

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 6, 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_0WI2ApLARwqiMCMa5YetPQ

6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:

1. COLLECTIVE BARGAINING RE: CITY MANAGER'S CONTRACT – RSA 91-A:3, II (a)
2. COLLECTIVE BARGAINING RE: CONTRACT EXTENSION FOR FIRE CHIEF GERMAIN – RSA 91-A:3, II (a)
3. COLLECTIVE BARGAINING RE: 1386A CONTRACT – RSA 91-A:3, II (a)

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**

PROCLAMATIONS:

1. Men's Health Month
2. LGBTQ + Pride Month

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. *Portsmouth High School Debate Team Northeast Division Champions & National Qualifiers – Advisor Joe Kraus
2. *Portsmouth High School 2022 Granite State Challenge Championship – Advisor Hannah Dul
3. *Portsmouth High School Career Technical Education Center (CTE) Winner of 5 medals in the 45th Annual SkillsUSA NH Leadership and Skills Competition – CTE Building Instructor Steve Jones
4. Report of the Trees and Public Greenery Committee

- 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**

Adoption of Proposed Budget Resolutions:

A. Adoption of Budget Resolutions for Fiscal Year July 1, 2022 through June 30, 2023 (FY23)

- Resolution No. 10-2022 – Municipal Fees (*Sample motion – move to adopt Resolution #10-2022 – Municipal Fees*)
- Resolution No. 11-2022 – General Fund Expenditures (*Sample motion – move to adopt Resolution #11-2022 – General Fund Expenditures*)
- Resolution No. 12-2022 – Water Fund Expenditures (*Sample motion – move to adopt Resolution #12-2022 – Water Fund Expenditures*)
- Resolution No. 13-2022 – Sewer Fund Expenditures (*Sample motion – move to adopt Resolution #13-2022 – Sewer Fund Expenditures*)
- Resolution No. 14-2022 – Special Revenues, Debt Service, Fund and Committed Fund Balances for Necessary Expenditures (*Sample motion – move to adopt Resolution #14-2022 – Special Revenues, Debt Service, Fund and Committed Fund Balance for Necessary Expenditures*)
- Resolution No. 15-2022 – Investment Policy (*Sample motion – move to adopt Resolution #15-2022 – Investment Policy*)

(A roll call and two-thirds vote is required for Adoption of Resolutions)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Middle Street Baptist Church Parking Agreement Renewal
2. Release of City Trust Funds related to Portsmouth NH 400th Celebration
3. Temporary Construction License for 75 Congress Street

XII. CONSENT AGENDA

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

- A. Request from Nina Braun, Local Anchor 603, to install a Projecting Sign at 62 Market Street (*Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request*)

Planning Director’s Stipulations

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

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

B. Request from Kyle Reilly, RNR Partners, to install a Projecting Sign at 54 Daniel Street **(Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)**

Planning Director's Stipulations

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

C. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold Fill-the-Boot "toll booth", in Market Square, on Saturday, August 13, 2022 between the hours of 8:00 a.m. to 4:00 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**

D. Letter from Monte Bohanan, President of Portsmouth Halloween Parade, requesting permission to hold the Portsmouth Halloween Parade on Monday, October 31, 2022 at 7:00 p.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**

E. Request from Brian Miller, New England Run For the Fallen, requesting permission to come through Portsmouth on Sunday, August 21, 2022 **(Anticipated action – move to refer to the City Manager with Authority to Act)**

F. Letter from Lilia Potter-Schwartz, Race to Educate, requesting permission to hold the 6th annual Race to Educate on Saturday, July 30, 2022 **(Anticipated action – move to refer to the City Manager with Authority to Act)**

G. Letter from Richard Mason, Veterans Count, requesting permission to hold the Pack & Boots 5k Road Race at Pease on Monday, July 4, 2022 at 8:00 a.m. **(Anticipated action – move to refer to the City Manager with Authority to Act)**

H. Letter from Sandi Clark Kaddy, Seacoast African American Cultural Center, requesting permission to hold the Juneteenth Parade on Sunday, June 19, 2022 at 11:00 a.m. **(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*)

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
 - Reappointment of Martin Ryan to the Historic District Commission
2. *Appointments to be Voted:
 - Appointment of Herb Lloyd to the Sustainable Practices Blue Ribbon Committee
 - Reappointment of Margot Doering to the Historic District Commission
 - Reappointment of Reagan Ruedig to the Historic District Commission
 - Reappointment of Jonathan Wyckoff to the Historic District Commission

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY

1. *Trees and Public Greenery Ordinance (*Sample motion – move to refer to the Legal Department to draft an Ordinance for first reading at the June 21, 2022 City Council meeting that would add a City Council Representative to the membership*)

B. COUNCILOR TABOR

1. Community Power information night at 3S June 29th (*Informational item only*)

C. COUNCILOR BAGLEY

1. *COVID Response Task Force

D. COUNCILOR COOK

1. Ethics Ordinance (*Sample motion – moved to schedule first reading for revisions to the Ethics Ordinance at the June 21, 2022 City Council meeting*)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation from Alex Choquette for the Portsmouth Police Honor Guard - \$5,000.00 (*Sample motion – move to approve and accept the donation for the Police Honor Guard as presented*)
- B. *Acceptance of Donation from Deirdre Forte to the Cemeteries - \$5.00 (*Sample motion – move to approve and accept the donation as presented*)
- C. *Acceptance of Donation from Stephen T. Pesci to the Portsmouth NH 400th - \$40.00 (*Sample motion – move to approve and accept the donation as presented*)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report from the Cemetery Committee Co-Chair regarding Headstone Cleaning Project

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**



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: June 3, 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 June 6, 2022

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

A. Adoption of Budget Resolutions for Fiscal Year July 1, 2022 through June 30, 2023 (FY23):

On Monday evening, I am requesting that the City Council adopt the proposed FY23 Budget (July 1, 2022 through June 30, 2023). For your review and action, there are six proposed Resolutions relative to the annual budget adoption:

- **Resolution No. 10-2022 – Municipal Fees** adopts Municipal Fees that have been recommended by the Fee Committee. The total revenue generated from these fees is estimated at \$1,888,300 or 1% of the total FY23 General Fund Revenues.
- **Resolution No. 11-2022 – General Fund Expenditures** for both the Operating and Non-Operating appropriations for a total of \$131,774,911.
- **Resolution No. 12-2022 – Water Fund Expenditures** establishes the annual appropriation, cash requirements and user rates for the Water Fund, the adoption of this resolution will include a two-step, inclining block rate structure for water usage. Also included is a three step, inclining block rate structure for metered irrigation water usage. This resolution reflects a 3% increase in water user rates. The irrigation water usage is not subject to sewer charges.
- **Resolution No. 13-2022 – Sewer Fund Expenditures** establishes the annual appropriation, cash requirements and user rates for the Sewer Fund. Sewer charges are based on water consumption. Similar to water, the adoption of this resolution will include a two-step inclining block rate structure. This resolution reflects a 6% increase in Sewer user rates.

- **Resolution No. 14-2022 – Special Revenues, Debt Service Fund and Committed Fund Balances for Necessary Expenditures** allows for the expenditure of Special Revenues including the use of American Rescue Plan Act (ARPA) funds, Debt Service Fund, and Committed Fund Balance. This allows the City to expend from donations, State and Federal Grants as they are accepted and received, pay principal and interest associated with Betterment Assessments from a Debt Service Fund, and expend from Committed Fund Balance.
- **Resolution No. 15-2022 – Investment Policy** deals with the adoption of an annual investment policy. State law requires the annual adoption of such a policy by every city and town.

I am requesting that the City Council move to adopt each Resolution separately by a roll call vote.

XI. City Manager’s Items which Require Action:

1. Middle Street Baptist Church Parking Agreement Renewal:

Since 2013, the Middle Street Baptist Church has leased seventeen (17) spaces to the City for the purposes of allowing certain Public Library staff the use of said space during Library business hours. The Middle Street Baptist Church invoices the City for the annual fee of \$1,000. The term for this agreement has historically been for one year. However, after consulting with the Church, for ease of administration, I recommend amending the agreement to change the term from an annual to an indefinite term, with either party having the right to terminate the agreement upon 30 days written notice. The Legal Department and the Middle Street Baptist Church have reviewed and approved [the attached agreement](#).

I recommend that the City Council move to approve the Middle Street Baptist Church Parking Use/Maintenance Agreement renewal as presented.

2. Release of City Trust Funds Related to Portsmouth NH 400th Celebration:

I am requesting that the City Council release funds from the 400th Anniversary Trust to Portsmouth NH 400th Inc. totaling \$9,166. These funds were requested for various Portsmouth NH 400th celebration projects by Managing Director Valerie Rochon, and [an invoice for each request is attached for your information](#). [A copy of the Trust is attached](#) for reference.

I recommend that the City Council authorize the expenditure of \$9,166 from the 400th Anniversary Trust for projects referenced in the supporting material.

3. Temporary Construction License for 75 Congress Street:

Michael De La Cruz, owner of The Franklin Block, under ENCM 22-7, is performing exterior brickwork improvements to [75 Congress Street](#), shown on the City of Portsmouth Assessor’s Map as Tax Map 0117-0005 (“Subject Property”).

The owner has encumbered the sidewalk with pass through staging for 30 consecutive working days in front of half of the Subject Property.

The encumbrance permit expires on June 7, 2022 and the owner has experienced delays and seeks thirty (30) more days to complete Phase One of the project. The owner scheduled the project in two phases to limit scaffolding in front of retailers. The owner seeks to encumber the other half of the sidewalk in front of the Subject Property for Phase Two of the project from July 7, 2022 through September 9, 2022 for a total of 64 days. In order to encumber the sidewalk beyond 30 days, a license approved by the City Council is required.

The owner has requested to encumber 409.5 square feet of sidewalk in front of 75 Congress Street for 30 days (June 8, 2022 through July 7, 2022) to complete Phase One of the project. 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 (409.5 square feet x .05 = \$20.47 day x 30 days = \$614.10). To complete the project, the scaffolding will be moved to the sidewalk in front of the other half of the building. Owner’s license fee for Phase Two of the project will be (409.5 square feet x .05 = \$20.47 day x 64 days = \$1,310.08). The total license fees for both phases equal \$1,924.18. 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 75 Congress 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 to encumber the sidewalk with pass through staging at 75 Congress Street as requested.

XII. Consent Agenda:

A. Projecting Sign License – 62 Market Street:

Permission is being sought to install a projecting sign at [62 Market Street](#) that extends over the public right of way, as follows:

Sign dimensions: 36” x 36”

Sign area: 9 sq. ft.

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

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City;*
and

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

B. Projecting Sign License – 54 Daniel Street:

Permission is being sought to install a projecting sign at 54 Daniel Street that extends over the public right of way, as follows:

Sign dimensions: 26” x 20.5”

Sign area: 3.7 sq. ft.

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

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

XVI. Approval of Grants/Donations:

A. Acceptance of Donation from Alex Choquette for the Portsmouth Police Honor Guard - \$5,000:

At the May 17, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a donation in the amount of \$5,000 from Alex Choquette for the Portsmouth Police Honor Guard.

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

B. Acceptance of Donation from Deirdre Forte to the Cemeteries - \$5:

The City received a donation in the amount of \$5 for the City’s cemeteries from Deirdre Forte.

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

C. Acceptance of Donation from Stephen T. Pesci to the Portsmouth NH 400th - \$40:

The City received a donation in the amount of \$40 to the Portsmouth NH 400th from Stephen T. Pesci.

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

XVII. City Manager's Informational Items:

1. **Report from the Cemetery Committee Co-Chair Regarding Headstone Cleaning Project:**

Please find [attached a report from the Cemetery Committee](#) regarding their recent headstone cleaning project, which took place on May 7, 2022.