

Citywide Neighborhood Committee Meeting

Wednesday, April 21, 2021, 7:00 pm

I. and II.

The meeting was called to order at 7:00 pm and attendance was taken

Committee Attendees: Larry Cataldo, Lori Soloway, Mark Syracuse, Dave Cosgrove, Assistant Mayor Jim Splaine, Paul Mannle and Beth Margeson. All participated via Zoom.

City Staff: Peter Stith, Planning Department coordinated Zoom for City, Robert P. Sullivan, City Attorney, Stephanie Seacord, Public Information Officer, and Jane Ferrini, City Attorney's Office. All participated via Zoom.

Members of the public present: Lenore Bronson, Judy Miller, Kathleen Bergeron, Amy Abbott, Kim Vargo, Matt Brewster, Rich Pettigrew, Brenna Jennings, Marian Ellis, Brooke Sokolnicki, Bryan Rogers, Janice Hodges, Kelly Sieper, Luis Guijarro, Lyndsey Bouzakine, Michelle Gregg, Rachel Delisle, Ken Goldman, Patrick Ellis, Theresa Garabedian and an individual with "keyesww" as screen name.

Elected Officials Present: Mayor Rick Becksted, Councilor Esther Kennedy, Councilor Paige Trace, and Fire Commissioner Dickie Gamester.

Discussion Items:

III. Discussion of Neighborhood Issues:

1. Lenore Bronson brought up an issue on behalf of the Frank Jones neighborhood. The issue is regarding traffic and safety on the residential part of Maplewood Avenue. The neighborhood has been told it could not have stop signs, between Bartlett Street and Market Street extension. She thinks it's the longest stretch of residential road in Portsmouth without a stop sign, it has crosswalks but it is dangerous and there is a history of bad accidents, especially at the corner of Farm Lane and Woodbury Avenue. The neighborhood was successful in having a no truck ordinance enforced with signage on Farm Lane and Woodbury; it's not always adhered to but it's better. There are a few car dealerships in the area and they have been better about bringing their cars in on the big trucks. There is police enforcement at times. The bottom line is that this has been an issue for 30 years, there have been appeals to Parking Traffic Safety, Planning Department and Department of Public Works but so far nothing, although former councilors Ken Smith and Brad Lown were in support of putting a stop sign on the road. She stated that she was told that if this were a part of the city that were more politically powerful, they would have gotten a stop sign by now.

Committee Member Mark Syracuse suggested calling the Planning Department at 610- 7245, which Ms. Bronson stated would not likely be helpful. Chair Larry Cataldo suggested sending an e-mail to Councilor Peter Whelan, head of Parking Traffic and Safety, Peter Rice, Department of

Public Works and Chief of Police, Mark Newport. Ms. Bronson said it is difficult to know who has the final say. She stated the neighborhood has been too vocal and shot itself in the foot; that they were told they needed to appeal to safety not slowing down. They have been told there is not enough traffic on the road and three-way stops are not permitted. That they are apprehensive to take walks. Asst. Mayor Splaine suggested flashing speed signs as a good way to slow down, to which Ms. Bronson said they really need stop signs. Asst. Mayor Splaine suggested that she write a letter to the City Council.

2. The City Attorney, Bob Sullivan was welcomed and invited to answer questions on:

b. Right to know laws that govern our committee - Committee member Soloway asked whether the CNC can have a formal meeting without taking notes and what constitutes a formal meeting?

Attorney Sullivan stated that the CNC is a Mayor's Blue Ribbon Committee and that's a critical piece. The RTK law, which has a significant number of formalities, applies to public bodies, like the City Council which is a legislative body. As the CNC is advisory to the City Council, it would normally have to be fully compliant with RTK. It must post Notices of Meetings, Minutes of Meetings, and be aware of not meeting a quorum, either when meeting in person or through electronic communications.

Since the CNC is a Mayor's Blue Ribbon Committee, however, the mayor must determine its status under RTK. The mayor is not a legislative body, it is a single elected official. If the CNC were an advisory committee to the mayor as opposed to the City Council, RTK would not apply.

Even so, however, the CNC performs a function in which the public might be interested. His recommendation is to the extent that we can do it without too much effort, the CNC should approach the spirit of RTK, if not the literal word of it, which means 24 hour notice of meetings published in two places, keep minutes indicating when meetings are held, who is present, and any actions taken. As CNC already does this, he recommends to continue doing it. He stated that all records of public bodies are presumptively public and must be made available to the public on demand. This includes an e-mail correspondence that Larry had with him about this meeting - that is a public record.

Lori Soloway then asked whether the CNC could meet and brainstorm without keeping minutes, to which Attorney Sullivan said yes.

c. Options for residents to establish a new neighborhood association for the Elwyn Park neighborhood. Elwyn Park has not appeared as a neighborhood association on the map in a while; it did not have a National Night Out for a number of years. Regina Road opted into the FW Hartford site stating it did not want to do their own. Kathy Bergeron said that the map of the neighborhood associations on the city website is from 2014; it needs updating as a lot has changed since then. That takes a lot of work.

Brenna Jennings of Elwyn Park said that neighbors outside of a closed Facebook page were not being communicated with about meetings and other issues. She wonders what to do for

those without Smartphones, computers, etc., and the ways other modes of communications, such as Ch. 22 could be utilized.

Can Elwyn Park adopt an association model, something like New Castle, a phone directory with names, addressees and phone number, like an advertiser could pay for, a newsletter or a kiosk?

Attorney Sullivan noted that when the Woodlands was developed 45 or 50 years ago, inserted into the deed of every property was a requirement that every owner be a member of homeowners association obligating every homeowner to comply with association regulations and contribute money for general upkeep of common areas. In order to have that kind of binding arrangement, it would have had to have been done when Elwyn Park was first developed - you can't compel this kind of association. What Elwyn Park can do is form a voluntary association for any lawful purpose and define what that lawful purpose is - with committees - assess money to give the neighborhood a sense of belonging and investment in the area/group, something like putting up a granite marker.

A suggestion was made to do flyers - spend \$200 on them - do projects based on communication, make a sign kiosk.

Attorney Sullivan followed up to Ms. Jennings to say that a voluntary association can state a broad or expansive purpose, state how decisions are made and then have people sign it.

Patrick Ellis offered a quick comment and question: a voluntary association sounds benign; the effort is not actually benign. It can create leverage for special interest groups - such an association could be used as representing a neighborhood and going to city council stating we disagree with x, y and z, that this has been thoroughly vetted with the neighbors. It could be used to misrepresent a neighborhood - where a minority represents the will of the people and this is not accurate.

Attorney Sullivan followed up to Mr. Ellis that an Association can decide to only take positions when 2/3 of members vote to do it, but sometimes cannot do it and only on physical improvements, as an example. As a practical matter, it can be defined in any way.

Committee member Mark Syracuse stated that if a group of 10 or 11 make up an Association, it can make its own rules, vote for a president and give power to represent association, making it open membership. Instead of 350 people, but only 10 people saying they represent 350 people, the city council would have the ability to separate the wheat from the chaff.

Councilor Esther Kennedy interjected and talked about the Friends of the South End, for which she is on the board. It makes up about 300 people and, if members won't advocate for something unless everyone is on board. It is mostly a social way to get to know neighbors - tries to do an event a month, ice cream social, lobster bake, prepares National Night Out, Faerie House Tour. FOSE is a 501 (c)(3). Yes there are conflicts, and FOSE is sometimes a way to work through and discuss them. She said that the South End has had a number of contentious issues such as Strawberry Banke's skating rink, where there was a 50/50 neighborhood split.

FOSE stepped back. In response to a question about how much FOSE was political, Councilor Kennedy stated very little as it holds a “get to know your councilor” night for municipal elections. She noted that within the board, some are mediators, who are very interested in giving to the community, and do run for council. Organizing to hold a National Night Out is a good way to start out informally.

Chair Cataldo also noted that he is a member of the Islington Creek Neighborhood Association which is less formal than FOSE. They, similar to the South End hold National Night Out, sponsor nights for City Council candidates and hold meetings and/or communicate within the group about issues like parking and development. They avoid being involved in politics.

Committee member Paul Mannle said that creating a directory is wonderful.

Judith Miller lives on Hanover Street and would like to form a Downtown Neighborhood Group. She and her husband of Harbour Hill Condo Association have names of condominium board members. She thinks it is important for downtown to have a neighborhood association. She will follow up with Councilor Kennedy about what FOSE has done. Chair Cataldo noted that communicating with other condo associations downtown to form a neighborhood group is a good jumping off point with a structure already in place. There was a downtown association years ago, but isn’t one now. He suggested sending an e-mail to CNCportsmouth@gmail.com for more information.

d. How to cut the “blue ribbon” and become a more independent neighborhood committee - Paul Mannle:

Committee member Mannle addressed keeping CNC and any of its iterations independent from City Hall - right now it’s a BRC, only advisory to the mayor. What about making it a stand-alone committee, to change the rules and make it subject to council approval. To keep it independent - change rules as to independence, put in terms of service in that it wouldn’t be subject to every administration to reappoint committee - just have staggered terms of service, so it functions like the school board. Another option is to have it completely separate from city council, a stand alone committee which is not subject to RTK, to which Attorney Sullivan said it is advantageous to keep working in direct relationship with the City Council and mayor noting all the city councilors in attendance at the meeting.

IV. Initial comments on more diversity inclusion in the future - Larry Cataldo.

Chair Cataldo reached out to Craig Welch and Chief Newport to make sure that we are reaching everyone and being inclusive, noting that while only 10% of the population is non white, it is important to hear from everyone. There is a sizable Indonesian population in the city that has not been heard from. Asst. Mayor Splaine that in a diverse, welcoming community, everyone should be able to be welcomed and that the CNC should find a way to facilitate that and working through small organizations that have meeting lists, be able to reach out. He also recommended that we consider forming a welcome wagon for new residents.

V. Next Zoom committee meeting is on Wednesday, May 26th at 7:00 pm.

Mark Syracuse asked as to when we might be able to go back into City Chambers. Mayor Becksted responded that he is hopeful for the city council to go back to in-person meetings beginning May 17. Councilor Trace said it was likely that it would be a hybrid where the council is back but the public is not. Asst. Mayor Splaine said that the pandemic is not over and decisions will be made with the city manager and health officer.

Chair Larry Cataldo thanked all the participants including the mayor and city councilors in attendance. He gave a special thanks to the undersigned for the detailed and informative meeting minutes for the March 31, 2021 Ward 1 Forum. With no further business to be discussed, the meeting was adjourned at 8:30.

Respectfully submitted

/s/ Beth S. Margeson

Secretary