

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 18, 2022 TIME: 6:00PM

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

https://us06web.zoom.us/webinar/register/WN_0rVfCpvdSKah4vopTkrvBq

6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:

1. COLLECTIVE BARGAINING – RSA 91-A:2, III (a)
2. McINTYRE – RSA 91-A:3, II (d) and (l)

AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – MARCH 21, 2022, APRIL 4, 2022 AND APRIL 6, 2022**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
 1. *Naming of Connors Cottage in recognition of lifelong resident, former Mayor and former Portsmouth Housing Authority Director Timothy “Ted” Connors
- IX. **PUBLIC COMMENT SESSION (This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)**
- X. **PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

Public Hearings/Adoption of Resolutions:

- A. TO AUTHORIZE THE CITY MANAGER TO APPLY FOR, ACCEPT AND EXPEND THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT OF 2021 IN THE AMOUNT OF \$6,440,140.00, SUBJECT TO THE TERMS AND CONDITIONS OF THE OFFER AND RULES AND REGULATIONS PERTAINING THERETO
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- B. RESOLUTION APPROPRIATING FIVE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS (\$5,260,000.00) 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

THAT FIVE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS (\$5,260,000.00) 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 \$5,260,000.00 SHALL BE UTILIZED FROM THE ARPA

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 (\$3,400,000.00) 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 (\$560,000.00) WHICH IS HEREBY DISCHARGED AND RESCINDED

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 (\$10,550,000.00) 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 (\$2,400,000.00) WHICH IS HEREBY DISCHARGED AND RECINDED

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 (\$13,300,000.00) 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 (\$2,300,000.00) WHICH IS HEREBY DISCHARGED AND RECINDED

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

- C. RESOLUTION APPROPRIATING TEN MILLION DOLLARS (\$10,000,000.00) TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH, INCLUDING THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO

THAT TEN MILLION DOLLARS (\$10,000,000.00) 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 THE 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, 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

THAT RESOLUTION #26-2021 ADOPTED BY THE CITY COUNCIL ON DECEMBER 20, 2021 IS HEREBY RESCINDED AND OF NO FURTHER FORCE OR EFFECT

- **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. Cemetery Committee Headstone Cleaning Project
2. Approval of Seacoast Eat Local Farmers' Market Agreement for 2022 Season
3. *Naming of Connors Cottage
4. *Public Health Profile and Needs Assessment
5. Request for Public Hearing Regarding SOBOW Square, LLC Settlement
6. Water Service Access Easement for Property Located at 410 Portsmouth Road in Greenland

XII. CONSENT AGENDA

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

- A. Eversource Petition and Pole License Request:
 - Installation of 2 poles on Mirona Road #63-0694
(Anticipated action – move to refer to the City Manager with Authority to Act)
- B. Letter from Ken La Valley, Out of the Darkness Walk Committee, requesting permission to hold the Out of the Darkness Walk on Saturday, September 17, 2022 from 8:30 a.m. to Noon starting at Peirce Island **(Anticipated action – 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. *Presentation regarding Proposed Cargo Facility at Pease – Paul Brean, PDA Director
- C. *Presentation by Cemetery Committee Regarding Headstone Cleaning Project
- D. Petition from State Street residents and neighbors regarding maintaining the historic brick sidewalks in the West End

XIV. MAYOR McEACHERN

- 1. Appointment to be Considered:
 - Michael Griffin to the Portsmouth Housing Authority
 - Robert Bogardus to the Recreation Board
 - Kory Sirmaian to the Recreation Board
- 2. *Appointments to be Voted:
 - 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

XV. CITY COUNCIL MEMBERS

A. COUNCILOR MOREAU

- 1. Land Use Committee Regulatory Work Plan **(Sample motion – move to request that City Council approve the 2022 regulatory work plan and to send Phase One draft regulation amendments to the Planning Board for review and recommendation back to City Council at which point first reading can be scheduled)**

B. COUNCILOR COOK

- 1. *Public Dialogue Session Re: Budget **(Sample motion – move to schedule a Public Dialogue Session in May to discuss the city budget with community members)**

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation to the Skateboard Park
 - Brenda Prindiville - \$1,025.00

(Sample motion – move to approve and accept the donation to the Skateboard Park as presented)

- B. Acceptance of Donation to the Senior Center
 - Portsmouth Garden Club Award - \$300.00

(Sample motion – move to approve and accept the donation to the Senior Center from the Portsmouth Garden Club for the creation of a “reading garden” in the front of the Senior Center as presented)

- C. *Acceptance of Donation to the Senior Center Program
 - State of New Hampshire - \$14,896.00

(Sample motion – move to approve and accept the donation to the Senior Center Program as presented)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

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

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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



CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: April 14, 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 18, 2022

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

A. **Public Hearing and Adoption of Resolution Authorizing the City Manager to Apply for, Accept and Expend the Coronavirus State and Local Fiscal Recovery Funds Through the American Rescue Plan Act of 2021 in the Amount of \$6,440,140, Subject to the Terms and Conditions of the Offer and Rules and Regulations Pertaining Thereto:**

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 ARPA funds in the amount of \$6,440,140.

I recommend that the City Council move to authorize the City Manager to apply for, accept and expend the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the Amount of \$6,440,140, subject to the [Terms and Conditions of the Offer and Rules and Regulations Pertaining Thereto](#).

B. **Public Hearing and Adoption of Resolution Appropriating Five Million Two Hundred and Sixty Thousand Dollars (\$5,260,000) from the American Rescue Plan Act Grant to Pay for Certain Projects:**

In order to offset the increase in borrowing for the acquisition of the Community Campus property 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 resolution ([see attached](#)) to rescind already adopted bonding resolutions (listed below), and replace the funding with the use of ARPA Grant funds.

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

C. Public Hearing and Adoption of Resolution Appropriating Ten Million Dollars (\$10,000,000) to Pay for Costs Acquiring the Community Campus from the Foundation for Seacoast Health, Including the Payment of Costs Incidental and Related Thereto:

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 provided 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 the City Council move to adopt the resolution as presented.

XI. City Manager’s Items which Require Action:

1. Cemetery Committee Headstone Cleaning Project:

The City’s new Cemetery Committee is organizing a headstone cleaning project involving volunteers that is the subject of a presentation this evening. As part of that project, the City will purchase supplies to support the project and provide certain logistical support. There currently exists the Historic Cemetery Trust with approximately \$5,939 in Trust assets. [A copy of the Trust is attached for reference.](#) This headstone cleaning project is consistent with the Trust purposes. I am requesting that the City Council authorize the costs for this project be covered by the Trust.

I note that the Cemetery Committee is working with City staff to help increase the visibility of this Trust so as to encourage future donations and offset the costs expended for the project through new donations.

I recommend that the City Council authorize the expenditure of up to \$2,500 from the Historic Cemetery Trust to cover the costs of the headstone cleaning project.

2. **Approval of Seacoast Eat Local Farmers’ Market Agreement for 2022 Season:**

Attached please find a [License Agreement](#) between the City of Portsmouth and Seacoast Eat Local for the 2022 Farmers’ Market season.

I recommend that the City Council authorize the City Manager to execute the License Agreement as presented, allowing Seacoast Eat Local to operate a Farmers’ Market at the Municipal Complex on Saturdays from May 7, 2022 through November 5, 2022.

3. **Naming of Connors Cottage:**

Connors Senior Housing Limited Partnership (Portsmouth Housing Authority) is the Lessee of the former 1895 Building located at the Municipal Complex under a ground lease from the City of Portsmouth. PHA would like to name the building “Connors Cottage” and erect appropriate signage. Article XI of the aforementioned ground lease requires that any such signage, “shall be the subject of future negotiations between the City and [PHA]”. PHA is now seeking agreement from the City of Portsmouth to name the property “Connors Cottage” and erect a sign.

I recommend that the City Council move that the City is in accord with the request of the Cottage Senior Housing Limited Partnership to rename the former 1895 Building at the Municipal Complex “Connors Cottage” and to erect appropriate signage to that effect.

4. **Public Health Profile and Needs Assessment:**

I recommend committing \$65,000 in ARPA funds towards a Public Health Profile and Needs Assessment. The City’s Health Officer, Kim McNamara, has identified a Public Health Profile and Needs Assessment as an important step to identify the health needs of the community with the purpose of informing investments in community health. The last such Assessment was done in 2006. By way of background, a public health profile looks at the entire Portsmouth community in terms of age distribution, chronic and acute diseases, rates of cancer, and other health features of the community. This type of profile and assessment is often used as a springboard for public health planning and can be shared with local non-profit organizations in applying for grants. If launched now, the Public Health Profile and Needs Assessment will also help inform the City’s decision-making relative to future expenditures of ARPA funds.

I recommend a motion to obligate \$65,000 in ARPA funds towards a Public Health Profile and Needs Assessment.

5. **Request for Public Hearing Regarding SOBOW Square LLC Settlement:**

At the April 6, 2022 Special City Council meeting, the City Council voted to accept a settlement agreement with SOBOW Square LLC. Terms of the settlement obligate the City to pay SOBOW Square LLC \$500,000 on or before May 15, 2022, \$1,000,000 on or before July 15, 2022 and \$500,000 on or before July 15, 2023. The [attached Supplemental Appropriation Resolution](#) will appropriate \$500,000 for the first payment due on or before May 15, 2022, along with \$400,000 to cover one half of the third-party costs incurred to advance the project. I am requesting that the City Council establish a public hearing on the proposed Supplemental Appropriation resolution for the May 2, 2022 City Council meeting.

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption, the proposed Supplemental Appropriation Resolution for the settlement agreement between the City of Portsmouth and SOBOW Square LLC, and costs associated with design and engineering related to the McIntyre property, as presented, for the May 2, 2022 City Council meeting.

Please note that Supplemental Appropriations require a public hearing and a 2/3 roll call vote for adoption.

6. **Water Service Access Easement for Property Located at 410 Portsmouth Road in Greenland:**

[Attached is a request from Attorney Colby Gamester on behalf of his client, 410 Portsmouth Ave LLC](#) (the “Developer”) to accept a water services access easement over property located at 410 Portsmouth Avenue in Greenland. A new 10-unit condominium development (the “Development”) was approved by the Town of Greenland last year, and this Development will be served by City water. A water service access easement is necessary for Portsmouth Public Works staff to access infrastructure on the property for maintenance and in the case of emergency. The approved site plan for the Development and the Utility Plan are attached to Attorney Gamester’s letter as [Exhibits A and B](#), respectively.

The form of the easement, attached to Attorney Gamester’s letter as [Exhibit D](#), has been reviewed and approved by the Legal Department. The Public Works Department has indicated the City’s ability to serve the Development subject to the ordinary processes and procedures of the City, including the payment of requisite fees and a capacity use surcharge. This is reflected in the letter from City Engineer Terry Desmarais to the Developer, included as [Exhibit C](#) to Attorney Gamester’s letter.

Therefore, it is the recommendation of the Legal and Public Works Departments that the City Manager be authorized to negotiate and accept an Access Easement for Water Services from 410 Portsmouth Ave, LLC in a substantially similar form as the document included as [Exhibit D](#) to the letter from Attorney Gamester.

I recommend that the City Council move to authorize the City Manager to negotiate and accept an Access Easement for Water Services from 410 Portsmouth Ave, LLC in substantially similar form to that attached as Exhibit D.

XIII. Presentations and Written Communications:

B. Presentation Regarding Proposed Cargo Facility at Pease:

Paul Brean, Executive Director of the Pease Development Authority, will present information regarding a proposed cargo facility at this evening's meeting.

C. Presentation by Cemetery Committee Regarding Headstone Cleaning Project:

Members of the Cemetery Committee will provide a presentation this evening on their headstone cleaning project.

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 Brenda Prindiville.

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

B. Acceptance of Donation to the Senior Center - \$300:

The Senior Center is a recipient of the summer 2022 [Portsmouth Garden Club award](#) of \$300. This donation is to be used for a "reading garden" in front of the Senior Center.

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

C. Acceptance of Donation to the Senior Center - \$14,896:

The Senior Center received a reimbursement from the State of New Hampshire's COVID-19 Impact Senior Center Program in the amount of \$14,896. Per the Governor's Office for Emergency Relief and Recovery, the COVID-19 Impact Senior Center Program is a \$4 million fund that will provide qualifying senior centers with funds to accommodate the needs of the population served while mitigating the spread of COVID-19 in accord with the CDC and the New Hampshire Division of Public Health guidelines.

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