

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JUNE 21, 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_NqgWsRRYQZKEU5gRjde0gg

6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:

1. COLLECTIVE BARGAINING RE: ASSOCIATION OF PORTSMOUTH TEACHERS – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)
3. McINTYRE – RSA 91-A:3, II (I) – CONSIDERATION OF LEGAL ADVICE & RSA 91-A:3, II (d) – ACQUISITION OF REAL ESTATE

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. *United States Constitution Day
2. *Juneteenth 2022 in Portsmouth

VII. ACCEPTANCE OF MINUTES – MAY 2, 2022 & MAY 9, 2022

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Portsmouth High School Boys Track Team Division I State Champions
2. Portsmouth High School Girls Lacrosse Team Division II State Champions
3. Portsmouth High School Boys Lacrosse Team Division II State Champions

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

First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee (**Sample motion – move to pass first reading and hold a public hearing and second reading at the July 11, 2022 City Council meeting**)

- B. First reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics (***Sample motion – move to pass first reading and hold a public hearing and second reading at the July 11, 2022 City Council meeting***)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Approval of Local 1386A Memorandum of Agreement
2. Approval of Extension to Fire Chief Todd Germain’s Employment Agreement
3. Urbanized Shoreland Exemption for 57 Salter Street
4. City Council Policy 2010-02 – Sidewalk Materials
5. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to begin in FY23
6. License Extension for 60 Penhallow Street
7. Parson Woods Easements at 83 Peverly Hill Road

XII. CONSENT AGENDA

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

- A. Eversource Petitions and Pole License Requests:
- Installation of 1 pole on Pierce Island Road #63-0648
 - Installation of 1 pole on Rockland Street #63-0656
 - Installation of 1 pole on Union Street #63-0682
 - Installation of 4 poles on Commerce Way #63-0693
 - Installation of 1 pole on Gates Street #63-0715
 - Installation of 1 pole on Pleasant Street #63-0716
 - Installation of 1 pole on Lang Road #63-0718
 - Installation of 1 pole on Cottage Street #63-0719
 - Installation of 1 pole on Junkins Avenue #63-0660
 - Installation of 1 pole on Borthwick Avenue #63-0722

(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. Letter from We Speak, Portsmouth High School, requesting the City Council permanently approve Indigenous Peoples' Day (not alongside "Columbus Day") and support public recognitions and acknowledgments in honor of Indigenous Peoples' lands in Portsmouth (***Sample motion – move to refer this request for a vote at the July 11, 2022 City Council meeting***)
- C. Letter from Steve Miller requesting the city release the paper street between 38 and 28 Thornton Street (Ruth Street) (***Sample motion – move to refer to the Planning Board for report back to the City Council***)
- D. Letter from Attorney Sherilyn Burnett Young, regarding application for Urbanized Shoreland Exemption – 57 Salter Street (***Sample motion – move to accept and place on file***)

XIV. MAYOR McEACHERN

- 1. Appointments to the COVID Response Task Force Blue Ribbon Committee:
 - Andrea Ardito
 - Will Arvelo
 - Kathy Beebe
 - Abbie Frank
 - Janet Laatsch
 - Tania Marino
 - Laurie McIntosh
 - Lori Waltz
 - Meme Wheeler
 - Molly Wilson
- 2. *Appointment to be Voted:
 - Reappointment of Martin Ryan to the Historic District Commission

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

- 1. *Anthropogenic Climate Change (***Sample motion – move for a report back from the City Manager consisting of an initial estimate on the amount to date, that the City of Portsmouth has spent and is currently planning to spend on infrastructure to mitigate the impacts of anthropogenic climate change; to include but not limited to, improvements to our wastewater treatment plants, sewers, and seawalls***)

B. COUNCILOR MOREAU

- 1. *Lister Academy Property (***Sample motion – move to request that the City Manager, investigate obtaining an engineer to do feasibility study on possible future uses of the current Lister Academy property which is owned by the City located at 35 Sherburne Road, in preparation for supporting the 2022-2023 goals of the City Council, and if there would be ARPA funds available to complete this work***)
- 2. *Update on the Portsmouth NH 400th Signature Events

C. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of June 2, 2022 ***(Sample motion – move to accept and approve the action sheet and minutes of the June 2, 2022 Parking and Traffic Safety Committee meeting)***

D. COUNCILOR BLALOCK

1. *Student Government Day ***(Sample motion – move to refer to the City Manager for report back regarding the re-establishment of Student Government Day)***

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation from John Chagnon to the Cemeteries - \$1,500.00 ***(Sample motion – move to approve and accept the donation as presented)***
- B. *Acceptance of Donation from Barbara Malandri to the Portsmouth NH 400th - \$100.00 ***(Sample motion – move to approve and accept the donation as presented)***
- C. *Acceptance of Donation from Johanna Jackson to the Skateboard Park - \$51.50 ***(Sample motion – move to approve and accept the donation as presented)***
- D. Acceptance of Memorial Bench Donation in Memory of Vernon Boardman - \$2,200.00 ***(Sample motion – move to accept and approve the Memorial Bench Donation in memory of Vernon Boardman, as presented)***
- E. *Acceptance of Community Development Block Grant Funds - \$523,706.00 ***(Sample motion – move to authorize the City Manager to apply for, accept and expend Community Development Block Grant in the amount of \$523,706.00 through the from the U.S. Department of Housing and Urban Development)***
- F. *Acceptance of Various Donations from the Skateboard Park Fundraiser ***(Sample motion – move to accept and approve the donations as presented)***

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Update on the Sagamore Avenue Sewer Extension Project
2. Report Back on PFAS Sampling of New Athletic Field
3. *Pannaway Manor and Maple Haven Sidewalk Status
4. *Update on Status of Police Station Facility
5. *McIntyre Update

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 16, 2022

To: Honorable Mayor McEachern and City Council Members

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

Re: City Manager's Comments on City Council Agenda of June 21, 2022

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

A. **First Reading of Ordinance Amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee:**

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

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the July 11, 2022 City Council meeting.

B. **First Reading of Ordinance Amending Chapter 1, Article VIII - Code of Ethics:**

Attached please find a proposed amendment to the Code of Ethics Ordinance amending Chapter 1, Article VIII, in both redline format from the current ordinance and in blackline format as the ordinance would appear if adopted.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the July 11, 2022 City Council meeting.

XI. City Manager's Items Which Require Action:

1. **Approval of Local 1386A Memorandum of Agreement:**

Attached please find a proposed Memorandum of Agreement (MOA) between the City of Portsmouth and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1386A for your consideration.

I recommend that the City Council move to approve the proposed Memorandum of Agreement with Local 1386A as presented.

2. **Approval of Extension to Fire Chief Todd Germain’s Employment Agreement:**

Attached please find a [proposed extension to Fire Chief Germain’s Employment Agreement](#) for your consideration.

I recommend that the City Council move to approve the proposed extension with Fire Chief Germain as presented.

3. **Urbanized Shoreland Exemption for 57 Salter Street:**

On April 25, 2022, Mayor McEachern [received a request from Attorney Sherilyn Burnett Young on behalf of the applicants Margot Thompson and Edward Thompson](#) to request that the Portsmouth City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street. If granted, this would exempt the Property from the provisions of the Shoreland Water Quality Protection Act. The City applied for and was granted such an Exemption once before, in 2007, for Tax Parcel 106, Lot 54 at 99 Bow Street.

The Property in question, 57 Salter Street, is the site of a structure that has a portion located over water. This Property has been renovated and received approvals from the Historic District Commission for the renovations. In order to complete the renovation, the property had to obtain appropriate permits for compliance with the State Wetland regulations under RSA 482-A (Fill and Dredge in Wetlands) and RSA 483-B (Shoreland Water Quality Protection Act). The State issued an administrative order, finding that the Property has been converted to a residential structure over the water which is prohibited under RSA 482-A and violated set back requirements under 483-B.

The Thompsons have appealed the administrative order and have agreed to move the property back if the State grants the shoreline exemption. However, as individuals, they may not apply for an Urbanized Shoreland Exemption. The Thompsons have asked the City to apply for this Urbanized Shoreland Exemption for their property and, if approved by the State, the property will be exempt from the requirements of RSA 483-B. The requirements for the exemption are listed below:

NH RSA 483-B: 12 Shoreland Exemptions:

I. The governing body of a municipality may, in its discretion, request the commissioner to exempt all or a portion of the protected shoreland within its boundaries from the provisions of this chapter if the governing body finds that special local urbanization conditions as defined in RSA 483-B: 4, XXV, exist in the protected shoreland for which the exemption is sought.

II. If the governing body of a municipality requests such an exemption, it shall submit evidence of existing and historical patterns of building and development in the protected shoreland in demonstration of the special local urbanization conditions. Such evidence shall address:

- (a) Current and past building density.*
- (b) Commercial, industrial, or residential uses.*
- (c) Municipal or other public utilities.*
- (d) Current municipal land use regulations which affect the protected shoreland.*
- (e) Designation as a downtown, community center, central business district, or urbanize area or urban cluster as delineated by the United States Census Bureau.*
- (f) Any other information which the commissioner may reasonably require.*

III. With the advice of the office of energy and planning, the commissioner shall approve or deny the request for an exemption and shall issue written findings in support of his decision. A request for an exemption shall be approved only if the municipality demonstrates, using the evidence required under paragraph II, that special conditions of urbanization exist along the portion of shoreland to be exempted.

IV. The Pease development authority, division of ports and harbors may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA 12-G:39.

RSA 483-B: 4, XXV defines urbanization with the following:

“Urbanization” means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for residential, commercial, industrial, or mixed uses such that it contributes to or constitutes the municipality’s downtown, community center, or central business district and wherein all vegetative buffers have been depleted, impervious surfaces are in excess of 50 percent, and residential uses are of at least 10 dwelling units per acre.

On May 2, 2022, the City Council requested that the item be placed on an agenda of the Planning Board for a report back and recommendation.

At their May 19, 2022, meeting the Planning Board voted to recommend that the City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street.

The New Hampshire Department of Environmental Service (NHDES) staff have indicated that while they will consider this site specific request for an Urbanized Shoreland Exemption, it is their preference that the City apply for the broader area-wide exemption contemplated by the statute above and believe this should be the subject of further discussions between the City and NHDES.

If the City Council approves this application, the applicant will be asked to prepare the application for City Council review and submittal to NHDES.

4. **City Council Policy 2010-02 – Sidewalk Materials:**

As part of planned sidewalk and roadway improvement projects, City Staff have received a number of requests from residents to install sidewalk materials other than those currently specified as part of City Council Policy.

Current City Council Policy No. 2010-02 ([see attached policy](#)) prescribes sidewalk materials to be brick in the Historic District of the City and concrete in all other sections of the City. The Council policy further allows for “sidewalk material for sidewalks located outside the Historic District which have historically been brick” to be allowed based on a vote of the City Council and that the additional cost for the variance will be paid by the benefitting parties.

As part of the on-going State Street Sidewalk replacement project, City Staff have received a petition from residents to allow brick sidewalks along a section of State Street from Summer Street to Union Street (approximately 70% of project). Since the majority of the project is outside the Historic District the new sidewalks were designed to be concrete.

Based on the residents’ request, City staff structured the project bid to be able to review the cost impact of selecting brick or a brick accent similar to what has been installed on Islington Street as opposed to concrete.

The City received bids for the sidewalk project on June 14, 2022. The base bid for concrete sidewalks was \$396,225. The bid alternate for brick in lieu of concrete was an additional \$135,300, approximately 30% of the project cost. The bid alternative for brick accent was an additional \$39,760, approximately 10% of the project cost.

The goal of the Public Works Department is to provide sidewalks which are safe, constructed of consistent material and are easily maintained. If brick materials outside the Historic District are allowed, staff recommends that entire blocks are of a consistent material to avoid a patchwork of materials. In addition, staff recommends that any additional cost to construct the brick sidewalks be borne by the requesting property owners.

City staff will be available to answer questions related to current sidewalk construction practices and will seek direction from City Council as to the State Street Residents’ request at this evening’s meeting.

5. **Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY23:**

I am requesting that the City Council establish a public hearing on each of the proposed Bonding Resolutions at the July 11, 2022 City Council meeting for projects identified to begin in FY23 (respective Resolutions and element sheets are attached).

GENERAL FUND

School Projects - \$3,100,000:

a. [School Facilities Capital Improvements - \\$1,600,000](#)

- Artificial Turf Field Surface Replacement and Tennis Court Replacement at the High School

b. [Elementary School Upgrade - \\$1,500,000](#)

- Repair and replacement of exterior windows at Dondero and Little Harbour Elementary Schools

City Facilities, Street and Sidewalk Upgrades - \$9,505,000:

- a. Police Department Deficiencies - \$400,000
 - ADA Requirements, IT Control Room upgrades, Locker Room Deficiencies, Security and Storage improvements
- b. Greenland Road Recreation Facility (Skateboard Park) - \$1,805,000
 - Phased build out of the Stump Dump lot including a skatepark, pump track, parking and field
- c. Outdoor Pool Aquatics Upgrade and Pool House - \$2,000,000
 - Upgrades to the pool filter, liner and pump house
- d. City Fuel Station Upgrades - \$1,000,000
 - Replacement of the fuel station at the DPW including replacement of the underground fuel storage tanks, fuel dispenser island, fuel dispensers, canopy and telemetry system. Existing fuel tanks have reached the end of their useful lifespan
- e. Citywide Facilities Capital Improvements - \$1,000,000
 - Many facilities need to be updated due to age and use. A backlog of projects will be addressed with this funding including the following backlog: Police Station Renovations and Abatement, 95 Mechanic Street, City Hall Archive, City Hall Dept. Renovations, City Hall Masonry Repointing and Sealing, City Hall Slate Roof Repairs/Replacement, City Hall new carpet throughout, City Hall new paint, DPW Complex, Cottage Basement/Drainage Project, Library HVAC Controls, South Meeting House and Facilities Safety Inspection Action Items
- f. Downtown Aerial Utilities Undergrounding - \$2,500,000
 - Projects will bury overhead utilities from Fleet Street at Hanover Street to State Street as well as Deer Street at Market Street to Bow Street, Penhallow Street, Daniel Street to Market Square and eventual removal of the power lines over North Mill Pond
- g. Bartlett Street - \$800,000
 - Reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway construction, sidewalk replacement and replacement water and sewer mains

WATER FUND

FY23 Water Projects - \$2,150,000:

- a. Well Stations Improvements - \$1,000,000
 - Upgrades to existing well pump stations including upgrades to premium efficiency motors, variable frequency drives, the radio telemetry and SCADA system and an evaluation of options to improve the efficiency of Collins Well and structural upgrades to the building
- b. Water Storage Tanks Painting - \$350,000
 - Repaint the Spinney Road Tank
- c. Bartlett Street - \$800,000
 - Reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway construction, sidewalk replacement and replacement water and sewer mains

SEWER FUND

FY23 Sewer Projects - \$7,350,000:

- a. Annual Sewer Line Replacement - \$500,000
 - Programmatic replacement of sewer specific capital projects including the purchase of pipe and associated materials
- b. Pease Wastewater Treatment Facility - \$550,000
 - Design and construct replacement for aged equipment and other upgrades for the existing facility
- c. Wastewater Pumping Station Improvements - \$800,000
 - Plans for the replacement or major rehabilitation of pumping stations and/or force mains that have not been included as separate projects in the CIP
- d. Sewer Main for Sagamore Avenue Area Sewer Extension - \$2,500,000
 - Additional costs for the project so that the sewer main can be constructed in conjunction with the project area south of Sagamore Creek. *Note: Due to increases in the estimated cost for this project, the requested funding has increased by \$300,000 from the original FY23 CIP project*
- e. Bartlett Street - \$800,000
 - Reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway construction, sidewalk replacement and replacement water and sewer mains
- f. Fleet Street Utilities Upgrade and Streetscape - \$2,200,000
 - Sewer separation project required through the City's Long Term Control Plan and Supplemental Compliance Plan including water, sewer, drainage upgrades along with eventual full streetscape rework and other pedestrian enhancements

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption, the various proposed CIP projects, as presented, for the July 11, 2022 City Council meeting.

6. License Extension for 60 Penhallow Street:

McNabb Properties (Dagny Taggart, LLC) has requested a license to erect pass through staging over City sidewalks along Penhallow and Daniel Street that abut 60 Penhallow Street (the Brick Market project). [Please find attached a letter from Lynn Kramer, executive Vice President of McNabb's Properties, Ltd, requesting this license along with an updated plan of the license area.](#)

This past January, Council granted the third extension for use of sidewalks and parking spaces along Penhallow and Daniel Street for the construction of the Brick Market project at 60 Penhallow. After that extension was granted, and in response to abutters' concerns, staff increased communication with the project management team. The City's Chief Building Inspector, Shanti Wolph, has had weekly site visits to monitor the project's progress and staff from Public Works, Parking and Zoning Enforcement have attended abutters' meetings. Staff also worked with contractors and project managers of the site this winter and spring as utilities were placed underground in Daniel Street.

The Owner's original license request for this evening was to extend the existing license and continue to encumber parking spaces and the sidewalk along Daniel Street. City staff raised concerns about this request and was able to work with the Owner, who agreed to revised the project's construction schedule to address the City's concerns, namely to free up parking and get public access to City sidewalks along Daniel and Penhallow. City staff and the Owner also addressed parking concerns along Penhallow and Daniel. The Owner has agreed to add a provision to the current license request that would prohibit contractors and subcontractors from parking along Daniel and Penhallow for the duration of the project. With regard to [the proposed license document](#) that is the subject of action tonight, the draft License now reflects only a request to erect pass through staging above the sidewalks along Penhallow and Daniel Street to finish the building's façade. It is anticipated that the interior work on the project will be completed in December of 2022.

The License Areas are depicted in [the Plan](#) attached to Owners request and will be attached as Exhibit A to the license:

- License Area A is 800 square feet of sidewalk along Penhallow. The term for use of License Area A is for 54 days (July 4, 2022 through August 26, 2022). The license fee for License Area A is \$2,160 (800 sq. ft. x \$0.05 = \$40 per day x 54 days = \$2,160). Pass through staging will be erected over this portion of the sidewalk along Penhallow. When public has access to a public sidewalk through pass through staging, license fees are typically waived.
- License Area B is 940 square feet of sidewalk along Daniel Street. The term for use of License Area B is 54 days (July 4, 2022 through August 26, 2022). The license fee for License Area B is \$2,538 (940 sq. ft. X \$0.05 = \$47 per day x 54 days = \$2,538). Pass through staging will be erected over this portion of the sidewalk along Penhallow. When public has access to a public sidewalk through pass through staging, license fees are typically waived.

The total License Fee for License Area A and B is \$4,698, unless waived by Council.

Due to the location of the site and scope of construction activity, Owner is required to request Flagging Permits outside the scope of this license if it is necessary to close Penhallow or a portion of Penhallow for deliveries of construction materials. Owner is required to continue to communicate weekly with abutters regarding upcoming construction activity and to advise abutters in advance of its request for Flagging Permits.

The Legal and Planning Department have reviewed and approved the form of license. Staff from our Inspections, Public Works and Legal Departments will be available at this evening's meeting to address any questions and concerns. Owner/developer Mark McNabb will also be present.

If the Council agrees to grant the License request to permit pass through staging over Penhallow and Daniel Street and waive the License Fee due to public access to the sidewalks, an appropriate motion would be:

Move to authorize the City Manager to finalize and execute the temporary construction license as presented, waving the license fee due to the public's access to sidewalks along Penhallow and Daniel Street due to pass through staging.

7. Parson Woods Easements at 83 Peverly Hill Road:

On October 21, 2021, the Planning Board granted a conditional use permit and site plan approval for an open space planned use development at 83 Peverly Hill Road. As a result of these approvals, the property owner Parson Woods Investments, LLC, plans to construct 56 single-family condominiums on a proposed right of way located off of Peverly Hill Road. As a part of that approval, the Planning Board recommended the City accept eleven (11) easements and a right of way. These eleven easements are shown on the attached “Parson Woods Easement Plan”, and are as follows:

- a. Proposed Sage Lane, Right of Way (shown in light blue) (not included as an exhibit)*
- b. [Public Pocket Park & Path Easement](#) (shown in gold)
- c. [Access and Drainage Easement #1](#) (shown in light orange)
- d. [Access & Drainage Easement #2](#) (shown in orange)
- e. [Conservation Easement #1](#) (shown in yellow)
- f. [Conservation Easement #2](#) (shown in light green)
- g. [Drainage Easement #1](#) (shown in green)
- h. [Drainage Easement #2](#) (shown in red)
- i. 3' Wide Right of Way Maintenance & Utility Easement For Roadway Maintenance & Future Utilities (shown in blue) (not included as an exhibit)*
- j. [Slope Easement](#) (shown in purple)
- k. [Roadside Vegetated Buffer Easement](#) (shown in light purple)
- l. [Retaining Wall Maintenance Easement](#) (shown in pink)

In addition, the Planning Board recommended the Property be subject to certain restrictions, which are memorialized and made enforceable by the City against the property owners in perpetuity through [Exhibit M, the Declaration of Restrictions](#).

The form and substance of each of the attached easements and the Declaration of Restrictions has been reviewed and approved by the Legal Department, Planning Department, and the Department of Public Works. The Planning Board approved 11 easements and the right of way, but only 10 are presented for acceptance at this time. Easement I is not before the Council as it goes hand in hand with the Right of Way. As noted below(*), that will return to Council at such a time as the Right of Way is constructed and approved for public use. Therefore, it is staff's recommendation that the City accept each of the attached 10 easements and the attached Declaration of Restrictions at this time.

*Due to the nature of road law in New Hampshire the Planning Board and City staff do not recommend acceptance of the right of way deed (“A” on the Parson Woods Easement Plan) and the related maintenance and utility easement (“I” on the Parson Woods Easement Plan) until the new roadway has been constructed by the property owners and it is confirmed that the roadway meets City specifications. The Right of Way Deed will be presented to the City Council for acceptance at such a time as the proposed right of way has been constructed to City specifications.

I recommend that the City Council move to authorize the City Manager to accept and record the ten (10) easement deeds and a Declaration of Restrictions in substantially similar form to the easement deeds from Parson Woods Investments, LLC contained in the agenda packet.

XVI. Approval of Grants/Donations:

A. Acceptance of Donation from John Chagnon to the Cemeteries - \$1,500:

The City received a donation from John Chagnon to the cemeteries in the amount of \$1,500.

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

B. Acceptance of Donation from Barbara Malandri to the Portsmouth NH 400th - \$100:

The City received a donation from Barbara Malandri to the Portsmouth NH 400th in the amount of \$100.

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

C. Acceptance of Donation from Johanna Jackson to the Skateboard Park - \$51.50:

The City received a donation from Johanna Jackson to the Skateboard Park in the amount of \$51.50.

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

D. Acceptance of Memorial Bench Donation in Memory of Vernon Boardman - \$2,200:

[Nancy Pearson wishes to donate a memorial bench in honor of Vernon Boardman](#) to be placed next to Charlie Howard's bench on Commercial Alley. This donation has been reviewed by the Department of Public Works and is recommended for acceptance by the City Council this evening.

I recommend that the City Council move to approve and accept the donation from Nancy Pearson for a bench in memory of Vernon Boardman as presented.

E. Acceptance of Community Development Block Grant Funds - \$523,706:

The U.S. Department of Housing and Urban Development (HUD) has informed the City that a Community Development Block Grant (CDBG) in the amount of \$523,706 will be made available to Portsmouth for FY 2023. The grant funds are awarded annually and are used to carry out a variety of social services, public facility/infrastructure improvements, accessibility projects, and other CDBG-eligible projects targeted to benefit low-income populations in the City.

The FY 23 amount represents a decrease of \$7,600 from the current fiscal year and is due to an overall decrease of the federal CDBG budget that is available to all recipient cities and towns. This reduction will affect the total amount subgranted to social services and public facility/accessibility projects that benefit low to moderate income individuals and families in Portsmouth.

I recommend that the City Council move to accept and expend a Community Development Block Grant in the amount of \$523,706 from the U.S. Department of Housing and Urban Development.

F. Acceptance of Various Donations from the Skateboard Park Fundraiser:

Please see below various donations received from the Skateboard Park Fundraiser on June 9, 2022:

Andrea Amico	\$ 85
Andrew Bagley	\$ 1,600
Aubrey Gewehr	\$ 170
BLALOCK RICHARD	\$ 150
Brad Gorges – Red Bull	\$ 65
Brandon Holben – Winter Holben	\$ 100
Brooks Pollock	\$ 150
Dan Modern	\$ 500
Deaglan McEachern	\$ 500
Esther Kennedy	\$ 200
Howie Fraser	\$ 260
Jackie Lemaire	\$ 65
Jan Carroll	\$ 50
JENNIFER M FECTEAU – Port City Nissan Inc, In Honor of Jason Corkum	\$ 100
Joshua Denton	\$ 375
Kate Swenson Swenson	\$ 150
Kevin Drohan	\$ 80
Kristen Aleva – Authentic Point Mental Health LLC	\$ 200
Linda Desjardins – In loving memory of Rob Desjardins	\$ 25
Mallory parkington - Mallory Portraits	\$ 65
Mallory parkington – Mallory Portraits	\$ 375
Anonymous	\$ 1,000
Paul Antonelli	\$ 55
Anonymous	\$ 20
Ryan Khavari	\$ 175
Sergio Bonilla – Mission Wetland & Ecological Services	\$ 100
Val Berezin	\$ 50

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

XVII. City Manager’s Informational Items:

1. Update on the Sagamore Avenue Sewer Extension Project:

The City held a public meeting on April 27, 2022 to discuss the upcoming Sagamore Avenue Sewer Extension Project. City Staff noted in the meeting that property owners would receive individual cost estimates for the connection of their property to the sewer.

Attached is a sample of the letter that DPW is distributing to the property owners. Next steps for those intending to connect to the sewer are summarized in the letter to residents.

City staff anticipate responses from interested properties prior to July 15, 2022. This will allow City staff to compare interest to available and potential funding through the Capital Improvement Plan (element sheet EF-22-SD-91).

2. **Report Back on PFAS Sampling of New Athletic Field:**

Attached please find a memorandum and update regarding PFAS sampling on the new athletic field.

3. **Pannaway Manor and Maple Haven Sidewalk Status:**

The goal of the Public Works Department is to provide sidewalks which are safe, constructed of consistent material and are easily maintained.

In advance of replacing the sidewalks in the Pannaway Manor and Maple Haven neighborhoods, City staff solicited input from the residents by conducting surveys and holding public input meetings with each neighborhood. Initial support for sidewalks was strong in the Pannaway Manor Neighborhood and mixed in the Maple Haven Neighborhood.

Additional input was solicited and due to concerns related to the potential loss of street trees raised at the City's Trees and Greenery Committee and a lack of clear consensus from both neighborhoods, City staff decided to hold off on construction this season to allow for additional public input.

Staff will schedule additional public meetings with the neighborhoods to gauge the support for bidding the sidewalk work this fall for spring of 2023 construction.

At this evening's meeting, City staff will be available to answer questions related to current sidewalk construction practices.

4. **Update on Status of Police Station Facility:**

Following the City Council vote to authorize \$1.4 million, the Public Works and Police Departments have prepared a Request for Qualifications to conduct enabling engineering and design of a new or renovated Police Station. This Request for Qualifications, is soliciting Statements of Qualifications from qualified firms interested in providing architectural and engineering (A/E) services to develop design alternatives to meet the program needs of the Portsmouth Police Department.

Following the review of the Statements of Qualifications received, a "short list" of firms will be invited to participate in the Request for Proposal phase. The Request for Proposal will require a full explanation of the design team's organization, specific roles of the design team participants, a response to the terms of a proposed Contract, Scope of Work and proposed pricing.

The City Council, Police Commission and members of the public will all be involved in the design alternatives review and development. Once a design firm is selected, a public kick off will be scheduled.

5. **McIntyre Update:**

I will provide a verbal update on the current status of the McIntyre Redevelopment Project at this evening's meeting.