

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 20, 2021 TIME: 6:30PM

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

https://us06web.zoom.us/webinar/register/WN_coXjZCDIQAizBSK00xxhtA

6:30PM - PORTSMOUTH HIGH SCHOOL HOLIDAY ENSEMBLE MUSIC PERFORMANCE

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 [6:30 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION – CHAPLAIN PELKEY**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – NOVEMBER 4, 2021; NOVEMBER 15, 2021; NOVEMBER 18, 2021 AND DECEMBER 6, 2021 (*Sample motion – move to accept and approve the November 4, 2021, November 15, 2021, November 18, 2021 and December 6, 2021 City Council meeting minutes*)**
 - **PRESENTATION OF GIFTS TO THE CITY COUNCIL – Mayor Becksted**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 - A. Safe Water Advisory Group Presentation
 - B. Mayor’s Blue Ribbon Committee on Arts and Non-Profits Presentation
 - C. Portsmouth Energy Advisory Committee Report Presentation
- IX. **PUBLIC COMMENT SESSION – (*participation may be in person or via Zoom*)**
- X. **PUBLIC DIALOGUE SUMMARY [when applicable] – N/A**
- XI. **PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

Public Hearings & Adoption of Resolutions:

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES RELATED TO CONSTRUCTION OF A SKATEBOARD PARK, RECREATIONAL FIELD AND PUMP TRACK. THE CITY COUNCIL HAS DETERMINED THAT THE SUM OF TWO MILLION TWO HUNDRED THOUSAND (\$2,200,000.00) DOLLARS IS TO BE APPROPRIATED

- B. RESOLUTION APPROPRIATING \$10,000,000.00 TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH INCLUDING THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO. USING VARIOUS REVENUE SOURCES TO INCLUDE A BOND ISSUE, AND OR NOTES OF UP TO \$3,250,000.00 (*THIS INCLUDES USING VARIOUS REVENUE SOURCES TO INCLUDE \$5,190,000.00 OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS WHICH WERE ACCEPTED BY THE CITY COUNCIL AT ITS MEETING OF JUNE 21, 2021 AS WELL AS A BOND ISSUE AND/OR NOTES OF UP TO \$3,250,000.00*)
- C. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR OPERATING EXPENDITURES OF THE COMMUNITY CAMPUS UPON ACQUISITION FOR FISCAL YEAR ENDING IN JUNE 30, 2022. THE CITY COUNCIL HAS DETERMINED THAT THE SUM OF ONE HUNDRED SIXTEEN (\$116,000.00) DOLLARS IS TO BE APPROPRIATED

Third and Final Reading of Ordinance:

- D. Third and Final Reading of Ordinance amending Chapter 1, Article IV – Commissions and Authorities, Adding Section 1.415 Cemetery Committee

XII. MAYOR BECKSTED

1. *Appointments to be Voted:
- Jesse Lynch appointment to the Audit Committee
 - Mika Court appointment to the Conservation Commission
 - Andrew Ward appointment to the Economic Development Commission
 - Jane Begala appointment to the Planning Board
 - Andrew Samonas appointment as Alternate to the Planning Board
 - Franco DiRienzo appointment as Alternate to the Planning Board
 - Thomas Watson reappointment to the Trustees of the Trust Fund
 - Paul Mannle appointment to the Zoning Board of Adjustment
2. *Announcement of Holiday Lights Contest Winners

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR WHELAN

1. *City Attorney update on the latest Redgate Kane SoBow Square LLC Correspondence and Hearing in Superior Court as of 12/20/21

B. COUNCILOR KENNEDY

1. *Unseal Non-Public Session Minutes (*Sample motion – move to unseal the meeting and minutes for the last four City Council Non-Public meetings on the McIntyre*)

C. COUNCILOR HUDA

1. To update the residents & taxpayers that previously budgeted funds have been identified for the December 6th McIntyre Resolutions to cover estimated legal expenses of \$75,000 & estimated Principle Group expense of \$75,000 = total \$150,000
2. Update on the Audit Committee

D. COUNCILOR TABOR

1. *The Mayor's three Planning Board appointments tonight exceeds the legal authority given for appointments. City ordinance states, "The Mayor shall apportion appointments to that no more than three appointments occur annually." (Amended 6/3/2002) Section 1.303. The Council has been asked to approve five Planning Board appointments in the month of December

E. COUNCILOR TRACE

1. *General comment to residents regarding past two years – three minutes please

XIV. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donations to the Portsmouth 400th
 - Michael Skelly - \$50.00
 - Rick Becksted - \$100.00
 - Susan Tober - \$250.00
 - Elizabeth Moreau - \$500.00
 - Jim Pender - \$1,000.00***(Sample motion – move to approve and accept the donations as presented)***
- B. *Acceptance of Donation to the Skateboard Park
 - Edmunds General Contracting, LLC - \$1,000.00***(Sample motion – move to approve and accept the donation as presented)***
- C. Acceptance of Donation from Ronald and Karen Fitz of a Bench in memory of Dora Orsucci to be placed adjacent to the playground on Peirce Island ***(Sample motion – move to approve and accept the donation as presented)***

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. ☯ Approval of 2022 City Council Meeting Calendar
2. ☯ Sale of Commercial Safe
3. ☯ Street Naming for 83 Pevery Hill Road
4. *The Foundation for Seacoast Health Purchase of Community Campus Property Located at 100 Campus Drive

5. Renewal of City's Parking Lot Use and Maintenance Agreement with the St. John's Masonic Association

XVI. CONSENT AGENDA

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

- A. Letter from Maria Stephanou, Alzheimer's Association, requesting permission to hold the Annual Seacoast Walk to End Alzheimer's on September 25, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 14th Annual Celebrate Pink 5k Walk & Run on September 18, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. ☉ Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. ☉ Letter regarding the need for a Taxi Commission ***(Sample motion – move to accept and place on file)***
- C. ☉ Letter from Attorney Kenneth Murphy, Rainboth, Murphy & Lown, PA, regarding Worth Lot Parking Agreement Revision ***(Sample motion – move to refer to the Legal Department for report back)***
- D. ☉ Materials from Kristen Mello regarding PFAS

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: THURSDAY, NOVEMBER 4, 2021

PORTSMOUTH, NH
TIME: 6:00 PM

I. CALL TO ORDER

Mayor Becksted called the meeting to order at 6:00 p.m.

II. ROLL CALL

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

Absent: Councilor Whelan

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

V. CANVASS OF THE VOTE OF THE NOVEMBER 2, 2021 MUNICIPAL ELECTION

Mayor Becksted said we are here this evening to Canvass the Vote of the November 2, 2021 Municipal Election. He extended his congratulations to all of the City Council Elect.

City Clerk Barnaby provided the City Council with copies of the November 2, 2021 Municipal Election results and requested the City Council accept the results as presented.

The following positions were elected:

City Council 2 year term

Mayor Deaglan McEachern
Assistant Mayor JoAnna Kelley
Councilor John Tabor
Councilor Josh Denton
Councilor Beth Moreau
Councilor Andrew Bagley
Councilor Vincent Lombardi
Councilor Rich Blalock
Councilor Kate Cook

School Board 4 year term

Lisa Rapaport
Nancy Novelline Clayburgh
Brian French
Liz Barrett
Kerry Nolte

Fire Commission 4 year term

Dickie Gamester
Jennifer J. Mosher Matthes

Police Commission 4 year term

Buzz Scherr
Kate Coyle

Ward Moderators 2 year term

Jacqueline Cali-Pitts – Ward 1
Susan Denenberg – Ward 2
Joan L. Hamblet – Ward 3
Gerald W.R. Ward – Ward 4
Brian Wazlaw – Ward 5

Ward Clerks 2 year term

Judith A. Miller – Ward 1
William Tucker – Ward 2
Damon Thomas – Ward 3
Sharon Nichols – Ward 4
Donald Margeson – Ward 5

Ward Selectmen 2 year term

Nancy Brown, Lisa Bellanti, and Janet M Phelp – Ward 1
Diane Stradling, Jay Lieberman, and Darby Martinez – Ward 2
Elizabeth Cross, Leslie A. Cartier, and Elisabeth Kennedy – Ward 3
Bernice E. Brody, Jeffrey A. Brody, and Sarah LaChance – Ward 4
Mary Lou McElwain, Kimberly Meuse, and Paul O'Connor – Ward 5

Registrar of Voters 2 year term

Penny Reynolds – Ward 1
Candace Thayer – Ward 2
Angelynne Hinson – Ward 3
Marcia Main – Ward 4
Laura Spelke – Ward 5

Registrar of Voters At Large 2 year term

Barbara Ward

Referendum Question

Question 1: - KENO in City of Portsmouth

Yes 2,649
No 2,770

City-Wide Statistics

Registered Voters	16,059
New Registered Voters	241
Total Registered Voters	16,300
Ballots Cast	6,099
Percentage Voted	37.4%

Assistant Mayor Splaine moved to approve and accept the November 2, 2021 Municipal Election Results as presented by City Clerk Barnaby. Seconded by Councilor Huda and voted.

VI. ADJOURNMENT

At 6:05 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda and voted.



Kelli L. Barnaby, MMC, CNHMC
City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 15, 2021

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

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

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

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:25 p.m.

IV. ROLL CALL

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

V. INVOCATION

Mayor Becksted asked everyone to join in a moment of silent prayer in memory of Paul Whitcomb who recently passed away and was a founding father of Market Square Day.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATION

1. 2021 Small Business Saturday

Mayor Becksted read the Proclamation declaring Saturday, November 27, 2021, Small Business Saturday and urged everyone to shop local.

VII. ACCEPTANCE OF MINUTES – OCTOBER 13, 2021

Councilor Kennedy moved to accept and approve the minutes of the October 13, 2021 City Council meeting. Seconded by Councilor Huda and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Recognition Portsmouth High School Girls 2021 Field Hockey State Champions

Recreation Supervisor Tom Kozikowski highlighted the winning season of the PHS Girls Field Hockey Team which culminated in the 2021 State Championship. He also thanked the Police

Department for making time and staff available to escort the team around town on the same night and time as the Halloween Parade.

Mayor Becksted clarified that he is fully vaccinated and does not wear a mask during the meetings as it restricts his breathing.

Mayor Becksted handed out individual plaques to the team members present in the audience. The Mayor, City Council and residents of the City of Portsmouth congratulate the PHS Girls Field Hockey Team on their championship season.

Councilor Kennedy moved to suspend the rules to move up on the Item XVII.A Presentation, seconded by Councilor Huda and voted.

A. Presentation Re: Noise Assessment Findings Along I-95 and Spaulding Turnpike Corridors by Jonathan Evans from NH DOT

City Manager Conard introduced the members of the New Hampshire Dept. of Transportation, William Cass, Assistant DOT Commissioner, Jonathan Evans, Air and Noise Program Manager, and John Corcoran, Administrator of the Bureau of Turnpikes, who will be presenting the findings of the Noise Assessment for the City of Portsmouth. She continued stating that this is a big moment for the City of Portsmouth as this is the culmination of many years of effort by State Representatives, former and current City Councilors and staff.

She stated that back in 2016 former Mayor Blalock, State Representative Laura Pantelakos and staff met with the Commissioner and encouraged her to adopt the Type II Noise Abatement Program which allow for Noise abatement projects independent of Highway Projects. She stated prior to that, the State only had Type I noise abatement projects which tied them to Highway Projects. Following the State adopting the Type II policy and to be eligible to qualify for the program, the City adopted the appropriate zoning requirements on new homes developed in proximity to the State's highways. As a result of these actions, in 2019 the State began a Type II noise assessment study of the I-95 corridor. This study was super-ceded by an identified Type I assessment associated with the I-95 part-time shoulder use project.

William Cass, Assistant Commissioner, stated he has been involved with the sound barrier issue in the City of Portsmouth for quite a few years. He stated that the Type II program was supported but never funded and further explained that because this project, which is looking at using the shoulders of I-95 between the traffic circle and Exit 2 in Maine over the high-level bridge during peak travel times, it is a Type I project and warrants noise mitigation analysis. He stated that they have been around the State recently with updated 10-year plan, but this presentation is project specific and not a part of that program. He concluded stating that there are some areas that meet the criteria, but there are other areas that do not and will not have sound barriers constructed.

Jonathan Evans, Air and Noise Program Manager at the NH DOT, gave a presentation on the results of the DOT's noise assessment for the City of Portsmouth. (Full presentation available on the website).

Upon completion of the presentation discussion ensued regarding the criteria of what is feasible and not feasible to qualify for sound barriers.

Councilor McEachern ask if there is a calculation difference for a school and houses. Mr. Evans stated the process applies equity to all schools and public spaces throughout the State and based on a calculation of the number of receptors.

Councilor Trace asked why New Franklin School is not reasonably feasible. Mr. Evans stated it doesn't meet the criteria for reasonableness.

Councilor Trace stated it is extraordinary that the State can say what will gain the most benefit but our children aren't worth making it feasible. She stated that the children's minds are being abuse as they can't learn with the sound. She stated she is frustrated with the State and why there won't be a barrier there. She is also concerned that putting a barrier across from the road will bounce the sound back to the School.

Mr. Evans stated that 2 combined noise sources don't actually double the noise. He stated that the criteria is also within the Federal Noise Policy and this has to be applied equitably across the State in order to receive funding.

Councilor Trace stated this is a sad day for the City of Portsmouth.

Mayor Becksted stated he finds it odd that no sound measurements were taken as part of this study.

Mr. Evans stated sound measurements and traffic counts are taken and put into the model to calibrate the conditions in the future.

Mayor Becksted stated in 2011 there were stockade wooden fences erected by the State that at the very least need to be maintained but are falling apart.

Mr. Cass stated that those were privacy fences and not noise reducing and agrees those need to be maintained and although wouldn't be noise reducing, they could be something more substantial.

Councilor Kennedy asked where she can locate the formula that they are using as well as the historic data points as she feels that things have changed substantially at the New Franklin School and is concerned with how old the formula and data is that was used.

Councilor McEachern stated there are some positives in that some sound barriers are coming. He continued to question the criteria being used in relation to the New Franklin School and

feels it is disappointing that the formula weighs the school the same as 4 homes. He stated that if the school was replaced with condo's then there would be a barrier. He stated he wonders if because of COVID-19 they could revisit the criteria so that the children can utilize outdoor classrooms.

Mr. Cass stated he is well aware of the concerns regarding New Franklin School and understands the concerns. He stated it is about equitability.

IX. PUBLIC COMMENT SESSION

Mayor Becksted opened Public Comment Session:

Roy Helse – thanked the City Council for holding the recent work session with Portsmouth Housing Authority and discussing the future of affordable housing. He stated the city needs to stop giving land to developers to build large projects such as is on the former Frank Jones Center property.

Erik Anderson – thanked the Councilors who participated in the State DOT public hearings held regarding the barriers. He stated he feels the presentation that was just given was confusing as to why it is deemed a yes or a no. He stated that the walls that wouldn't be allowed were at 25', but the walls on the Spaulding are only 15' so why can't these go lower as well. He hopes there will be more good news to come.

Arthur Clough – discussed the auditing process and the need to change consultants. He stated he is glad there will now be an Audit Committee but feels that it should be independent and be able to recommend changes.

Robert Lister – thanked the Council for their involvement with the sound barrier issue and is glad that there are some "yesses" from the State, but he is here to advocate for the New Franklin Elementary School to which 1/3 of the city's grade school age children attend. He stated these barriers are a quality of life and safety issue and if these aren't installed, then he has 3 words, shame, shame, shame!

Justin Richards – addressed the New Franklin School not meeting the criteria stating he understands the need for criteria but it has changed since 2011 when this was established and it is no longer working. He stated this needs to be reviewed by a 3rd party as the assumptions built into this process need to be looked at. He read one of 19 letters recently written by children at the school to Governor Sununu which explains how the noise affects his ability to participate in school activities.

Peter Somssich – stated that there have been infrastructure projects that have been deferred even though they have qualified for many years and feels it is now time to keep the promises made. He stated that regarding New Franklin School the very least that should be done is to address and reinforce the deteriorated stockade fencing that was erected by the State and could made more sound resilient in the meantime. He stated that audiologists should be hired

to monitor long-term effect on the children's hearing. Finally, he stated when the barriers do get erected, he would like it named after Laura Pantelakos.

Mark Brighton – thanked Mayor Becksted for making appointments to the land use boards which is the same thing that previous Mayor Blalock had done.

Stefany Shaheen – spoke to the Police Commission and Chief Newport's request to appoint the 2 recently elected Commissioners to finish the remainder of the current term to fill the resignations of Joe Onosko and Tom Hart.

Bill Downey – spoke regarding the recent Election and publicly acknowledged and thanked City Clerk Barnaby and her staff for their work stating that it is no accident that it is run well. Secondly, he thanked the city and DPW staff for the recent Household Hazardous Waste Day.

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

Mayor Becksted called a recess and 9:10 p.m. and reconvened the meeting at 9:15 p.m.

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

Public Hearings and Adoption of Resolution:

- A. Resolution 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

Councilor Kennedy moved to adopt Tax Credit for Combat Service resolution as presented, seconded by Councilor Huda.

Mayor Becksted read the legal notice and opened the public hearing:

Josh Denton, Commander, VFW Post 168 – thanked the Portsmouth Firefighters for the Veteran's Day Breakfast as well as Mayor Becksted and those Councilors able to attend the Veteran's Day Service. He requested the Council support the Tax Credit for Combat Service and reviewed the current tax credits available stating that this will fill a void for those who didn't qualify for those other credits. He stated that this has been reviewed by the legal department and Assessor and it will realistically not have a high cost to the City but will be appreciated by those who qualify.

Melanie Spears – supports the tax credit resolution as a previous service member and explained that some people don't qualify for the regular credits and this is crucial to those individuals.

Seeing no one else wishing to speak, Mayor Becksted closed the public hearing.

Motion passed.

XII. MAYOR BECKSTED

1. Appointments to be Considered:

- Abigail Gindele appointment to the Conservation Commission as an Alternate
- Jacob Lehoux appointment to the Economic Development Commission
- James Hewitt appointment to the Planning Board
- Greg Mahanna appointment to the Planning Board
- Effie Malley appointment to the Sustainable Practices Blue Ribbon Committee
- Thomas Rossi appointment to the Zoning Board of Adjustment

The aforementioned appointments were considered and will be voted at the December 6, 2021 City Council meeting.

2. Appointments to be Voted:

- Hawk Furman appointment to the Audit Committee (2 year term)
- Christopher White appointment to the Audit Committee (3 year term)

Councilor Kennedy moved to appoint Hawk Furman (2 year term) and Christopher White (3 year term) to the Audit Committee, seconded by Councilor Huda.

Assistant Mayor Splaine stated he will not be voting in favor of the appointments as he feels these appointments should be made by the incoming Council.

Motion passed on a 7-2 roll call vote. Assistant Mayor Splaine and Councilor Lazenby voted opposed.

3. Purple Heart Community

Mayor Becksted explained that there is no cost involved except for signage which the Elks Lodge will pay if this is adopted. He stated he will reach out to Purple Heart recipients to acknowledge at the next meeting with a Proclamation.

Councilor Kennedy moved that the City of Portsmouth become a Purple Heart Community and that a Proclamation be prepared for the December 6, 2021 City Council meeting. Seconded by Councilor Trace and voted.

4. Holiday Lights Contest

Mayor Becksted announced there will be a Holiday Light Contest again this year through the Citywide Neighborhood Blue Ribbon Committee. He stated that there will be 3 category winners of \$500.00 gift cards from Ricci Lumber, Lowe's and Home Depot and thanked them for their donations. Details of the contest will be available on the city website.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. "Downtown Parking/Portsmouth Outdoors"

Assistant Mayor Splaine stated a resident has requested that the 15 minute pickup spaces be kept in place.

Assistant Mayor Splaine moved to send the request to the Parking and Traffic Safety Committee for a report back after January 1, 2022, seconded by Councilor Lazenby.

City Manager Conard explained that when COVID started, take-out pick-up became the life blood of the restaurants but now we are at a different stage of the pandemic and the restaurant community has expressed strong support to remove the 15 minute spaces as they are not being utilized as intended. She stated that Parking and Traffic Safety does currently regulate these spaces.

Assistant Mayor Splaine stated that other businesses have requested them as well for package pickup.

Motion passed.

2. Portsmouth Police Commission Vacancy – That the candidate who received the most votes for the Police Commission election on November 2, 2021 be appointed until the end of 2021

Assistant Mayor Splaine moved that the 2 candidates who received the most votes for the Police Commission election on November 2, 2021 be appointed until the end of 2021 (filling the vacancies of recently resigned Commissioners Joseph Onosko and Thomas Hart), seconded by Councilor Trace.

Mayor Becksted stated that we have had this happen 5 times in recent history and requested that the process begin to change this requirement in the Charter. He feels that it will be good for the new Commissioners to begin sooner than later.

Motion passed.

B. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 7, 2021 meeting

Councilor Whelan moved to accept and approve the action sheet and minutes of the October 7, 2021 Parking and Traffic Safety Committee. Seconded by Councilor McEachern and vote 7-2. Councilors Kennedy and Huda voted opposed.

2. McIntyre Update

Councilor Whelan stated the subcommittee met today at 3:00 p.m. with the National Parks Service and Russell Prescott of the Principle Group. He stated it was a productive meeting and a there was a consensus of Proposals 8 and 9 which includes building over the post office. He stated the National Parks Service was receptive to this and gave the ok to further develop the proposals and submit more detailed drawings. He stated that there have been items in the press that they were opposed to building over the post office but that is not true. He stated that there will be a meeting on November 18, 2021 with Michael Kane. He stated that the community plan with the shed concept is the one that National Park Services will probably approve with building over the post office.

C. COUNCILOR KENNEDY

1. Cemetery Committee

Councilor Kennedy moved to pass first reading and have second reading and a public hearing on December 6, 2021, for the creation of an ordinance to have a cemetery committee in Portsmouth, NH, seconded by Councilor Huda.

Councilor Kennedy stated that the Cemetery Committee has a lot of momentum and feels that Blue Ribbon Committees can sometimes get lost. She stated a lot of people want to participate and contribute.

Motion passed.

D. COUNCILOR HUDA

1. The Final Unaudited FY21 Budget Surplus/Deficit Amounts by Budget Unit for Year Ended 6/30/21
 - Police
 - Fire
 - Municipal
 - School

Councilor Huda stated that this information was not available for inclusion with the packet but has since been provided.

2. Professional Service Audit Contract of 7/22/21 with Melanson

Councilor Huda moved for a report back from the City Manager to the residents and the Council: Fieldwork Audit Work Dates listed as October 25th to October 28th, 2021, please advise of the status of the work and the results at this time, seconded by Councilor Kennedy and voted.

3. Monthly Financial Summary Report Month Ending September 30, 2021 – 25% of Fiscal Year

<u>Fiscal Year</u>	<u>September</u>
FY22	\$10,926,992.00
FY21	\$ 7,865,009.00
FY20	\$ 7,603,595.00
FY19	\$ 7,325,391.00

Councilor Huda moved for a report back from the City Manager to the residents and the Council: please define and describe the areas that make up the highest increase in September spending in 4 years of \$3,061,983.00 from September FY21. (See data below taken from the September 2021 Monthly Report), seconded by Councilor Kennedy and voted.

City Manager Conard clarified that this information was provided to the Council this evening and will be added as an informational item at the December 6, 2021 Council meeting.

XIV. APPROVAL OF GRANTS/DONATIONS

Councilor Kennedy moved to approve Grants/Donations Items A-H. Seconded by Councilor McEachern and voted.

- A. Violence Against Women Act (VAWA) Grant for the Police Department – \$25,025.00
(Sample motion – move to approve and accept the grant for the Portsmouth Police Department in the amount of \$25,025.00 as presented)
- B. ICAC Apple Equipment Donation Sub-Grant for the Police Department – \$9,737.00
(Sample motion – move to approve and accept the equipment donation sub-grant award for the Police Department in the amount of \$9,737.00 as presented)
- C. Bulletproof Vest Grant - \$7,160.86 *(Sample motion – move to approve and accept the grant award for the Police Department in the amount of \$7,160.86 as presented)*
- D. Donation to the Portsmouth Police Department from Paul Lapanne - \$5.00 *(Sample motion – move to approve and accept the donation for the Police Department in the amount of \$5.00 as presented)*
- E. Acceptance of Donations to the Skateboard Park:
 - Amy Mae Court - \$396.00
 - Andrew Bagley - \$121.00
 - Nicholas Eaton - \$150.00
 - Amy Buntel - \$250.00
 - Anna Nuttall - \$300.00
 - Mark Gianniny, Jr. - \$160.00
 - Kevin Anderson - \$410.00

- Kristopher Loranger - \$200.00
(Sample motion – move to approve and accept the donations as presented)

F. Acceptance of Donations to the Portsmouth NH 400

- Kevin Perkins - \$100.00
- Kathleen Somssich - \$1,000.00
(Sample motion – move to approve and accept the donations as presented)

G. Acceptance of Donation to the Portsmouth Public Library from Serhii Havrylenko - \$10.00 ***(Sample motion – move to approve and accept the donation in the amount of \$10.00 as presented)***

H. Acceptance of Grant from Great Bay Resource Protection Partnership - \$2,425.00 ***(Sample motion – move to approve and accept the grant from Great Bay Resource Protection Partnership in the amount of \$2,425.00 as presented)***

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Borthwick Easements

Councilor Lazenby moved to authorize the City Manager to finalize and accept the easements due to the City of Portsmouth from Borthwick Forest LLC. Seconded by Councilor Tabor and voted.

2. 64 Vaughan Mall LLC License and Easement Requests

Councilor Lazenby moved to authorize the City Manager to negotiate and execute the Development Agreement with 64 Vaughan Mall, LLC regarding the installation of sidewalks, improvements and reconfiguration of parking spaces in the Worth Lot, installation of sidewalks along Hanover Street and improvements to the Vaughan Mall, as presented, seconded by Councilor Tabor.

Assistant Mayor Splaine moved to suspend the rules to allow Steve Wilson to answer questions from the Council. Seconded by Councilor Tabor and voted.

Mayor Becksted stated that the purpose/intent of this project has changed in regards to the use of the building and will that impact on what is being voted on today.

Mr. Wilson stated he is negotiating with a single user and there are no changes to the façade or site plan, just a change to the internal use. He stated that they will be improving the sidewalks, etc. which will benefit all.

Councilor Trace stated the sidewalk will be good for the building and asked about the change to the top floor use.

Mr. Wilson stated that are abandoning the balconies but may be requesting a rooftop deck and bar and will have to go to the Historic District Commission, but that is a part of their proposal.

Councilor Kennedy asked where they will all park.

Mr. Wilson stated they have 21-22 spaces on Hanover and will be leasing spaces at the Hanover parking garage.

Motion voted.

Councilor Lazenby moved to authorize the City Manager to accept and execute the Community Space easement in a form substantially in conformance to the attached. Seconded by Councilor Tabor and voted.

3. Temporary Construction License Extension for 205 Market Street

Councilor Lazenby moved that the City Manager be authorized to waive the license fee, and execute and accept the temporary construction license extension with a 30 day term to encumber the sidewalk with pass through staging at 205 Market Street as requested, seconded by Councilor Lazenby.

Councilor Kennedy stated she is concerned that the area be maintained to ensure clearing of snow and ice.

City Manager Conard stated that this would be in the agreement.

Motion voted.

4. Access Easement for Water Services at 1338 Woodbury Avenue

Councilor Kennedy moved to authorize the City Manager to accept an access easement for water services over land at 1338 Woodbury Avenue from Woodbury Avenue Cooperative Inc. (Tax Map 237, Lot 70). Seconded by Councilor McEachern and voted.

XVI. CONSENT AGENDA

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

- A. Letter from Linda Carter, Big Brothers Big Sisters of New Hampshire, requesting permission to hold the 13th Annual Stiletto Sprint on Saturday, September 24, 2022 from 1:00 p.m. – 4:00 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- B. Letter from Freddy Petrone, I Got Bridged Team, requesting permission to hold the 2nd Annual Bridge-a-thon on Sunday, September 11, 2022 **(Anticipated action – move to refer to the City Manager with Authority to Act)**

- C. Letter from Jeff Kamensky, The Music Hall, requesting permission to close Chestnut Street on November 18th at 5:00 p.m., November 19th at 4:00 p.m., and November 20th at 2:00 p.m. for the Warren Miller Ski Films (***Sample motion – move to refer to the City Manager with Authority to Act***)

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Presentation Re: Noise Assessment Findings Along I-95 and Spaulding Turnpike Corridors by Jonathan Evans from NH DOT (*Previously addressed*)

- B. Email Correspondence

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

- C. Request of Restoration of Involuntary Merged Lots – 77 Meredith Way

Councilor Kennedy moved to refer to the Planning Board and City Assessor for report back. Seconded by Councilor Huda and voted.

- D. Petition to Limit Truck Traffic on Peverly Hill Road

Councilor Kennedy moved to refer to the Parking and Traffic Safety Committee for a report back, seconded by Councilor McEachern.

Councilor Trace stated that this was brought forward at the last meeting and was referred to a report back by the Public Works Director.

Public Works Director Rice stated they were asked to investigate but a report back hasn't been completed yet. He stated he was going to bring it to the Parking and Traffic Safety Committee first but there will not be a December meeting so it won't be until January 2022.

Motion voted.

- E. Memorandum from Police Commission regarding Police Commissioners' Vacancies (*No action needed*)

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

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

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Kennedy stated she has recently been made aware of some issues with people with disabilities and parking in the downtown area and is concerned that there have been policy changes that they aren't aware of.

Councilor Kennedy moved to receive a report back at the December 6, 2021 Council meeting regarding recent parking patrol issues for persons with disabilities and any related policy changes. Seconded by Councilor Huda and voted.

Mayor Becksted stated he will be bringing holiday parking forward at the next Council meeting.

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

At 10:00 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Huda and voted.

Respectfully submitted by:

Valerie A. French
Deputy City Clerk

MINUTES
NOVEMBER 18, 2021
CITY COUNCIL SPECIAL MEETING
MCINTYRE

Mayor Becksted opened the meeting at 5:33 p.m.

Roll Call:

Present: Mayor Becksted, Assistant Mayor Splaine, Councilor McEachern, Councilor Whelan, Councilor Lazenby, Councilor Kennedy, Councilor Huda, Councilor Tabor and Councilor Trace.

Mayor Becksted thanked everyone for being able to attend this meeting which was requested by Michael Kane who indicated he would be bringing an architect and engineer as well. He then invited Michael Kane of Redgate/Kane to address the Council as he had requested the meeting. He stated there perhaps has been some miscommunication but has done everything he could to make this meeting happen.

Mr. Kane agreed there has been some miscommunication explained that he did request a meeting before the election, which didn't happen, then he thought there would be a joint meeting with the current and new incoming city council that may be productive, but that is not the case.

Mayor Becksted clarified that Mr. Kane has nothing to present this evening to which Mr. Kane stated he did not. Mayor Becksted stated he had no knowledge of a joint meeting with the new Council.

Councilor Huda asked who gave Mr. Kane the information that the new Council would be present as well. Mr. Kane responded it was a communication between City Attorney Sullivan and Mr. Falby.

Mayor Becksted stated he had hoped to have a discussion of moving forward from here since the National Park Service has given the thumbs up on the "People's Plan" to be able to build over the post office and bring forward some more detailed drawings to move forward with our partner for a real submittal to them.

Mr. Kane stated that due to the Council not responding to previous resolution to litigation that was presented there is nothing to speak about at this time.

Mayor Becksted stated he must be referring to the term sheet which Mr. Kane confirmed.

Councilor Whelan stated he was disappointed with what Mr. Kane has said in the newspaper today stating that it was all over with, but applauds him being here tonight.

Councilor Whelan moved:

To immediately cancel the development agreement between the City of Portsmouth and Redgate/Kane d/b/a Sobow Square LDT and send the \$400,000.00 deposit held in escrow back with interest. Part of this would be to establish a new Request for Proposal with the community plan which was established by community effort led by Portsmouth Listens and Principle Group and to be put out to bid as soon as possible. Seconded by Councilor Huda.

Councilor Whelan stated that tonight the City of Portsmouth is at a crossroads as Redgate/Kane restarted a lawsuit 2 weeks before the Election against the City of Portsmouth and its residents which was totally political and meant to influence an election. He stated the subcommittee has been negotiating and moving the project forward despite threats and character attacks against the subcommittee. He continued that he has been silent trying to protect the citizens' interests but is silent no more and it is time to take action. He stated the subcommittee, made up of 4 Councilors, has poured 2 years into negotiating this project in good faith and professional manner and have been characterized as unprofessional, uncivil, bullies, etc. and the community project portrayed as cartoonish, unbuildable, a sham, etc. He stated it is time for the City of Portsmouth to move on from Redgate/Kane and get a real partner. He stated this is a 75 year marriage and we need a good relationship with a trusted partner and this is not just another development project. The land and the McIntyre building will be owned by the residents, not Redgate/Kane. He stated the last few weeks have been a bad lesson of how to get what you want in Portsmouth and listed various actions taken. He concluded stating it is time to move on.

Councilor McEachern moved to adjourn to a Non-Public Session to receive legal advice from Mr. Connolly and City Attorney Sullivan, seconded by Assistant Mayor Splaine. Motion FAILED on a 4-5 Roll call vote. Assistant Mayor Splaine, Councilor McEachern, Councilor Lazenby and Councilor Tabor voted in favor. Councilor Whelan, Councilor Kennedy, Councilor Huda, Councilor Trace and Mayor Becksted voted opposed.

Assistant Mayor Splaine stated either we learn from history or repeat it. He stated that he remembers 4 years ago that the Council voted 8-1 to take steps for the next City Council to select a partner to start the process on the McIntyre. He stated he was the vote opposed as he thought the vision should be worked out first before selecting a partner. He stated the City then became entangled in legal concerns which we are still committed to. This City Council set up a process of 4 City Councilors, which is no reflection on them, was doomed to fail if there was no involvement and conversations with that partner. He feels it was best to discontinue the partnership or to continue and work out as much of a partnership as we can, but we are only here for another 43 days. He feels the new Council should begin without the encumbrances of the previous City Council. He stated that taking this action, will set them up for failure, such as with making board appointments will do as well.

Councilor Lazenby stated there was a similar vote on January 28, 2020 blocking the Council from hearing legal advice from our attorneys that had significant legal, financial and other consequences for the City of Portsmouth. He stated that didn't work out well then and it won't work out well now.

Councilor Lazenby moved to table this action until a public hearing can be held, seconded by Councilor McEachern.

Councilor Lazenby stated that this will be the 10th City Council who has been trying to acquire the McIntyre. Countless hours and money have been put into this already and for us to act on this without input from the public, he can't imagine anyone wanting that to be the way this goes.

Councilor McEachern stated we recently held a work session on PFAS for over 2 hours and made sure to receive public input. He stated after having served on the subcommittee for 2 years he wants to see the community plan come to life, but this is as far away from making that happen as he can imagine. He stated it is personally disappointing to have this motion made, and although it may feel good to some to do this, it is not moving us closer, it moving us further away.

Councilor Tabor agrees with Assistant Mayor Splaine that this may be a motion that would pass as the community wants to get rid of the lawsuit and go forward with the project. However, there was no notice to the public that this would be occurring tonight.

Councilor Kennedy stated that the public was involved throughout the whole process, and Mr. Kane by his actions and words have said that this is done. She stated that they are giving the next Council a gift that they can get another developer to really do what the public has asked. She stated that taking this vote tonight, the public can come forward and be a part of the whole process including the RFP.

Councilor Huda stated she read the paper today and was quite surprised and has done a timeline of what has occurred to this Council over the last 2 years in the press. She stated it can be summed up in one sentence, that we have irreconcilable differences with our developer. She stated that our developer has continuously stated that the Council redevelopment plan is unbuildable so to her as a Councilor, it seems that we need to take a different direction.

Councilor Trace stated she has spent 2 years on the subcommittee and when Redgate/Kane was available they were there. She stated it seemed at first that we were working together in good faith to get a project that suited both parties which led to the involvement of Portsmouth Listens and a lot of community input, a new plan was brought forward, which Mr. Kane stated he wanted no involvement. She continued that all of the comments that Mr. Kane has made has had an effect on the subcommittee and the public and feels that this will give a fresh start to the next Council.

Assistant Mayor Splaine asked for parliamentary clarification that considering the legal liability, financial liability and the legal contracts we are in, is it advisable to vote on this motion without consultation from our legal advisors.

City Attorney Sullivan stated it is advisable to go into a Non-Public Session.

Assistant Mayor Splaine stated he received great advice from Paul McEachern to listen to your attorneys as they will keep you out of trouble.

Councilor Lazenby stated the Council was notified by an e-mail from the City Clerk which specified that the sole purpose of the meeting would be to meet with Michael Kane and there was also no notice on the Agenda and no Public Comment item on the agenda which is not the normal procedure of this Council. He stated even adding a public comment at this time is not the same as prior public notice.

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

Mayor Becksted stated he answered many questions from the public today as well as Councilors that he would allow for public comment.

Mayor Becksted opened a Public Comment Session (not on the Agenda):

Bill Downey – spoke in favor of terminating the agreement with Redgate/Kane stating it was about time that this was done.

Rich Blalock, City Councilor-Elect – spoke opposed to taking the vote to terminate the agreement with Redgate/Kane this evening.

Kate Cook, City Councilor-Elect – spoke opposed to taking the vote to terminate the agreement with Redgate/Kane this evening.

Roy Helse – spoke in favor of terminating the agreement with Redgate/Kane.

Cliff Lazenby, speaking as a resident and current City Councilor – spoke against the allowance of the public comment when it was not an agenda item this evening.

Elizabeth Barrett (via zoom) – spoke opposed to taking the vote to terminating the agreement with Redgate/Kane this evening as this is not the way to get out of a contract.

Patricia Bagley (via zoom) – spoke in favor of terminating the agreement with Redgate/Kane.

Nancy McDonald - spoke in favor of terminating the agreement with Redgate/Kane.

Byron Matto (via zoom) - spoke opposed to taking the vote to terminating the agreement with Redgate/Kane this evening.

Jim Lee - spoke in favor of terminating the agreement with Redgate/Kane.

Arthur Clough - spoke in favor of terminating the agreement with Redgate/Kane.

Doug Roberts (via zoom) - spoke opposed to taking the vote to terminating the agreement with Redgate/Kane this evening.

Seeing no one else wishing to speak, the Mayor closed the public comment.

Councilor Lazenby asked for clarification that if this action will have immediate legal implications and will then have to expend funds will the motion require 6 votes to pass.

City Attorney Sullivan clarified that it will cost money due to continued litigation but if the cost can be covered in existing budget it would require 5 votes, but if have to amend the budget, it would require 6 votes.

Councilor Lazenby asked if we have the funds to cover these costs in the current budget. City Manager Conard responded no.

City Attorney Sullivan clarified that this motion would require 5 votes because it does not involve the payment of the bill.

Councilor McEachern asked if City Attorney Sullivan if he would suggest that the Council support this motion to terminate the relationship with the developer.

City Attorney Sullivan stated he does not support this action without consulting with the Attorney representing the City of Portsmouth.

City Manager Conard stated that as fiscal custodian of the City, there will need to be a supplemental appropriation done before the end of this Council term.

Councilor Whelan restated the motion:

To immediately cancel the development agreement between the City of Portsmouth and Redgate/Kane d/b/a Sobow Square LDT and send the \$400,000.00 deposit held in escrow back with interest. Part of this would be to establish a new Request for Proposal with the community plan which was established by community effort led by Portsmouth Listens and Principle Group and to be put out to bid as soon as possible.

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

Adjournment – **At 6:40 p.m. voted to adjourn.**

Respectfully submitted:

Valerie A. French
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 6, 2021

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

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:05 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 for those that have passed in the last year from COVID. He said this has affected him personally, he lost his step father on December 17, 2020 from COVID.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATION

1. Purple Heart Community

Mayor Becksted read the Proclamation declaring Portsmouth as a Purple Heart Community. He recognized Melanie Spears a recipient of a purple heart as well as others within the community.

Marie Grella, Purple Heart Community, joining via zoom, said she is proud that Portsmouth has chosen to become a Purple Heart Community and looks forward to the signs being erected as soon as possible. Mayor Becksted announced that the Elks Lodge and Veterans of Foreign Wars will be providing the funds for the purchasing of the signs.

VII. ACCEPTANCE OF MINUTES – OCTOBER 14, 2021, OCTOBER 18, 2021 AND OCTOBER 27, 2021

Councilor Tabor moved to accept and approve the minutes of the October 14, 2021, October 18, 2021 and October 27, 2021 meetings. Seconded by Councilor McEachern and voted.

IX. PUBLIC COMMENT SESSION

George Remick spoke to those that are no longer with us and recognized their service to our Country. He was joined by Jimmy Morrissey whose father received a purple heart in March of 1945 for being shot down and killed. Mr. Morrissey thanked the City Council for making Portsmouth a Purple Heart Community and passed around his father's purple heart for the Council to view.

Mike Griffin said it is his and the Elks Lodge privilege to support Portsmouth as a Purple Heart Community. He recognized all the veterans in the community for their service.

Roy Helse said the City Council needs to do their remaining work as City Councilors.

George Dempsey said the current City Council should hold the NH Democratic National Committee accountable for what took place in the Municipal Election. He spoke regarding the McIntyre and stated the Council should be asking for a jury hearing. In closing, he spoke in support of the veterans in the community.

Justin Richardson thanked the City Council for their work over the last two years and urged the Council to vote on the board appointments on the agenda this evening. He said the land use boards need to make decisions and we have seen changes to boards in the past.

Erik Anderson thanked the City Council for their accomplishments over the last two years. He recognized the Council for working on the sound barrier issue.

Dave MacDonald said the city needs to run and the board appointments must go through. He said Mayor Becksted has a right to staff the boards/commissions to operate.

Christina Lusky thanked the City Council for their service and she feels that the appointments should move forward this evening. She said there is a precedent from the past City Council to make appointments.

Andrew Bagley said the Special City Council meeting recently held should have had a public comment session. He said he supports the construction of a skateboard park.

Clare Kittredge said she supports land use board appointments being brought forward by Mayor Becksted. She also spoke in support of specific PFAS testing for the athletic fields.

Ted Jankowski spoke to the testing needed for PFAS on the athletic fields. He said the City Council was told that there was no PFAS in the field and later the Council voted for a no PFAS field and that is not what the City received. He said it is time to get the fields tested.

Jesse Court Skateboard Park Committee, spoke in support of the construction of a skate park. He said the current skate park is not ideal and it is time for a new park.

Michelle Flynn asked the City Council to support the building of a skate park. She said this is something that we can do for the community and kids.

Kathleen Somssich said the new incoming City Council was duly elected by the residents. She said the current City Council needs to support the land use applications before them this evening.

Peter Somssich thanked the City Council for all their work over the last two years. He said comments made by a previous speaker are concerning because the NH Democratic National Committee cannot endorse anyone and the only one that could do those things are maybe progressive democrats.

Brian Pearson congratulated the work on the people's plan regarding the McIntyre. He said the project needs to be timeless for the future. He stated the Council letting go of Redgate Kane was wrong and you shouldn't have dissolved the partnership. He said the meeting notice for a special meeting did not indicate that a motion would take place.

Gerald Duffy said he sent a list of 77 names to City Clerk Barnaby regarding the opposition of Mayor's recommended appointments. He said two years ago former Mayor Blalock approved two reappointments of long serving members and that is not what Mayor Becksted is recommending. He stated the appointments should be withdrawn and made by the new City Council in January.

Steve Detrollo spoke in support of the skate park. He said there is large public support for the park and urged the City Council to approve the motion on the agenda this evening.

Sean MacDonald, Rye, NH, spoke in support of the construction of a skate park.

Nancy Brown thanked the City Council for their work over the last two years. She said this Council has cared about the City and its citizens. She said we need to open up more group discussions on affordable housing. She stated it is time to focus on major issues facing the City.

Vinny Amico asked the City Council to approve the construction of a skate park. He said he enjoys skateboarding and likes learning from the older kids. He asked that the park be approved.

Andrea Amico spoke in support of the motion for the construction of a skate park. She said the kids and adults need to have a park approved and this would be a benefit for the City. She asked for more expansive PFAS testing for fields. She said the athletic field is not PFAS free and the turf discussion is a complex issue. She asked that the City Council approve the motion for PFAS testing on the agenda this evening.

Arthur Clough said on February 5, 2018 the City Council put members on the land use boards. He said it is a custom to make appointments at the end of a Council term. He said the Council does not get to buy a Planning Board.

Paul Mannle thanked the City Council for their work and spoke in support of the funding for a skate park. He thanked the Mayor's Blue Ribbon Skateboard Park Committee for their work. He said unsealing the minutes of the Non-Public Session minutes held regarding the McIntyre should be approved by the Council. He stated that Mayor Becksted is in his right to make appointments this evening.

Dianna Carpinone, Dover, NH requested that further testing be done on fields for PFAS. She said we cannot allow more chemicals into the environment. She said the City needs to make sure they receive what they paid for.

Elizabeth Barrett spoke in support of the construction of a skate park. She said she is disappointed that good things are being overshadowed with the appointments being recommended by Mayor Becksted. She said these appointments could be a concern for the community. She spoke regarding McIntyre and the special meeting held and said that was in violation of the RSA and feels that these are ethic concerns.

Lily Cosgrove said she would like a skate park built and that she could learn more from having a park for everyone to go to.

Anna Nutall, Dover, NH spoke in support of the skate park and stated in the last 22 years we have not needed a park more than now. She said kids need a way to express themselves and a park will help with that.

Melissa Paly, Conservation Law Foundation, spoke in support of moving forward with testing for PFAS on the field. She said much information has been gathered for testing and how to test and we need to get the testing done.

Kristen Mello, Westfield, MA, said the notes she provided speak to testing for PFAS. She said that water and the environment are being effected by PFAS chemicals. She said it was likely that there was PFAS in the field.

Rich Blalock spoke in favor of the skate park and said it is best for the health of our children.

Sue Polidura encouraged the vote for appointments this evening. She stated if there are issues with the appointments the City Attorney will make that decision.

Zelita Morgan said she supports the speakers this evening requesting the construction of a skate park. She said the current Council has led the City through difficult times and there was no impact to staff or services. She recognized Councilor Kennedy's efforts for a skate park and Councilor Whelan on the work of the McIntyre. She said Mayor Becksted has the right to make appointments.

Sergio Vonkneia spoke in support of the skate park and said this is a much needed addition to the City.

John Flynn said this skate park will benefit the City.

Sue Polidura spoke regarding the importance of Pearl Harbor Day and the need for its recognition by all.

Councilor Kennedy moved to suspend the rules to bring forward Item XIII. E.1. – Skateboard Park Blue Ribbon Presentation given by the Committee. Seconded by Councilor McEachern and voted.

Councilor Kennedy invited Amy-Mae Court and Dave Cosgrove to make the presentation for a skate park.

Ms. Court and Mr. Cosgrove provided a detailed presentation for a skate park. The potential design for a park and funding required were reviewed. Ms. Court reviewed the historical context on the skate park. She said kids need a place to skate. Mr. Cosgrove said it is an honor and privilege to be here this evening to present. He spoke to the designs by Pillar Studios. He said the feasibility study is a reference guide for the City. He said the Committee was asked by the City to look at the former stump dump holistically with the potential for a soccer field. He said the cost associated with Phase I would be \$2.3 million. He said this is a park that will meet the needs of our community.

Councilor Tabor asked about the \$8.3 million for the entire project. Mr. Cosgrove said that was an estimate and included costs for pavers and gates to the gold standards. He thanked Recreation Director Henley and Public Works Director Rice for their work on this potential project.

Councilor Kennedy moved to allocate \$2.2 million dollars for a skateboard park, recreational field and pump track for the children of Portsmouth for ground breaking in the summer of 2022. Seconded by Councilor Huda.

Councilor Kennedy said she does not want to put this off until the Capital Improvement Plan (CIP). She spoke to the needs for a park and that Greenleaf Park is not adequate.

Councilor McEachern asked if the ground breaking outlines times associated with this or is it just money. Councilor Kennedy said that the Committee hopes it is achieved.

Councilor Lazenby thanked the Mayor's Blue Ribbon Committee for the presentation and project. He asked how we fund the request as it is not in the budget currently. He said the Council would have to have a public hearing and appropriate funds. He asked City Manager Conard where the funds could be allocated from.

City Manager Conard said we need to identify the item for a supplemental appropriation. She spoke to the typical process of putting this project through the CIP. She said the Planning Board Advisory Committee reviewed all projects and staff brought forward the request to fund the skate park. She stated this is best represented for the project to bring \$200,000.00 for funding with additional funding to come in 2023.

Discussion followed regarding the process and funding the project.

Recreation Director Henley reported that Pillar Studios has indicated if they were awarded the bid that they could not do the work until 2023.

Councilor Kennedy moved to amend the motion to hold a public hearing on December 20, 2021 to use the federal funds coming in May for this project. Seconded by Councilor Huda.

Councilor McEachern asked if we could amend the current CIP to have funds allocated this year for the design and build the following year. City Manager Conard said to amend the current CIP is a policy matter and what project(s) do you remove and what impact would that have on the City.

Councilor Trace asked if Pillar Studios could design the project and someone else do the construction in order to move the timeline forward for completion.

Mayor Becksted said it is time to make a difference and a change.

Councilor Lazenby moved to amend that the public hearing be a supplemental appropriation for \$200,000.00 for the design of the Skate Park at the December 20, 2021 City Council meeting. Seconded by Councilor Tabor.

Councilor Lazenby said he feels that \$2.2 million is too much at this point.

Councilor McEachern asked if we could have the public hearing for the \$2.2 million with the possibility of using less than that. He stated he would like to hear the discussion and feels comfortable having the public hearing on this matter.

Councilor Huda said she is confused with how Councilor Lazenby is looking at this. She said the funds will be here and will have no effect on taxpayers.

Councilor Lazenby said the public hearing would be a supplemental appropriation. City Manager Conard said we have to properly identify the funding in the legal notice. Councilor Lazenby said the \$200,000.00 for design would be a supplemental appropriation we could clearly identify and therefore, a clear path exists.

City Manager Conard said if you vote to have an appropriation of \$2.2 million you need to stipulate this will be by bonding or allocating funds.

On a roll call vote 3-6 motion to amend that the public hearing be a supplemental appropriation for \$200,000.00 for the design of the Skate Park at the December 20, 2021 City Council meeting failed to pass. Councilors McEachern, Lazenby and Tabor voted in favor. Assistant Mayor Splaine, Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

Further discussion followed regarding this matter.

Councilor Kennedy made a friendly amendment that the public hearing be a supplemental appropriation to come from unassigned fund balance. Councilor Huda agreed as the second to the motion.

On a roll call 7-2, voted to allocate \$2.2 million dollars for a skateboard park, recreational field and pump track to come from unassigned fund balance with a public hearing to be held on December 20, 2021 City Council meeting. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Councilors Lazenby and Tabor voted opposed.

At 9:30 p.m., Mayor Becksted declared a brief recess. At 9:40 p.m., Mayor Becksted called the meeting back to order.

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

Public Hearing & Second Reading of Ordinances:

A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV – COMMISSIONS AND AUTHORITIES, ADDING SECTION 1.415 – CEMETERY COMMITTEE

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

Susan Sterry, Co-Chair Mayor's Blue Ribbon Cemetery Committee, spoke in support of the ordinance and the need for a permanent Cemetery Committee. She highlighted the accomplishments of the Committee and spoke to the two grants they're seeking for funding. She addressed each of the cemeteries in the City and their importance.

Andrew Bagley spoke in support of the ordinance and said that the cemeteries are an asset that has been overlooked.

With no further speakers, Mayor Becksted closed the public hearing.

Councilor Kennedy moved to pass second reading, and schedule a third and final reading regarding this amendment to Chapter 1, Article IV at the December 20, 2021 City Council meeting. Seconded by Assistant Mayor Splaine.

Councilor Kennedy thanked the Committee for their work and spoke to the research that is ongoing of a multitude of things. She stated this is long overdue to create a permanent Committee and we need to take care of our past.

Motion passed.

XII. MAYOR BECKSTED

1. Appointments to be Considered:
 - Jesse Lynch appointment to the Audit Committee
 - Mika Court appointment to the Conservation Commission
 - Andrew Ward appointment to the Economic Development Commission
 - Jane Begala appointment to the Planning Board
 - Andrew Samonas appointment as Alternate to the Planning Board
 - Franco DiRienzo appointment as Alternate to the Planning Board
 - Thomas Watson reappointment to the Trustees of the Trust Fund
 - Paul Mannle appointment to the Zoning Board of Adjustment

The City Council considered the outlined appointments to be voted upon at the December 20, 2021 City Council meeting.

2. *Appointments to be Voted:
 - Abigail Gindele appointment to the Conservation Commission as an Alternate
 - Jacob Lehoux appointment to the Economic Development Commission
 - James Hewitt appointment to the Planning Board
 - Greg Mahanna appointment to the Planning Board
 - Effie Malley appointment to the Sustainable Practices Blue Ribbon Committee
 - Thomas Rossi appointment to the Zoning Board of Adjustment

Mayor Becksted read the appointments to be voted upon this evening.

Councilor Kennedy moved to appoint Abigail Gindele to the Conservation Commission until April 1, 2024; appoint Jacob Lehoux to the Economic Development Commission until October 1, 2025; appointment of James Hewitt and Greg Mahanna to the Planning Board until December 31, 2024; appointment of Effie Malley to the Sustainable Practices Blue Ribbon Committee and appointment of Thomas Rossi to the Zoning Board of Adjustment until December 1, 2026. Seconded by Councilor Huda.

Councilor Lazenby asked how many members serve on the Planning Board. City Clerk Barnaby informed the Council that there are 9 members and 2 Alternates that serve on the Planning Board. Councilor Lazenby said the term for the Planning Board is three years. City Attorney Sullivan said that is correct. Councilor Lazenby said in 2020 Mayor Becksted appointed six members that would have been replaced and two alternates and asked how that fits with the ordinance. City Attorney Sullivan said that has been problematic and spoke to their terms needing to be staggered appointment dates.

Councilor McEachern said it is disappointing the term set aside is for all appointments. He said we should all celebrate this but instead we are putting some people in a difficult position. He suggested to separate the land use boards from all others. He asked if we are able as a body to seek any Planning Board members for less than three years. City Attorney Sullivan said there is nowhere it states that someone serving less than three years. Councilor McEachern said he has come to find that you must read both documents and that three years is the minimum and the Charter states that can be appropriate for appointments without the RSA stating that a Planning Board can be for less than three years. He asked how we the City Council can say the Council can do this. He asked that the Planning Board members could be questioned in front of superior court and their appointment could be questioned. He stated how are we certain we have the legal authority to appoint over two members. City Attorney Sullivan said you have to presume that City ordinances are valid. He read the Planning Board appointments as outlined in the ordinance. Councilor McEachern said there are limits per the RSA.

Assistant Mayor Splaine said the dialogue raises the fact that if we don't do this right, we could be brought to court on a number of issues and decisions. He said if we are not sure of the process and could be brought to court tomorrow should we not have communication with the Attorney General or Secretary of State. City Attorney Sullivan said he did not communicate with the Attorney General and the Secretary of State would not have the right to make a ruling on appointments and opinions.

Mayor Becksted said he inherited the appointments from former Mayor Blalock. He said these appointments are staggered and never have been questioned until today.

Assistant Mayor Splaine said just because we did something in the past does not mean it was right.

Mayor Becksted said he has never seen this happen before. He said he spoke with Mayor Blalock and the discussion continued one on one, and you don't create havoc, it is the right of the Mayor to make appointments.

Councilor Tabor said in an interview Mayor Becksted said it was his duty to make the appointments because of promises he had made. He said we had an election and all the power comes from the voters. He spoke on the functions of the Planning Board.

Mayor Becksted stated he would be moving forward with his appointments.

Councilor Lazenby said he urged the City Council that the difference is with scale and input we received from voters. He said Mayor Becksted is putting forward 14 appointments and 7 are land use appointments, and in the past two land use board appointments were made by reappointments. He stated in 20 years one Mayor made two appointments, this scale of 14 is extraordinary and out of respect for the City of Portsmouth the right thing is to defer the appointments for land use to the new City Council.

Assistant Mayor Splaine said because there was such a change anyone should have the discipline even though we might be able to we should have discipline not to. He stated we should provide the new City Council and Mayor with a fresh start, it is important and right thing to do.

Councilor McEachern said the Mayor would change the boards with a vision he has. He wants the land use boards and members to meet. He stated he cannot support the two recommendations to move forward. He asked that Mayor Becksted relook at the appointments.

On a roll call vote 6-3, motion passed. Councilors McEachern, Whelan, Kennedy, Huda, Trace and Mayor Becksted voted in favor. Assistant Mayor Splaine, Councilors Lazenby and Tabor voted opposed.

3. Establish Holiday Parking

Mayor Becksted said he would like to restore holiday parking.

Councilor Kennedy moved to declare the date(s) of December 18 – 25, 2021 be designated as such, and that parking in Portsmouth managed on-street and lot spaces be permitted free of charge during those dates. *Please note: Parking in the Hanover and Foundry garages are not covered under this initiative.* Seconded by Councilor Huda and voted.

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

Councilor Lazenby asked for a friendly amendment that we not go beyond 12:00 a.m. before adjournment. Councilors Kennedy and Huda accepted the friendly amendment to be made part of the main motion.

Motion passed.

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. Artificial Turf Playing Field

B. COUNCILOR McEACHERN

1. Update of Turf Fields Meeting

C. COUNCILOR WHELAN

1. New Turf Field --- testing

Councilor Whelan moved that the City Council requires the City Manager to commission independent third party testing for PFAS of the new artificial turf playing field. As recommended by independent experts, the testing shall use the targeted analysis for 70 PFAS, 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. Seconded by Assistant Mayor Splaine.

Councilor Whelan said with the motion the field should be PFAS free and is not, it behooves the City to figure out what is going on. He said we need to take a leadership role with this issue.

Councilor McEachern said we were waiting on the conversation for materials and stated we asked the question regarding PFAS and the manufacturer stated after initial reports that there is likely PFAS in the field. He said any testing we do builds upon the information, and we verify that the type of PFAS we have here. He stated as part of testing we make sure we get some word of the number of tests.

Councilor McEachern spoke in support of the testing but it takes in account these fields and asked what happens with the High School field. He said he wants to understand what could be leaching out. He said he would like to delay the vote until the December 20th meeting to have the conversation.

Assistant Mayor Splaine said we already have had delays and if we wait until December 20th he does not know if we get to this. He stated we are learning more every day. He said maybe we could ask Ted Jankowski on his opinion on this matter.

Assistant Mayor Splaine moved to suspend the rules to allow Ted Jankowski to speak on this matter. Seconded by Councilor Whelan and voted.

Ted Jankowski said we have been waiting a great deal of time on testing. He stated we were promised in 2019 that it was a PFAS and chlorine free field by our consultant. He said why be afraid do the testing, and further stated the testing is less than \$10,000.00 and our contractor should be paying for this. Mr. Jankowski said stop waiting and get the testing done.

Acting Deputy City Manager/Deputy City Attorney Woodland said we were having a scheduling problem near Thanksgiving and the testing is slightly less than \$22,000.00 to complete.

Councilor McEachern said this is not a tactic to delay, we spent time to review and make the testing better that there be some provision if there is a way to incorporate the data we have and we take the opportunity to do so. He said there is PFAS in the field and he wants to know what kind of PFAS.

Councilor Lazenby asked why we have not heard from the City on the situation of what has been tested and found, there is a combination in the field that is a threat in measuring.

Acting Deputy City Manager/Deputy City Attorney Woodland said the field is safe. She said we are trying to find our way and the study is very similar to the study that was done in Martha's Vineyard. She stated we are not happy that some field representative made that statement, we are concerned and had testing done on levels.

Councilor Lazenby said he is not against doing the testing but we need to make sure we are spending the money in the right spot.

Councilor Tabor asked to offer a friendly amendment to test the surrounding soil around the field.

Motion passed.

C. COUNCILOR WHELAN

2. Informational Only – Letter of Termination to Michael Kane
3. Informational Only – Letter regarding Refund of Deposit

Councilor Whelan said the letters have been provided in the packet as informational only.

Assistant Mayor Splaine said there is so much paperwork going back and forth do we have an idea on the cost factor as of November 18, 2021. City Attorney Sullivan said we have not received the bill since the activity began. Assistant Mayor Splaine asked if it is over \$600.00 per hour for the attorney's work to prepare the letter and conduct the research. He asked when we would receive a bill for the work conducted to prepare the letter. City Attorney Sullivan said we receive a monthly bill which outlines expenses. Assistant Mayor Splaine requested that the City Attorney let the Council know the cost for preparing the letter.

Councilor Lazenby asked what occurred today, and could you summarize it for the Council. City Attorney Sullivan said Redgate Kane became aware that the City might consider an RFP to do the project and they filed a request that the City be stopped from doing anything. He reported that the order was denied by the court and they will set a hearing on the injunction. Assistant Mayor Splaine asked what the timing is for the injunction. City Attorney Sullivan said it is unlikely before December 20th.

Councilor Lazenby moved to enter into Non-Public Session to meet with the City Attorney on the McIntyre. Seconded by Councilor McEachern. No vote taken.

Councilor Kennedy said Ms. Rath is here regarding her letter which is under Presentation & Consideration of Written Communications & Petitions.

Councilor Kennedy moved to suspend the rules to bring forward Item XVII. C. – Letter from Gretchen Rath, Portsmouth Fabric Company, requesting retailers to be invited to any meetings convened regarding downtown parking and allow her to speak to the matter. Seconded by Councilor Huda and voted.

Ms. Rath spoke to her letter and expressed concerns regarding the reduction in parking spaces on Penhallow Street and how important it is that retailers be brought into any meetings convened regarding downtown parking.

Councilor Kennedy moved to send the letter to the Parking & Traffic Safety Committee and the Economic Development Commission for a report back. Seconded by Councilor McEachern.

Councilor McEachern said it is important to hear from Parking & Traffic Safety and the Economic Development Commission in the end we will have a system that will take in as many voices as we can on this matter.

Assistant Mayor Splaine said he has heard both sides of the issue and sending the letter to the Economic Development Commission as well as Parking & Traffic Safety Committee is the right decision. He said we need to look at utilizing other parts of the City and alley ways for an "outdoor Portsmouth."

Mayor Becksted said you will have some challenges, and legislation only allowed us to serve alcohol until April. He said he would be happy to assist Mayor-Elect McEachern any way he could on this matter.

Motion passed.

Mayor Becksted said we would look at having a Non-Public Session on December 20, 2021.

Councilor Lazenby said the merits of us to go without having a Non-Public Session until December 20th is a concern. He said there are a number items directly impacting the McIntyre that we should be made aware of.

Councilor Huda said she would rather have a Non-Public Session with Attorney Connolly on this matter.

Councilor Lazenby said our long term City Attorney is our primary counsel and we should meet with him this evening.

Councilor McEachern asked for a friendly amendment to schedule a Non-Public Session before any other agenda items are brought forward pertaining to McIntyre development we would table items until the December 20th City Council meeting. No second received.

Councilor Trace said her item is only informational and that information was reviewed by City Attorney Sullivan and Acting Deputy City Manager/Deputy City Attorney Woodland for the original RFP.

Councilor McEachern said the Council voted to terminate the ground lease and RFP's. He said the City Council cannot issue an RFP as informational or otherwise.

Councilor Trace said former Deputy City Manager Colbert-Puff made the RFP.

Councilor McEachern said we need to have a Non-Public Session and he would like to hear from our City Attorney on the matter of McIntyre.

Councilor Lazenby moved to adjust his motion to suspend the rules to address items XIV. A. – Acceptance of Donation to Portsmouth 400th – Geoff T. Smith - \$200.00; XIV. B. – Acceptance of Donation to the Skateboard Park – Steve De Trolio - \$2,100.00; XV. 3. – Request for Public Hearing and Adoption of Bond Resolution in the Amount of \$10,000,000 for the Acquisition of Community Campus; XV. 4. – Request for Public Hearing Regarding Supplemental Appropriation for Operating Expenses of Community Campus Upon Acquisition for Fiscal Year Ending June 30, 2022 and XV. 8. – Request to Join Opioid Settlement Agreement and go into Non-Public Session and table the remainder of the agenda to a future date. Councilor McEachern accepted the adjustment to the motion as the second to the original motion.

Motion motion passed as adjusted.

XIV. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to Portsmouth 400th
 - Geoff T. Smith - \$20.00
- B. Acceptance of Donation to the Skateboard Park
 - Steve De Trolio - \$2,100.00

Councilor Kennedy moved to approve and accept the donations as presented. Seconded by Councilor Huda and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 3. Request for Public Hearing and Adoption of Bond Resolution in the Amount of \$10,000,000.00 for the Acquisition of Community Campus

Councilor Kennedy moved to authorize the City Manager to bring back for public hearing and adoption, a Resolution for the purchase of the Community Campus using various revenues sources and bonding, as presented, for the December 20, 2021 City Council meeting. Seconded by Councilor Lazenby and voted.

- 4. Request for Public Hearing Regarding Supplemental Appropriation for Operating Expenses of Community Campus Upon Acquisition for Fiscal Year Ending June 30, 2022

Councilor Kennedy moved to establish a public hearing at the December 20, 2021 City Council meeting for the purposes of considering a proposed Supplemental Appropriations Resolution in the amount of \$116,000.00 to cover operational expenses for the Community Campus. Seconded by Councilor Lazenby and voted.

- 8. Request to Join Opioid Settlement Agreement

Councilor Kennedy moved to authorize that the City Manager join in the State's settlement with McKesson Corporation, Cardinal Health and Amerisource Bergen regarding opioid claims. Seconded by Councilor Lazenby and voted.

XVI. CONSENT AGENDA

- A. Letter from Becky Kates, Krempels Center, requesting permission to hold the 25th Annual Cisco Brewers Portsmouth Memorial Day 5K on Sunday, May 29, 2022 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- B. Request for License to Install a Projecting Sign for owner Stacy Moore, Burgers Etc., LLC d/b/a Stroll Café for property located at 23 Portwalk Place (***Anticipated action - move to approve the aforementioned Projecting Sign Licenses 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 Lazenby moved suspend the rules to approve and adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

On a roll call 8-1, at 11:40 p.m., voted to enter into Non-Public Session regarding the McIntyre – RSA 91-A:3, II (e), Litigation. Assistant Mayor Splaine, Councilors McEachern, Whelan, Lazenby, Kennedy, Tabor, Trace and Mayor Becksted voted in favor. Councilor Huda voted opposed.

Councilor Trace moved to come out of Non-Public Session. Seconded by Councilor Whelan and voted.

At 12:50 a.m., Councilor Trace moved to adjourn and table the remainder of the City Council Agenda until the December 20, 2021 Council meeting. Seconded by Councilor Whelan and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

Safe Water Advisory Group

City Council Report 12/20/2021

Background:

The City of Portsmouth Safe Water Advisory Group (SWAG) was approved by the Portsmouth City Council on October 5, 2020 “as an advisory group related to Safe Drinking Water”. The mission of the SWAG is to review and communicate the latest science on the health and environmental effects of drinking water contaminants (with a heavy focus on PFAS), to monitor federal and state level legislative changes, and to anticipate policy changes that could impact the city of Portsmouth. The SWAG held an initial meeting on December 15, 2020, to discuss format, schedule, and a mission for the group. The SWAG members voted to have 2 co-chairs, Brian Goetz (Deputy Director of Public Works) and Andrea Amico (Portsmouth resident and PFAS community leader), leading the group in setting agendas, organizing meeting content and speakers, and facilitating the meetings. The City of Portsmouth maintains a website for the SWAG with reference documents, meeting minutes, videos of meetings, membership, and more.

Membership:

The SWAG membership consists of representatives from the Portsmouth City Council, NH State Legislature, City of Portsmouth staff (DPW, Fire Department, and Health Department), Portsmouth School Board Member, Portsmouth residents, and an environmental scientist. The SWAG started 2021 with the following members:

City Councilors: Cliff Lazenby, Deaglan McEachern

Community Members: Andrea Amico, Lindsey Carmichael, Katrie Hillman, Rich DiPentima

City of Portsmouth Fire Department: Russ Osgood

City of Portsmouth Water Department: Brian Goetz

City of Portsmouth Health Department: Kim McNamara

City of Portsmouth School Board: Hope Van Epps

Environmental Scientist: Dr. Laurel Schaider

NH State Representative David Meuse

NH State Senator Rebecca Perkins Kwoka

The SWAG had 2 members resign in 2021. City of Portsmouth firefighter Russ Osgood retired and resigned from the SWAG. Assistant Fire Chief William McQuillen replaced Ross Osgood on the SWAG to represent the City of Portsmouth’s fire department

perspective. City of Portsmouth resident Lindsey Carmichael resigned when she moved out of state. The open vacancy of a Portsmouth resident on the SWAG when Ms Carmichael resigned has not been filled.

Meetings:

The SWAG met 5 times in 2021 and covered a variety of topics. One of the first tasks of the SWAG was to create a SWAG Overview document to establish a baseline level of information the SWAG was starting from. This was written and fully approved by all members of the SWAG in April 2021 (the document is located on the SWAG website). A variety of topics relevant to drinking water were covered at the 5 SWAG meetings in 2021 consisting of speakers/presenters from the SWAG and outside the SWAG. Members of the SWAG attended a presentation and tour of the Madbury Treatment Plant hosted by the City of Portsmouth on October 22, 2021. Below are the meeting dates, topics, and speakers presented to the SWAG in 2021:

February 2, 2021:

- SWAG Overview Document discussion
- Overview of Portsmouth Water Systems (history, supply sources, operations, contaminants of concern, PFAS source) - presented by Brian Goetz, DPW Deputy Director City of Portsmouth & Al Pratt, Water Resource Manager City of Portsmouth.

April 6, 2021:

- PFAS at the national level and what other states are doing to address PFAS - presented by Dr. Laurel Schaidler, Silent Spring Institute
- PFAS regulation in New Hampshire - presented by Dr Jonathan Ali, NH DES Toxicologist
- PFAS in the City of Portsmouth - presented by Brian Goetz & Al Pratt, City of Portsmouth
- Community-led PFAS sampling projects - presented by Andrea Amico, Testing for Pease

June 10, 2021:

- Portsmouth school process/rules for water testing - presented by Ken Linchey, Portsmouth School Department
- PFAS community organizing and how it has impacted progress on PFAS awareness & action - presented by Andrea Amico, Testing for Pease
- Water legislation (current & pending) at the State & Federal level - State Representative David Meuse, NH State Senator Perkins-Kwoka, Peter Clark from Senator Shaheen's office)

September 1, 2021:

- Private well owners - presented by Brandon Kernen, NHDES Drinking Water & Groundwater Administrator
- Climate Change & effects on drinking water presented by Al Pratt, Water Resource Manager, City of Portsmouth
- Update on Haven Well re-opening, treatment, & testing - presented by Brian Goetz, DPW Deputy Director, City of Portsmouth

October 22, 2021:

- SWAG members received a presentation and tour of the Madbury Treatment plant - presented and guided by Al Pratt, Water Resource Manager City of Portsmouth

November 22, 2021:

- Recap of last year meetings, open discussion, PFPrA finding, report and recommendations for Portsmouth City Council in December 2021 - facilitated by SWAG co-chairs (Brian Goetz and Andrea Amico)

SWAG Goals:

Early on in the SWAG meetings, goals were discussed and established among SWAG members. Below are the SWAG goals and the status of the goals as of this report:

1) Have an overview of the water system and what is tested for in our water.

Goal achieved in Feb 2021

2) Understand contaminants of concern the city is facing.

Goal partially achieved in Feb 2021 and throughout SWAG meetings in 2021. Evolving with more data.

3) Overview of pending legislation and potential future legislation that will support the community.

Goal achieved in June 2021. Evolving as more legislation is proposed and passed.

4) Review NH state PFAS guidelines and science/reasoning used behind it.

Goal achieved in April 2021.

5) Host a clean drinking water forum to provide education and Q&A session for city residents.

Goal not achieved - planning for community forum in 2022

6) Report back to the City Council by the end of 2021 (or sooner as needed).

Will be achieved on Dec 20, 2021

PFPrA Finding:

Testing for Pease had the opportunity to participate in a Pilot Study with the Natural Resources Defense Council (NRDC) to test tap samples from communities across the country for a more expansive, targeted list of PFAS. One residential tap sample from the City of Portsmouth was analyzed as part of the pilot study by Eurofins Labs for 70 targeted PFAS. The tap sample results showed 7 PFAS found in the Portsmouth tap sample totaling 50.1 parts per trillion (ppt). One PFAS was detected that had never been tested for before - PFPrA at 35 ppt. Prior tap samples tested in the City of Portsmouth for PFAS tested for 28 targeted compounds showed low levels of 6 to 9 different PFAS ranging from a total of 3.7 to 15.4 ppt.

PFPrA is not a PFAS that has been commonly talked about and Andrea Amico and Brian Goetz reached out to NH DES, laboratories and academics for more guidance. PFPrA is a short chain compound (3 carbon chained compound). NH DES confirmed there is no toxicological data on this compound. PFPrA is not regulated by EPA nor required to be tested for by public water supplies. PFPrA has been detected in many other sources (polar ice caps, bottled water, rain water, and other water supplies in different states). Reverse osmosis (RO) filtration can effectively filter it from water and granular activated carbon (GAC) filtration is less effective, similar to other short-chain PFAS compounds. Only one commercial lab (that we know of at this time) can test for PFPrA and validate the results (that lab is Eurofins). Eurofins charges ~ \$1000 per sample. Portsmouth is exploring options to test another tap sample and all the sources of water for PFPrA to confirm the findings of the pilot study and potential source(s) of PFPrA in the City's water supply. Andrea Amico wrote a letter to NH DES and the US EPA asking for technical assistance from the US EPA to analyze additional samples from Portsmouth on November 30, 2021. The NRDC pilot study is wrapping up data collection from other communities across the nation and plans to publish a report in 2022 to give study participants and communities more context on the study findings.

New Hampshire Water Legislation:

Information was provided by NH State Representative, SWAG member, and City of Portsmouth resident David Meuse on 11/22/2021 regarding legislative bills that were

passed, pending or tabled. A full list of those bills is provided at the end of this report.

SWAG Recommendations to Portsmouth City Council:

- The SWAG to be reinstated in 2022 with the new incoming City Council - plan for quarterly meetings, scheduled in advance for the entire year. Mayor elect Deaglan McEachern made a motion at the SWAG meeting on November 22, 2021, to reinstate the SWAG for next year and the motion was unanimously approved by all present SWAG members.
- The SWAG will host a community drinking water forum with Q&A in 2022 to educate the community on water quality in the City of Portsmouth. It is recommended that the forum take place during National Drinking Water week in May 2022 with the format, content, and structure to be planned by the SWAG. SWAG members will gather input from the community beforehand on topics and questions to be addressed at the forum. Content would include PFAS Awareness and Education throughout the City of Portsmouth. Additional activities could be coordinated with DPW, School Department, Health Department, and Fire Department
- The DPW currently provides periodic updates on water quality and quantity through their website, however, they are in various documents. It was suggested that a quarterly newsletter to community members be created to combine all water related issues. DPW will work with SWAG to update their format and provide a draft to the SWAG to review and provide feedback.
- The SWAG will continue to monitor developments regarding contaminants of emerging concern.
- The SWAG will continue to monitor for legislation at the State & Federal level that will help address water quality issues in the City. City staff and SWAG members should testify at State hearings on water contamination legislation that is pertinent to the City and community.
- The SWAG will collaborate with NH DES to identify and outreach private well owners in the City of Portsmouth to inform them on water testing recommendations and available labs.
- The SWAG continue monitoring developments related to the PFPrA finding closely and work with the City of Portsmouth, NH DES, and US EPA for guidance on performing additional testing. The City of Portsmouth should explore options for funding additional samples (tap and water sources) from Portsmouth to be analyzed by Eurofins or other certified laboratories for the 70 PFAS targeted list to confirm PFPrA findings from the pilot study. Andrea Amico has also made a request to NH DES to ask US EPA for their technical assistance in analyzing additional samples from Portsmouth for PFPrA in a letter sent on 11/30/2021.
- City of Portsmouth needs to improve community education on PFAS and other

contaminants of concern (e.g., lead) and on safe disposal of PFAS-containing items (e.g., water filters at their end life, Teflon pans, etc).

Though not directly related to the City's drinking water system's water quality, some members of the committee had the following recommendations:

- The SWAG should discuss the potential impacts on drinking water from Coakley Landfill in more depth at future meetings.
- City of Portsmouth should conduct additional and more comprehensive PFAS testing of the new artificial turf at Community Campus. If PFAS are detected in the turf, additional PFAS testing of water running off the turf should be routinely tested for PFAS to monitor for leaching into the surrounding wetlands and storm water.

References:

SWAG Overview Document: https://www.cityofportsmouth.com/sites/default/files/2021-04/SWAG_overview_final_04062021.pdf

City of Portsmouth SWAG webpage meeting and presentation information: <https://www.cityofportsmouth.com/citycouncil/safe-water-advisory-group>

Summary of Water Related Legislation in New Hampshire

Bills Signed Into Law:

HB 236--extends statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances to six years. (House concurred with Senate change adding one line at the request of the NH Attorney General)

HB 256--adding members from Londonderry to the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals into the air, soil, and groundwater in Merrimack, Bedford, and Litchfield.

HB 271 — relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater. Senate added amendment to enable the Department of Environmental Services to make grants using available funding from American Rescue Plan to eligible municipalities and drinking water and wastewater systems to address PFAS contamination.

HB 413—establishes a solid waste working group on solid waste management planning and requires the Department of Environmental Services to make certain rules regarding

compost. (House concurred with Senate changes)

SB 146 —an omnibus environmental bill that among other things extends the deadline for the PFAS fire-fighting foam take-back program to July 1, 2023.

Bills Killed Outright:

HB 177—prohibiting the siting of a landfill near a state park.

HB 265-- requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water.

HB 368—establishing the elements of a claim for medical monitoring and the damages that may be awarded when a defendant negligently causes exposure to a proven toxic or hazardous substance

Bills with Final Votes Coming in January:

HB 335—requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water (retained in House committee; committee recommendation was to ITL, likely killing the bill)

HB 135 — requires parties deemed responsible for pollution of a drinking water supply to be financially responsible for supplying drinking water and connecting victims to municipal water supply (retained in Senate; Senate Committee recommendation was to ITL, likely killing the bill)

HB 368 —establishes the elements of a claim for medical monitoring and the damages that may be awarded (tabled in House; likely dead for this session)

HB 478 — Requires Saint Gobain Performance Plastics to pay for the remediation of water in certain wells in Merrimack that it contaminated (retained in House committee; committee recommendation was to ITL, likely killing the bill)

HB 611 —Abolishing fluoridation in water (retained in House committee; committee recommendation was OTPA)

Mayor's Blue Ribbon Committee on the Arts and Nonprofits **YEAR END REPORT**

I. Executive Summary

The Mayor's Blue Ribbon Committee on the Arts and Nonprofits was assembled in January to identify and address the needs, concerns, and issues facing Portsmouth-based nonprofit arts, cultural, and historic preservation organizations in 2021. As the community has navigated the ongoing pandemic, the committee's primary goals have been to work with the city to foster an environment that supports and nurtures our arts, cultural, and historic preservation organizations and, where possible, identify resources that could aid in their success in 2021 and beyond.

The committee has collected data and identified overarching issues and concerns our arts, cultural, and history nonprofits have faced and continue to face. **In this year-end report, we identify actions the city can take to support the arts and culture scene in the coming years.** In these efforts, we have worked with leadership from Portsmouth-based arts, cultural, historic preservation organizations, including but not limited to the performing arts, arts education, museums, cultural centers, and historic preservation entities. We have also looked to other communities for models of success that we can leverage here in Portsmouth.

We would like to begin by expressing our appreciation and gratitude for the support offered by Mayor Rick Becksted, the members of the 2021 City Council, City Manager Karen Conard, and city staff. We are very grateful for the staff support provided by Nancy Carmer and Stephanie Seacord, both of whom have contributed significantly to our work as a committee. Meeting several times a month for the past year, we have continually experienced the unwavering support of the city. From the allocation of \$51,600 in funds earmarked for arts and culture use that have been dedicated to an arts and culture marketing pilot program, to funding for the Americans for the Arts (AFTA) economic impact study, we have been able to make important progress toward our goals as a result of your support. Thank you.

We have worked with Nancy Carmer to prepare for the next Americans for the Arts' Economic Impact Study, which will begin in March of 2022. We have the benefit of continuity from the 2015 AFTA study with Robin Albert serving on the BRC. She was instrumental in the 2015 study as a member of the Art-Speak board of directors.

The 2015 AFTA Arts & Economic Prosperity Study 5 revealed:

- More than \$58 million in total industry expenditures in Portsmouth for fiscal year 2015
- Portsmouth arts and cultural organizations supported 1,825 full-time-equivalent jobs in 2015
- Portsmouth arts and cultural organizations generated more than \$3.7 million in revenue to local government in 2015

- Portsmouth arts and cultural organizations generated more than \$3 million in revenue to state government
- Total attendance for Portsmouth arts and culture events in 2015 was 1,212,260
- 65.2% of those attendees were local residents
- The total event-related expenditures by Portsmouth audiences in 2015 was more than \$36.5 million

As you will see from survey data collected by the BRC in 2021 (below), audience decline is one of the most significant impacts of the pandemic. Without a doubt, arts and cultural organizations have been disproportionately impacted by the pandemic. As we will outline in this report, a modest amount of American Rescue Plan Act funding will be vital in the recovery of Portsmouth's creative economy.

A concerted effort to jump start our recovery with a marketing push scheduled for Spring 2022, in collaboration with the Greater Portsmouth Chamber Collaborative, has been central to our work. The Chamber has contracted Darci Creative to launch this marketing pilot, which will be a major push to bring audiences back to Portsmouth's arts and cultural venues. This pilot is just that - a starting point for a larger effort to help ensure the survival and recovery of our arts and cultural institutions. Additional funding, outlined in this report, will be needed to save our arts and cultural organizations. We cannot imagine Portsmouth without historic theaters such as The Music Hall, without contemporary artspace such as 3S, without the community-building cultural events presented by Pro Portsmouth, without the education and preservation work of the Portsmouth Historical Society, Strawberry Banke, and the NH Black Heritage Trail, without the accessible performing arts presented by Prescott Park Arts Festival, without the theater of NH Theatre Project and Seacoast Rep, without the community connections built by Seacoast Jazz Society and WSCA Community Radio, without the art of the Button Factory and the NH Art Association, without the interactive arts education programs of PMAC, and without so much more. The list goes on and on.

In this year-end report we outline the feedback and input received from Portsmouth's arts and culture nonprofit organizations, as well as our audiences and participants. We highlight the common concerns and issues our arts organizations face today, and will make recommendations on ways the city can aid in the recovery of our local creative economy. We view this report not only as a reflection on 2021, but also as a map for moving forward into 2022 and beyond.

We believe the use of American Rescue Plan Act funds are appropriate for the recommendations set forth in this report because of the negative economic impact declining audience numbers have had not just on our arts organizations, but on the local economy as a whole. Our arts, cultural, and historic preservation organizations have been disproportionately impacted by the pandemic, and therefore, the proposed actions we'll outline here meet the criteria for ARPA funding.

II. Input from Portsmouth's arts and culture nonprofit community

APRIL 2021 SURVEY

In early 2021 the BRC distributed three distinct surveys to the arts and culture community. The three groups surveyed were:

- Patrons/community members
- Artists/arts professionals
- Leaders of nonprofit arts/cultural organizations

The BRC leveraged the email databases of their organizations to distribute these surveys throughout the community.

Results from Patrons/Community Members

Key Findings from April 2021 (481 responses)

1. 90% plan to attend outdoor performances/events.
2. Secondly, 53% plan to attend museums/galleries and fairs/festivals.
3. 20% plan to do these activities with "anyone", the balance (72%) will do so only with family or their "bubble-buddies".
4. 61% would like to see 75% of the population vaccinated before they return to "normal" activities.
5. Continued adherence to mask wearing/social distancing was noted as the biggest concern.

Other Key Findings from April 2021

- Demographics of Survey Responses: 86% were 46+ years old, 41% were Portsmouth residents, 37% were residents of the greater Seacoast area
- 75% indicated their financial situation is NOT a concern for attending arts/cultural events.
- Patrons will be paying attention to vaccination and infection rates when making decisions to return to arts/cultural events.
- CDC and local/national news are primary sources of information.
- 93% get event information from organization's websites/emails.
- 86% would like a centralized online events calendar.

Results from Artists/Art Professionals

Key Findings from April 2021 (60 responses)

1. Spanning across multiple questions to artists/art professionals, the biggest need in our industry today (post pandemic) is supporting their return to live/in person performances/events. Three most important areas:
 - a. Reopening ALL performing/events venues across the Seacoast area.
 - b. Sponsorship dollars to make events financially viable for organizations/performers.
 - c. Affordable housing in the Seacoast area.
2. Loss of available venues/artistic work opportunities AND Loss of income from artistic work had the greatest impact on artists/art professionals.
3. Change in living situation or domestic responsibilities (e.g. school closures) did NOT impact the large majority (65%) of artists/art professionals.

Other Key Findings from April 2021

- 50% of responses musicians/vocalists
- 43% visual artists
- Pre-pandemic, a large majority of artists/art professionals felt supported by local institutions.

Summary of Key Recommendations from April 2021 (in priority order)

1. Financial support for artists (e.g. free parking, grants, advertising assistance, affordable creative space).
2. Marketing campaigns (tourism, support the arts, consumer confidence, events).
3. Support fairs/festivals and art events in general.
4. Reopen venues as soon as possible.

Results from Nonprofit Arts/Cultural Organizations

Key Findings from April 2021 (14 organizations responding)

1. Overall, organizations felt very supported by the City and did not identify any major concerns for the City to address.
2. Many collaborations organically happened between organizations throughout the last 12 months. Large majority wish to see this continue.
3. Centralized events calendar and marketing campaigns could greatly assist organizations and help rebuild consumer confidence.
4. City was largely consistent in their oversight of COVID safety operating guidelines.
5. Assistance from the City (safety guidelines) for resuming large outdoor events is needed.

Other Key Findings from April 2021

- Lack of consumer confidence was the most significant challenge across the large majority of organizations.
- Travel restrictions were the 2nd most noted challenge.
- 85% of organizations would like to see joint programming continue.
- 78% would like to see a centralized marketing campaign for arts/culture.
- 71% would like to see a centralized event calendar for arts/culture.
- 64% would like to collaborate on diversity, education and training.
- 85% are NOT seeking approvals for street closures.

Additional ideas from respondents to the April 2021 Survey:

- I would like to see a representative group from the Committee do follow up with the arts organizations as we emerge from COVID via surveys to see how our creative businesses fare in 2021 through 2022 or 2023. This info could be reported to the City Council or the Economic Development Commission so that issues can be addressed and /best practices/successes can be acknowledged and shared with other organizations.
- Perhaps a resiliency planning forum tailored to arts organizations and nonprofits can be explored and offered in partnership with the city and local educational institutions.
- BRC should look beyond supporting organizations by advocating for arts and culture workers (artists and administrators) directly and consistently through policies which support housing, fair pay, and collective bargaining for insurance, pensions and childcare. BRC should be asking, what can Portsmouth implement in order to be recognized as an innovative city which fosters and strengthens the creative practice, and livelihood, of arts and culture workers?
- Encourage more collaborations and opportunities to utilize public spaces
- Every event/organization is unique. Please respect their ability to make responsible decisions for their particular situation.
- Having a central ticket booth with discounted "day of" tickets.

- I hope you'll consider the ways that the current situation might positively impact accessibility and flexibility differently than it had in the past. I hope organizations will balance the need for "normal" with healthy inquiry into "what's working" and "what can we learn" given how challenged, resilient and flexible we've all been required to be.
- Make sure that Arts funding available through the relief bill get to them timely
- Love the idea of one comprehensive calendar for Portsmouth. Only concern is for those smaller organizations that don't have the ability to keep that site current, or for restaurants that provide special music or dining experiences only occasionally. Site would have to be broken into categories easily accessible to all ages.
- One sign made and posted around downtown and at venues with mask requirements, venue rules, and contact tracing protocol. To help with consistency. All the different signs and messages add to confusion and lack of compliance.
- Portsmouth's next cultural plan

DECEMBER 2021 SURVEY

In December, 2021 the BRC distributed an additional survey to the leaders of nonprofit arts/cultural organizations.

Participating organizations (13):

- 3S Artspace
- Arts In Reach
- Friends of Ruth Blay
- Gundalow Company
- New Hampshire Theatre Project
- Pontine Theatre
- Portsmouth Music and Arts Center
- Portsmouth Pro Musica
- Prescott Park Arts Festival
- Pro Portsmouth
- Seacoast Repertory Theater
- The Music Hall
- Voices from the Heart

Key Findings from December 2021

FISCAL HEALTH:

1. 54% of responding organizations are worse off financially today than they were in January 2021.
2. 34% are significantly worse off financially than in January
3. 30% are significantly better off financially than in January
4. The most mentioned contributing factors to improved fiscal health: Federal aid including PPP loans and CARES Act grants; increased donor support
5. The most mentioned contributing factors to diminished fiscal health: Decrease audiences and program participants due to the pandemic

AUDIENCE/PARTICIPANT REACH:

1. A majority of arts and cultural organizations have experienced a decrease in audience/participants in 2021 compared to 2019.
2. Nearly 40% of responding organizations have experienced a significant decrease in audience/participants in 2021 compared to 2019.
3. The most mentioned contributing factors to diminished constituent (audience) reach: unwillingness of audience members/program participants to return due to the ongoing pandemic
4. Any increases in audience/participants was a result of an increased need for services, online/remote offerings, or a dedicated long-time audience.

GREATEST OBSTACLES TO RECOVERY FROM THE PANDEMIC:

1. Inability to produce large events.
2. Changing health conditions aren't allowing for much, if any, long term planning.
3. Uncertainty leads to unexpected expenses as plans are haphazardly adapted to accommodate COVID demands.
4. The pandemic is ongoing, everything is still uncertain, and there is no unified community or state leadership around public safety. Many people are still uncertain about the safety of attending live events, even if everyone is masked and proof of vaccine is required.
5. Re-engaging schools and specifically elementary and middle school classes in an effort to get them to participate in field trips to Portsmouth.
6. Managing the daily realities of COVID or potential COVID illnesses with a smaller staff (quarantining, testing, time away from work, overall wellness). Access to rapid testing has been a major challenge.
7. Again, having in person concerts, and also in person rehearsals. We have been having online rehearsals since March of 2020.
8. Raising sufficient funds to support increased programming / donor fatigue

HAVE COVID-RELATED SAFETY PRECAUTIONS BEEN EFFECTIVE FOR YOUR ORGANIZATION?:

1. Ten "Yes" answers with a variety of reasons including using PPE (personal protection equipment) for music rehearsals and audiences, utilizing outdoor space for events, having 100% of staff fully vaccinated, and the positive nature of a lack of reported transmission of the virus at events
2. One respondent stated that there has been lack of audience return, even with precautions
3. One respondent stated that protocols are out of their control because they use space that is not under their control that has been inaccessible
4. One N/A

ARE THERE ACTIONS THE CITY CAN TAKE TO ASSIST YOUR ORGANIZATION'S PANDEMIC RECOVERY EFFORT?:

1. Six respondents encourage the city to provide additional funding through their federal support (American Rescue Plan Act)
2. Four respondents desire additional city support for marketing Portsmouth's arts and culture attractions
3. Three respondents urged the city to endorse safety precautions at venues, and improve access to vaccines
4. One stated: With purchase of Community Campus, offer reduced priced programming space to local nonprofit arts organizations

III. Recommendations to the city

1. Direct support for Americans for the Arts' upcoming Arts and Economic Prosperity 6 Study

- a. Funding to implement the study in 2022 and present the results of the study to the community in 2023. This study has been conducted in Portsmouth several times over the past two decades and the data provided has been critical for local nonprofit arts and cultural organizations as they pursue their development and programmatic goals.

2. Marketing Portsmouth as an arts and culture destination to aid in the economic recovery of our arts organizations as they emerge from the pandemic

- a. Continuation of funding to market Portsmouth as an arts and culture destination for 3 additional years from mid 2022 through the end of 2025. The city needs to support pathways to audience engagement for our arts and cultural organizations so they may recover from the economic impact of the pandemic.

3. Collaborative community projects led by Portsmouth arts and culture nonprofits to jumpstart the the local creative economy in 2022 and beyond

- a. Funding for collaborative projects that are led by our arts and cultural nonprofit organizations, provide extensive benefit for residents, and are designed to jumpstart the local economy.

4. Direct support to independent local artists through Artist Relief Grants

- a. The committee recommends that the City implement an annual grant program to recognize and reward independent artists whose work adds value to the creative economy.
- b. Grant funding may include:
 - i. Artist in residence programs in local schools and in public spaces such as city hall, as well as public art projects.
 - ii. Funding for public art.
 - iii. Funding for performing arts that are accessible to residents for little or no cost (concerts, theater, dance, etc.).
- c. Portsmouth's arts and artists have historically been central to its identity as a cultural destination and a consistent source of value to the broader economy. Implementing a direct aid program for artists would symbolize the City's recognition of this value and commitment to supporting its cultural creators.

5. Identify ways address affordable housing concerns for creative economy workers

- a. Workforce housing is a community-wide issue that has been exacerbated by the pandemic. Creative economy workers are no exception to this problem. We believe that work on affordable housing issues will not only have significant implications for our arts and cultural organizations and the people they employ, but on the stability of Portsmouth's workforce in all industries.

6. The extension of this Blue Ribbon Committee for 24 months (the duration of the incoming City Council's term) to work with city staff to develop budgets and oversee the above projects and to create a new cultural plan for the city of Portsmouth

- a. It is the Blue Ribbon Committee's hope that a cultural plan would determine the need and structure of any permanent arts commission for the city of Portsmouth.
 - b. As was the case in 2002, we believe that key aspects of a new cultural plan could be adopted into the city's next Master Plan.
- 7. Allocation of 4% of the city's American Rescue Plan Act funding to support the above projects.**
- a. Funding to be allocated over the two-year period the city receives ARPA funds from the federal government.

IV. CLOSING

There is significant risk in not taking action in 2022. The message from our local arts, cultural, and historic preservation organizations is clear: the road to recovery from this pandemic will be long and challenging. Like other communities, we risk a significant amount of loss, including the loss of cultural institutions that are central to the fabric of our identity as a community. Our artist community and creative economy workers were clear: it has become increasingly difficult to remain in Portsmouth and contribute to the cultural scene that has made our seacoast home one of the best places in our state and nation to live, work, and play. They've been hit hardest of all by the economic fallout of this crisis. And our audiences, while slow to return, have demonstrated their support for our cultural institutions through donations, and by engaging in new ways to participate in programs, whether virtual or modified through covid protocols. Our audiences do not want to see our cultural landscape fade away.

The time to act is now. The BRC has taken the charge given to us by Mayor Becksted and the City Council seriously and we offer these strategies as solutions to the many challenges we face. We must work together to help our artists (all disciplines), aid our institutions, and find a path to increased engagement with our audiences. The unique nature of the ARPA funds awarded to the city can make this all possible. Thank you for your consideration.

MEMBERS OF THE MAYOR'S BLUE RIBBON COMMITTEE ON THE ARTS AND
NONPROFITS:

Barbara Massar, co-chair
Pro Portsmouth

Russ Grazier, Jr., co-chair
PMAC

Robin Albert
Portsmouth Historical Society

JerriAnne Boggis
NH Black Heritage Trail

Beth Falconer
3S Artspace

Martha Fuller Clark
BRC on Reopening Portsmouth

Nihco Gallo
Seacoast Jazz Society

Renee Giffroy
NH Art Association

Jason Goodrich
Seacoast Rep

Courtney Perkins
Prescott Park Arts Festival

Tina Sawtelle
The Music Hall

Kathy Somssich
WSCA, NH Theatre Project

Lawrence Yerdon
Strawbery Banke

Nancy Carmer, ex officio
City of Portsmouth

Stephanie Seacord, ex officio
City of Portsmouth

PORTSMOUTH ENERGY ADVISORY COMMITTEE REPORT 12-14-2021

INTRODUCTION:

The Portsmouth Energy Advisory Committee was established by the Portsmouth City Council on August 23, 2021 and consists of the following membership: Councilor John Tabor Committee Chair, Councilor Cliff Lazenby, Ben D'Antonio, Tom Rooney, Rebecca Raum O'Brien, Representative Peter Somssich, Allison Tanner, and Kevin Charette with staff support from Karen Conard, Peter Rice and Peter Britz. More information about the Committee can be found here: <https://www.cityofportsmouth.com/citycouncil/mayors-blue-ribbon-portsmouth-energy-advisory-committee>

BACKGROUND:

The Portsmouth Energy Advisory Committee was tasked with; 1. Reviewing the risks and opportunities of a Community Power Program for the City of Portsmouth and, 2. Considering whether to join the Community Power Coalition of NH. According to state statute (RSA 53-E) Cities and towns are allowed to aggregate consumer (i.e., residents and businesses) energy demand and purchase electricity in bulk. Through a series of presentations and meetings the Committee educated itself on the different models for Community Power. In particular the Committee looked at the broker model and the portfolio manager model. In order to better understand these two models, through a series of presentations and question and answer sessions, the Committee came to an understanding of the Community Power opportunities that are, or soon will be, available for the City of Portsmouth.

After this initial education process the Committee has had an opportunity to reflect on some of the challenges, benefits and opportunities that come with the pursuit of Community Power. This report is intended to reflect the Committee's consensus and provide an approach for a path forward to Community Power in Portsmouth. Aggregation does not mean that the distribution function of the local utility will change. Furthermore, Portsmouth consumers will have the option to opt out of Community Power.

FINDINGS:

1. The Committee recommends further pursuit of Community Power for Portsmouth. The Committee determined that Community Power:
 - Is an effective way to decarbonize electricity consumption as a community.
 - Empowers consumers and provides the opportunity to reduce greenhouse gases.
 - Has strong likelihood of lowering costs for green power compared with the status quo.
 - Can also include lower cost supply options comparable to default service.
 - Provides the community greater flexibility in managing their own energy needs.

Of the two paths PEAC studied, the best information about the broker model was provided by an approach taken by the City of Keene with Standard Power, an energy aggregator. Looking at the broker model, PEAC found:

Positives – Broker Model

- The broker model is proven in MA, relatively simple to set up, and could provide a menu of “lowest cost, most green power for the same money, 50% green power and 100% green power” (*City of Keene choices*). This could be done through use of Renewable Energy Certificates (RECs).
- Offers community a certain “vetted” broker it can support.

Challenges – Broker Model

- The broker model uses fixed contracts that tend to price in risk at a premium, and by contracting as a single entity, or “going it alone”, Portsmouth has less buying clout.
- The broker model provides no or little political advocacy for Community Power.
- The broker model does not provide a clear path to local renewables.

Looking at the portfolio manager model, the Committee researched the emerging efforts of the Community Power Coalition of New Hampshire (CPCNH). This is currently a coalition of fourteen (14) communities that are working together to create a viable aggregation approach for communities across the State that want to join. The Committee found:

Positives – Portfolio Manager Model

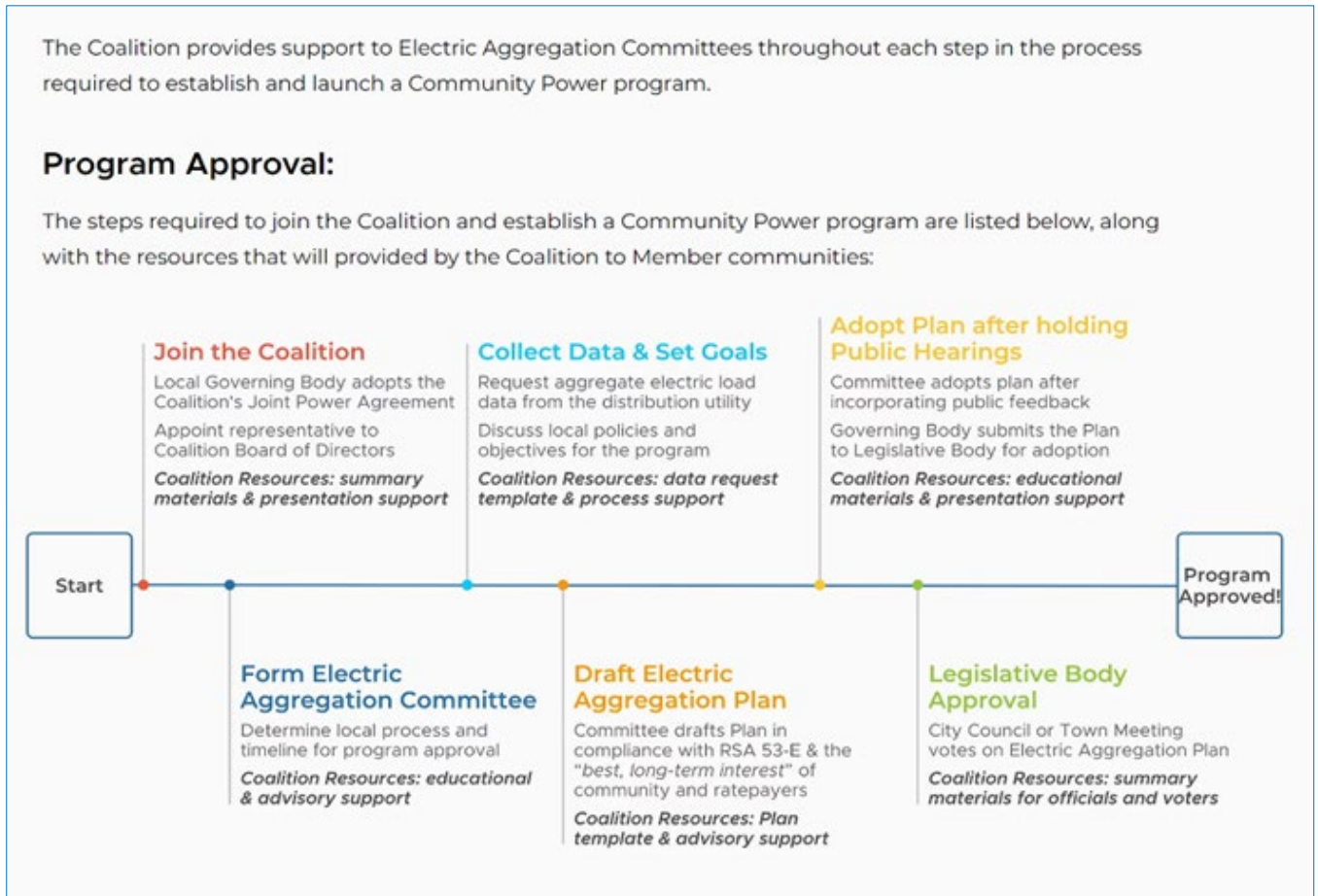
- By joining CPCNH communities can share costs.
- CPCNH communities will have combined buying power of at least \$51million in annual electricity sales and this will likely increase as the CPCNH grows.
- Strong political advocacy would be formed through CPCNH to continue reforming power markets in New Hampshire.
- Beyond just Community Power, political advocacy could also support other efforts (i.e., efficiency and renewables).
- Portsmouth would benefit from the shared learning as energy markets transition away from the default service approach and fossil fuel-based generation sources.
- CPCNH will have the ability to directly purchase renewable energy which will create/expand the market for wind, solar, and hydro in NH.
- There is no risk or cost to join CPCNH and Portsmouth will immediately get a seat at the table by signing the Joint Powers Agreement allowing a “wait and see” approach on aggregating and purchasing supply.
- Joining sooner than later supports clean energy around the State and indicates the City’s alignment with clean energy advancement.

Challenges – Portfolio Manager Model

- Takes more work – we must be involved in the formation, startup, and ongoing administration which may involve city staff time.
- Portfolio energy management provides more diverse suppliers and is more efficient, but it is a complicated undertaking.

- Cost reductions as compared to default service are likely but uncertain.
- CPCNH still working out details of a complex implementation plan, targeting a June 2022 startup.

2. The Committee recommends joining CPCNH in early 2022. The flowchart below illustrates a path for the next PEAC to work with the City Council and community to do so. This offers a low-risk path to pursue Community Power while rigorously defining and reviewing how we do so in a way that fits best for Portsmouth.



NEXT STEPS:

- The Committee believes that the next City Council should renew the PEAC.
- The Committee recommends the next PEAC engage with the City Council to begin steps to join CPCNH.
- Strong community involvement and understanding is critical to the success of this Community Power program. The Committee recommends pursuing a robust education and public engagement strategy. This effort would include public meetings, direct mail, multimedia outreach and surveys.
- Moving forward the next PEAC should work with the City Council and community to develop an operational plan for pursuit of Community Power.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 20, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures related to Construction of a Skateboard Park, Recreational Field and Pump Track. The City Council has determined that the sum of Two Million Two Hundred Thousand (\$2,200,000.00) Dollars is to be appropriated. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 20, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures related to Construction of a Skateboard Park, Recreational Field and Pump Track. The City Council has determined that the sum of Two Million Two Hundred Thousand (\$2,200,000.00) Dollars is to be appropriated. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.
KELLI L. BARNABY, MMC/CNHMC
CITY CLERK
Date of Publication: December 11, 2021

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY ONE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # -

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES RELATED TO CONSTRUCTION OF A SKATEBOARD PARK, RECREATIONAL FIELD AND PUMP TRACK.

RESOLVED: BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:

THAT, the City Council has determined that the sum of **Two Million Two Hundred Thousand (\$2,200,000.00) Dollars** is to be appropriated from Unassigned Fund Balance for necessary expenditures related to the construction of a skateboard park, recreational field and pump track.

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from Unassigned Fund Balance.

APPROVED BY:

RICK BECKSTED, MAYOR

ADOPTED BY CITY COUNCIL

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

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 20, 2021 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Appropriating \$10,000,000.00 to pay Costs of Acquiring the Community Campus from the Foundation for Seacoast Health including the Payment of Costs Incidental and Related Thereto. Using various revenue sources to include a Bond Issue, and or Notes of up to \$3,250,000.00. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK
Date of Publication: December 11, 2021

CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-ONE
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # _____

A RESOLUTION APPROPRIATING \$10,000,000 TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH, INCLUDING THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

- 1) THAT \$10,000,000 is appropriated to pay costs of acquiring the Community Campus from the Foundation for Seacoast Health, and for the payment of all costs incidental and related thereto, and that to meet this appropriation, (i) up to \$8,766,179 shall be transferred from available funds, as more particularly described in Exhibit A hereto, and (ii) the City Treasurer, with the approval of the City Manager, is authorized to borrow up to \$3,250,000 under and pursuant RSA 33 (the Municipal Finance Act), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. To the extent that the total amount of available funds, together with the amount authorized to be borrowed by this resolution, exceeds \$10,000,000 the amount authorized to be borrowed shall be reduced by the amount of any such excess.
- 2) THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager.
- 3) THAT the useful life of property to be acquired by this borrowing is determined to be in excess of 30 years.
- 4) THAT this resolution shall take effect upon its passage.

APPROVED:

RICK BECKSTED, MAYOR

**ADOPTED BY CITY COUNCIL:
DECEMEBR 20, 2021**

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

Note: This authorization requires a 2/3 vote by roll call.

Exhibit A

City of Portsmouth
 Funding Availability
 Community Campus
 12/6/2021

Purchase Price of Community Campus		\$10,000,000.00
Packard Settlement	<u>500,000.00</u>	
Capital Outlay - Land Acquisition	<u>193,727.39</u>	
Sale of Mariners Village Proceeds	<u>229,412.43</u>	
ARPA Funds-Revenue loss calculation	<u>5,190,000.00</u>	
Peirce Estate Recreational & Environmental Trust (from Middle School Expansion)	as of 06/30/21 <u>627,496.53</u>	
Daniel Street Trust (Sale of Connie Bean Dec 2012 \$1,500,000) 06/14/19 used \$1,525,000 on Senior Center	as of 06/30/21 <u>25,542.95</u>	
Total Available Funding as of December 6, 2021		6,766,179.30
Sub Total Borrowing Needed:		\$3,233,820.70
Awaiting Final Approval from New Hampshire Department of Education:		
School ESSER Funds	<u>2,000,000.00</u>	
Total Available Funding if ESSER funds are approved		8,766,179.30
Funding Needed if Use of School ESSER Approved		\$1,233,820.70

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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KELLI L. BARNABY, MMC/CNHMC
CITY CLERK
Date of Publication: December 11, 2021

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

RESOLUTION #-

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR OPERATING EXPENDITURES OF THE COMMUNITY CAMPUS UPON ACQUISITION FOR FISCAL YEAR ENDING IN JUNE 30, 2022.

RESOLVED:

BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:

THAT, the City Council has determined that the sum of **ONE Hundred Sixteen (\$116,000) Dollars** is to be appropriated from Unassigned Fund Balance to defray the operating expenditures of Community Campus upon acquisition for fiscal year ending in June 30, 2022. These funds shall be transferred to a new Special Revenue Fund designated Community Campus which will utilize other revenues specific to Community Campus for the operations of the facility.

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from Unassigned Fund Balance.

APPROVED BY:

**_____
RICK BECKSTED, MAYOR**

**ADOPTED BY CITY COUNCIL
DATE**

**_____
KELLI BARNABY, CMC/CNHMC**

CITY CLERK

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV Commission/Authorities, Section 1.415 – **CEMETERY COMMITTEE** 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 IV: COMMISSION / AUTHORITIES

Section 1.415: CEMETERY COMMITTEE

- A. Membership and Term: The Cemetery Committee shall consist of not less than twelve (12) or more than eighteen (18) regular members. The members shall be appointed by the Mayor subject to the approval of the City Council for a term of two (2) years, coterminous with the City Council term.
- B. Powers and Duties: The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting municipal cemeteries, including the solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Cemetery Trust Fund. Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances.
- C. It shall be the responsibility of the Cemetery Committee to encourage the restoration, preservation, and safeguarding of Portsmouth's historic cemeteries and their history for future generations.

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

DATE: 12/15/2021

**TO: CITY CLERK KELLI BARNABY
MAYOR BECKSTED
CITY MANAGER CONARD**

FROM: COUNCILOR HUDA

**SUBJECT: DECEMBER 20,2021 CITY COUNCIL MEETING AGENDA REQUEST
PLEASE PUT THIS UNDER MY NAME. THANK YOU**

- 1) TO UPDATE THE RESIDENTS & TAXPAYERS THAT PREVIOUSLY BUDGETED FUNDS HAVE BEEN IDENTIFIED FOR THE DEC 6TH MCINTYRE RESOLUTIONS TO COVER ESTIMATED LEGAL EXPENSES OF \$75,000 & ESTIMATED PRINCIPAL GROUP EXPENSE OF \$75,000 = TOTAL \$150,000**
- 2) UPDATE ON THE AUDIT COMMITTEE**

6 Pheasant Lane
Portsmouth, NH 03801

December 3, 2021

Portsmouth City Council
% City Manager's Office
1 Junkins Ave.
Portsmouth, NH 03801

Dear Members of the City Council:

We are requesting approval of the installation of a granite memorial bench on Peirce Island, adjacent to the playground, between two existing large lilac bushes. We will purchase the bench from Swenson Granite Works to be delivered to the City of Portsmouth for installation by the Public Works Department.

This bench measures 48" wide x 14" deep. It would be engraved with the name of Dora Orsucci, my mother, (a Portsmouth resident for 21 years) who died September 22, 2021, at the age of 99+. The color of the granite is "autumn pink," a sample of which is being provided. (see attached photo and quote)

This location was chosen with guidance from Mr. Corin Hallowell, Foreman, Public Works Department for the City of Portsmouth. We are proposing placement between the two lilac bushes because the color of the bench would compliment the color of the lilacs when in bloom. In addition, Dora was extremely fond of children, so its location relative to the playground has meaning for us.

Thank you for considering this request.

Ronald and Karen Fitz



CITY OF PORTSMOUTH
MEMORIAL PARK BENCH REQUEST FORM

Thank you for your interest in donating a Memorial Park bench to the City of Portsmouth. All memorial requests and donations of funds must be approved and accepted by the Portsmouth City Council. This form outlines the process for considering requests and the information needed to begin the process. Each request will be considered by the Portsmouth City Council at an upcoming City Council meeting¹.

For questions related to the status of this request, please contact the City Manager's office by calling (603) 610-7202 or email jsgriffin@cityofportsmouth.com.

For calendar year 2021, the cost for each Memorial Park bench is: \$2,200.

Please submit this completed form with your check in the amount of \$2,200 (payable to: City of Portsmouth), and a transmittal letter to: Portsmouth City Council c/o City Manager's Office 1 Junkins Avenue Portsmouth, NH 03801.

Name(s): Karen and Ronald Fitz
Address: 6 Pheasant Lane, Portsmouth, NH
Phone: 603-433-9950 Email: kfitz7770@gmail.com

Please be sure to complete and enclose the following:

- A transmittal letter to the Portsmouth City Council referencing this request.
 A check made payable to the City of Portsmouth.

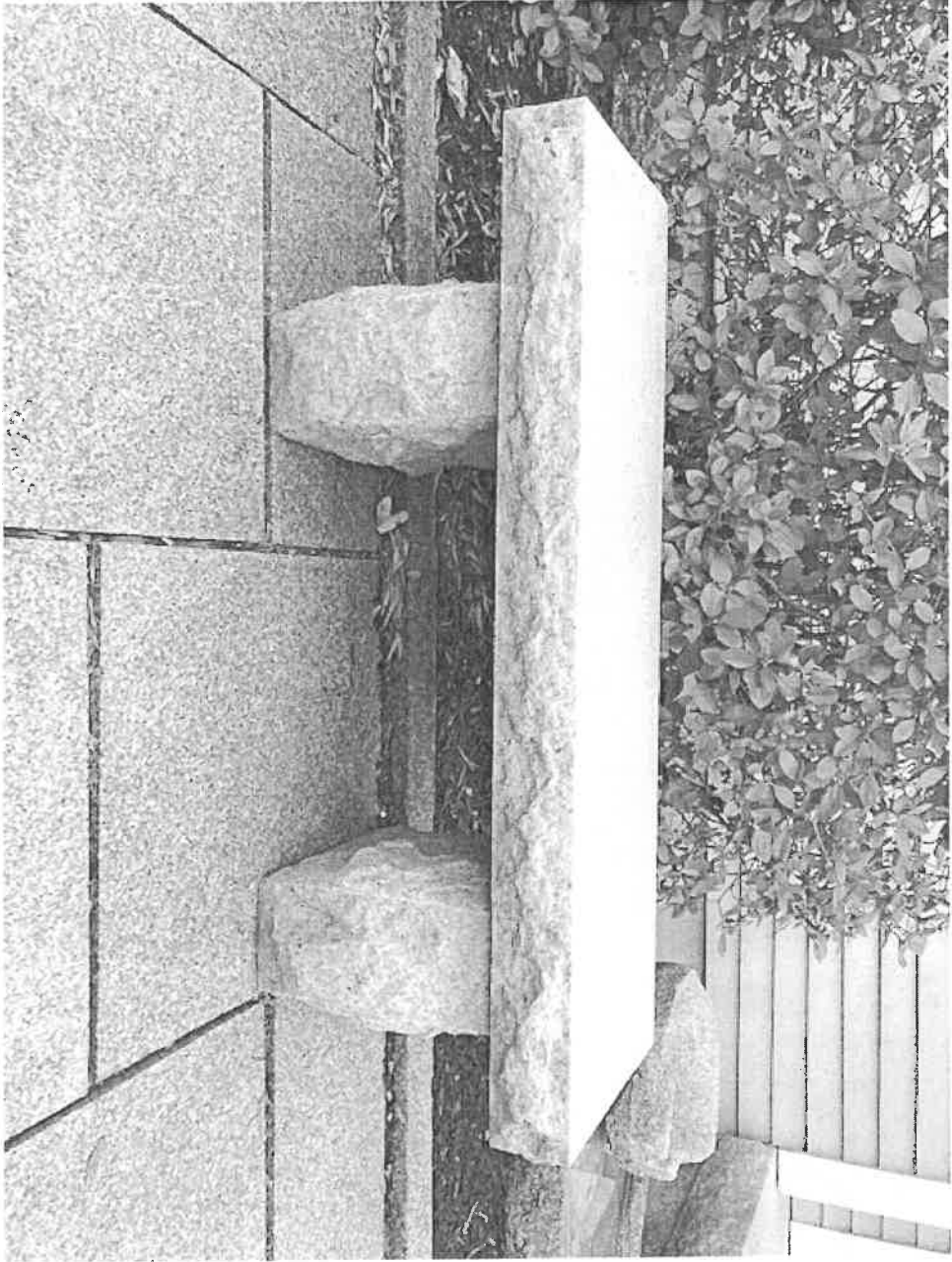
Please check one of the following:

- I would like to request that a memorial park bench be installed in the following location: adjacent to playground on Peirce Island between 2 lilac bushes.
 I do not have a preference for the location of the bench I would like the City of Portsmouth to install this park bench in accordance with current improvement and beautification efforts.

I would like to request the following content be included in a plaque that will be affixed to the Memorial bench (Please do not include more than 80 characters with spaces):

please see attached

¹ Prior to submitting a Memorial Park Donation request, please take note of the following: the City of Portsmouth will move forward with your request in accordance with the action taken by the City Council. Not all locations requested by residents are feasible given site constraints, future improvement plans or other reasons. Staff members will work with you to identify an alternative suitable location if necessary.





CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: December 16, 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 December 20, 2021

VIII. Recognitions and Volunteer Committee Reports:

A. **Safe Water Advisory Group:**

Along with a **written report**, the Safe Water Advisory Group will be presenting a summary of their work and their Group's recommendations at this evening's meeting.

B. **Mayor's Blue Ribbon Committee on Arts and Non-Profits:**

Russ Grazier will be presenting a **report** on behalf of the Mayor's Blue Ribbon Committee on Arts and Non-Profits.

C. **Portsmouth Energy Advisory Committee Report:**

Energy Advisory Committee members will be presenting a **Committee report** at this evening's meeting.

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

A. **Public Hearing and Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Construction of a Skateboard Park, Recreational Field and Pump Track in the Amount of \$2,200,000:**

At its December 6, 2021 City Council meeting, the Council voted 7-2 to approve the sum of **\$2,200,000 to be appropriated** for construction of a skateboard park, recreational field and pump track.

B. Public Hearing and Adoption of Resolution Appropriating \$10,000,000 to Pay Costs of Acquiring the Community Campus from the Foundation for Seacoast Health Including the Payment of Costs Incidental and Related Thereto. This Includes Using Various Revenue Sources to Include \$5,190,000 of American Rescue Plan Act (ARPA) Funds Which Were Accepted by the City Council At Its Meeting of June 21, 2021 As Well As A Bond Issue And /Or Notes of Up to \$3,250,000:

I am requesting that the City Council hold a public hearing on the **proposed Bonding Resolution** at this evening's meeting to purchase the Community Campus.

The total purchase price of the Community Campus is \$10 million, and this is the total amount that the City is requesting be authorized to spend in the resolution.

This purchase will be funded through various sources, detailed in the resolution to include bonding. The City will be utilizing:

- Revenue sources totaling \$6.76 million from various sources to include Trusts and recently received ARPA funds from the federal government. If this Resolution passes, the Council will be rendering its final approval of a plan for expending a portion of the ARPA funds in the amount of \$5,190,000.
- The School Department is waiting to get final approval from the New Hampshire Department of Education, to utilize ESSER Funds (Elementary and Secondary School Emergency Relief Fund) to utilize \$2,000,000 to fund a portion of the purchase of the community campus.
- The City is seeking an authorization for bonding of up to \$3,250,000 to fund the remaining portion of the Community Campus purchase:
 - If the School is NOT able to obtain permission to utilize the \$2,000,000 in funding from ESSER, the City will bond all \$3,250,000 to complete the purchase.
 - If the school IS able to obtain permission, the City will only be bonding \$1,250,000 to complete the purchase.

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

C. Public Hearing and Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Operating Expenditures of the Community Campus Upon Acquisition for Fiscal Year Ending June 30, 2022 in the Amount of \$116,000:

The City's acquisition of Community Campus will result in additional operational obligations which require a supplemental appropriation to cover operation and maintenance expenses for the remainder of Fiscal Year 2022. Based on a review of past operating expense records a **supplemental appropriation of \$116,000** is necessary. These monies will cover utilities, custodial services, and maintenance of the facility. Future budgets will be developed based on the City's actual operations expenses once staff have fully programmed the Campus and existing contracted service agreements have expired.

I recommend that the City Council move to adopt the proposed resolution in the amount of \$116,000 as presented.

D. Third and Final Reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities, Adding Section 1.415 Cemetery Committee:

Attached please find a proposed ordinance amending Chapter 1, Article IV – Commissions and Authorities.

If the City Council would like to proceed, I recommend that they move to adopt the third and final reading of the proposed amendments as presented.

XIV. Approval of Grants/Donations:

A. Acceptance of Various Donations to the Portsmouth 400th:

The City received various donations to the Portsmouth 400th. They are outlined below:

- Michael Skelly - \$50
- Rick Becksted - \$100
- Susan Tober - \$250
- Elizabeth Moreau - \$500
- Jim Pender - \$1,000

I recommend that the City Council move to approve and accept the donations as presented.

B. Acceptance of Donation to the Skateboard Park:

The City received a donation from Edmunds General Contracting, LLC in the amount of \$1,000 for the Skateboard Park.

I recommend that the City Council move to approve and accept the donation as presented.

C. Acceptance of Donation from Ronald and Karen Fitz of A Memorial Bench:

Ronald and Karen Fitz wish to donate a memorial bench in memory of Karen's mother, Dora Orsucci, to be placed adjacent to the playground on Peirce Island. This donation is acceptable to the Department of Public Works and the Chairman of the Peirce Island Committee.

I recommend that the City Council move to approve and accept a donation of a memorial bench as presented.

XV. City Manager's Items which Require Action:

1. Approval of 2022 City Council Meeting Calendar:

Attached please find the proposed 2022 City Council meeting calendar.

I recommend that the City Council move to approve the 2022 proposed meeting calendar as presented.

2. **Sale of Commercial Safe:**

The Tax Department has a **commercial safe** that is in need of disposal, as it is no longer adequate for the needs of the city. The gaskets are missing, so it is no longer fireproof, the doors require some force to close and the combination dial is a little difficult to read.

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

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

I recommend that the City Council move to authorize the sale of the commercial safe as presented.

3. **Street Naming for 83 Peverly Hill Road:**

At the October 21, 2021 meeting of the Planning Board, the Board voted to name the newly approved city street off of Peverly Hill Road, Sage Lane. **Attached please find the Planning Board letter of decision** and a **list of alterative street names** that could be used if the City Council finds they would like to select a different name than Sage Lane. The list of names provided has been reviewed by emergency services and the Post Office, as well as the Town of Newington for conflicts. Any other names selected should be vetted for conflicts before final approval.

I recommend that the City Council authorize the City Manager to proceed with the naming of Sage Lane as described.

4. **The Foundation for Seacoast Health Purchase of Community Campus Property Located at 100 Campus Drive:**

On September 20, 2021, the City Council voted to authorize the City Manager to negotiate the captioned purchase and sale agreement to be brought back to the Council for final approval. This memorandum will briefly summarize the Purchase and Sale Agreement (“Agreement”) which has been negotiated is being brought to the City Council. The full document may be seen at: <https://www.cityofportsmouth.com/city/press-releases/foundation-seacoast-health-announces-potential-plan-sell-community-campus-city>.

- The City will acquire full title to the 37.062 acres and buildings owned by The Foundation for Seacoast Health (“Foundation”) at the Campus Drive location.
- The City will pay for the property in a single lump sum payment of \$10 million to be delivered at closing.
- Closing is scheduled for February 1, 2022.

- The earnest money to be placed in escrow at the execution of the Purchase and Sale Agreement is \$250,000.
- The City will be acquiring the property essentially without any representations or warranties from the Foundation as to conditions or otherwise, but the City will have until January 31, 2022 to conduct its own due diligence into these matters. That activity has already begun.
- The outstanding due diligence issues, on which the City's contractors are working, are environmental, survey, and title.
- If the City encounters difficulties during the due diligence period, it will have the option to terminate the sale prior to January 31, 2022. In that case, the earnest money will be refunded to the City.
- After the City acquires the property, the Foundation will be allowed to continue to occupy its current office space for 90 days without payment of rent to the City. Thereafter, rent would be paid by the Foundation to the City at the rental rate offered to other tenants of the Campus property.
- The City agrees that it will maintain the leases of certain existing tenants of the Foundation, such as the Seacoast Community School, through to the end of the lease terms.
- The Purchase and Sale Agreement contains no funding contingency. Under its terms, it will be necessary for the City to produce the purchase price at the closing and failure to do so would not be an excuse for non-performance of the Agreement.

On approval of this Purchase and Sale Agreement by the City Council it will be executed and delivered along with \$250,000 by the City Manager to the Foundation. Thereafter, the closing and title insurance will be handled by the McLane law firm on behalf of the City.

I recommend that the City Council move to authorize the City Manager to execute, deliver and implement the Purchase and Sale Agreement for the purchase from The Foundation for Seacoast Health of its Community Campus property located at 100 Campus Drive, as presented.

5. **Renewal of City's Parking Lot Use and Maintenance Agreement with the St. John's Masonic Association:**

St. John's Masonic Association, Inc. ('St. John's') has had a Parking Lot Usage/Maintenance Agreement with the City to allow the public to park for free in 61 designated parking spaces in its parking lot located on at the corner of Miller Avenue and Middle Street at [City Tax Map 136, Lot 019](#), commonly known as the St. John's Masonic Lodge Lot ('Lot'). The Agreement expires on December 31, 2021, and the City and St. John's seek to extend the public's free use of 61 designated parking spaces ('Parking Spaces') in the Lot for the next three (3) years.

[The Agreement](#) has been amended to permit members of the public to use the Parking Spaces during Snow Emergencies, adding important snow ban parking inventory for the public's use.

As noted in the Agreement, St. John's has agreed to enlarge an existing Sidewalk and Traffic Signal Easement granted to the City at the corner of Miller Avenue and Middle Street.

The Easement will be presented to Council for its approval after a survey is conducted of the expanded easement area.

The Department of Public Works, the Legal Department and St. John's have reviewed and approved the form of the Agreement.

I recommend that the City Council move to authorize the City Manager to negotiate and enter into the Parking Lot Usage/Maintenance Agreement with St. John's as presented.

**2022 SCHEDULE OF CITY COUNCIL MEETINGS
AND WORK SESSIONS**

Regular Meetings - 7:00 p.m.

January *3 and 24
*(Inauguration)

February *7 and 22 (Tuesday)
*(Public Hearing on CIP)

March *7 and 21
*(Adoption of CIP)

April 4 and April 18

May 2, *9, and 16
*Public Hearing on FY23 Budget @ 6:30 p.m.

June *6 and 21 (Tuesday)
*Adoption of Budget

July 11

August 1 and 22

September 19

Work Sessions - 6:30 p.m.

January 13th (Audit Work Session – Thursday @ 6:30 p.m.)
January 19th (CIP Work Session - Wednesday @ 6:30 p.m.)
January 25th (Budget Work Session – Tuesday @ 6:30 p.m.)

May 10th (Public Safety – Police & Fire Review/Listening Session Tues. @ 6:30 p.m.)
May 11th (School Dept. Review/Listening Session Wed. @ 6:30 p.m.)
May 12th (General Government Depts. Review/Listening Session Thurs. @ 6:30 p.m.)
May 18th (Water & Sewer Depts. Reviewing/Listening Session Wed. @ 6:30 p.m.)
May 23rd (Budget Review Mon. @ 6:30 p.m.)
May 31st (Budget Review Thurs. @ 6:30 p.m., if necessary)

TURN OVER FOR REMAINING DATES

October 3 and 24

CM Action Item #1

November 14

December 5 and 19

All Work Sessions will be held in Council Chambers unless otherwise indicated

***Footnote: Additional Work Sessions can be scheduled at the call of the Mayor**

Adopted 12/20/21

CM Action Item #2



CM Action Item #2







CITY OF PORTSMOUTH

Planning Department
 1 Junkins Avenue
 Portsmouth, New
 Hampshire 03801
 (603) 610-7216

PLANNING BOARD

November 29, 2021

Philip J. Stokel and Stella B. Stokel
 Stella B. Stokel 1993 Trust
 83 Peaverly Hill Rd
 Portsmouth, NH 03801

RE: Planning Board Request for 83 Peaverly Hill Road, Continued from the October 21, 2021 Meeting (LU-21-74)

Dear Mr. and Mrs. Stokel:

The Planning Board, at its regularly scheduled meeting of **Thursday, November 18, 2021**, considered your application for naming the new 2,950-foot public road to serve the approved 56 single-family homes, public space, and associated utilities as approved at the October 21, 2021 Planning Board meeting. Said property is shown on Assessor Map 242 Lot 4 and lies within the Single Residence A (SRA) and Single Residence B (SRB). As a result of said consideration, the Board voted to recommend the City Council approve to name the new public street, located at 83 Peaverly Hill Road as approved in Land Use Application LU-21-74 on October 21, 2021, "**Sage Lane.**"

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all stipulations of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dexter R. Legg". The signature is written in a cursive, flowing style.

Dexter R. Legg, Chairman of the Planning Board

cc: Paul Garand, Interim Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

Philip J. Stokel
J. Corey Colwell, TFMoran
Green & Company

November 18, 2021 Planning Board Meeting

IV. PUBLIC HEARINGS -- OLD BUSINESS

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

F. Request of Green & Company, (Applicant) and Philip J. Stokel and Stella B. Stokel, (Owners) for property located at **83 Pevery Hill Road** to name the new 2,950-foot public road to serve the approved 56 single-family homes, public space, and associated utilities approved at the October 21, 2021 Planning Board meeting. Said property is shown on Assessor Map 242 Lot 4 and lie within the Single Residence A (SRA) and Single Residence B (SRB) Districts. Please note: this discussion item was postponed from the October Planning Board meeting. (LU-21-74)

Project Description

The application of Green & Company, (Applicant) and Philip J. Stokel and Stella B. Stokel, (Owners) for the development of 56 single-family homes located at 83 Pevery Hill Road was approved at the October 21, 2021 Planning Board Meeting. Included in this approval was the construction of a new public road to service the approved homes. The proposed street has been accepted (see chapter 11 Article 3: Layout and Construction of Streets) and must now be named. City Ordinance Chapter 11, Article 5: Street Names and Numbers is provided below.

City Ordinance, Chapter 11
ARTICLE V: STREET NAMES AND NUMBERS

Section 11.501: STREET NAMES

- A. The naming of all public streets and rights of way which are to receive or have received legal status by acceptance shall be subject to approval by the Planning Board and all existing public street and right of way now of legal status and as such are shown upon the tax maps, may be renamed by the Planning Board as it determines necessary for the welfare or convenience of the public. Such renaming may be considered upon the motion of the Planning Board or upon petition by the owners or occupants of such land as may be located upon said public streets and rights of way and such determination shall be made by the Planning Board after due public hearing of the matter.
- B. No existing or proposed street name shall duplicate the name or names of other proposed or existing streets irrespective of the use of the suffix, "Street", "Avenue", "Boulevard", "Drive", "Place", "Way", "Court", or the like. The extension of an existing street shall have the same name as the existing street.

November 18, 2021 Planning Board Meeting

At the applicants request, Sage Lane has been proposed as the first choice for this street name and Bramble Lane as the second. Please note the applicant's original application materials indicated the proposed name for this street was Bayberry Path. After considering that Portsmouth has a similar Barberry Lane, the applicant withdrew that request.

Both Sage Lane and Bramble Lane have been reviewed by GIS Manager James McCarty and there are no existing naming conflicts. Staff have reached out to Newington, NH Town Administrator Martha Roy to inquire with any potential conflicts within the Town of Newington and the Town of Newington has found no conflicts with the proposed street names.

Upon approval, Staff will forward recommendation to the Portsmouth City Council for formal name acceptance.

Staff Recommendation:

Vote to recommend to name the new public street, located at 83 Peverly Hill Road as approved in Land Use Application LU-21-74 on October 21, 2021, Sage Lane.

Possible Alternative Street Names: These were used and discontinued sometime in the past. Names are acceptable for use today.

FORMER STREET NAMES

ACKERMAN STREET
 ARK LANE
 AUBURN STREET
 BUCK STREET
 CAMBRIDGE STREET
 COW LANE
 CREEK STREET
 CROSS STREET
 DIVINITY STREET
 GRAFFORT'S LANE
 GRAVES END STREET
 JOSHUA STREET
 KING STREET
 MARGINAL WAY
 MARLBOROUGH STREET
 MASON STREET
 MASSY STREET
 MAUDLIN LANE
 MYSTIC STREET
 NORTH ROAD
 PITT STREET
 QUEEN STREET
 REBELLION ROAD
 RIVER ROAD
 ROSEMARY LANE
 SIFTON STREET
 STETON STREET
 TOMBS STREET
 WHITE'S ROAD

Possible Alternative Street Names: NAMES OF CITY MAYORS

BADGER, DANIEL W. (1911-1913)
 BAILEY, JOHN H. (1864)
 BERRY, CHARLES P. (1893-1894)
 BROUGHTON, JOHN H. (1876-1877)
 BUTLER, THEODORE R. (1952-1953, 1954-1955)
 DALE, CHARLES (1926-1927, 1943-1944)
 DEXTER, OREL A. (1924-1925)

ELDREDGE, MARCELLUS (1885-1886)
EMERY, JOHN W. (1897)
FAYE, EDMUND S. (1889-1890)
GOLDSMITH, KENNARD (1937-1940)
GOODRICH, MOSES H. (1874-1875)
GRAVES, BRUCE R. (1974-1977)
HACKETT, WALLACE (1907-1908)
JENNESS, RICHARD (1956)
LAIGHTON, JOHN (1851)
LASKEY, JOHN J. (1891-1892)
MORRISON, ROBERT (1857)
NEAL, CECIL M. (1948-1949)
PAGE, CALVIN (1884, 1899)
PENDER, JOHN (1902)
REDING, JOHN RANDALL (1860)
ROWE, STEWARD E. (1941-1942)
SISE, WILLIAM H. (1878-1881)
TILTON, JOHN S. (1898)
TOPPAN, CHRISTOPHER S. (1852)
TREAT, JOHN S. (1882-1883)
YEATON, HARRY B. (1914-1915)

Other names are encouraged for submission and review by the EOC. Submit any name choices to the Police or Planning Departments.

PARKING LOT USAGE/MAINTENANCE AGREEMENT

St. John's Masonic Association, Inc., 351 Middle Street , Portsmouth, New Hampshire (hereinafter "St. John's"), and the City of Portsmouth a municipal corporation with an address of 1 Junkins Avenue, Portsmouth, New Hampshire, (hereinafter "City"), hereby enter this agreement with respect to the parking lot owned by St. John's at the intersection of Miller Avenue and Middle Street in the City (Map 0136, Lot 0019) (hereinafter "the Lot") for the purposes and under the terms and conditions contained herein.

1. This Agreement shall commence in effect on January 1, 2022 and continue in effect until December 31, 2024.
2. During the period in which this Agreement is in effect, the 61 parking spaces (Parking Spaces) in the Lot shown on the attached plan shall be available at the direction of the City for the purpose of allowing members of the public to park.
3. Public parking under this Agreement shall be limited from Monday through Saturday from the hours of 6:00 a.m. to 7:30 p.m. each day, except for snow-related use as described below.
4. St. John's agrees to permit the City to include these Parking Spaces as inventory for snow removal operations during declared Snow Emergencies, as advertised in the City's website and other related communications. St. John's further agrees that overnight use of the Parking Spaces in the Lot is permitted during declared Snow Emergencies.
5. The City shall have the authority to provide regular and consistent enforcement of its rules and regulations governing the use of the Parking Spaces during the times stated in this Agreement.
6. The City shall post and maintain signage in a manner to be approved by St. John's to inform members of the public of the terms and conditions under which they may use the Lot.
7. The City shall plow snow, apply salt and sand, and remove snow as necessary from the Lot in accordance with its normal practices for City parking lots. In April, the City shall sweep the Lot and remove all accumulated sand and debris resulting from winter maintenance activity.
8. Except as described in this Agreement, all other the use of the Lot shall be under the control of St. John's.
9. The City agrees to indemnify and hold harmless St. John's with respect to claims caused solely by the City's negligence, and which are within the scope of the City's liability insurance, to the extent and under the terms and conditions under which the City itself is entitled to indemnification from the New Hampshire Public

Risk Management Exchange, under the terms of its member agreement as it may be in effect from time to time.

- 10. St. John's agrees to provide the City with a permanent easement for the purpose of facilitating and maintaining traffic signal upgrades at the southeast corner of the Lot at the intersection of Middle Street and Miller Avenue. This easement will be submitted as a separate document for City Council approval.
- 11. In exchange for the foregoing, the City shall pay to St. John's the total annual compensation of \$21,500.00, which shall be paid in arrears in two installments, the first of which in the amount of \$10,750.00 shall be due on or before July 1st and a second installment of \$10,750.00 which shall be due no later than December 31st of each year. The annual fee will be prorated if this Agreement is terminated prior to the expiration of its term as set forth below.
- 12. This Agreement may be terminated with cause by either party in the event that either party fails to maintain its obligations under this Agreement, after been given written notice of such failure and a thirty (30) day period to cure it. This Agreement may be terminated without cause by either party with forty-five (45) days written notice to the other party.

For the City of Portsmouth

**For St. John's Masonic Association, Inc.,
Portsmouth, NH**

Karen S. Conard, City Manager

Howard Kalet, President

Dated: _____

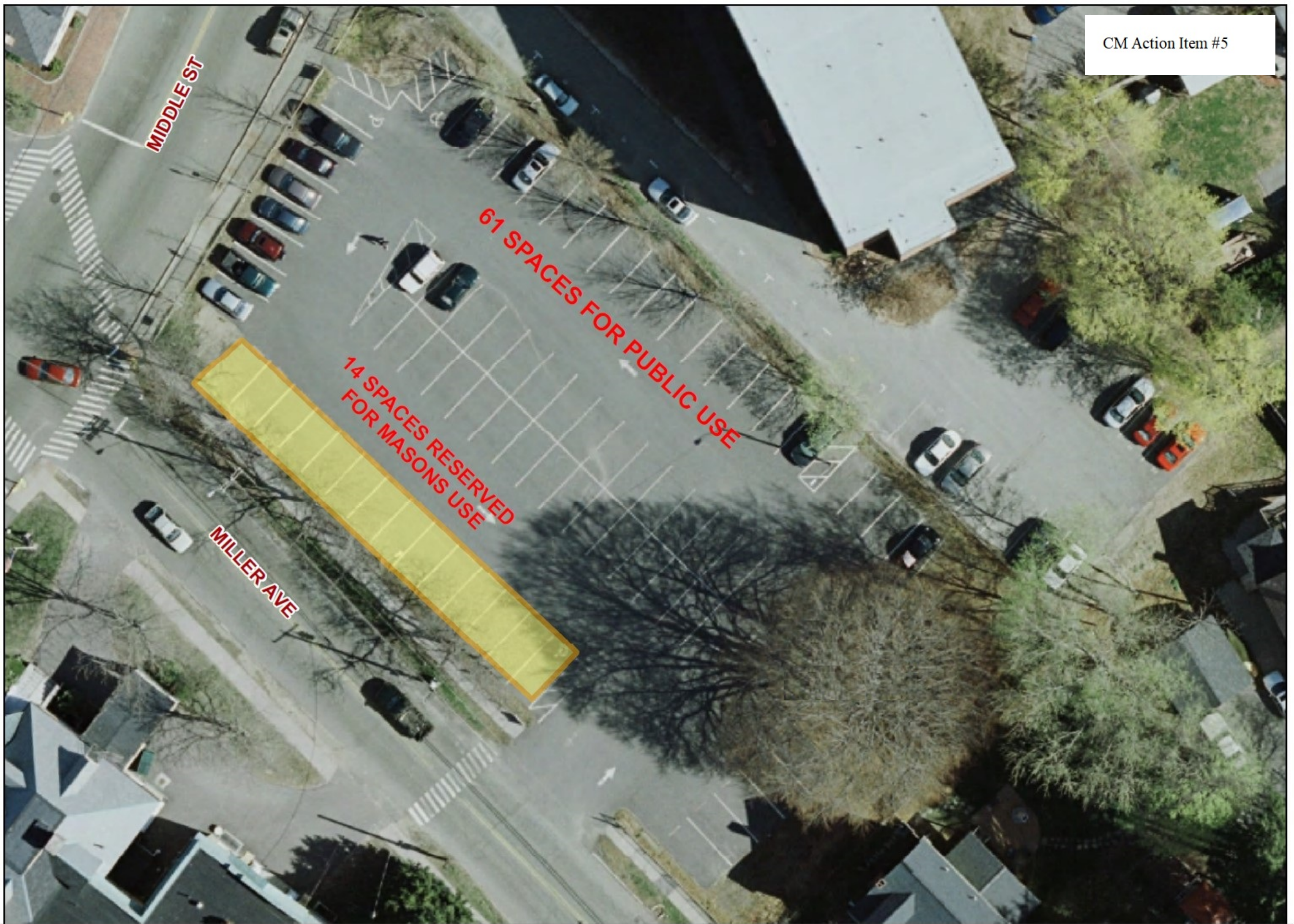
Dated: _____

Tom Hand

Dated: _____

Pursuant to vote of the City Council
on December __, 2021.

Pursuant to vote of the St. John's
Masonic Association, Inc. Board on
_____.



MIDDLE ST

61 SPACES FOR PUBLIC USE

14 SPACES RESERVED FOR MASONS USE

MILLER AVE

December 13th, 2021

The Honorable Rick Becksted, Mayor of Portsmouth
and members of the Portsmouth City Council.
1 Junkins Ave
Portsmouth NH, 03810

Dear Mayor Becksted and the Members of the City Council,
On behalf of the Alzheimer's Association, I would like to re-submit for the Agenda, a proposed date for the 2022 Annual Seacoast Walk to End Alzheimer's. This year we would like to hold the event on September 25th, 2022 and hope to start and end at the Little Harbour School as usual. I have attached our normal route options for Walkers that we typically use each year. We understand the stress that such events can have on the surrounding community and assure you that The Alzheimer's Association is cognizant of your concerns, and is committed to upholding the standards of years past.

We offer three route options for participants. Attached, please find the three route options drawn out for your review. We are planning to use the same routes as last year, but are flexible pending any construction changes or issues that may arise. We will plan on engaging the help of the Portsmouth Police, as in 2021 we hired a police detail to be both on-site and also at any busy intersections to assist in route crossing. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents of the City of Portsmouth as we raise awareness and funds for a critical cause.

We would expect approximately 1,000 participants at this event, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast Area. Additionally, we will have approximately 60 combined volunteer and staff on site.

The Walk site opens up at 8:30am for registration, the Walk itself kicks off at 10 and we are cleaned up and off the premises by 1pm.

We look forward to working with you, please reach out with any questions.

Sincerely,
Maria Stephanou
NH Walk Manager - Alzheimer's Association
mmstephanou@alz.org

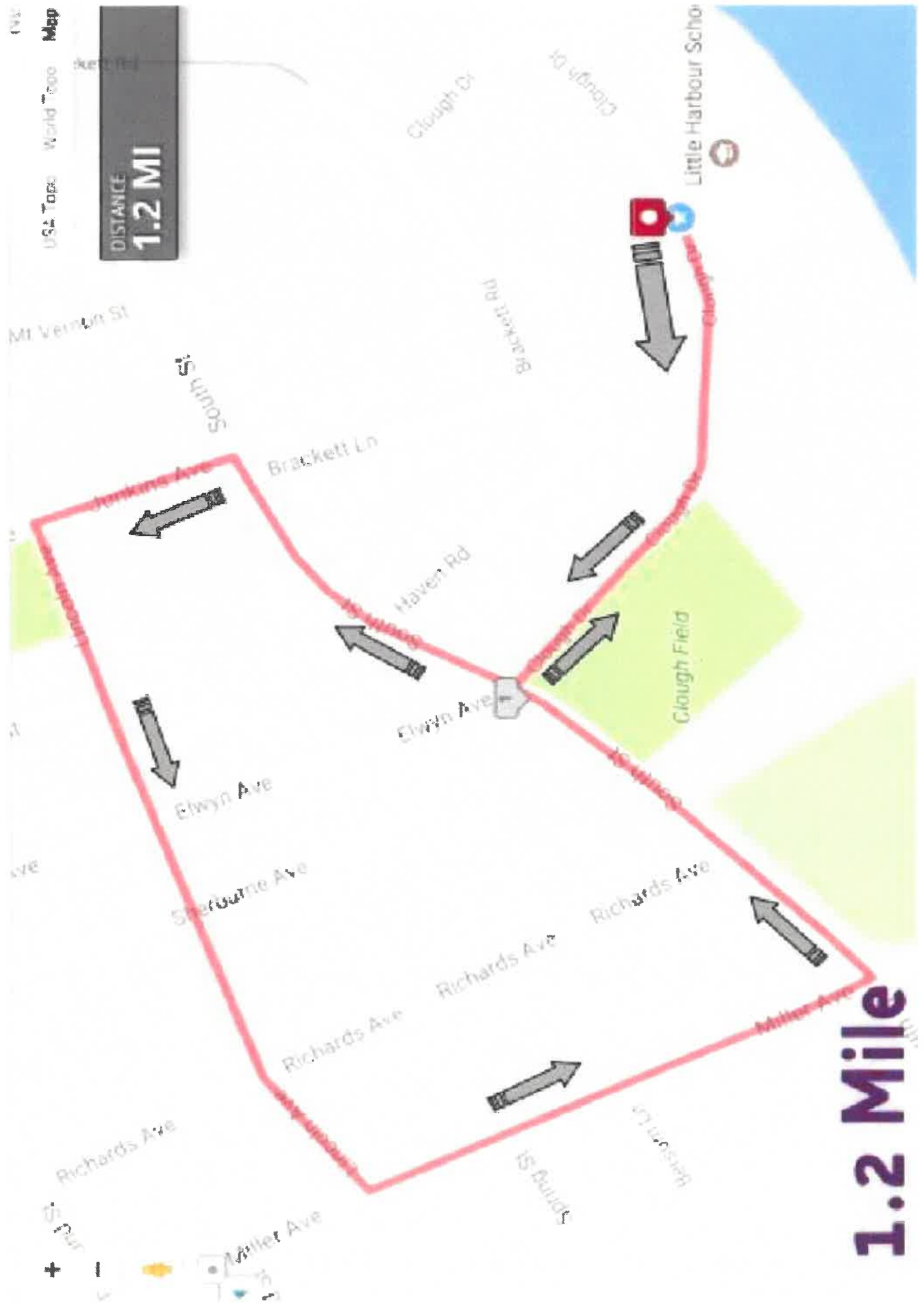
508-887-5025

.5 Mile Route



.5 Mile

1.2 Mile Route



1.2 Mile

Stay on walkway thru Veterans Memorial park

Water Station
Islington/Summer

Start/End
Little Harbour School
50 Clough Dr.
Portsmouth

3.2 Mile





December 16, 2021

Portsmouth NH City Council
C/o City Manager's Office
1 Junkins Ave
Portsmouth NH 03801

Dear Ms. Conrad


My name is Jennie Halstead. I am the Executive Director of My Breast Cancer Support and the Race Director of the Celebrate Pink 5k Walk & Run.

I am writing this letter to ask the City Council consider approval of our 14th Annual race which we propose take place on Sunday September 18th, 2022. Registration for the race begins at 7.30 am and the race will commence at 9 AM at Portsmouth Middle School provided state guidelines allow.

Thank you for your consideration, as well as the support you have provided for this event over the last 14 years.

Best Regards,

Jennie Halstead

Jennie Halstead
Executive Director, Survivor 

CITY COUNCIL E-MAILS

Received: November 12, 2021 (after 5:00 p.m.) – December 2, (before 9:00 a.m.)

December 6, 2021 Council Meeting

Below is the result of your feedback form. It was submitted by Eben Tormey (eben.tormey@gmail.com) on Monday, November 15, 2021 at 10:52:19

address: 108 Jones Avenue

comments: Good Morning Mayor and Councilors. I am writing to request that the appointment of any new land use board members be delayed until the new City Council is seated in January. The new Council has the overwhelming support of residents to move Portsmouth forward and tackle the challenges of affordable housing, managing future development and growth sustainably, and planning for climate change. The land use boards will play a critical role in this and the appointments (and/or re-appointments) should reflect the forward-looking policies of the new Council. The appointments up for consideration tonight for the Planning Board (note that the applications were filed after the election) are very clearly political in nature and an attempt by the narrow majority on the current Council to leave their mark on the land use boards after being swept from the Council in this month's election. Please take a minute and think about the future of Portsmouth and listen to the residents of Portsmouth who have spoken with their votes in the recent election and allow the newly elected Council the opportunity that they have earned to shape the future of our great City.

Thank you.

Eben Tormey

includeInRecords: on

Below is the result of your feedback form. It was submitted by Robert Bogardus (R.bogardus3@gmail.com) on Tuesday, November 16, 2021 at 13:48:24

address: Park Street

comments: As I have learned from Todd Henley. When the turf fields were put in & "approved" the turf/invironmental regulations were met. The suggestion that "field signage" raising concern's is totally out of line. My understanding is that other/area community's have the same field materials. Can you imagine a "guest team" seeing, such signage?

includeInRecords: on

Below is the result of your feedback form. It was submitted by Chase Hagaman (chase.hagaman@gmail.com) on Thursday, November 18, 2021 at 23:45:39

address: 17 Staysail Way, Portsmouth, NH

comments: Good evening, Mayor Becksted and City Council members:

I write to you in strong support of reappointing for another term to the Portsmouth Zoning Board of Adjustment Dave Rheume and Chris Mulligan.

It is well within your purview to nominate and appoint Board members of your choosing, and no member is entitled to remain on the Board beyond their appointed term. However, each member should be given thorough consideration when his or her term is coming to an end and they have interest in continuing to serve.

Rheume and Mulligan are worthy of that consideration, and in my view, should remain ZBA members. Both are objective, thoughtful, knowledgeable, considerate, and insightful members. They approach each application with careful consideration of the facts and circumstances before the Board, the potential impacts of requests being made, and the legal requirements and standards that the Board is expected to consider and weigh with each application.

Moreover, current Chair Rheaume artfully facilitates meetings, urging fellow members to engage in the process, guiding the Board when needed, and ensuring that the public and members of our community have a robust platform on which to participate. He also has the trust and confidence of his fellow Board members, exhibited by virtue of his continued, unanimous election as Chair.

Losing these two key members could have an enormously negative impact on Portsmouth's ZBA, resulting in an abrupt departure of important institutional and procedural knowledge, as well as leadership and subject matter expertise. Such a statement is not intended to discount the significant contributions of other Board members, as I have regularly been impressed with each member in my more than three years of service as an alternate on the ZBA.

However, before making a final decision on whether to replace Rheaume and Mulligan, I ask that you consider the importance of the Board's role, including the long-lasting nature and even the legal implications of its decisions. Members with experience, expertise, and an understanding of the complexity of many of the applications and issues brought before the Board should be retained, when possible. By virtue of losing Rheaume and Mulligan, in a very short period of time, the Board could be composed of a near majority of members with limited experience serving in this kind of capacity.

In fact, my time as an alternate member has solidified my belief that new ZBA members should have in-depth and relevant experience and expertise or benefit from serving as an alternate first. Such an approach helps ensure members develop a firm grasp of the process and standards in which the Board operates, as well as a comfort and confidence in their ability to interact with the public in a respectful and deliberative fashion and make decisions on cases in accordance with the legal analysis required.

With all of that in mind, members Rheaume and Mulligan are needed on our ZBA. I hope you take into account their record of objectivity, experience, expertise, and commitment to serving our community to the best of their abilities and reappoint them for another term.

Thank you for your consideration, and I appreciate your time.

Best,

Chase Hagaman

includeInRecords: on

Below is the result of your feedback form. It was submitted by Michelle Anderson (anderson.michl@gmail.com) on Friday, November 19, 2021 at 07:45:38

address: 236 Cate St

comments: Councilors: The meeting last night was a complete disgrace to our City. The agenda was vague and did not include a public comment section. I have a full-time career at a local company and I am the primary parent of 2 children- one in high school and another in kindergarten. My husband also has a full-time career along with a 45 minute commute each day. It is rare that we are able to attend meetings in person and we often rely on emailing my opinion in via the City website, like I am doing now. Our situation is not unique by any means. There are many residents who can't drop their life to show up to a Special Meeting.

Councilors, last night you negated my voice and the voice of many other citizens. That is not acceptable. The United States is a democracy and ALL voices of ALL residents have a right to be heard. It was abundantly clear that some members of the Council and the audience knew EXACTLY what last night's meeting was about so why wasn't Councilor Whelan's motion made public ahead of time? He was reading from a prepared statement in which he started off by saying "Tonight the City of Portsmouth is at a crossroad". This was juxtaposed by Mayor Becksted having earlier apologized TWICE within the first ten minutes of the meeting about the lack of communication regarding this meeting (once to the other councilors not in his 'clique'- and I truly shudder to use that word in reference to fully grown adults, but sadly the shoe fits in this situation- and again to Michael Kane). If the meeting was not properly communicated, then the motion should have been tabled. If we were at a crossroad last night, the citizens should have been informed ahead of time. Hard stop.

My anger is less about the decision that the Council made, although I wholeheartedly disagree that negating the contract and opening us up to litigation was the right way to move forward. I am angry because the Council did not allow me and others to voice our opinions ahead of time. It was underhanded and unethical.

Please know that I intend on being a long-time resident of Portsmouth and the actions of the Becksted 5 have fueled me to become more involved. I volunteered for and donated to Progress Portsmouth and intend to continue advocating for candidates who are for transparency and ethical actions in our city government.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Matt Anderson (fankzoo@gmail.com) on Friday, November 19, 2021 at 11:39:00

address: 26 Cass St.

comments: To the members of the Council, I am writing to you in regards to the City Council meeting that was held last night, November 18, 2021. I would first like to say thank you for your service to the city. Yours is not an easy job and volunteering your time should be commended.

That being said the kangaroo court you held last night was a disgrace. The meeting was held without proper notice of your true intent (apparently even the four dissenting sitting councilors were not aware of the intention for there to be a motion to breach the city's contract with Redgate/Kane), no indication there would be an opportunity for public comment (as confirmed by the city attorney to Councilor Lazenby), and the vote was held against the recommendation of your own city attorney (let alone consultation with the attorney the city hired to advise/represent us on this exact topic).

The five of you who were resoundingly rebuked in the recent election have significantly increased the liability of our city in the litigation with Redgate/Kane. Multiple attorneys stated as much last night. And Councilor Kennedy and Huda call this a "gift". That's a gift that shouldn't be given. You have continued the cycle of a current council making the job of the incoming council more difficult which is not in the best interests of our city. I appreciate there are a small number of residents who are excited by your actions, it appears to be the residents you were texting with yesterday Mayor Becksted, but make no mistake that tiny applause you received last night does not represent the will of the majority of our city. I have no doubt your actions will be undone, and in short order, but the fact you are willing to potentially cost the city millions out of spite shows who you truly represent and invalidates all of your talk of cutting spending and decreased tax rates.

I would like to thank Assistant-Mayor Splaine, Councilor Lazenby, Mayor-Elect McEachern, and Councilor Tabor for attempting to stop this vote from being jammed through. The many points you made last night were valid and appreciated. Mayor Becksted, I hope that you will issue a public apology for the way you spoke to City Manager Conard last night. It was the most embarrassing part of the evening which is a real feat. Beyond coming across like a petulant child with the heavy sighing every time someone said something you didn't like, yelling at the City Manager and pointing your finger in her face is an ugly look and will not be tolerated by any Mayor of our fine city.

If there is an upside to last night it is that the five of you have affirmed the right choice was made in the recent election. You claim to care about the city budget, claim to be open to hearing from the public, and claim to advocate for transparency in government. Last night made it clear that those claims only apply when you want them to. I hope that you will stop trying to sabotage our city and the incoming council in the time that is left in your term.

Thank you for your time and I hope you all have a wonderful Thanksgiving.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Jonathan Sandberg (jfsandberg@yahoo.com) on Friday, November 19, 2021 at 16:10:13

address: 160 Bartlett Street

comments: I watched yesterday's special council meeting in which you voted to dissolve the city's partnership with Redgate/Kane with utter dismay. For the better part of the past two years, although I generally disagreed with the decisions of five members of the council, I believed they acted in good faith to improve the community that they cared about. Yesterday's action was nothing less than a bomb meant to lay carnage to our city. Holding a vote of such consequence, without legal council and proper public input, demonstrated utter contempt and disregard for the public. It was childish and despicable.

I hope that you five who voted for it feel shame. I am disgusted for you.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Nick Scuderl (nickscuds@yahoo.com) on Saturday, November 20, 2021 at 02:36:42

address: 311 Spinney Rd

comments: I am disappointed in the decision made tonight by 5 of the outgoing council members, I believe this was done in bad faith and malice after ignoring multiple request from Cliff and others. It definitely appears like you can be held personally liable if you act in bad faith, fraud, malice or intentional misconduct. I hope the incoming council members have the city lawyers hold them fiscally responsible for this decision.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Gerald Duffy (Gduffy44@gmail.com) on Tuesday, November 30, 2021 at 15:36:19

address: 428 Pleasant Street #3

comments: Dear Mayor and Council:

I ask you to read something that was written two years ago.

“Congratulations to Mayor-elect Becksted, the incoming City Council, and the Portsmouth Citizens Alliance for their election victory. While I may have knocked on every voter’s door in four plus wards, my efforts were no match for their massive Get Out The Vote operation that included a unified signage effort, volunteers leafleting entire neighborhoods, and an unprecedented phone banking operation that I credit for their increased voter turnout.”

Isn’t it refreshing to hear such humility, respect, dignity, and grace in defeat? They are the words of councilor-elect Josh Denton who had just been voted out in 2019.

A month ago, the voters of Portsmouth gave this council a performance review. Let’s give them some credit and assume they knew what they were doing. They fired five of you.

Now you may think otherwise, but no-one hoodwinked these Portsmouth voters, who turned out in record numbers. Ward 5 had an unprecedented turnout of 45%. The McIntyre Project and everything to do with it barely registered with voters. People are tired of it.

These voters could not care less who is a Democrat, Republican, or Independent. The negative stuff from both Preserve Portsmouth and the spoof web site that mocked it didn’t move the needle one bit. Nobody cared. Portsmouth voters are smarter than that.

Nor did money buy votes, any more than it did in 2019 when developer money flowed through the Revisit group and candidate Tyler Goodwin spent \$7,400 to little avail.

Above all else, voters wanted good governance. And now you have made a reckless decision on a major project and are rushing through land use board appointees on your way out the door. That is not good governance. Your actions are demonstrating yet again why voters turfed you out. How do you suppose voters feel now as they watch you disrespect their decision and stick to business as usual?

I urge you to set aside all important business that remains this year and let the next council handle it. Please reach for your better selves, show some humility, and leave with at least some dignity. It’s the right thing to do and you know it.

Gerald Duffy

includeInRecords: on

Below is the result of your feedback form. It was submitted by Arthur Clough (arthurclough@hotmail.com) on Wednesday, December 1, 2021 at 21:04:30

address: 431 Pleasant

comments: Good Evening to the City Council, I read the post of Mr. Duffy's recent letter to the council and his quoting of Josh Denton and his "graceful" exit from office.

I'd like to remind this council of a speech that Mr. Denton gave to this council in which he reminded everyone that he was voted out of office because of the McIntyre Building and the desire of the citizens to be part of process (Revisit McIntyre).

If you have forgotten what Mr. Denton had to say, you can find a video here:

<https://www.youtube.com/watch?v=leCR4q-aqS0>

It was disappointing that the current Council couldn't get the McIntyre project completely over the goal line, but I don't know how you could have with the way that the developer refused to cooperate and threatened the city.

To those who voted to end the partnership, THANK YOU. The citizens were betrayed by the developer, not by our hardworking Council.

If you do not receive the hyperlink to the Youtube video, please email me.

Arthur

includeInRecords: on

Below is the result of your feedback form. It was submitted by David Witham (withamarchitecture@gmail.com) on Thursday, December 2, 2021 at 07:35:04

address: 238 Walker Bungalow Road

comments: Dear Mayor Becksted & City Council Members,

I am writing to you all to strongly endorse the reappointments of both Dave Rheume and Chris Mulligan to the Zoning Board of Adjustment.

While serving on this board for 15 years, I can personally share that I was privileged to have chaired the ZBA while both these members were on the board and can attest to their professionalism and sense of civic responsibility. They both exhibit a great deal of institutional knowledge that cannot be easily replaced.

It is no secret that there are some on this Council who have felt a need to "cleans" our boards and commissions as these volunteer boards are somehow individually responsible for the development over the past decade in our city that some find offensive. I cannot disagree with this sentiment more, as the reality is that our boards and commissions are tasked to uphold the Zoning Ordinance, not write it. Most all of the development in our city that has caused some tension is the result of what our zoning allows, not what board members decided individually. To that extent, both members Rheume and Mulligan are staunch supporters of our Zoning Ordinance and the criteria set before them in making decisions.

It should also be shared with the council that it is inevitable for all towns and cities throughout the state to have decisions made by their boards and commissions to end up in court, whether they supported a project or denied it. I am proud to say that at least during my tenure on the ZBA, the City of Portsmouth had one of the highest litigation success rates in the state and members like Rheume and Mulligan were all part of this success. In essence, the courts were stating that the Portsmouth ZBA was doing an excellent job with their task. I thus challenge any notion that the ZBA is indeed one of the boards that needs to be cleansed.

I cannot stress enough to you all the tremendous loss I feel it would be to the City to lose both Rheume and Mulligan on the ZBA which is arguably the most difficult board or committee to sit on. The dedication and institutional knowledge that they both bring would take years to recover from.

Respectfully submitted,

David Witham

includeInRecords: on

CITY COUNCIL E-MAILS

Received: December 2, 2021 (after 5:00 p.m.) – December 16, 2021 (before 9:00 a.m.)

December 20, 2021 Council Meeting

New content:

Below is the result of your feedback form. It was submitted by Randal Leach (rjleach1196@yahoo.com) on Friday, December 3, 2021 at 06:21:29

address: 358 Thornton St

comments: Why are trucks still using Bartlett, Dennett and Woodbury streets. Three days this week I was woken by trucks shaking my house.

Consider this message to the City of Portsmouth providing notice consistent with RSA 231:92 for any more damage to my property. I have for years complain about the trucks damaging my 125 year old foundation. I have repaired as much as I can but it continues.

It was very nice of the city to send me a cease and desist letter for complaining about this issue. Then get a phone call from officer Sargent telling me I will be arrested is call again and if I don't like to "f*** move "!!

This city has been my home for 63 years. As I write this another truck shacking my house.

12/3/21 0725

includeInRecords: on

Below is the result of your feedback form. It was submitted by Christine Randall (cmcr1954@gmail.com) on Friday, December 3, 2021 at 12:23:32

address: 80 Diamond Drive

comments: I've been listening to meetings and reading about the councils desire to assign individuals to openings on various boards. In light of the fact that you are leaving the council very soon, and also that you seemed to appreciate the previous council affording you the opportunity to appoint your own individuals, it would seem to be the logical and respectful thing to do the same in this case.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Marcus Santy (marcus.santy99@gmail.com) on Saturday, December 4, 2021 at 09:12:37

address: 46 Elwyn Road Portsmouth

comments: Hello mostly outgoing council,

I implore you to sit back, retract nominations, and allow the incoming council to take up all matters now at hand when they are sworn in in January. The election was a referendum on your leadership and we chose to end it. The decisions of 5 of you are not only foolish and costly, they are not what the majority of the city wants. Your time of self serving is done. The incoming council should not be handcuffed when they take office. It is clear to me that is what your goal is. There is no gift giving from you at this time. Please just go quietly and let the new council take up all matters now at hand.

Thank you,

Marcus Santy

includeInRecords: on

Below is the result of your feedback form. It was submitted by William North Sturtevant (nsturtevant@jsainc.com) on Saturday, December 4, 2021 at 09:00:00

address: 250 Highland Street

comments: Please consider that a measure of leadership is how one handles repudiation. The City is not behind you and your actions following the November does nothing but expose you for what you are.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Dave Mitchell (dave@amaruq.com) on Saturday, December 4, 2021 at 09:23:45

address: 1179 Maplewood Avenue

comments: I am a registered voter in Portsmouth, and I request that the current Mayor and the other members of the Council who were overwhelmingly defeated in the Municipal Election held on November 2, 2021, refrain from making any significant decisions with regard to city business, including major development projects and making appointments to land use boards. Most of all, please stop incurring legal liability that will fall to the city's taxpayers to cover; this includes summarily firing Kane, and gratuitously yanking DSA around.

thanks,

Dave Mitchell

includeInRecords: on

Below is the result of your feedback form. It was submitted by Pamela A. Richard (pam@amaruq.com) on Saturday, December 4, 2021 at 10:25:03

address: 1179 Maplewood Ave

comments: I am gravely concerned about the potential for liability with regards to the McIntyre project. I respectfully ask that no further action be taken until the new city council is in place. I also request that appointments to boards wait for the new council.

Please do what is right for the city and the residents who have made their wishes very clear.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Nancy Pearson (nespearson@gmail.com) on Saturday, December 4, 2021 at 10:42:32

address: 104 Lincoln Ave

comments: Dear Mayor-Elect McEachern,

Congratulations on your historic victory. I know I join thousands of other residents in looking forward to a return to competent and ethical leadership for the city. As you are aware, you will have a lot of work ahead of you to untangle the legal and unethical issues brought on by the current mayor and his majority.

For example, our city ordinance, Section 1.303 under Planning Board says that "the mayor shall apportion appointments so that no more than three appointments occur annually." The current council approved three appointments last December 21. The current mayor is asking for two more on Monday, December 6 (which makes five), and another three on December 20, which would make a total of eight appointments. All within a calendar year. Even if you dismissed last year's appointments as occurring last year (which is an argument that doesn't quite hold up), the five he's putting forward just in this month clearly go beyond the intent of the ordinance.

In light of the flagrant disregard for our city's adopted policies, I encourage you to take steps now and be prepared to dissolve any planning board appointments made beyond his allotted three, as soon as the new council is sworn in in January.

Thank you, I appreciate all you have done and will continue to do for our city.

Nancy Pearson

includeInRecords: on

Below is the result of your feedback form. It was submitted by Dan Allen ([Pitamandan@gmail.com](mailto:pitamandan@gmail.com)) on Saturday, December 4, 2021 at 11:49:50

address: 258 Buckminster Way

comments: Either give as much effort as Rick Beckstead does to his T-shirt choices for council meetings, or just stop entirely. The councils reckless, unrepresented, and ignorant decisions will cost this city greatly. It takes years to build a city, but only minutes to burn it down. It's clear this lame duck council has chosen to act as quickly, and poorly, as possible to influence as much as they can in their remaining days clearly applying their own interests, and not the interest of the citizens of Portsmouth. The same citizens that overwhelmingly showed a VOTE OF NO CONFIDENCE, striking down every single of the Beckstead5, and every other Republican candidate.

What happened to preserve Portsmouth? Wasn't that your campaign slogan? For the love of god, please preserve what's left, and stop burning this city's choices and opportunities down.

includeInRecords: on

Below is the result of your feedback form. It was submitted by J. Ryan Thompson (j.ryanthompson85@gmail.com) on Saturday, December 4, 2021 at 14:11:08

address: 14 Van Buren Ave

comments: Folks, please refrain from making drastic changes to our community in your final days. While I appreciate your passion for the community as well as the work you've done on the council now is not the time to misuse your power and make changes out of spite. You're all better than this, please do not end your tenure on this sad and petty note. Now is the time to work with the incoming council and collaborate on how we can have our community flourish. Thank you.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Margaret Flaherty (maggie.flaherty@gmail.com) on Sunday, December 5, 2021 at 06:49:14

address: 860 Maplewood

comments: Dear Councilors,

I am writing in support of the new skate park. This is an investment that will enhance our city for residents and visitors of all ages. A skate park provides an opportunity for exercise, fun, and community building. Much like the tennis courts and fields at South Mill Pond the skate park will bring increased opportunity for recreation activities for our residents. I am hopeful that the council is fully supportive of this project.

Sincerely,

Maggie Flaherty

includeInRecords: on

Below is the result of your feedback form. It was submitted by Pamela Barrett (pambarrett@gmail.com) on Sunday, December 5, 2021 at 11:28:39

address: Portsmouth

comments: Please leave the rest of the land with only grass. That allows other sports to play there. We don't need another playground.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Richard DiPentima (rdipentima@gmail.com) on Sunday, December 5, 2021 at 11:32:02

address: 16 Dunlin Way,

comments: Dear Council members, especially those of you who are leaving the Council as a result of the most recent election. The voters of Portsmouth spoke very clearly and loudly on November 2nd, that we were not happy with the way at least five members of the Council were representing us. This is what democracy is about, and how we the people can effect change, and exercise our power.

The Mayor has stated publicly that he is still the Mayor until the end of the year and he will bring forth nominations to various boards and commissions during his remaining time in office. This is his right to do so. However, simply because he has a right to do so, and others have the right to vote to support his nominations, does not make it the right thing to do. In fact, considering the recent election results, it would be the wrong thing to do.

When officials lose elections they have two choices they can make upon leaving office. They can leave with dignity, respect for the voters decision, honor and integrity. On the other hand, they can leave office under a cloud of anger, resentment, and seek retribution against the people who they took an oath to serve.

Each one of you will need to decide which type of legacy you want to be remembered for in a historical sense. While you may get some short-term personal satisfaction by ignoring the will of the people, in the long-term, your actions will be a blemish on your reputations forever.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Chris Dwyer (cdwyer@rmcres.com) on Sunday, December 5, 2021 at 17:34:55

address: 600 broad street

comments: For all of you on the Council, the time between election and January 1 must seem interminable—whether you were successful in the election, defeated in the election, or chose to step down from the political arena. While this is true for every Council, this time of transition is different because so many citizens are paying close attention and scrutinizing every Council word and action with a new-found civic zeal. Young people and newer residents are motivated to participate in ways that I had hoped would happen years ago. The emotional connection to principles of law and decency that has brought them to their feet means they will not forget this moment for their entire political lives.

What does that matter to you at this point? If you were one of the defeated, you can still act honorably and demonstrate that you have the long-term interests of most Portsmouth citizens in mind. If you have the hope of being taken seriously in civic or public life in Portsmouth's future, you should consider how your final actions on this Council will play under the microscope.

...Deaglan and John: your viewpoints, reasoning and votes are even more important—even if five votes are determined to defeat what you know is right, don't undermine your own potential by passively going along. You know you'll have support from Jim and Cliff.

Some of my friends from other parts of the state observe that it takes Portsmouth a very long time to make big decisions (i.e., the library, middle school, wastewater treatment plant, etc., etc.) but, they say, in the end Portsmouth will always do the right thing. Perhaps this observation also applies to individuals. While I've heard the description "sore loser" many times in the last few weeks, it need not apply to everyone.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Matthew Glenn (matthglenn@gmail.com) on Sunday, December 5, 2021 at 20:17:32

address: 34 Harrison Avenue

comments: Dear Mayor and Councilors,
I'm very disappointed with the actions five of you took at the November 18th special council meeting. Having just lost your seats, it was shocking to see you vote without legal council and without properly advertised public comment in a way that exposes the city to lawsuits and huge costs. It does nothing to move us forward with the McIntyre property, and is clearly not the people's will-- two of the three top vote-getters, councilors McEachern and Tabor voted against it, while the other five of you lost your seats.
I'd like to ask you to hold off on all new appointments to the Planning Board and ZBA until a new council is seated, just as councilor Becksted asked in late 2019.
Thank you,
Matthew Glenn
includeInRecords: on

Below is the result of your feedback form. It was submitted by Kate Hatem (katemph@gmail.com) on Sunday, December 5, 2021 at 20:28:27

address: 1 Ash St

comments: Dear Portsmouth City Council,

I am writing to you to request that you withdraw or vote against Mayor Becksted's board appointments this week. This is a time when you can show the city that you care about all residents and respect the decision of the voters who very clearly voted to change the makeup of the next council. You still have the opportunity to leave this term with a little more respect from the people. The city wants a different type of governance and leadership. The city wants the next council to make these appointments. Show us that you can provide that in your final hours on the council to the city that we all love. As a resident, I would respect that type of leadership over pushing through a few more appointments just to make a point. Please, show the next council that you respect and trust them to govern appropriately. Show the people of our city that you can do the right thing right now.
Thank you.
Kate Hatem
includeInRecords: on

Below is the result of your feedback form. It was submitted by John R Stebbins (john.stebbins@gmail.com) on Monday, December 6, 2021 at 06:45:54

address: 390 Richards Avenue

comments: I respectfully ask that any board appointments being considered by Mayor Becksted and Council be tabled for the incoming Council. It was made very clear, through the election, that the citizenry of Portsmouth was not happy with the direction that the Mayor Becksted and Council was taking the city. Extending Mayor Becksted's influence over the next three years through these board appointments is blatantly disrespectful of Portsmouth's citizenry.
includeInRecords: on

Below is the result of your feedback form. It was submitted by Donna Westbrook (dmwestbrook@comcast.net) on Monday, December 6, 2021 at 07:50:14

address: 76D Manor Drive

comments: Greetings to Mayor Becksted and all present city council members, I am writing my first of what should be many letters to you and the next city council, about working with PHA on upcoming and future housing projects. There are many in public housing, myself and others, who feel that Executive Director Craig Welch is not doing his job to maintain repairs and upkeep of existing public housing in Portsmouth. I am asking that you do a survey among all PHA tenants, to help you understand the scope of his neglect. I ask this BEFORE you pursue any more projects going forward, with him.

Sincerely,
Donna Westbrook
76D Manor Drive
Portsmouth, NH 03801
includeInRecords: on

Below is the result of your feedback form. It was submitted by Doug Roberts (dougroberts4123@gmail.com) on Monday, December 6, 2021 at 12:04:02

address: 247 Richards Ave

comments: Councilors,
I'm writing to object to your recent 5-4 vote terminating the agreement with Redgate-Kane for redevelopment of the McIntyre Building and to the prospect of many lame-duck appointments, particularly to the Planning Board, in the last days of the current Council's term.

The McIntyre vote was invalid on a number of grounds, the most obvious being that the public and even some councilors were not notified that the Special Meeting would include a vote to terminate R/K's agreement, refund R/K's deposit and issue an request for new proposals for the McIntyre redevelopment.

Robert's Rules of Order, which the Council formally adopted in January 2020, requires that the agenda include, specifically, what will take place at a Special Meeting. I believe the city attorney made the that point before the vote. Councilors should be aware that knowingly violating right to know rules can result in invalidating the meeting and personal liability for councilors.

The Council should reconsider its action and leave the issue to the Council-elect.

With regard to the appointments, a number of people have suggested that Mayor Becksted is merely doing the same as Mayor Blalock in the last days of the previous Council's term. That is not true.

Mayor Blalock reappointed one long-serving person the the Planning Board and one long-serving person to the ZBA, plus several people to non-land-use board. If anything, the reappointments were an acknowledgment of their years of service and acquired expertise.

In contrast, Mayor Becksted proposes a political power play. He would appoint eight people to the Planning Board, including someone who ran for Council as the sixth member of the "Becksted 5" and a supporter well-known for his letters to the editor. He would replace the long-serving Planning Board chair. He also would appoint two members to the Zoning Board of Adjustment and make seven other appointments.

This is unconscionable as voters were well aware of the mayor's views yet choose to go in another direction. The Council should decline to support the mayor's nominations..

Doug Roberts
247 Richards Ave
includeInRecords: on

Below is the result of your feedback form. It was submitted by Mr. & Mrs. Joseph Famularo (famularoj@gmail.com) on Monday, December 6, 2021 at 16:26:20

address: 141 Mill Pond Way Unit 3

comments: Dear City Council Members,

As citizens and taxpayers of Portsmouth, both my wife and I support Mayor Becksted's nominations of James Hewitt and Greg Mahanna to serve as new Planning Board members, and Thomas Rossi to serve on the Zoning Board of Adjustment. Each of these excellent nominees brings knowledge and experience to the table, qualities that will benefit our city.

We urge you to support our Mayor and taxpayers of our city by voting FOR these individuals.

Thank you.

Joe & Kathy Famularo

includeInRecords: on

Below is the result of your feedback form. It was submitted by Rachel Kurshan (rachelkurshan@gmail.com) on Thursday, December 9, 2021 at 10:11:48

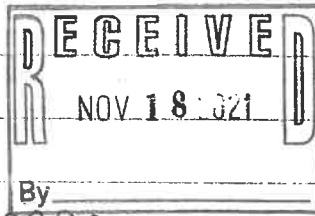
address: 33 Humphrey's Court

comments: Dear City Councilors,

I respectfully request that you reimpose the indoor mask mandate. Despite the fact that New Hampshire has the highest per capita Covid-19 rate in the country, it appears that we will not have a State mask mandate. Our governor has stated that cities and towns are free to enact their own mandates; thus Portsmouth has an open invitation to do so. While I choose to wear a mask whenever I am indoors in public, I have been in the minority of mask wearers in some public settings. This doesn't adequately protect me or fellow Portsmouth residents, both masked and unmasked from virus spread. Wearing a mask is the least invasive Covid-19 reducing action of which I'm aware that is within our control. As our hospitals become overwhelmed with patients, it is incumbent on our city leaders to take action and re-enact an indoor mask mandate. Having approved this once before, it should not be difficult to draw on past experience.

Rachel Kurshan

includeInRecords: on



City Clerks Office
Portsmouth, N.H.

Gentlemen,

I am told that taxies have not needed to have meters for a long time and now they no longer need roof signs either. This is very unwise, because any con man can say, "I am a taxi," and any taxi, uber or whatever can charge whatever they want to for a fare and if it is unreasonable, no one can do anything about it.

Think about it and I have every confidence that you all in this cities government will do the right thing

There should also be a taxicab commission

Sincerely, Robert Ayers

RAINBOTH, MURPHY & LOWN, PA
ATTORNEYS AT LAW • PROFESSIONAL ASSOCIATION



received
11/22/21

November 17, 2021

MICHAEL P. RAINBOTH *†
KENNETH D. MURPHY **
BRADLEY M. LOWN †
JAMES E. COUGHENOUR, JR. †*

VIA FACSIMILE & 1ST CLASS MAIL
(603) 427-1526

Rick Becksted, Mayor
& City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Worth Lot Parking Agreement Revision

Dear Mayor Becksted & City Council:

This office represents the Worth Condominium Association. I am writing in reference to the Worth Lot Parking Agreement between the Association and the City dated August 29, 2006, as amended. I enclose a copy of the Agreement and the Amendments.

We are requesting two (2) changes to the Agreement:

1. Hours

The current agreement provides that “The term ‘daytime’ shall be defined to match as closely as possible the manner in which ‘daytime’ is used in connection with the issuance of parking passes to the High Hanover Parking Facility.” (HH) There are no longer daytime-only monthly passes at HH. We are requesting that the Agreement specify that the hours shall match instead the weekday meter schedule in the Worth Lot (currently 8 am-8 pm) for all days including Sunday. It’s important to specify weekday because on Sundays the meters are noon-8, and the Association needs spaces to be reserved 8am-8pm. Otherwise, restaurant employees would have to move their cars mid-day I would suggest language that if the City changes the hours again that Worth shall be entitled to park until the new time in order to avoid this issue arising again in the future. My understanding is that the City has verbally agreed to this change with Dan Wallace, the prior Property Manager for Worth Condo. Association.

2. Rate

We are also requesting that the Agreement be amended to specify the payment. The rate is currently tied to that same daytime HH monthly pass rate. When the City switched to a 24-hr-only pass, the City initially requested that the Worth Condo pay the full monthly pass rate. The Association does not need the spaces at night and it was agreed between the parties that payment would be 80% of the HH monthly pass resident rate and that is what Worth has been paying for a long period of time. This amount is currently \$160. We are requesting that the Agreement specify that payment shall be 80% of the HH monthly pass resident rate.

It is my understanding that City staff may also be seeking to make additional amendments to the Parking Agreement. Therefore, we are requesting that the Council authorize City staff to reopen discussions in regard to the Agreement so that both parties may make requested amendments.

I look forward to working with you on this matter.

Very truly yours,



Kenneth D. Murphy

:aar

cc: Robert Sullivan, Esquire (via Fax: 603-427-1577)
Karen Conrad, City Manager (via Fax: 603-610-7202)

AGREEMENT

NOW COME the City of Portsmouth, Portsmouth, New Hampshire (the "City") and Worth Development Corporation, 282 Corporate Drive, Portsmouth, New Hampshire ("Worth").

WHEREAS the parties to this Agreement have entered a lease wherein Worth has leased a certain parking lot known as the Worth Parking Lot to the City under Lease dated January 17, 1973; and,

WHEREAS said Lease provides for a conveyance of said lot by Worth to the City; and,

WHEREAS the parties have agreed to the terms of said conveyance; now,

THEREFORE, the parties agree as follows:

1. This agreement is intended by the parties to implement the settlement concept outlined in a certain memorandum addressed to City Manager John P. Bohenko of the City of Portsmouth from City Attorney Robert P. Sullivan dated January 13, 2006 and approved by the City Council on January 23, 2006.

2. Worth will execute and deliver a Warranty Deed conveying the Worth Parking Lot to the City, to be recorded at the Rockingham County Registry of Deeds along with this agreement. The City and Worth agree, however, that this agreement is not in any way secured by that deed. The property conveyed by the deed shall be free and clear of any reverter, right of entry or any other interest of Worth except as expressly referenced in the deed.

3. Worth waives any claim to the air-rights associated with said parcel and by its warranty deed intends to convey all of its rights in the parcel to the City. Said conveyance is for nominal consideration and will be treated as a gift from Worth to the City in reliance upon a

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

certain letter addressed to Robert Shaines of Worth Development Corporation from Michael J. Asselin, CPA of Cummings Lamont & McNamee, P.A. of dated May 26, 2006. .

4. The City will continue to allow Worth, its successors or assigns, to reserve for daytime use of its tenants, exclusive of Sundays and Holidays, twenty-three (23) parking spaces in the Worth Lot. The spaces will be selected and designated by the City. In consideration of the use of the spaces, Worth will pay to the City in six month increments in advance a sum equal to the City's monthly daytime parking rate normally charged by the City for vehicle parking in the High Hanover Parking Facility. The term "daytime" shall be defined to match as closely as possible the manner in which "daytime" is used in connection with the issuance of parking passes to the High Hanover Parking Facility. As long as Worth makes timely payment of the said sum this provision shall remain in effect until such time as the City notifies Worth that it has chosen to build a parking facility or other structure upon said lot which would eliminate the use of said spaces, or for a period of twenty-five (25) years from this agreement, whichever first occurs. Worth shall have no parking rights under this agreement during the construction period for any building constructed on the said lot.

5. In the event the City builds a parking garage or other structure upon the Worth Lot, it agrees to continue to maintain at least one hundred ten (110) public parking spaces (inclusive of the spaces represented by the 35 passes reserved for Worth under item #6 below) following such construction.

6. If at any time the City determines to construct a parking garage upon said Worth Lot, Worth, its successors and assigns shall be given the right to reserve for use by tenants of the Worth building up to thirty-five (35) parking passes in said parking garage. The parking fee will

BK 4701 P6 0531

be 75% of whatever monthly fee is charged for daytime parking at the High-Hanover garage or any successor to the High Hanover garage. Said rate will be paid monthly in advance by Worth or its successors or assigns. As long as Worth makes timely payment of the said rate, this provision shall expire on the twenty-fifth anniversary date following the opening of the garage on the Worth parcel.

7. The right of the City to develop the Worth parking lot shall be subject to its obligation to provide public parking as set out above and will be further subject to the City retaining ownership of said parcel for forty years from the date of this agreement. The sole remedy available to Worth for violation of this provision shall be specific performance. The City may out source the operation of any parking activity subject to its obligations under this agreement.

8. In the design, construction and maintenance of any parking facility constructed on the Worth Lot, the City shall provide for the following:

- A. Walkway access to the parking facility from the second floor of the Worth Development Corporation property on Congress Street and from the top floor of the Shaines & McEachern building, so long as the design, construction and maintenance of such walkways is done at the expense of the property owners to be benefited by the walkways and with the requirement that the walkways be maintained by the owners of those properties.
- B. The City shall provide an annual license allowing the current dumpster, or a similar facility to be maintained on the property. The dumpster agreement will be renewable annually and may be adjusted by the parties to deal with changing circumstances.
- C. The City shall provide an accommodation to allow the continuation of existing PSNH transformers which are on the Worth Lot at the present time.

BK 4701 PG 0532

9. The parking credit attributable to the Worth building under Article XII, Section 10-1201(A)(5) of the City's zoning ordinance will be determined by the City's Planning Department and provided to Worth on reasonable request

10. Worth hereby grants an annual renewable license to the City to continue to maintain parking meters along the northerly portion of other property of Worth as they now exist.

11. The parties agree land conveyed will be appraised as of the date of transfer by an agreed upon Member of the Appraisal Institute (MAI) and that said appraisal will be accepted by the parties, and the City agrees to provide documentation to Worth to acknowledge a gift in that amount. The City makes no representation regarding any use, for tax purposes or otherwise, of this information.

12. This agreement will survive the deed referenced in item #2 above and will be recorded in the Rockingham County Registry of Deeds.

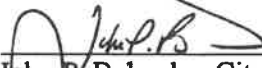
13. The Worth Development Corporation, pursuant to corporate vote taken by the Directors on July 18, 2006, has authorized Robert A. Shaines to execute this agreement.

14. The City of Portsmouth, by vote of the City Council, taken on January 23, 2006 has authorized its City Manager, John Bohenko, to execute this agreement on behalf of the City.

15. This agreement shall be binding on the heirs and assigns of the parties.

Dated: August 29, 2006

CITY OF PORTSMOUTH

By: 
John P. Bohenko, City Manager
Pursuant to vote by the City Council on
January 23, 2006.

BK 4701 P6 0533

**WORTH DEVELOPMENT
CORPORATION**

Dated: August 29, 2006

By: *Robert A. Harris*
Its Authorized Officer *President*

3

MAIL TO

BK 5671 PG 0604

~~SHAINES & MCEAGHERN~~
~~PROFESSIONAL ASSOCIATION~~
~~282 CORPORATE DRIVE~~
P. O. BOX 360
PORTSMOUTH, N.H. 03802-0360

051574

ASSIGNMENT OF AGREEMENT

THIS ASSIGNMENT OF AGREEMENT (the "Assignment") is made this 22nd day of October 2015, by WORTH DEVELOPMENT CORPORATION (the Assignor"), a New Hampshire corporation with a business address of 282 Corporate Drive, #2, Portsmouth, NH 03801, and delivered to WORTH DEVELOPMENT I CONDOMINIUM ASSOCIATION (the "Assignee") of 10 Vaughan Mall, Portsmouth, NH 03801, with a mailing address of P.O. Box 4734, Portsmouth, NH 03802-4734, and by this Assignment Worth Development Corporation, hereby SETS OVER, TRANSFERS AND ASSIGNS to Worth Development I Condominium Association all of its rights, title and interest in the Agreement as amended and further described as follows:

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

- Agreement between the City of Portsmouth and Worth Development Corporation dated August 29, 2006, and recorded in the Rockingham County Registry of Deeds on August 30, 2006 in Book 4701, Page 0529, relating to a certain parking lot now owned by the City and known as the Worth Parking Lot, and the Amendment to Agreement dated September 2, 2011, and recorded in said Registry on September 6, 2011 in Book 5241, Page 2018.
- Assignment of Parking Space between Worth Development Corporation and Ganem Properties, LLC dated November 21, 2006 and recorded in said Registry in Book 4735, Page 1123 relating to parking space 7 in the Worth Parking Lot, so-called.

- Assignment of Parking Space between Worth Development Corporation and Ganem Properties, LLC dated January 12, 2010 and recorded in said Registry in Book 5082, Page 1454 relating to parking spaces 1 and 9 in the Worth Parking Lot, so-called.
- Assignment of Parking Space between Worth Development Corporation and Go Zen LLC dated July 19, 2013 and recorded in said Registry in Book 5461, Page 2600 relating to parking spaces 2, 3 and 4 in the Worth Parking Lot, so-called.


and Worth Development I Condominium Association by this Assignment hereby accepts such Agreement accepts to fulfill the duties of the Assignor under the terms of said Agreement.

Executed as an instrument under seal as of the day and year first written above.

ASSIGNOR:
Worth Development Corporation



Witness


By: 

Arnold Fishbein, Treasurer

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this ___ day of October 2015, by Arnold Fishbein, Treasurer of Worth Development Corporation, and executed the same as his voluntary act and deed, for the purposes therein contained, in his said capacity.





Notary Public/Justice of Peace
My Commission Expires:

ASSIGNEE:
Worth Development I Condominium
Association

Celia A. Bailey
Witness

By: Edward Ganem
Edward Ganem, President

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me this 23 day of October 2015, by Edward Ganem, President of Worth Development I Condominium Association, and executed the same as his voluntary act and deed, for the purposes therein contained, in his said capacity.

Jennifer Martin
Notary Public, Justice of Peace
My Commission Expires: _____

JENNIFER MARTIN, Notary Public
My Commission Expires December 5, 2017

Return to: MAIL TO 

SHAINES & McEACHERN
PROFESSIONAL ASSOCIATION
282 CORPORATE DRIVE
P. O. BOX 360
PORTSMOUTH, N.H. 03802-0360

BK 5241 PG 2018

AMENDMENT TO AGREEMENT

NOW COME the City of Portsmouth, Portsmouth, New Hampshire (the "City") and Worth Development Corporation, 282 Corporate Drive, Portsmouth, New Hampshire ("Worth") and hereby state as follows:

WHEREAS the parties entered into an Agreement which was recorded at the Rockingham County Registry of Deeds on August 30, 2006 and recorded at Book 4701, Page 0529; and,

WHEREAS the City's recent adoption Sunday parking fees has affected the terms of the Agreement due to the fact that when the Agreement was written there was no fee for Sunday parking; and,

WHEREAS Worth had been provided the use of 23 parking spaces to reserve at an agreed upon daytime parking rate for Monday to Saturday and Worth desires that now those spaces now be made available on Sunday under the same terms; now,

THEREFORE, the parties agree as follows:

1. Item #4 of the Agreement recorded in the Rockingham County Registry of Deeds at Book 4701, Page 0529 shall be amended as followings:

The City will continue to allow Worth, its successors or assigns, to reserve for daytime use of its tenants, exclusive of ~~Sundays~~ and Holidays, twenty-three (23) parking spaces in the Worth Lot. The spaces will be selected and designated by the City. In consideration of the use of the spaces, Worth will pay to the City in six month increments in advance a sum equal to the City's monthly daytime parking rate normally charged by the City for vehicle parking in the High Hanover Parking Facility. The term "daytime" shall be defined to match as closely as possible the manner in which "daytime" is used in connection with the issuance of parking passes to the High Hanover Parking Facility. As long as Worth makes timely payment of the said sum this provision shall remain in effect until such time as the City notifies Worth that it has chosen to build a parking facility or other

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

structure upon said lot which would eliminate the use of said spaces, or for a period of twenty-five (25) years from this agreement, whichever first occurs. Worth shall have no parking rights under this agreement during the construction period for any building constructed on the said lot.

2. This agreement will be recorded in the Rockingham County Registry of Deeds.

3. The Worth Development Corporation, pursuant to corporate vote taken by the Directors on Sept 2, 2011, has authorized Robert A. Shaines to execute this agreement.

4. The City of Portsmouth, by vote of the City Council, taken on June 20, 2011 has authorized its City Manager, John Bohenko, to execute this agreement on behalf of the City.

5. This agreement shall be binding on the heirs and assigns of the parties.

Dated: August 31, 2011

CITY OF PORTSMOUTH

By: [Signature]
John P. Bohenko, City Manager

Pursuant to vote by the City Council on June 20, 2011.

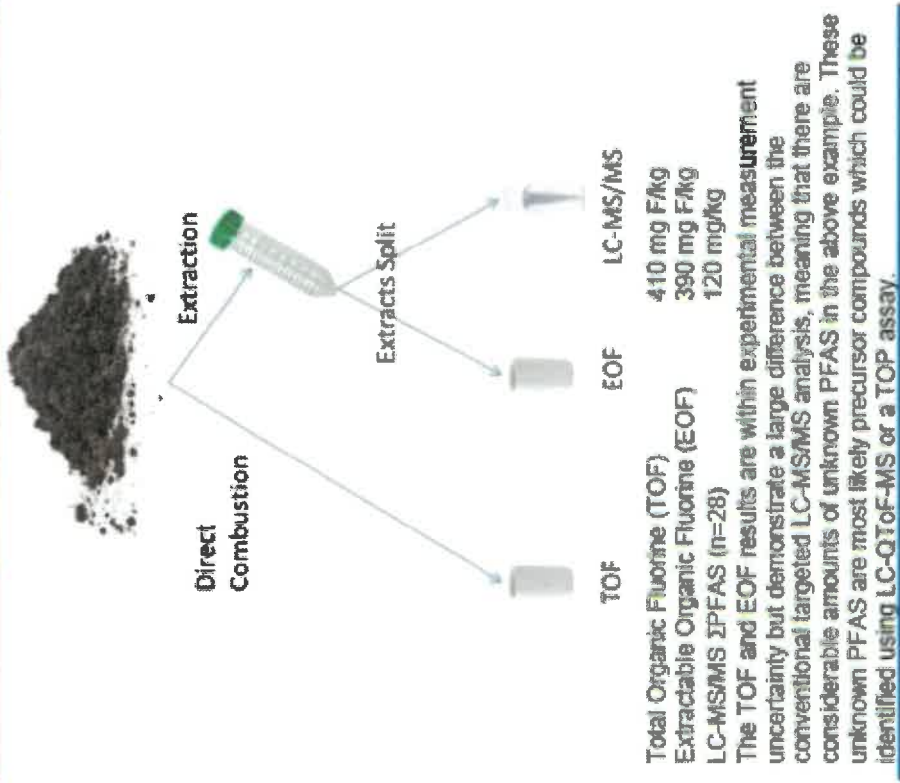
Dated: 9/2, 2011

WORTH DEVELOPMENT CORPORATION

By: [Signature]
Its Authorized Officer [Signature]

h:\rps\planning\worth\amd to agreement

Case Study



Regarding the “Method Acceptance for PFAS” and “Comments” on various test methods.

1. To my understanding, yours is not a “regulatory” body and your contract was not for PFAS discharging products within “regulatory” parameters. To my understanding your contract was for “PFAS-free”.
2. A quick call to a Eurofins PFAS specialist will confirm the level of scrutiny their “experimental” laboratory testing withstands, and information on data quality is included in the laboratory reports.
3. Given the known breakdown of PVDF under UV radiation (see reference in my 11/21 communication), the extreme oxidation of the TOP assay is well justified.

Simplified Table of Testing

<p>What should be tested?</p>	<ul style="list-style-type: none"> ● Any athletic field system component promised to be PFAS free in the bid/contracts, and ● Any further item the Council deems fit.
<p>What tests should be performed? Please Note: Because of the UV radiation degradation of the PFAS Dr. Laura Green mentioned being used in field production, as documented in my communication dated Sunday, November 21, 2021, my recommendation is that components undergo UV radiation. This was not mentioned in the table provided for comment, but I raise this issue to you again. After sun exposure, the PFAS available to leach into stormwater is extremely likely to increase over time.</p>	<ol style="list-style-type: none"> 1. UV oxidation (enough to simulate years of sunlight exposure) 2. Synthetic Precipitation Leaching Procedure (SPLP) Extraction (to simulate what will go into stormwater) 3. PFAS Analysis of the resulting samples, by <ol style="list-style-type: none"> a. Total Oxidizable Precursors (TOP) Assay (isotope dilution), and b. Eurofins Non-Specific PFAS (HRMS) (Quadrapole MS)
<p>Who should pay for it?</p>	<p>The people who promised you a PFAS free installation.</p>

Regarding the “Outstanding Questions Regarding Analyses”

1. **What size sample (1 in x 1 in; 1ft x 1ft)? composited from several?**
 - a. I defer to the Laboratory Manager to let you know what they would need. I’m sure they will be happy to help you create the project and walk you through it in a completely legally defensible way that protects all parties involved.
2. **In Fill is natural material that could have been impacted during its growth, is sampling appropriate?**
 - a. Sampling absolutely is appropriate, *especially* because the in-fill may have natural materials that were contaminated during their growth or production.
3. **What will be the acceptable reporting limits for each analysis?**
 - a. The Laboratory Manager, equipment, and conditions, sample matrix conditions, and available standards will determine the reporting limits.
4. **What preparation and extraction methods should be used? (cryopulverization?, 1 gram of "whole" sample manually crushed, methanol?)**
 - a. Answered in Simplified Table of Testing.
5. **How do we compare TOP assay results to actual PFAS mass?**
 - a. In my opinion, you don’t need to because your promise was “PFAS free.” However, in the Martha’s Vineyard project they determined a stormwater PFAS concentration of 12ppt. If you’d like to see how the calculations were performed, you can find them here: https://www.mvcommission.org/sites/default/files/docs/2021-02-26%20%28TurfAnalysisReport_FINAL%29.pdf

Total Organofluorine Analysis & PFAS Investigations

What is TOFA?

The PFAS National Environmental Management Plan (NEMP) January 2018 defines TOFA as the Total Organic Fluorine Assay and states "Total fluoride in organic and inorganic forms" are included in the analysis and the NEMP goes on to say "Can be used in conjunction with a US EPA method (viz 537 or 821) to understand the total presence of organic fluorine in a sample and compare this to the organic fluorine equivalent detected by the US EPA method". Eurofins has invested in automated combustion ion chromatography instrumentation to allow this analysis to be conducted for AFFF concentrates, water and solid samples such as soil, biosolids, granulated and powdered activated carbon as well as wipes or filter samples.

Total Organofluorine - Combustion Ion Chromatography (TOF-CIC)

Samples are contained in ceramic boats and are introduced into the furnace where pyrohydrolysis occurs at 900–1000 °C in a humid, O₂-rich environment. The samples are oxidised under these conditions, breaking the strong carbon-fluorine bond, and the vapours are sparged through an absorption solution using Ar. The HF evolved from combustion of organic fluorine dissociates to form H⁺ and F⁻ ions in the absorption solution, which also contains an internal standard to calibrate the analytical results. The samples are then transferred to the ion chromatograph for analysis where fluoride is measured. The method, LTM-INO-4370, is derived from NATA-accredited (ASTM D7359-08 compliant) in-house method LTM-INO-4150 (Part A) for fluoride analysis in solids.



Direct combustion of materials results in a LOR of 0.05 mg F/kg that is well below the NEMP's landfill acceptance criteria and also meets the Interim soil criteria for ecological direct exposure for public open spaces. Note that the criteria expressed for PFOS/PFHxS and PFOA must take into consideration that TOF, as determined by the TOF-CIC method, is only approximately 60% of these values given the relative molecular weights of the molecules and their total fluorine content.

Adsorbable Organofluorine (AOF)

For the trace level determination of adsorbable organic fluorine (AOF) in water, the sample must first be passed through a mixed-mode weak anion exchange solid-phase extraction (SPE) cartridge thereby adsorbing the PFAS compounds. AOF is then determined by eluting the contents of the SPE cartridge with NaOH in methanol, evaporating and reconstituting the extract, and finally determining the fluoride

content of the extract by CIC. The LOR is dependent on the volume passed through the SPE, so the presence of suspended solids does impose limits on the procedure, but for clean waters the LOR is 0.001 mg F/L. Where significant levels of suspended solids are encountered the LOR may be limited to 0.01 mg F/L and the suspended solids may be determined separately by direct combustion.

Extractable Organofluorine (EOF)

For solid samples, where LORs lower than the direct combustion method of 0.05 mg F/kg are required, extraction can be performed using the same solvent systems used for conventional targeted LC-MS/MS methods. The resulting concentrate is then combusted giving an extractable organofluorine result. A LOR of 0.02 mg F/kg is achievable.

Case Study



Total Organic Fluorine (TOF)	410 mg F/kg
Extractable Organic Fluorine (EOF)	390 mg F/kg
LC-MS/MS ΣPFAS (n=28)	120 mg/kg

The TOF and EOF results are within experimental measurement uncertainty but demonstrate a large difference between the conventional targeted LC-MS/MS analysis, meaning that there are considerable amounts of unknown PFAS in the above example. These unknown PFAS are most likely precursor compounds which could be identified using LC-QToF-MS or a TOP assay.

Eurofins | mgt Expertise

If you would like to discuss details for your upcoming projects then please contact your local Analytical Service Manager or one of our Business Development team listed below.

Technical support can be provided by contacting Dr Edward Nagul or Dr. Bob Symons.

Global Leader - Results You Can Trust

EnviroNote No. 1080 - October 2018

ABN 50 005 085 521

Contacts for further information

Rhonda Chouman
Charl Du Preez
Jonathon Angell

+61 3 8564 5000
+61 2 9900 8460
+61 7 3902 4606

Michael Horne
Peter Gratwick
Matt Deaves

+61 499 810 009
+61 448 176 035
+61 8 9251 9600

Technical Support

Dr Bob Symons
Dr Edward Nagul

+61 2 9900 8400
+61 3 8564 5000

Laboratories

Melbourne
Sydney
Brisbane
Perth
Christchurch

Offices

Newcastle
Adelaide
Darwin
Auckland

E: EnviroSales@eurofins.com

W: <http://www.eurofins.com.au/environmental-testing>