

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 1, 2022 TIME: 6:15PM

*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\\_dHqO4jC7QcKey6Avldn84Q](https://us06web.zoom.us/webinar/register/WN_dHqO4jC7QcKey6Avldn84Q)

## **6:15 PM – ANTICIPATED NON-PUBLIC SESSION:**

1. COLLECTIVE BARGAINING RE: DEPUTY FIRE CHIEF'S CONTRACT – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)

## AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – JUNE 6, 2022**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
  1. \*Portsmouth High School Career Technical Education Center (CTE) – 45<sup>th</sup> Annual SkillsUSA NH Leadership and Skills Competition & Nationals Competition
- IX. **PUBLIC COMMENT SESSION (This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)**
- X. **PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTION**

### **First Reading of Ordinances and Resolutions:**

- A. First reading of Ordinance amending Chapter 1, Article III - Boards (**Sample motion – move to pass first reading and hold a public hearing and second reading at the August 22, 2022 City Council meeting**)
- B. First reading of Ordinance amending Chapter 1, Article IV – Commissions and Authorities (**Sample motion – move to pass first reading and hold a public hearing and second reading at the August 22, 2022 City Council meeting**)
- C. First reading of Resolution authorizing a Bond Issue regarding Sagamore Avenue Area Sewer Extension:

Option 1: Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to Four Hundred Fifty Thousand Dollars (\$450,000.00) for costs related to Sewer Service for Sagamore Avenue Area Sewer Extension

Option 2: Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to One Million Two Hundred Thousand Dollars (\$1,200,000.00) for costs related to Sewer Service for Sagamore Avenue Area Sewer Extension

***(Sample motion – move to pass first reading and hold a public hearing and adoption at the August 22, 2022 City Council meeting)***

### **Second Reading of Ordinance:**

- D. Second reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics *(tabled from the July 11, 2022 City Council meeting)* ***(Sample motion – move to pass second reading and hold third and final read at the August 22, 2022 City Council meeting)***

### **Third Reading & Adoption of Ordinance:**

- E. Third reading of Ordinance amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee ***(Sample motion – move to pass third and final reading as presented)***

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

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

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

1. \*Polling Hours for State Primary Election
2. Conservation Easement and Street Naming Request of 3400 Lafayette Road
3. Access and Water Service Easements for Property Located at Hemlock Way f/k/a Patricia Drive

## **XII. CONSENT AGENDA**

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

- A. Request from Chris Erickson, Aland Realty, to install a Projecting Sign at 175 Market Street ***(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

#### **Planning Director’s Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***

- **Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and**
- **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**

- B. Letter from Trevor Bartlett, Portsmouth NH 400<sup>th</sup> Executive Team, requesting permission to hold a community parade on Saturday, June 3, 2023 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Friday, September 16, 2022 through Sunday, September 18, 2022 for the annual Telluride by the Sea Film Festival **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- E. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Thursday, October 6, 2022 through Sunday, October 9, 2022 for the annual New Hampshire Film Festival **(Anticipated action – move to refer to the City Manager with Authority to Act)**

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. \*McIntyre Update – City Manager and Project Management Team
- B. \*Presentation Re: Land Acquisition at Bellamy Reservoir – Al Pratt, Water Resources Manager **(Sample motion – move to authorize the City Manager to negotiate a purchase and sale agreement)**
- C. Letter from Steven P. Wilson requesting acquisition of city property in relation to redevelopment of 361 Hanover Street **(Sample motion – move to authorize the City Manager to negotiate a purchase and sale agreement for a portion of property located at 361 Hanover Street)**
- D. Email Correspondence **(Sample motion – move to accept and place on file)**

### **XIV. MAYOR McEACHERN**

1. Statement Against Hate Speech
2. \*Appointment to be Voted:
  - Johanna Landis as an Alternate to the Historic District Commission

### **XV. CITY COUNCIL MEMBERS**

#### **A. COUNCILOR MOREAU**

1. \*Traffic Flow of State Street **(Sample motion – move to request that Parking Traffic and Safety Committee, study and report back on changing State Street to a two way street, and moving the Route 1 southbound traffic onto State Street then to Middle Street, as now exists for the northbound traffic. Included in this report should be feasibility and estimated cost to complete these changes along with projected timelines for these changes)**

**B. COUNCILOR BAGLEY**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of July 7, 2022  
*(Sample motion – move to accept and approve the action sheet and minutes of the July 7, 2022 Parking and Traffic Safety Committee meeting)*

**C. COUNCILOR COOK**

1. Mid-Year Report from Governance Committee (powerpoint presentation) *(tabled from the July 11, 2022 City Council meeting)*

**XVI. APPROVAL OF GRANTS/DONATIONS**

**A. Acceptance of Various Donations:**

- Donation to the Fire Department – Emergency Equipment - \$250.00
- Donation to the Skateboard Park Lights - \$2,910.80
- Donation to the Skateboard Park Lights - \$2,686.00
- Donation to the Cemetery Committee – South Church Charity Fund - \$1,500.00
- Donation to the Police Honor Guard - \$5,000.00

*(Sample motion – move to approve and accept the donations listed above)*

- B.** \*Acceptance of Grant to the Fire Department from the Governor’s Office of Emergency Relief & Recovery ARPA SFRF Locality Equipment Matching Program - \$50,000.00  
*(Sample motion – move to accept and approve the Grant from the Governor’s Office of Emergency Relief & Recovery ARPA SFRF Locally Equipment Matching Program - \$50,000.00)*

**XVII. CITY MANAGER’S INFORMATIONAL ITEMS**

1. Report Back on Community Engagement

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

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

*\*Indicates verbal report*

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



## CITY OF PORTSMOUTH

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

Karen S. Conard  
City Manager

**Date:** July 28, 2022

**To:** Honorable Mayor McEachern and City Council Members

**From:** Karen S. Conard, City Manager *KSC*

**Re:** City Manager's Comments on City Council Agenda of August 1, 2022

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### ***X. Public Hearing and Vote on Ordinance and/or Resolution:***

#### **A. First Reading of Ordinance Amending Chapter 1, Article III – Boards:**

Attached please find a [proposed ordinance amending Chapter 1, Article III – Boards](#).

*I recommend that the City Council move to pass first reading, and hold a public hearing and second reading at the August 22, 2022 City Council meeting.*

#### **B. First Reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities:**

Attached please find a [proposed ordinance amending Chapter 1, Article IV – Commissions and Authorities](#).

*I recommend that the City Council move to pass first reading, and hold a public hearing and second reading at the August 22, 2022 City Council meeting.*

#### **C. First Reading of Resolution Authorizing A Bond Issue Regarding Sagamore Avenue Area Sewer Extension:**

For first reading are two proposed bond resolutions related to the Sagamore Avenue Sewer Extension Project. One of those bond resolutions should be moved forward to a public hearing at the August 22, 2022 City Council meeting. Staff recommends that [Bond Resolution Option 2 in the amount of \\$1.2 million](#) move forward to a public hearing in order to maximize the number of connections to the new sewer line under the current contract with Severino. A [memorandum from the Department of Public Works staff supporting the recommendation is attached](#) and staff is available to answer any questions.

*I recommend that bond resolution option two in the amount of \$1.2 million be scheduled for a public hearing on August 22, 2022.*

**D. Second Reading of Ordinance Amending Chapter 1, Article VIII – Code of Ethics:**

Attached please find a [proposed ordinance amending Chapter 1, Article VIII – Code of Ethics](#).

*I recommend that the City Council move to schedule a third and final reading at the August 22, 2022 City Council meeting.*

**E. Third and Final Reading of Ordinance Amending Chapter 1, Article IV, Section 1.413 – Trees and Public Greenery Committee:**

Attached please find a [proposed amendment to the Trees and Public Greenery Committee Ordinance](#) amending Chapter 1, Article IV, Section 1.413 in redline format.

*I recommend that the City Council move to pass the third and final reading, and adopt the ordinance as presented.*

***XI. City Manager’s Items Which Require Action:***

**1. Polling Hours for State Primary Election:**

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours for the State Primary Election on September 13, 2022, be established from 8:00 a.m. to 7:00 p.m.

Based on new procedures being put in place and the significant amount of time and effort to complete documentation for the State Primary, I seek your support with this request.

*I recommend that the City Council move to establish polling hours for the September 13, 2022 State Primary Election from 8:00 a.m. to 7:00 p.m.*

**2. Conservation Easement and Street Naming Request for 3400 Lafayette Road:**

On February 17, 2022, the Planning Board granted site plan approval and a wetlands conditional use permit for the construction of a 50-unit multi-family residential development at 3400 Lafayette Road. The parcel and related approvals have since been acquired by Juniper Commons, LLC. As a condition precedent to approval, the Planning Board recommended acceptance of a conservation easement over 10.31 acres of the parcel, which include deeded public access. This conservation land abuts another existing conservation easement in favor of the City, and other City-owned parcels of land.

The [attached drawing](#) shows the location of the proposed conservation easement with public access to be granted to the City. The [attached conservation easement](#) has been reviewed by the Planning and Legal departments for form and substance.

*I recommend that the City Council move to authorize the City Manager to negotiate, accept and record a conservation easement in substantially similar form to the easement deed from Juniper Commons LLC contained in the agenda packet.*

In addition to the easement, Michael Green, representing the owner Juniper Commons LLC, is seeking approval to name the private road that serves the development. The applicant has requested the following names in order of preference:

- Juniper Lane (1st Choice)
- Isabella Lane
- Sunrise Lane

The City GIS Manager has reviewed the street name and has verified that Juniper Lane does not match any existing city streets or those of neighboring cities. The State Emergency Services & Communications (e9-1-1) has reviewed and indicated “Juniper Lane” is acceptable to use.

*I recommend that the City Council vote to approve naming of a private street to Juniper Lane per [the attached request and exhibit](#).*

3. **Access and Water Service Easements for Property Located at Hemlock Way f/k/a Patricia Drive:**

At the February 18, 2021 Planning Board meeting, the Board granted subdivision approval for a two-lot subdivision located on Hemlock Way, a private road formerly known as Patricia Drive. As part of the approval, the Board recommended that the City approve the transfer of ownership of approximately 7,860 square feet of the road right-of-way to the owners of the private road. This area is shown as the cross-hatched area on [the attached Plan](#). The City Council voted on March 8, 2021 to approve this transfer of the 7,860 square foot portion of the private road by release deed and further approved renaming the road to Hemlock Way.

The portion of the private road in this subdivision that was not conveyed by the City is a paper street. The Planning and Legal departments reviewed the history of the paper street and determined that the dedication of the paper street terminated because the street was not accepted within 20 years and ownership reverted to the abutting property owners as shown on the attached plan. Consequently, the City will require access and water service easements from affected property owners in order for the City to access the subdivision’s private water infrastructure.

*I recommend that the City Council move to grant the City Manager authority to negotiate and accept easements necessary to serve the recently approved subdivision as set forth in the attached plan.*

## ***XII. Consent Agenda:***

A. **Projecting Sign License for 175 Market Street:**

Permission is being sought to install a projecting sign at [175 Market Street](#) that extends over the public right of way, as follows:

Sign dimensions: 38” x 44”

Sign area: 11.6 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) *The license shall be approved by the Legal Department as to content and form;*
- 2) *Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

### ***XIII. Presentations and Written Communications:***

#### **A. McIntyre Update:**

The City's project management team will be present along with development partner Michael Kane to provide an update on the status of the redevelopment efforts proposed for the McIntyre federal site in downtown Portsmouth. Russell Preston of the Principle Group will lead a presentation which outlines the refinement of the Community Plan as the conceptual plan transitions to preliminary design. The presentation will include site plan, elevation, floor plans and renderings.

#### **B. Presentation Regarding Proposed Land Acquisition at the Bellamy Reservoir:**

The City has partnered with Southeast Land Trust (SELT) for the negotiation, due diligence, and the preparation of a conservation easement on an approximately 45-acre portion of the Property owned by Jodi Fernald (heir of deceased owners, David and Sheila Fernald), 'Fernald Parcel', in order to benefit the continued protection of the City's primary water supply. Al Pratt, Water Resources Manager, will provide a brief overview of the potential purchase and will ask the Council to authorize the City Manager to negotiate a Purchase and Sale agreement similar to the two other reservoir property acquisitions the City has recently completed at this evening's meeting.

*I recommend that the City Council move to authorize the City Manager to negotiate a purchase and sale agreement.*

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

#### **A. Acceptance of Various Donations:**

It has been the practice of the City Council for many years to acknowledge and formally accept all donations received by the City. This has been a practice only, as there is no written City Council policy and the acceptance of donations by the governing body is not required by law.



In contrast, the receipt of grant funds from federal and state agencies often require formal acceptance of terms and conditions by the governing body.

As the variety of ways in which the City takes in donations for various purposes has expanded, the City staff has recently developed a form to help provide the City Council with additional information relative to the donations that are being brought forward for City Council acceptance. Those donations come in the form of gifts into existing trust instruments through the donate buttons on the City's webpage, through fundraising events for special purposes (selling of tickets and auction items), as well as traditional checks typically written for a special purpose.

The donations on this agenda are documented on a new form. Note that there is no requirement under the law to identify donors, and in some cases, such as ticket sales, it is not easily feasible to collect such information at the event.

City staff is gathering and documenting the various practices and policies that are already in place in various departments for a more comprehensive report and will be making some recommendations on how the City Council might more efficiently handle and/or report on donations at the City Council level. In the interim, this additional information on the donation forms attached below should allow the City Council to move these items forward to completion as we are working to close out the fiscal year end:

- [Donation to the Fire Department - \\$250](#)
- [Donation to the Skateboard Park Lights - \\$2,910.80](#)
- [Donation to the Skateboard Park Lights - \\$2,686](#)
- [Donation to the Cemetery Committee - \\$1,500](#)
- [Donation to the Police Department - \\$5,000](#)

*I recommend that the City Council move to approve and accept the donations listed above.*

**B. Acceptance of Grant from to the Fire Department - \$50,000:**

The Fire Department received a grant in the amount of \$50,000 from the Governor's Office of Emergency Relief and Recovery - ARPA SFRF Locality Equipment Matching Program. The grant will go toward the purchase of 3 LUCAS CPR Chest Compression Devices, one for each of the City's ambulances. These battery-operated chest compression devices are used during CPR situations, and allow for more efficient chest compressions and also allows the person that would normally do compressions to perform other critical interventions.

These items were originally included in the FY23 Capital Improvement Plan request and subsequently removed the grant opportunity became available.

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

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

### 1. **Report Back on Community Engagement:**

At the May 16, 2022 City Council meeting, the Council requested a report back on best practices and methods of communication the City currently utilizes for citizen engagement. This [report back is attached](#) for your information.