

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 4, 2022 TIME: 7:00PM

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_W5dgZWNUQe-nYg-N_h65zw

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**

PROCLAMATION

1. Sexual Assault Awareness Month

- VII. **ACCEPTANCE OF MINUTES – MARCH 7, 2022**

- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

1. *Recognition for Fire Event on February 25, 2022 to Jayceon and Tristan
2. *Thank you to Nancy Carmer for 36 Years of Service to the City

- IX. **PUBLIC COMMENT SESSION *(This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)***

- X. **PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION**

Public Hearing/Adoption of Resolution:

- A. RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES OF UP TO ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000.00) DOLLARS FOR COSTS RELATED TO THE FEASIBILITY AND DESIGN OF A NEW POLICE FACILITY AND OR REHABILITATION OF THE EXISTING FACILITY

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. License Agreement with Strawberry Banke for Property Located at 81 Washington Street
2. Request to Extend Prescott Park Arts Festival 2022 Season Dates
3. Request from the Police Commission for a Performance Bonus for Chief of Police
4. *Union Cemetery Listing on State Register of Historic Places
5. Temporary Construction License for 45 Market Street
6. Approval of the Superintendent's Contract
7. *McIntyre Update
8. *Request to Schedule Public Hearing on April 18th to Accept Second Tranche of ARPA Funds
9. Actions Related to Community Campus Acquisition
 - A. Request to Schedule a Public Hearing on April 18th to Consider Resolution of \$10,000,000.00 for Community Campus Acquisition and Rescind Prior Funding Resolution
 - B. Request to Schedule a Public Hearing on April 18th to Appropriate \$5,260,000.00 in ARPA Funds for Certain Projects
 - C. Request to Schedule a Listening Session on April 11th on Spending ARPA Funds for this Purpose

XII. CONSENT AGENDA

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

- A. Letter from Katie Johnson, Yoga in Action, requesting permission to use Prescott Park as the site of their annual series: "Yoga in the Park" at the Whale Statue lawn for a one-hour class each Tuesday at Noon from June through August ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 17th Annual Seacoast Half Marathon on Sunday, October 30, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Debra Smith, Friends of the South End, requesting permission to hold the annual Fairy House Tour event at Prescott Park on Saturday, September 24, 2022 and Sunday, September 25, 2022 from 10:00 a.m. – 3:00 p.m. and Peirce Island for parking ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- D. Letter from Richard Clyborne, Gundalow Company, requesting permission to hold the 12th annual Round Island Regatta on Saturday, August 27, 2022 and the use of the Peirce Island launch ramp and related parking area to facilitate this event (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- E. Letter from JerriAnne Boggis, Black Heritage Trail, requesting permission to use public spaces for the Juneteenth celebration at the African Burying Ground Memorial, Sunday, June 19, 2022 from 2:00 p.m. – 4:00 p.m. and Church Street between Court Street and State Street, Monday, June 20, 2022 all day (***Sample motion – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Perry and Kristin Silverstein regarding Outdoor Dining and a Letter from Michael Levandowski, LeRoux Kitchen, requesting that the parking spaces that the City Council eliminated to provide outdoor seating be returned as parking spaces (***Sample motion – move to accept and place on file***)
- C. Letter from Luke Wentworth requesting the consideration of installing a basketball court and/or basketball hoop at the Plains Playground (***Sample motion – move to refer to the Recreation Board and Recreation Director Henley***)

XIV. MAYOR McEACHERN

- 1. “Love in Kilnerry” Proclamation
- 2. *Recognition of John Leith
- 3. Appointments to be Considered:
 - Appointment of Lynn Vaccaro to the Conservation Commission
 - Appointment of Celeste Brooks to the Cemetery Committee
 - Appointment of Jody Record to the Library Board of Trustees
- 3. *Appointments to be Voted:
 - Reappointment of Rob Capone to the Cable Television & Communications Commission
 - Appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee
 - Appointment of Alana Rooke to the Arts & Non Profits Blue Ribbon Committee

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON & COUNCILOR LOMBARDI

- 1. *Request to Waive Peirce Island Fees for military, military dependents, veterans, and veteran caregivers (***Sample motion – move for a report back on the costs associated with waiving the following non-resident daily fees for military, military dependents, veterans, and veteran caregivers: \$2 for children and \$4 for adults to use Peirce Island Outdoor Pool; \$10 for kayaks, canoes, and any other non-motorized water craft to use Peirce Island Boat Launch; and \$20 for motorized water craft, jet skis, and/or sail boat to use the Peirce Island Boat Launch***)

B. COUNCILOR COOK

1. *Update on Governance Committee Work
2. Proposed changes recommended by the Governance Committee to the Rules and Orders of the Portsmouth City Council ***(Sample motion – move to accept the changes to the Rules and Orders of the Portsmouth City Council proposed by the Governance Committee)***

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation to the Skateboard Park
 - Summer Sessions - \$1,025.00***(Sample motion – move to approve and accept the donations as presented)***
- B. *Acceptance of Grant from the NH Department of Justice through the 'Victims of Crime Act' (VOCA) for expenses incurred and services provided for direct victim services, to include expenses for personnel - \$24,759.00 ***(Sample motion – move to approve and accept the grant as presented)***

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on COVID-19 Bounce Back Plan
2. Bridge Street Lot Closure
3. Sagamore Avenue Area Sewer Extension Project Update
4. EPA Mandated Industrial Pretreatment Program
5. *NHDES Public Hearing regarding Pease Aviation Partners, LLC Application for Wetland Permit

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** Sadly, we know that every 68 seconds someone in America is sexually assaulted, and that every nine minutes, that victim is a child; that 41% of the most recent sexual assaults reported in New Hampshire occurred when the victim was 18 or younger and 83% before they were 25; and one out of every six American women and one in 33 American men have been the victim of an attempted or completed rape in their lifetimes; and
- Whereas:** In the State of New Hampshire, just 13 out of 344 sexual assault offenders – 88% of whom were someone the victim knew or were even part of his or her household -- were convicted or pled guilty, while often scarring their victims – one in every four women in New Hampshire and one in every 20 men -- for life; and
- Whereas:** The #MeToo movement and reproductive rights advocates have highlighted that the problems of rape, abuse and incest happens everywhere and have supported voices too long silenced to find the courage to talk about their personal experiences so that perpetrators are stopped and victims can recognize they are not alone; and
- Whereas:** Here in Portsmouth, our social services agencies such as Haven and Operation Blessing, our hospitals and our Police Department, struggle daily trying to help the victims of sexual assault pick up the pieces; and
- Whereas:** The pandemic had the effect of increasing the abuse and assault in homes across the state, preventing victims from reporting their abusers and screening watchdogs like schools from observing evidence of assaults on children, with the result that although reported incidence of abuse was down, state health officials are certain actual abuse was increasing; and
- Whereas:** According to the 2019 report from Research Committee of the Governor's Commission on Domestic and Sexual Violence in conjunction with the NH Coalition Against Domestic and Sexual Violence, New Hampshire lacks a consistent and uniform means of tracking sexual assault cases through the criminal justice system, and supports a public awareness campaign so that citizens recognize the realities of sexual assault in our state are better prepared to advocate for its victims and for reforms; and
- Whereas:** Nationally, April is recognized as Sexual Assault Awareness Month, and can remind us all that confidential, local help is available, 24 hours a day, at the HAVEN Violence Prevention and Support Hotline: 603-994-SAFE.

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby proclaim April 2022 in Portsmouth as

Sexual Abuse Awareness Month

and call upon the residents of Portsmouth to learn more about this problem, the help available to victims and how to be part of the solution to ending this tragedy.

Given with my hand and the
Seal of the City of Portsmouth,
on this 4th day of April 2022.



Deaglan McEachern, Mayor of Portsmouth



CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 7, 2022

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Tabor moved to postpone the remainder of the Non-Public Session until the end of the City Council meeting. Seconded by Councilor Blalock.

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

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:05 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 that Portsmouth think of the citizens of Ukraine as they fight to defend their homeland and really for democracy itself, the right to live and exist the way they choose. He stated that they are up against insurmountable odds, but it feels as though their spirit is something that we can all take pride in, elevate, and put our own struggles in the context of what it means to struggle for the very life that you wish to live. Mayor McEachern asked everyone to join in a moment of silent prayer.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATION

1. Women's History Month

Mayor McEachern read the proclamation declaring March as Women's History Month.

VII. ACCEPTANCE OF MINUTES – FEBRUARY 7, 2022; FEBRUARY 10, 2022; AND FEBRUARY 22, 2022

Councilor Denton moved to accept and approve the minutes of the February 7th, February 10th and February 22nd City Council meetings. Seconded by Councilor Moreau and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. New Hampshire State Spelling Bee – Portsmouth Middle School 7th Grader, Aadhavan Veerendra

Mayor McEachern presented Addy with a Mayor's Award and a City of Portsmouth coin in recognition of his third consecutive state spelling bee championship.

IX. PUBLIC COMMENT SESSION

Arthur Clough read from the City Charter regarding pecuniary interests and spoke to Assistant Mayor Kelley's own business and the ability to place tables in chairs on the sidewalks.

Mark Brighton spoke to what he feels is an ethics concern related to Assistant Mayor Kelley.

Petra Huda asked why was the Audit Committee here and why that not announced directly on the agenda.

Bill Downey spoke regarding his disappointment with the lack of transparency with the McIntyre issue and said without transparency, democracy fails.

Barbara Massar, Pro Portsmouth, announced that Pro Portsmouth is returning to their regular schedule for Children's Day, Market Square Day Festival and the Summer in the Street program and further information is available on their website. She spoke to the church property on Spinney Road that is up for sale and how that would make a great non-profit center.

Lisa Rapaport thanked the City Council for making the meetings available via zoom for the public. She spoke in support of allocating \$50,000.00 for the climate action plan and \$150,000.00 for the electrical vehicle charging stations in the City.

Chris Maden, Raymond, NH, asked for approval of his request to hold the Maritime Folk Festival in September.

Hershey Hirschkop, South Berwick, Maine, asked for approval by the Council for the Seacoast Outright PRIDE Parade being held on Saturday, June 25, 2022.

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

Continued Public Hearing – Capital Improvement Plan (CIP) / Adoption of CIP:

(Continued Public Hearing that was held open per action of the City Council at the February 22, 2022 meeting.

Mayor McEachern reopened the public hearing and called for speakers.

Sue Polidura spoke on behalf of the Cemetery Committee, she outlined the history of cemeteries in the City and the many historic people buried in those cemeteries. She cited RSA 289 which outlines the responsibility of the City to maintain and care for cemeteries. She said we need to ensure that funding and maintenance is available for the cemeteries.

Susan Sterry spoke to the request of the Cemetery Committee for additional funding. She addressed the various needs of the cemeteries and the condition assessment report done for the city in 2013. She said the committee will begin fundraising as a joint effort for improvements to the cemeteries. She requested that \$40,000.00 be dedicated for the next 5 years to keep the project moving forward.

Rebecca O'Brien (via zoom), spoke in support of funding for the climate action plan and the electric vehicle charging stations in the CIP. She said she is pleased to see these needs identified in the CIP.

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

Councilor Denton moved to adopt the Capital Improvement Plan as presented. Seconded by Councilor Moreau.

Councilor Tabor moved to amend the CIP to take \$1.4 million in FY22, \$2.8 million in FY23 and \$38 million in FY25 for the new Police Facility. Seconded by Assistant Mayor Kelley.

Councilor Cook asked if this funding would allow exploration of design, renovations, and expansion of the current facility. City Manager Conard said we would need additional time to review renovations of the current facility.

Mayor McEachern spoke in favor of moving forward and coming back when the funds will be appropriated.

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

Councilor Denton moved to amend the CIP by the addition of \$150,000.00 in FY24, FY25, FY26, FY27 and FY28 for a combination of level 2 120/208 volt single phase and level 3 480 volt three phase electric vehicle charging stations throughout Portsmouth to include Parking Zone A. Seconded by Councilor Cook.

Councilor Denton said this amendment will continue the City's leadership on electric vehicle charging stations. He said it may make sense to have level 2 charges in the downtown. He spoke to the possibility of private organizations working with the City on this matter.

Councilor Cook said we understand that infrastructure for electrical needs in our downtown need to be addressed and we need to plan ahead.

Councilor Lombardi said the Economic Development Commission has been speaking on this matter and feels it is important to begin and complete this as a partial solution to the climate issues we are facing. He also spoke in support of the electric vehicle charging stations as there are more electric vehicles on the roads today.

Councilor Tabor said that States on the leading edge are looking for charging stations every 50 miles in their communities.

Mayor McEachern asked if this project would be available for federal grant monies, as shovel ready projects. City Manager Conard said that is correct.

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

Assistant Mayor Kelley moved to amend the CIP by increasing the Historic Cemetery Improvements by \$15,000.00 for FY23, FY24, FY25, FY26, FY27 and FY28.

Mayor McEachern said doing this shows our commitment to help with fundraising.

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

Councilor Moreau moved to amend the CIP by moving the Elwyn Park Traffic Calming FY24 funds of \$160,000.00 to FY23 and that the FY25 funds of \$1.5 million be moved to FY24. Seconded by Councilor Bagley.

Councilor Blalock spoke in support of the motion and the project.

Mayor McEachern asked Public Works Director Rice if this effects providing service if it moved up one year. Public Works Director Rice said that this is a reasonable approach to move the project forward. He said currently they have many projects on their plate and will require a review of workloads, but we would look to get the project done expeditiously.

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

Councilor Cook moved to amend the Climate Action Plan by increasing the funding to \$100,000.00 for FY23. Seconded by Councilor Denton.

Mayor McEachern asked what the timeline would be for the project. Councilor Denton said in FY23 the RFP would be issued followed by a selection and then we would come back to the City Council for approval.

Councilor Cook said the committee is looking towards how to move the scope forward and develop a plan for FY23.

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

On a unanimous roll call vote 9-0, main motion to adopt the Capital Improvement Plan as amended passed.

Mayor McEachern requested that staff develop a project tracker of the CIP process that residents could follow.

Public Hearing/Adoption of Resolutions:

- B. RESOLUTION PURSUANT TO RSA 72:39-b THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTION SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN

OPTION 1

Proposed increase of Elderly Exemption by the Social Security cost-of-living increase

Single	\$46,124 increase of \$2,196
Married	\$63,108 increase of \$2,708

OPTION 2

Proposed increase of Elderly Exemption by the November to November consumer price index

Single	\$44,829 increase of \$ 901
Married	\$61,638 increase of \$1,238

OPTION 3

Proposed increase of Elderly Exemption

Do Nothing

The elderly exemption shall remain unchanged except as amended hereby.

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

Tax Assessor Lentz said that the change would add \$.8 to the tax rate overall.

Finance Director Belanger indicated that \$6,500.00 equals \$.1 on the tax rate.

With no speakers, Mayor McEachern closed the public hearing.

Councilor Bagley moved to adopt Option 1 – Proposed increase of Elderly Exemption by the Social Security cost-of-living increase:

Single \$46,124.00 increase of \$2,196.00

Married \$63,108.00 increase of \$2,708.00

Seconded by Councilor Moreau.

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

- C. RESOLUTION PURSUANT TO RSA 72:39-b THE CITY HEREBY AMENDS THE DISABLED EXEMPTION BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTION SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYERS(S) HAVE A NET INCOME OF NOT MORE THAN

OPTION 1

Proposed increase of Disabled Exemption by the Social Security cost-of-living increase

Single \$46,124 increase of \$2,196

Married \$63,108 increase of \$2,708

OPTION 2

Proposed increase of Disabled Exemption by the November to November consumer price index

Single \$44,829 increase of \$ 901

Married \$61,638 increase of \$1,238

OPTION 3

Proposed increase of Disabled Exemption

Do Nothing

The disabled exemption shall remain unchanged except as amended hereby.

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

Councilor Bagley moved to adopt Option 1 – Proposed increase of Disabled Exemption by the Social Security cost-of-living increase:

Single \$46,124.00 increase of \$2,196.00

Married \$63,108.00 increase of \$2,708.00

Seconded by Councilor Moreau.

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

Mayor McEachern said he would like to see the asset levels increased to \$500,000.00. He said the current level of \$175,000.00 excludes many residents from qualifying for the exemptions.

Councilor Tabor moved to bring back a Resolution increasing the asset limits from \$175,000.00 to \$500,000.00 at a future City Council meeting. Seconded by Assistant Mayor Kelley and voted.

Councilor Tabor said that this is a real issue that cause people from qualifying for the exemptions and he is pleased the limit is being increased.

Assessor Lentz said she would review every application for qualifying for the exemptions until April 15th.

Councilor Denton moved to suspend the rules in order to bring Item XV. A. forward – Service-Connected Total Disability Tax Credit. Seconded by Councilor Lombardi and voted.

Councilor Denton moved to increase the Service-Connected Total Disability Tax Credit from \$3,500.00 to \$4,000.00 prior to April 1, 2022. That pursuant to RSA 72:35, the City of Portsmouth hereby adopts an optional tax credit in the amount of \$4,000.00 as of April 1, 2022 on the taxes due on the residential property of any veteran who has been honorably discharged or honorably separated from military service and; who has a total and permanent service-connected disability; OR is a double amputee or paraplegic because of the service-connected injury; OR is the surviving spouse of a qualified veteran and has not remarried. Seconded by Councilor Lombardi.

Motion passed.

Councilor Denton informed the Council that there are currently 45 veterans that will qualify for the exemption.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Report Back on 77 Meredith Way Request to Restore Involuntarily Merged Lots

City Manager Conard reported that the City Assessor and Planning Board have reviewed the request and recommend its denial.

Councilor Bagley informed the City Council and City Manager Conard that the owners are in the middle of finding a new attorney and would like the matter postponed until the April 18th City Council meeting.

Councilor Bagley moved to postpone until the April 18, 2022 City Council meeting. Seconded by Councilor Moreau and voted.

Councilor Bagley stated that this may be withdrawn completely and would like to see the Council allow the owners to evaluate other alternatives with their new counsel.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern are there other legal avenues to preclude the Council from voting on this tonight.

Councilor Moreau said that Planning Board decision was based on information from the owners. She said the parcel was merged and owners consented to it. She advised the Council that the deed does not speak to three lots. She stated she would reach out to the owners on this matter.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Motion passed.

XII. CONSENT AGENDA

- A. Letter from Hershey Hirschkop, Seacoast Outright, requesting permission to hold the PRIDE Parade on Saturday, June 25, 2022 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Letter from Ilysse Sirmaian, Portsmouth Babe Ruth, requesting approval to place temporary signage at Leary Field during the 2022 baseball season (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting permission to hold on Saturday, September 24, 2022 and Sunday, September 25, 2022 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

Councilor Moreau moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Moreau and voted.

- B. Report Back from Economic Development Commission regarding the inclusion of funding for EV Charger Installation in Capital Improvement Plan

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

C. Cemetery Committee's Historical Cemeteries Restoration Project

Councilor Cook moved to refer to the City Manager to establish a date for a presentation by the Cemetery Committee at a future City Council meeting. Seconded by Assistant Mayor Kelley and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
 - Duncan MacCallum to the Cemetery Committee
 - Elaine Apatang-Butts to the Citywide Neighborhood Blue Ribbon Committee
 - Kathleen Boduch to the Citywide Neighborhood Blue Ribbon Committee
 - Lawrence Cataldo to the Citywide Neighborhood Blue Ribbon Committee
 - William Gatchell to the Citywide Neighborhood Blue Ribbon Committee
 - Lori Soloway to the Citywide Neighborhood Blue Ribbon Committee
 - Peter Somssich to the Citywide Neighborhood Blue Ribbon Committee
 - Anne Weidman as an Alternate to the Economic Development Commission
 - Heinz Sauk-Schubert as an Alternate to the Historic District Commission
 - Jeff Stern to the Library Board of Trustee
 - Jason Brewster to the Peirce Island Committee
 - Francesca Marconi Fernald to the Peirce Island Committee
 - Chris Gallot to the Peirce Island Committee
 - Steven Marison to the Peirce Island Committee
 - Stephen Philp to the Peirce Island Committee
 - Devan Quinn to the Peirce Island Committee
 - John Simon to the Peirce Island Committee
 - Richard Smith to the Peirce Island Committee
 - Marc Stettner to the Peirce Island Committee
 - William Townsend to the Peirce Island Committee
 - Kathleen Bergeron to the Portsmouth Housing Authority
 - Lauren Krans to the Recreation Board
 - Phyllis Eldridge to the Zoning Board of Adjustment

Assistant Mayor Kelley moved to appoint the following individuals to various boards and commissions:

- **Duncan MacCallum to the Cemetery Committee until December 31, 2023;**
- **Elaine Apatang-Butts; Lawrence Cataldo, William Gatchell, Lori Soloway, and Peter Somssich to the Citywide Neighborhood Blue Ribbon Committee until December 31, 2023;**
- **Anne Weidman as an Alternate to the Economic Development Commission until October 1, 2025;**
- **Heinz Sauk-Schubert as an Alternate to the Historic District Commission until June 1, 2024;**
- **Jeff Stern to the Library Board of Trustee until October 1, 2024;**

- **Jason Brewster, Francesca Marconi-Fernald, Chris Gallot, Steven Marison, Stephen Philp, Devan Quinn, John Simon, Marc Stettner, and William Townsend to the Perice Island Committee until December 31, 2023;**
- **Kathleen Bergeron to the Portsmouth Housing Authority filling the unexpired term of Craig Jewett until April 1, 2024;**
- **Lauren Krans to the Recreation Board filling the unexpired term of Rich Blalock until April 1, 2023;**
- **Phyllis Eldridge to the Zoning Board of Adjustment filling the unexpired term of Jim Lee until April 1, 2022**

Seconded by Councilor Blalock and voted.

C. COUNCILOR MOREAU

1. Land Use Committee Update:
Goals and Objectives

A. Increase diversity of housing types and price points.

B. Remove regulatory barriers for housing diversification in neighborhoods (eg. Accessory

Dwelling Units) – while considering context sensitive design and impacts to traffic, on street

parking and other infrastructure impacts.

C. Restructure incentives to deliver greater public benefit in workforce housing construction.

D. Identify other regulatory updates where by-right density can be conditioned with performance standards

E. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing

F. Establish 2 Working Groups within the Committee: Supported Market and Regulatory

Minutes of Committee Attached

Councilor Moreau provided an update regarding the Land Use Committee. She spoke to the goals and objectives outlined above, and stated the committee wants to ensure they align with the City Council. She said if any councilor has anything they want the committee to review to provide her the information to bring it forward.

Councilor Denton requested the Committee consider amending the zoning of commercial areas to allow for housing, to increase workforce housing incentives, and eliminate single family residential zones.

Mayor McEachern suggested the Committee review density bonuses and create a separate webpage for things related to zoning as a resource for residents.

D. COUNCILOR BAGLEY

1. Comprehensive COVID Bounce-Back Plan

Councilor Bagley moved for a report back from City staff on developing a comprehensive COVID Bounce-Back Plan similar to the previous COVID task forces. Seconded by Councilor Denton.

Councilor Bagley and Councilor Blalock spoke to joining Fire Chief Germain once a month at the Little Harbour School for the Sunshine Squad, which brightens the kid's day.

Assistant Mayor Kelley commended Councilor Bagley and Councilor Blalock for taking part in the programming and stated she would like to see other elementary schools replicate this low cost, high benefit plan.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Grant Award from the Drinking Water and Groundwater Trust Fund - \$111,500.00

Assistant Mayor Kelley moved to approve and accept the grant for the City of Portsmouth to accept up to \$111,500.00 from the Drinking Water and Groundwater Trust Fund as presented. Seconded by Councilor Tabor and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEM

1. Further Update from the Inspection Department

City Manager Conard said this is a follow-up from Chief Building Inspector Wolph regarding the work of the department to get rid of the backlog of permits and the processing of new permits.

Councilor Moreau thanked Chief Building Inspector Wolph for his work handling these issues and moving the department forward.

Councilor Cook thanked City Manager Conard for the report. She is encouraged to see the efforts streamlined.

Councilor Blalock spoke to how well Chief Building Inspector Wolph handled this matter.

City Manager Conard also thanked Deputy City Manager/Deputy City Attorney Woodland and Assistant City Attorney Ferrini for their help with this matter.

Mayor McEachern said government needs to be efficient and provide trust to residents. He said he spoke with Mr. Wolph and he is a great leader and supportive of his team. He stated that Mr. Wolph is consistently moving forward with the process and thanked City Manager Conard for her work on this matter

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Denton moved outdoor dining fees be waived for food service establishments on City property that abide by the composting requirements of the Single-Use Disposable Ordinance. Seconded by Councilor Tabor and voted.

XIX. ADJOURNMENT

At 9:30 p.m., Councilor Moreau moved to adjourn the public meeting and to continue the Non-Public Session from earlier. Seconded by Assistant Mayor Kelley.

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



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, April 4, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Authorizing a Bond Issue, and/or Notes of up to One Million Four Hundred Thousand (\$1,400,000.00) Dollars for Costs Related to the Feasibility and Design of a new Police Facility and or Rehabilitation of the Existing Facility. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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Public Library, during regu-
lar business hours.
KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

**THE CITY OF PORTSMOUTH
TWO THOUSAND TWENTY TWO
PORTSMOUTH, NH**

RESOLUTION # XX - 2022

A RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES OF UP TO ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000) DOLLARS FOR COSTS RELATED TO THE FEASIBILITY AND DESIGN OF A NEW POLICE FACILITY AND OR REHABILITATION OF THE EXISTING FACILITY.

BE IT RESOLVED:

- 1) **THAT** the sum of **One Million Four Hundred Thousand (\$1,400,000) Dollars** be and is hereby appropriated for costs related to the feasibility and design of a new police facility and or rehabilitation of the existing facility.
- 2) **THAT** in order to meet said appropriation the City Treasurer, with approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **One Million Four Hundred Thousand (\$1,400,000) Dollars** through the issue of bonds and/or notes of the City under the Municipal Finance Act.
- 3) **THAT** the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager.
- 4) **THAT** the expected useful life of the new police facility is determined to be at least 30 years.
- 5) **THAT** this resolution shall take effect upon its passage.

APPROVED BY:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

KELLI BARNABY, MMC/CNHMC
CITY CLERK

BI-15-PD-09: New Police Department Facility

Department	Police Department
Project Location	To Be Determined
Project Type	Construction or expansion of a public facility, street or utility
Commence FY	To Be Determined
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	High (\$100,001 or more)

Evaluation Criteria	Quality?
Responds to Federal or State Requirement	Y
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y

Description: The results of the space needs study conducted determined the current facility no longer meets the needs of the Police Department. This project would fund the design and construction of a new facility after a site selection study and conceptual design are complete. In FY22, \$1,400,000 was approved in the CIP to fund the preliminary designs once prospective sites are chosen.

Note: The cost estimates provided are based on those provided in a prior study and the pricing is escalated to the current year.

Studies Identified & Useful Website Links:

- [Police Department Facility Study](#)
- [Portsmouth Police Department Homepage](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:4578

- In FY22 the total cost was 42,000,000.
- The ask was for 7,000,000 in FY22 for prelim work and 35,000,000 in FY23 for construction.
- The council approved 1,400,000 out of the 7,000,000 leaving a balance of 5,600,000 needed for additional prelim work and design.
- Total FY23 5,600,000 + 35,000,000 = 40,600,000 (presented in FY23-28 Budget to Planning Board)
- At 3-7-22 City Council CIP Adoption Meeting the council unanimously voted to change the funding from \$40,600,000 Bonding in FY23 to \$2,800,000 Bonding (FY23) and \$38,000,000 Bonding (FY25)

	FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%						\$0	\$0	\$0
Fed/State	0%						\$0	\$0	\$0
Bond/Lease	100%	\$2,800,000	\$38,000,000				\$40,800,000	\$1,400,000	\$42,200,000
Other	0%						\$0	\$0	\$0
Revenues	0%						\$0	\$0	\$0
PPP	0%						\$0	\$0	\$0
Totals		\$2,800,000	\$0	\$38,000,000	\$0	\$0	\$40,800,000	\$1,400,000	\$42,200,000



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: March 31, 2022

To: Honorable McEachern and City Council Members

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

Re: City Manager's Comments on City Council Agenda of April 4, 2022

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

A. **Public Hearing and Adoption of Resolution Authorizing a Bond Issue and/or Notes of Up to One Million Four Hundred Thousand (\$1,400,000) Dollars for Costs Related to the Feasibility and Design of a New Police Facility and/or Rehabilitation of the Existing Facility:**

Attached please find a proposed resolution authorizing a bond issue of up to \$1.4 million for costs related to the feasibility and design of a new Police Facility and/or the rehabilitation of the existing facility as approved in the FY22 CIP.

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

XI. City Manager's Items which Require Action:

1. **License Agreement with Strawberry Banke for Property Located at 81 Washington Street:**

Strawberry Banke proposes adding two parking spaces to its property located at 81 Washington Street. The City of Portsmouth owns a thin parcel of land along Washington Street which separates 81 Washington Street from that right of way. The impacted portion of the City's parcel is outlined in green on the attached drawing.

In order to gain access to Washington Street over City land, Strawberry Banke has requested a license from the City. Rodney Rowland, Director of Facilities and Environmental Sustainability for Strawberry Banke, has submitted the attached letter in support of his request. If the council grants this license to Strawberry Banke, it would still be required to obtain a driveway permit from the Department of Public Works.

I recommend that the City Council move to authorize the City Manager to negotiate and execute a revocable license to Strawberry Banke Museum, Inc. to cross Parcel S-3 to access 81 Washington Street for the purposes of parking, as depicted on the attached plan.

2. **Request to Extend Prescott Park Arts Festival 2022 Season Dates:**

Attached please find a request from the Prescott Park Arts Festival to extend their 2022 season dates. They would like to begin their season on Friday, June 10th and close their season with a final performance on Monday, September 5th.

I recommend that the City Council move to extend the Prescott Park Arts Festival's 2022 season to include the requested dates.

3. **Request from the Police Commission for a Performance Bonus for Chief of Police:**

At the February 15, 2022 non-public Police Commission meeting, the Board of Police Commissioners completed an annual performance evaluation of Chief Newport. Following completion of his evaluation, the Board approved a one-time bonus of \$3,000.

Per Chief Newport's Employment Agreement, Section #3, paragraph 3 (last sentence), states: "The parties may, by written addendum executed by both parties and approved by the Portsmouth City Council, agree to provide additional compensation to the employee in recognition for his accomplishments of the performance objectives identified by the Commission." Included in this request is [Chief Newport's contract](#) as well as [a formal written request by Chair Stefany Shaheen and Commissioners Kate Coyle and Albert Scherr](#).

4. **Union Cemetery Listing on State Register of Historic Places:**

The City has the opportunity to list the Union Cemetery on Maplewood Avenue on the New Hampshire State Register of Historic Places. Through the efforts of the Cemetery Committee, an inventory of the historic features of the Union Cemetery prepared some years ago by City staff was presented recently to the New Hampshire Division of Historic Resources for evaluation. The New Hampshire Division of Historic Resources has indicated that this inventory is sufficient to move forward with the process for listing. Listing on the State Register would make the Union Cemetery eligible for State grants and other funding opportunities.

I recommend that the City authorize the City Manager to proceed to take the additional steps to have the Union Cemetery listed on the State Register of Historic Places.

5. **Temporary Construction License for 45 Market Street:**

Owner of C5 45 Market Street, LLC, under ENCM 21-78, is performing interior and exterior improvements at [45 Market Street](#), shown on the City of Portsmouth's Assessor's Map as Tax Map 106, Lot 028 ("Subject Property"). The owner has encumbered the sidewalk in front of the Subject Property with pass through staging for 30 consecutive working days in order to perform improvements. During the 30 day term of the encumbrance permit, the Owner has experienced a small delay in receipt of materials, which will require more time than initially anticipated to complete the portion of the project that requires staging on city sidewalks. In order to encumber the sidewalk beyond 30 days, a license approved by the City Council is required.

Owner, through its March 29, 2022 letter attached, has requested to encumber the 105 square feet of sidewalk in front of 45 Market Street for 18 days (April 13 through April 30, 2022). Licenses are subject to the “License Fee for Encumbrance of City Property” policy. Under this policy, a daily fee is calculated per square foot of encumbered sidewalk (105 square feet x .05 = \$5.25 a day x 18 days = \$94.50). However, when the public has access to the License Area through pass-through staging, license fees are typically waived.

The Legal and Planning Departments have reviewed and approved the form of [the attached License](#).

If the Council agrees to grant the temporary construction license to encumber the sidewalk along 45 Market Street, an appropriate motion would be:

Move that the City Manager be authorized to waive the license fee and execute and accept the temporary construction license for the term of 18 days to encumber the sidewalk with pass-through staging at 45 Market Street as requested.

6. **Approval of the Superintendent’s Contract:**

[Attached please find a memorandum and proposed employment contract for incoming Superintendent Dr. Zachary McLaughlin.](#)

7. **McIntyre Update:**

There will be a verbal update on the McIntyre Redevelopment project at this evening’s meeting.

8. **Request to Schedule Public Hearing on April 18 to Accept Second Tranche of ARPA Funds:**

On March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law which established the Coronavirus State and Local Fiscal Recovery Fund to provide direct support for local governments to respond to COVID-19’s impact on our community, residents and businesses. It is an economic stimulus bill to help every city and town recover from the impacts of COVID-19. The City received its first tranche of ARPA funds in the amount of \$6,441,140. These funds were accepted at a public hearing by the City Council on June 21, 2021. The City is set to receive the second tranche of APRA funds in the amount of \$6,440,140, and as such I recommend the Council schedule a public hearing to accept these funds.

I recommend that the City Council schedule a public hearing to accept the second tranche of ARPA funds at the next City Council meeting on April 18, 2022.

9. **Actions Related to Community Campus Acquisition:**

- A. Request to Schedule a Public Hearing on April 18th to Consider Resolution of \$10,000,000 for Community Campus Acquisition and Rescind Prior Funding Resolution:

On December 20, 2021, the previous City Council passed a resolution to authorize the purchase of Community Campus using various funding sources to include Trusts, Special Revenue, Capital Outlay, American Rescue Plan Act (ARPA), and Borrowing (\$3,250,000). In the time since the passage of that resolution, the federal government has published its Final Rule on the use of ARPA Grant funds effective April 1, 2022. This 400-page Final Rule document provide additional and expanded guidance relative to the purchase and use of real estate. To avoid potential limitations on possible future uses of the Community Campus property, I recommend that the Council rescind the December 20, 2021 resolution and replace it with one that utilizes Trusts, Special Revenue, Capital Outlay and Borrowing (\$8,423,820.70). See [draft Resolution](#) replacing the funding sources.

The City has 60 days from the date of the purchase of Community Campus to change its funding source. The purchase date of Community Campus was March 14, 2022, making May 14, 2022, the last day the City could change the funding source for the property.

I recommend that a public hearing be established at the City Council meeting of April 18, 2022 to consider the proposed Resolution to replace the community campus funding sources.

B. Request to Schedule a Public Hearing on April 18th to Appropriate \$5,260,000 in ARPA Funds for Certain Projects:

In order to offset the increase in borrowing from \$3,250,000 to \$8,423,820.70, I recommend using ARPA monies to fund four currently authorized projects. This effort would be accomplished by a [second resolution \(see attached\)](#) to rescind already adopted bonding resolutions (listed below), and replace the funding with the use of ARPA Grant funds.

Therefore, I recommend that a public hearing be established at the City Council meeting of April 18, 2022 to consider this second proposed resolution to use ARPA funds for the four described projects below:

Proposed Changes to Debt:	Authorized Date	Authorized Unissued Debt	Proposed reduction to Authorized Unissued Debt	Proposed Increases to Authorized Debt	New Authorized Debt
Community Campus	12/20/2021	3,250,000	(3,250,000)	8,423,820.70	8,423,820.70
Multi-Purpose Recreation Fields-Lighting	7/9/2018	560,000	(560,000)		-
Citywide Sidewalk Reconstruction Program	7/15/2019	400,000	(400,000)		-
Street Paving, Management and Rehabilitation	7/15/2019	2,000,000	(2,000,000)		-
Islington Street Phase 2	8/2/2021	2,300,000	(2,300,000)		-
Total		\$ 8,510,000	\$ (8,510,000)	\$ 8,423,820.70	\$ 8,423,820.70

I recommend that a public hearing be established at the City Council meeting of April 18, 2022 to consider this second proposed Resolution to use ARPA funds for the four projects described.

C. Request to Schedule a Listening Session on April 11th on Spending ARPA Funds for this Purpose:

Finally, in order to provide more opportunity for public comment prior to the City Council meeting on April 18, 2022, I propose a listening session to be held on April 11, 2022 relative to the use of ARPA funds for the purposes outlined above.

I recommend that a listening session relative to the use of ARPA funds for the purposes outlined above be scheduled for April 11, 2022.

XVI. Approval of Grants/Donations:

A. **Acceptance of Donation to the Skateboard Park - \$1,025:**

The City received a donation in the amount of \$1,025 to the Skateboard Park from Summer Sessions Surf Shop.

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

B. **Acceptance of Grant for the Police Department from the NH Department of Justice Through the Victims of Crime Act (VOCA) - \$24,759:**

At the March 15, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$24,759 from the NH Department of Justice through the Victims of Crime Act. This grant is for expenses incurred and services provided to direct victim services, to include expenses for personnel.

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

XVII. City Manager's Informational Items:

1. **Report Back on COVID-19 Bounce Back Plan:**

Attached please find a report back on the City's recommendations in response to Councilor's Bagley request for a COVID-19 Bounce Back Plan at the March 7, 2022 City Council meeting.

2. **Bridge Street Lot Closure:**

Attached please find an informational memorandum regarding the Bridge Street Parking Lot upgrades which will begin on April 11, 2022.

3. **Sagamore Avenue Area Sewer Extension Project Update:**

Attached please find an update on the [Sagamore Avenue Area Sewer Extension Project](#).

4. **EPA Mandated Industrial Pretreatment Program:**

A memorandum regarding the EPA mandated Industrial Pretreatment Program is attached for your information.

5. **NHDES Public Hearing Regarding Pease Aviation Partners, LLC Application for Wetland Permit:**

Pursuant to RSA 482:A:8, Env-Wt 202, and Env-C 205.03, the New Hampshire Department of Environmental Services, Wetlands Bureau is providing [notice of a Public Hearing](#) scheduled on April 6, 2022, beginning at 4:00 PM to receive public comment on an application from Pease Aviation Partners, LLC for property located at Exeter Street, Portsmouth, NH; Portsmouth Tax Map/Lot 307/0, 307/3, 307/2.

At the December 8, 2021 meeting of the Conservation Commission, the Commission unanimously recommended that NHDES deny the permit application.



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

Dear Karen,

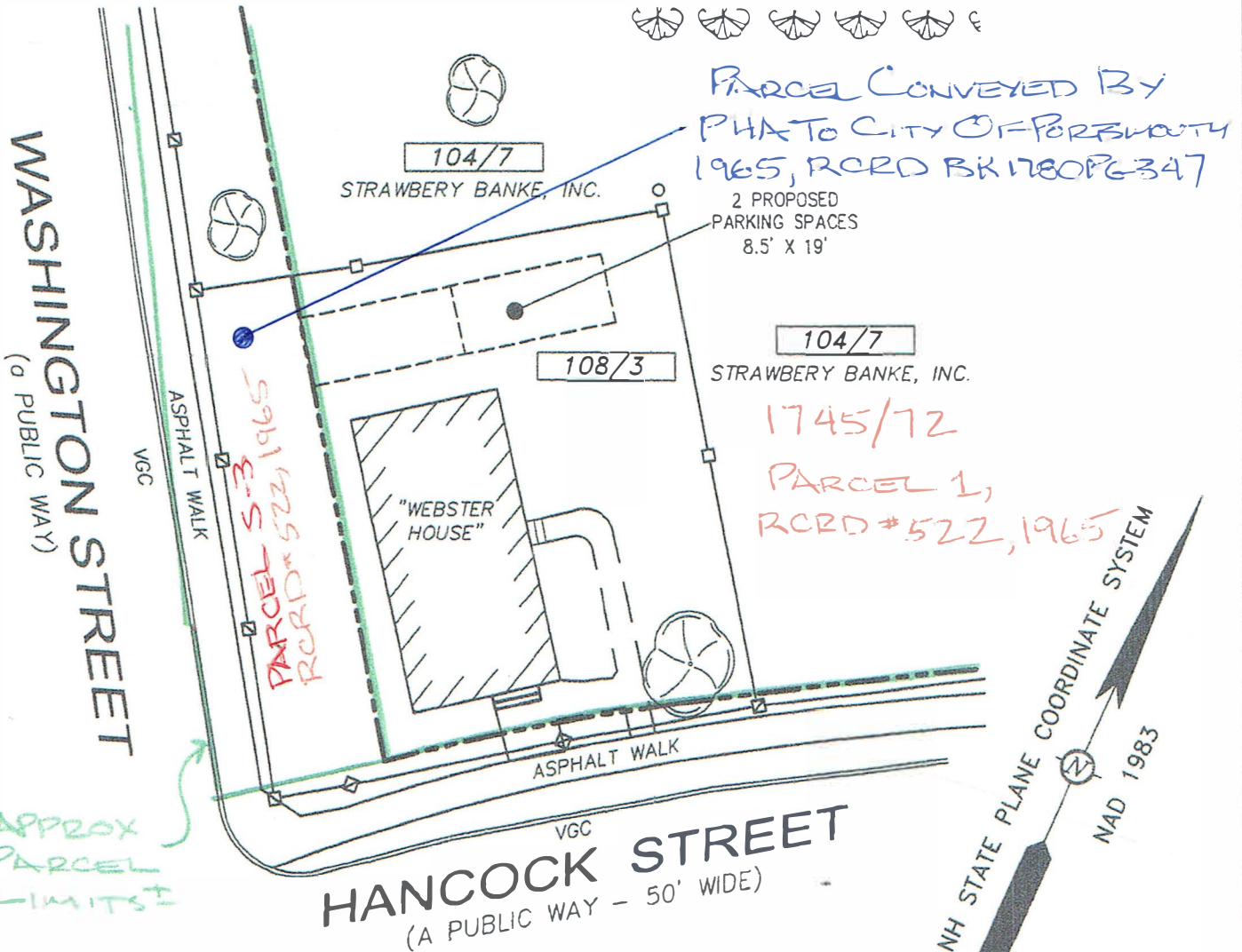
For the last few months, I have been working with our land surveyor, Peter Rice and Trevor McCourt to determine the ownership of a small triangle of land off 81 Washington Street that has been part of the Webster House yard since the 1970s. The research has revealed that when Strawbery Banke was created in 1950s by deed transfer from the Portsmouth Housing Authority, this parcel was deeded to the City. Now that we have identified this land use issue, we wanted to correct it so that Strawbery Banke can continue to use this land. In conversation with Peter and Trevor, it has been suggested Strawbery Banke request a license to use this land in perpetuity. I am writing today to formally request the City take up this request. Trevor can give you additional information and I am happy to talk with you as well should you have any questions or concerns.

I have attached the land surveyor's plot plan showing the wedge of land in question.

Thank you,
Rodney D. Rowland
Director of Facilities and Environmental Sustainability

James Verra and Associates, Inc.

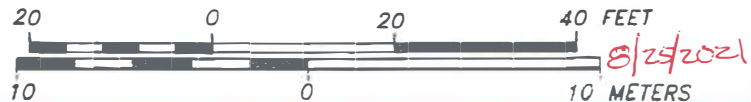
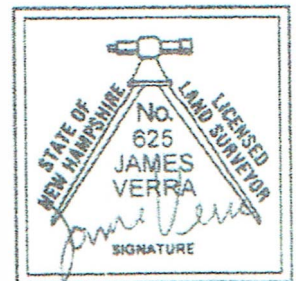
101 SHATTUCK WAY-SUITE 8, NEWINGTON, NH 03801 (P) 603-436-3557 © 2020 by JAMES VERRA and ASSOC., INC.



OWNER OF RECORD: STRAWBERRY BANKE MUSEUM, INC.
 P.O. BOX 300, PORTSMOUTH, NH 03802-300
 DEED REFERENCE: BK 4372 PAGE 1038 ROCKINGHAM COUNTY REGISTRY OF DEEDS
 REFERENCE: THIS SKETCH IS BASED ON A PRIOR SURVEY BY JAMES VERRA AND ASSOCIATES
 & DEPICT THE SITE CONDITIONS AT THE TIME OF THE SURVEY IN 2002.
 THIS PARCEL IS ZONED MIXED RESIDENTIAL OFFICE (MRO)
 EASEMENTS OF RECORD, IF ANY, ARE NOT SHOWN HEREON.

LEGEND:

- VGC VERTICAL FACED GRANITE CURB
- WOOD FENCE
- ▣ WOOD FENCE
- PROPERTY LINE



SITE SKETCH "WEBSTER HOUSE"
 81 WASHINGTON STREET, PORTSMOUTH, NH
 OWNER: STRAWBERRY BANKE MUSEUM, INC

DATE:	10-22-2020
JOB NO.	21496-9
PLAN NO.	21496-9-SKH
SCALE:	1" = 20'



March 21, 2022

Courtney Perkins
Executive Director

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

Board of Directors

John Tabor
Chair

Michael Harrison
Co-Vice Chair

Elisabeth Robinson
Co-Vice Chair

Kenneth Bellevue
Treasurer

Tyler Goodwin
Secretary

Claudette Barker
John Bohenko
Stephanie Driscoll
Jameson S. French
Amanda McSharry
Mariah Morgan
Elizabeth Pollock
Christopher Poulin

Dear Karen,

Per our previous conversation, I am submitting details for our request for exception to the City/Prescott Park Arts Festival agreement, specifically as it relates to the calendar.

Prescott Park Arts Festival thoughtfully requests exceptions to be made for the following performances:

**Juneteenth Film Collaboration with Black Heritage Trail
Friday, June 10th, dusk (approx. 8:22pm)**

A movie in the Park with limited concessions in collaboration with the Black Heritage Trail’s Juneteenth festivities. Movie length would be approximately 2 hours.

While this falls far outside of the beginning of our annual activities, we make this special request for the following reasons:

- It enhances the Juneteenth celebration and awareness in our community
- The event occurs on a weekend (non-school night)
- Movies typically draw a much smaller audience

**Season Opening Concert Performance
Thursday, June 16th, 7:00pm**

Performance Type: solo, singer songwriter, no opening act
Activities in the Park would be completed by 9p-9:30pm at the latest

Note: One day *earlier* than contract designates

Season Closing Concert Performance
Monday, September 5th, 2022, 7:00pm (Labor Day)

Performance Type: solo, singer songwriter, no opening act

Activities in the Park would be completed by 9p-9:30pm at the latest

Note: One day *later* than contract designates

Residual COVID rescheduling from 2021 and the variants in Winter 2022 continue to pose persistent challenges to our capacity to schedule and confirm national touring acts. There has been extensive rescheduling, despite our attempt to start earlier in Fall 2021 to book for Summer 2022. We ask the City Manager for exceptions for these events this season.

Thank you for your time and consideration. We look forward to hearing from you soon on this matter. Please feel free to contact me with any questions or concerns.

Best regards,

A handwritten signature in cursive script that reads "Courtney Perkins". The signature is written in black ink and is positioned below the text "Best regards,".

Courtney Perkins
Executive Director

STEFANY SHAHEEN

CM Action Item #3

March 15, 2022

Portsmouth City Council
City Manager, Karen Conard
Chief Mark Newport
City of Portsmouth, New Hampshire
Police Department
3 Junkins Avenue
Portsmouth, NH 03801

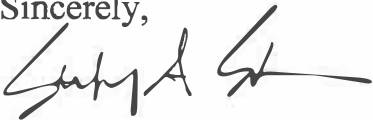
Dear Councilors, City Manager and Chief Newport,

On behalf of the Police Commission, I am pleased to confirm in writing that the Police Commission completed Chief Newport's annual performance review.

The Chief received a stellar review from both outgoing Commissioners and the newly constituted Commission. Given Chief Newport's outstanding performance during an especially difficult time for our community and region, the Commission approved a one time, \$3000 bonus.

Thank you for joining with us in extending appreciation to Chief Newport for his service to the citizens of Portsmouth.

Sincerely,



Stefany Shaheen
Chair



Albert Scherr
Commissioner



Kate Coyle
Commissioner

77 SOUTH STREET * PORTSMOUTH, NEW HAMPSHIRE

EMPLOYMENT AGREEMENT

1. Preamble

This Agreement is entered into between the Police Commission, City of Portsmouth, New Hampshire (hereinafter called "Commission") and Mark Newport (hereinafter called "Employee"). This Agreement is null and void unless approved by the Portsmouth City Council.

2. Term And Domicile Requirement

The Commission agrees to employ the Employee and the Employee agrees to accept employment in the position of Chief of Police of the City of Portsmouth, New Hampshire for a term commencing on the date that this Agreement is approved by the Portsmouth City Council and ending on January 31, 2024. The parties may, by written agreement executed by both parties and approved by the Portsmouth City Council, agree to extend the term of this Agreement.

The parties intend this Agreement to replace and supersede the October 5, 2020 Employment Agreement Interim Chief of Police currently in place between the parties.

The Commission and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on weekends. The Employee agrees to devote all of his professional efforts to the successful fulfillment of the responsibilities of Chief of Police as described by New Hampshire Statute, the Charter of the City of Portsmouth, the rules and regulations of the Portsmouth Police Department, and as reasonably directed by the Commission.

The Employee will be required to maintain a domicile in Portsmouth, New Hampshire throughout the term of this Agreement. The Employee's failure to comply with this requirement may, at the sole option of the Commission, be considered grounds for termination for cause, as per the provisions of Section 5 below. The Commission agrees to reimburse the Employee up to a total of \$5,000.00 for properly documented moving expenses.

3. Salary

Commencing on the date that this Agreement is approved by the Portsmouth City Council, the Employee will be placed on Grade 28, Step G of the City of Portsmouth Non-Union Salary Schedule and paid an annual base salary of \$148,557.55, subject to such deductions as may be authorized by the Employee and/or as may be required by law.

Effective July 1st of 2021, 2022 and 2023, a COLA to the Employee's base salary shall be computed which shall not be less than 2% nor more than 5%. The COLA shall be

determined by taking the 10 year average of the CPI-U for the Boston-Cambridge-Newton—MA-NH all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December to December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

The Commission and the Employee shall annually define such performance objections as they may determine necessary for the proper operation of the Department and in attainment of the Commission's policy objectives and shall further establish a relative priority among those various objectives, these objectives to be reduced to writing. The objectives shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided. At the completion of the review and evaluation, the Commission shall provide the Employee with a summary written statement of its findings and provide adequate opportunity for the Employee to discuss the review and evaluation with the Commission. The parties may, by written addendum executed by both parties and approved by the Portsmouth City Council, agree to provide additional compensation to the employee in recognition for his accomplishment of the performance objectives identified by the Commission.

4. Certification

During the term of this Agreement, the Employee will be required to maintain certification as a full-time police officer as required by the New Hampshire Police Standards and Training Council.

5. Termination for Cause

This Agreement may be terminated by the Commission at any time for cause, i.e., failure on the part of the Employee to comply with any term or condition of this Agreement, the laws, rules and regulations of the State of New Hampshire, or the rules and regulations of the Commission, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the position as specified in the Municipal Charter of the City of Portsmouth or as directed by the Commission.

Termination for cause shall take place only following written notification specifying the reasons for termination. Unless the Employee submits to the Commission, within twenty (20) days of receipt of such notification, a written request for a hearing before the Commission, the Agreement shall be considered terminated as of the date which falls thirty (30) days after the Employee's receipt of notification. If the Employee requests a hearing, the Commission shall hold this hearing within twenty (20) days after receipt of such request. The Commission shall render a written decision to the Employee within ten (10) days of the hearing. In the event of a termination for cause, the Employee shall receive no severance and no further compensation beyond the last day worked.

Nothing in this paragraph will limit the Employee's rights under the provisions of NH RSA 105:2-a.

6. Termination with Severance Payment

If at any time the Commission in its discretion shall so determine, the Commission may, without cause and with or without prior notice, relieve the Employee of his duties under this Agreement. In such event, the Employee shall be entitled to severance benefits. Such severance benefits shall be equal to 12 months' salary or the balance of the salary remaining under the term of the Agreement, whichever amount is less. As set forth above in Section 5, if the termination is for cause, the Employee shall not be entitled to severance benefits. Severance benefits shall not be paid upon the voluntary resignation of the Employee.

7. Termination by Mutual Consent/Voluntary Resignation

This Agreement may be terminated at any time by mutual consent of the Commission and the Employee or by voluntary resignation of the Employee. In the event the Employee voluntarily resigns before the expiration of the term of this Agreement or any renewal thereof, the Employee shall give the Commission thirty (30) days written notice in advance of such resignation. In the event of voluntary resignation, the Employee shall not be eligible for severance benefits.

8. Severance Constitutes Release

The acceptance by the Employee of the severance benefits provided under this Agreement shall constitute a full and complete release of any other rights, claims, or causes of action whether in law, equity or otherwise, that the Employee may have against the Commission, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives and attorneys of such entities, including any rights that the Employee may have under NH RSA 105:2-a.

9. Benefits

Except as otherwise provided herein, the Employee's fringe benefits shall be established by the collective bargaining agreement currently in place between the City of Portsmouth and the Professional Management Association ("the PMA CBA"). The exceptions shall be described in detail in Section 10 below.

10. Exception to Benefits in Section 9

In lieu of or in addition to the compensation enumerated in Section 9, the Employee shall also be entitled to the following:

- a. The Employee will maintain the following fringe benefits consistent with the terms of the Portsmouth Police Ranking Officers CBA and not the PMA CBA: workers' compensation insurance; liability insurance; and the Employee's level of clothing allowance, vacation accrual and personal day accrual as of the date of this Agreement.
- b. The Employee will maintain the paid leave that he has currently accrued. With respect to his accrued vacation leave, beginning on January 1, 2022, the Employee will be required to comply with the cap for vacation accrual included in the PMA CBA. With respect to his accrued sick leave, the Employee will continue to have his total accrual capped at 226 days, and he will remain entitled to a payout of up to 90% of 150 days upon his retirement as per the terms of the Portsmouth Police Ranking Officers CBA.
- c. During the second year of this Agreement, the Commission will work with the Employee to schedule his attendance at the FBI Academy.
- d. The Employee shall be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Chief of Police is on-call at all times, it is understood that the automobile may also be used for personal business.
- e. Subject to budgetary constraints, the City agrees to cover the cost of tuition and textbooks for courses and/or other classes that would provide for improved job performance as part of a career development program. Prior approval by the Commission of any and all courses is required. If the Employee fails to successfully complete the course and/or class with a final passing grade, he will be required to reimburse the City for the entire cost of tuition and textbooks.
- f. The City recognizes that certain expenses of a non-personal and generally job-related nature will be incurred by Employee, and hereby agrees to reimburse or to pay said general expenses upon receipt of duly executed expense vouchers, receipts, statements or personal affidavits, subject to budgetary authorization to be approved by the Commission as an element of the annual Department budget.
- g. The City hereby agrees to pay, within budgetary constraints and subject to the prior approval of the Commission, the professional dues and subscriptions of the Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations, necessary and desirable for his continued professional participation, growth and advancement.

AGREED: The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.

Approved by The Police Commission:

[Signature]

1/19/2021
Date

[Signature]

1-19-21
Date

Ther. P. Her

1/19/21
Date

Employee:

[Signature]

1/20/21
Date

Approved by The City Council:

January 25, 2021

1/26/2021
Date

Certified by The City Clerk:

Kelli L. Barnaby

1/26/2021
Date

DATE: MARCH 29, 2022
TO: KAREN CONARD, CITY MANAGER
FROM: CHRIS and WENDY CLEMENT
RE: TEMPORARY CONSTRUCTION LICENSE FOR 45 MARKET STREET

As the owner C5 45 Market Street, LLC, under ENCM 21-78, we would like to ask for an extension of the encumbrance permit for 18 days (April 13 through April 30, 2022) due to extra time to complete exterior portion along with some unforeseen material delays.

CHRIS CLEMENT ~~Wendy~~ DATE 3/29/22
WENDY CLEMENT ~~Chris~~ DATE 3/29/22



LICENSE AGREEMENT
45 MARKET STREET

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to C5 45 Market Street, LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 45 Market Street, Portsmouth, New Hampshire, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 45 Market Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0106/0028 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 6217, Page 1502.

The City authorizes Licensee to temporarily use the sidewalk that abuts the Subject Property along 45 Market Street more particularly described in the attached Exhibit A. This area is the License Area.

2. **Use:** Licensee shall make use of the License Area for the purpose of interior and exterior improvements for property located at 45 Market Street.
3. **Term:** The license for the License Area shall be for 18 days (April 13, 2022 through April 30, 2022).

Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Area has been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Area and again when it returns the License Area to the City's control and use.

5. **License Fees:** Licenses are subject to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". A license is required when the license area has been encumbered beyond 30 days. The License Fee Policy provides that the Licensee will be charged a daily fee of \$0.05 per square foot of encumbered sidewalk.

The License Area includes the sidewalk in front of the Subject Property on 45 Market Street. The license area is 105 square feet. The encumbered sidewalk has pass through staging for public access.

The License Fee is calculated as \$94.50 (105 square feet x \$.05 = \$5.25 per day x 18 days = \$94.50.) However, when the public has access to the License Area through pass through staging, license fees are typically waived.

Because it is in the City's interest that the License Area be returned to the public use as soon as possible, if the License Area is returned to the City prior to the end of the License Term, the City will refund the Licensee the portion of the License Fee paid but not used.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the License Area. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement and the City will be named as an additional insured.
8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Area in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety. The Licensee shall secure the perimeter of the License Area and take such other measures as may be necessary for pedestrian and vehicular safety during use of the License Area.
9. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

- 10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.

- 11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.

- 12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2022

City of Portsmouth

By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____

Dated this _____ day of _____, 2022.

C5 45 Market Street, LLC

By: _____

Representing Management Exclusively in Workplace Law and Related Litigation



Jackson Lewis P.C.
 100 International Drive
 Suite 363
 Portsmouth, NH 03801
 Tel 603 559-2700
 Fax 603 559-2701
www.jacksonlewis.com

ALBANY, NY	GRAND RAPIDS, MI	MORRISTOWN, NJ	RALEIGH-DURHAM, NC
ALBUQUERQUE, NM	GREENVILLE, SC	NEW ORLEANS, LA	RAPID CITY, SD
ATLANTA, GA	HARTFORD, CT	NEW YORK, NY	RICHMOND, VA
AUSTIN, TX	HONOLULU, HI	NORFOLK, VA	SACRAMENTO, CA
BALTIMORE, MD	HOUSTON, TX	OMAHA, NE	SALT LAKE CITY, UT
BIRMINGHAM, AL	INDIANAPOLIS, IN	ORANGE COUNTY, CA	SAN DIEGO, CA
BOSTON, MA	JACKSONVILLE, FL	ORLANDO, FL	SAN FRANCISCO, CA
CHICAGO, IL	LAS VEGAS, NV	OVERLAND PARK, KS	SEATTLE, WA
CINCINNATI, OH	LONG ISLAND, NY	PHILADELPHIA, PA	STAMFORD, CT
CLEVELAND, OH	LOS ANGELES, CA	PHOENIX, AZ	TAMPA, FL
DALLAS, TX	MEMPHIS, TN	PITTSBURGH, PA	WASHINGTON DC REGION
DAYTON, OH	MIAMI, FL	PORTLAND, OR	WHITE PLAINS, NY
DENVER, CO	MILWAUKEE, WI	PORTSMOUTH, NH	
DETROIT, MI	MINNEAPOLIS, MN	PROVIDENCE, RI	

THOMAS M. CLOSSON
 DIRECT DIAL: 603.559.2729
THOMAS.CLOSSON@JACKSONLEWIS.COM

To: City Manager Conard, Mayor McEachern and Members of the Portsmouth City Council
 From: Tom Closson
 Re: Proposed Employment Agreement with Dr. Zachary McLaughlin
 Date: March 30, 2022

Attached at **Tab 1** is the proposed three (3) year employment agreement between the Portsmouth School District and Dr. Zachary McLaughlin.

This proposed employment agreement has been approved by the Portsmouth School Board.

The highlights of the proposed employment agreement with Dr. McLaughlin are as follows:

- Starting salary of \$172,500
- Rolling COLAs on July 1, 2023 and July 1, 2024
- 4% per annum contribution to 403(b) account
- Robust termination language
- \$3,000 in moving expenses
- Up to one (1) year tuition costs available
- Other benefits in line with fellow Portsmouth School Administrators

TAB 1

EMPLOYMENT AGREEMENT

1. Preamble

This Agreement is entered into by the School Board of School Administrative Unit 52, Portsmouth, New Hampshire (the "Board" or the "SAU") and Dr. Zachary McLaughlin (the "Superintendent").

2. Employment and Term

The SAU agrees to employ the Superintendent and the Superintendent agrees to accept employment in the position of Superintendent of Schools of SAU 52 for a term commencing on July 1, 2022 and extending through June 30, 2025. The SAU and the Superintendent acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on weekends. The Superintendent agrees to devote all his professional efforts to the successful fulfillment of his responsibilities to the SAU as described in Section 4 below. With prior notice to and approval of the Board, the Superintendent may participate in other professional activities, including lecturing or involvement with non-profit organizations, provided that such participation does not negatively affect the Superintendent's responsibilities to the SAU. Pursuant to Sections 6 and 7 below, the SAU retains the right to terminate this Agreement, with or without cause, at any time during the term of this Agreement, and the SAU will then be liable to the Superintendent as set forth in the corresponding Section below.

3. Salary

Commencing on July 1, 2022, the Superintendent will be paid an annual base salary of **One Hundred Seventy-Two Thousand Five Hundred Dollars (\$172,500.00)**. This base salary will be paid in accordance with the SAU's regular payroll practices and will be subject to such deductions as may be authorized or as may be required by law. Effective July 1, 2023, and July 1, 2024, a COLA adjustment percentage increase to this base salary will be computed which will not be less than 2% nor more than 5%. The COLA adjustment percentage will be determined by taking the 10-year average of the CPI-U for the Boston-Cambridge-Newton all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November, it is not published on a December-to-December basis. The reference base is 1982-1983 equals 100 until BLS updates the reference base at which time the parties agree to adopt the official reference base as used by BLS.

4. Authority and Responsibility

The Superintendent agrees to administer and supervise the schools of the SAU in accordance with the laws of the State of New Hampshire and in accordance with the rules and regulations of the State Board of Education and the SAU. In addition, the Superintendent will have the authority, subject to limitations in law, collective bargaining agreements, and SAU policies and procedures, to organize, reorganize and arrange the administrative and supervisory staff of the SAU in such way, as in the Superintendent's judgment, best serves the SAU. The

Superintendent will be responsible for the nomination, placement, and transfer of personnel. The Superintendent will also be responsible for conducting annual performance evaluations of his direct reports.

5. Certification

The Superintendent will be required to hold for the life of this Agreement a valid certificate for Superintendent of Schools, properly registered and issued by the State of New Hampshire.

6. Termination for Cause

This Agreement may be terminated by the SAU at any time for cause, i.e., failure on the part of the Superintendent to comply with any term or condition of this Agreement, the laws of the State of New Hampshire, or the rules and regulations of the State Board of Education, the SAU, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the office of the Superintendent of Schools as specified in the Municipal Charter of the City of Portsmouth or as directed by the SAU. If a conflict arises, the rules and regulations established by the SAU will prevail.

Termination for Cause will take place only following written notification specifying all the reasons for the proposed termination and which provides the Superintendent with twenty (20) calendar days to cure any stated reasons for the proposed Termination for Cause. If the Superintendent cures the stated reasons for the proposed Termination for Cause by or before the twenty (20) calendar day cure period has concluded, the proposed Termination for Cause will be withdrawn. Unless the Superintendent submits to the SAU, within twenty-five (25) calendar days of receipt of such notification and after the twenty (20) calendar day cure period has elapsed without the Superintendent curing the reasons provided for Termination with Cause, a written request for a hearing before the SAU, the Agreement will be considered terminated as of the date which falls thirty (30) calendar days after the Superintendent's receipt of notification. If the Superintendent requests a hearing, the SAU will hold this hearing within twenty (20) calendar days after receipt of such request. The SAU will render a written decision to the Superintendent within ten (10) calendar days of the hearing. In the event of a Termination for Cause, the Superintendent will receive no severance and no further compensation beyond his last day worked.

7. Termination with Payment

The SAU may at any time, and in its sole discretion, without cause and without prior notice, relieve the Superintendent of his duties under this Agreement. In such event, the Superintendent will be entitled to severance benefits. Such severance benefits will be paid in a lump sum and determined as follows: if termination without cause occurs prior to January 1 of the last year of this Agreement, one (1) full year of base salary or the balance of the base salary still owed under the terms of the Agreement, whichever is less; and if termination without cause occurs in the last six (6) months of the Agreement, six (6) months of base salary. Severance benefits shall not be paid upon the voluntary resignation of the Superintendent or in the event of a termination for cause.

8. Termination by Mutual Consent/Voluntary Resignation

This Agreement may be terminated at any time by mutual consent of the SAU and the Superintendent or by the voluntary resignation of the Superintendent. In the event the Superintendent voluntarily resigns before the expiration of the term of this Agreement, the Superintendent will give the SAU sixty (60) days written notice in advance of such resignation. In the event of voluntary resignation, the Superintendent will not be eligible for severance benefits pursuant to Section 7 of this Agreement.

9. Severance Constitutes Release

The acceptance by the Superintendent of the severance benefits provided under this Agreement shall constitute a full and complete release of any rights, claims, or causes of action whether in law, equity or otherwise, that the Superintendent may have against the SAU, the School District, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives, and attorneys of such entities.

10. Fringe Benefits

The Superintendent's fringe benefits will include the following, in accordance with the current collective bargaining agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators.

- Fifteen (15) days of paid sick leave per contract year, accumulating to a total maximum of one hundred and fifty (150) days. Accrued but unused sick leave is not paid out upon the Superintendent's separation from employment.
- Two (2) days of paid personal leave per contract year, non-accumulating.
- Group life insurance with a benefit equal to two (2) times base salary, with the employer paying the entire premium cost.
- Long term disability insurance providing a benefit of two thirds (2/3) of base salary, coverage beginning on the thirty-first (31st) day of disability, with the employer paying the entire premium cost.
- Annual course reimbursement equal to the cost of four (4) credit hours from the University of New Hampshire.
- Health Insurance – Family coverage under the SchoolCare/Cigna plan, with the employer paying ninety-four percent (94%) of the premium cost and the Superintendent paying six percent (6%) of the premium cost. The plan is described as “Open Access Plus In-Network with HRA.” Family coverage under the plan includes a two thousand five hundred dollar (\$2,500) deductible, with two thousand dollars (\$2,000) covered by the employer HRA. Family coverage under the plan includes a four thousand dollar (\$4,000) out-of-pocket maximum.
- Dental Insurance – Family coverage under the SchoolCare/Cigna plan, with the employer paying one hundred percent (100%) of the premium cost. The plan is described as “Total Cigna DPPO” with a one thousand five hundred dollar (\$1,500) per person annual maximum.

Nothing in this provision will entitle the Superintendent to any of the salary enhancements included in the collective bargaining agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators, including but not limited to the longevity and/or degree stipends.

11. 403(b)

The SAU will pay an employer contribution equal to four percent (4%) of the Superintendent's base salary per contract year toward the purchase of a tax-sheltered retirement savings plan for the Superintendent pursuant to Section 403(b) of the Internal Revenue Code of 1986, as amended. All payments for the retirement savings plan will be paid at least annually by the SAU to a provider of the Superintendent's choice, which may be changed from time to time by the Superintendent by written notice to the SAU. This benefit, along with all other benefits under this Agreement, terminates with the termination of the Superintendent's employment for any reason. Taxes and New Hampshire Retirement System contributions will be withheld from these contributions only to the extent, if any, required by applicable law. This Section only will be subject to renegotiations by the parties in the event of a material change in the current provisions of the Internal Revenue Code and regulations adopted pursuant thereto governing such annuities.

12. Performance Objectives and Evaluation

The Board will annually define attainable performance objectives for the Superintendent. These attainable performance objectives will be provided to the Superintendent in writing. These performance objectives will be attainable within the time limitations specified and the annual operating and capital budgets and the appropriations provided.

The Superintendent will informally update the Board at least quarterly on his progress toward the completion of all performance objectives. Further, the Board will annually evaluate the Superintendent's progress toward the completion of all performance objectives. As part of this evaluation process, the Board will provide the Superintendent with a written evaluation and will provide adequate opportunity for the Superintendent to discuss the written evaluation with the Board.

13. Additional Benefits

In addition to the Salary and Fringe Benefits outlined above, the Superintendent will also be entitled to the additional benefits set forth below.

- a. Twenty-five (25) days of paid vacation leave per contract year, non-accumulating. The Superintendent will be permitted to cash out up to ten (10) accrued but unused vacation days per contract year, calculated at a *per diem* rate of the Superintendent's then current base salary divided by two hundred and sixty (260).
- b. Reimbursement of mileage incurred on SAU business at the rate established by the Internal Revenue Service.

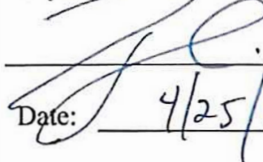
- c. Reimbursement of reasonable and necessary expenses incurred in attendance at appropriate professional conferences, within budgets approved by the SAU.
- d. Reimbursement of up to Three Thousand Dollars (\$3,000.00) in expenses incurred by the Superintendent in relocating his family and household from Vermont.
- e. Annual dues/membership fees for the Superintendent's membership in the following professional organizations, within budgets approved by the SAU: the American Association of School Administrators; the New England Association of School Superintendents; and the New Hampshire School Administrators Association.
- f. To further aid the Superintendent in relocating his family and his household, if the Superintendent is unable immediately to secure permanent housing within the Portsmouth School District, the SAU will pay the cost of tuition, for up to one (1) school year, for the Superintendent's two (2) children to attend school in the Portsmouth School District. This benefit will terminate upon the earlier of the end of the first school year that the Superintendent is employed by the SAU, or the date on which the Superintendent secures permanent housing in another New Hampshire School District.
- g. The SAU will defend, hold harmless, and indemnify the Superintendent from any and all claims made against the Superintendent, either individually or in his official capacity, arising out of the performance of his duties as Superintendent, provided the Superintendent was acting within the scope of his duties. This provision shall not apply to any activities by the Superintendent that result in criminal charges and/or that constitute gross negligence.

The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council, without which approval this Agreement is without force and effect.

For the SAU:

Date: _____

Superintendent:



 Date: 4/25/22

Approved by the Portsmouth City Council:

Date: _____

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

RESOLUTION # _____

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

BE IT RESOLVED:

- 1) THAT Ten Million Dollars (\$10,000,000) is appropriated to pay costs of acquiring the Community Campus from the Foundation for Seacoast Health, and for the payment of all costs incidental and related thereto, and that to meet this appropriation, (i) up to One Million Five Hundred Seventy Six Thousand One Hundred Seventy-Nine Dollars and Thirty Cents (\$1,576,179.30) shall be transferred from available funds, as more particularly described in Exhibit A hereto, and (ii) the City Treasurer, with the approval of the City Manager, is authorized to borrow up to Eight Million Four Hundred Twenty Three Thousand Eight Hundred Twenty Dollars and Seventy Cents (\$8,423,820.70) under and pursuant RSA 33 (the Municipal Finance Act), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. To the extent that the total amount of available funds, together with the amount authorized to be borrowed by this resolution, exceeds Ten Million Dollars (\$10,000,000) the amount authorized to be borrowed shall be reduced by the amount of any such excess.
- 2) THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager.
- 3) THAT the useful life of property to be acquired by this borrowing is determined to be in excess of 30 years.
- 4) THAT Resolution #26-2021 adopted by the City Council on December 20, 2021 is hereby rescinded and of no further force or effect.
- 5) THAT this resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

**ADOPTED BY CITY COUNCIL:
APRIL 18, 2022**

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

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

CM Action Item #9

City of Portsmouth
 Funding Availability
 Community Campus
 4/18/2022

Purchase Price of Community Campus		\$10,000,000.00
Packard Settlement	<u>500,000.00</u>	
Capital Outlay - Land Acquisition	<u>193,727.39</u>	
Sale of Mariners Village Proceeds	<u>229,412.43</u>	
Peirce Estate Recreational & Environmental Trust (from Middle School Expansion)	as of 06/30/21 <u>627,496.53</u>	
Daniel Street Trust (Sale of Connie Bean Dec 2012 \$1,500,000) 06/14/19 used \$1,525,000 on Senior Center	as of 06/30/21 <u>25,542.95</u>	
Total Available Funding as of April 18, 2022		1,576,179.30
Total Borrowing Needed:		\$8,423,820.70

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

RESOLUTION # _____

A RESOLUTION APPROPRIATING FIVE MILLION TWO HUNDRED SIXTY THOUSAND (\$5,260,000) FROM AMERICAN RESCUE PLAN ACT (ARPA) GRANT TO PAY COSTS ASSOCIATED WITH THE MULTI-PURPOSE FIELDS LIGHTING AND RELATED EXPENSES AT THE FIELDS, CITYWIDE SIDEWALK RECONSTRUCTION, CITYWIDE STREET PAVING, MANAGEMENT AND REHABILITATION, ISLINGTON STREET PHASE 2 PROJECT, AND THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

- 1) THAT Five Million Two Hundred Sixty Thousand (\$5,260,000) is appropriated to pay costs associated with the Multi-Purpose Fields lighting and related expenses at the fields, citywide sidewalk reconstruction, citywide street paving, management and rehabilitation, Islington Street Phase 2 project and for the payment of all costs incidental and related thereto. That to meet this appropriation up to \$5,260,000 shall be utilized from the ARPA.
- 2) THAT Resolution #14-2018 adopted by the City Council on July 9, 2018, authorized borrowing by the City of up to Three Million Four Hundred Thousand Dollars (\$3,400,000) for the cost related to the construction of multi-purpose recreation fields. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Five Hundred Sixty Thousand Dollars (\$560,000) which is hereby discharged and rescinded.
- 3) THAT Resolution #14-2019 adopted by the City Council on July 15, 2019, authorized borrowing by the City of up to Ten Million Five Hundred Fifty Thousand Dollars (\$10,550,000) for the cost related to City Street, Sidewalk Upgrades, Bridges and Facility Improvements. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000) which is hereby discharged and rescinded.
- 4) THAT Resolution #17-2021 adopted by the City Council on August 2, 2021, authorized borrowing by the City of up to Thirteen Million Three Hundred Thousand Dollars (\$13,300,000) for the cost related to the Prescott Park Master Plan Implementation, City Street and Sidewalk Upgrades. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) which is hereby discharged and rescinded.
- 5) THAT this resolution shall take effect upon its passage.

APPROVED:

**ADOPTED BY CITY COUNCIL:
APRIL 18, 2022**

DEAGLAN MCEACHERN, MAYOR

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

March 21, 2022

Dear Karen,

Since 2005, Yoga in Action has offered free, therapeutic, community yoga classes in Prescott Park. I am writing today to request again to the City to use Prescott Park as the site of our annual series: "Yoga in the Park." For the past seventeen summers, local teachers and studios have volunteered their time to share free classes to the public in our beautiful park on Marcy Street.

Yoga in the Park is part of YIA's community outreach programming designed to make yoga accessible to Seacoast residents and visitors regardless of experience, health and wellness, or finance. We offer over 15 free classes per week from Yoga and Cancer to Trauma Sensitive Yoga and Yoga for Recovery. Our Prescott Park classes are a unique opportunity to bring together not just the at-risk populations we serve, but any yoga and wellness enthusiasts in our area: a perfect expression of inclusion and community.

We would like to use the Whale Statue lawn for a one-hour class each Tuesday at Noon from June through August.

I look forward to hearing from you. Please feel free to contact me if you have any further questions.

Regards,

Katie Johnson
Operations Coordinator, Yoga in Action



To: The Honorable Mayor Deaglan McEachern and Portsmouth City Council

From: The Seacoast Half Marathon Organizing Committee

Date: March 27, 2022

Dear Mr. Mayor and Members of the City Council,

The Seacoast Half Marathon Organizing Committee is formally requesting the city's permission to hold the 17th Annual Seacoast Half Marathon on Sunday, October 30st 2022. This is a charity event with 100% of the proceeds going to a new Seacoast non-profit beneficiary every year. The organizing committee is volunteer only. This year's recipient is Portsmouth NH 400. The race has raised over \$1.3M in its 16 years, in most years contributing \$100K to its selected beneficiary.

As in the past we intend to cap the registrations to have no more than 1,000 runners and walkers (likely much less determined by covid-related limits in each community) on course with walkers starting at 8:00AM and the runners at 8:30AM. Our official course closing time is 11:30AM.

The start is at the base of Summit Ave by the high school and the finish is at the parking area by the cafeteria of the high school. PHS has already agreed to reserve the date for an outside event. The route of the event includes South St. from the HS to Broad St. to Jones and then Sagamore heading towards Foye's Corner (Circle) to Pioneer into Rye. The return re-enters Portsmouth at Foye's back down Sagamore turning right onto Wentworth Rd to New Castle and re-entering Portsmouth along the causeway from New Castle to New Castle Ave. and up South St. back to PHS.

Each year in the past we met with the head of the DPW and Police Department and agree on a safety detail and hire the recommended police for traffic control (no road closures). In addition, we have over 45 volunteers on course at each intersection and blind curve to keep runners and drivers safe. In addition to our beneficiary, we give \$500 each to 5 non-profit organizations to host the water stops along the way in safe locations away from traffic.

We submit this request fully aware that Covid-19 safety considerations are fluid and in all of our promotions intend to reference the State of NH and CDC safety guidelines as our minimum to keep all runners and volunteers safe.

Thank you for your consideration and I look forward to an opportunity to discuss this request in more detail once you have an opportunity to review.

With Best Regards

Bruce Hurley

Seacoast Half Marathon Organizing Committee

Cell (603) 373-8323 bhurley@globallaminates.com

www.seacoasthalfmarathon.com

Friends of the South End
PO Box 443
Portsmouth, NH 03802

March 25, 2022

Mayor & City Council
Portsmouth City Hall
One Junkins Avenue
Portsmouth, NH 03801

Dear Mayor & City Council,

On behalf of the Friends of the South End and the annual Fairy House Tour event, I am seeking the City's permission to host this event on Saturday, September 24, 2022 and Sunday, September 25, 2022 from 10 a.m.- 3 p.m. both days, as well as to help clear the area from conflicting events.

As in years past, the Tour will take place on the grounds of the Governor John Langdon House, Strawberry Banke Museum and in collaboration with the Prescott Park Arts Festival. We are asking the City of Portsmouth for permission to use Pierce Island for parking as well as the use of Prescott Park. We would again like to close Washington Street between Hancock and Court Streets to through traffic from 9:30 a.m.- 4 p.m. both days.

In addition, we anticipate hiring two police officers or crossing guards to aid in the public's crossing over Marcy Street at the Prescott Park flagpole and at the intersection of Mechanic Street.

We look forward to working with the city staff to bring one of our area's most beloved community events back to life in Portsmouth. Please let me know if you need additional detailed information at this time so that this request can be added to the April 4th Town Council meeting agenda for timely consideration and approval.

Thank you for helping us to again create a magical event in the South End for the benefit of our children and community.

Debra C. Smith
2022 Event Manager
Dcsmith238@comcast.com
860/836-7370 cell
603/292-5862 home

Cc: Mary Thomas, FOSE Co-President
Jessica Griffin, Town Manager Office



Gundalow COMPANY

Protecting the Piscataqua Maritime Region
through Education and Action.

Board of Directors

Jeffrey Binder
David Carlson
Janet Dinan
Peter Driscoll
Brendan Flavin
Kerry Houlihan
Barbara Hughes
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Dana Mills
Catharine Newick
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Jeanne Rosadina
George Samuels
Ron Trahan

Staff

Rich Clyborne
Executive Director

Donata Luz
Development Coordinator

Jesse Ohrenberger
Program Manager

Matt Glenn
Captain

Andy Goodell
Operations Manager

Michele Lechner
Accountant

March 25, 2022

To: Whom It May Concern

Subject: Proposed date for Round Island Regatta, Saturday August 27th, 2022

The Gundalow Company is seeking permission to run the twelfth annual Round Island Regatta on Saturday August 27th, 2022. We respectfully request the use of the Peirce Island launch ramp and related parking area to facilitate this event, on a similar scale to what we did in August 2021. The enclosed timeline outlines the timing and scope of the event.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Clyborne', written over a white background.

Richard Clyborne
Executive Director
Gundalow Company
director@gundalow.org

2022 Twelfth Annual Round Island Regatta Timeline

High Water 12:34 pm
Saturday August 27th
Peirce Island Boat Ramp

11:30am: Event setup

12:00pm-1:30pm: Bracelet and number pickup **at the Peirce Island Boat Ramp**

1:00pm: Sailboat Skippers Meeting, @Peirce Ramp

Class 1 Sail start **on the water**

1:15pm: Great Little Gundalow Derby on the dock

1:20pm: Youth paddle class skippers meeting and start

1:30pm: Paddle and Oar Skippers Meeting, All Paddle classes @Peirce Ramp

First: Lady Isle rowers and paddlers start

Second: Round Island rowers and paddlers start

2:15pm: **Awards Picnic on Four Tree Island**

3:30pm: Event end

Free parking and boat launch is available from Peirce Island for all registered participants wearing bracelets. Portable toilets will be at the ramp, as well as public restrooms on Four Tree Island. For Spectators, there will be commentary near the ramp.

****Note:** Total number of participants up to 100 by foot, water, car.
15 car and trailer combos for transporting and launching at Peirce ramp
40 cars with participants and spectators parking at Peirce
Up to 60 single kayaks, paddleboards, and rowboats
Up to 15 double paddlers and rowers
Spectator viewing from both the Peirce Island and South End shorelines

WWW.GUNDALOW.ORG

info@gundalow.org

TEL (603) 433-9505

FAX (603) 433-6403

P.O. BOX 425

PORTSMOUTH

NEW HAMPSHIRE 03802



RECEIVED

MAR 28 2022

CITY MANAGER
PORTSMOUTH, NH

March 22, 2022

Ms. Karen Conard, City Manager
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Conard:

The 2022 Black Heritage Trail Juneteenth celebration, which will take place June 11, 17, 18, 19, and 20, will focus this year on the subject of Public Art. We are writing to the City to ask permission to use public spaces for some of these programs:

African Burying Ground Memorial (also streaming live), Sunday June 19, 2-4PM

UPROAR: A CELEBRATION OF AFRICAN AMERICAN CREATIVITY: This high-energy performance will introduce the audience to the unique lineages of this African American dance—stepping—and demonstrates how enslaved people on American soil used stepping as a vehicle for communication, self-expression, and joy. This performance, produced by Najee Brown, *Theater for The People*, Eliot, ME, features an intergenerational step team, poets, and musicians.

Church Street between Court St. and State St. Monday June 20, all day

THE ART OF ERASURE: GONE BUT NEVER FORGOTTEN: Award-winning public artist Napoleon Jones-Henderson will lead a community workshop (to be held at 3S Art Space on Saturday June 18) and street art project that offers commentary on the erasure of African Americans from our state's history. ***Under Jones-Henderson's guidance, workshop participants will create a piece that the community will paint on a Portsmouth Street. We will film the gradual fading away of the art as it happens.***

We are asking to have the community street art project take place on Church St, between Court Street and State Street because of its proximity to the Black Heritage Trail of NH headquarters at 222 Court Street. The street gets very little traffic, and because it is one-way it has no painted lines that could be impacted by the work of art.

We believe that utilizing these spaces enhances the experience of Juneteenth for the Portsmouth community, and brings greater public attention to the meaning of this new federal holiday, and we thank you for your consideration.

Sincerely,


JerriAnne Boggis, Executive Director

222 Court Street, Portsmouth NH 03801 | 603-570-8469 | www.blackheritagetrailnh.org

CITY COUNCIL E-MAILS

Received: March 21, 2022 (after 4:30 p.m.) – March 31, 2022 (before 9:00 a.m.)

April 4, 2022 Council Meeting

Submitted on Wed, 03/23/2022 - 13:40

Full Name

Elizabeth Bratter

Email

gatoday@yahoo.com

Subject

Review of the Middle St Bike Path

Address

159 McDonough, Property Owner

Message

Dear Mayor McEachern and Portsmouth City Councilors,

Please find a link to the brief "Bikeway Selection Guide" put out by the Federal Highway Administration (fhwa) in 2019. It has excellent, easy to understand concepts, comparisons, pictures and study information regarding bike transportation. Think about what you observe on the streets of Portsmouth. How well is Lincoln Ave working as a parallel street for cyclist? Be careful of who is filling out the "resident" survey. Safe cycling can be achieved by many means as this guide with show. Please pay particular attention to the charts on page 25 (speed vs # of vehicles) and page 27 (volume vs speed), some key factors in safety. Hope you find this information helpful when evaluating any bike lanes in Portsmouth. Thought it might be helpful to have this information to review BEFORE bike lanes actually come before the City Council.

Respectfully, Liz

https://safety.fhwa.dot.gov/ped_bike/tools_solve/docs/fhwasa18077.pdf

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

Submitted on Thu, 03/24/2022 - 20:21

Full Name

Genevieve Becksted Muske

Email

genbec@comcast.net

Subject

Sidewalks in Pannaway Manor

Address

9 Schurman Avenue

Message

I was informed that we are to expect the instillation of sidewalks in Pannaway Manor. I am writing to request consideration for parking, possibly a curb cut in the sidewalk on Schurman Ave, the road access to our neighborhood park. Our road consists of three homes and only offers street parking for anyone visiting the park. On any give day the park can see several visitors and with no parking made available the visitors must park on our short road, at times blocking our driveways or road access all together, the addition of a sidewalks it will create further narrowing our street. With the curb cuts at the entrance of the park's gate up to the planting bed on the left side of the road could create a few parking spaces for the park.

I request your consideration in the matter an ask that our concerns be reviewed and address.

I thank you for your time.

Respectfully,

Genevieve Becksted Muske

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, 03/28/2022 - 18:55

Full Name

Peter Geremia

Email

pgeremia@mac.com

Subject

Masks

Address

315 Maplewood Ave.

Message

I have 3 issues I want to raise:

1. When will this end? There is no reason for masks in city offices or the library.

"The City Manager still encourages the use of masks indoors in City facilities. Please note that masks are still required in the Portsmouth Public Library. "

2. I hope that schools in Portsmouth have stopped all mask mandates per the Governor's order.

3. I have to say I am very upset with the assistant mayor and the conflict of interest regarding outdoor dining. From what I heard she was lobbying everyone to vote for it even though it would be a HUGE loss to the city due to reduced parking and an increased tax burden upon city residents including ME! I also heard she said she doesn't care about the tax hike BECAUSE she rents!! Really??? What is going on here? Outdoor dining should NOT have been approved as all restaurants now have full capacity. It is time to get back to normal and NO I DO NOT WANT TO CARRY THIS BURDEN! I CANNOT AFFORD IT!

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 Tue, 03/29/2022 - 08:29

Full Name

Donna Westbrook

Email

dmwestbrook@comcast.net

Subject

Municipal building (police dept)

Address

76D Manor Drive

Message

To Mayor and City Council,

I am hoping for investigation and complete transparency concerning the condition and safety of the building that houses the Portsmouth Police Department. Citizens of Portsmouth need this to give informed input on whether the police need a new building or not.

This is one of many reasons why history matters.

Sincerely,

Donna M Westbrook

76D Manor Drive

Portsmouth, NH

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

**Perry and Kristin Silverstein
P.O. Box 91
Portsmouth, NH 03802**

Attn: Mayor McEachern and Portsmouth City Council
RE: LeRoux Kitchen Store letter dated March 22, 2022 (attached)

March 28, 2022

I'm writing to you to let you know how disappointed many of us in the community are with the City Council. Today, unfortunately, I have to drop off a letter from one of my tenants. The letter attached from LeRoux Kitchen speaks for itself. The other retailers who wrote letters, that you ignored, feel the same way. LeRoux Kitchen, after nearly 20 years in Portsmouth, say they will leave. A great long-term Portsmouth business.

I have a number of concerns about City Councilors and I will start with Councilor Bagley and Assistant Mayor Joanna Kelley. They are clearly biased. Their sole purpose once elected was to deliver on their campaign promise of outside dining, at any cost. Sure, we all like to dine outside, and we all wanted to help restaurants during the covid restrictions, but moving forward post covid restrictions, it's the Council's job to NOT show bias and consider all the businesses, and the taxpayers. Clearly you have not. Councilor Joanna Kelley was, and is conflicted, and I let her know this in writing before her involvement on the subject of street dining, and before she voted. She ignored my emails. I read the ethics complaint against her, written by somebody I had never heard of prior to it being in the paper, and it had merit. If Councilor Kelly had to ask 3 lawyers their opinions on the optics of her involvement and voting, common sense should have told her to stand down.

During the February meeting, City Manager Karen Conard could barely get her recommendation out of \$5700 per parking space for 6 months before Councilor Bagley jumped up and made a motion to cut that by 80%. He wanted the rate cut from \$10 per square foot to \$2 per square foot. Karen Conard's recommendation was based on real numbers, and what it's going to cost the City in lost revenue. This is a loss to the City, and ultimately the taxpayers, of at least \$300,000 per year! Councilor Kelley and Bagley were both happy to discuss how great outside dining is, but never disclosed how much it will cost the taxpayer. For example: The lost parking meter revenue alone for Moxy to have outside dining on Penhallow St. is more than \$20,000 a year. I doubt the taxpayers would be supportive of this gift to Jay McSharry or any restaurant had they known the cost? That's just one example of how the taxpayers are now supporting the restaurants. Now the taxpayers will face large increases in their property taxes.

Councilor Kate Cook - I do not understand why you felt it was necessary to extend outside street dining through November? It makes no financial sense. It doesn't even make sense for the restaurants that have to staff them? What are they going to get out of November, a few warm nights, maybe? All at a huge expense to the retailers who have now lost valuable parking during one of their busiest months, right through Black Friday weekend. How many times will you Councilor Cook dine out on the street in cold windy dark November? Again, the retailers that wrote you letters on file needed November for parking during the holiday season. Did you even read their letters? Did you or any City Council members take the time to reach out to one of them? The answer is NO. Councilor Cook, you cost the taxpayers in lost parking meter revenue about \$60,000 for just adding November. You wanted to jump on the bandwagon at the meeting, but you clearly didn't think this through. It felt like theatre. When it comes to budget time, how will you explain this decision when taxes go up as a result of bad decisions like this.

Mayor Deaglan McEachern - I tried on behalf of my retail and salon tenants to speak to you, and pleaded with you to treat all the businesses fairly. In January you had the letters from all the retailers, and you didn't reach out to any of them. Again, now LeRoux Kitchen has said the vote on 2/22 will cause them to leave. I feel for the retailers. I told Mayor McEachern that I was a long time Portsmouth retailer. Have you, Mayor

Deaglan McEachern, ever worked in a retail store? You clearly cannot relate. I fear on other issues Mayor McEachern will again take the easy way out. More specifically, I fear he will cater to Kane's wishes on the McIntyre and make a bad deal for the City. I fear he will be happy to just be known as 'the guy that got the deal done': bad or good, it doesn't matter. To me, his being Mayor feels like just a political pit stop for him.

Councilor John Tabor - I reached out to you prior to the election telling you that my retail tenants were also struggling during Covid. The retailers did their best to support the restaurants during Covid, but now post covid restrictions, the retailers needed a fair shot. You simply told me what I wanted to hear, and asked me for a campaign contribution, and I sent you a check to support you. And, I also feel foolish that I got behind most of the other council members. After the election Councilor Tabor assured me that it would be fair vote...In Councilor Tabor's email to me, "Jo Kelley should recuse herself and I would bet Sullivan has advised her on this. I am certain she won't get any insider pricing...the City just doesn't operate that way" Councilor Tabor, you got that wrong! Assistant Mayor Kelley continues to maneuver for her own personal business benefit at the taxpayer's expense. Assistant Mayor Kelley is now claiming the chairs, tables and benches she puts on the sidewalk are general public seating, and not primarily for her cafe use, to avoid paying the fee? Yes, this is technically a loophole in the system, the system she helped create, but shouldn't she be setting an example, and not trying to circumvent the \$1000 fee? By the way, the same fee her direct abutter and competitor The Elephantine has paid. Should the City let her do this? Is this ethical?


Councilor Rich Blalock - I read the ethics complaint against him. I find it very concerning if he rents City property on the street for his business, The Ferry Landing, for \$1 a year? This Ceres Street land used for his dumpsters could easily be used to make 2 metered parking spaces generating around \$2000/month? Rich Blalock voting to keep the rent for other restaurants high is very concerning. I was told by Jack Blalock, a prior Mayor, that they feel the competition from new restaurant outside street dining hurts The Ferry Landing. And again, Councilor Rich Blalock voted to keep his competitor's fees high, while he pays \$1 a year? Please explain that.

Councilor Josh Denton - I have a concern about your conduct at the meeting on 3/21. There was a speaker at the stand during the last meeting. You obviously had an issue with either the speaker, or what he was saying, and you were visibly amused...smiling and smirking at him. You were sitting directly behind him, all alone, on camera. Were you making fun of him? Maybe that is why others, like myself, don't want to get up there and be intimidated. Simply watch the meeting on Youtube and you can see that was unprofessional. Let people speak even if you don't like them or agree with them. Councilors should not intimidate citizens.

So...I have now spoken out... What are you going to do to me that you haven't already done? Probably just more of the same! For many of us, the City has always made life difficult. At the last Council meeting one of the past councilors got up and spoke about intimidation with building permits etc... She was right. A lot of us feel this way. So, this is nothing new, you will continue to make things hard on those that dare to speak out.

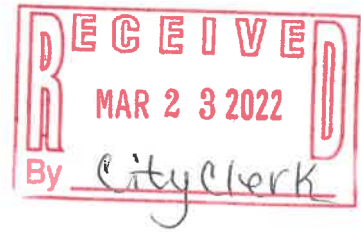
In closing, I want to reiterate why I decided to write this cover letter to my tenant LeRoux's letter: You, the Council, have had a direct negative impact on many of my tenants, and my business. You have not acted fairly. A lot of retailers reached out to you prior to the vote in February, but not one of you responded to them. Attached is the latest letter from LeRoux Kitchen that speaks for itself. He is 'disgusted' at your letting Councilors Bagley and Kelley, and the rest of the Council get away with favoring one industry over another at the expense of the retailers, and ultimately the taxpayers. This time I ask the Council to read LeRoux's letter and respond to him. LeRoux is an important part of the Portsmouth community and my tenant. This will be a huge loss. Even if the City Council continues to ignore this, it isn't going away.

Sincerely/Perry Silverstein



Attached: LeRoux Kitchen Letter dated March 22, 2022

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



Date: March 22, 2022

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. Again, I write to request that the parking spaces that the City Council eliminated to provide outdoor seating be returned as parking spaces now that indoor dining has returned. We supported providing outdoor dining space at the expense of parking spaces during the time where indoor dining was eliminated for safety concerns. But now that those restaurants are fully reopened and busy it is time to return the outside dining spaces back to public parking for the benefit of all businesses. These spaces provide all customers and residents with convenient local street parking which is an important asset to all Portsmouth retail businesses, restaurants and service providers.

I have been a retailer for 38 years with 6 stores in 3 states and know from experience that the removal of parking for any reason, negatively impacts business. Parking is the most important element for the success of downtown retailers. Taking away parking takes away customers. The Council's decision to continue to prioritize outside dining, over parking for the benefit of restaurants damages brick and mortar retail and service providers. Very soon this issue will be further exacerbated by losing 300 parking spots in the city garage for roughly 3 years during the garage's renovation. Our customers rely on the convenience of this street parking and garage parking, and we rely on those customers for revenue. The return of Market Street parking spaces will equally help all downtown business including the restaurants. Please fairly consider the parking needs of all downtown businesses.

Currently, I am very let down with the city councilors for deciding to disregard the retailers concerns about the removal of parking spaces for the exclusive benefit of restaurants at the expense of taxpayers and non-restaurant business. I am further let down that council disregarded the City Managers use fee recommendation of \$5700 per parking space and then voted in a lower fee of \$1500 all while extending the lease from 6 to 8 months. But I am outraged in the way City Council allowed this vote to happen. A blatant conflict of interest, allowing sitting councilors to vote on this issue while several have a financial interest in its outcome. Of course, they voted to keep the use of parking spaces for outdoor dining and lower the cost of leasing that space, all at the expense of retailers and taxpayers. We as tenants pay our fair share of Portsmouth property taxes as part of our NNN lease and will now be subsidizing the restaurants use of parking. How does City Council think it's ok to conduct business this way?

We have been doing business in Portsmouth for nearly 20 years and your decision to favor restaurants and eliminate parking will directly impact our decision whether or not to renew our lease. Why does the City Council choose to favor the restaurant industry over retail and service businesses? The Council decision makes Portsmouth a less viable location for retail, this decision will hurt our business beyond the COVID years, and we will likely end up leaving Portsmouth as a direct result.

Sincerely,

Michael Levandowski



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
mayor@cityofportsmouth.com
(603) 610-7200

Deaglan McEachern
Mayor

March 29, 2022

Luke M. Wentworth
22 Van Buren Avenue
Portsmouth, NH 03801

Dear Luke:

Thank you very much for taking the time to write and give me your thoughts and ideas about the basketball courts.

I will be referring your letter to the City Manager and Recreation Board for their review and consideration.

Keep up the good work and I hope that you continue to be involved in our community.

Very truly yours,


Deaglan McEachern
Mayor

DM/jd

c.: Karen Conard, City Manager
Portsmouth Recreation Board



22 Van Buren Ave.
Portsmouth, NH
March 19, 2022

Dear Mayor McEachern,

My name is Luke Wentworth, and I am ten years old. One of my favorite things to do is playing basketball. I can play basketball at Dondero School, (which is right next to my house), but some kids don't have a place to play. My grandparents live on Pearson Street, down the road from the Plains Playground and Little League field, where I will play in the spring. It's a good playground, but doesn't have anywhere to shoot baskets.

For example, my friend, Cam, who lives on Middle Road, loves basketball like I do. But he doesn't have anywhere to play. And for older kids who visit the playground, I bet that they would use the court, too. During baseball games, there are always older siblings who have come to watch the game, who would use it, too.

I've noticed that all the other playgrounds and parks have some sort of basketball court, even if it is just one basket. This part of town does have a lot of kids, but not a lot of playgrounds. This is one of the only playgrounds in the neighborhood for some kids. I predict that they would love it if the city installs a court.

I visit my grandparents a lot, and I would like to combine my love of sports with my love for my grandparents.

I hope you consider my opinion. Thank you for taking the time to read this letter. If you have any questions feel free to write or email me at lukewentworth10@gmail.com, or my grandmother, Katie Wentworth, at katiwentworth126@gmail.com. Thank you!

Sincerely yours,

Luke M. Wentworth

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

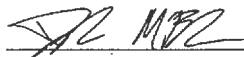
- Whereas:** While Daniel Keith initially intended for his directorial debut screenplay about a sleepy, remote town to be set in Ireland, he found that such a project would be too costly to produce “across the pond;” and
- Whereas:** In looking for a town to play the part of the one that he had in his mind’s eye, he happened to see a picture of Portsmouth from the Kittery side of the Piscataqua and realized he’d found his “Kilnerry” in its unique charm and character. Though Portsmouth lacked the mountainous backdrop Daniel envisioned, he was able to visually enhance his choice through the help of skillful post-production editing; and
- Whereas:** For one brief, shining moment in 2017, Daniel and the 200 cast and crew members he’d assembled came to Portsmouth to make a wonderfully funny film that captures the essence of the City at its finest, with the kindness of its citizens, helpfulness of its people and government officials, and picturesqueness of its locales, such as Commercial Alley, Market Square and Ferry Landing Restaurant, playing a prominent role both on and off screen; and
- Whereas:** Rising to this celebratory occasion, residents from Portsmouth and the surrounding areas came together to contribute housing, meals, financial support, shooting locations, and props, including fishing boats, flowers, and yes, even a casket, to the filming efforts; and
- Whereas:** The people of the City have left a mark on the hearts of the cast and crew of “Love in Kilnerry” as indelible as the one they have made on the City of Portsmouth. It is fitting that a story about unanticipated challenges bringing a town together in unexpected ways manifested as it did during its creation in Portsmouth, truly an example of art imitating life; and
- Whereas:** Now that filming and editing are complete and the North American film rights have been sold, the cast, crew and other stakeholders want to share the film with the starring community before it is released in other select cities and then streamed worldwide.

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and citizens of Portsmouth, do hereby celebrate this very special Portsmouth High School screening of

“Love in Kilnerry”

and thank all who were essential in the creation of the film.

Given with my hand and the
Seal of the City of Portsmouth,
on this Ninth day of April 2022



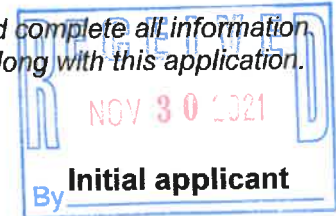
Deaglan McEachern, Mayor of Portsmouth



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: Conservation Commission

Name: Lynn Vaccaro Telephone: 607-342-0156

Could you be contacted at work? YES If so, telephone # 603-682-1747

Street address: 579 Sagamore Ave, Unit 82 Portsmouth, NH

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? I grew up in Portsmouth, moved away for college 20 years ago, and moved back this summer. My two daughters are attending my former elementary school - Little Harbour.

Occupational background:

I work for New Hampshire Fish and Game, as part of the Great Bay National Estuarine Research Reserve. I serve as their Coastal Training Program Coordinator, which includes hosting workshops, facilitating collaborative projects, and designing outreach efforts to advance stewardship of Great Bay's watershed. Although I'm new to this agency and job, I have 12 years of experience in similar roles, focusing on coastal and water resources.

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

As part of my Masters program in Natural Resources I focused on freshwater wetland ecology, although I haven't worked as a professional wetland scientist. Over the past 12 years, I've focused on a range of coastal and water resources issues while working for Michigan Sea Grant and a Sustainability Institute at the University of Michigan. Through this experience, I've become adept at engaging and communicating with different audiences about complex environmental topics, and have been cultivating a network of technical experts. I have a solid understanding of issues related to: habitat restoration, watershed dynamics, stormwater and nutrient issues, shoreline management including nature based options such as living shorelines, and sea level and groundwater rise.

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES

Would you be able to commit to attending all meetings? YES

Reasons for wishing to serve:

I am eager to contribute to the stewardship of Portsmouth's natural resources and ensure that this City continues to be an amazing place to live and visit. On a more personal level, I would see my participation as a tremendous professional development opportunity. As part of my current role, I'm expected to develop relationships with each of the towns and relevant land use boards around Great Bay. Serving on the Portsmouth Conservation Commission would give me a unique perspective on this role and how best to engage with other Conservation Commissions.

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

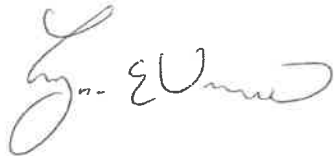
Great Bay National Estuarine Research Reserve (as staff), Great Bay Stewards, NH Coastal Adaptation Workgroup, Steering Committee for the Maine & NH Beaches Conference. I'm also loosely affiliated with the Portsmouth Unitarian Universalist Church as well as the Little Harbour School Parent Teacher Association.

Please list two character references not related to you or city staff members:

- 1) Kirsten Howard, 173 Stark St. Portsmouth, 401-575-8265, kirsten.b.howard@des.nh.gov
- 2) Steve Miller, 38 Thornton St. Portsmouth, 603 828-2954, sjm544@comcast.net

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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



Signature:

Date: 11/29/2021

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes

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

Lynn Ellise Vaccaro

Collaborative Research Manager

University of Michigan Water Center
Graham Sustainability Institute, Ann Arbor, MI 48104
Lynn.Vaccaro@gmail.com; Cell: 607-342-0156

EDUCATION

M.A.T. Masters of Arts in Teaching, Certification in Biology, Cornell University, 2006
M.S. Natural Resources. Thesis on Wetland Ecology. Cornell University, 2005
B.S. Geology- Biology. Thesis on Ocean Geochemistry and Climate. Brown University, 1998

EXPERIENCE

- Jul 2021 - present **Coastal Training Program Coordinator**, Great Bay National Estuarine Research Reserve, Greenland, NH
Design workshops, provide technical assistance, and facilitate collaborative projects that engage towns within NH's coastal watershed in efforts to advance water resource protection.
- 2019 - 2021 **Collaborative Research Manager**, University of Michigan Water Center, Ann Arbor, MI
Managed a competitive grant program as part of the National Estuarine Research Reserve System Science Collaborative, awarding \$3 million in grants annually. Responsibilities included drafting proposal solicitations and providing support and oversight for funded project teams. Designed opportunities for project teams to share lessons through in-person and virtual workshops. Developed communication products about project findings, approach and impacts.
- 2015 - 2019 **Coastal Ecosystem Research Specialist**, University of Michigan Water Center, Ann Arbor, MI
Provided project coordination and lead stakeholder engagement efforts for multi-disciplinary research teams tackling Great Lakes topics. Responsibilities included facilitating advisory groups, conducting stakeholder interviews, planning workshops and developing a range of written and graphical research summaries to share results with the policy and management community.
- 2011 - 2018 **Restoration Project Coordinator**, 25 - 50% of position with Sea Grant and Water Center
Coordinated grant-funded projects to restore 18 acres of fish spawning habitat at six sites in the St. Clair and Detroit rivers. Facilitated collaborative decision making and an adaptive management process among a multi-agency team. Oversaw engineering, design and construction of spawning reefs. Developed communication tools, including webinars, fact sheets, web content, technical reports, and training for restoration practitioners. Helped manage four grants totaling \$6.8 million.
- 2008 - 2014 **Coastal Research Specialist**, Michigan Sea Grant, Ann Arbor, MI.
Managed biennial call for proposals and review process for applied research grants program about Great Lakes coastal issues. Collaborated with research teams to extend the impact of their work by providing support for communications, workshops, engagement of decision makers and other outreach activities. Researched and wrote reports, issue briefs, and factsheets about Great Lakes issues, including analyses of the economic impact of restoration and Great Lakes-connected jobs.
- 2006 - 2008 **Chemistry, Biology and AP Biology Teacher**, Romulus Central School, Romulus, NY.
Incorporated external resources, new technology, and creative projects to complement lab-intensive, standards-based curriculum in a small, rural, public high school.
- 2002 - 2004 **Wetland Research Assistant**, Cornell University, Ithaca, NY.
Managed 3 field assistants, travel logistics, and sampling equipment while conducting soil and vegetation surveys of Lake Ontario and Lake Erie marshes. Identified a research need and completed independent thesis project. **Thesis title:** *Patterns, mechanisms, and ecological implications of cattail (Typha spp.) dominance in Great Lakes wetlands.*

- 2002, 2005 **Teaching Assistant**, Wetland Ecology and Introductory Biology, Cornell University.
Taught biology labs and led field investigations of wetland soils, hydrology and plant communities.
- 1999 - 2001 **Education Specialist**, Monterey Bay Aquarium, Monterey, CA.
Taught hands-on Discovery Lab programs for visiting school groups. Project manager for new high school lab program and co-led teen summer and after school marine science programs.
- Summer 1996 **Marine Educator**, Seacoast Science Center, New Castle, NH
Planned and taught summer day camp programming for youth, including field explorations in tide pools and saltmarshes and lessons on ecology and stewardship.

SELECT REPORTS AND OUTREACH PUBLICATIONS

- *Watershed Assessment of Detroit River Phosphorus Loads to Lake Erie*. Report ([Link](#))
- *Collective Advice for Advancing the Success of Collaborative Research*. Workshop Report ([Link](#))
- *Lessons Learned from Fish Spawning Habitat Restoration in the St. Clair and Detroit Rivers*. Practitioner Report ([Link](#))
- *Science in Action: Restoring Fish Habitat in Urban Rivers*. Newsletter article and slide show ([Link](#))
- *An Introduction to Michigan's Watersheds*. A guide for teachers ([Link](#))
- *Offshore Wind Energy in Michigan: Economic Costs and Benefits*. Issue brief ([Link](#))
- *Diamonds in the Rough: Reclaiming Brownfields for Michigan's Communities*. Booklet for legislators. ([Link](#))
- *Michigan's Economic Vitality: The Benefits of Restoring and Protecting the Great Lakes*. Report ([Link](#))
- *Vital to our Nation's Economy: Great Lakes Jobs*. Report ([Link](#))

ADDITIONAL SKILLS

- Group facilitation – completed trainings through NOAA Office for Coastal Management
- Science writing – completed graduate course, Michigan State University Knight Center for Journalism
- Survey development and interviews – completed several professional trainings
- Database management (Excel, Access), statistical analyses (SAS, Mini-tab)
- Advanced and rescue SCUBA certified
- Proficient in Spanish

SELECT JOURNAL ARTICLES

- Fischer, J., G Filip, L. Alford, E. Roseman and **L. Vaccaro**. 2020. Supporting aquatic habitat remediation in the Detroit River through numerical simulation. *Geomorphology* 353:107001.
- Scavia, S., S. Bocaniov, A. Dagnew Y. Hu, B. Kerkez, C. Long, R. Muenich, J. Read, **L. Vaccaro**, and Y. Wang. 2019. Detroit River Phosphorus Loads: Anatomy of a Binational Watershed. *Journal of Great Lakes Research* 45 (6): 1150 - 1161.
- Trueblood, D., S. Almazán-Casali, J. Arnott, M. Brass, M.C. Lemos, K. Matso, J. Read, **L. Vaccaro** & J. Wondolleck. 2019. Advancing Knowledge for Use in Coastal and Estuarine Management: Competitive Research in the National Estuarine Research Reserve System. *Coastal Management* 47(3): 337-346.
- Goodspeed, R., A. Vay Eyl and **L. Vaccaro**. 2018. Analyzing stakeholder's perceptions of uncertainty to advance collaborative sustainability science: Case study of the watershed assessment of nutrient loads to the Detroit River project. *Environmental Impact Assessment Review* 72: 145-156.
- Manny, B.A., E.F. Roseman, G. Kennedy, J.C. Boase, J.M. Craig, D.H. Bennion, J. Read, **L. Vaccaro**, J. Chiotti, R. Drouin, R. Ellison. 2015. A Scientific Basis for Restoring Fish Spawning Habitat in the St. Clair and Detroit Rivers of the Laurentian Great Lakes. *Restoration Ecology* 23(2): 149-156.
- Vaccaro, L.E.**, B. Bedford and C.A. Johnston. 2009. Litter accumulation promotes the dominance of invasive species of cattails (*Typha* spp.) in Lake Ontario wetlands. *Wetlands* 29(3): 1036-1048.



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.

RECEIVED
MAR 29 2022
Initial applicant
By

Committee: Cemetery Committee

Name: Christie Brooks Telephone: 603.988.7413

Could you be contacted at work? YES NO BY EMAIL, IF needed,
If so, telephone# no desc phone

Street address: 75 Monroe St Apt #4 Portsmouth, NH 03807

Mailing address (if different): same

Email address (for clerk's office communication): cbrooks30@gmail.com

How long have you been a resident of Portsmouth? 33 years, except yrs at college.

Occupational background:

- Dept of state / National VISA Center
- The Music Hall
- Row 34
- Portsmouth Health Forums

Fat Flower Apothecary - (personal soap business)
Please list experience you have in respect to this Board/Commission:

I serve as a shop steward and attend a monthly quorum of union members. I also ran my own club in college, and held weekly meetings. other than those above I don't have much board experience, but think this would be an apt learning experience

➡ OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO *attended a meeting & talked with Sue*

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

Reasons for wishing to serve: Cemeteries are a cool historic aspect of our town that doesn't get enough attention, I would love to be a part of the team that restores our beautiful historic areas.

I also would love to see/represent people from the city who come from a younger generation - as far as I could tell I would be the youngest board member. Finally, learning the actual process of headstone care is an intriguing & unique ability that I

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

shop steward & trustee LOCAL UNION 208

pre card volunteer w/ The Rep Theatre

small fabric arts group - teaching one another different fabric crafts

am eager to undertake.

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

1) Pat Dawey, Richards st Portsmouth 603.553.3465
Name, address, telephone number

2) laleen Durling Portsmouth, 603.557.4673
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: [Signature]

Date: March 2012

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

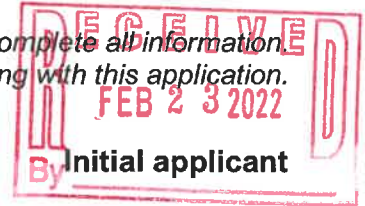
6/27/2012



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: Library board of trustee

Name: Jody Record Telephone: 603-988-9865

Could you be contacted at work? YES NO If so, telephone# _____

Street address: 162 Rockland Street #1

Mailing address (if different): _____

Email address (for clerk's office communication): writenow31@yahoo.com

How long have you been a resident of Portsmouth? 50 + years

Occupational background:

writer/editor

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

I'm a former library trustee; served under Mary Ann List about 8 years ago. I'm also a former member of the planning board



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 am committed to serving my community and feel my background as a writer and as a former trustee makes me a good fit. _____

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

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

1) Phyllis Eldridge South Street 603-205-3579

Name, address, telephone number

2) Doug Roberts Rockland Street 603-531-3986

Name, address, telephone number

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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: Jody Record Date: 02/23/2022

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

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

The Governance Committee, at its meeting of March 28, 2022, recommended the following Rule changes for City Council review.

RULE 3. WORK SESSIONS

Comment: Strike the language as shown below per the recommendation of the City Attorney.

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 13. DISPOSITION OF MOTIONS

Comment: Add the following clarifying language bolded in Paragraph B on friendly amendments to help inform the process, provide a clear record, and ensure all councilors have a voice.

- A. 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.
- B. A friendly amendment is one in which the councilor amending the motion and the originator of the motion and the second agree on the change. Friendly amendments accepted by the originator of the motion shall be voted by the whole if any member of the council requests a vote on the amendment.**

RULE 14. MOTIONS DURING DEBATE

Comment: A minor edit is proposed to make it clear that privilege in this context is meant to refer to a personal privilege such as a request to leave a meeting early, step away from the meeting for a brief moment for a restroom break other personal need.

When a question is under debate, only the following motions shall be received: Adjourn; take a recess; raise a question of **personal** 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 21. CONFLICTS OF INTEREST

Comment: The following bolded note is recommended to encourage review and consideration of other applicable ethics guidance.

No member shall vote or serve on any committee or any question as to which the member has a direct, personal and pecuniary interest. **(Note: There are additional provisions in the City Charter and Ethics Ordinance in relation to this rule.)**

RULE 34. CITY CLERK

Comment: The following language change is recommended to bring this section into accord with the terminology of the right to know law and the language the City Council typically uses by striking through the word executive and substituting nonpublic.

The City Clerk shall attend all Council meetings, including work sessions and **executive nonpublic** 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 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.

RULE 41. ADDRESS BY PUBLIC

Comment: The City Council asked the Governance Committee to review this rule. While this provision is not standard practice, it offers more flexibility for comment if the Council is divided on whether or not to allow it. No change is recommended.

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.

RULE 43. PUBLIC COMMENT SESSION

Comment: There was consensus to maintain a public comment period at all City Council meetings. The language changes in Paragraph B are intended to capture the intention to hold public dialogue sessions at a variety of publicly noticed opportunities outside of City Hall. New language in bold, language to be deleted is stricken.

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 reserves the right to~~ hold a **noticed** Public Dialogue ~~session only at City Council Work Sessions and/or public dialogue sessions and/or other noticed public meetings including at locations other than City Hall occurring no more than quarterly.~~ At such Council - Public Dialogue Sessions, **no more than three members of the Council shall be present along with the City Manager (or designee)** 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. **Councilors shall report back on the public dialogue session at the next regularly scheduled city council meeting. The Mayor shall determine which City Council members participate in each public dialogue session on a rotational basis, with the requirement that all City Councilors participate in at least one public dialogue session in a calendar year.** ~~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)

RULE 47. APPOINTMENTS TO BOARDS AND COMMISSIONS

Comment: New language is in bold, language to be deleted is stricken. This change captures the intention to ensure that all vacancies are advertised and to permit those with experience and interest to continue to serve.

All vacancies on Boards and Commissions shall be publicly advertised. 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)

The Governance Committee, at its meeting of March 28, 2022, recommended the following Rule changes for City Council review. Here is a clean copy of the rules with the changes for your reference.

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. 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.

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- A. 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.
- B. A friendly amendment is one in which the councilor amending the motion and the originator of the motion and the second agree on the change. Friendly amendments accepted by the originator of the motion shall be voted by the whole if any member of the council requests a vote on the amendment.

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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 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.

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- 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:

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council meeting. The Mayor shall determine which City Council members participate in each public dialogue session on a rotational basis, with the requirement that all City Councilors participate in at least one public dialogue session in a calendar year. (AMENDED 08/21/2017; AMENDED 02/20/2018)

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All vacancies on Boards and Commissions shall be publicly advertised. 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 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 OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

DATE: March 31, 2022

TO: Honorable Mayor McEachern and City Council Members

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

RE: Report Back on COVID-19 Bounce Back Plan

At the March 7, 2022 City Council, the Council requested “a report back from City staff on developing a comprehensive COVID Bounce Back-Plan similar to the previous COVID task forces.” What follows in this memorandum is a report back and recommendation for next steps.

At the outset, it would be imperative that such a group (proposed name for discussion purposes: the COVID Recovery Task Force) have a clear mission, vision and goal(s). As was the case with the original Citizen Response Task Force, it would be ideal to identify business leaders to serve in a leadership capacity along with residents and key stakeholders (i.e. Board Members of impacted entities), with the City Manager serving as an ex officio member and bringing in appropriate staff resources as deemed appropriate. Potential Task Force members could include leadership from Families First, Chase Home, Seacoast Mental Health Center, Crossroads House, Our Place, Safe Harbor Recovery Center, Chamber Collaborative of Greater Portsmouth, Portsmouth Music and Arts Center, Black Lives Matter as well as other organizations. There have been numerous independent conversations regarding identified needs as a result of COVID that the CRTF could successfully tie together.

A potential initial task for the CRTF could include a survey to residents, businesses, organizations and City staff to gauge/identify their concerns and learn about opportunities that may exist and deficits that may need to be addressed. As was the case with the Citizen Response Task Force, the City Council could allocate a modest amount of funding to support the effort by hiring an outside consultant to facilitate the meetings/conversations and write a report summarizing the findings of the group. The effort should include a defined public input process with agreed-upon, identified starting and completion dates. This could include a handful of public input sessions, including one during the school day to solicit input from students, one with the Arts and Nonprofits Committee, one at the Senior Activity Center, one hosted by the Chamber Collaborative, and others as determined by the group. Written testimony could be welcomed and accepted throughout the duration of this public input process. The effort would culminate in a report by the CRTF to the City Council with findings and recommendations.

The CRTF could indeed move forward with the “low cost, high impact” activities contemplated by Councilor Bagley through recommendations for action to the City Council as well as the affected or impacted organizations.

Communication is vital and prioritized in the City Council’s newly adopted goals. The work of the CRTF would be shared on a regular basis through the City’s communication channels and would have its own page populated with updated information and resources on the City website.

City of Portsmouth

Department of Public Works



CM Info Item #2

MEMORANDUM

DATE:	March 30, 2022
TO:	Karen Conard City Manager
CC:	Suzanne Woodland Deputy City Manager
FROM:	Peter Rice, P.E. Director of Public Works
SUBJECT:	Bridge Street Parking Lot Upgrade Starts on April 11, 2022

The City will start work on upgrades to the Bridge Street parking lot on April 11, with an estimated completion date in mid-May. The lot will be fenced off and closed during construction. The Bridge Street Lot work includes reconstruction of the paved area, handicapped accessibility upgrades, and subsurface preparations that would allow for EV charging stations and landscaping.

The work is being completed ahead of the first phase of the Hanover Garage renovations. We anticipate the awarding of the Hanover contract in April with construction starting in May. Prior to that time, DPW will hold a public meeting to answer questions and address concerns.

City of
Portsmouth
Department of Public Works



CM Info Item #3

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Brian Goetz, Deputy Director of Public Works
Terry Desmarais, City Engineer
Zachary Cronin, Assistant City Engineer

CC: Suzanne Woodland, Deputy City Manager/Attorney
Judie Belanger, Finance Director

DATE: March 30, 2022

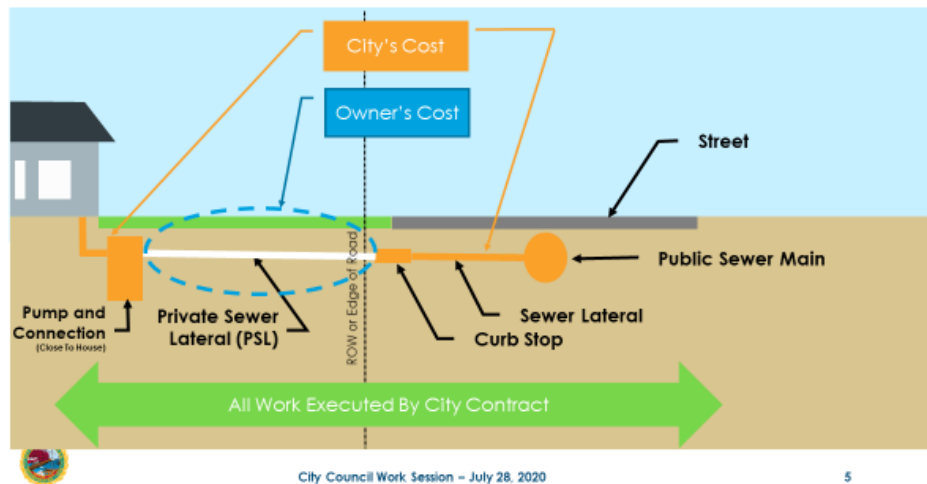
SUBJECT: Sagamore Avenue Area Sewer Extension Project

The City is prepared to begin construction of the Sagamore Avenue Area Sewer Extension project in April 2022. This project is required as part of the City of Portsmouth's Consent Decree Second Modification with the United States Environmental Protection Agency (EPA) and the New Hampshire Department of Environmental Services (DES). As you may recall, this project was originally bid in August 2021, but bids were in excess of available funding. The project was re-bid in December 2021 with a restructured scope of work to allow the work to be phased and to commence within available authorized funding limits. Severino Trucking of Candia New Hampshire was the lowest responsible bidder and was awarded the contract.

Beginning in April 2022, construction under the base contract (Phase 1) will commence and include the sewer main in the roadway and services from the main to the property line in the area north of Sagamore Creek (Walker Bungalow Road, Shaw Road, Cliff Road, and Sagamore Avenue north of Sagamore Creek). In order to commence Phase 2 of the project, which consists of constructing the sewers within the roadway south of Sagamore Creek (Sagamore Grove, Wentworth House Road, and Sagamore Ave south of Sagamore Creek), funding will need to be appropriated as part of the FY 23 budget. To that end, the approved FY23 Capital Improvement Plan includes a request for funding this work.

The bids for the project also include add alternates for the private side work. The private side work includes the sewer service from the edge of roadway to the house including the sewage ejector pump, connection to the house, any necessary electrical or plumbing modifications, and abandoning the existing septic system. This topic was discussed at length with the public and the City Council from September 2019 through September 2020. Through public meetings and presentations to the City Council, City Department of Public Works (DPW) staff proposed a cost sharing apportionment shown below.

Current Project Limits and Costs: Cost Apportionment Proposal



Under the cost sharing proposal, all work would be done under the City's contract. All costs would be paid for by the City with reimbursement from owners for the installation of the sewer service from the property line (dashed vertical line above) to the sewage ejector pump. The private sewer lateral would be the responsibility of the property owner. Based on the bid prices and using the cost sharing proposal described above, we anticipate the average cost to the property owner would be \$16,200. The City offered homeowners a 10 year zero interest loan for repayment of this portion of the work and this would result in an additional \$135 per month for those properties that elect to connect.

The exact number of property owners that will elect to connect to the new public sewer is unknown at this time. City staff will be working with property owners to identify who is interested in connection. The City planned for costs associated with this private side work through a Capital Improvement Plan (EF-22-SD-90: Sewer Service Funding for Sagamore Avenue Area Sewer Extension) and received authorization in FY22 for \$300,000. Another \$450,000 in funding is requested in FY23. See CIP element sheet, attached.

Unless the City Council wishes to revisit the cost-sharing proposal, City staff intend to move forward under the proposed cost apportionment and connect properties to sewer with priority given as shown below and within the limits of available funding.

Septic Conversion Priority

1. Currently on holding tanks: A number of properties are on holding tanks with no septic systems. DES requires as a condition of occupancy that a property be connected to an approved septic or sewer system. This requirement can be waived and the property can be put on a holding tank if there will be a municipal sewer system available to connect to within one year of occupancy of the property. A number of properties are awaiting the sewer main because they currently have holding tanks.
2. Failed septic systems: Failed septic systems contribute to poor water quality and are a public health hazard. A typical failed septic results in either sewage backing into the house or pooling in the area surrounding the leach field.
3. Old Systems: DES allows municipalities to waive connection requirements for properties with functioning septic systems if the system was installed after January 1, 1985 per State

RSA 147:8. Septic systems installed prior to this time are seen by DES as a priority and will be prioritized for connection to the sewer. Please note that the City of Portsmouth updated its sewer ordinance in December 2021 to allow for waived sewer connections for all functioning septic systems.

4. Owner Request: These conversions will take place as the homeowner requests and as funds are available but only after the higher priority septic conversions have been completed.

City staff will monitor the available funds during the progression of the project and better define the interest and need for additional connections to the sewer line and any future funding needs.

Please note that residents are not required to connect to the sewer during construction of the project. The City amended its sewer ordinance in December 2021 to waive all requirements to connect to municipal sewer if the property is served by a functioning septic system. Also of note is that owners are free to pay in full to connect to the sewer if they want to connect ahead of the City's ability to contribute in the cost-sharing.

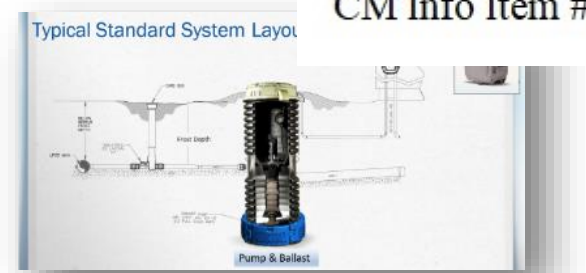
City staff plan on hosting a meeting with the neighborhood in early April. This will include a preconstruction meeting for the upcoming sewer main work and then a review of the private side work. The private side work portion of the meeting will review the bid results, the described approach to cost apportionment and an attempt to identify the number of properties interested in connection.

As stated above, City staff will proceed as described above unless the City Council seeks to discuss or revisit this subject.

EF-22-SD-90: Sewer Service Funding For Sagamore Avenue Area Sewer Extension

Enterprise Funds: Sewer
CM Info Item #3

Department	Public Works – Sewer Division
Project Location	Portions of Sagamore Ave and Wentworth House Rd; Cliff Rd, Walker Bungalow Rd and Sagamore Grove
Project Type	Construction or Expansion of A Public Facility, Street or Utility
Commence FY	2022
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Description: The City has approached this project in order to obtain pricing for the private side work for converting existing septic systems to

a pumped sewer connection. Bids were received in August 2021 and pricing was found to be higher than anticipated. The project will be re-bid and updated prices obtained. City staff will present updated cost information to the City Council in order to conclude an approach to the cost sharing proposal. This item sets aside funds in anticipation of City Council action.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	Y
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- Consent Decree Second Modification.
- [Sagamore Ave Sewer Extension Project Page](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

After receiving bids for the project in August 2021, it was determined that the prices to install private side work were higher than originally estimated. Increased values accordingly.

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$350,000	\$2,600,000	\$300,000	\$2,900,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$350,000	\$2,600,000	\$300,000	\$2,900,000



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH
680 Peaverly Hill Road Portsmouth N.H. 03801
(603) 427-1530
cityofportsmouth.com



Think Blue!
Water | Wastewater | Stormwater

To: Karen Conard, City Manager
From: Brian Goetz, Deputy Director of Public Works
Terry Desmarais, P.E., City Engineer,
Glen Wilson, Wastewater Operations Manager
CC: Andrew Purgiel, Deputy Director of Finance
Kelli Barnaby, City Clerk
Date: March 14, 2022
Re: EPA Mandated Industrial Pretreatment Program

This correspondence is to inform you that an Industrial Pretreatment Program outreach effort will commence in the next few weeks, in the event local industries and businesses reach out to the City Manager's office or the City Council with questions.

The City of Portsmouth (City) owns and operates the Peirce Island Wastewater Treatment Facility (WWTF) and the Pease WWTF. Each WWTF is permitted by the Environmental Protection Agency (EPA) and the New Hampshire Department of Environmental Services (NHDES) to discharge treated water to the Piscataqua River through a program titled the National Pollutant Discharge Elimination System (NPDES). The EPA is in the process of issuing updated NPDES permits for both WWTFs.

The EPA has indicated that the new permits will be issued this year and will contain a requirement for a formal Industrial Pretreatment Program (IPP). This requirement will mandate that the City further develop its present IPP program to a conforming program that meets all the requirements found in Title 40 of the Code of Federal Regulations (CFR) Part 403 General Pretreatment Regulations for Existing and New Sources of Pollution. This requirement will result in an update to City ordinances, a survey of City businesses to update the current list of industrial users, development of local discharge limits to the WWTFs, and additional reporting to regulatory agencies.

The City has contracted with Hoyle Tanner & Associates, Inc. (HTA) to assist in developing a formal IPP Program. One task for HTA is to implement an outreach program for all potentially affected industries. The industries will be comprised of those that the EPA has mandated they be included in the IPP Program. These industries are referred to as Categorical and Significant Industrial Dischargers. Additional industries that do not fall in these categories will be included because of their potential to impact the WWTFs.

The outreach program will include electronic notifications, requests to complete surveys and public meeting(s) concerning the IPP Program. The information will be used to identify affected industries and provide an opportunity to explain what will be expected of the industries, why the program is being developed and what requirements are to come.

Please direct calls to Glen Wilson, Wastewater Operations Manager by cell at 603-957-8647 or by email at gewilson@cityofportsmouth.com.