

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 7, 2022 TIME: 6:00PM

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

https://us06web.zoom.us/webinar/register/WN_zzXTY6z0S7K6sm6lQ1o8tA

6:00PM – ANITICIPATED NON-PUBLIC SESSIONS:

1. McINTYRE REGARDING LITIGATION AND LEGAL ADVICE – RSA 91-A:3 II (e) and (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 – DECEMBER 20, 2021; JANUARY 3, 2022; JANUARY 13, 2022 AND JANUARY 24, 2022
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

PROCLAMATION

1. *Recognition of Black History Month

- IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*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 Hearing – Capital Improvement Plan (CIP):

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2023-2028
 - PRESENTATION (*Presentation was held at the January 19, 2022 Work Session*)
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Action on CIP will take place at the March 7, 2022 City Council meeting)

Public Hearing – Second Reading of Ordinance:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 3, Article XI, Section 3.1101 – 3.1104 – Face Coverings During the COVID-19 Pandemic (***Sample motion – move to pass second reading and hold third and final reading at the February 22, 2022 City Council meeting***)

PRESENTATION

1. *Presentation by Mark Debowski, Consulting Engineer Project Manager for NHDOT Rail Trail Project

XII. MAYOR McEACHERN

1. Appointments to be Considered:
- Genevieve Aichele to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits
 - Jeffrey Barraclough to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits
2. *Appointments to be Voted:
- Jason Huett to the Cable Television and Communications Commission
 - Chris Benecick to the Cemetery Committee
 - Eva Boice to the Cemetery Committee
 - Deirdre (Dee) Forte to the Cemetery Committee
 - Michael Griffin to the Cemetery Committee
 - Donald Margeson to the Cemetery Committee
 - Sue Polidura to the Cemetery Committee
 - Kerry Rubinstein to the Cemetery Committee
 - Susan Sterry to the Cemetery Committee
 - Steven Detrolio to the Sustainable Practices Blue Ribbon Committee
 - Jay Lieberman to the Sustainable Practices Blue Ribbon Committee
3. *Appointment of Governance Committee
4. Approval of City Council Rules and Orders
5. *McIntyre

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY

1. Adoption of Legislative Principles and Procedures for Testimony

B. COUNCILOR DENTON

1. *CIP – Electric Vehicle Charging Stations (***Sample motion – move for reports back on funding options, to include the Capital Improvement Plan, to begin the installation of Level 3 (480 volt) Electric Charging Stations in Parking Zone A in FY23 and to begin annual greenhouse gas emission inventories***)

C. COUNCILOR MOREAU

1. ****Land Use Committee (Sample motion – move the formation of a “Land Use Committee” to look at Diversifying Land Use Regulations within the City. The purpose is to review all current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi model transportation. With a report back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City’s Goals. Furthermore, the committee shall consist of eight members of which two members from the City Council, two members from the Planning Board, two members from Planning Department staff, one member from Economic Development Commission and one member from Portsmouth Housing Authority as approved by the Mayor)***

Members to be approved:

***Beth Moreau, City Councilor
Rich Blalock, City Councilor
Rick Chellman, Planning Board Chair
Corey Clark, Planning Board Vice Chair
Beverly M. Zendt, Planning Director
Nick Cracknell, Principal Planner
Craig Welch, Executive Director, Portsmouth Housing Authority
TBD, Economic Development Commission***

D. COUNCILOR BAGLEY AND ASSISTANT MAYOR KELLEY

1. ****Outdoor Dining in 2022 (Sample motion – move to request a report back from the city staff on outdoor dining in 2022 and future years at the February 22, 2022 meeting. In particular suggestions for; fees, fee implementation process, insurance requirements, possible alternatives to Jersey barriers that may allow for more flexible use of space, accessibility, general appearance, dates of the season, as well as any other concerns or suggestions the city may have in regards to health and safety. In addition, a plan to engage with downtown residents, retail, office, and restaurants in the discussion and planning process in an ongoing manner)***

E. COUNCILOR COOK

1. Face Coverings During the COVID-19 Pandemic Ordinance Amendments

XIV. APPROVAL OF GRANTS/DONATIONS

- A. ****Acceptance of Donation to the Police Department:
 - Paul Gormley and Kimi Iguchi - \$2,500.00(Sample motion – move to accept the donation to the Police Department as presented)***

- B. *Acceptance of Donation to the Police Department:
 - Libby Giordano & Make-A-Wish for Captain Michael Maloney - \$15.00 Moe's Italian Sandwiches Gift Card

(Sample motion – move to accept the donation to the Police Department as presented)

- C. *Acceptance of Donation to the Portsmouth 400th
 - Catherine Keenan - \$1,623.00

(Sample motion – move to accept the donation to the Portsmouth 400th as presented)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

- 1. Approval of Fire Department Memorandum of Agreement
- 2. *Extension to Neighborhood Parking Pilot Program

XVI. CONSENT AGENDA

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

- A. Letter from Stephen Infascelli, Eastern States 20 Mile Road Race, requesting permission to hold the 20 Mile Road Race on Sunday, March 27, 2022 at 11:00 a.m.
(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. Letters from various downtown businesses regarding outdoor dining and the use of parking spaces ***(Sample motion – move to refer to the City Manager for report back at the February 22, 2022 City Council meeting)***

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Report Back on Management of the Farmers' Market
- 2. Memorandum Regarding Process for Charter Review
- 3. Inspection Department Update
- 4. PFAS Testing Updates

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: MONDAY, DECEMBER 20, 2021

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m., Mayor Becksted introduced Steve Cirillo and the Portsmouth High School Holiday Ensemble that performed several Holiday selections for the City Council.

III. CALL TO ORDER

Mayor Becksted called the meeting to order at 7:00 p.m.

IV. ROLL CALL

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

V. INVOCATION

Chaplain Pelkey provided the Invocation.

VI. PLEDGE OF ALLEGINANCE

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

VII. ACCEPTANCE OF MINUTES – NOVEMBER 4, 2021; NOVEMBER 15, 2021; NOVEMBER 18, 2021 AND DECEMBER 6, 2021

Assistant Mayor Splaine moved to accept and approve the minutes of the November 4, 2021; November 15, 2021; November 18, 2021 and December 6, 2021 minute meetings with the December 6, 2021 minutes being modified to include Councilor Tabor's friendly amendment regarding PFAS testing for the surrounding soil of the field which was accepted by the maker of the motion. Seconded by Councilor Tabor and voted.

Councilor Kennedy moved to suspend the rules in order to take up Item XII. 2. – Announcement of Holiday Lights Contest Winner. Seconded by Councilor Huda and voted.

XII. MAYOR BECKSTED

2. Announcement of Holiday Lights Contest Winners

Mark Syracuse announced the three winners of \$500.00 gift cards for the Holiday Lights Contest: Most Creative (Overall) – Al Bailey; Kid's Choice (Overall) – Heather Pettis; and Best Traditional (Overall) – Tamrah Rouleau. Honorable mentioned were announced by Liam and Ansley: 580 FW Hartford Drive, 33 Madison Street, 80 Pine Street, 960 Maplewood Avenue, 139 South Street, Unit A, 373 Union Street, 485 Ocean Road, 545 FW Hartford Drive, 22 Van Buren Avenue, 68 Osprey Drive, 49 Dennett Street, 774 Middle Street, 760 State Street, Unit 1, 62 Coakley Road and 46 Buckminster Way who will all be receiving \$25.00 gift cards to various businesses.

Mayor Becksted said this was a contest held when former Mayor Ferrini was in office and he brought it back last year, which was well received. He said he hopes that it will be continued by Mayor McEachern.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Safe Water Advisory Group Presentation

Deputy Public Works Director Goetz and Andrea Amico provided a review of the work by the Group since its inception on October 5, 2020. Ms. Amico spoke to the variety of topics covered by SWAG and the goals that were established. She spoke to various recommendations as outlined in their report dated December 20, 2021. She requested that SWAG be reinstated by the new City Council to continue their work.

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

Russ Grazier and Barbara Massar provided a review of the work done by the Committee in 2021. Ms. Massar spoke to the primary goals and recommendations of the Committee. Mr. Grazier and Ms. Massar expressed the need for the city to continue providing funding for the arts and non-profits in the city. Mr. Grazier requested that the Committee be extended by the new City Council for 24 months and a new cultural plan be adopted.

Mayor Becksted said Mayor McEachern and the new Council will need to take the request up in the coming year but he would like this to be made a permanent committee.

C. Portsmouth Energy Advisory Committee Report Presentation

Ben DAntonio and Rebecca O'Brien spoke to the work of the Committee and their recommendation for the city to move forward with community power. Ms. O'Brien requested that the Committee be renewed by the new City Council to align with clean energy for the city. She requested that the new Council begin steps to join the Community Power Coalition of NH and pursue a robust education and public engagement strategy with public meetings, direct mail, multimedia outreach and surveys.

IX. PUBLIC COMMENT SESSION

Katja Becksted thanked Mayor Becksted and the City Council for their service to the city over the last two years. She said she is extremely proud of the work done by Mayor Becksted and his dedication to the city.

Roy Helse spoke regarding the recent internet posting regarding five of the outgoing councilors.

Peter Weeks spoke in support of approving the funding for a skateboard park.

George Dempsey spoke regarding the appointments before the Council this evening under Mayor Becksted and urged the Council to approve them.

Jacqueline Cali-Pitts spoke regarding the importance of working together and thanked the Council for guiding the city through these trying times.

Chris White spoke regarding the formation of the Audit Committee. He said the committee serves independent from the city.

Nancy MacDonald said over the last weekend she received misinformed texts on Mayor Becksted, Councilors Whelan, Kennedy, Huda and Trace. She thanked them for their time and work for the city and acting in the best interest of the City.

Erik Anderson thanked the City Council for their time and dedication of service over the last two years and making the city a better place. He stated that he supports all actions for the Public Hearings and appointments this evening.

Paul Mannle thanked the City Council for honoring the appointments brought forward for the Planning Board. He stated there should be no question regarding moving these appointments forward.

Mark Brighton thanked the City Council for their work over the last two year. He spoke in support of the appointments.

Arthur Clough said the five members of the City Council have had their voice taken away. He thanked the City Council for their work over the last two years.

Peter Somssich said he supports the Energy Advisory Committee and having community power in the State of New Hampshire. He urged the City Council to move forward with community power for the city.

Colby Gamester spoke regarding the Planning Board and the process of serving on the board. He said it has been his pleasure to serve over the last eight years on the board. He addressed the expertise of the current chair of the board and staff.

Genevieve Becksted Muske said the City Council position does not come with financial gain but with a job well done. She stated she is pleased with what the Council accomplished over the last two years. She said the Council needs to approve the appointments before you this evening.

Zelita Morgan asked the City Council to approve the skateboard park funding this evening. She said we need the open space for the kids. She thanked the City Council for their work over the last two years.

Bill Downy thanked the City Council for their service. He spoke to the role of Planning Board members.

Kristen Peterson spoke in support of the skateboard park and asked for its approval this evening. She said the park is needed in this community.

Sue Polidura said the Governor presented a Proclamation to correct the role New Hampshire played in the revolution of 1770's. She read the Proclamation declaring Fort Constitution on December 14th this recognized the legacy of the seacoast. She also thanked the Council for their service over the last two years.

Robin Albert Lehman – spoke on the Mayor's Blue Ribbon Committee on Arts and Non-Profits and the need to continue the work of the committee. She said this committee is an investment in the community.

Robin Husslage thanked the City Council for taking the concerns of residents regarding air quality near the rail yards. She asked if there would be a public meeting regarding the measurements of the quality of air.

Nancy Johnson said she is concerned with not moving forward with funding for a new Police station. She said it might be perfect to be relocated at the Community Campus. She stated she would like to get the project moving forward.

Robin Rousseau said we have great people in the city and spoke regarding the handicapped placards. She thanked the City Council for their work and for those that are moving on and said you all have strong characters. She also thanked the Audit Committee for their work.

Lucia Von Letkemann spoke in support of funding the skateboard park.

Elizabeth Barrett thanked the City Council for their work over the last two years. She asked that no action be taken on the McIntyre this evening. She stated she would like to see the new Council conduct a Charter review and look at our ethics process.

Aaron Jones spoke in support of the skateboard park which would be an excellent addition to the city.

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

Public Hearings & Adoptions 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 (*Two-Thirds Vote Required*)

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

Dave Cosgrove spoke as a resident, voter and taxpayer. He spoke regarding his difficult childhood and expressed the importance skateboard played for him. He expressed his strong support for approving the funding for a park. He said that this park will be a jewel for the city and provide the much needed community space.

Dave read a statement from Jody Rablaski supporting the funding for a skateboard park and the need for a park for the youth in the community. The letter went on to speak about the loss of many programs due to the pandemic and that there are many youth seeking mental health help and the importance of outdoor activities plays for our youth.

John Flynn spoke in support of the resolution and said the community could benefit from such a park. He said the City Council and Mayor can make this happen and urged its approval.

Ian Coughlin said he has a skate shop in the city and he has been skating for 20 years. He said skating for the youth of our community is needed and will have a positive impact on them.

Vinny Amico asked the City Council to approve the resolution. He said he would like a skateboard park to learn tricks from the older kids and it would mean a lot to him and his friends.

Peter Weeks spoke in support of the resolution and said there are two trusts that the city has which would be available to be used for funding this project. He said the city needs to fund the project.

Bill (inaudible) spoke in support of the resolution and said building a park is a win for the city that everyone will benefit from.

Sue Polidura said she supports the resolution and its approval. She said the former blitz building land could be used for a park. She spoke to the construction of the park taking place right away and that it should be a year round facility.

J. Tallman said a skate park is needed and spoke in support of the funding.

Rich Duddy said 20 years ago he worked diligently to create a skate park. He said we must build this park now and move forward.

Seamus Durkin spoke in support of the skate park and the funding.

James Parkington spoke in support of the construction of a skate park and requested its approval this evening.

Rich Blalock spoke in support of a skate park and adoption of the resolution.

Tom Rooney spoke in support of a skate park and requested the funding be approved this evening.

Steve Detrollo spoke in support of the skate park. He said we need to invest in our infrastructure and that this is an opportunity for an increase in economic development for the city.

Michelle Flynn spoke in support of the funding for a skate park. She thanked the Blue Ribbon Committee for their work and said the city needs a flagship park.

Andrew Bagley spoke in support of the skate park and spoke to the challenges children are going through and the need for this to be approved.

Terry Eaton spoke in support of the park. He said that the building of a park needs to happen soon to benefit our young adults.

Elizabeth Barrett spoke in support of the resolution and said she supports the final design. She asked the City Council to properly fund the project and not go after bond premiums. She said something needs to be done immediately to approve the funding as this is more than a skate park it is community space.

Sergio Bonilla spoke in support of the skate park and adequate funding being provided for its construction. He stated this will provide a much needed venue for the community.

Mark Gianniny spoke in support of the skate park and having an adequate location for the facility. He asked the City Council to move quickly on this project.

Kate Swenson Tuttle spoke in support of the skate park project.

William Purcell spoke in support of the skate park and asked that it be approved quickly. He said this facility will provide a place for our youth to go.

Jackie Lucas spoke in support of the park and how it will be an asset to the community. She stated that skateboarding provides a natural outlet and will fill a void created by the loss of the Rye Air Field.

Brian Swindell spoke in support of the skate park and said he still skates today at 30 years old. He said we need to approve the funding and keep our youth on the right path.

Carl Diemer, Recreation Board Chair, thanked Rich Blalock and Rich Duddy for serving on the committee. He said it is time to construct a park and approve the funding.

Amy Mae Court requested the City Council to adopt the resolution because we need this facility constructed now.

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

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

Councilor Kennedy said she has been trying to get a skate park built for over 15 years and now is the time to move this forward. She spoke to the crisis with mental health and the need to do something now. She indicated she would like construction to start in the summer of 2022.

Assistant Mayor Splaine said this was an issue discussed in the 1990's and it needs addressing now. He said we should start the process now and fund it entirely.

Councilor McEachern said he feels confident that this project will be approved and move forward.

Discussion followed regarding the funding for the project.

On a unanimous roll call 9-0, voted to adopt the proposed resolution as presented.

At 9:45 p.m., Mayor Becksted called for a brief recessed. At 9:55 p.m., Mayor Becksted called the meeting back to order.

- 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 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 (*Two-Thirds Vote Required*)

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

Carl Diemer spoke in support of the resolution and said the Recreation Board voted to support the resolution. He spoke to a new needs assessment which will be done in June. He thanked the City Council and City Manager for the support for the pickle ball courts and renovations, it was money well spent.

Adam Kolwaski, Edge Sports, spoke in support of the funding and said it would be a great location for a sports complex. He said an ice arena is needed in the community and would be cost beneficial.

John Pendleton comments read by Adam expressed support of an ice arena for the community. It would be an asset to the community and its youth. The letter spoke to Mr. Pendleton's support of bonding for the land and moving the resolution forward.

Matthew Westor said there are no indoor facilities for softball and we need an indoor arena for such sports. He said that most Portsmouth teams need to travel to other communities in order to play. He said a complex will also have an impact on economic development for the community.

Elizabeth Barrett spoke in support of the resolution and relocating the Lister Academy to the Community Campus facility.

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

Councilor Lazenby moved to adopt the proposed resolution, as presented. Seconded by Assistant Mayor Splaine.

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

- 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 (*Two-Thirds Vote Required*)

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

Carl Diemer thanked the City Council for the vote on Community Campus. As Chair of the Recreation Board he expressed their support and how it will provide many opportunities for them.

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

Councilor Kennedy moved to adopt the proposed resolution in the amount of \$116,000.00 as presented. Seconded by Councilor Huda.

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

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

Councilor Kennedy moved to adopt the third and final reading of the proposed amendments as presented. Seconded by Assistant Mayor Splaine.

Councilor Kennedy thanked everyone from the cemetery committee and spoke to Mayor Elect McEachern supporting these appointments.

Councilor McEachern said he supports the committee and is pleased the City Council is willing to continue their work. He said we will keep it as a Mayor's Blue Ribbon Committee for the first week of January until the committee becomes permanent.

Motion passed.

XII. MAYOR BECKSTED

1. Appointments to be Voted:

- Jesse Lynch appointment to the Audit Committee December 20, 2024
- Mika Court appointment as an Alternate to the Conservation Commission until April 1, 2022 (filling unexpired term)
- Andrew Ward appointment to the Economic Development Commission until October 1, 2025
- Jane Begala appointment to the Planning Board until December 31, 2024
- Andrew Samonas appointment as Alternate to the Planning Board until December 31, 2024
- Franco DiRienzo appointment as Alternate to the Planning Board until December 31, 2024
- Thomas Watson reappointment to the Trustees of the Trust Fund until January 1, 2025
- Paul Mannle appointment to the Zoning Board of Adjustment until December 1, 202

Councilor Kennedy moved to approve all the appointments as presented. Seconded by Councilor Huda.

Councilor McEachern spoke to the events that occurred this weekend via text message. He said it was brought to his attention but he was not on the message thread. He spoke opposed to the situation and said the comments made are beneath the level of discourse. He stated this was not part of the Democratic Party as far as he knows. He said we cannot allow this if we want to have an actively engaged citizenry.

Assistant Mayor Splaine said he has been involved in the City Council for many years and has seen issues come and go. He said people can disagree but you do it in person and as an association with a name linked to it. He feels the text and website were despicable and would like the City Attorney and staff to look into this matter and make sure this doesn't happen again.

Councilor Tabor said he received the text messages and there is no place for that kind of attack. He spoke to the land use board appointments this evening. He said we need to make sure the appointments are on a firm and legal ground.

Mayor Becksted said he worked with the City Attorney and City Clerk on the appointments and he has followed the process to the letter of the law. He said if there was something being done wrong he would have been told that what he was doing was wrong.

City Attorney Sullivan said he believes the Mayor has the authority to make appointments. He spoke to the ordinance regarding the appointment process.

Councilor Tabor asked that the entire City Council consider their vote. He said the Planning Board will now only have one member with institutional knowledge and he feels it is too much too fast. He said he does not believe in changing the face of the board in order to change the zoning.

Councilor McEachern moved to take separately the Planning Board appointments from the overall vote. Seconded by Councilor Lazenby.

On a roll call vote 4-5, motion failed to pass. Assistant Mayor Splaine, Councilors McEachern, Lazenby and Tabor voted in favor. Councilors Whelan, Kennedy, Huda, Trace and Mayor Becksted voted opposed.

Councilor Lazenby said it is important that the public not jump to conclusions on who was responsible for the text this weekend. He said in terms of the appointments he hears that the City Attorney feels these appointments are legal but he feels there are options to do things differently. He feels that this is a large scale of appointments that should be done by the new Council. He said a total of several appointments have been made to land use boards with most being filled after the election.

Councilor Whelan urged the City Council to step up and unanimously approve the appointments being recommended by the Mayor this evening. He said the Mayor has the right to make these 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 Trace voted opposed.

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

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

City Attorney Sullivan reported that the hearing was rescheduled until January 12, 2022 at 10:00 a.m. in Superior Court with an hour allocated for the hearing.

B. COUNCILOR KENNEDY

1. Unseal Non-Public Session Minutes

Councilor Kennedy moved to unseal the meeting and minutes for the last three Non-Public Session minutes regarding McIntyre. Seconded by Councilor Huda.

Councilor Kennedy said there were accusations made and she has tried to stay out of the McIntyre case and was careful not to speak with Councilor Whelan. She stated she learned in the meeting that some comments made were not true. She would like to open the Non-Public Session minutes in order to let the public know the truth.

Councilor Lazenby asked if there are concerns with Redgate/Kane or the Non-Public Session minutes. City Attorney Sullivan said there are litigation comments made and he has concerns and asked that they not be unsealed. He advised the Council that minutes are unsealed when the reason for sealing no longer exist.

Councilor Huda said she supports the motion and there were statements made by City Councilors and the newspaper that were false and she would like City Attorney Sullivan to clarify whether the minutes of the last Non-Public Session were sealed. She asked can the City Council discuss what was discussed in the Non-Public Session if the lawsuit was dropped. City Attorney Sullivan said that Redgate/Kane does not feel the contract was terminated.

Councilor Lazenby moved that the minutes be unsealed to the extent that unsealing the meeting minutes is approved by Attorney Connolly for his review. Seconded by Councilor Tabor.

Councilor Kennedy stated that she was told by City Attorney Sullivan that he has no problem with the content of the minutes.

Councilor McEachern moved to further amend the motion to remove “meeting” from the motion. Motion was accepted by Councilor Lazenby as a friendly amendment.

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

On a roll call 7-2, voted to pass main motion as amended. Assistant Mayor Splaine, Councilors McEachern, Whelan, Kennedy, Tabor, Trace and Mayor Becksted voted in favor. Councilors Lazenby and Huda voted opposed.

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

Councilor Huda said many of us have received questions on this issue. No action required on this matter.

2. Update on the Audit Committee

Councilor Huda reported that three to four meetings have been held by the Audit Committee since its inception. She stated that a charge was made and they voted to put forward a RFP that was worked on at the December 15, 2021 meeting. She reported that since the committee discussed this we were informed by city management they would put forth an adjustment to the RFP with all the adjustments taking the Audit Committee out of reporting and putting management back in.

Acting Deputy City Manager/Deputy City Attorney Woodland said the committee keeps choosing dates for meetings when she is not available and staff continues to not agree with the ordinance passed by the City Council. She spoke on the services we receive and stated that staff feels the best thing to do, was to continue with Melanson.

Councilor Kennedy said we are not following our own process. She said Melanson is the firm we have had for 26 years and asked why it was not put out to bid, as it was over \$10,000.00.

City Manager Conard stated we have discretion and the current bid limit is \$18,000.00. She also spoke to our legacy software and stated that we are better having professional services.

Discussion followed regarding the bidding process, purchasing manual and attest services.

E. COUNCILOR TRACE

1. General comment to residents regarding past two years

Councilor Trace thanked the City of Portsmouth for allowing her to sit here for the last two year. She stated class, honesty and respect for one another goes a long way. She said it is far better to question things than to be ignorant. She thanked the staff and City Manager for their work.

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

B. Acceptance of Donations to the Skateboard Park

- Edmunds General Contracting, LLC - \$1,000.00

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

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

- 1. Approval of 2022 City Council Meeting Calendar
- 2. Sale of Commercial Safe
- 3. Street Naming for 83 Pevelry Hill Road
- 5. Renewal of City's Parking Lot Use and Maintenance Agreement with the St. John's Masonic Association

Councilor Kennedy moved to the City Manager to act. Seconded by Councilor Huda and voted.

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

Councilor Kennedy moved to negotiate, execute and implement the Purchase and Sale Agreement in substantial conformance with the form attached in the City Council packet. Seconded by Councilor Huda and voted.

XVI. 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***)

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

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence
- B. Letter regarding the need for a Taxi Commission

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

- XIX.** Letter from Attorney Kenneth Murphy, Rainboth, Murphy & Lown, PA, regarding Worth Lot Parking Agreement Revision

Councilor Kennedy moved to refer to the Legal Department for report back. Seconded by Councilor Whelan and voted.

- D. Materials from Kristen Mello regarding PFAS

Councilor Kennedy moved to refer these materials to the Safe Water Advisory Group with a report back to City Council. Seconded by Councilor Huda and voted.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor McEachern, on behalf of the City Council, presented City Clerk Barnaby with a Commendation for her service to the City and Council.

Councilor Lazenby moved to seal the Non-Public Session minutes of December 6, 2021 subject to review by Attorney Connolly. Seconded by Councilor Assistant Mayor Splaine.

Councilor Lazenby asked City Attorney Sullivan if it is his advice to seal the minutes. City Attorney Sullivan said that the minutes should be reviewed by Attorney Connolly to make that determination.

On a roll call vote 3-6, motion to seal the Non-Public Session minutes of December 6, 2021 subject to review by Attorney Connolly *failed* to pass. Assistant Mayor Splaine, Councilors McEachern and Lazenby voted in favor. Councilors Whelan, Kennedy, Huda, Tabor, Trace and Mayor Becksted voted opposed.

Mayor Becksted presented to the City Council a photograph of the 2020-2021 City Council and a key to the City for their service to Portsmouth.

XX. ADJOURNMENT

At 12:00 a.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, JANUARY 3, 2022

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

Due to a rise in the number of COVID-19 cases the ceremony was held outdoors next to the 9/11 Memorial and Flag Pole in the upper lot of City Hall.

POSTING OF THE COLORS

Members of the Portsmouth Police and Fire Departments Honor Guard held a procession and posted the colors.

I. CALL TO ORDER

At 7:00 p.m., the evening began with the Invocation by Chaplain Pelkey.

II. ROLL CALL

Present: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

III. INVOCATION BY CHAPLAIN PELKEY, PORTSMOUTH FIRE AND POLICE DEPARTMENTS

Chaplain Pelkey conducted the Invocation.

IV. PLEDGE OF ALLEGIANCE – Loreley Godfrey, Eagle Scout

Eagle Scout Loreley Godfrey led in the Pledge of Allegiance.

- **STAR-SPANGLED BANNER**
- **AMERICA THE BEAUTIFUL**
- **ODE TO JOY!**

Performed by the Portsmouth Holiday Ensemble – Steve Circillo

Steve Circillo conducted the Portsmouth Holiday Ensemble in their three song selections.

Senator Shaheen Remarks

Madison Lightfoot read remarks from Senator Shaheen in honor of this joyous occasion.

Senator Hassan Remarks

Robert Graham read remarks from Senator Hassan in honor of this blissful occasion.

Congressman Pappas Remarks

Congressman Pappas provided remarks in recognition of the ceremony this evening and extended his congratulations to all elected officials.

OATH OF OFFICE

City Clerk Barnaby administered the Oath of Office to the following officials who were elected at the November 2, 2021 Municipal Election.

A. FIRE COMMISSION

City Clerk Barnaby announced that Commissioner Gamester is unable to join us this evening.

Commissioner Jennifer J. Mosher-Matthes

B. POLICE COMMISSION

Commissioner Buzz Scherr

Commissioner Kate Coyle

C. SCHOOL BOARD

Lisa Rapaport, Nancy Novelline Clayburgh, Brian French, Liz Barrett, Kerry Nolte

D. CITY COUNCIL

1. Councilors John Tabor, Josh Denton, Beth Moreau, Andrew Bagley, Vincent Lombardi, Rich Blalock, Kate Cook
2. Assistant Mayor JoAnna "Jo" Kelley
3. Mayor Deaglan McEachern

V. ADDRESS BY MAYOR DEAGLAN McEACHERN

Thank you Citizens of Portsmouth. I am honored by your confidence in me to lead, and I'm proud to serve alongside this new Council.

I wanted to thank Congressman Pappas for joining us this evening along with representatives for Senator Hassan and Senator Shaheen.

I also want to thank the outgoing council. We tackled many firsts together and I feel ready for the next two years having served alongside each of you. It is true that there were times where our opinions differed. But a difference of opinion does not equal a difference of principle. We all love Portsmouth and each of us served our city to the best of our abilities while faced with unthinkable challenges. I'd like to publicly acknowledge and thank Rick Becksted, Jim Splaine, Peter Whelan, Cliff Lazenby, Esther Kennedy, Petra Huda and Paige Trace. I expect your service to the City will undoubtedly continue.

I also want to take a moment to thank my family. While my father isn't here with us tonight, I always feel his presence. He instilled in me a faith in service for which I am thankful. To my mother from whom I inherited my passion, I have come to appreciate your sacrifice even more as I've grown. I've seen first-hand that no one serves in public life alone. It is a family commitment that weighs heavy especially with young children. I've seen this through Lori, who steps up the many nights I'm away. Lori-you are a beacon for our family and I couldn't do any of this without your support.

To Karen Conard our city manager and all our city staff, your professionalism and determination is a testament to the city. We are lucky to have each of you. Your grit in the face of Covid makes us all proud. You didn't flinch when I asked to move this event outdoors for the safety of our community. I look forward to resuming our meetings in a much warmer setting very soon.

But outside in the cold reminds us of much.

The cold reminds us our first job as a council is to keep our citizens safe.

The cold reminds me of our resolve. That we are outside city hall during the coldest night of this new year is a testament to the challenges we have faced throughout the pandemic. Challenges that have yet to cease. Instead of break our will they have strengthened our resolve. We are made of tougher stuff here in Portsmouth, and we will see the end of this pandemic.

The cold reminds us that the sledding won't always be easy but will always be worth it because we live in the greatest City in the State, the city of the open door.

Tonight, we sacrifice our warmth so that we can be together celebrating our future.

Over the next two years we will need to draw on that strength as challenges lay all around us.

As a council we must address how we grow as a city. Development is vital, but we need to make sure it doesn't leave behind the character that defines our city--our people. I plan to ask this council to review and make recommendations to update our ordinances in the first 100 days as a council.

We must prepare for climate change. This goes beyond acting locally. We must be the tip of the spear for NH as we prepare a climate action plan to incorporate across our departments.

We must prepare for a post covid world that will see work habits permanently change. We need to take advantage of that, while understanding there are many whose tax burden is unsustainable.

Most importantly, to meet these challenges, we must come together. I am not the Mayor of Old Portsmouth, just as I am not the Mayor of New Portsmouth. I am a Citizen of Portsmouth and as our Mayor I am calling us all to serve in writing our next chapter.

It can be as simple as being a better neighbor or better parent. It can mean being more civically involved or starting a business. But Portsmouth works because we work together.

As I leave you tonight, please remember who local government is. It's your former teacher, your neighbor, your local coffee shop owner. Our government is you. It works because we've decided to come together, whether born here, or moved here, as my great grandfather did to make a better life. Together, there is nothing we can't solve.

VII. ADJOURNMENT

At 7:35 p.m., City Clerk Barnaby thanked everyone for attending the ceremony and announced that a reception will be held at a future date.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive style with a large initial "K".

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

MINUTES
JANUARY 13, 2022
CITY COUNCIL SPECIAL MEETING
EILEEN DONDERO FOLEY CITY COUNCIL CHAMBERS
6:00 P.M.

I. CALL TO ORDER – MAYOR MCEACHERN

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

II. ROLL CALL

Present: Mayor McEachern, Assistant Mayor Kelley, Councilors Moreau, Blalock and Cook in person. Councilors Tabor, Denton, Bagley and Lombardi attended via Zoom.

III. DISCUSSION OF PUBLIC HEALTH DIRECTIVE ON FACE COVERINGS

Mayor McEachern explained the reason for the special meeting is 3-fold; to allow the public to weigh in on the face covering directive, to have the discussion with this Council, who has not yet done so, and to hear from the City Attorney regarding the legality of the directive. He stated we will also get an update of the current statistics. He reminded everyone in person that masks are required in the building and at the podium when addressing the Council.

City Manager Conard stated this is a proud, united front on an important matter regarding the health of the citizens of Portsmouth. She reviewed the timeline of the recent rapid onset of COVID-19 and the statistics of current cases and hospital inpatient activity. She stated that there are also staffing shortages in the health care facilities due to staff members being infected as well. She stated she worked with Health Officer McNamara and Emergency Management Coordinator/Fire Chief Germain on the Public Health Directive on Face Coverings which became effective January 7, 2022.

Councilor Blalock stated that the numbers are high but feels that they also don't reflect home testing results so they are probably even higher.

Councilor Cook asked why we issued the directive under RSA 147:1[1] and not RSA 141-C and the difference in the legality of the directive.

City Attorney Sullivan explained there are a number of ways that the city can compel or require citizens to wear masks and that on January 7th, the Health Officer felt a need to act as quickly as possible. He stated the ordinance process takes at least a month and so the directive was issued after the legal department determined the fastest way to act.

Councilor Moreau asked why specifically was RSA 147:1 referenced instead of the Communicable diseases chapter.

City Attorney Sullivan stated this seemed to fit the current situation and allow us to act quickly.

Councilor Tabor stated he is 100% in favor of this and cited that between Christmas and New Year's, the numbers have risen and the first regular meeting is not until January 24th. He stated he has tested positive and is why he is not able to attend in person and feels that masks will slow the spread and keep people safe.

Councilor Bagley stated he has tested positive as well. He stated it sounds like most of the Council supports the directive and wonders if it needs to be codified although we may only need it for a couple of weeks.

City Attorney Sullivan stated that the City Council is not required to codify the directive and the Health Officer has the authority, but if the Council wants to vote to that effect in a show of support, they can do so.

Councilor Blalock stated we need to lead by example and show we support the decision made by the Health Officer. He stated he runs a restaurant and we need to protect these front-line workers.

Councilor Moreau stated she supports this and wants to do it legally and defensibly. She stated she had already instituted a mask mandate in her office but will not force someone to do it.

Councilor Cook stated she is in support of this directive and of an ordinance as she is married to a health care professional who is concerned with people not being able to get the care they need because people with COVID taking up the space and straining the healthcare system and workers.

Assistant Mayor Kelley stated she supports the directive as well but would like to know what the numbers would need to be to drop the directive.

Health Officer McNamara stated it is a complex issue as the numbers are artificially low due to home testing but we are still concerned with the hospital capacity rates and death rates due to the different variants. She stated they are hoping that the rates will drop quickly and if a good majority of people are wearing masks, then hopefully they will come down. She stated if we are looking for a percentage then she would look at 8% which is what the schools are using.

Councilor Lombardi supports the motion but is concerned with enforcement and will it be up to the businesses.

City Attorney Sullivan stated the enforcement mechanism is two-fold; first, a violation of a public health directive is a civil infraction; and secondly, if anyone refused to comply inside a building, for example city hall, they could be issued a trespass order under state law and could be summonsed. He stated that this is more about education than enforcement.

Mayor McEachern stated he supports the directive and the way it was implemented. He continued that it is good governance to keep citizens safe and is a fundamental function of government and is why we have police, fire, etc. He stated we have 4 Councilors participating via Zoom and a positivity rate that is near 30% which is up from the safer 8% in December.

IV. PUBLIC COMMENT (participation may be in person or via Zoom)

Mayor McEachern opened public comment stating that there would be a 3 minute time limit and Portsmouth residents would speak first.

Brian Wazlaw – spoke in favor of the public health directive citing the current omicron surge. He continued that we have Army guardsmen filling in for health care workers, and we need to promote the health and welfare of our neighbors and get vaccinated and wear face coverings to reduce the transmission rates.

Bill Downey – spoke in favor of the initiative stating that 2 years into this people are educated on the issue and we don't get to choose whether we wear a seat-belt to keep us safe and feels that the police should be enforcing the mask directive.

Alan Porch – spoke opposed to the directive stating that the rate of infection is not a public health risk and that many of the deaths occurring are people that have other underlying health issues. He stated that this action is alarmist as this isn't the same COVID as before.

Greg Mahanna – read information from the City directive and State RSA's and discussed discrepancies between the two stating that the City Manager is being equated as a selectman in this scenario when it is a City Councilor that would be the equivalent. He stated it is the City Council that makes policies and not the City Manager and that this directive is in violation of the City Charter.

Marie Nelson – stated she works in the restaurant industry and has been wearing masks since day one. She stated that since this directive has come out people are not taking it seriously because there is not enforcement or repercussions and it makes it hard to deal with customers who can become irate when asked to wear the mask. She stated the anxiety exemption is well intended but is not accomplishing what it was meant to do.

Sue Polidura – stated she would like to know the difference between a directive and a mandate and feels that this should have been handled through the City Council process. She stated she wasn't aware of the directive until visiting a local store and was chased around by an employee telling her she needed a mask. She stated that the directive is confusing and there needs to be guidelines and enforcement as was in the previous ordinance.

Petra Huda – stated she is not for or against the mandate but is questioning the process taken as it followed an incorrect RSA for a city. She stated it is unclear what the Council is voting on tonight and asked City Attorney Sullivan to review the RSA's.

Ken Riley – read a prepared statement in opposition to the mask directive stating that vaccinated people are being punished when they complied with the call to get the vaccine. He stated that there should be incentives for the unvaccinated to get vaccinated and not keep taking way more and more from people.

Rick Becksted – congratulated the new Mayor and City Council and stated he wished they didn't have to go through the same thing with COVID as the previous Council. He continued that he feels the incorrect RSA was used for issuing the directive and feels the elected body should be making the decision and not the City Manager. He agrees that vaccinated people should not be a part of the directive and feels that this will hurt businesses and that they should be able to decide the policy for their own establishments. He stated that Health

Officer McNamara has done a good job but he feels that both sides of the issue need to be heard and urged the Council to hold a real public hearing.

Rich DiPentina (via Zoom) – stated he supports the directive and feels that it is unfortunate that the State isn't complying with its own laws which means each community has to decide themselves. He stated that death isn't the only bad outcome from COVID and listed various other complications that can occur.

Nicole LaPierre (via Zoom) – stated that 843,000 Americans have died since COVID began and to hear this being diminished is maddening and sad. She continued that the Omicron variant is driving an increase in hospitalizations and without the directive it would destroy hospitals who are already over capacity. She thanked the City Manager and Health Officer as this issue needed immediate attention.

Pat Bagley (via Zoom) – stated she fully supports the directive and has relied upon the Health Officers' guidance in the past regarding COVID. She stated she understands the issues with the businesses and is thankful that this was put in place even if it didn't follow protocol because the pandemic isn't either.

William Holscher (via Zoom) – stated he feels the directive is appalling as the City Council represents the people of Portsmouth and not the County and State which are the figures they are using for justification. He stated decisions should be made based on facts and proper context and RSA 147 is not meant to be used for communicable diseases.

Ann Birner (via Zoom) – stated she appreciates the directive and she appreciated the previous Councils ordinance as well but that process took a long time.

Derek Hayward (via Zoom) – spoke opposed to the mandate stating that we have been living with this for 2 years and people are educated on the issue and should be able to decide if they want to wear a mask or not. He stated this has had a negative impact on children and suggested that all aspects of individual health should be included in the conversation.

Laurie McCray (via Zoom) – spoke in favor of the directive stating that although it isn't perfect it is necessary. She stated she is a nurse and has seen a lot handled in the ICU's and Emergency Departments but this has overwhelmed everyone. She thanked the City Manager, Health Officer and other residents who support the directive as she feels no one should feel unsafe because others are not wearing masks.

Judy Miller (via Zoom) – stated she supports the directive and does shop locally. She stated that residents are still supporting our businesses and feels we should come together as a community and support our City Council in this endeavor. She stated the Library has always required masks and feels Spinnaker Point staff needs to educate the citizens who don't want to wear the masks.

Martha Wassell (via Zoom) – Greenland resident – stated she is an employee of Wentworth Douglass Hospital and a former Health Officer for the Town of Greenland but her views are her own. She spoke to the strain the Omicron variant has placed on the hospitals and staff and the patients that are taking up spaces from other people that can't get treated. She stated there is universal masking at the hospital which has resulted in almost zero transmission.

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

Councilor Denton moved to ratify the January 7, 2022 public health directive and to hold a first reading of the previous mask ordinance at the January 24, 2022 City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Denton stated that this motion is to show support of the directive and to bring the issue back for codification.

Councilor Moreau asked how many meetings it would take to ratify the ordinance.

City Attorney Sullivan explained the normal ordinance process takes 3 readings, 3 meetings.

Councilor Blalock asked if the rules could be suspended to speed up the process.

City Attorney Sullivan stated yes, at 2nd reading they could suspend the rules to take up the 3rd and final reading as well.

Councilor Bagley explained that he has lung issues and so this variant does affect people's health so he fully supports the motion. He stated that the number of kids missing from schools is astounding and the 406 currently active cases is double from last year. He asked if we have attendance numbers from the schools for both children and teacher absences.

City Manager Conard read statistics provided to her by Superintendent of Schools Zdravec.

Councilor Bagley stated that the mask mandate will help keep schools open.

Assistant Mayor Kelley stated that as a business owner she sees a lot of residents who aren't able to work from home and have no sick time or vacation leave. She stated that all residents need to be included in these decisions and people she deals with on a daily basis are the blood and sweat of the community and also support this directive.

Mayor McEachern asked if we are undermining the directive by bringing forward an ordinance.

City Attorney Sullivan stated both can co-exist.

Mayor McEachern thanked everyone for coming out and speaking and for being respectful through this difficult situation that we find ourselves in.

V. ADJOURN INTO CITY COUNCIL WORK SESSION:

At 7:20 p.m. voted to adjourn into Council Work Session.

Respectfully submitted:

Valerie A. French
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX

DATE: MONDAY, JANUARY 24, 2022

PORTSMOUTH, NH

TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer in memory of Frank McLane and Sheldon Krasker who recently passed away. He stated that the City Council's thoughts and prayers are with the families.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES *(There are no minutes on for this evening)*

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION

Sean Maloney said as a former seal medic he cared for many patients with COVID and addressed the patterns of having the virus. He stated that wearing a mask should be left up to the individual and should only apply to individuals at risk.

X. PUBLIC DIALOGUE SUMMARY [when applicable] – **N/A**

Mayor McEachern said the Council would have a discussion on how future Public Dialogue Sessions will work at the next meeting.

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

First Reading of Ordinance:

- A. First reading of Ordinance amending Chapter 3, Article XI, Section 3.1101 – 3.1104 – Face Coverings During the COVID-19 Pandemic

Councilor Denton moved to pass first reading and schedule a public hearing and second reading at the February 7, 2022 City Council meeting. Seconded by Councilor Tabor.

Councilor Denton thanked the staff for updating the former ordinance and asked Councilors to give some consideration to items they may wish to change.

Councilor Moreau said she would like to get updated number of cases for the public hearing and second reading.

City Manager Conard said the numbers have come down significantly. She stated the decrease has gone from high twenties to numbers in the teens.

Councilor Blalock said he is pleased to see the numbers going down. He stated the numbers need to get down to 8% and that many people are home testing which changes the numbers.

Councilor Tabor said he was pleased to see an end date in the ordinance of April 1st.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he would like to have an end date that would align with a recommendation from the Health Officer. He stated we will pass first reading tonight and it is an effort to clarify a mandate and feels that the Health Officer was in the right. He said we need to make sure there is an easy way to remove the mandate because the numbers may drop significantly.

Councilor Denton said he recommended April 1st because of outdoor dining starting at that point.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Councilor Moreau said maybe we pick a shorter date to provide flexibility.

City Attorney Sullivan said the mandate could be relaxed at the direction of the City Manager.

Councilor Cook said we need to have this in place until transmission drops to a moderate level at the discretion of our Health Officer. She stated she would bring a motion forward at the next meeting regarding this matter.

Mayor McEachern said he is pleased with the support of people in the city on this matter.

Motion passed.

XII. MAYOR McEACHERN

1. Acceptance of Resignations:
 - Andrew Samonas from the Conservation Commission
 - Peter McDonnell from the Zoning Board of Adjustment
 - Chase Hagaman, Alternate from the Zoning Board of Adjustment

Councilor Denton moved to accept with regret the resignations of Andrew Samonas from the Conservation Commission, Peter McDonnell and Chase Hagaman from the Zoning Board of Adjustment and requested a letter be sent thanking them for their service to the community. Seconded by Councilor Tabor and voted.

2. Appointments to be Considered:
 - Jason Huett to the Cable Television and Communications Commission
 - Chris Benecick to the Cemetery Committee
 - Eva Boice to the Cemetery Committee
 - Deirdre (Dee) Forte to the Cemetery Committee
 - Michael Griffin to the Cemetery Committee
 - Donald Margeson to the Cemetery Committee
 - Sue Polidura to the Cemetery Committee
 - Kerry Rubinstein to the Cemetery Committee
 - Susan Sterry to the Cemetery Committee
 - Steven Detrolio to the Sustainable Practices Blue Ribbon Committee
 - Jay Lieberman to the Sustainable Practices Blue Ribbon Committee

The City Council considered the appointments listed above which will be acted upon at the February 7, 2022 City Council meeting.

3. Approval of City Council Rules and Orders

Councilor Tabor moved to approve the City Council Rules and Orders as presented and refer to the Legal Department to draft a revised set of Rules and Orders incorporating modifications by the City Council to bring forward for a vote at the February 7, 2022 City Council meeting. Seconded by Councilor Moreau and voted.

4. Ratification of City Council Policies

Councilor Blalock moved to approve and ratify the City Council Policies as presented. Seconded by Councilor Lombardi and voted.

Councilor Denton moved to suspend the rules in order to bring forward Item XIII. C.1. – Religious Holiday Policy. Seconded by Councilor Bagley and voted.

XIII. CITY COUNCIL MEMBERS

C. COUNCILOR BAGLEY

1. Religious Holiday Policy

Councilor Bagley spoke in support of the policy and said last year there was a public meeting that occurred on Yom Kippur and some resident were unable to attend. He said he reached out to the Temple Israel and residents support the Council adopting this policy.

Assistant Mayor Kelley said she supports the policy and would like City Manager Conard and staff to develop an intake form that would allow people to submit holidays for consideration in order to be added to the list.

Councilor Denton moved to adopt the Religious Holiday Policy. Seconded by Councilor Bagley and voted.

MAYOR McEACHERN

5. Ethics Committee Drawing by Lot

City Clerk Barnaby asked City Attorney Sullivan to draw a name out of the folder for assignment to the Ethics Committee. City Attorney Sullivan drew Councilor Moreau's name, therefore she will serve on the Committee.

6. Board and Commission Assignments for City Council

Mayor McEachern announced the assignments of Councilors to serve on the following Board and Commissions.

Audit Committee

Councilor John Tabor
Councilor Kate Cook

African Burying Ground Stewardship Blue Ribbon Committee

Assistant Mayor JoAnna "Jo" Kelley

Chamber of Commerce

Councilor Andrew Bagley

Economic Development Commission

Assistant Mayor JoAnna "Jo" Kelley
Councilor Vincent Lombardi

Fee Schedule Study Committee

Councilor John Tabor
Councilor Josh Denton

Historic District Commission

Councilor Rich Blalock

Legislative Subcommittee

Assistant Mayor JoAnna “Jo” Kelley
Councilor John Tabor
Councilor Kate Cook

Neighborhood Steering Committee

Councilor John Tabor

Parking and Traffic Safety Committee

Councilor Andrew Bagley

Pease Development Authority

Councilor Vincent Lombardi

Peirce Island Committee

Councilor Vincent Lombardi

Planning Board

Councilor Beth Moreau

Prescott Park Master Plan Implementation Committee

Assistant Mayor JoAnna “Jo” Kelley

Recreation Board

Councilor Rich Blalock

Rockingham Planning Commission

Councilor Beth Moreau

Sister City Blue Ribbon Committee

Assistant Mayor JoAnna “Jo” Kelley

Sustainable Practices Blue Ribbon Committee

Councilor Josh Denton
Councilor Kate Cook

Vaughan Mall Blue Ribbon Committee

Councilor Andrew Bagley

Veterans Organization

Councilor Josh Denton

Mayor’s Blue Ribbon Energy Advisory Committee

Councilor John Tabor
Councilor Kate Cook

Blue Ribbon Committee on Arts & Non-Profit

Councilor Kate Cook

Safe Water Advisory Group Committee

Councilor Rich Blalock

Councilor Vincent Lombardi

Public Access Financial Advisory Committee

Councilor Vincent Lombardi

Skateboard Park Blue Ribbon Committee

Councilor Rich Blalock

7. Ratification of Blue Ribbon Committees

Mayor McEachern announced the following committees will now be referred to as Blue Ribbon Committees rather than Mayor's Blue Ribbon Committees. He said the following is a list of the committees he is ratifying.

- African Burying Ground Stewardship Blue Ribbon Committee
- Citywide Neighborhood Steering Blue Ribbon Committee
- Prescott Park Master Plan Implementation Committee
- Sister City Blue Ribbon Committee
- Sustainable Practices Blue Ribbon Committee
- Vaughan Mall Blue Ribbon Committee
- Blue Ribbon Energy Advisory Committee
- Blue Ribbon Committee on Arts & Non-Profit
- Safe Water Advisory Group Committee
- Skateboard Park Blue Ribbon Committee

XIII. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Community Power Update and next steps (no action required)

Councilor Tabor said he is pleased the committee has been ratified to continue its work. He spoke on community power and its definition. He stated that state statute allows cities and towns to aggregate consumer energy demand and purchase electricity in bulk. He said aggregation does not mean that the distribution function of the local utility will change, it gives consumers the option to opt out of Community Power if it so desires. He said he feels that many communities will adopt such a policy moving forward. Councilor Tabor said he would bring a motion forward at the February 22nd meeting regarding Community Power, which would make Portsmouth the fifteenth community to join the program.

Councilor Denton moved to suspend the rules to bring forward Item XIII. D.1. – Discussion of establishment of a Governance Committee. Seconded by Assistant Mayor Kelley and voted.

D. COUNCILOR COOK

1. Discussion of establishment of a Governance Committee

Councilor Cook reported that this would establish a Governance Committee to review policies, City Charter, Rules and Orders of the City Council, etc.

Councilor Cook moved to create a Governance Committee to be convened for the purpose of reviewing the City Charter, Council Ordinances, Council Rules, and Council Policies, which will be required to report back to the City Council on committee progress and any recommended alterations to those documents. In furtherance, the Governance Committee shall consist of three members of the City Council, appointed by the Mayor with approval of the City Council. As a priority, the Governance Committee shall review the Ethics Ordinance, Land Use Board Appointment Process, and City Committee Structure, and any other urgent governance matter that comes to the attention of the committee or is referred by the City Council to the committee. Create a Governance Committee to be convened for the purpose of reviewing the City Charter, Council Ordinances, Council Rules, and Council Policies, which will be required to report back to the City Council on committee progress and any recommended alterations to those documents. In furtherance, the Governance Committee shall consist of three members of the City Council, appointed by the Mayor with approval of the City Council. As a priority, the Governance Committee shall review the Ethics Ordinance, Land Use Board Appointment Process, and City Committee Structure, and any other urgent governance matter that comes to the attention of the committee or is referred by the City Council to the committee. Seconded by Councilor Denton.

Councilor Cook said it is time to review these items for updates and changes to make sure we are aligned with our governance practices.

Councilor Denton said he supports the motion and has some City Charter changes to recommend. He said that he would like to change the way the Council is elected and the date when the Council takes office. He said it is a lengthy process but feels it is necessary.

Councilor Moreau commended Councilor Cook for bringing this item forward, it is very timely.

Councilor Tabor said that this is getting into the heart of business early in our term and it should be an ongoing committee for the future.

Councilor Cook said this is for this Council but it could become a permanent committee.

Councilor Blalock thanked Councilor Cook for bringing this matter forward, as it provides value to what we do in the City and as well as transparency.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he is pleased with the work of Councilor Cook bringing this issue forward. He said the Council did not review the City Charter last year due to COVID. He said he would like to prioritize some items for City Charter amendments and this will be a holistic review of the Charter.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Councilor Bagley asked if the Governance Committee should include the City Manager and City Attorney. City Attorney Sullivan said he would advise the Committee and the City Manager would advise in any manner for the City Council.

Motion passed.

B. COUNCILOR DENTON

1. Charter Amendments

Councilor Denton moved to instruct City Attorney Sullivan to draft a memorandum outlining the Charter Amendment process for review by the newly formed Governance Committee. Seconded by Councilor Moreau and voted.

XIV. APPROVAL OF GRANTS/DONATIONS

A. Approval of Grant for Police Department from US Department of Justice - \$418,549.00

Councilor Cook moved to approve and accept the grant for the Police Department from the U.S. Department of Justice as presented. Seconded by Councilor Blalock and voted.

B. Acceptance of Donations to the Police Department:

- Donation of \$300.00 from the Seidl Family
- Donation of \$10.00 Gift Card from the Rollins Family
- Donation of various Gift Cards from anonymous citizens

Councilor Blalock moved to approve and accept the donations for the Police Department as presented. Seconded by Assistant Mayor Kelley and voted.

C. Acceptance of Donations to the Portsmouth 400th

- Robert Barefield - \$1.00
- Denise A. Poulos - \$1,000.00

Assistant Mayor Kelley moved to approve and accept the donations as presented. Seconded by Councilor Lombardi and voted.

- D. Acceptance of Donation to Fire Department from Paul Gormley and Kimi Iguchi - \$2,500.00

Assistant Mayor Kelley moved to approve and accept the donation as presented. Seconded by Councilor Moreau and voted.

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Ratification of Release of Trust Funds for Community Campus Acquisition

City Manager Conard advised the City Council that the Trustees of the Trust Fund are requesting a ratification from the Council for the release of trust funds for the acquisition of Community Campus.

Councilor Moreau moved that the City Council's action of December 20, 2021 authorizing the release of certain funds from the Peirce Estate Recreation and Environmental Trust and Daniel Street Trust is hereby ratified; and further move that the City Council specifically authorizes that the sum of \$627,496.53 be expended from the Peirce Estate Recreational and Environmental Trust pursuant to Article 3 of that Trust, and that the sum of \$25,542.95 be expended from the 135-143 Daniel Street Charitable Trust pursuant to Article 3 (B) of that Trust for the acquisition of certain real estate from the Foundation for Seacoast Health as approved by letter dated November 23, 2021 addressed to the City Attorney by Thomas Donovan, Director of Charitable Trusts, Office of the Attorney General. Seconded by Assistant Mayor Kelley.

City Attorney Sullivan said that this is a vote that was taken by the prior City Council and the Trustees of the Trust Fund are looking for the vote due to public comments it received during their public hearing on this matter.

Mayor McEachern said he is pleased that the Council can ratify the vote that he and Councilor Tabor brought forward with the last City Council.

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

2. License Extension for 60 Penhallow

City Manager Conard said that this is an extension of the License Agreement and she spoke to the updated schedule provided for the City Council to review. She reported that there will be a close coordination on the utilities. She stated that the extension would close sidewalks along Daniel and Penhallow Streets and the term of use is for week days only, and informed the Council that the license fee is \$39,561.00.

Councilor Lombardi said there was an issue regarding communication with abutters and asked if the applicant will be more communicative in the process.

Acting Deputy City Manager/Deputy City Attorney Woodland responded that is the understanding with the contractor as there was not enough information being provided to the abutters.

Councilor Bagley suggested that for applications for large projects, residents and businesses be able to sign up to receive alerts.

Councilor Tabor moved to suspend the rules to allow Lynn Kramer to speaker on behalf of the developer. Seconded by Assistant Mayor Kelley and voted.

Ms. Kramer spoke the extension and questions raised by the Council.

Councilor Blalock moved the authorization to finalize and execute the temporary construction license for the term of February 1, 2022 to July 3, 2022 as proposed. Seconded by Councilor Moreau.

Mayor McEachern said part of the difficulties with the project is the need for three license extensions. He asked how is this extension is different from the others. Ms. Kramer said extensions were granted on a six month basis because the city wanted to make sure changes could be made and checks and balances were in place. She said that this extension is until July 3rd, but if the sidewalks could be turned over sooner, they would. Mayor McEachern said the city wants this project completed soon but that it is done well. Ms. Kramer said they're trying to commit that the sidewalks and tenants will be moved into the building in June however, the inside will not be completed by that time. Mayor McEachern said we need more communication for the residents and businesses around the project.

Discussion followed between Mayor McEachern and Acting Deputy City Manager/Deputy City Attorney Woodland and Public Works Director Rice regarding communication, complaints, utilities and the completion of the project.

Motion passed.

3. Expansion of West End Economic Revitalization Zone

City Manager Conard said this would be an expansion of the existing West End Economic Revitalization Zone (ERZ). She said the designation is an economic development tool allowed by state statute that creates incentive for companies to expand or relocate to an eligible area. She informed the City Council when the Economic Development Commission discussed this they suggested including the West End Yards area along Cate Street, but also the area inclusive of the property that abuts West End Yards as well as the rail line opposite Plaza 800.

Councilor Moreau moved to approve the proposed expansion of the West End ERZ and send a letter requesting the expansion to the NH Business and Economic Affairs Office. Seconded by Councilor Blalock.

City Manager Conard stated that businesses in an ERZ may be eligible for tax credits to be used against Business Profit Tax and Business Enterprise Tax up to a maximum of \$40,000.00 annually for a five year period. She reported that there are five active ERZs in the city:

- Pease Tradeport ERZ
- Portsmouth Business Park ERZ a/k/a Commerce Way
- Heritage-Constitution Industrial Park ERZ
- Downtown Central Business District (CBD) ERZ
- West End ERZ

Councilor Bagley said by expanding the zone we are increasing the number of higher end jobs to this area of the city. He also said adding employees is a benefit and would enhance the businesses in the area.

Mayor McEachern asked if there was a way to make sure local businesses are made aware of this. Economic Development Manager Carmer spoke to the ways that is done and suggested the addition of a QR code to educate residents and visitors.

Motion passed.

4. Approval of Proposed Redistricting Map

City Clerk Barnaby reviewed the small adjustment to ward lines between Ward 2 and Ward 5 which will move 130 people (not voters) from Ward 2 into Ward 5. She indicated this change is based on population numbers and not voters.

Councilor Moreau moved to authorize the City Manager to submit the small adjustment to ward lines for Ward 2 and Ward 5 on behalf of the City Council to the Legislature requesting a session law change to act upon the reflected new boundaries. Seconded by Councilor Blalock and voted.

XVI. CONSENT AGENDA

- A. Letter from Rich Clyborne, Gundalow Company, requesting permission to hold the second Riverfest on Saturday, June 4, 2022 from 10:00 a.m. to 5:00 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- B. Letter from Kathie Lynch, Portsmouth Little League, requesting approval of temporary Signs/Banners for 2022 Season **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Emily Rivera, National Multiple Sclerosis, requesting permission to hold the annual Walk MS 2022 on Saturday, April 23, 2022 from 10:00 a.m. to 1:00 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**

- D. Letter from Tamires Costa, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life on Saturday, July 16, 2022 from 7:30 a.m. to 4:00 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**

Councilor Denton requested to remove Item B from the Consent Agenda as he serves as Commander of the VFW Post 168 who sponsors a Little League Team.

Councilor Moreau moved to adopt Items A, C, and D of the Consent Agenda. Seconded by Councilor Cook and voted.

- B. Letter from Kathie Lynch, Portsmouth Little League, requesting approval of temporary Signs/Banners for 2022 Season **(Anticipated action – move to refer to the City Manager with Authority to Act)**

Assistant Mayor Kelley moved to refer to the City Manager with Authority to Act. Seconded by Councilor Lombardi and voted. Councilor Denton recused from the vote and Councilor Blalock abstained from the vote as he serves as a Little League Coach.

XVII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

Councilor Tabor moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.

- B. Letter from Shawn Menard, Seacoast Eat Local regarding new management of Portsmouth Farmers' Market

Assistant Mayor Kelley moved to refer to the Legal Department for report back. Seconded by Councilor Blalock and voted.

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

- A. Citywide Neighborhood Committee Biennial Report to the City Council – *Information Only*

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

At 8:45 p.m., Mayor McEachern adjourned the meeting.



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, February 7, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the Proposed CAPITAL IMPROVEMENT PLAN. The Complete Capital Improvement Plan is on file in the Office of the City Clerk during regular business hours and is also available on the city website.

CITY OF PORTSMOUTH, NH

Capital Plan Summary '23

Description

I.	EQUIPMENT AND VEHICLE SCHEDULE	\$300,000.00
II.	BUILDING AND INFRASTRUCTURE	\$52,005,000.00
III.	INFORMATION MANAGEMENT SYSTEMS	\$1,391,658.00
IV.	TRANSPORTATION MANAGEMENT PLAN	\$650,000.00
V.	ENTERPRISE FUNDS	\$9,110,000.00
VI.	COMBINED FUND PROJECTS	\$5,040,000.00
	CAPITAL CONTINGENCY	\$100,000.00
	GRAND TOTAL	\$68,596,658.00

***\$1,840,000.00 is proposed to be funded from FY23 General Fund Capital Outlay**

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

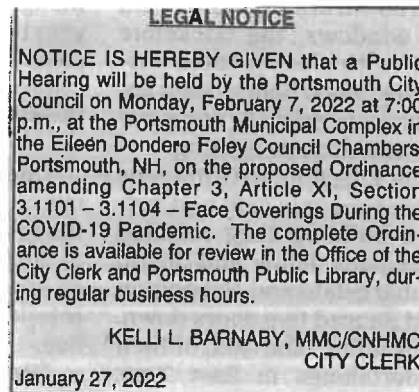
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**KELLI L. BARNABY, MMC, CNHMC
CITY CLERK**

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, February 7, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 3, Article XI, Section 3.1101 – 3.1104 – Face Coverings During the COVID-19 Pandemic. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



ORDINANCE# __-2022

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 3, Article XI, **EFFECTIVE DATE**, 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):

That the Ordinances of the City of Portsmouth are hereby amended by the addition of a new Ordinance titled FACE COVERINGS DURING THE COVID-19 PANDEMIC:

WHEREAS, the Nation, the State, and the City are engaged in an effort to protect the public health in light of the COVID-19 virus pandemic; and

WHEREAS, the Portsmouth City Council has issued a policy statement on Pandemic Response by Resolution adopted on July 13, 2020; and

WHEREAS, the Portsmouth City Council has determined that the wearing of face coverings during the time of the pandemic is one means of reducing the spread of COVID-19;

WHEREAS, the Health Officer of the City has issued a Public Health Directive dated January 7, 2022, which requires members of the public to wear proper face coverings for protection against the spread of COVID-19 during certain specified circumstances; and

WHEREAS, US Centers for Disease Control, the NH Bureau of Infectious Disease Control, and the City of Portsmouth Health Officer have determined that the wearing of face coverings during the time of the pandemic is an important means of reducing the spread of COVID-19;

NOW THEN, Portsmouth City Council hereby adopts the following ordinance regarding the wearing of face coverings in the City during the pandemic:

FACE COVERINGS DURING THE COVID-19 PANDEMIC

It is hereby adopted as a new Article XI to the Ordinances of the City, Chapter 3, PUBLIC HEALTH, a new provision which shall read as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC

SECTION 3.1101: FACE COVERINGS REQUIRED

All persons are hereby required to wear face coverings whenever they are in indoor places which are accessible to the public. Places accessible to the public expressly includes all places of employment and public transportation.

SECTION 3.1102: PERMISSIBLE FACE COVERINGS

A required face covering pursuant to this ordinance shall be any product that covers the nose and mouth of the person wearing it. The face covering may be commercially manufactured or personally created. Face coverings identified as N95 and KN95 are more effective than cloth face coverings.

SECTION 3.1103: EXCEPTIONS

The following persons are exempted or excepted from the requirements of this ordinance:

A. Persons who have a medical or other condition which may pose a risk to the health of the individual wearing the face covering.

B. Any child under age five (5).

C. Any person who is actually engaged in the act of eating or drinking at a business establishment licensed by the City of Portsmouth for that purpose, although the face covering should be worn both prior and subsequent to the act of eating or drinking.

SECTION 3.1104 PENALTY

The penalty for a person violating this provision shall be the issuance of a civil citation pursuant to Ordinance Article XIII, MUNICIPAL ENFORCEMENT PROCEDURES¹, except that under no circumstances shall the penalty for a violation of this ordinance exceed \$25.00.

EFFECTIVE DATE

This ordinance shall take effect immediately and shall terminate on April 1, 2022 with enforcement discretion to be determined by the Health Department.

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.

¹ Note: The penalty for a first offense under Article XIII is \$25.00, if paid within seven (7) days

This ordinance shall take effect upon its passage.

APPROVED

By: _____
Mayor Deaglan McEachern

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: BRC on Portsmouth Arts & Nonprofits Initial applicant

Name: Genevieve Aichele Telephone: 603-661-0922

Could you be contacted at work? YES NO If so, telephone# 603-431-6644

Street address: 47 Orchard Street

Mailing address (if different): _____

Email address (for clerk's office communication): gen@nhtheatreproject.org


How long have you been a resident of Portsmouth? 45 years

Occupational background:

Founding Executive Director of New Hampshire Theatre Project (959 Islington Street, Portsmouth) since 1988. Independent teaching artist, actor, director, writer, consultant and public speaking coach. Former Music Hall board member. Taught public speaking and community leadership at UNH, Great Bay Community College and PSU.

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

See above. Have also served as a consultant for other nonprofits and small businesses. Current affiliate with the Woodland Group Consultants.

 OVER

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

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

Reasons for wishing to serve: _____

Having lived and worked in the arts here in Portsmouth for 45 years, I've seen many collaborative arts organizations come and go - SACA, PAHC, Art-Speak. In a city where cultural organizations and nonprofits are a primary economic engine, it's vitally important that we all work collaboratively with the city and with each other in policy development, collaborative marketing and other issues. This is essential now in the aftermath of Covid.

Please list any organizations, groups, or other committees you are involved in: Currently serve on BRC for Prescott Park. Consulted on the creation of the City's Master Plan for the Arts.

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

1) Russ Grazier, PMAC, 973 Islington St., 603-431-4278

Name, address, telephone number

2) Chris Dwyer, 600 Broad St., 603-436-5247

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: /GenevieveAichele/ Date: 2/2/22

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Blue Ribbon Committee on Portsmouth Arts & Non-Profits **Initial applicant**

Name: Jeffrey Barraclough Telephone: 603-490-7796

Could you be contacted at work? YES NO If so, telephone# 603-430-7968

Street address: Moffatt-Ladd House & Garden, 154 Market St, Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): director@moffatladd.org

How long have you been a resident of Portsmouth? not a resident

Occupational background:

Executive Director, Moffatt-Ladd House & Garden (since June 2021);
Director of Operations, Manchester Historic Association (2011-2021)

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

➔ OVER

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

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

Reasons for wishing to serve: _____

I wish to provide a voice for historic sites and museums in conversations and decisions related to arts and non-profits in Portsmouth. _____

Please list any organizations, groups, or other committees you are involved in:
Portsmouth Historic Sites Associates, New Hampshire Heritage Museum Trail,
Association of Historical Societies of New Hampshire

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

1) Paige Trace, 27 Hancock Street, Portsmouth, NH, 914-282-0679
Name, address, telephone number

2) Jane Nylander, 17 Franklin Street, Portsmouth, NH 603-433-2273
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Jeffrey Bernatchez Date: 2/2/22

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

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

6/27/2012

REVISED RULES AND ORDERS OF THE PORTSMOUTH CITY COUNCIL

RULE 1. MEETING NIGHTS

The regular meetings of the City Council shall be on the first and third Mondays of each month at some time between 7:00 o'clock and 8:30 o'clock in the evening to be set by the Council. Work sessions may commence at any time after 6:00 p.m. and the regular council meeting may commence at any time after 7:00 p.m. (See Charter section 4.4). (AMENDED 4/2/90 TO AGREE WITH THE CITY CHARTER) (AMENDED 1/9/06)

RULE 2. SPECIAL MEETINGS

Special meetings may be called by written request of five or more members of the Council, by the Mayor, or by the City Manager. The party calling for the special meeting shall make every effort to schedule the meeting at a date no fewer than 7 days from the date the official notice is published to the City website if at all possible.

The City Clerk shall prepare a notice of the special session stating the time and the place and this notice shall be served personally upon each member of the Council and the City Manager, or left at their usual place of residence at least twenty-four (24) hours before the time of the meeting.

It shall also be the duty of the City Clerk, immediately upon receipt of written request for a special meeting to make every diligent effort to notify each member of the Council in person, either by telephone or otherwise of such special session. The City Clerk shall also post notices of the special meeting in a conspicuous place in City Hall and shall make every effort to publicize the meeting by way of local news media. A notice of the special meeting shall be posted on the City website. Only matters set forth in the notice of the meeting shall be discussed and/or acted upon.

[EXPLANATION – Not part of the Rules and Orders: This is deemed an improvement on the Council Rules responsive to current technology.]

RULE 3. WORK SESSIONS

Upon request of the Mayor or five or more members of the Council, the Council may meet in "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt and discussion of information is deemed appropriate. No formal vote shall be taken on any matter under discussion, nor shall any Council member enter into a commitment with another respecting the vote to be taken at a subsequent meeting of the Council; provided, however, that nothing herein shall prevent a polling of the Council or the taking of any informal vote on any matter under discussion. Work sessions shall be open to the public, public comment will be allowed at the end of work sessions in order to provide feedback, and notice procedures for regular meetings shall be followed.

RULE 4. COUNCIL MEETING AGENDA

All reports, communications, ordinances, resolutions, or other matters to be submitted to the Council shall, by 12:00 noon on Wednesday prior to each Council meeting be delivered to the

City Clerk whereupon the City Clerk shall immediately arrange or cause to be arranged a list of such matters according to the Order of Business. Each member of the Council may place a single item of business under the name of that Councilor unless further items are approved in advance by the Mayor. The City Clerk shall furnish each member of the Council, City Manager, and City Attorney with a copy of the Agenda by 5:00 p.m. on Thursday prior to each Council meeting. ~~and shall make copies of the Agenda available in the Office of City Clerk for the public by that time~~ The Agenda shall be posted on the City website on the Friday prior to the Monday meeting. (AMENDED 1/5/98) (AMENDED 1/25/2016)

[EXPLANATION – Not part of the Rules and Orders: This change would conform the Rule to current practice.]

RULE 5. CALL TO ORDER

The Mayor shall take the chair at the hour appointed for the meeting and shall call the members to order. A roll call shall be taken to determine if a quorum be present.

RULE 6. CHAIRING OF MEETING

In the absence of the Mayor, the Assistant Mayor shall preside during that meeting or until the Mayor arrives. In the absence of both the Mayor and the Assistant Mayor, the Councilor present who received the largest plurality in the last election shall preside during that meeting or until the Mayor or Assistant Mayor arrives.

RULE 7. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Work Session
- II. Public Dialogue Session (when applicable – every other regularly scheduled meeting)
- III. Call to Order [7:00 p.m. or thereafter]
- IV. Roll Call
- V. Invocation
- VI. Pledge of Allegiance
- VII. Acceptance of Minutes
- VIII. Recognitions and Volunteer Committee Reports
- IX. Public Comment Session
- ~~X. Public Dialogue Summary (when applicable)~~
- ~~XI-X. Public Hearings and Votes on Ordinances and/or Resolutions~~
- ~~XII-XI. Mayor/City Manager Action Items~~
- ~~XIII-XII. City Council Members Consent Agenda~~
(A City Council Member may either speak to their item(s) previously placed on the agenda in accordance with Rule 4 or bring items that appears later on the meeting's agenda forward to be acted upon at this point)
- ~~XIV-XIII. Approval of Grants/Donations Presentations and Written Communications~~
- ~~XV-XIV. City Manager's Items Which Require Action Mayor~~
- ~~XVI-XV. Consent Agenda/City Council Members~~

~~XVII.XVI. Presentations and Consideration of Written Communications and
Petitions Approval of Grants/Donations~~

~~XVIII.XVII. City Manager's Informational Items~~

~~XIX.XVIII. Miscellaneous Business Including Business Remaining Unfinished at Previous
Meeting~~

~~XX.XIX. Adjournment [at 10:00 p.m. or earlier]~~

(ADOPTED NEW ORDER OF BUSINESS 1/9/06; AMENDED 1/25/2016; AMENDED
08/21/2017; AMENDED 06/03/2019; AMENDED 03/02/2020)

[EXPLANATION – Not part of the Rules and Orders: Staff recommendation following
discussion with Mayor and Manager.]

RULE 8. CONSIDERATION OF MOTIONS

When a motion is made and seconded, it shall be considered by the Council, and not otherwise.

RULE 9. WRITTEN MOTIONS/ROLL CALL

Every motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it; and upon request of any member the roll call shall be called upon any question before the Council.

RULE 10. DIVISION OF QUESTION

The Division of a question may be called for when the motion contains two or more independent parts.

RULE 11. READING

~~When the reading of a paper is called for and the same is objected to by any member, it shall
be determined by vote of the Council. This Rule deliberately left open for future use.~~

[EXPLANATION – Not part of the Rules and Orders: To staff knowledge, this Rule is never
used during Council meetings.]

RULE 12. ADJOURNMENT

The Chair shall consider a motion to adjourn always in order, the time of the next meeting having been agreed on. Such motion shall be decided without debate.

RULE 13. DISPOSITION OF MOTIONS

After a motion is seconded, and stated by the Chair, it shall be disposed of by vote of the Council unless the mover withdraws it before a decision or amendment.

RULE 14. MOTIONS DURING DEBATE

When a question is under debate, only the following motions shall be received: Adjourn; take a recess; raise a question of privilege; call for orders of the day; lay on the table; the previous question; limit or extend limits of debate; postpone definitely or to a certain time; commit or refer or recommit; amend; postpone indefinitely; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; division of the assembly.

RULE 15. ORDER OF QUESTIONS

The Chair shall put all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except in naming sums and fixing times, the largest sum and the longest time shall be put first.

RULE 16. MOTION FOR RECONSIDERATION

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member voting with the majority, nor unless such motion is made at the meeting at which such vote is passed, or notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting; and only one motion for the reconsideration of any vote shall be permitted.

RULE 17. TABLING

No motion which has been tabled at a current or prior Council meeting may be acted upon after being removed from the table at a current meeting; but such action must be withheld until the next regular Council meeting which agenda will show the item of business.

RULE 18. SPEAKING PRIORITY

When two or more members rise at once, the Chair Mayor shall then name the member who is entitled to the floor.

[EXPLANATION – Not part of the Rules and Orders: For consistency with other Rules.]

RULE 19. SPEAKING

When any member is about to speak in debate or to deliver any matter to the Council, and respectfully address the presiding officer Mayor; the member shall confine themselves to the question under debate, and avoid personalities. ~~The member shall sit down as soon as done speaking.~~ (AMENDED 4/2/90) (AMENDED 1/10/2000)

[EXPLANATION – Not part of the Rules and Orders: For consistency between Rules and to amend Rules to current practice.]

RULE 20. INTERRUPTION OF SPEAKING MEMBER

No member shall be interrupted by another, but by rising to a call to order, to correct a mistake, or for explanation. But if any member in speaking, or otherwise, transgress the Rules of the Council, the Mayor shall or any member may call the offending member to order who

shall immediately sit down, unless permitted to explain; and the Council, if appealed to, shall decide on the case, and without debate.

RULE 21. CONFLICTS OF INTEREST

No member shall vote or serve on any committee or any question as to which the member has a direct, personal and pecuniary interest.

RULE 22. VOTING REQUIRED

Every member present when a question is put, if not excluded by interest, shall vote. No member shall leave a meeting without permission. ~~_, if their presence is necessary to make a quorum.~~

[EXPLANATION – Not part of the Rules and Orders: A quorum is only necessary to open the meeting.]

RULE 23. COMMITTEE NOMINATION

Unless otherwise mandated by state law, charter or ordinance, ~~Except~~ ~~except~~ for the committees created solely by the Mayor, the Mayor shall submit for approval by the City Council all nominations of non City Councilors to committees. All nominations shall be laid on the table until the next regularly scheduled Council meeting. The Mayor shall make all appointments of the City Councilors to committees.

*(ADOPTED 1/22/96; AMENDED 1/17/2012; AMENDED 1/13/2014)

[EXPLANATION – Not part of the Rules and Orders: A clarification to conform the Rule to other laws.]

RULE 24. COMMITTEE MEMBERSHIP

No member shall be obliged to be on more than two committees at the same time nor to be chairman of more than one.

RULE 25. SPECIAL COMMITTEES AND COMMITTEE RESPONSIBILITIES

All special committees of the Council shall consist of three members, unless a different number be ordered. It shall be the duty of every committee of the Council to whom a subject is specially referred to report thereon within the time limit set by the Council or to request an extension thereof. No final report shall be received unless presented in writing, signed by a majority of the committee and agreed to in committee actually assembled.

[EXPLANATION – Not part of the Rules and Orders: This rule amendment would allow Council committees to make interim, verbal reports to the Council.]

RULE 26. COMMITTEE MEETINGS

~~No Committee shall sit during the sitting of the Council without special leave. This Rule deliberately left open for future use.~~

[EXPLANATION – Not part of the Rules and Orders: This Rule appears to have no application to current City Council procedures.]

RULE 27. COMMITTEE OF THE WHOLE

The City Council may resolve itself of the Whole, at any time, upon a motion of a member made for the purpose; and in forming a Committee of the Whole, the Mayor may leave the Chair and appoint some member to preside in the Committee; and when the Committee of the Whole shall have gone through the subject referred to them, ~~they shall rise, and~~ the Chairperson, or any other member that the Committee may order, shall report their proceedings to the Council.

[EXPLANATION – Not part of the Rules and Orders: Conform the Rule to current Council practice.]

RULE 28. COMMITTEE OF THE WHOLE PROCEEDINGS

The rules of proceedings in the Council shall be observed in Committee of the Whole, so far as they may be applicable; but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 29. ORDINANCES

All bylaws passed by the City Council shall be termed "ordinances", and the enacting style shall be: "The City of Portsmouth Ordains." Each ordinance shall be identified by a number and a short title, and the effective date shall be specified in it.

RULE 30. ORDINANCE PROCEDURE

Each Ordinance shall pass through the following stages, to wit: There shall be a first reading for information. Administration may have special presentations at the first reading in order for the public to be able to consider the Ordinance change. If the first reading is passed, the Council shall, consistent with public notice requirements of law, set a time and place for a public hearing and consideration of second ~~reading and third readings.~~ If the second reading is passed, the Council shall set a time and place for a third reading. An ordinance may be rejected at any stage in its progress. No ordinance shall be amended except on second reading. Passage of the third reading shall constitute final passage.

[EXPLANATION – Not part of the Rules and Orders: Conform the Rule to current Council practice.]

RULE 31. ORDERS AND RESOLUTIONS

In all votes by which the City Council shall express anything by way of command the form of expression shall be "Ordered" and whenever it shall express opinions, principles, facts or

purposes, the form shall be "Resolved." Resolutions prepared in writing prior to introduction shall be identified by a short title.

RULE 32. TAXING, SPENDING, AND BORROWING

Each order or resolution authorizing the levying of a tax, the expenditure of money, or the borrowing of money shall have two separate readings and a public hearing with notice as required by law.

RULE 33. RECORD RETENTION OF RESOLUTIONS AND ORDINANCES

When an ordinance or resolution shall have passed the City Council, it shall receive the signature of the Mayor. It shall be enrolled in the City records of the City Clerk, and the original ordinance or resolution shall be placed in some safe deposit in the archives of the City.

RULE 34. CITY CLERK

The City Clerk shall attend all Council meetings, ~~except including~~ work sessions and executive sessions, and shall keep a record of procedures of the Council by recording the motions and votes thereon. The City Clerk shall make notes of the general content of the remarks by members of the Council, the Mayor, and the City Manager and not their specific detail. The City Clerk shall note in the minutes all reports, memorials and other papers submitted to the Council by their title or brief description of the purport. The City Clerk shall arrange for the televising and broadcast over the internet of all regular meetings. The City Clerk shall cause to be recorded through the use of appropriate recording device the business of all Council meetings, said recordings to be maintained by the City Clerk as a public record for a period of at least three years. Preservation of the recordings and custody of all recordings shall be the sole responsibility of the City Clerk who shall prepare such rules for use as the Clerk deems necessary or appropriate to the discharge of the above responsibility.

[EXPLANATION – Not part of the Rules and Orders: To conform the Rule to current practice.]

RULE 35. SEATING ARRANGEMENT DURING COUNCIL MEETINGS

Council seats shall be assigned by the Mayor. Council members who wish to exchange seats may do so upon request to the Mayor. Seating arrangement may be changed at any time the Mayor wishes. (AMENDED 10/29/90)

RULE 36. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY

Whenever a City Councilor has a question of the City Attorney, during a City Council Meeting, on the Council Rules, the Portsmouth City Charter or on Parliamentary Procedure, they shall, through the Chair, be given the immediate right to state their question.

RULE 37. HOUR CITY COUNCIL MEETINGS TO CONCLUDE

City Council meetings shall conclude no later than 10:30 P.M. or at such time as any agenda item being discussed at 10:00 P.M. is acted upon. Any agenda items under the name of the

City Manager which have not been voted upon by the Council as of 10:00 p.m. shall be treated thereafter as Consent Agenda items, applying Council Rule 46 as completely as the situation allows. If because of this rule any agenda items remain to be taken up, the Council shall recess the meeting to a time certain at which recessed meeting the remainder of the agenda shall be acted upon unless a majority of the Council wishes to suspend in order to continue. (AMENDED 1/9/06) (AMENDED 1/25/2016)

RULE 38. NOTICE TO COUNCIL REGARDING APPOINTMENT QUALIFICATIONS

All nominees to positions on boards or commissions of the City shall submit in writing, on a form as provided by the City Clerk, information regarding their occupational backgrounds, the nature of their nominations, and their reasons for wishing to serve. Such form shall accompany the agenda in which the nomination is to be made and shall be delivered to City Council members in accordance with Rule No. 4.

RULE 39. SUSPENSION OF RULES

No standing rule or order of the Council shall be suspended unless a two-thirds majority of the members of the Council present shall consent thereto, for a specific purpose; nor shall any rule or order be repealed or amended without one week's notice being given of the motion therefore, or unless a two-thirds majority of the Council shall concur therein.

RULE 40. PARLIAMENTARY AUTHORITY

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the City Council shall be conducted pursuant to the parliamentary authority of the most recent revision of Robert's Rules of Order, Newly Revised, published by ~~Scott, Foresman & Co.~~ PublicAffairs

RULE 41. ADDRESS BY PUBLIC

~~Members of the public-at-large may address the Council on any issue being discussed by the Council after a motion to allow same has been made by any Council member and passed by a majority vote, provided that no person shall speak for more than five (5) minutes. Except for public comment sessions and public hearings, members of the public-at-large may address the Council only under a suspension of the rules.~~

[EXPLANATION – Not part of the Rules and Orders: Conform the rules to current Council practice.]

RULE 42. PUBLIC'S RIGHT TO KNOW GUARANTEED

All letters, memos, reports and other information provided or circulated to the City Council by staff members or received as communications to the Mayor and City Council from any person shall be included with the Agenda packet of a City Council meeting and made publicly available by ~~5:00 p.m.~~ 12:00 Noon on Friday prior to each Council meeting, or if sent separately to Council members shall be made publicly available in the Office of City Clerk. Exempt under this Rule are those documents which would not be deemed public records under the New Hampshire Right to Know Law (RSA 91-A) or personal communications. (AMENDED 1/27/92)

In addition to the foregoing, any e-mails which are received by the City on behalf of the entire City Council shall be entered into the public record by the City Clerk. Any person addressing an e-mail to the entire City Council shall be provided with the option to have such person's e-mail entered into the City Council packet and public comment record for the meeting. Only e-mails which include the name and address of the sender shall be provided to the City Council and thus be subject to the rule. Any public comment received by e-mail subject to this rule shall be updated after the Council agenda packet is released and prior to noontime on the day of the Council meeting to which the packet is addressed. Any public comments received after such noontime deadline shall be distributed to the individual Councilors, but shall not become part of the public record of the meeting. (ADDED 08/21/2017)

[EXPLANATION – Not part of the Rules and Orders: To conform the rule to current practice.]

RULE 43. PUBLIC COMMENT SESSION

A. Public Comment:

A Public Comment session shall appear on the agenda of every regular Council meeting. This session shall be a period of time not to exceed forty-five minutes during which any member of the public may have three minutes to address any topic which that member of the public has identified to the City Clerk prior to the commencement of the meeting. Speakers shall be limited to one three minute comment period per person per meeting and may not defer any of their allotted speaking time to any other person. All speakers must register in person (not electronically or telephonically) with the City Clerk prior to the City Council meeting. Residents, business owners and taxpayers of the City shall be given speaking priority over any other speaker. All speakers must give their home address at the time of their speaking. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the City Council. Any provision of this rule may be modified on a per case basis by majority vote of the Council. (AMENDED 02/20/2018)

* Comments for which a public hearing is scheduled under the same agenda shall not be permitted.

- The Chair reserves the right to select speakers of different issues to be permitted to speak in order to provide a form of various topics to be presented.
*(ADOPTED 1/18/94).

B. Public Dialogue:

The City Council shall hold a Council – Public Dialogue session during the period which is forty-five minutes (45) before the call of order, on the night of every other regularly scheduled City Council meeting. At such Council - Public Dialogue Sessions the Council, the City Manager and any appropriate staff as determined by the City Manager shall welcome all interested individuals for an informal dialogue session. The purpose of this session is to provide an opportunity for members of the public to directly interact with members of the Council, the City Manager and any appropriate staff as determined by the City Manager from time to time. By vote of the Council, such Council - Public Dialogue sessions may be scheduled to be held at other times and in other locations in the City beyond City Hall. All

Council - Public Dialogue sessions shall be held in accordance with RSA 91-A, the Right-to-Know Law by notice being made and minutes being taken. (AMENDED 08/21/2017; AMENDED 02/20/2018)

[Possible Amendment: The City Clerk suggests amending this rule so that public dialogue occurs only at City Council work sessions and/or public dialogue occur no more than quarterly.]

RULE 44. NAMING OF MUNICIPAL BUILDINGS, PARKS AND FACILITIES

The procedure to be followed in naming municipal buildings, parks and facilities shall be that a written request be submitted to the Mayor by the City Councilors or resident who proposes the naming of any municipal building, park or facility. The Council shall then schedule a work session to deliberate concerning that request. In general, it shall be deemed inappropriate to name complete municipal buildings after actual persons, although portions of buildings may be so named. Subsequent to the work session, the request shall then be placed on the next available Council agenda for a vote of the full City Council. (ADOPTED 8/14/2000)

RULE 45. PUBLIC HEARINGS

City Council public hearings shall be subject to the following terms and conditions:

- A. The order in which speakers shall be called, the duration of time permitted for each person to speak and the number of opportunities which any person shall be provided to speak on any issue may be regulated by the Mayor in the interest of legislative efficiency.
- B. All speakers must limit their presentation to the issue for which the public hearing has been called. Any speaker not in compliance with this provision shall be ruled out of order by the Mayor.
- C. The order of presentation of all public hearings shall be as follows:
 1. Any additions to presentation given at first meeting related to the public hearing offered by the City administration
 2. City Council questions and deliberation regarding the subject matter of the public hearing
 3. Public hearing speakers
 4. Additional Council questions and deliberations.
- D. Subsequent to the process described above, any public hearing which results in the requirement of a City Council vote shall be immediately followed by that vote

(ADOPTED 5/6/2002; AMENDED 05/01/2017; AMENDED 08/21/2017)

RULE 46. CONSENT AGENDA

The agenda for any regular meeting of the City Council may include a section entitled "Consent Agenda". The Consent Agenda shall consist of items of City Council business which the Mayor, the City Manager and the City Clerk have previously determined to be routine in nature. All Consent Agenda items shall identify the action which it is anticipated will be taken by the City Council on it. Any item of business shall be removed from the Consent Agenda and placed elsewhere on the Council agenda for the same meeting at the request of any member of the City Council. All recommended actions on Consent Agenda items shall be deemed to have been taken by the City Council on the passage of a motion, "to adopt the Consent Agenda". (ADOPTED 1/9/06).

RULE 47. APPOINTMENTS TO BOARDS AND COMMISSIONS

Unless otherwise required by statute or ordinance, the Mayor shall only bring forward for reappointment to any Board or Commission the name of any person who shall have served ten (10) or more consecutive years on the same Board or Commission if such position shall have been publicly advertised prior to the effective date of the requested reappointment. (Adopted 03/19/2018)

CITY COUNCIL PRINCIPLES FOR LEGISLATIVE POSITIONS:

PRINCIPLES FOR LEGISLATIVE POLICIES

The City Council has adopted Principles for Legislative Positions listed below in order for the Mayor and City Staff to be able to offer testimony to the Legislature in a timely manner on bills of interest to the City. The Principles for Legislative Positions are as follows:

1. Advocate to maintain local authority
2. Authorize local options
3. Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth
4. Advocate for municipal representation on state committees
5. Support incentives for regional cooperation
6. Support plans to fund/support infrastructure
7. Support incentives for sustainability and increasing energy efficiency and increasing renewable energy production.
8. Support directing revenues to the purposes for which they are raised
9. Support measures that increase the efficiency of local government operations
10. Maintain and improve health, life and safety issues including protecting the safety of our First Responders
11. Encourage citizens to vote and support eliminating barriers to voting
12. Rely on locally generated financial data for decisions relating to local taxes and assessments
13. Protect local decision making about local zoning
14. Require the State to honor existing financial commitments to communities before new financial commitments are awarded, e.g. infrastructure reimbursements
15. Support the civil rights of individuals and oppose discrimination against any individual because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, national origin, sexual orientation or gender identity
16. Use expertise and research in decision making
17. Support policies that create affordable housing as well as incentives for the construction of affordable housing

18. Support lobbying efforts of organizations and associations to which the City belongs and supports as a municipality, unless contrary to other city policies

19. Oppose legislation that does not apply scientific and technical standards that are broadly accepted by peer reviewed scientific study and can reasonably be achieved by sustainable best management practices and technology

20. Support legislation that provides education funding based on an equitable and sustainable framework and oppose the return of the donor town concept

Legislative Subcommittee's Procedures for Submission of Testimony

The City Council authorizes the Legislative Subcommittee, or their designees, to take positions on legislation they believe to be in the best interest of the City based on Legislative Principles adopted by the Council, as amended from time to time.

Testimony on behalf of the Legislative Subcommittee may be presented by the Mayor, Members of the Legislative Subcommittee, or their designees, which may include Members of the City Council and City Staff.

City Staff, who are members of State Associations and Professional Boards, may submit testimony on behalf of their Associations or Boards. The testimony will state that it is being submitted on behalf the Association or Board, not the City of Portsmouth. All such testimony will be reviewed by the City Manager before submission.

The City is a member of Coalitions with other communities that may submit testimony on legislative issues. (Examples of these types of Coalitions include, but are not limited to, New Hampshire Water Works Association, Coalition Communities 2.0 ("CC2") and the Great Bay Municipal Coalition). The City may submit or join in testimony on behalf of these Coalitions, provided the testimony is consistent with the City's Legislative Principles.

There will be rare occasions when it is the City's best interest to testify on legislative issues that fall outside the scope of the Council's Legislative Principles before a meeting of the Legislative Subcommittee or Council Meeting can be convened. Under these circumstances, the Mayor is authorized to provide testimony on behalf of the City.

ORDINANCE# __-2022

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 3, Article XI, **FACE COVERINGS DURING THE COVID-19 PANDEMIC**, 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):

That the Ordinances of the City of Portsmouth are hereby amended by the addition of a new Ordinance titled FACE COVERINGS DURING THE COVID-19 PANDEMIC:

WHEREAS, the Nation, the State, and the City are engaged in an effort to protect the public health in light of the COVID-19 virus pandemic; and

WHEREAS, the Portsmouth City Council has issued a policy statement on Pandemic Response by Resolution adopted on July 13, 2020; and

WHEREAS, the Portsmouth City Council has determined that the wearing of face coverings during the time of the pandemic is one means of reducing the spread of COVID-19;

WHEREAS, the Health Officer of the City has issued a Public Health Directive dated January 7, 2022, which requires members of the public to wear proper face coverings for protection against the spread of COVID-19 during certain specified circumstances; and

WHEREAS, US Centers for Disease Control, the NH Bureau of Infectious Disease Control, and the City of Portsmouth Health Officer have determined that the wearing of face coverings during the time of the pandemic is an important means of reducing the spread of COVID-19;

NOW THEN, Portsmouth City Council hereby adopts the following ordinance regarding the wearing of face coverings in the City during the pandemic:

FACE COVERINGS DURING THE COVID-19 PANDEMIC

It is hereby adopted as a new Article XI to the Ordinances of the City, Chapter 3, PUBLIC HEALTH, a new provision which shall read as follows:

CHAPTER 3

PUBLIC HEALTH

ARTICLE XI: FACE COVERINGS DURING THE COVID-19 PANDEMIC

SECTION 3.1101: FACE COVERINGS REQUIRED

All persons are hereby required to wear face coverings whenever they are in indoor places which are accessible to the public. Places accessible to the public expressly includes all places of employment and public transportation.

SECTION 3.1102: PERMISSIBLE FACE COVERINGS

A required face covering pursuant to this ordinance shall be any product that covers the nose and mouth of the person wearing it. The face covering may be commercially manufactured or personally created. Face coverings identified as N95 and KN95 are more effective than cloth face coverings.

SECTION 3.1103: EXCEPTIONS

The following persons are exempted or excepted from the requirements of this ordinance:

- A. Persons who have a medical or other condition which may pose a risk to the health of the individual wearing the face covering.
- B. Any child under age five (5).
- C. Any person who is actually engaged in the act of eating or drinking at a business establishment licensed by the City of Portsmouth for that purpose, although the face covering should be worn both prior and subsequent to the act of eating or drinking.

SECTION 3.1104 PUBLIC HEALTH DIRECTIVES

Any person in the City at any time shall comply in all respects with any public health directive issued by the Health Department.

SECTION ~~3.1104~~ 3.1105 PENALTY

In addition to any other penalty authorized by law, the The penalty for a person violating this provision shall be the issuance of a civil citation pursuant to Ordinance Article XIII, MUNICIPAL ENFORCEMENT PROCEDURES¹, except that under no circumstances shall the penalty for a violation of this ordinance exceed \$25.00.

EFFECTIVE DATE

This ordinance shall take effect immediately and shall terminate on **April 1, 2022 for any period during which the transmission rate for Rockingham County, as determined by the State of New Hampshire, is below eight percent (8%) positivity and shall become effective on any date in which the said positivity rate is equal to**

¹ Note: The penalty for a first offense under Article XIII is \$25.00, if paid within seven (7) days

eight percent (8%) or higher with enforcement discretion to be determined by the Health Department.

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.

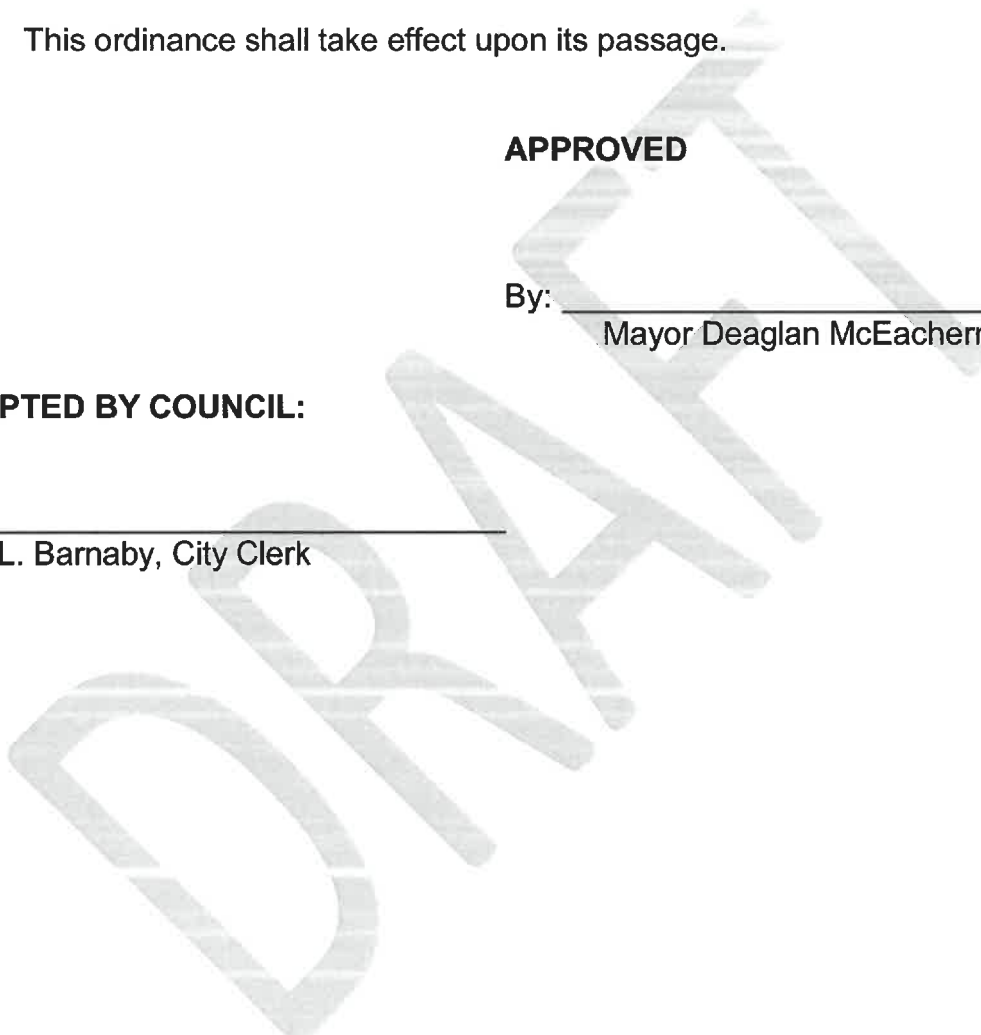
This ordinance shall take effect upon its passage.

APPROVED

By: _____
Mayor Deaglan McEachern

ADOPTED BY COUNCIL:

Kelli L. Barnaby, 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: February 3, 2022
To: Honorable Mayor Deaglan McEachern and City Council Members
From: Karen S. Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of February 7, 2022

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

A. Public Hearing – Capital Improvement Plan (CIP) FY2023-2028:

In accordance with Section 7.7 of the City Charter, the City Council is conducting a public hearing at this evening's City Council meeting regarding the [proposed Capital Improvement Plan for FY 2023 – FY 2028](#). In addition to this evening's public hearing, the City Council held a work session on January 19, 2022 and [the City shared the attached presentation](#). At the work session, a presentation of the proposed CIP was made by City staff. As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council.

Adoption of the proposed CIP will take place at the March 7, 2022 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 3, Article XI – Face Coverings During the COVID-19 Pandemic:

[Attached please find a proposed ordinance](#) regarding Chapter 3, Article XI – Face Coverings During the COVID-19 Pandemic. It includes amendments proposed by Councilor Cook.

XIV. Approval of Grants/Donations:

A. Approval of Donation for Police Department - \$2,500:

The Police Department received a donation of \$2,500 from Portsmouth residents Paul Gormley and Kimi Iguchi. The Board of Police Commissioners approved and accepted this donation at their January 18, 2022 meeting.

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

B. Approval of Gift Card Donation for Police Department:

The Police Department received a donation in the form of a \$15 Moe's Italian Sandwiches gift card from Libby Giordano and Make-A-Wish for Captain Michael Maloney for his efforts with one of their events in December 2021. The Board of Police Commissioners approved and accepted this donation at their January 18, 2022 meeting.

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

C. Approval of Donation to Portsmouth 400th:

The City received a donation to the Portsmouth 400th from Catherine Keenan in the amount of \$1,623.

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

XV. City Manager's Items which Require Action:

1. Approval of Fire Department Memorandum of Agreement:

Attached please find a [proposed Memorandum of Agreement \(MOA\) between the City and the Firefighters Association of Portsmouth, New Hampshire Local #1313](#). The MOA provides the Fire Department the flexibility to offer potential lateral transfers a higher starting rate of pay, based on relevant experience earned in other fire departments. The MOA also provides compensation for the same relevant experience previously earned by two (2) recent lateral transfers to the Department.

I recommend that the City Council move to approve the proposed Memorandum of Agreement with the Fire Department as presented.

2. Extension to Neighborhood Parking Pilot Program:

The Islington Creek Neighborhood Parking 6-month Pilot Program (NPP) was ratified in September 2021 with a start date of August 4, 2021 and an end date of February 4, 2022.

The Parking Division has since deployed its resources to the startup, management and enforcement of the program, gathering daily data as to its effects on the target neighborhood, and presenting a mid-pilot report at the November 16, 2021 Parking and Traffic Safety (PTS) Committee meeting.

In light of the fact that this is a complex issue, and a new Council was seated in January 2022, the City Manager and the Parking Division believe it appropriate to request an administrative extension of this program in order to provide time to deliver a full 6-month report of statistics and results at the PTS Committee meeting scheduled for March 3, 2022.

At that time, the PTS Committee will make recommendations to the City Council as to the factors it believes the Council should consider when determining how to proceed on policy issues pertaining to the program.

I recommend that the City Council move to approve a two-month administrative extension for the Islington Creek Neighborhood Parking Program, placing its effective end date as April 4, 2022, pending any additional factors.

XVII. Presentation and Consideration of Written Communications and Petitions:

A. Presentation by Mark Debowski, Consulting Engineer Project Manager for NHDOT's Rail Trail Project:

Mark Debowski, Consulting Engineer Project Manager for NHDOT's Rail Trail project, will be joining us via Zoom this evening to briefly update everyone the status of the project.

XVIII. City Manager's Informational Items:

1. Report Back on Management of Farmers' Market:

At the January 24th City Council meeting, the Council requested that the Legal Department report back on [Seacoast Eat Local's request to take over management of the Farmers' Market](#). Attached please find [Attorney Sullivan's recommendation](#).

2. Memorandum Regarding Process for Charter Review:

Please find [attached a memorandum outlining the Charter Amendment process](#) as requested by Councilor Denton at the January 24th City Council meeting.

3. Update from the Chief Building Inspector:

Shanti Wolph, the City's Chief Building Inspector, has provided a [written update on the Inspections Department](#) for your information.

4. PFAS Testing Updates:

Attached for your information are two memoranda from staff providing an update on the [Artificial Turf Field](#) and [Sagamore Creek](#) as it relates to PFAS testing. Given that there may be continued conversation on PFAS testing as part of the School Department's CIP item to replace its artificial turf field, this updated and additional information is important to share with you.

CITY OF PORTSMOUTH, NEW HAMPSHIRE
AND THE
FIREFIGHTERS ASSOCIATION OF PORTSMOUTH, NEW HAMPSHIRE - LOCAL #1313

MEMORANDUM OF AGREEMENT

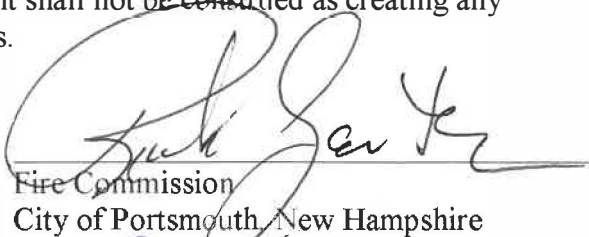
WHEREAS, the City of Portsmouth, New Hampshire (“the City”) and the Firefighters Association of Portsmouth, New Hampshire – Local #1313 (“the Union”) hereby agree as follows:

- 1. The City and the Union are currently parties to a collective bargaining agreement (“the CBA”).
- 2. The Parties believe that it is in their mutual best interest to modify the CBA to allow the City more flexibility in hiring lateral transfers.
- 3. Accordingly, the parties hereby agree to modify the CBA to add the following additional provision as a new Section IV(B)(3):


A lateral transfer from a qualified full time department may, at the discretion of the Fire Chief, be placed on Step C of the salary schedule [Section V(A)] provided that the lateral transfer has at least three years' of full time experience with that department.

- 4. The parties also agree to make the following salary adjustments to current members of the department in keeping with the intent of this MOA: increase Peter O’Sullivan from Step E to Step F; and increase Clark Brighton from Step C to Step F.
- 5. This Memorandum of Agreement addresses only the specific situations described above. This Memorandum of Agreement shall not be construed as creating any binding past practice between the parties.

Dated: 9/22/21


Fire Commission
City of Portsmouth, New Hampshire

Dated: 11/5/21


Firefighters Association of Portsmouth, New
Hampshire – Local #1313

Dated: _____

City Council
City of Portsmouth, New Hampshire

From: [Stephen Infascelli](#)
To: [Jessica S. Griffin](#); [Kelli L. Barnaby](#)
Subject: Re: Event on March 29th, from the City Manager's Office
Date: Wednesday, January 19, 2022 2:46:10 PM
Attachments: [eastern states map.zip](#)

Hello Jessica,

It's that time of year again (after a few years off). Please accept this letter of intent to host the 26th annual running of the Eastern States 20 Mile & Half-Marathon. The race is requesting a date of Sunday, March 27th, 2022 with a starting time of 11am. Typically the race will have anywhere from 600-1,000 participants (depending on the weather).

Attached is a course map of the 20-Mile race route with some zoomed in points through Portsmouth.

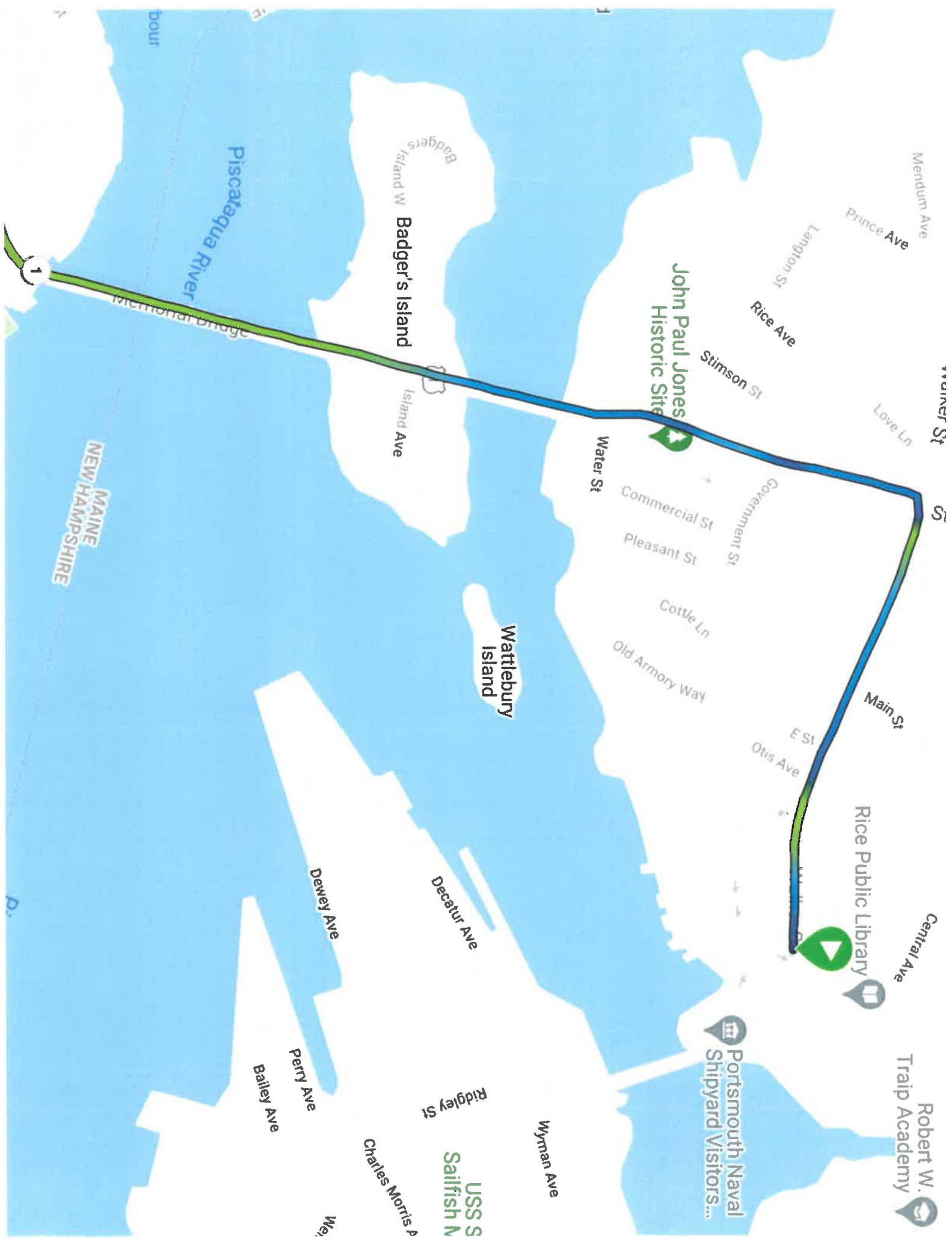
I'll also bring a hard copy form of this letter to town hall in a couple days just to be sure you've received it.

If there's anything else I may need to submit for your review please let me know.

Hope your year is off and running (pun intended) to a great start!

Thanks,

Stephen C. Infascelli
Product Manager || TEAM Sales



Mendum Ave

Prince Ave

Langton St

Rice Ave

Stimson St

John Paul Jones
Historic Site

Love Ln

Summer St

5

Main St

Rice Public Library

Central Ave

Robert W.
Traip Academy

Portsmouth Naval
Shipyard Visitors...

Wynnan Ave

USS S
Sailfish N

Charles Morris A

Ridgley St

Decatur Ave

Perry Ave

Bailey Ave

Dewey Ave

Wattlebury
Island

Island Ave

Badger's Island

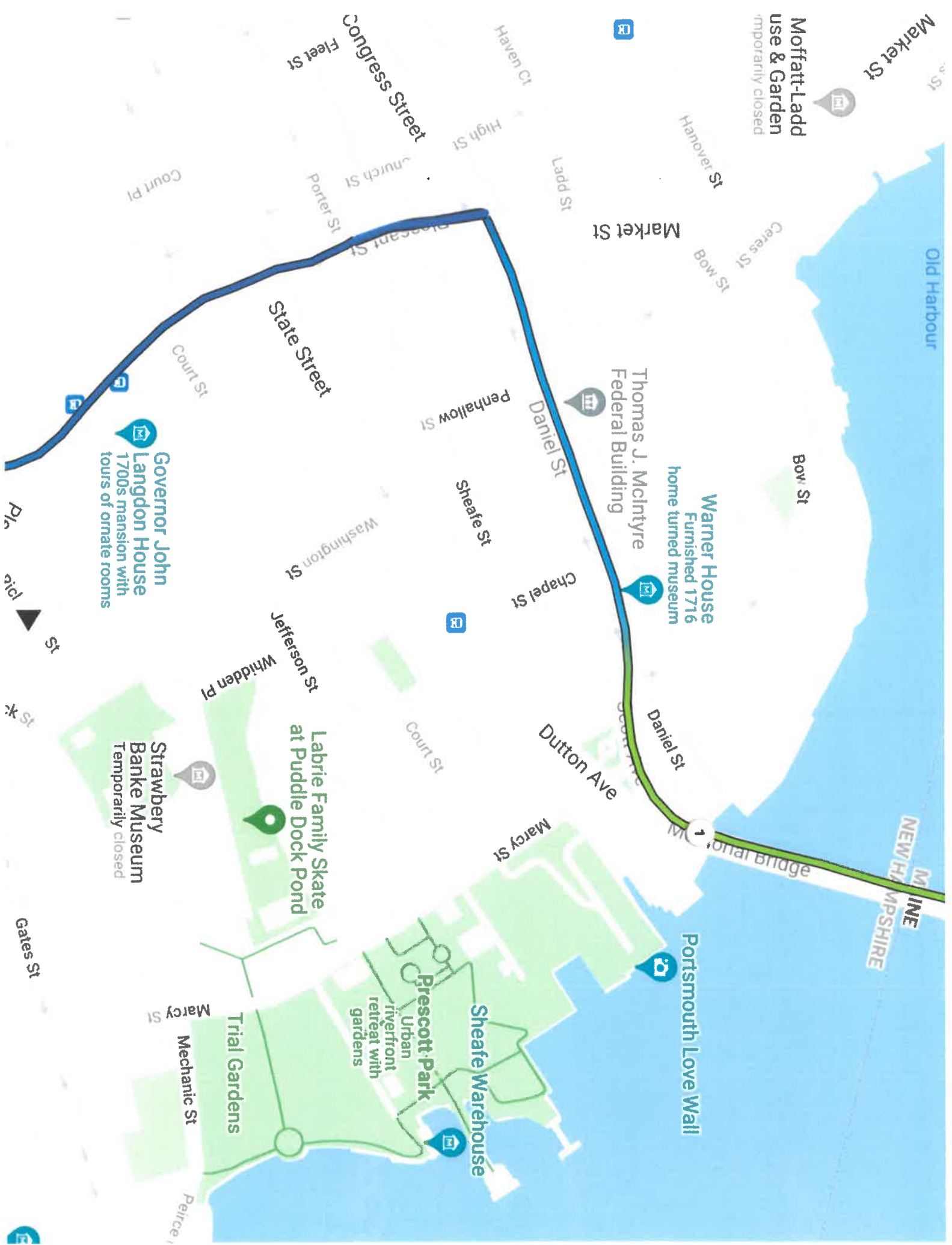
Badger's Island W

Piscataqua River

Wichmond Bridge

MAINE
NEW HAMPSHIRE

1



Moffatt-Ladd
use & Garden
temporarily closed

Market St

Hamover St
Ladd St

Market St

Ceres St
Bow St

Old Harbour

Bow St

Warner House
Furnished 1716
home turned museum

Thomas J. McIntyre
Federal Building

Daniel St

Penhallow St

Sheafe St

State Street

Court St

Governor John
Langdon House
1700s mansion with
tours of ornate rooms

Washington St

Chapel St

Jefferson St

Whidden Pl

Strawbery
Banke Museum
Temporarily closed

Labrie Family Skate
at Puddle Dock Pond

Dutton Ave

Daniel St

Memorial Bridge

NEW HAMPSHIRE

Portsmouth Love Wall

Sheafe Warehouse

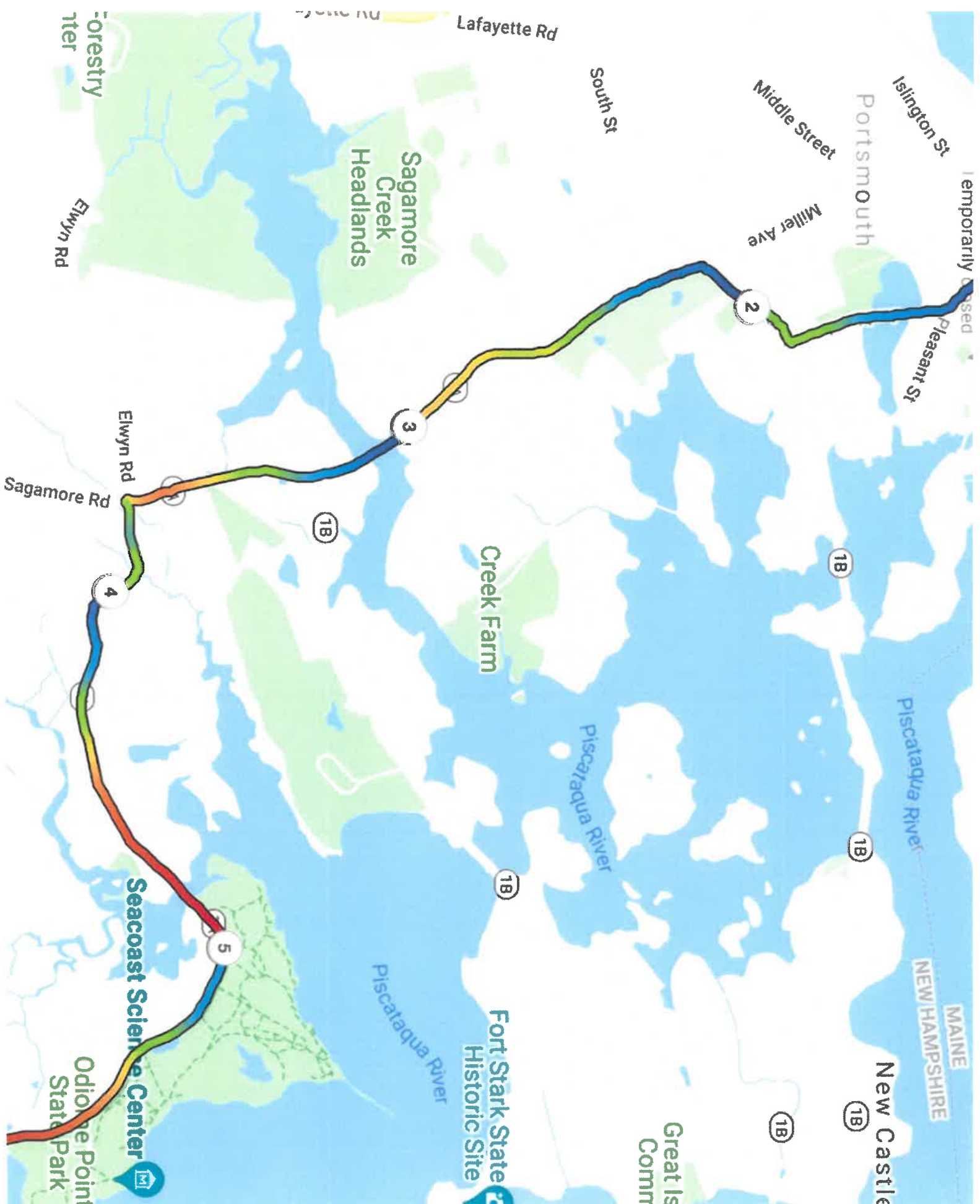
Prescott Park
Urban
riverfront
retreat with
gardens

Trial Gardens

Marcy St
Mechanic St

Gates St





temporarily closed

Pleasant St

Portsmouth

Islington St

Middle Street

Miller Ave

South St

Lafayette Rd

Sagamore Creek Headlands

Forestry

Elwyn Rd

Sagamore Rd

Elwyn Rd

Creek Farm

Piscataqua River

Piscataqua River

Fort Stark State Historic Site

Seacoast Science Center

Odionne Point State Park

Great Is Comm

New Castle

MAINE
NEW HAMPSHIRE

2

3

4

5

18

18

18

18

18

18



Rye Harbor State Park

Sagamore Rd

Saga

9

8

7



High St



HAMPTON

17 Explore the Ocean
World Oceanarium
Temporarily closed

101

101

Hampton
Salt Marshes
Hampton
Salt Marsh
Conservation
Area

101E

101E

16

27

27

15



19

20

A

+

SEABROOK
BEACH

Seabrook
Dunes
and Beach

Seabrook
Back Dunes

Saint Elizabeth's
Catholic Missionary
Church

Thomas Rock

Outer
Tappen Rock

Inner
Tappen Rock

Round Rock



Jo Ann Ln

Jo Ann Ln

B St

C St

D St

Brown Ave

F St

G St

H St

I St

J St

K St

L St

M St

N St

Johnson Ave

Perkins Ave

Auburn Ave

Mooring Dr

Keefe Ave

Manchester St

Hobson Ave

Bragg Ave

Turtle Ave

18

1A

Ocean Blvd



Dr.

3rd Rd

Chapel-Brook

Fuller Gardens
Temporarily
Closed

13

1A

Fox Hill Point

1 Blvd

CITY COUNCIL E-MAILS

Received: January 24, 2022 (after 5:00 p.m.) – February 3, 2022 (before 9:00 a.m.)

February 7, 2022 Council Meeting

Submitted on Mon, 01/24/2022 - 19:51

Full Name

Joan Jacobs

Email

jsjacobs@gmail.com

Subject

two items: mask mandate and scheduling on religious holidays

Address

579 Sagamore Ave #20

Portsmouth, New Hampshire. 03801

Message

To the Mayor and Council: Thank you for advancing the mask mandate ordinance on the first reading. It is good public health practice. I hope you will hold firm and follow through as appropriate at your next hearing/reading.

I also want to commend Council Member Bagley for introducing and the entire council for approving his recommendation that all public meetings avoid scheduling on religious holidays such as Rosh Hashanah and Yom Kippur. This practice is long overdue.

Thank you,

Joan Jacobs

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

Submitted on Mon, 01/24/2022 - 21:31

Full Name

Dan Britton

Email

dan@danbritton.com

Subject

Mask mandate/Nazism

Address

29 Hampshire Road

Portsmouth, New Hampshire. 03801

Message

I'm requesting that the city Council send me peer study reviews of exactly how mask mandates work when there are many that show they do not. Portsmouth is supposed to be progressive and instead it's regressive. This is draconian and it needs to stop. I almost got into a brawl at five guys yesterday because I refused to comply with his bullshit. I'm not going back in time. New York State today just announced that it's unconstitutional and unlawful to enforce this so let's see if Portsmouth follows suit. Mask do not work it's nothing but a form of authoritarianism. Further, it's blatant child abuse putting these on little children. You're making them sick and you're scaring them emotionally. It turns my stomach when I see these babies being abused in public by their parents because of these nasty unlawful mandates. Fix this. Until then you can expect people like myself to never once comply with this bullshit.. Not happening.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

Submitted on Tue, 01/25/2022 - 12:17

Full Name

Barbara Ward

Email

barbara@blackheritagetrailnh.org

Subject

Upcoming Black Heritage Trail Tea Talk Series

Address

16 Nixon Park

Message

We would like to invite all members of the City Council to attend our upcoming Tea Talks around the topic of "Courageous Conversations." The talks take place every Sunday afternoon, from 2:00-3:30PM, February 6, through March 13. They are made possible by grants from New Hampshire Humanities, and Exeter Hospital, and are free and open to the public. All events are currently scheduled to be hybrid, with a limited in-person audience, and a larger online audience. For more information and to register for any of the events, go to <https://blackheritagetrailnh.org/tea-talks-2022/>. If you scroll down you will see "register here" buttons after each of the program descriptions. Thank you so much. We hope that many Councilors will be able to attend.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

Submitted on Fri, 01/28/2022 - 08:41

Full Name

Richard Downes

Email

rickdownes@att.net

Subject

McIntyre Development

Address

100 Concord Way

Portsmouth, New Hampshire. 03801

Message

Hi. The Jan. 15th Portsmouth Herald version of the William Binnie submission for development of the McIntyre appears to be strong - simple, open, an efficient use of the space without overdeveloping. What is being done to pursue it as a viable option? Thanks.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

Submitted on Mon, 01/31/2022 - 14:50

Full Name

Robert Najjar

Email

robertnajar@gmail.com

Subject

Zoning Changes

Address

10 Martine Cottage Rd

Portsmouth, New Hampshire. 03801

Message

There has been lots of discussion lately about making zoning law and zoning type changes in the City. Different interested groups and individuals have offered their analysis and recommendations. A friend posted an link in the Portsmouth, NH FB page that is being used statewide to justify changes in zoning. I urge caution and careful analysis to avoid making mistakes that are being driven by either ideological orthodoxy or wishful thinking.

Here is a link to the post. I have also copied below my recent response to the referenced "study".

<https://www.facebook.com/groups/PortsmouthNH/posts/10158066697397331/>

"The Portsmouth City Council should be very careful to accept the arguments in this fascile (dressed up as a "Think Tank" study), ideologically driven effort by a hard-core Libertarian organization working to fundamentally change all aspects of NH and its laws. The main reason that housing prices in the areas they have listed have increased dramatically is DEMAND. People want to live in those areas because of access to amenities/jobs, great schools, public facilities, and quality of life. The areas in the state that are not growing are not due to little or no zoning laws, it's because there is a dearth of the items listed above. Just because many people now recognize that zoning was used as a tactic to exclude economically and racially different people in the past, should not drive wholesale zoning changes that will fundamentally change the character, congestion and quality of life of Portsmouth."

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

Submitted on Mon, 01/31/2022 - 20:38

Full Name

Peter Geremia

Email

pgeremia@mac.com

Subject

Mask Directive

Address

315 Maplewood Ave.

Portsmouth, New Hampshire. 03801

Message

Dear City Council,

So now the CDC says cloth masks basically do not do anything.

UK, Ireland and many other countries are DROPPING all mandates.

Portsmouth is now an ISLAND of MANDATE and quite frankly it is embarrassing. All other towns around have no mandates.

I literally can walk from Portsmouth Mobile to Newington Cumberlands and go MASK FREE. I have actually stayed away from

Portsmouth businesses and have just shopped in other towns.

For me the most illogical and ANTI-SCIENCE rules for me are the "Restaurant Mask Rules" that have NEVER made any sense. Walk into a PACKED restaurant, walk 20 feet with a mask on and then sit down with no mask on for the duration. Sorry there is NO SCIENCE here just COMPLIANCE.

You should just admit it was a mistake and remove it. It is time to get back to normal.

People are ANGRY and once again you have created the DIVIDE between residents. We were doing SO WELL before you did this.

Lets get rid of this Directive NOW and get back to NORMAL!

Thank You,

Peter Geremia

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

Submitted on Wed, 02/02/2022 - 08:39

Full Name

Ronald Loundon

Email

rloundon@outlook.com

Subject

Mandate

Address

20 Islington Street

Portsmouth, New Hampshire. 03801

Message

New people New mandates Really

Live Free or Die

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.

Yes

*Solari Salon & Spa
20 Market Street
Portsmouth NH 03801*

November 3rd, 2021

Portsmouth City Manager Karen Conard
Portsmouth City Council Members

My name is Patricia Lonergan and I have been in business in downtown Portsmouth for 21 years. We are a full service Salon and Spa catering to local residents in Portsmouth and the surrounding Seacoast area. We provide Service to our clients that schedule their appointment times well in advance.

The Pandemic has hit all businesses in all industries hard. I am proud of our community for coming together and supporting each other during this time.

Even though we have been supportive of the temporary use of parking spaces for our local restaurants, it has been difficult for us to navigate the extreme challenges that our clients are experiencing finding parking in a reasonable time in order to make their appointments.

I understand extending the use of city parking spaces for the local restaurants is being considered. I feel we need to be cognizant of how making a decision to help one industry can inadvertently hurt others. Some of our clients have already expressed that they will no longer come to our downtown location. Extending the use of these parking spaces would be devastating to our business.

Thankfully restrictions have been lifted and the restaurant business is able to return to working at full capacity. It's time to get back to doing business in our charming downtown Portsmouth and continue to support the needs of all businesses.

Stay Well,

Patricia Lonergan
Solari Salon & Spa

Building: 16 MARKET STREET
Lizology Womens Clothing

Bernoulli's Associates

DART Properties, LLC

16/18 Market Street

Portsmouth, NH 03801

Re: Portsmouth on-street parking

October 30, 2021

To: Karen Conrad, Portsmouth City Council

It has come to our understanding that the city of Portsmouth is considering making the temporary street dining for restaurants permanent.

As a long time 29-year, downtown property and business owner on Market Street, I fully object to such a sweeping, one-sided move by the City.

The intent of outdoor dining was to directly supplement the lack of revenue space for restaurants, a temporary measure I supported.

With the return of fully operational restaurants to capacity, the streets of downtown Portsmouth (particularly Market Street), must be re-opened with maximum on-street parking available.

Retail is the predominant business sector on Market Street and the lack of parking has negatively impacted the majority of businesses. Additionally, the congestion created with the loading zones across from us in conjunction with fewer spaces has made it difficult for retailers to receive deliveries.

Furthermore, the space directly in front of our property was blocked off for the adjacent restaurant without any consultation nor notification from the city.

We ask you to seriously consider all factors involved before designating a disproportionate number of spaces to restaurants on the busiest, most congested street in Portsmouth.

Best regards,

Daniel A. DiCesare

Principal

Letters attached:

Lizdogy - 18 Market - in yellow

Solori - 20 Market - in red



GANESH IMPORTS

William Bixby
Ganesh Imports
57 Market Street
Portsmouth NH

November 3rd, 2021

To Portsmouth City Manager and Portsmouth City Council,

I own a business and property on Market Street in Portsmouth, and I'd like to express my observations regarding outdoor seating in the downtown.

While I appreciated the efforts that the city made during the Covid pandemic, especially where it concerned the restaurants, I feel that next Spring the outdoor seating and pick up parking should be scaled back.

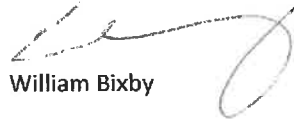
The health of the downtown is a symbiotic relationship between all of the businesses in the downtown, and it was very important that the restaurants survived the challenges presented by covid. Going forward, these temporary measures should not be kept in place at the detriment of other businesses in the downtown. The scope of the outdoor dining and dedicated parking spaces will hurt other businesses that rely on the scant parking in the downtown, especially the areas that encroach on the storefronts adjacent to the restaurants.

I would hope that at the very least, the areas for outdoor dining be restricted to the size of the storefront, with the option of either seating or short term parking, and not both. It is not fair to other businesses to lose out on convenient parking.

Another factor to consider is the lost revenue for the city. At \$30,000/day per metered space, the city will have a serious deficit from this lost revenue, and I fear that the commercial property taxes will be raised to make up for the lost revenue, making all businesses downtown subsidize the few who benefit.

I completely support all of our downtown businesses and hope we can all prosper in this post-covid world. Again thank you for helping our restaurants through covid. I am sure that many would have failed were it not for these policies, but now that full capacity is available for the restaurants, I think it is time to make sure ALL downtown businesses have the benefit of more plentiful parking and visibility to their storefronts.

Thank you for your consideration,



William Bixby

*Inside Out, Your Comfort Store
46 Market Street
Portsmouth NH 03801*

November 2nd,2021

Portsmouth City Manager Karen Conard
Portsmouth City Council Members

As a downtown business owner I am concerned about the additional lack of parking for my clients created by the use of spaces for restaurants. I was initially supportive of this as a temporary bridge for those businesses to overcome the devastating effects that the Covid-19 Pandemic has put on them and all of the local businesses across all industries.

I believe to maintain a thriving business community we need to support each other. Having those spacing taken away for continued use for the restaurant industry ultimately will hurt the retail industry as well as others. Now that the restrictions on the restaurants have been lifted and business is thriving it is time to lift the Jersey barriers too.

We need to be as supportive of our local clients as well as visitors and our locals rely on street parking. I receive continuous feedback that they no longer come downtown specifically because of lack of parking. Our local residents also need to be considered regarding the loss of revenue that the city is experiencing everyday that the spaces are blocked.

I appreciate your time and consideration of all Portsmouth businesses.

Regards,

Patricia Lonergan

Letters attached:
Inside Out clothing store
Ganesh Imports



Clay's

Daffodil Enterprises of NH, Inc.

To: Karen Conrad & Portsmouth City Council
From: Clay's
19 Market Street
Portsmouth, NH
Re: On-street dinning/parking
Date: 10/28/2021

Dear Karen Conrad & Portsmouth City Council,
It has come to our attention that the city of Portsmouth has been considering making the temporary on street dinning arrangements permanent. We would like to state that we are fully against any such action. We have enjoyed doing business in Portsmouth since 2004. We fully support the restaurant businesses and understand the difficulties they, along with many other small businesses in Portsmouth have been dealing with over the past 19 months; we do not feel this is a viable solution. The town streets and loading zone were not designed for this, not to mention that the ugly barriers take away from Portsmouth's old town, New England aesthetics.

Another reason we are opposed to this is, is it takes away valuable parking in downtown. Parking downtown was difficult enough prior to temporary dinning areas being erected; now it's almost impossible. This has also created an issue with larger delivery trucks having trouble getting into loading zones. We have a loading zone in front of our store, and see this on a daily basis. In addition to the loading zone, we have a 15 minute space in front of that. This 15 minute space is often used by the large delivery trucks, as the space behind them is taken away by with outdoor seating. We have also noticed once they are parked, they to stay for a very prolonged period of time, making it difficult for us to deliver merchandise to our store. This lack of parking also makes it difficult for our customer to "pop in" to do some quick shopping, especially with the 15 minute space often full.

The NH issued state of emergency is over, people are free to dine indoor as they please. Subsidizing the restaurants at the expense of the retailers and taxpayers should end. These spaces should be only offered if the businesses are willing to pay the actual revenue they generate, and retailers should be given the same opportunity.

Thank you for allowing us to express our opinion.


Elke Reichelt
Clay's
802-238-4200

CLAY'S
Get Comfortable
163 Pearl Street
Ste 1
Essex Jct., VT
05452
Phone:
(802)879-0212
Fax:
(802)872-3221
Email:
daffodilent@yahoo.com
www.claysclothing.com



The Black Dog Tavern Company, Inc.

To: Portsmouth City Council
From: Black Dog General Store, 19 Market St. Portsmouth, NH
Date: October 28, 2021

We would like to express our concern regarding the current outdoor seating and possible expansion of outdoor seating in the parking spots on Market St.

When Covid prevented indoor seating, it was reasonable to for the restaurants to move outside to survive. Now that they can seat to full capacity indoors the barriers to parking should be eliminated.

Due to the current reduced size of the loading zone in front of 19 Market St., our delivery trucks are having difficulty parking. The drivers are unable to pull straight in or parallel park in the designated loading zone. Cup of Joe Coffee Shop is currently taking a portion of the loading zone with their outdoor seating.

Short term parking, that the street normally provides, is essential to the success of our business. If the restaurants expand in front of our small business, it will further impede the store's functionality and infringe on our marketability. In addition, for special events, such as Market Square Day, we would like to be able to utilize the outside space directly in front of our door.

We appreciate your consideration of our concerns when voting on this matter. Any expansion in this vicinity would have a significantly negative effect on our business.
Best regards,

Jill Rhodes
District Manager, North
Black Dog Tavern, Inc

LeRoux Kitchen
Michael Levandowski
23 Market Street
Portsmouth, NH
508-221-1879

Date: October 29, 2021

To: Portsmouth City Manager - Karen Conard
and Portsmouth City Council members.

My name is Michael Levandowski. My wife, and I own LeRoux Kitchen, a kitchen housewares store located at 23 Market Street. I write to request that the parking spaces that the City Council eliminated to provide outdoor seating during the height of the COVID crisis for select restaurants and coffee shops be returned as parking spaces.

I believe that a customer who finds themselves circling around the downtown, wasting precious time searching for a parking space will not return to Downtown Portsmouth anytime soon. Additionally, the lost parking meter revenue to the City of Portsmouth must be significant.

If the purpose of providing outdoor dining space at the expense of parking spaces was to improve the success of downtown restaurants during a time where indoor dining was eliminated for safety concerns, I support that. But now that those restaurants are fully reopened and busy it is time to return the outside dining spaces to public parking for the benefit of all businesses. These spaces provide all customers with convenient local street parking which is an important asset to all Portsmouth retail businesses, restaurants and service providers.

Market Street is the gateway to Portsmouth, without doubt hundreds and hundreds of cars drive down Market Street every day. This vehicle traffic, and the fact that the city has street parking available for these customers is the reason we opened our business on Market Street. Our customers rely on the convenience of this street parking, and we rely on those customers for revenue. The restoration of these Market Street parking spaces will help all downtown business including the restaurants. Please consider the parking needs of all downtown businesses.

With regards,

Michael Levandowski

Letters attached:
LeRoux Kitchen
Black Dog
Clays clothing



Note: as shown delivery trucks need access to loading zone to pull in.





November 1, 2021

To: Portsmouth City Manager - Karen Conard & Portsmouth City Council members

My wife and I own the building located at 5-7 Commercial Aly and have operated the Salt Cellar store for 10 years. We have supported city's decision to provide outdoor seating when indoor seating was limited due to mandated distancing requirements. With those mandates now removed we strongly support a return to the time when our city streets were open and free of jersey barriers and other temporary dining areas.

With the winter approaching it is great to see our city finally reopening its roads and sidewalks again so that shoppers can find parking and more easily navigate our streets. The coming year looks to be much better than the past two for our local businesses. Perhaps a return to something resembling 'normal'.

Unless a city-mandated distancing requirement is in effect we strongly object to the continued use of outdoor seating in our streets and roads.

Sincerely yours,

Donald & Judit Tydeman

Owners, 5-7 Commercial Alley



112 Penhallow Street
Portsmouth, New Hampshire 03801
603-436-6343 www.portsmouthfabric.com

11/3/21

To the City Manager and City Council,

I am writing to express my concern about the future possibility of restaurants in Portsmouth being given access to public parking spaces to establish outdoor dining. For the past 20 months, retailers in Portsmouth have faced the same Covid pandemic as the restaurants. For the past 20 months, retailers in Portsmouth have faced the loss of more than 60 parking spaces in the downtown due to restaurants expanding their dining to the outdoors without any expense. For the past 20 months, retailers have heard daily complaints from their customers asking "what has happened to all the parking downtown" while looking at all the empty tables day after day.

On Penhallow St where I have had a retail business for 42 years, we have fielded complaints about parking from customer for that many years. However, during the last 2 years the complaints have grown exponentially. Out of the 32 parking spaces along the entire length of Penhallow St, only 9 spaces were left for metered parking for the public. What appeared to be a romantic scene of dining in the street a few nights a week came at the dear cost of lost parking during the day especially when vacant tables which are not used all day long take up valuable parking spaces! Also many evenings the outdoor seating was vacant due to rain, oppressive heat or the restaurant being closed. The retailers are just as important to attracting customers to the downtown as restaurants and the scenario of the last 20 months is not sustainable for supporting retailers in the downtown.

Many customers come to Portsmouth Fabric Company to purchase sewing machines and have their sewing machines serviced at the shop. This entails getting large, heavy boxes in to the customer's cars or customers dropping off and picking up their machines for service. These customers can not carry their machines back and forth to the garage. Parking on Penhallow St must be made available beyond the 9 spaces that were left these past 20 months. Please invite retailers to any meetings convened about downtown parking so that their voices may be heard along with those of the restaurants so that the decisions being made incorporate all those who make downtown Portsmouth a desirable place to be.

Thank you,
Gretchen Rath
owner

Letter attached:
Portsmouth Fabric
Salt Cellar



- Street closed for Clipper Tavern ?



- 13 parking spots for primarily Thirsty Moose?



Seacoast Eat Local
2 Washington St. Suite 331
Dover, NH 03820



January 17, 2022

Mayor McEachern & Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

Dear Mayor McEachern & City Councilors of Portsmouth,

As you may be aware, the members of Seacoast Growers Association (SGA) voted on January 9th to dissolve the organization after 40 years of operating farmers' markets. Part of what the members also voted on was for our 501(c)(3) organization to take over management of the summer farmers' markets in Portsmouth, Exeter, Dover, and Durham. We are long-time partners of the association and share many of the same vendors at our Winter Farmers' Markets. While this is certainly a major undertaking and an important transition, Seacoast Eat Local is poised to make it successful.

Since 2007, we've been running Winter Farmers' Markets in Exeter and Rollinsford. These markets have grown to be among of the region's most popular and well-respected farmers' markets. Additionally, our SNAP and Nutrition Incentive program has operated since 2011 and has grown the impact of the markets tremendously. For over five years, we've had a dedicated seasonal staffer at the Portsmouth Market's SNAP booth. This has given us tremendous insight to the markets operated by SGA and will allow us to hit the ground running this year.

There is still plenty of work to be done but we are looking forward to working with the board of SGA during this transition process. We respectfully request support from City Council and the Mayor's Office to assume all responsibilities for management of the Portsmouth Farmers' Market. Please feel free to reach out to me with any questions or to simply have a conversation about the upcoming season. We're looking forward to the opportunity of building upon the decades of work SGA has put into these markets.

In food and community,

A handwritten signature in black ink, appearing to read "Shawn", written in a cursive, flowing style.

Shawn Menard, Program Director


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

DATE: January 31, 2022

TO: KAREN S. CONARD, CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: CITY COUNCIL REFERRAL REGARDING FARMERS' MARKET



At the January 24, 2022 meeting of the City Council, a letter from Shawn Menard, Program Director of an entity called Seacoast Eat Local, addressed to the City Council was referred to the Legal Department for a report back. In that letter, Seacoast Eat Local indicates that the past sponsor of the Farmers' Market held in Portsmouth, the Seacoast Growers' Association, was dissolving. Seacoast Eat Local proposed "to take over the management of the summer Farmers' Market in Portsmouth ...". Following the Council vote, I reviewed the letter of January 17, 2022, spoke with Mr. Menard, and checked the website of the organization www.seacoasteatlocal.org.

In addition to these actions, I requested Mr. Menard to provide Portsmouth based references. He gave the following:

- Evan Mallet, Black Trumpet
- Dave Vargas, Vida Cantina
- Robin Schweikert (resident and donor)
- Rosalind Erwin, New Hampshire Charitable Foundation


After the foregoing, it is my conclusion that Seacoast Eat Local is a legitimate enterprise with which this City might wish to negotiate and enter a contract for management of the Portsmouth Farmers' Market, if the City Council so determined. It should be noted that Seacoast Eat Local is based in Dover.

RPS/smr

cc: Shawn Menard

**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: February 1, 2022
TO: KAREN S. CONARD, CITY MANAGER
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
RE: CHARTER AMENDMENTS



At the City Council meeting on January 24, 2022, on a motion of Councilor Josh Denton, the City Council "voted to instruct City Attorney Sullivan to draft a memorandum outlining the Charter Amendment process for review by the newly formed Governance Committee." This memorandum will outline that process.

The topic of municipal charter amendment and revision is governed by RSA 49-B HOME RULE-MUNICIPAL CHARTERS. <http://www.gencourt.state.nh.us/rsa/html/III/49-B/49-B-mrg.htm>. The statute is complex and has been subject to frequent and substantial change by the state legislature in recent years. However, the salient features of the statute as of this date are as follows:

1. The statute lays out two distinct pathways for charter revisions versus charter amendments. The key difference being that a charter revision will always call for the creation of a charter commission consisting of nine (9) members who shall be elected at either a regular or special municipal election. See RSA 49-B:4.
2. A charter revision as defined as "any change to an existing charter that results in a change in the municipalities form of government to any of the following forms:
 - i. Traditional town meeting
 - ii. Official ballot town meeting
 - iii. Town council
 - iv. Official ballot town council
 - v. Budgetary town meeting
 - vi. Representative town meeting
 - vii. City under Mayor/Alderman plan
 - viii. City under Council/Manager plan
 - ix. Any other form thereafter expressly authorized by statute.

See RSA 49-B:4-d

3. Because Councilor Denton's motion, which has led to this memo, specifically referenced charter amendments and it is not believed that he is interested in charter revisions as described above, there will be no further discussion of charter revision in this memorandum.

4. A charter amendment “shall mean any change to an existing charter that does not constitute a revision [as described above]”. See RSA 49-B:4-f.
5. The procedural steps necessary to effectuate a charter amendment are described in RSA 49-B:5. That statute outlines both a relatively simple process under which the City Council can propose amendments to the municipal charter and a process by which a written petition of a number of voters equal to at least 15% of the number of ballots cast at the last regular municipal election may propose amendments to the charter. This memorandum will focus on the procedure which may be initiated by the City Council.
6. If the City Council wishes to propose amendments to the charter, a general statement of the process is as follows:
 - a. The City Council shall provide for notice and hearing on the proposed amendment(s) in the manner described at RSA 49-B:5 I.
 - b. Within seven (7) days of the last public hearing, the City Council shall file with the City Clerk a report containing the proposed amendment(s).
 - c. The City Clerk would then forward the proposed amendment(s) to the Secretary of State, the Attorney General, and the Commissioner of the Department of Revenue Administration under RSA 49-B:4-a.
 - d. After the state agencies described above have reviewed and approved the proposed amendment(s), which by statute should occur within 45 days after the receipt of the amendment(s) from the City Clerk, then within seven (7) days the City Council may order the proposed amendment(s) to be placed on a ballot at the next municipal election or at a special election that occurs not less than 60 days after the Council vote.
 - e. As described by Councilor Denton at the City Council meeting of January 24, 2022, alternative statements of a single amendment are prohibited. Therefore, each proposed amendment must be drafted to be a simple yes or no vote. RSA 49-B:5 II(b)
 - f. As noted, submission of the amendment(s) to the voters at a municipal election is mandatory, and is regulated in form and timing by statute. RSA 49-B:6.
 - g. There are critical notice and scheduling provisions.

The foregoing is a brief overview of the charter amendment process, which is narrowly tailored to meet the understood intent of the motion made by Councilor Denton. For more detail members of the Council or the Governance Committee are either referred to the statute at the link described above or invited to ask further questions of the Legal Department.



City of Portsmouth

Inspection Department
Shanti R. Wolph, Chief Building Inspector

MEMORANDUM

Date: February 2, 2022
To: Karen Conard, City Manager
Re: Inspections Department Update

This memorandum serves as a brief update regarding the Inspections Department. As you know, I started as the Chief Building Inspector on December 6, 2021. When I arrived there was a substantial backlog of outstanding permits both residential and commercial. The Inspections team and I have made solid process in reducing that backlog as well as identifying and issuing permits for complex projects that required detailed plan review and dialogue with the applicants.

I am meeting with the inspection staff weekly to provide leadership and guidance with regards to code/zoning interpretation, this may include employing alternative code equivalencies where appropriate, and prioritization of inspections and project needs. I am also taking the time to meet with property owners and developers to make sure they are being heard and treated with respect.

I've quickly become proficient with the permitting software. The online permitting portal allows me to generate reports to study analytics/metrics of the Department's fees, expenditures and inspections and I am looking forward to using this tool and others to look for efficiencies and for improvements to all users of the portal.

I have increased the Inspection Department's engagement with the Department of Public Works and with the Fire Department as there are important intersections with these other departments. I have encouraged the inspections staff to enroll in affiliated code official organizations to increase professionalism, keep inspectors updated on code changes and legislative developments. We need to be among the first to know; not the last

Finally, I am pleased to share that I have engaged an additional Building Inspector, Tim Metivier, to assist with current back log of plan review and inspections. Mr. Metivier joins us after serving many years with the City of Somersworth. This will allow the Inspections Department to provide the service the residents deserve.

There are many other tasks and responsibilities that occur on a daily and weekly basis such as telecommunications, emails, cross departmental collaboration, research, individual staff meetings, etc.

Once the department has satisfied the backlogged permit applications we'll be able to work on additional initiatives that will better serve the community.

Respectfully,

Shanti Wolph

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen Conard, City Manager

CC: Suzanne Woodland, Deputy City Manager/Deputy City Attorney

FROM: Peter Rice, Director

DATE: January 24, 2022

SUBJECT: PFAS Sampling at New Athletic Fields

In accordance with the City Council vote at its December 6th Council meeting, City staff identified an independent third party, TRC Environmental Corporation (TRC), to undertake an evaluation of per- and polyfluoroalkyl substances (PFAS) in synthetic turf.

Specifically, the Council voted to “require the City Manager to commission an 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.”

TRC is on the forefront of emerging environmental challenges with a focus on investigation and remediation of PFAS and other emerging contaminants. Its team is nationally recognized for its PFAS subject matter expertise.

Karen M. Vetrano, Ph.D, Manager of Risk Assessment and Toxicology will lead the TRC evaluation. Dr. Vetrano has over 30 years of experience conducting exposure and risk evaluations. Dr. Vetrano has also written a white paper on the potential hazards associated with crumb-rubber artificial turf fields for New York City Department of Health and also was an author for the National Groundwater Association’s 2017 document, Groundwater and PFAS: State of Knowledge and Practice. Specifically, Dr. Vetrano wrote the Human Exposure and Risk Assessment sub-sections of Section 3: Human and Ecological Impacts.

TRC will work directly with the synthetic turf manufacturer to establish an appropriate procedure for the collection of representative samples for analysis. TRC will also work directly with the analytical laboratory, Eurofins TestAmerica in West Sacramento, California, to ensure appropriate procedures will be used by the laboratory for the handling of these materials and to ensure the resulting data are representative of the materials under evaluation. The analysis

performed will include: (1) PFAS isotope dilution method reporting 70 individual PFAS; (2) total oxidizable precursor (TOP) assay; and (3) non-targeted analysis using quadrupole time of flight mass spectrometry (QTOF-MS).

TRC will prepare a sampling and analysis plan (SAP) which will provide details on the following:

- Sampling procedures for the materials under investigation: carpet/grass, in-fill material, and the shock pad;
- Requirements for packaging of these materials by the manufacturer and shipping of these materials to the analytical laboratory;
- Procedures to be used for the homogenization/compositing, extraction, and analysis of each material;
- Reporting limit goals for the individual PFAS analyses in each material; and
- Required field and analytical quality control samples and measurement criteria.

The cost to conduct this effort, including the development of a sampling and analysis plan, analysis for the PFAS compounds and report back to City Council, is approximately \$36,000 (approximately \$14,200 for TRC and the remainder of the estimated cost laboratory and other related fees). The cost for this work will be covered by funds remaining from the Athletic Field Project.

Representatives from Non-Toxic Portsmouth have reached out to TRC, making certain requests that TRC representatives have described as more research projects than testing. TRC believes the motion passed by the City Council provides sufficient guidance for them to implement the testing requested and to report back. Consequently, the City staff has directed TRC to adhere to the testing described in the motion.

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen Conard, City Manager

CC: Suzanne Woodland, Deputy City Manager/Deputy City Attorney

FROM: Peter Rice, Director

DATE: February 1, 2022

SUBJECT: Testing of Sagamore Creek for PFAS

On January 24, 2022, the City Council received correspondence from Kristen Mello of Westfield, Massachusetts regarding certain water quality testing performed by the New Hampshire Department of Environmental Services (NH DES) in Sagamore Creek. City staff is prepared to discuss NHDES' findings with the City Council either as part of the conversation about replacement of the artificial turf field at the High School or at some other opportunity identified by the City Council. In summary, the following can immediately be stated:

The NH DES narrative does NOT tie the PFAS found in the outfall near the High School to the artificial turf field. It reads:

Given that a similar suite of PFAS compounds were detected at relatively low concentrations at all three sample locations, it suggests that the PFAS in surface water in the sampled locations is more indicative of area-wide impact in the region rather than specific sources near each of the Sagamore Creek inlets. It also should be noted that these results represent surface water quality at the time the samples were collected and water quality may vary based on changing conditions within the watershed (i.e. stream flow rate, recent precipitation or lack thereof, water and atmospheric temperature, etc.).

City staff knows that there are likely multiple sources of PFAS in the drainage area served by that outfall. Those sources include Wentworth Scrap Metals because there is a drainage connection between that property (which has a pond) and the outfall sampled. That site has known levels of PFAS contamination. Further, the drainage area for this outfall has acres of impervious surface and by that measure alone is likely to have high levels of PFAS. In addition, solar panels typically have components with PFAS. The High School has roof top solar panels and the water from the roofs flows into drainage structures that eventually outlet at the outfall sampled. The City has never tested the components of the solar panels (and does not recommend doing so) but

this is to demonstrate that these PFAS chemicals are present in the environment from a variety of sources.

This is a brief response, and as stated above, staff will be prepared to participate in a discussion on this matter and continue to gather information. The City was not aware that NH DES had undertaken this sampling effort until Ms. Mello's communication.