction (the "Purpose"). The creation and installation will be primarily accomplished in year one of the license and will include, but not be limited to, such improvements as building raised beds, installing fence and making such other improvements to facilitate the use and operation of a community garden. All improvements to the Premises shall be and remain the property of the Licensee and shall be removed from the Land by the Licensee upon termination of this Agreement. Except, however, the City shall retain possession and ownership of any soil which has been brought onto the Land by Licensee.

4. License Fees/Utilities. In consideration for the use of this License, the Licensee agrees to pay the City a one-time License Fee of One Dollar (\$1.00). Licensee shall be responsible for the cost of the water and other utilities used by the Licensee on the Premises, if any, all in accordance with normal City practice and policy except as specifically modified by this Agreement.

The parties agree that in year one of this License, municipal water service will need to be constructed to service the Premises and payment for the installation of water service shall be borne by the City in an amount of up to \$7,000. The water service to be installed by the City shall consist of two hydrants and water meters of a seasonal nature installed at the either end of the Premises..

5. Indemnification. The exercise of this License shall constitute the Licensee's acceptance of complete liability for the actions or omissions of Licensee, its contractors, agents, representatives, employees and assignees or any other person while present at or upon the licensed Premises. Prior to being allowed to enter upon the Premises, the Licensee and all of its agents who are entering the Premises shall sign a release (attached hereto as Exhibit B) waiving any and all rights and claims against the City for any injury suffered on the Premises.

The Licensee shall, to the maximum extent permitted by law, defend, indemnify and hold harmless the City and its officers, employees, agents from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses (including reasonable attorneys' fees) whatsoever arising from, related to or in connection with this License or Licensee's use of the Premises, except those relating to the negligence or willful misconduct of the City.

The Licensee further expressly agrees not to make any claims against the City and its officers, employees, agents and representatives, while performing City duties during normal business hours, for any injury, loss or damage to person (including bodily injury and death) or property arising out of or in connection with the activities undertaken or omission to act by the Licensee, its contractors, agents, representatives, employees, assignees and invitees, as hereby licensed except those relating to the negligence or willful misconduct of the City.

6. Insurance. At all times during the term of this License, the Licensee shall keep on file in the office of the City Attorney of the City a valid certificate of insurance demonstrating at least \$1 million general liability insurance covering the Premises and listing as insured the Licensee and the City. Such insurance shall be in a form and from an insurer meeting the approval of the City.

7. Conduct

a. Entry and use under this License by the Licensee and its volunteers, members, contractors, agents, representatives and assignees, shall, at all times, be subject to review by duly designated representatives of the City.

b. During the exercise of rights hereby granted, Licensee shall at all times conduct itself so as not to interfere with activities of the City within or upon the Land.

c. The City shall have the right to enter onto and inspect the Premises at all times without prior notice.

d. The Licensee shall observe and obey all applicable laws, statutes, ordinances, regulations and permitting or license requirements.

e. Licensee agrees that all work performed on the Premises shall be performed at no expense to the City, except as otherwise set forth in this License or other written Agreement.

f. In connection with the Purpose, the Licensee will use its reasonable best efforts to comply with the agricultural practices and procedures set forth on Exhibit C, attached hereto. (Note Exhibit C needs to be provided for the City Council).

g. Licensee shall not use any pesticides or chemicals at the Premises except those which may be previously approved in writing by the Public Works Director of the City.

h. Licensee shall conduct composting on site in any manner approved in advance by the Director of Public Works of the City.

i. Licensee shall conduct all activities at the premises in accordance with organic gardening practices.

j. Licensee may construct an eight foot high fence around the Premises which shall be removed by Licensee on termination of the License. Any such fence shall meet specifications previously approved by the Public Works Director of the City.

8. No Interest in Real Estate. This Agreement does not grant Licensee, its successors or assigns any interest, legal or equitable, in the Premises or the Land, and this Agreement shall become null and void and without legal effect if it is recorded in any registry of deeds or any land registration office.

9. Notice. All notices required or permitted to be given hereunder shall be in writing, and shall be deemed to have been given and sufficient in all respects when delivered by hand (against receipt), or when receipt is received after delivery by overnight courier service, or by email with confirmation of delivery (which can be a return email acknowledging receipt) at the address first shown above, or known email address, for the intended recipient or at such other address as the intended recipient may specify in a notice pursuant to this Section. For the purpose of 24 hour a day 7 day a week notice for the City to contact Licensee, the contact person shall be Tricia Donohue at 87 Ash Street, Portsmouth, New Hampshire, 603-969-1512, [communitygarden603@gmail.com](mailto:communitygarden603@gmail.com).

10. Modification; Assignment. Any modification or amendment to this License must be in writing and signed by both parties. This License is not transferable and no privilege contained herein may be sublet or assigned to any other person or organization without the express written consent of the City.

11. Survival of Terms and Provisions. All appropriate terms and provisions hereof shall survive the termination or revocation of this License.

IN WITNESS HEREOF, the parties hereto have caused this Community Garden License Agreement to be executed as a sealed instrument the day and year first written above.

PORTSMOUTH COMMUNITY GARDEN

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Tricia Donohue, Licensee

CITY OF PORTSMOUTH

Date: \_\_\_\_\_  
  
\_\_\_\_\_

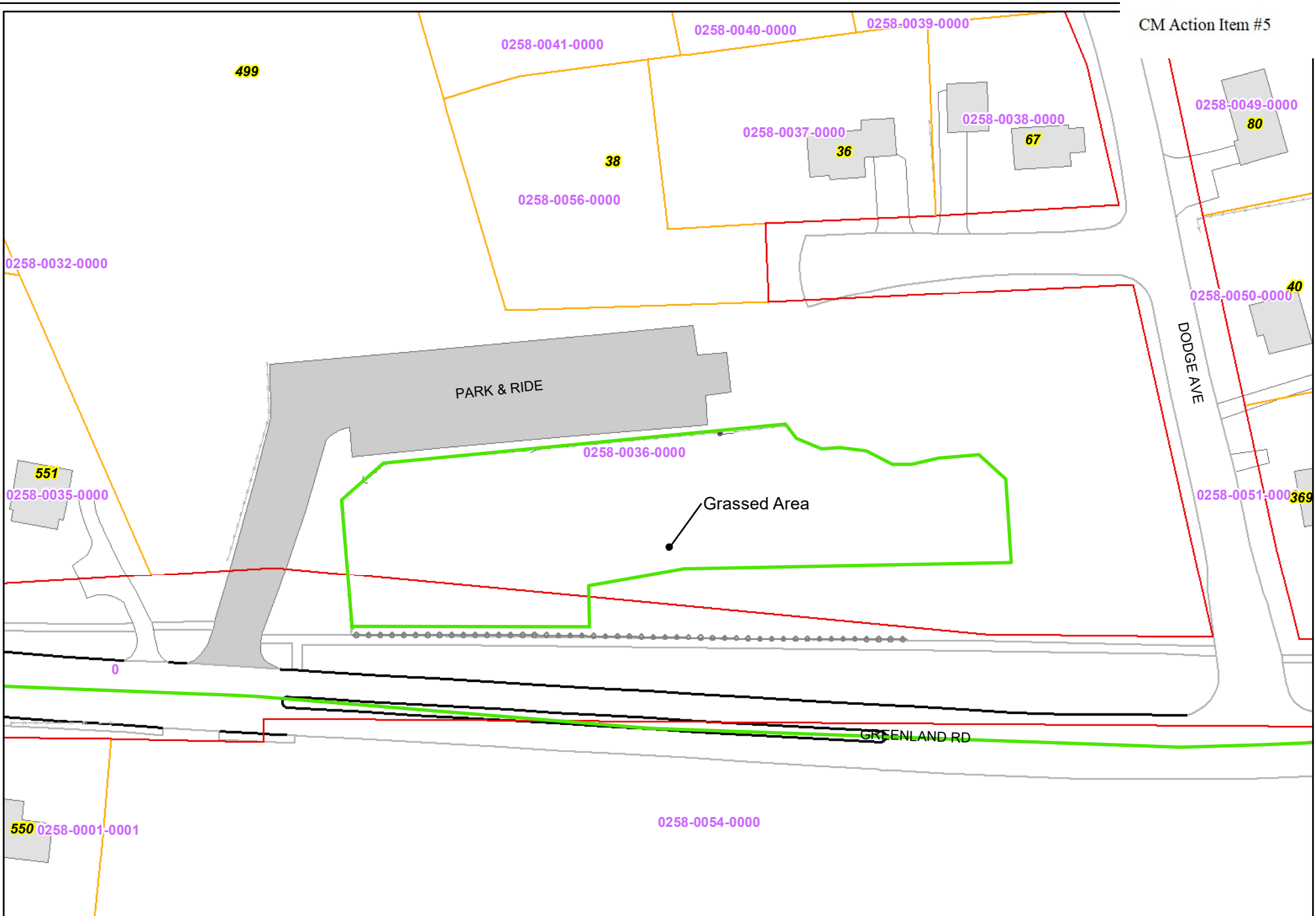
By: \_\_\_\_\_  
Karen S. Conard, City Manager  
By Vote of the City Council

**EXHIBIT A**

**DESCRIPTION OF THE PREMISES**

**Grassed Area as shown in attached picture**

DRAFT



The City of Portsmouth provides these Geographic Information System maps and data as a public information service. Every reasonable effort has been made to assure the accuracy of these maps and associated data. The maps and data being provided herein are intended for informational purposes only. No guarantee is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.



0 10 20 40 Feet  
 1 inch = 80 feet

**Park & Ride  
 Grass Area**

**EXHIBIT B**  
**Community Garden Release & Waiver of Liability**

*We hope your gardening experience is safe and rewarding, but accidents can happen. The following waiver must be signed by all gardeners to protect the Portsmouth Community Garden from liability.*

**Waiver:** In consideration of being permitted to participate in any way in the Portsmouth Community Garden I, for myself, my heirs, personal representatives or assigns, **do hereby release, waive, discharge, and covenant not to sue** Portsmouth Community Garden and the City of Portsmouth or their employees, volunteers and agents from liability **from any and all claims** resulting in personal injury, accidents or illnesses (including death), and property loss arising from, but not limited to, participation in the community garden. (*Initials* \_\_\_\_\_).

**Indemnification and Hold Harmless:** I also agree to INDEMNIFY AND HOLD the Portsmouth Community Garden and the City of Portsmouth and their employees, volunteers and agents HARMLESS from any and all claims, actions, suits, procedures, costs, expenses, damages and liabilities, including attorney’s fees brought as a result of my involvement in the community garden and to reimburse them for any such expenses incurred (*Initials* \_\_\_\_\_).

**Severability:** The undersigned further expressly agrees that the foregoing waiver and assumption of risks agreement is intended to be as broad and inclusive as is permitted by the law of the State of New Hampshire that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect (*Initials* \_\_\_\_\_).

**Photo Release:** I authorize the Portsmouth Community Garden to use my or my child’s photo in any manner the Portsmouth Community Garden desires, for advertising, display, audio-visual, exhibition or editorial use (*Initials* \_\_\_\_\_).

**Acknowledgment of Understanding:** I have read this waiver of liability, fully understand its terms, **and understand that I am giving up substantial rights, including my right to sue.** I acknowledge that I am signing the agreement freely and voluntarily, and **intend by my signature to be a complete and unconditional release of all liability** to the greatest extent allowed by law.

\_\_\_\_\_  
Print Name    Signature    Date

**Parent or Guardian (if student is under 18):** I am the parent or legal guardian of the above named minor child and, as such, I am authorized to enter into this agreement. I agree that my minor child and I are bound by and subject to the terms of this agreement. I understand that my signature here reflects my agreement to **hereby release, waive, discharge, and covenant not to sue** the Portsmouth Community Garden or its employees, volunteers and agents from liability **from any and all claims** resulting in personal injury, accidents or illnesses (including death), and property loss arising from, but not limited to, participation in the community garden.

\_\_\_\_\_  
Print Name    Signature    Date

**EXHIBIT C**

**PERMITTED USE OF THE PREMISES**

**Please see attached Community Garden Rules and Regulations**

DRAFT



## RULES

The Portsmouth Community Garden strives to be a safe place for gardeners, guests and children. Please do not bring anything to the garden that will compromise the safety of those enjoying the garden. The primary goal of these rules is to ensure an enjoyable gardening experience for all. Please observe the rules of the garden and be a good neighbor!

### Group Work Party Days

Group Work Party Days are crucial to the success of the Portsmouth Community Garden! These days, held on the 1<sup>st</sup> Saturday of the month from April through October, focus on the common areas of the garden. As a garden member, expect to commit to at least three work days throughout the garden season. Gardeners can sign up for their work days online. Note that the rain date is Sunday and if Saturday is a problem for your schedule, please contact the Volunteer Coordinator to make other arrangements.

- Generally, plan to **visit your plot once a week** for weeding and watering.
- **Please keep your plants contained within your garden bed.** Tall plants should be planted in the center of your bed so that they do not shade neighbors' beds.
- Each gardener is responsible for **keeping the walkways around their beds free of all litter, debris, weeds, and sprawling plants.** Gardeners must put all weeds in the compost bin.
- Each gardener will have access to the tool shed. Please keep the **garden tool shed neat and clean.** If you choose to use the communal tools, make sure they are hosed down, cleaned, and placed back in the shed in the appropriate place.
- Prevent weeds before they get started. Mulch around your plants by covering all exposed soil with free mulch like leaves, pine needles, dry grass clippings, seaweed, or compost. Please do not use wood chips or bark mulch in beds as these options will not break down in a timely manner. Landscape fabric for weed suppression is not allowed.
- If you have a lot of watering to do, be mindful of whether other gardeners need to use the hose. While you wait your turn again for the hose, **consider using the water in the rain barrels,** which is better for the plants as rainwater contains much needed oxygen, which water from the hose does not provide.
- The Portsmouth Community Garden pays for water usage. **Please be aware of your water usage and avoid being wasteful!** After you are done watering, turn water faucets off. Notify the coordinator of any leaks in the water lines. **Please keep the hoses empty of water and neatly rolled up.**
- If you are unable to care for your plot for an extended time due to illness or vacation, please ask a fellow gardener or the coordinator to help during your absence.
- Not all insects are bad and many are beneficial to our gardens. If you don't know what the insect is, please ask others. For insects that cause significant damage, please hand pick them off the plants and drop them in a bucket of water.



- **HERBICIDES** and **PESTICIDES** are not allowed within the Portsmouth Community Garden. Refer to “resources” on the website for tips on organic gardening practices. Thank you for following this rule!
- Please harvest crops when ready. If you have an overabundance, please share with others, so that valuable food does not go to waste. All extra produce can be donated to Gather, Portsmouth’s local food pantry.
- At the end of the garden season, please “put your garden to bed” by completing the following:
  - Remove any diseased plants from the site (please don’t compost them).
  - Cover any exposed soil with some type of mulch that will break down over the winter like leaves or pine needles. Do not use bark mulch or wood chips in the beds.
  - Please remove any trellis or stakes for the winter.
- Do not bring pets inside the garden. If you bring your pet to the parking lot, please remove all waste.
- **Please always keep gates closed to prevent woodchucks and other critters from getting into the garden.** When you enter or exit, PLEASE remember to close the gates.
- **If you are the last person in the garden, check and make sure all gates are locked.**
- **The Portsmouth Community Garden will open for planting on April 15, 2021. All plots must be planted no later than June 15<sup>th</sup> or the plot will be forfeited and reassigned.** The garden is open seven days a week from dawn until dusk until the end of October. The garden is closed from November to March.

Rules Enforcement

The Portsmouth Community Garden’s Board of Directors has the duty of enforcing rules and making decisions for the garden. They have the authority to resolve conflicts and dismiss gardeners for failure to follow the garden rules. Submit concerns via [communitygarden603@gmail.com](mailto:communitygarden603@gmail.com). Unresolved issues or disputes between gardeners will be referred to the Board.

- If a member does not keep up with their plot or continually violates the above rules of the garden, the member will be issued a warning by email from the Board of Directors. If the situation is not rectified within two weeks, they may have their plot revoked.
- The Portsmouth Community Garden shall not discriminate on the basis of race, creed, color, national or ethnic origin, religion, marital status, age, sex, sexual orientation, gender expression, gender identity, disability, or military status in its garden membership and the administration of its programs.

Sign here \_\_\_\_\_

Spell name here \_\_\_\_\_

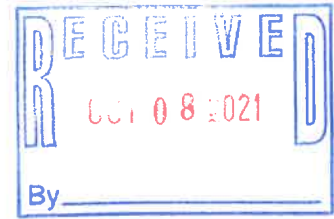
Date \_\_\_\_\_

Signing this document signifies your agreement with the rules stated above.



October 5, 2021

Portsmouth City Council  
1 Junkins Ave.  
Portsmouth, NH 03801



Dear City Councilors,

The Greg Hill Foundation is requesting permission to host our 9<sup>th</sup> Annual Jingle All The Way 5K Road Race in the City of Portsmouth on December 4, 2021. Our Jingle All the Way 5K route is projected to start and end at Cisco Brewers Portsmouth. The race would be scheduled to start at 10AM and end at 11:30 AM. We will hold registration in the morning in the parking of Cisco Brewers Portsmouth and the race would be followed by a reception inside the brewery.

Enclosed with this letter please find the draft of the 5K route. We worked to reduce the number of roads that would need to be closed and also the duration of those closures. This 5K route has been approved by Pease Development Authority and we are more than willing to work with the City and Police Department to alter the route if needed.

Along the route there will be two water stops for the runners along with volunteers and carolers along the way to help guide and cheer on our participants. This event has been in multiple locations and this would be the first time that it is hosted in New Hampshire. We anticipate that we would have anywhere from 700-1000 runners for the event.

This event is a major fundraiser for our foundation. The Greg Hill Foundation, a 501c3 organization and our mission is to help local families who have been touched by tragedy. Since our inception, we have been able to donate over \$15,000,000 to more than 8,000 beneficiaries. This event has been a staple for the foundation and as we look to find a new home for it we sincerely hope that Portsmouth can be where it is held year after year. We have been able to develop a great relationship with Cisco Brewers Portsmouth and hope that we can not only support them and their business but also provide support for even more businesses within Portsmouth.

For more information about the foundation or for any clarifications about the event, please contact me at (978) 930-9734 [adam@fmpproductions.com](mailto:adam@fmpproductions.com).

Thank you,

Adam Benoit  
Director – The Greg Hill Foundation



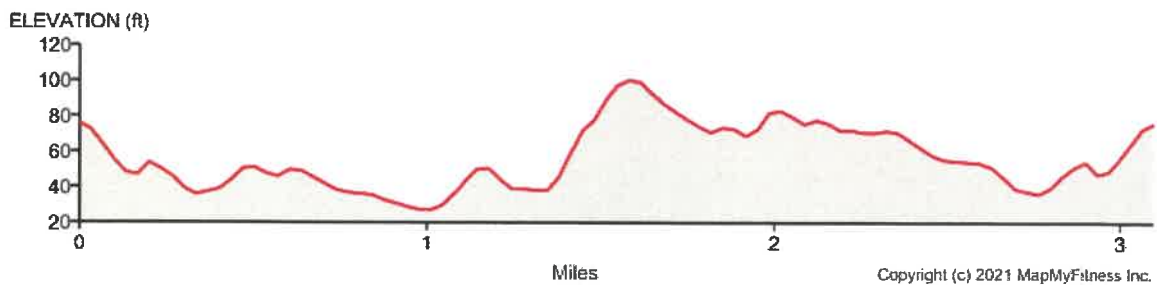
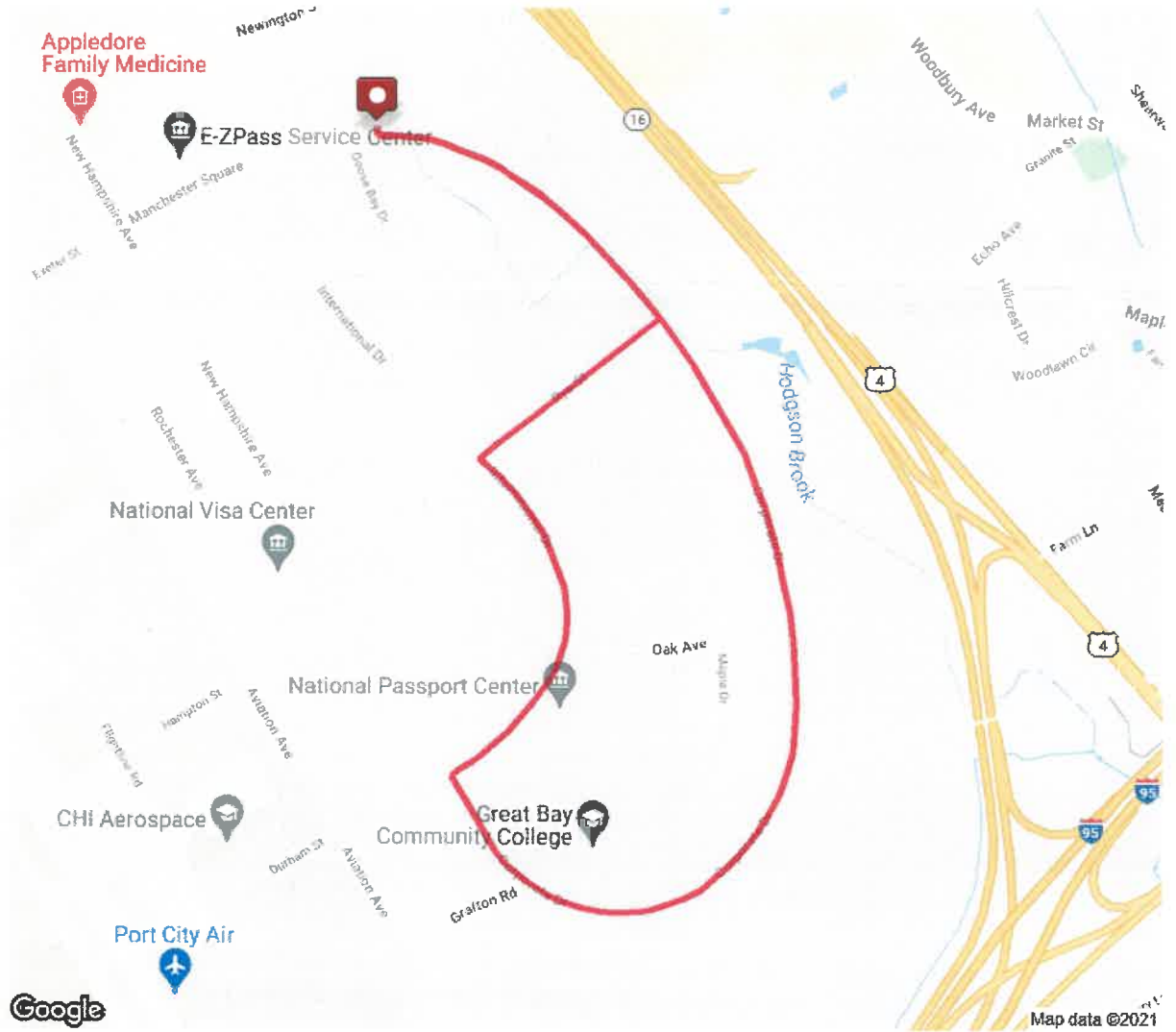
### Jingle Cisco

Distance: 3.10 mi

Elevation Gain: 101 ft

Elevation Max: 100 ft

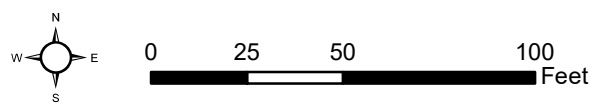
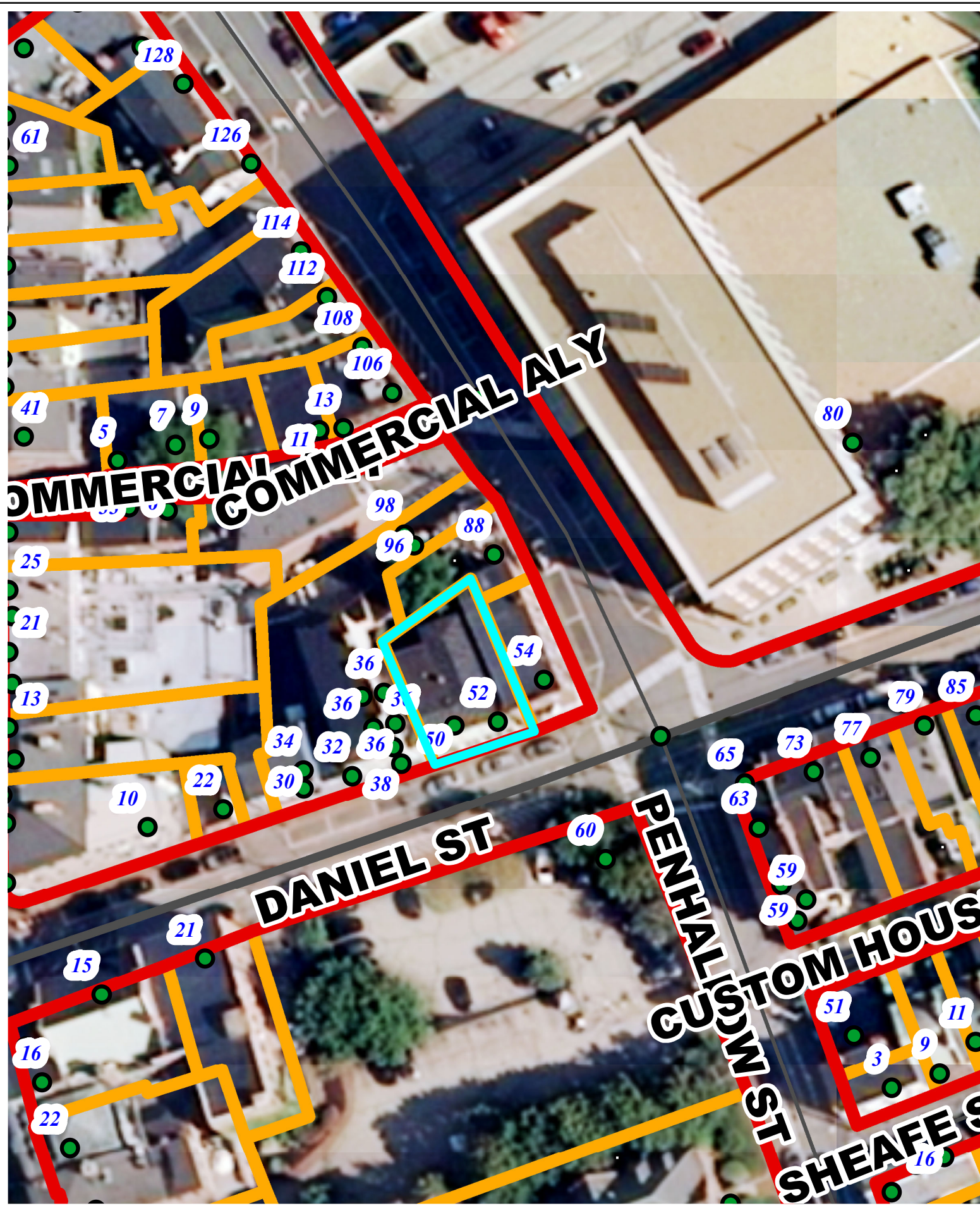
### Notes



0.00 mi Head south on Redhook Way toward Corporate Dr

0.01 mi Turn left onto Corporate Dr

<b>1.23 mi</b>	Head southwest on Corporate Dr
<b>1.77 mi</b>	Turn right onto International Dr
<b>1.78 mi</b>	Head northeast on International Dr toward Oak Ave
<b>2.30 mi</b>	Turn right onto Rye St
<b>2.36 mi</b>	Head northeast on Rye St toward Corporate Dr
<b>2.63 mi</b>	Turn left onto Corporate Dr
<b>2.68 mi</b>	Head northwest on Corporate Dr toward Goose Bay Dr
<b>3.10 mi</b>	Turn right onto Redhook Way
<b>3.12 mi</b>	Destination



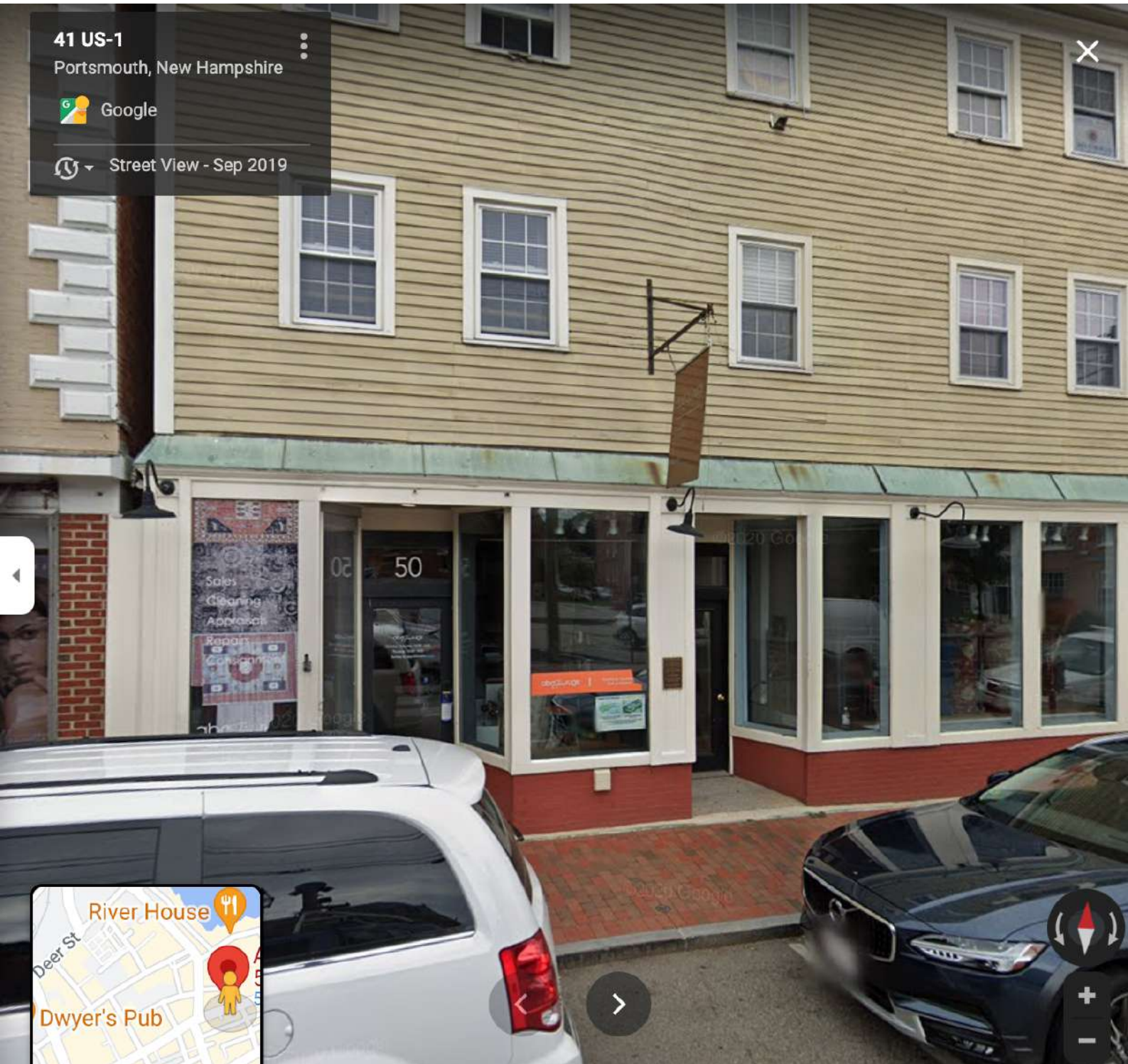
**Request for license  
50 Daniel Street**

41 US-1

Portsmouth, New Hampshire

Google

Street View - Sep 2019



50 DANIEL ST



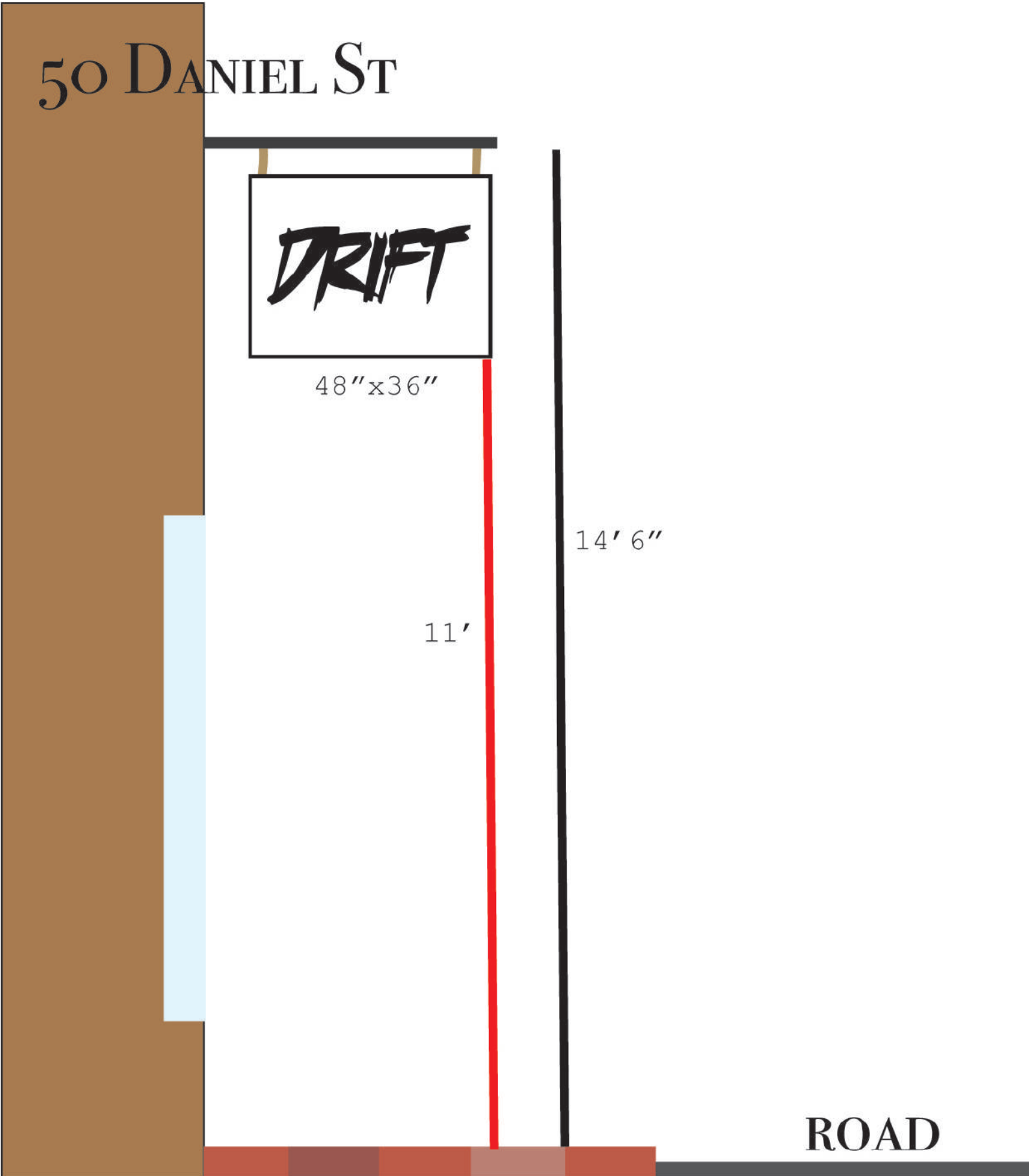
48"x36"

11'

14' 6"

ROAD

78" sidewalk



Nick Diana  
8 Bridge Street  
Kittery, ME 03904  
(603) 498-8539  
[nick@newcastlenh10k.com](mailto:nick@newcastlenh10k.com)  
October 6, 2021

Mayor Rick Becksted & Portsmouth City Council Members  
Portsmouth City

Dear Mayor Rick Becksted & Portsmouth City Council Members:

I am writing to you to request permission to host the 5<sup>th</sup> annual running road race that includes multiple streets within the city of Portsmouth, NH. This race was successfully executed on April 14<sup>th</sup> of 2018, April 13<sup>th</sup> of 2019, virtually in 2020, and September 11<sup>th</sup> of 2021 **This new request is for Saturday, April 23<sup>rd</sup> of 2022.** The start of the race is at 9:30am and finish is at 11:30am; both start and finish will be at the Great Island Common in New Castle, NH.

I will be submitting an *Application for Parade Permit* with the state of NH within the coming weeks. This event is not a parade, but rather a running road race.

The course route is as follows (see map attached):

1. Depart out of the Great Island Common heading left onto Route 1B / Wentworth Road
2. Turn right onto Route 1A / Sagamore Avenue
3. Turn right onto South Street
4. Turn right onto New Castle Avenue
5. Stay right on New Castle Avenue / Route 1B (intersection of New Castle Avenue & Marcy Street)
6. Turn left back into the Great Island Common

Portsmouth city limits or roads begin near mile marker 2 and continue just after mile marker 4. Therefore, it is estimated the first runner will reach Portsmouth city limits at 9:41am (based on a 5:30 min/mi pace). It is also estimated that final runner/walker will be running/walking within Portsmouth city limits at 10:50am (based on a 20 min/mi pace). Most runners will complete the race in under an hour, but we will stay open until 11:30am for any walkers or slower runners. Based on the estimation above, runners/walkers will only be on the streets of Portsmouth for 1 hour and 20 minutes. Our records show that each year, the final runners are finished with the entire race prior to 11:30am.

Runners will cross the road as they depart the Great Island Common and stay on the right side of the road for the remainder of the race, until crossing back into the Great Island Common at the finish. This ensures the safety of all of the runners by not requiring them to cross any road or intersection.

Race Details for 2022:



- Event date: Saturday, April 23, 2022
- Start time: 9:30am
- End time: 11:30am
- Estimated number of running participants: 400-750
- Total Distance: 6.2 miles
- Local Charitable Donation: TBD
- Number of water hydration stops: 3 (mile markers 1.5, 3, and 4.5)
- Insurance will be provided for the event; City of Portsmouth named as a beneficiary

Facts from the 2021 race:

- Rescheduled date from April to September 2021
- Charitable donation: \$1,300
  - Benefactors: New Castle Sidewalk Trust; Kingston Children's Center; Adopt a Stray Rescue; Seacoast Repertory Theater; Chase Home of Portsmouth
- 196 Runners
- NO plastic bottles
- Carry-In, Carry-Out event
  - We produced only 1 bag of trash
- First runner finish time: 31:07 minutes
- Last runner finish time: 1 hour 43 minutes

Facts from the 2020 race:

- Charitable donation: \$3,700
  - Benefactors: New Castle Sidewalk Trust; Kingston Children's Center; Adopt a Stray Rescue; Seacoast Repertory Theater; Chase Home of Portsmouth
- 426 registered runners prior to moving the race to be virtual due to Covid
- 225 virtual runners

Facts from the 2019 race:

- Charitable donation: \$6,250
  - Benefactors: NH SPCA Koda Fund; New Castle Sidewalk Trust
- 517 Runners
- NO plastic bottles
- Carry-In, Carry-Out event
  - We produced only 1 bag of trash
- First runner finish time: 33 minutes
- Last runner finish time: 1 hour 44 minutes

Facts from the 2018 race:

October 6, 2021

Page 3

- *Charitable donation: \$5,000*
  - *Benefactor: Cocheco Valley Humane Society*
- *480 Runners*
- *NO plastic bottles*
- *Carry-In, Carry-Out event*
  - *We produced only 1 bag of trash, and less than 1 bag of compostable water cups*
- *First runner finish time: 33 minutes*
- *Last runner finish time: 1 hour 40 minutes*

As in the previous years, road race signs will be placed throughout the course to ensure all runners know the direction of the event, as well as alerting vehicles that there is a road race in progress and to proceed with caution. There were no issues during the previous event and many Portsmouth and New Castle residents sent positive feedback and commented on the fact that we didn't impact the residents or the environment.

This will be my 5<sup>th</sup> official race event as Race Director and based on the feedback from participants, officials, volunteers, and vendors – all races have been well organized, and safe for the runners. I plan to work with the local police departments to once again provide police details at all major intersections and make this a very safe and enjoyable race.

I truly enjoy coordinating this race and I pride myself on the organization and simplicity for participants. I hope the city will recognize that this race has a minimal impact on the city and streets of Portsmouth. The race is early in the morning, and tourist season, as well as the farmer's market both haven't begun.

I sincerely appreciate your consideration and I look forward to hosting this event for the 5<sup>th</sup> year.

Sincerely,

Nick Diana – *Race Director*

# The Use of Conditional Use Permits for New Development in Portsmouth's Character Districts

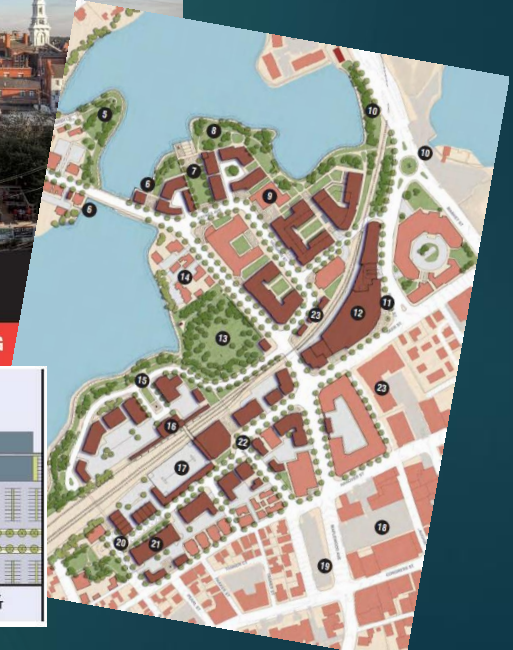
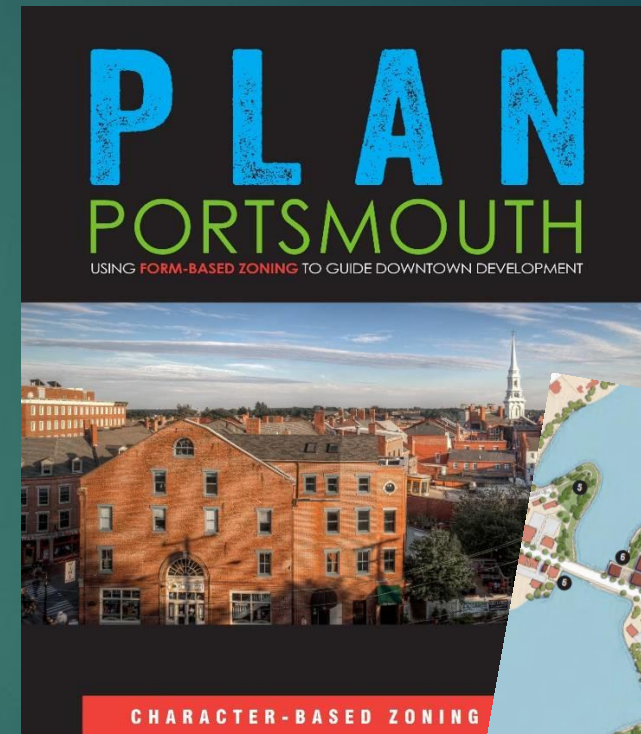
AN OVERVIEW & ASSESSMENT OF MAJOR  
DEVELOPMENTS, PORTSMOUTH, NH

# Overview

1. What is Character-Based Zoning?
2. What are its Main Elements?
3. Where do we use Character-Based Zoning?
4. How are the Density Incentives Regulated?
5. What Projects have used Density Incentives?

# What is Character-Based Zoning?

- Inclusion of the Public Realm
- Context-Based Approach based on an Urban Transect
- Street-Based Character Districts & Building Height Maps
- Building Form Standards
- Architectural Design Guidelines



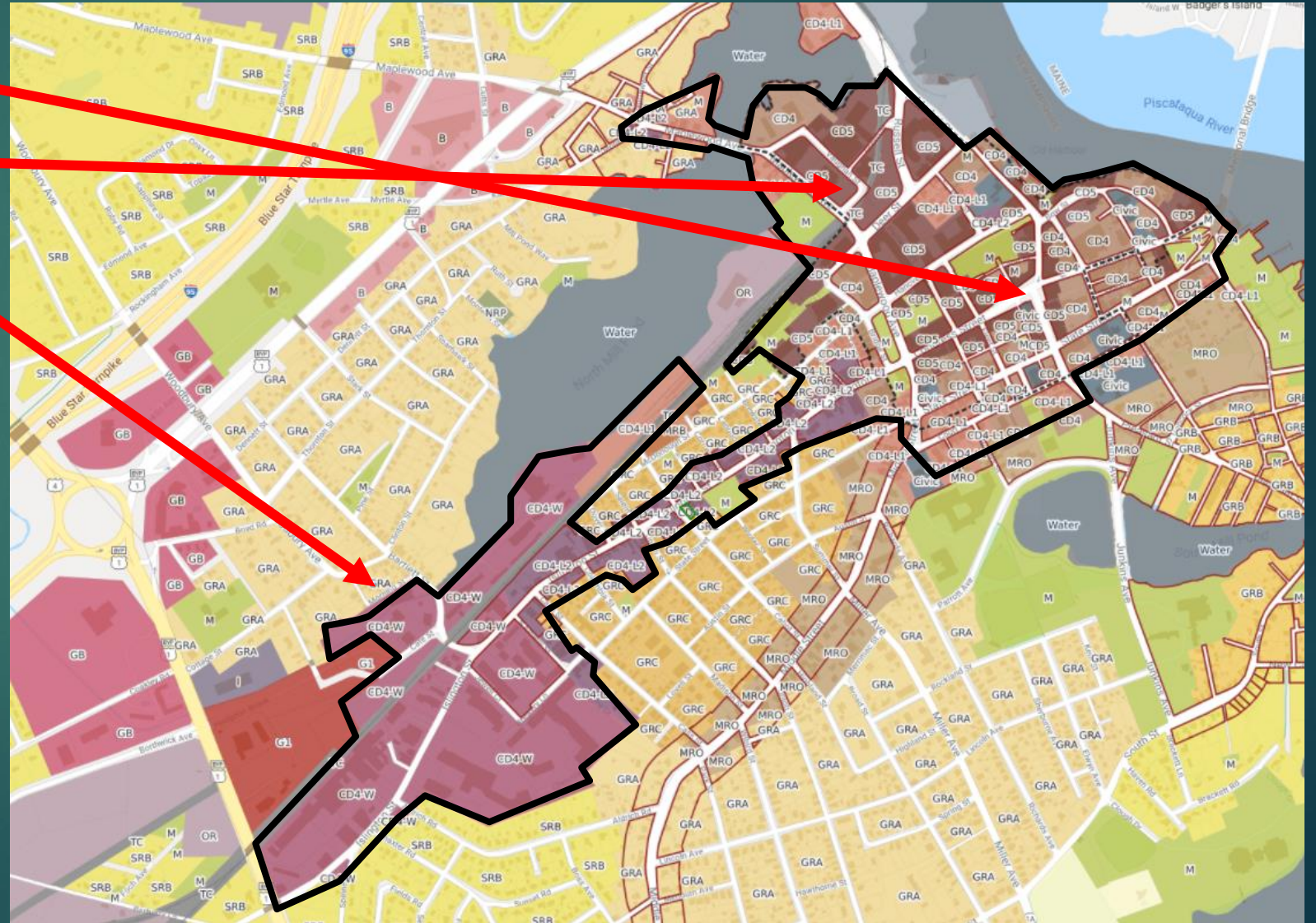
# What are the Main Elements of Character-Based Zoning?

1. Regulating Plan - Character Districts:
  - ▶ CD4-L1, CD4L-2, CD4W, CD4, CD5, Civic
2. Street-Based Building Height Map
  - ▶ 1 - 5 Stories
3. Development Standards:
  - ▶ Setbacks
  - ▶ Footprints
  - ▶ Building Types
  - ▶ Roof Forms
  - ▶ Coverage
  - ▶ Entrance Spacing
  - ▶ Community Space ...
4. Architectural Design Guidelines



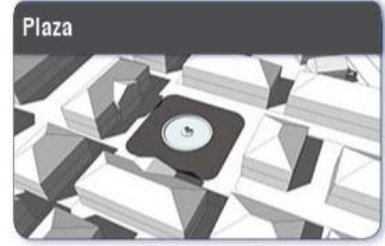
# Where does Character-Based Zoning Apply?

1. Downtown (2014)
2. North End (2015)
3. West End (2016)



# What are Community Space Types?

1. 13 Types
2. Private Property
3. Density Incentives for Public Access





# What Projects have been approved for Community Spaces?



# What are the Public Benefits & Density Incentives to Developers?

1. Purpose:
  - ▶ Enhance the Public Realm
2. Optional and Required Public Benefits:
  - ▶ Community Space (13 Types)
  - ▶ Workforce Housing (Deed-Restricted Affordable Housing)
3. Density Incentives:
  - ▶ 2 Overlay Districts for Building Height and Footprint (10.5A46.10)
  - ▶ Taller Buildings for Large Parcels outside Overlay Districts (10.5A43.33)
  - ▶ Larger Building Footprint for Ground-Floor Parking (10.5A43.43)

# Projects receiving Density Incentives WITH a Conditional Use Permit?

Project	Neighborhood	Incentive	Density Incentive	Public Benefit	CUP
299 Vaughan Street	North End	10.5A.43.43	Footprint	Community Space	YES
60 Penhallow Street	Downtown	10.5A.43.43	Footprint	Community Space	YES
<i>2 Russell Street</i>	<i>North End</i>	<i>10.5A.46.43</i>	<i>Footprint</i>	<i>Community Space</i>	<i>YES</i>
<i>62 Daniel Street</i>	<i>Downtown</i>	<i>10.5A.46.43</i>	<i>Footprint</i>	<i>Community Space</i>	<i>YES</i>

# Which Density Incentives require a CUP?

- ▶ Larger Building Footprint for Ground-Floor or Underground Parking (10.5A43.43)



A/C Hotel: Footprint 40,000 SF



Brick Market: Footprint 17,200 SF

# Projects Receiving Density Incentives **WITHOUT** a CUP?

Project	Neighborhood	Incentive	Density Incentive	Public Benefit	CUP
161 Deer Street (Lot 3)	North End	10.5A.46.10	Height & Footprint	Community Space	NO
89 Foundry Place (Lot 6)	North End	10.5A.46.10	Height	Community Space	NO
165 Deer Street (Lot 5)	North End	10.5A.46.10	Height	Workforce Housing	NO
145 Maplewood Ave.	North End	10.5A.46.10	Height	Community Space	NO
105 Bartlett Street	West End	10.5A.46.10	Height & Footprint	Community Space	NO
53 Green Street	North End	10.5A.46.10	Height & Footprint	Community Space	NO
<i>1 Raynes Ave.</i>	North End	<i>10.5A.46.10</i>	Height & Footprint	<i>Community Space</i>	<i>NO</i>

# Other Major Projects in Downtown that **NOT** use a Density Incentive?

Project	Neighborhood	Max Height	Height	Public Benefits
135 Daniel Street	Downtown	60'	40'	Public Alleyway
77 State Street	Downtown	60'	58'	Public Sidewalk
25 Maplewood Ave.	North End	3 Stories /40'	3 Stories /40'	Public Sidewalk
64 Vaughan Street	North End	3 Stories /40'	3 Stories /40'	Public Sidewalk
46 Maplewood Ave.	North End	3 Stories /45'	3 Stories /45'	Public Alleyway
93 Pleasant Street	Downtown	3 Stories /35'	3 Stories /35'	?
238 Deer Street	North End	3 Stories /40'	3 Stories /40'	?



## SUMMARY:

- ▶ 14 Major Projects in the Character Districts
- ▶ 2 Used CUP for Density Incentives
- ▶ 7 Used “As-of-Right” Incentives
- ▶ 5 Used NO Incentives
- ▶ All provided public benefits

Questions or Comments...

CITY COUNCIL E-MAILS

Received: October 4, 2021 (after 5:00 pm.) – October 14, 2021 (before 9:00 a.m.)

October 18, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by PROGRESS PORTSMOUTH ([progressportsmouth@gmail.com](mailto:progressportsmouth@gmail.com)) on Thursday, October 7, 2021 at 18:33:13

-----  
address: 428 Pleasant St., Unit 3

comments: Dear Mayor and Councilors:

All incumbents running for re-election are cordially invited to this moderated forum for all candidates on October 20th, 6pm - 8pm, at Liars Bench.

<https://fb.me/e/1K865Hg8Z>

Warm regards,  
Gerald Duffy  
On behalf of PROGRESS PORTSMOUTH  
includeInRecords: on

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Below is the result of your feedback form. It was submitted by Lew Brown ([lew\\_b@me.com](mailto:lew_b@me.com)) on Sunday, October 10, 2021 at 13:58:16

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address: 65 Laurel Court

comments: To: Portsmouth City Council  
Date 10/10/21

I read with interest the article in the Portsmouth Herald on 10/8/21 titled "Portsmouth Residents say idling train noise, pollution getting worse".

The purpose of this letter is to let the City Council know that it is not only the Rock Street area residents who are being adversely affected by this issue. Portsmouth Citizens living in Spinnaker Point, Atlantic Heights and Laurel Court areas are also suffering from greatly increased noise and air pollution caused by Pan Am Railways. This area contains a single track used primarily for servicing C3 in Newington, and another single siding track used by a lumber company.

In the last year, the use of these tracks has gone from once or twice a week just passing trains to basically a 24/7 operation. Pan Am has decided to use the siding track to the lumber yard as an alternate switching yard (perhaps because of the complaints about the real "switching yard" by Rock Street). A single siding track should not be used as a "rail yard" as it is now, but apparently the operators are too lazy to go back to the rail yard for these operations now.

My house is the closest one to this siding area they are using as a switching yard; it is about 50 feet straight downhill from my house to this area. Twice a day minimum, Pan Am performs switching operations here, filling my house with diesel stench and soot. My sound meter records an average of 95 decibels inside the house when this is occurring. I have seen readings as high as 106 decibels, which is equivalent to a chain saw running! One cannot have a normal voice-level conversation above this noise.

To make matters worse, during these "Switching operations", Pan Am frequently has 2 diesel engines parked directly below my house, idling for as long as 30-45 minutes without any activity going. I don't know if they are taking a break, eating lunch, or whatever, but one would think they could do this elsewhere; they certainly are NOT doing any "work" during these times!

Many of the residents of this area turned out to voice concerns over the expansion of the C3 Propane facility in Newington during the public hearing several years ago. While Newington happily green-lighted this expansion



(probably for additional tax revenue), they blatantly passed on the environmental (noise, air) pollution impacts to Portsmouth, as well as the enormous risk these propane cars pose to the citizens of Portsmouth. Each car represents a fire that could burn for up to 21 days (if contained) or could cause a blast that would level several city blocks if not properly contained. Incidents of propane rail car fires require evacuation in a one mile radius as a precaution!

At the time of the C3 hearings, Cindy Scarano and the C3 lawyers assured us that the rail line would be limited to 3 propane cars at a time due to the poor condition of the tracks. However, they also stated that this number could rise if the tracks were upgraded, which they can do without any hearings required. Sure enough, Pan Am upgraded the tracks, and us residents now put up with 20+ full propane tank cars passing by our houses twice a day. Because of this increase, Pan Am has to use 2 diesel engines together now, for double the noise, double the pollution.

Portsmouth officials also participated in the C3 expansion hearings, since 90% of the impact is on Portsmouth, not Newington (where the expanded facility is located, just over the city line). Pan Am and C3 essentially hid behind the archaic Federal Laws which govern railroad operations, and basically said there was nothing we could do about this (and the city lawyers concurred).

If Pan Am were a consumer products company, we could at least boycott purchasing their products, but they are not, so we can't "protest with our wallets" unfortunately. So, once again, Pan Am gives us PR-flak answers to our questions, and hides behind antiquated federal laws, basically saying there's nothing we can do. Cindy Scarano stated in the article that "it's a good thing for New Hampshire", but I'm not buying that. This increased rail traffic is not creating any new jobs here, only adding noise and air pollution to downtown Portsmouth, and increasing the potential of a serious disaster with the propane tank cars.

Apparently, the only thing we can do is raise the issue with our Federal representatives and ask that the antiquated laws that currently govern rail operations be updated to modern standards, addressing the environmental impacts of rail operations in dense housing areas. So, I urge you all to let your Federal representatives know how Pan Am is abusing us all and putting us in harm's way. Pan Am and C3 are certainly not "good neighbors" for us to have.

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Ronald Loundon ([rloundon@outlook.com](mailto:rloundon@outlook.com)) on Monday, October 11, 2021 at 07:22:07

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address: 20 Islington Street

comments: The sign in the Sq. isn't very welcoming. Neither is fearmongering

includeInRecords: on

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Below is the result of your feedback form. It was submitted by ALLISON TANNER ([inventivetechnologies@comcast.net](mailto:inventivetechnologies@comcast.net)) on Tuesday, October 12, 2021 at 12:41:04

-----  
address: 380 Greenleaf Avenue

comments: Dear Counselors-

There are many reasons to limit truck traffic on Peverly Hill Road, including the following:

- 1) Peverly Hill Road is a residential road with more homes than ever before all impacted by more noise and pollution than ever before due to truck traffic.
- 2) As stated in the name, Peverly Hill Road has hills and dips all making line of site short and difficult. Safety is a concern due to traffic trying to enter and exit from 3 intersecting roads on the residential end, and a new intersection to a 9 townhouse development.
- 3) Safety is also an issue for people utilizing Peverly Hill Road to access the Day care center, Church, and YMCA all scattered along Peverly Hill Road, and the Baseball park and playground at the intersection with Middle Road since almost no vehicles follow the 25 miles per hour speed limit signs, which are not well located and difficult to see.
- 4) A sidewalk will reduce some safety issues, but not eliminate them since the roadway will still be a narrow space for heavy trucks to negotiate or stop, especially going at the speeds used currently.

Solutions include posting “Local Deliveries Only”, “No Thru Truck Traffic”, and/or “Residential Area” signs at the intersection of Middle Road and Peverly Hill Road, as well as at the Peverly Hill Road and Banfield/Mirona Road intersection. Additionally, posting a sign stating “Truck Traffic” with a large red arrow at the intersection of Borthwick Avenue with Route 33 will divert trucks down Borthwick Avenue so they end up on the Route 1 By-Pass. The City can also notify Pike Industries and any other commercial businesses that might be affected by the change, that truck traffic is to be rerouted off of Peverly Hill Road. About 25 years ago, trucks were not allowed on Peverly Hill. This is a City Road, and the City has the power to ban trucks again.

We have a petition we will present to the Council on Oct. 14 at the 7 pm meeting about Peverly Road.

Thanks for your consideration,

Allison Tanner

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Marie Kelleher ([mariekelleher297@aol.com](mailto:mariekelleher297@aol.com)) on Tuesday, October 12, 2021 at 19:08:09

-----  
address: 297 Peverly Hill Rd, , fa

comments: Please notice that my address does not appear in the impact detail papers. I realize you don't need an easement but I still feel I deserve for it to be known just how far into my frontage this will go. I am incredibly impacted easement or not.

includeInRecords: on

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Below is the result of your feedback form. It was submitted by Matthew Glenn ([matt.glenn@seacoastbikes.org](mailto:matt.glenn@seacoastbikes.org)) on Thursday, October 14, 2021 at 04:41:19

-----  
address: 34 Harrison

comments: Dear Mayor and Councilors,

Seacoast Area Bicycle Riders would like to invite you to a community “Slow Roll” bike ride this Saturday afternoon to explore Portsmouth’s bike lanes and bike routes. We will start at 4:30pm from Lafayette Playground and head down Middle St and Lincoln Ave, past the Middle School, and then ride Maplewood, Market Street, and outer Maplewood before using the new paths at Hodgdon Way and Eileen Dondero Foley Way.

We plan to discuss future opportunities for connections identified in the city’s Bicycle and Pedestrian plan and in the last CIP, and where improvements are needed to make our roads safe and accessible for all. Discussion will continue around 6pm at the Loaded Question brewery, and we are encouraging all current councilors and council candidates to attend the ride or meet at the end for a conversation with the community.

We know that “bike lanes” have been a hot topic in this council term, and we believe there is value in riding some of them and talking in person.

Rain date: Sunday the 17th, with details at [seacoastbikes.org](http://seacoastbikes.org) and [facebook.com/seacoastbikes](https://facebook.com/seacoastbikes)

Regards,

Matthew Glenn and the board of Seacoast Area Bicycle Riders [info@seacoastbikes.org](mailto:info@seacoastbikes.org)

includeInRecords: on

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## CITY OF PORTSMOUTH



### OFFICE OF THE CITY CLERK – ELECTION DIVISION

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TO: Karen Conard, City Manager

FROM: Kelli L. Barnaby, City Clerk

DATE: October 12, 2021

RE: Clarification Regarding Ward 3 Polling Location

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As you are aware, last year the Ward 3 polling location was changed from the Robert J. Lister Academy to the Portsmouth Senior Activity Center due to a variety of reasons, one of which was COVID-19.

This decision was not made lightly, and numerous steps were put in place to ensure that notification was the utmost importance for voters. First, letters were sent out to every voter residing in Ward 3, to advise them in advance of the new voting location. Second, information was added to the City Manager's Weekly Newsletter of the relocation of the polling place. Also, information was in the newspaper via a news release, updates were made to the Voting Webpage, flashboard signs were installed several days leading up to the election siting the new location and finally, a sign was placed on the gym door of the Robert J. Lister Academy that voting had moved to the Portsmouth Senior Activity Center.

Last year, was a very difficult year, with everything that we faced in the midst of COVID-19 but we did our utmost best to notify everyone in various ways to ensure the information was out in the community.

In addition, I would like advise you that we received no complaints on the new voting location, only compliments and thanks for relocating Ward 3 to a more suitable location for voters.

I hope that this memorandum serves to clarify the concerns expressed during the last City Council meeting.

cc: Mayor Becksted & City Councilors

## CITY OF PORTSMOUTH



October 4, 2021

**Portsmouth DPW Hosts Household Hazardous Waste Collection Day on October 30, 2021**

Portsmouth, New Hampshire -- The Portsmouth Department of Public Works will hold its biannual Household Hazardous Waste Collection Day on Saturday, October 30, 2021, at the Public Works facility at 680 Peverly Hill Road. Residents of Portsmouth, Greenland and Newington are encouraged to bring household chemicals for safe disposal between 8 am and 12 noon. Proof of residency is required.

Household hazardous waste collections help residents safely dispose of items that can harm their health, the environment and drinking water supplies.

**Items that qualify for collection include the following:**

- From the yard: fertilizer with pesticides or fungicides, insect spray, lighter fluid, pest strips/traps, pesticides, poisons and pool chemicals;
- From the garage: acids, car waxes/polish, creosote, driveway sealer/tar, flea powder, gasoline, radiator fluid and roofing tar;
- From the house: bathroom cleaner, disinfectants, furniture polish, metal polish, mothballs, oven cleaner, photo chemicals, rug cleaner and wood strippers; and
- From the workbench: brush cleaner, corrosives, lead and oil-based paint/stain/finish, rust preventive solvents, thinner/turpentine and wood preservatives.

**Items that do NOT qualify include:**

- Empty containers for household items, which may be disposed of in the regular trash collection;
- Explosives;
- Asbestos;
- Medical waste; and
- Latex paint. To prepare latex paint for regular disposal at the Recycling Center or through trash pick-up, solidify the paint by adding kitty litter, sawdust or SpeediDri; or open the can to allow the liquid to dry out before disposal.

For more information on Household Hazardous Waste Day:

<http://cityofportsmouth.com/publicworks/solidwaste-recycle-hhw.htm>

For more information on the Recycling Center:

<https://www.cityofportsmouth.com/publicworks/solid-waste-recycling>

## FINANCE DEPARTMENT



## MEMORANDUM

To: Karen Conard, City Manager  
 From: Judie Belanger, Director of Finance and Administration  
 Date: September 30, 2021  
 Re: Report back 10/4/21 agenda- Councilor Huda- August Monthly Summary Report

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## Councilor Huda's question/comments on the October 4, 2021 City Council Agenda

- 1) I MAKE A MOTION FOR A REPORT BACK FROM THE CITY MANAGER TO THE RESIDENTS AND THE COUNCIL  
 AT THE OCTOBER 23RD 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 - 30.4%

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

CONTINGENCY - \$54,554 - 27.7%

PLEASE DESCRIBE WHY THE % EXPENDED IS SO HIGH.

## RESPONSE:

The Monthly Summary report is intended to aid the reader on the status of revenues and expenditures to date. It is important to note that this information is unaudited and the numbers provided are not final at month end. At any time, adjusting entries may be made after the submission of this report.

## 1) School Revenues – Other Sources

As noted on page 7 of the August monthly summary report, the revenue for School-Other sources reports revenue of \$135,518 of which \$135,240 is a dental reimbursement from SchoolCare. Due to the reduction of dental services as a result of the COVID-19 pandemic, SchoolCare announced it was returning surplus (*known as Holiday Premium*) from the plan year ending June 30, 2020. As this refund is from prior year, it must be reported as miscellaneous revenue.

2) Parking and Transportation

Although August represents the first two months of the fiscal year or 16.7%, certain expenditures are either paid on an annual basis or blanket purchase orders are utilized to encumber the funds and drawn down as invoices are paid against the PO throughout the year. This is the practice with municipal fund accounting. With respect to Councilor Huda’s question “*Please describe why the % expensed is so high*”, open purchases orders are reported in the encumbrance column meaning they are not actually expensed but rather committed at the time of the reporting period. Therefore, the last column labeled “% Expended” includes encumbrances. With regards to Parking Enforcement and Parking Meter Operations, open purchase orders were established for annual software fees and monthly parking meter transactions fees. With regards to Contingency, \$50,000 was budgeted and transferred in July to the School Department to offset for Student Transportation as noted on page 425 of the FY22 Budget Document.



PARKING AND TRANSPORTATION	APPROPRIATION	PERIOD	ENCUMBRANCES	Actual + Enc	Year-To-Date	%
		ENDING <i>August 30, 2021</i>		Total	Balance	Expended
PARKING ENFORCEMENT	428,618	19,102	97,932	130,279	298,339	30.4%
PARKING METER OPS	321,333	13,067	129,000	149,718	171,615	46.6%
CONTINGENCY	197,000	2,470	0	54,554	142,446	27.7%

## CITY OF PORTSMOUTH



October 14, 2021

### **City Plans to Repave Little Harbor Road in Late October-Early November**

Portsmouth, New Hampshire – The City of Portsmouth Department of Public Works is planning to repave Little Harbor Road to improve the surface before winter weather arrives.

The road work will start in late October 2021, (date to be determined when weather permits) and will take several days as road crews grind down the existing surface and then put down a binder layer. The road will be accessible throughout, though travel will be limited to one lane, alternating traffic. Flaggers will be in place to direct traffic.

The final paving will take place next spring after the Parking & Traffic Safety Committee has an opportunity to review options for the traffic-calming measures as requested by residents of Little Harbor Road that residents have requested.

The Little Harbor Road project is one of many paving projects managed by DPW in accordance with the Capital Improvement Plan and available funding.



MEMORANDUM

To: Honorable Mayor Becksted and City Council Members  
 From: Karen S. Conard, City Manager  
 Date: 10/14/2021  
 Re: Request from Councilor Lazenby for Costs of McIntyre Consultants To Date

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The following are the invoices that have been paid from FY20 to date.

CAPITAL OUTLAY FUNDS:

	FY20	FY21	TOTAL
Hinckley, Allen	\$30,000.00		\$30,000.00
Colliers International	\$12,000.00		\$12,000.00
Survey Expenses		\$11,686.22	\$11,686.22
Portsmouth Listens		\$3,361.53	\$3,361.53
TOTAL	\$42,000.00	\$15,047.75	\$57,047.75

CONTINGENCY FUNDS:

	FY20	FY21	FY22	TOTAL
Hinckley, Allen	\$66,955.50	\$5,832.00	\$810.00	\$73,597.50
McLane Middleton	\$28,576.55			\$28,576.55
TOTAL				\$102,174.05

SUPPLEMENTAL APPROPRIATION FY21 \$150,000

	FY20	FY21	TOTAL
Portsmouth Listens		\$6,335.00	\$6,335.00
Principle Group		\$125,225.29	\$125,225.29
TOTAL		\$131,560.29	\$131,560.29

TOTAL \$290,782.00



The City Council adopted an appropriation for \$480,000 for the maintenance of the McIntyre Building. No expenditures have been made to date, however, Peter Rice, DPW Director, is identifying the costs that will be associated with this appropriation.

The McIntyre Sub-Committee has a Project Services Agreement with architectural historian, Lisa McCann, who previously worked on this project and prepared the Character-Defining Features Report for the National Park Service (NPS). Ms. McCann previously worked at the NPS and has direct knowledge of the Federal Monument Program. Currently, Ms. McCann has a contract with the City for \$5,000 and provides the Sub-Committee and the City's project designers – the Principle Group - with input on the project design and assists with the presentation to the NPS. We expect an invoice from Ms. McCann early November. The Sub-Committee also has a standing contract with the Principle Group and has a pending invoice for \$22,946.25. To date, the remaining funds in the Supplemental Appropriation are \$18,439.71, thus, it is expected that additional supplemental funds will either be appropriated or utilized from existing funding sources to process these remaining invoices.

Understanding that the project design is still being preliminarily reviewed by the NPS it is expected that additional funding will be required to complete the informal review process and submit a formal application. As such, funding will be needed to reengage our previous consultants to review the financial and preservation plans for the formal application to the NPS. As an estimate, we expect such funding to be approximately \$75,000.00.

**Citywide Neighborhood Committee  
Meeting Minutes for the Ward 2 Forum  
September 14, 2021**

The forum, held at the Middle School, was a hybrid with in-person and zoom attendees.

Committee Members Present: Larry Cataldo, Chair, Lori Soloway, Vice Chair, Beth Margeson, Secretary, and Mark Syracuse. Paul Mannle and David Cosgrove were excused.

Elected Officials on the panel: Rick Becksted, Mayor and Jim Splaine, Assistant Mayor

City Officials Present: Karen Conard, City Manager; Mark Newport, Police Chief; William McQuillen, Assistant Fire Chief and Peter Rice, Department of Public Works Director

Elected Officials Attending: Councilor Peter Whelan, Councilor Deaglan McEachern and Councilor Ester Kennedy.

City Staff Present: Stephanie Seacord, Public Information Officer

At 6:35 pm, Larry Cataldo welcomed the attendees and participants.

On behalf of the residents of the Islington Creek neighborhood, he personally thanked the City Manager and Assistant City Attorney Jane Ferrini for their support in helping with filing formal comments to the Federal Surface Transportation Board about problems with Pan Am diesel engine noise and fumes. "Their help allowed us to reach board members with our concerns," he said.

Lori Soloway, the coordinator, introduced the panel: Mayor Rick Becksted, Asst. Mayor Jim Splaine (CNC Member), Karen Conard, Chief Mark Newport, Assistant Fire Chief McQuillen and DPW Director Peter Rice.

The next CNC Meeting will be on Wednesday, October 20, 2021. Lori suggested people get on the CNC mailing list by sending an e-mail to: [cncportsmouth@gmail.com](mailto:cncportsmouth@gmail.com).

Each panel member will be giving a brief overview of their departments after which they will field questions from attendees on public safety, public works projects and other issues facing city residents.

Mayor Becksted then made a few brief opening remarks and said he looked forward to answering questions. Assistant Mayor Jim Splaine indicated that he was looking forward to meeting in person and said that the CNC was ready to hear and talk with residents.

City Manager Karen Conard said that she was thrilled to be at her third Ward forum and was looking forward to listening and answering questions that were posed to her prior to the meeting.

Both Chief Newport and Assistant Fire Chief McQuillen said that they were here to answer questions.

Next, Peter Rice addressed the Forum and expressed his appreciation for the opportunity to speak informally with people in this manner. Director Rice presented a slide show that presented information on how to access the Department of Public Works by calling 427-1530, Click N Fix App through phone and desktop, neighborhood traffic calming programs and the ability to reach out to Eric Eby for that, as well as make citizen requests through the Capital Improvement Plan.

He believed that the last time DPW addressed Ward 2 was in 2018 and a lot had been done since then. The overview of projects and the rate of completion was presented to the participants through the slide presentation. He emphasized the ongoing Islington Street project and a number of others that were completed in the past two years. He also mentioned the Neighborhood Parking trial program, recently instituted in the Islington Creek neighborhood.

Questions and Answers:

Ken Goldman asked if there would be a survey or pole to determine the effectiveness of the program. He also inquired about the cost of the program, if it is to be continued in the spring of 2022. Peter Rice said PW is still working on the numbers.

Nicole LaPierre, a resident of Islington Creek, reported on the current status of the program, so far, and asked if the city has any plans to study city-wide parking. She pointed out that most of the problems in various neighborhoods, including her own, stemmed from granting parking variances to developers by the land use board. Without such a study the land use boards would have no guidance as to the problems these variances can and will cause.

Mayor Becksted said that one of his commitments, if elected, was to initiate a trial in the Islington Creek Neighborhood. This was the perfect location to try out a parking program trial. They have been requesting parking relief for years.

David Rheane asked if the city had any idea where cars went that normally parked in Islington Creek before the pilot program. Did they, he asked, use the parking garage, a parking lot, such as Bridge Street or did they find parking spaces in some other neighborhoods where parking was free? This would be a good benchmark for a citywide study.

Andrew Bagley raised a question about the need for more speed tables in the neighborhoods with traffic/speeding problems. Peter Rice stated that there will be two tables scheduled for Middle Road and South Street in FY23. (Speed tables are midblock traffic calming devices that raise the entire wheelbase of a vehicle to reduce its traffic speed.) Rice also outlined the directive on these tables and the importance of resident feedback in making any determinations.

Elizabeth Blatt raised a concern about the lack of building inspectors. She asked if Portsmouth do the proper job if there are too few of them to keep up with the demand. Peter Rice noted the problem and pointed to Acting Assistant City Manager, Suzanne Woodman, who is currently looking into the “holes” in inspection and possible solutions.

Robin Husslage brought up two issues. The first was the Pan Am train problem affecting the Islington Creek neighborhood. The diesel engines idling for hours, the fumes in the neighborhood, rail car switching at all hours, is creating an environmental/health hazard for the neighborhood. She noted that the volume of activity and accompanying noise has increased ten-fold since Pan Am increased its business to the Newington Propane Terminal. It was much less activity 4-5 years ago.

Nicole LaPierre noted the coincidence that this increase in rail activity (noise, horns, idling, etc.) occurred after Pan Am moved in to their “forever” office in the Foundry Garage. Some neighbors are leaving the city because of this problem.

Robin’s second issue addresses the use of buffer zones between two different Character-based Zoning Districts. Case in point: one half for Hill Street is zoned residential and the other half allows for hotels and large mixed commercial structures. It does not make any sense. How can this issue be worked in a more intelligent manner? One of the panelists directed her to the Planning Department.

Barbara Sadick asked how the one-way street directions were determined in Islington Creek? Peter Rice said the direction of traffic in this neighborhood was determined many years ago. (There are a few notable exceptions along Hanover Street in the vicinity of Pearl, Rock and Brewster streets.) Changes in the direction of traffic along streets fall under the Parking and Traffic Safety Committee.

Lori concluded the meeting by thanking all participants. With no further business to discuss, the forum was adjourned at 8:15 pm.

Respectfully submitted,  
Larry Cataldo - Chair