

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 1, 2022 TIME: 6:15PM

*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\\_dHqO4jC7QcKey6Avldn84Q](https://us06web.zoom.us/webinar/register/WN_dHqO4jC7QcKey6Avldn84Q)

## **6:15 PM – ANTICIPATED NON-PUBLIC SESSION:**

1. COLLECTIVE BARGAINING RE: DEPUTY FIRE CHIEF'S CONTRACT – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)

## AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – JUNE 6, 2022**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
  1. \*Portsmouth High School Career Technical Education Center (CTE) – 45<sup>th</sup> Annual SkillsUSA NH Leadership and Skills Competition & Nationals Competition
- 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 RESOLUTION**

### **First Reading of Ordinances and Resolutions:**

- A. First reading of Ordinance amending Chapter 1, Article III - Boards (**Sample motion – move to pass first reading and hold a public hearing and second reading at the August 22, 2022 City Council meeting**)
- B. First reading of Ordinance amending Chapter 1, Article IV – Commissions and Authorities (**Sample motion – move to pass first reading and hold a public hearing and second reading at the August 22, 2022 City Council meeting**)
- C. First reading of Resolution authorizing a Bond Issue regarding Sagamore Avenue Area Sewer Extension:

Option 1: Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to Four Hundred Fifty Thousand Dollars (\$450,000.00) for costs related to Sewer Service for Sagamore Avenue Area Sewer Extension

Option 2: Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or participation in the State Revolving Fund (SRF) Loan of up to One Million Two Hundred Thousand Dollars (\$1,200,000.00) for costs related to Sewer Service for Sagamore Avenue Area Sewer Extension

***(Sample motion – move to pass first reading and hold a public hearing and adoption at the August 22, 2022 City Council meeting)***

### **Second Reading of Ordinance:**

- D. Second reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics *(tabled from the July 11, 2022 City Council meeting)* ***(Sample motion – move to pass second reading and hold third and final read at the August 22, 2022 City Council meeting)***

### **Third Reading & Adoption of Ordinance:**

- E. Third reading of Ordinance amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee ***(Sample motion – move to pass third and final reading as presented)***

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

#### **City Manager’s Items Which Require Action:**

1. \*Polling Hours for State Primary Election
2. Conservation Easement and Street Naming Request of 3400 Lafayette Road
3. Access and Water Service Easements for Property Located at Hemlock Way f/k/a Patricia Drive

## **XII. CONSENT AGENDA**

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

- A. Request from Chris Erickson, Aland Realty, to install a Projecting Sign at 175 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. Letter from Trevor Bartlett, Portsmouth NH 400<sup>th</sup> Executive Team, requesting permission to hold a community parade on Saturday, June 3, 2023 **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Friday, September 16, 2022 through Sunday, September 18, 2022 for the annual Telluride by the Sea Film Festival **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- E. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Thursday, October 6, 2022 through Sunday, October 9, 2022 for the annual New Hampshire Film Festival **(Anticipated action – move to refer to the City Manager with Authority to Act)**

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. \*McIntyre Update – City Manager and Project Management Team
- B. \*Presentation Re: Land Acquisition at Bellamy Reservoir – Al Pratt, Water Resources Manager **(Sample motion – move to authorize the City Manager to negotiate a purchase and sale agreement)**
- C. Letter from Steven P. Wilson requesting acquisition of city property in relation to redevelopment of 361 Hanover Street **(Sample motion – move to authorize the City Manager to negotiate a purchase and sale agreement for a portion of property located at 361 Hanover Street)**
- D. Email Correspondence **(Sample motion – move to accept and place on file)**

### **XIV. MAYOR McEACHERN**

1. Statement Against Hate Speech
2. \*Appointment to be Voted:
  - Johanna Landis as an Alternate to the Historic District Commission

### **XV. CITY COUNCIL MEMBERS**

#### **A. COUNCILOR MOREAU**

1. \*Traffic Flow of State Street **(Sample motion – move to request that Parking Traffic and Safety Committee, study and report back on changing State Street to a two way street, and moving the Route 1 southbound traffic onto State Street then to Middle Street, as now exists for the northbound traffic. Included in this report should be feasibility and estimated cost to complete these changes along with projected timelines for these changes)**

**B. COUNCILOR BAGLEY**

1. Parking and Traffic Safety Committee Action Sheet and Minutes of July 7, 2022  
*(Sample motion – move to accept and approve the action sheet and minutes of the July 7, 2022 Parking and Traffic Safety Committee meeting)*

**C. COUNCILOR COOK**

1. Mid-Year Report from Governance Committee (powerpoint presentation) *(tabled from the July 11, 2022 City Council meeting)*

**XVI. APPROVAL OF GRANTS/DONATIONS**

**A. Acceptance of Various Donations:**

- Donation to the Fire Department – Emergency Equipment - \$250.00
- Donation to the Skateboard Park Lights - \$2,910.80
- Donation to the Skateboard Park Lights - \$2,686.00
- Donation to the Cemetery Committee – South Church Charity Fund - \$1,500.00
- Donation to the Police Honor Guard - \$5,000.00

*(Sample motion – move to approve and accept the donations listed above)*

- B.** \*Acceptance of Grant to the Fire Department from the Governor’s Office of Emergency Relief & Recovery ARPA SFRF Locality Equipment Matching Program - \$50,000.00  
*(Sample motion – move to accept and approve the Grant from the Governor’s Office of Emergency Relief & Recovery ARPA SFRF Locally Equipment Matching Program - \$50,000.00)*

**XVII. CITY MANAGER’S INFORMATIONAL ITEMS**

1. Report Back on Community Engagement

**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 COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 6, 2022

PORTSMOUTH, NH  
TIME: 7:00PM

**Assistant Mayor Kelley moved to adjourn the Non-Public Session until the end of the City Council meeting. Seconded by Councilor Moreau and voted.**

### **III. CALL TO ORDER**

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

### **IV. ROLL CALL**

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock (7:40 p.m.) and Cook

### **V. INVOCATION**

Mayor McEachern asked for a moment of silent prayer in memory of Quarius Dunham.

### **VI. PLEDGE OF ALLEGINANCE**

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

### **PROCLAMATIONS:**

#### 1. Men's Health Month

Mayor McEachern read the Proclamation declaring June as Men's Health Month and Men's Health Week which is taking place on June 13-19, 2022, the week ending on Father's Day.

#### 2. LGBTQ + Pride Month

Mayor McEachern read the Proclamation declaring June as LGBTQ + Pride Month. He stated the City of the Open Door means living up to the promises of keeping our doors open to every member of this community.

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

#### 1. Portsmouth High School Debate Team Northeast Division Champions & National Qualifiers – Advisor Joe Kraus

Mayor McEachern recognized the Debate Team students and Advisor Joe Kraus for their accomplishments as Northeast Division Champions and for the upcoming competition at the Nationals in Louisville, KY. Each student and Advisor Kraus were provided with a gift from Mayor McEachern and the City Council.

2. Portsmouth High School 2022 Granite State Challenge Championship – Advisor Hannah Dul

Mayor McEachern recognized the Trivia Team for winning the 2022 Granite State Challenge Championship for the first time in 30 years. Mayor McEachern presented each student and Advisor Dul with a gift from the entire City Council.

3. Portsmouth High School Career Technical Education Center (CTE) Winner of 5 medals in the 45<sup>th</sup> Annual SkillsUSA NH Leadership and Skills Competition – CTE Building Instructor Courtney Ritchings

Mayor McEachern announced that the Career Technical Education Center students and instructor will be recognized at the July 11<sup>th</sup> City Council meeting.

4. Report of the Trees and Public Greenery Committee

Mayor McEachern advised the City Council that the Trees and Public Greenery Committee Report for 2021 is in the packet for their review and reference.

**Councilor Tabor moved to reopen the Public Hearing on the budget. Seconded by Assistant Mayor Kelley.**

Peter Whelan questioned whether the City Council really represents the taxpayers of the community. He said this budget is the largest increase ever in the City and it will drive out many long term residents.

Christina Lusky said if the budget is approved without changes it will show the taxpayers are not a high priority for the City Council. She said the Council needs to offer some relief to the taxpayers.

Rick Becksted said that there is \$3 million built into this budget and it should be deducted. He spoke to the revaluation of properties and the potential to see a 20% to 30% increase in values. He also spoke opposed to the request for 27 new positions. He urged the Council to review the budget for reductions.

Sue Polidura said there is a need to live within our means. She said there are signs that we are facing hard times.

Nancy Clayburgh & Marguax Peabody requested the support of the City Council for the School Department budget and addressed the difficult times facing the School Department due to COVID.

Zelita Morgan thanked Mayor McEachern and the City Council for recognizing the work of the students here this evening. She stated that the budget does reflect an increase which is too large for the community. She spoke to the need for affordable housing throughout the City.

Elizabeth Barrett thanked the City Council for their work on the budget and spoke to the School Department asking for 6 full time employees in this budget. She requested that the City Council support the budget put forward by the School Department.

Paige Trace said the budget as presented is large and overwhelming. She expressed concern with the potential for values of homes to increase by 30%. She said that taxpayers voted for the Council to protect their interests and you should not create a situation that will make residents have to move.

Esther Kennedy said the first job of the City Council is the budget. She asked why the City is not adding a mental health professional to the Police Department. She also addressed the revaluation process and how that will impact residents.

Petra Huda said she has not had answers to her questions previously asked. She said prices are rising and we are all affected and this is the largest budget increase the City has ever seen.

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

## **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

**Councilor Denton moved to adopt Resolution #10-2022 – Municipal Fees. Seconded by Assistant Mayor Kelley.**

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

- Resolution No. 11-2022 – General Fund Expenditures

**Councilor Bagley moved to adopt Resolution #11-2022 – General Fund Expenditures in the amount of \$131,774,911.00. Seconded by Councilor Blalock.**

Discussion followed among the City Council regarding the CIP relative to the skateboard park and staffing needs for the IT Department.

**On a roll call vote 8-1, motion passed. Assistant Mayor Kelley, Councilors Denton, Moreau, Bagley, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Councilor Tabor voted opposed.**

**GENERAL FUND EXPENDITURES**

<b>Department</b>	<b>Appropriation</b>
General Government	\$22,835,740.00
Police	\$12,981,078.00
Fire	\$10,099,433.00
School	\$55,802,082.00
Collective Bargaining	\$3,137,450.00
Uniform Police Salary Adjustment	\$287,278.00
Uniform Fire Salary Adjustment	\$223,894.00
Transfer to Indoor Pool	\$150,000.00
Transfer to Prescott Park	\$272,255.00
Transfer Community Campus	\$360,788.00
Non-Operating	\$25,624,913.00
<b>Total</b>	<b>\$131,774,911.00</b>

- Resolution No. 12-2022 – Water Fund Expenditures

**Assistant Mayor Kelley moved to adopt Resolution #12-2022 – Water Fund Expenditures. Seconded by Councilor Blalock.**

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

**Appropriated sum of \$11,422,585.00 to defray expenses for the operations of the water**

- ***Cash requirement of \$12,241,173.00 to defray expenses for the purpose of principal debt repayment, the purchase of assets, and to defray expenses for the operations of the water system***
- ***Water user rate effective July 1, 2022, is \$4.54 per unit for the first 10 units of water consumed per month, and \$5.46 per unit for all units consumed thereafter to yield a position of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system***
- ***Water irrigation user rate effective July 1, 2022, is \$5.46 per unit for the first 10 units of water consumed per month, \$10.30 for consumption over 10 and up to 20 units consumed, and \$12.71 per unit for all units consumed thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's water system***

- Resolution No. 13-2022 – Sewer Fund Expenditures

**Councilor Lombardi moved to adopt Resolution #13-2022 – Sewer Fund Expenditures. Seconded by Councilor Bagley.**

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

- ***Appropriated sum of \$20,620,867.00 to defray expenses for the operation of the sewer***
- ***Cash requirements of \$23,461,898.00 for the purpose of principal debt repayment, purchase of assets, and to defray expenses for the operations of the sewer system.***
- ***Sewer user rate effective July 1, 2022 is \$15.78 per unit for the first 10 units of consumption per month, and \$17.36 per unit for all units used thereafter to yield a portion of revenue to meet the cash requirements for the operation of the City of Portsmouth's sewer system***

- Resolution #14-2022 – Special Revenues, Debt Service, Fund and Committed Fund Balances for Necessary Expenditures

**Councilor Denton moved to adopt Resolution #14-2022 – Special Revenues, Debt Service, Fund and Committed Fund Balances for Necessary Expenditures of Special Revenues including the use of American Rescue Plan Act (ARPA) funds, Debt Service, 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 for the Fiscal Year Ending June 30, 2023. Seconded by Assistant Mayor Kelley.**

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

- Resolution #15-2022 – Investment Policy

**Assistant Mayor Kelley moved to adopt Resolution #15-2002 – Investment Policy for the Fiscal Year Ending June 30, 2023. Seconded by Councilor Moreau.**

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

## **XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

1. Middle Street Baptist Church Parking Agreement Renewal

City Manager Conard reported that the City has had an agreement with the Middle Street Baptist Church since 2013.

**Councilor Tabor moved to approve the Middle Street Baptist Church Parking Use/Maintenance Agreement renewal as presented. Seconded by Councilor Moreau and voted.**

2. Release of City Trust Funds related to Portsmouth NH 400<sup>th</sup> Celebration

Councilor Moreau moved to authorize the expenditure of \$9,166.00 from the 400<sup>th</sup> Anniversary Trust for projects referenced in the supporting material. Seconded by Assistant Mayor Kelley and voted.

3. Temporary Construction License for 75 Congress Street

City Manager Conard reported that this is a 30-day extension.

Assistant Mayor Kelley moved to authorize the City Manager 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. Seconded by Councilor Blalock and voted.

## XII. 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 6<sup>th</sup> 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)***

**Councilor Denton moved to adopt the Consent Agenda. Seconded by Councilor Bagley and voted.**



### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

#### **A. Email Correspondence**

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

At 9:15 p.m., Mayor McEachern called a brief recess. At 9:25 p.m., Mayor McEachern called the meeting back to order.

### **XIV. MAYOR McEACHERN**

#### **1. Appointment to be Considered:**

- Reappointment of Martin Ryan to the Historic District Commission

The City Council considered the reappointment of Martin Ryan to the Historic District Commission with action taking place at the June 21, 2022 City Council meeting.

#### **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

**Councilor Lombardi moved to appoint Herb Lloyd to the Sustainable Practices Blue Ribbon Committee, reappointment of Margot Doering, Reagan Ruedig and Jonathan Wyckoff to the Historic District Commission until June 1, 2025. Seconded by Councilor Blalock and voted.**

### **XV. CITY COUNCIL MEMBERS**

#### **A. ASSISTANT MAYOR KELLEY**

#### **1. Trees and Public Greenery Ordinance**

**Assistant Mayor Kelley moved 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. Seconded by Councilor Bagley and voted.**

#### **B. COUNCILOR TABOR**

#### **1. Community Power information night at 3S June 29<sup>th</sup> (*Informational item only*)**

Councilor Tabor announced that Community Power will be holding an Informational Night on Wednesday, June 29<sup>th</sup> at 3S Artspace at 7:00 p.m. and urged the City Council to attend.

**C. COUNCILOR BAGLEY**

1. COVID Response Task Force

**Councilor Bagley moved to establish the COVID Response Task Force Blue Ribbon Committee for six months to evaluate challenges and identify low-cost, high-impact recovery solutions that use ARPA monies. The CRTF will be composed of Citizens of Portsmouth, local Non-Profit Representatives, and the City Manager as an ex-officio member who can incorporate city staff and resources.**

**The initial objective of the CRTF would be to meet, discuss, and survey the needs of the community and incorporate their findings into a recovery plan. The CRTF will be fashioned so that input from residents is well defined and simple to do with public meetings in various locations and times throughout the city. There would also be a dedicated webpage on the city site that outlines the proceedings and has a contact button for residents to make recommendations and suggestions.**

**The CRTF will allow the City of Portsmouth to “build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.”**

**Applications will be accepted through Wednesday, June 15<sup>th</sup> at Noon to appear on the June 21, 2022 City Council meeting. Seconded by Councilor Denton.**

He stated that applications will be brought forward at the next meeting.

Councilor Cook said she would like a report back to the City Council on the requests for ARPA funds. She said we need to have realistic views on ARPA funds.

Councilor Bagley said an example of what he would like to see through this process is Little Harbour School’s Sunshine Group duplicated in New Franklin and Dondero Schools to help the students.

Mayor McEachern said that this is a Blue Ribbon Committee and applications will be due by the Wednesday prior to the City Council meeting and we may need to extend when applications are due.

**Motion passed.**

**D. COUNCILOR COOK**

1. Ethics Ordinance

**Councilor Cook moved to schedule first reading for revisions to the Ethics Ordinance at the June 21, 2022 City Council meeting. Seconded by Councilor Tabor.**

Councilor Cook spoke to the work of the Governance Committee on the Ethics Ordinance. She said much thought has gone into the work on this ordinance.

Councilor Lombardi said there has been a great deal of input on the ordinance. He thanked City Attorney Sullivan and Deputy City Attorney Woodland for their work on the ordinance.

Councilor Bagley said if there are suggestions to send them to the Committee for consideration.

Councilor Tabor said the process of ordinance changes has included more due process.

Councilor Denton said he likes a majority of the changes.

Mayor McEachern thanked Councilor Cook and the Committee for their work on this. He said there are some good additions to the ordinance and we will have ample opportunity to review the ordinance.

**Motion passed.**

#### **XVI. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donation from Alex Choquette for the Portsmouth Police Honor Guard - \$5,000.00

**Councilor Moreau moved to approve and accept the donation for the Police Honor Guard as presented. Seconded by Councilor Blalock and voted.**

- B. Acceptance of Donation from Deirdre Forte to the Cemeteries - \$5.00

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

- C. Acceptance of Donation from Stephen T. Pesci to the Portsmouth NH 400<sup>th</sup> - \$40.00

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

#### **XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

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

City Manager Conard reported on the success of the Headstone Cleaning Project that was held on May 7<sup>th</sup>. She indicated that the members of USS Cheyenne would like to work with the Cemetery Committee on the project.

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Councilor Blalock announced that the Skateboard Park will be holding a silent and live auction on Thursday, June 9<sup>th</sup> at 3S Artspace for the lighting at the park. He urged the City Council and members of the community to attend this event which is for a great cause.

**XIX. ADJOURNMENT**

**Councilor Moreau moved to adjourn the meeting to enter back into Non-Public Session at 10:00 p.m. Seconded by Assistant Mayor Kelley and voted.**

**At 10:50 p.m., Councilor Moreau moved to adjourn the Non-Public Session and seal the minutes. Seconded by Councilor Blalock and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

**DRAFT**  
**6/23/2022**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III – **BOARDS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE III: BOARDS**

**Section 1.301: CREATION**

There shall be established the following Boards in the City of Portsmouth:

A. Planning Board

B. Recreation Board

~~C. Board of Health~~

~~D. Board of Plumbing Examiners~~

~~EC.~~ Board of Library Trustees

~~FD.~~ Personnel Advisory Board

~~GE.~~ Board of Trustees of the Trust Funds

~~HF.~~ Zoning Board of Adjustment

~~IG.~~ Building Code Board of Appeals

~~J. Portsmouth Heritage Museum Board (Adopted 9/19/88)~~

**Section 1.302: APPOINTMENTS, TENURE AND REMOVAL**

A. All appointees to Boards shall serve for the term appointed or until a successor shall have been appointed and qualified. Appointments for unexpired terms shall be for the remainder of that term or until a successor shall have been appointed and qualified.

B. Records of attendance shall be kept by the Chairmen of Boards and Commissions appointed by the City Council. The attendance records of Boards and Commissions shall be reported to the City Council on an annual basis. If a member notifies the Chairman of the Board or

Commission prior to a meeting that he will not be able to attend the meeting due to sickness, vacation or out of town business travel, such absence will be considered an excused absence and so noted in the minutes of the meeting and the attendance sent to the Council. The City Council shall declare vacant the office of any member who has unexcused absences from more than one-third of the regularly scheduled meetings of the board or commission in any calendar year.

- C. In the case of appointees who must be removed pursuant to State Statute, the Chairman of the Board or Commission shall notify the City Council in writing of any members in violation of the previous paragraph and such violation may be found by the City Council to be neglect of duty and may be grounds for dismissal.
- D. Every member of a board, commission or committee of the City, whose term is to expire, shall receive a notice from the City Clerk sixty (60) days prior to the expiration of his or her term. A copy of the notice shall be sent to the City Council. Public notice of the upcoming vacancy shall be advertised in the local newspaper.
- E. Eligibility for appointment to Municipal Boards shall be limited to residents of the City of Portsmouth. Any individual who is a resident of the City at the time of appointment to a Municipal Board shall become ineligible to remain on that Municipal Board in the event that the individual shall discontinue residency in the City. (Adopted 9/22/97)

**Section 1.303: PLANNING BOARD**

- A. Membership: The Planning Board of the City shall consist of nine (9) members and two (2) alternate members, specifically; (Adopted 1/23/95)
  - 1. The City Manager, or the designee of the City Manager with the approval of the City Council, who shall be an ex-officio member;
  - 2. An administrative official of the City selected by the City Manager who shall be an ex-officio member;
  - 3. A member of the City Council selected by the Mayor with the approval of the Council, who shall be an ex-officio member;
  - 4. Six residents of the City appointed by the Mayor with the approval of the City Council.
  - 5. Two (2) alternates who shall be residents of the City appointed by the Mayor with the approval of the City Council. (Adopted 1/23/95)

- B. Term: All Planning Board members shall serve as such without compensation and the appointed members shall hold no other municipal office except ward official, election official and checklist supervisors. The term of each appointed member shall be three (3) years. The Mayor shall apportion appointments so that no more than three appointments occur annually. (Amended 6/3/2002)
- C. Powers: The Planning Board shall have those powers and perform those duties identified by State law and local ordinance. (Amended 3/22/93)

**Section 1.304: RECREATION BOARD**

- A. Membership: The Recreation Board shall consist of ten members, namely the City Manager as a member ex-officio and nine persons appointed by the Mayor.
- B. Term: All board members shall be residents of Portsmouth and shall serve for a three year term without compensation. Appointments will be apportioned and appointed members shall hold no other municipal office.
- C. Functions: The Recreation Board shall perform the following functions:
  - 1. Assist the Recreation Director in planning a city wide recreation program.
  - 2. Advise the City Manager in regard to recreational policy.

~~Section 1.305: BOARD OF HEALTH~~

~~The Board of Health shall consist of 5 voting members appointed by the Mayor and City Council. The Health Officer shall serve as an ex-officio member of the Board and shall vote only in the case of tie votes. (Amended 5/3/93)~~

- ~~A. Term: The appointed members of the Board shall serve three year terms.~~
- ~~B. Composition: The Board shall represent a cross section of the community health delivery system. One member shall be a physician, one member shall be a nurse with public health background, one member shall have a background in environmental sanitation and one member shall be consumer oriented.~~
- ~~C. Meetings: The Board shall meet at least semi-annually. Additional meetings may be called by the Mayor, City Manager, City Attorney, or at the request of the three members of the Board on five days notice;~~



~~which notice may be waived in an emergency. Minutes of all meetings shall be filed with the City Clerk.~~

~~D. Functions: The Board shall perform the following functions:~~

- ~~1. Formulate general policies regarding public health in the City.~~
- ~~2. Act as an advisor to the Environmental Health Officer and the City Manager.~~
- ~~3. Propose for adoption by the City Council ordinances pertaining to environmental health and/or health consistent with State and Federal law.~~
- ~~4. Prepare an annual report concerning public health in Portsmouth and submit the same to the City Council at the end of each calendar year.~~
- ~~5. Perform other health related duties which the City Council assigns to the Board from time to time.~~

~~(Section 1.305 amended 9/22/97 by deletion of Subsection C -- Qualifications.)~~

~~Section 1.306: BOARD OF PLUMBING EXAMINERS~~

~~A. Membership: The Board of Plumbing Examiners shall consist of three members, namely the Plumbing Inspector as Chairman, and two persons appointed by the City Manager.~~

~~B. Term: One of the appointed members shall be a master plumber who has been engaged for at least five years in the plumbing business in New Hampshire and the other members shall be appointed from the Department of Health. Each member shall serve for a term of three years without compensation. All members of the Board shall be residents of Portsmouth.~~

~~C. Functions: The Board of Plumbing Examiners shall perform the following functions:~~

- ~~1. Examine and pass upon all applicants, whether as masters, employing plumbers or journeymen plumbers in the City.~~
- ~~2. Issue a license valid in the State to such person who shall successfully pass the required examination for plumbers.~~

~~3. Maintain a register of the names and places of business of all persons to whom a plumber's license has been granted.~~

~~D. Issuance of Licenses: The Board of Plumbing Examiners shall issue a license valid for one year, which license shall be renewed yearly upon proper application. The license shall not be transferable and examination shall not be required of the same person more than once in the City.~~

**Section ~~1.307-1.305~~: BOARD OF LIBRARY TRUSTEES**

- A. Membership and Term: The Board of Library Trustees shall consist of nine members and at least one of these members shall be a member of the Board of Education. All members shall be approved by the Mayor and shall be subject to the approval of the City Council. With the exception of the first appointments made under this authorization, all appointments shall be for a three year term and no member shall be eligible for more than two consecutive terms. First appointments made under this authorization shall be for such terms as will provide for three member's terms to expire each year.
- B. Powers and Duties of the Board of Library Trustees:
1. Adopt bylaws, rules and regulations for the conduct of its own business and choose its own officers.
  2. To determine objectives which will result in the continuing growth and improvement of library services and to establish policies necessary for the attainment of these objectives.
  3. Establish policies necessary for the operation of the library.
  4. Finances:
    - a. Prepare the annual budget for the Library in consultation with the librarian and present the same to the City Manager.
    - b. Receive and expend the income from all trust funds, donations and bequests made to the City for the benefit of the Library in accordance with the wishes of the done.
    - c. Expend all monies received from fines, payments for lost or damaged books, fees for providing non-resident services and other miscellaneous income.

5. To recommend to the City Manager the appointment of the City Librarian and staff librarians.
6. To prepare and present annual reports to the City covering all phases of the operation of the Library and to make an annual report to the N.H. State Library as may be required by the State Library Commission.
7. Saving Clause: To perform all other acts necessary for the management and control of the Library.

**Section ~~1.308~~ 1.306: PERSONNEL ADVISORY BOARD**

- A. Establishment: The Personnel Advisory Board shall be established in conformity with Section 49 of the Amended Charter of the City of Portsmouth, 1947, as amended.
- B. Functions: The Personnel Advisory Board shall perform the following functions:
  1. Exercise all power and perform all duties as stated in Section 49 of the Amended Charter of 1947, as amended.

**Section ~~1.309~~ 1.307: BOARD OF TRUSTEES OF TRUST FUND**

- A. Establishment: The Board of Trustees of the Trust Funds shall be established in conformity with Section 67 of the amended charter of the City of Portsmouth, 1947.
- B. Functions: The Board of Trustees of Trust Funds shall perform the following functions:
  1. Exercise all power and perform all duties as stated in Section 67 of the amended Charter of 1947.
  2. Receive all trust funds which may donated or bequeathed to the City or any department thereof, unless otherwise provided or required.
  3. Distribute income and principle in accordance with the purpose for which the trusts were established.

**Section ~~1.310~~ 1.308: ZONING BOARD OF ADJUSTMENT**

- A. Membership and Term: The Zoning Board of Adjustment shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of Portsmouth, appointed for terms of five years by the Mayor with the

approval of the City Council. Appointments shall be apportioned, and the Board shall annually elect a Chairman for its membership.

Members and alternates shall serve without compensation and shall hold no other municipal office except ward official, election official and checklist supervisors. The Mayor shall submit the names of appointees to the council within thirty days after a vacancy occurs. (Amended 6/3/2002; amended 03/15/2021)

B. Functions: The Zoning Board of Adjustment shall perform the following functions:

1. Exercise all power and perform such duties as stated in Chapter 673:3 of New Hampshire Revised Statutes Annotated. In addition the Board shall have those powers as set forth in the Zoning Ordinance of the City of Portsmouth, Chapter 10, of this revised Code of Ordinances. (Amended 6/3/2002)

### **Section ~~1.314~~ 1.310: BUILDING CODE BOARD OF APPEALS**

It is the intent of the City of Portsmouth to establish a Building Code Board of Appeals. This ordinance authorizes the City Council to establish said Board and directs the reader to Chapter 12 of these Ordinances (City Building Code), for the specifics regarding the appeal process, membership, member qualifications, conflicts of interest, hearings, board decisions, and administration of the Building Code Board of Appeals. (Adopted 7/9/90)

### **~~Section 1.312: PORTSMOUTH HERITAGE MUSEUM BOARD (Adopted 9/19/88)~~**

~~A. Purpose: The Portsmouth Heritage Museum Board is hereby created to encourage the development of a facility which would provide the location for display, acquisition and safe-keeping of various items which in the opinion of the Board have special historical significance to the City of Portsmouth.~~

~~B. Membership: The Portsmouth Heritage Museum Board shall consist of five members. One shall be the Mayor (ex-officio), one shall be the City Manager (ex-officio), one shall be the Director of the Library (ex-officio), and two citizens of Portsmouth, one shall be appointed by the Mayor and one person shall be appointed by the Trustees of Prescott Park.~~

~~C. Term: Membership shall be for a term of two years. One appointment shall be made each year except at the initial organization of the Board.~~

~~D. Duties and Powers of the Board:~~

- ~~1. Adopt bylaws, rules and regulations for the conduct of its own officers.~~
- ~~2. Determine objectives which will result in the continued growth and improvement of the Portsmouth Heritage Museum, subject to the approval of the City Council.~~
- ~~3. Recommend to the Library Director policies necessary for the operation of the Museum.~~
- ~~4. Recommend an annual budget to the Library Director.~~
- ~~5. Promote the acquisition through loan or gift of those articles of historical significance to the City presently in private ownership.~~
- ~~6. Develop and recommend to the City a long-range plan for the preservation and safe-keeping of historically significant artifacts.~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

\_\_\_\_\_  
Kelli L. Barnaby, City Clerk

**DRAFT**  
**7/26/2022**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV – **COMMISSIONS AND AUTHORITIES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE IV: COMMISSIONS AND AUTHORITIES**

**Section 1.401: RESIDENCY REQUIREMENT**

Eligibility for appointment to Commissions and Authorities of the City of Portsmouth shall be limited to residents of the City of Portsmouth. Any individual who is a resident of the City at the time of appointment to a Commission or Authority shall become ineligible to remain on that Commission or Authority in the event that the individual shall discontinue residency in the City. (Adopted 9/22/97)

~~**Section 1.402: BUILDING COMMISSION**~~

~~**A. Membership: The Building Commission shall be a Board consisting of five members, who shall be the head of the Health Department, the head of the Fire Department, the head of the Planning Department, the Inspector of Wires and Poles and the Plumbing Inspector.**~~

~~**B. Powers and Duties: The powers, duties and procedures of the Building Commission shall be those set forth in Chapter 14 of this Code, Sections 14:114 through 14:118.**~~

~~**Section 1.403** **1.402: ECONOMIC DEVELOPMENT COMMISSION**~~

A. Membership and Term: The Economic Development Commission shall consist of nine (9) qualified regular members and one alternate member. They shall be appointed by the Mayor subject to the approval of the City Council for a term of four years. The Mayor and City Manager shall also serve as ex-officio members of the Economic Development Commission whose terms shall correspond to their respective tenure of office. (Amended 9/22/97)

B. Powers and Duties: The Commission shall encourage the establishment of business and industry in Portsmouth and the surrounding area and promote the welfare of local industry and general business. (Adopted as amended 12/03/90)

- C. 1. The Commission shall make recommendations to the City Council concerning the acquisition, bonding, developing, building, leasing and mortgaging of commercial and industrial land and buildings and other matters incidental to attracting business and industry to Portsmouth. (Adopted as amended 12/03/90)
2. It shall be the general responsibility of the Economic Development Commission to increase and sustain the business and personal prosperity of all residents of this community while protecting and maintaining the quality of our natural environment and historic and cultural assets. This process should consist of the encouragement of a broad, productive community effort to coordinate and enhance the utilization of all community resources involved in any respect with economic development. The process should further ensure that adequate financing sources are available to those qualified enterprises, which desire to start up, expand, and/or locate in our Community. (Adopted as amended 12/03/90)

**Section ~~1.404~~ 1.403: HISTORIC DISTRICT COMMISSION**

There is hereby established an Historic District Commission and it shall have the powers prescribed in RSA 31:89a – 31:89(1) together with any amendments hereinafter enacted by the General Court and as further defined in this Section and in Article X, Chapter 10 of the Zoning Ordinances of the City of Portsmouth.

A. Membership and Term

1. Membership: The Historic District Commission shall consist of seven members and two alternates appointed by the Mayor with the approval of the City Council. One of the members shall be a City Council member and another may be a Planning Board member as provided by State Law. At least two members shall be residents of the Historic District and at least one member shall be a person owning or being employed in a business within the Historic District. All appointees must be residents of Portsmouth. All members are required to have demonstrated interest in and commitment to promote the purposes of historic districting as stated in this Ordinance. A member's term serving at the time of enactment of this Ordinance shall not be affected. Future appointments, however, shall be filled in accordance with the provision of this Section. (Amended 9/21/98; Amended 11/22/2010; amended 03/15/2021)
2. Term: The members of the Commission shall be appointed for three-year terms. In the event a vacancy is created, an interim appointment shall be made in accordance with the procedures



described above to complete the unexpired term. All members shall serve without compensation.

3. Attendance: Records of attendance shall be kept by the Commission. The attendance records shall be reported to the City Council on an annual basis. If a member notifies the Chairman of the Commission prior to a meeting that he will not be able to attend the meeting due to sickness, vacation, or business obligations such absence will be considered an excused absence and so noted in the minutes of the meeting. The appointed alternate shall serve in the absence of a member. The City Council shall declare vacant the office of any member who has unexcused absences from twenty-five percent or more of the regularly scheduled meetings of the Commission in any quarter.

#### B. Organization, Meetings and Rules

1. The Commission shall annually elect a Chairman, Vice-Chairman and Secretary from the appointed members and create and fill such other offices, as it may deem necessary to fulfill its work during the first meeting of July. The Commission shall meet at the call of the Chairman and at such other times as the majority of the Commission may determine, and shall adopt rules for the orderly conduct of meetings. Minutes of all meetings shall be kept and all records and meetings of the Commission shall be open to the public.
2. Quorum: In order for the Historic District Commission to issue a Certificate of Approval or Notice of Disapproval, at least five members must be present to constitute a quorum for the conduct of such business, and a majority of the members voting in the affirmative shall be required to issue a Certificate of Approval. (Adopted 9/25/89)

#### C. Powers and Duties

1. The Historic District Commission, consistent with the powers specified in the preamble of this Section, shall review and approve or disapprove all applications for construction, alteration, repair, moving and/or demolition of buildings or structures located within an historic district(s) before any building, demolition, or other permit may be issued by the Building Inspector, subject, however to the provision of the Scope of Review as specified in Article X, Section 10:1004. The review shall be limited to the exterior of the building(s) or structures and shall not apply to the interiors thereof.

2. The Building Inspector shall notify the Chairman of the Historic District Commission within seven working days after receipt of any application for permit, which is subject to the Scope of Review and conditions of this Ordinance.
  3. It shall be the duty of the Commission to file with the Building Inspector or other duly delegated authority, either a Certificate of Approval or a Notice of Disapproval following the review and determination of the application. Said certificate shall be filed with the Building Inspector within thirty calendar days after the filing of the application for said certificate, unless the applicant shall agree in writing to a longer period of time. No building permit shall be issued until a Certificate of Approval signed by the Chairman or Vice-Chairman has been filed with the Building Inspector. In the case of disapproval, such notice shall be binding upon the Building Inspector and no permit shall be issued. Failure to file said certificates within the specified period of time shall be deemed to constitute approval of the Historic District Commission.
  4. The Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer and such other administrative officials who may possess information pertinent to the application. The Commission may request advice from such professional, educational, cultural or other groups as may be deemed necessary for the determination of a reasonable decision. The Historic District Commission may request the City Manager to have persons present whose input is deemed necessary.
  5. The Commission may request such technical assistance and consultants as may be deemed necessary to carry out the purpose of this Ordinance subject to funding, if necessary, by the City Council.
  6. The Historic District Commission shall have the power to adopt by-laws, rules and regulations necessary for the conduct of business providing the same have been approved by the City Council. The Commission also shall prepare and issue guidelines to assist the applicants in determining the appropriateness of the applicant's proposal.
- D. Appeal: Any person aggrieved by a final decision of the Historic District Commission shall have a right of appeal to the Board of Adjustment as provided by State Law. Any such appeal shall be filed with the Board of Adjustment within thirty days of the date of final decision of the Historic

District Commission. Any person aggrieved may apply to the Commission for a rehearing. Upon the filing of application for rehearing, which must include a written statement with reasons for the request, the Commission shall either grant or deny the same. In the event such a rehearing is granted, the Commission shall schedule the rehearing for the next regularly scheduled Commission meeting, except at the request of the Petitioner. (Adopted 9/25/89)

**Section ~~1.405~~ 1.404: HOUSING AUTHORITY**

- A. Membership, Qualifications, Tenure: The Housing Authority shall consist of five commissioners appointed by the Mayor to apportioned five year terms. The qualifications, tenure, and succession of the said commissioners shall be those set forth in Chapters 203-5 through 203-7 of the N.H. RSA.
- B. Power: The Housing Authority shall constitute a public body corporate and politic, exercising public and essential governmental functions within the provisions of Chapter 203-8 N.H. RSA, and all other provisions of the Housing Authority Law of N.H. as contained in said Chapter 203.

**~~Section 1.406: PLANNING AND DEVELOPMENT COUNCIL~~**

**~~A. Membership and Terms: The Planning and Development Council shall consist of nine members:~~**

~~Chairman and one member of the Planning Board;  
Chairman and one member of the Economic Development Comm.;  
Chairman and one member of the Portsmouth Housing Authority;  
Chairman and one member of the Conservation Commission;  
City Manager.~~

~~The City Manager shall be the Chairman of the Council. Members shall serve terms of four years with the exception of the first members appointed to this Commission:~~

~~2 shall be appointed for one year;  
2 shall be appointed for two years;  
2 shall be appointed for three years;  
2 shall be appointed for four years.~~

**~~B. Powers and Duties~~**

- ~~1. The Council shall advise the City Council on such matters as it deems appropriate for the City Council to consider in the development of planning goals, objectives and programs for the City of Portsmouth in the several areas represented by the membership of the Council.~~
- ~~2. The Council shall act as coordinating and information exchanging agency for city planning and development.~~
- ~~3. The Council shall meet monthly and shall submit a semi-annual report of its activities including recommendations to the City Council to include record of the vote and any minority report, if the minority members wish to file such a report.~~
- ~~4. The Directors of the several departments and agencies represented by the members of the Council shall function as advisors to the Council.~~

**Section ~~1.407~~ 1.405: CONSERVATION COMMISSION**

- A. Authority to Establish, Purpose: The City Council of the City of Portsmouth, New Hampshire, hereby does adopt the provisions of Chapter 36-A of the RSA of the State of New Hampshire which chapter authorizes the establishment of a conservation commission, for the promotion and development of the natural resources and for the protection of watershed resources of the City.
- B. Establishment, Duties and Powers: There hereby is established the Portsmouth Conservation Commission which shall consist of seven members and two alternates to be appointed by the Mayor with the approval of the Council. The duties and powers and terms of membership shall be set forth in said Chapter 36-A. (Amended 8/16/99)

**Section ~~1.408~~ 1.406: CABLE TELEVISION AND COMMUNICATIONS COMMISSION (amended in its entirety 2/26/96)**

- A. Membership, Qualifications, Tenure: The Cable Television and Communications Commission shall consist of five (5) commissioners and one alternate commissioner appointed by the Mayor subject to confirmation by the City Council. Of the initial appointments, three shall be of three (3) years and two shall be for two (2) years. Thereafter, all appointments including the alternate commissioner shall be for a term of three years. The alternate commissioner shall attend all Commission meetings and may vote at any time when there are less than five commissioners otherwise voting. (Amended 10/3/05)

Commissioners shall be residents of the City of Portsmouth at the time and during the terms of their appointments. Commissioners shall be familiar with the general concepts underlying the operation of cable television.

- B. The Commission shall have the authority to establish standing subcommittees on matters pertaining to the operation and performance of cable companies within the City.

Such subcommittees shall serve in an advisory capacity to the Cable Commission. In the first instance, the standing Sub-committees shall consist of:

Government/Education Access Channels, I-Net System and Customer Service. The Commission shall have the right to appoint non-Commission members to subcommittees; when possible, the Commission shall attempt to use Portsmouth residents for such appointments. If the Commission wishes to appoint a non-Portsmouth resident who has skills helpful to the Commission's work; the Commission shall have the authority to make such an appointment.

- C. Powers: In addition to establishing the standing Sub-Committees referenced above, the Commission shall have the authority to eliminate such Sub-Committees and create new ones as the Commission deems appropriate. The Commission shall oversee the operation of the existing Cable Television Franchise Agreement and any future agreements, which the City Council may approve.
- D. The Commission shall meet as often as deemed appropriate and necessary to insure the proper operation of the Franchise Agreement. The Commission shall, upon request of the City Council, submit written or verbal reports of its activities.

**Section 1.409 1.407: PORTSMOUTH HOUSING ENDOWMENT FUND  
ADVISORY BOARD**

- A. The PHEF Advisory Board shall consist of seven (7) voting members, specifically:
1. A realtor maintaining an office in the City of Portsmouth (residential real estate), who shall be a resident of Portsmouth;
  2. A residential real estate banker, who shall be a resident of Portsmouth;

3. A local appraiser, who shall be resident of Portsmouth;
4. A City resident;
5. A representative of the Portsmouth Housing Corporation;
6. An administrative official of the City from the Bureau of Community & Economic Development, who shall be an ex-officio member;
7. An administrative official of the City from the Legal Department, who shall be an ex-officio member.

All members shall be appointed by the Mayor and Council with the exception of the City officials who shall be designated by the City Manager.

B. Term: The appointed members of the Board shall serve a three-year term and shall serve without compensation.

C. Powers:

1. Formulate general policies regarding the operation of the program including application criteria;
2. Establish specific policies as the need may arise dictated by the program demands;
3. Advise the City Manager and City staff with regard to the operation of the program;
4. The Advisory Group shall not have the authority over the investment of the PHEF Trust, which function shall remain with the Trustees of the Trust Funds.

D. Meetings: The Advisory Group shall meet at least semi-annually and may be called by the City Manager, the City staff representatives or upon the request of the Advisory Board on five (5) days notice, which notice may be waived in an emergency.

(Section 1.409 Adopted in its entirety 5/20/96)

~~Section 1.410: MICROENTERPRISE ADVISORY COMMITTEE~~

~~A. The Microenterprise Advisory Committee shall consist of seven (7) voting members: (Amended 9/22/97)~~

- ~~1. An Attorney~~
- ~~2. Two (2) Accountants or Commercial Loan Officers (Amended 9/22/97)~~
- ~~3. Four (4) owners of small businesses, (businesses with ten (10) or fewer employees, including the owner) (Amended 9/22/97)~~

~~All members shall be appointed by the Mayor and City Council. Preference will always be given to Portsmouth residents unless there is an overriding reason for selecting an individual who is employed in Portsmouth, yet is not a resident.~~

~~B. Term: The members of the Committee shall serve a three-year term and shall serve without compensation.~~

~~C. Powers:~~

- ~~1. Formulate general policies regarding the operation of the program, including application selection criteria.~~
- ~~2. Establish specific policies as the need may arise dictated by the program demands.~~
- ~~3. Advise the City Manager and staff with regard to the operation of the program.~~

~~D. Meetings: The advisory Committee shall meet at least semi-annually and may be called by the City Manager, the City staff or upon the request of the Committee on five (5) days notice, which notice may be waived in an emergency.~~

#### ~~Section 1.411: PEIRCE ISLAND COMMITTEE~~

~~A. Membership and Term: The Peirce Island Committee shall consist of not less than twelve (12) or more than eighteen (18) regular members. The members shall be appointed by the Mayor subject to the approval of the City Council for a term of two (2) years, coterminous with the City Council term.~~

~~B. Powers and Duties: The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting the development and use of Peirce Island, including the solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Peirce Island Trust Fund. Nothing herein shall~~



~~limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances. (Amended 5/17/99)~~

~~C. It shall be the responsibility of the Peirce Island Committee to encourage the use and enhancement of Peirce Island in the manner which maximizes the value and use of the island for the residents of the City of Portsmouth while minimizing the impact on the environmental condition and natural beauty of the island.~~

**Section 1.412 1.408: PARKING AND TRAFFIC SAFETY COMMITTEE**  
(Adopted 11/21/2011)

The Parking and Traffic and Safety Committee shall be established and shall have the duties and authority as described in Chapter 7, Article I of these ordinances.

**Section 1.413 1.409: TREES AND PUBLIC GREENERY COMMITTEE**  
(Adopted 10/21/2013)

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of nine (9) voting members including the following: City Manager or designee; Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City Officials listed above, shall be appointed by the Mayor and City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

## Section ~~1.414~~ 1.410: AUDIT COMMITTEE

There shall be a permanent Audit Committee established and maintained for the purpose of advising the City Council on the adherence to the City Charter- Section 7.4 INDEPENDENT AUDIT.

- A. Membership and Term: The Audit Committee shall have ~~five (5)~~ **three (3)** voting members who shall be appointed by the Mayor and confirmed by the City Council, ~~two~~ **all** members shall be City Councilors. The City Manager shall be a member of the Committee with voice, non-voting. ~~Audit Committee members, other than the City Councilors, shall possess experience in finance, accounting, auditing, and/or financial management and reporting. All members shall be independent of both City management and any auditing firm which may be under contract with the City. In order to enhance the integrity of the financial reporting, the independence of each member will be maintained throughout the duration of their term on the Audit Committee.~~ In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed to fill the remainder of the term of the vacant member. The ~~initial~~ terms of the members of the Committee shall be for ~~three (3)~~ **two (2)** year terms ~~coterminous with the term of the City Council except that the length of the initial terms to be staggered as follows: In year of initial appointment: three (3) members shall be 3-year terms and two (2) members shall be 2- year terms. Thereafter, all members shall serve a term of three (3) years. All members shall be residents of the City of Portsmouth throughout their term on the Audit Committee.~~
- B. Duties and Powers: The primary purpose of the Audit Committee is to recommend an external auditor to the City Council. In the event the auditor identifies any serious exceptions, the Audit Committee shall advise and work with the City council as to next steps. ~~The Audit Committee will be able to retain the services of professionals, as necessary, in municipal finance and audits, and experts hired will have no past employment as City staff or current relationships therewith, or employment with the auditing firm or current relationships therewith, and shall be independent.~~

## Section ~~1.415~~ 1.411: CEMETERY COMMITTEE

- A. Membership and Term: The Cemetery Committee shall consist of not less than twelve (12) or more than eighteen (18) regular members. The members shall be appointed by the Mayor subject to the approval of the City Council for a term of two (2) years, coterminous with the City Council term.
- B. Powers and Duties: The Committee shall provide advice and recommendations to the City Manager and the City Council with respect to all issues affecting municipal cemeteries, including the solicitation and acceptance of grants; the expenditure of any funds for specific improvements; and any expenditures from the Cemetery Trust Fund. Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances.
- C. It shall be the responsibility of the Cemetery Committee to encourage the restoration, preservation, and safeguarding of Portsmouth's historic cemeteries and their history for future generations.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

---

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

# City of Portsmouth

*Department of Public Works*



## 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: 7/26/2022

SUBJECT: Proposed Fiscal Year 23 Bond Authorization  
EF-22-SD-90: Sewer Service Funding for Sagamore Avenue Area Sewer  
Extension

---

The Sagamore Avenue Sewer Extension Project included the design of private connections to the new sewer main. When the project was bid the private side work was included as add alternates in order to receive competitively bid costs for the private side connection work. This approach was voted on by the City Council in their September 22, 2020 meeting to advance the project and satisfy the City's obligations under its Consent Decree Second Modification with the EPA.

This work is separate from the funding authorization on July 11, 2022 for \$2.5M that included the "Sewer Main for Sagamore Avenue Area Sewer Extension". The July 11, 2022 authorization will cover the main line sewer on the south side of Sagamore Creek.

This current request for additional bond authorization is for all private side work to connect to the new sewer mains. Staff confirmed interest of private property owners until mid-July and are now able to bring forward these bond resolution options for consideration as a separate item. The staff recommends that bond resolution option 2 in the amount of \$1.2 million be moved forward to public hearing as explained below.

Staff and Wright-Pierce, the City's design consultant, created cost estimate documents for each property interested in connecting to the sewer. The cost estimates were sent out to homeowners with a request to confirm interest. There are approximately 39 properties at this time confirming interest in a connection under the costs sharing proposal. The City has to fund the entire cost and will receive repayment of the property owner's portion over time after the work is complete. The cost of the connections is estimated to be \$1.5 million. \$300,000 was previously authorized for this work through the FY22 CIP. Through the CIP item EF-22-SD-90: Sewer Service Funding for Sagamore Avenue Area Sewer Extension, the City was planning for an additional bond in the

amount of \$450,000 in FY23. The FY22 and FY23 total would be \$750,000 and will not cover the full cost to connect all the properties that have confirmed interest at this time. Staff recommend increasing the FY23 bond authorization to \$1.2 million so that all the properties who have confirmed interest can be connected under this contract. This adjustment will not increase the sewer rates as it is already within the rate model forecast. Approximately \$627,000 will be repaid to the City from the property owners over time based on the cost sharing proposal for the 39 properties.

The City and the residents will benefit by this adjustment. This will allow for more connections to the sewer sooner (an environmental benefit), keep costs lower through economies of scale, keep costs lower by utilizing current bid prices, and ease overall implementation.

Increasing the bond in FY23 will reduce the out year commitments. The CIP element sheet EF-22-SD-90: Sewer Service Funding for Sagamore Avenue Area Sewer Extension has been red-lined accordingly and is attached.

Staff have recommended an adjustment to the planned bonding for FY23 for the Sewer Service Funding for Sagamore Avenue Area Sewer Extension. The Council may elect to move forward with a bond authorization for \$1.2 million (approximately 39 connections) or a bond authorization the original amount of \$450,000. If the City Council elects to move forward with a FY23 bond authorization of \$450,000 staff will have \$750,000 to implement the private side connections under the current prioritized list approach (see memo dated March 30, 2022 and included in the April 4, 2022 City Council packet). The lower funding amount is estimated to cover connections for up to 18 properties.

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



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.

- 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.

Evaluation Criteria	Quality?
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	
Responds to a Citywide Goal or Submitted Resident Request	Y

	FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF							\$0	\$0	\$0
Fed/ State	\$1,200,000	\$280,000	\$280,000	\$280,000	\$280,000	\$280,000	\$0	\$0	\$0
Bond/ Lease	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$350,000	\$2,600,000	\$300,000	\$2,900,000
Other							\$0	\$0	\$0
Revenues							\$0	\$0	\$0
PPP	\$1,200,000	\$280,000	\$280,000	\$280,000	\$280,000	\$280,000	\$0	\$0	\$0
Totals	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$350,000	\$2,600,000	\$300,000	\$2,900,000

CITY OF PORTSMOUTH  
TWO THOUSAND TWENTY TWO  
PORTSMOUTH, NEW HAMPSHIRE

OPTION 1

**RESOLUTION# - 2022**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) FOR COSTS RELATED TO SEWER SERVICE CONNECTIONS RELATED TO THE SAGAMORE AVENUE AREA SEWER EXTENSION PROJECT.**

**RESOLVED:**

**THAT** that the sum of up to **Four Hundred Fifty Thousand Dollars (\$450,000)** is appropriated to pay costs of sewer service connections related to the Sagamore Avenue Sewer Extension project, including the payment of costs incidental or related thereto;

**THAT** to meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Four Hundred Fifty Thousand Dollars (\$450,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

**THAT** the expected useful life of the project is determined to be at least thirty (30) years, and;

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

---

**DEAGLAN MCEACHERN, MAYOR**

**ADOPTED BY CITY COUNCIL**

---

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

CITY OF PORTSMOUTH  
TWO THOUSAND TWENTY TWO  
PORTSMOUTH, NEW HAMPSHIRE

OPTION 2

**RESOLUTION# - 2022**

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000) FOR COSTS RELATED TO SEWER SERVICE CONNECTIONS RELATED TO THE SAGAMORE AVENUE AREA SEWER EXTENSION PROJECT.**

**RESOLVED:**

**THAT** that the sum of up to **One Million Two Hundred Thousand Dollars (\$1,200,000)** is appropriated to pay costs of sewer service connections related to the Sagamore Avenue Sewer Extension project, including the payment of costs incidental or related thereto;

**THAT** to meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **One Million Two Hundred Thousand Dollars (\$1,200,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

**THAT** the expected useful life of the project is determined to be at least thirty (30) years, and;

**THAT** this Resolution shall take effect upon its passage.

**APPROVED:**

---

**DEAGLAN MCEACHERN, MAYOR**

**ADOPTED BY CITY COUNCIL**

---

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



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter One, Article VIII, **CODE OF ETHICS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE VIII: CODE OF ETHICS**

**Section 1.801: DEFINITIONS**

For purpose of this Article, the following terms shall be defined in the following manner:

- A. Charged Party: That Officer or Employee alleged to have violated this Ordinance and is the subject of the Complaint.**
- B. Complaint: Any written communication meeting the requirements of Section 1.806 (A).**
- C. Complainant: The person making the Complaint.**
- D. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.**
- E. Ethics Investigation Officer (EIO): That person serving in the capacity as described in Section 1.805.**
- F. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, or Fire Commission.**
- AG. Officer: The term "Officer" shall be defined to include every person who serves the City of Portsmouth in any official position which is established by state law, the Municipal Charter, the Ordinances of the City or by appointment of the City Council. ~~member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission, every department head as that term is used in the Administrative Code, Chief of Police, Fire Chief,~~**

~~Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority.~~

~~B. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.~~

~~C. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.~~

**DH.** Official Duties: The term "Official Duties" shall mean the following:

1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.
2. In the case of ~~all other Officers, members of Land Use Regulatory Boards, the Trustees of the Trust Fund and the Portsmouth Housing Authority,~~ those duties and responsibilities set forth in the legislation **or vote which establishes the position held by the Officer or the job description for that position that established each board and/or outlines the duties and responsibilities of each board.**
3. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and responsibilities set forth in the respective job description for each party or employee.

## **Section 1.802: CONFLICTS OF INTEREST**

- A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.
- B. Representing Private Interests Before City Agencies: No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.  
Officers and employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a

substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.

- C. Representing Private Interests Before Courts: No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.
- D. Disclosures of Interest in Legislation: A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.
- E. Disclosures by Officer or Employee of Interest in Legislation: An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. Gifts and Favors: No officer or employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.
- G. Disclosures of Confidential Information: ~~No~~ Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- H. Investments in Conflict with Official Duties: Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- I. Incompatible Employment: No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.

### Section 1.803: CONSEQUENCES OF VIOLATION

Any violation of any provisions of this ordinance shall constitute cause for **public censure, fine**, suspension or removal from office or, **in the case of Employees disciplinary action as may be set forth in any collective bargaining or employment agreement up to and including termination from** employment.

### Section 1.804: BOARD OF ETHICS

- A. ~~There A Board of Ethics ("BOE") is hereby created and established a method for appointing a Board of Ethics.~~ This ~~Board~~ **BOE** shall consist of five (5) persons: ~~one member each two members shall be selected by lot~~ from the City Council, ~~and one member each from the~~ School Board, Police Commission and Fire Commission ~~and the.~~ **All members shall be selected by lot to maintain a full board as necessary.** The City Attorney (ex officio) or such other legal counsel (ex officio) ~~that shall provide legal advice and support for the Board~~ **BOE should decide.** The ~~Board~~ **BOE** members shall be **selected by lot and** drawn at the first meeting of the calendar year of ~~each of~~ the governing bodies.
- B. ~~Each BOE Member selected is required to serve unless the BOE Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).~~
- C. ~~The members of Board~~ **BOE Members** shall elect a chairperson. ~~They shall and the BOE may~~ adopt such rules for the conduct of ~~their~~ **its** business as ~~they it~~ sees fit ~~and they.~~ **The BOE** shall have the power to draw upon ~~the various~~ City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

### Section 1.805: ETHICS INVESTIGATION OFFICER

- A. ~~The position of Ethics Investigation Officer (EIO) is hereby created. The City Manager shall have the power to identify and retain an EIO, with approval from the Board of Ethics, to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO shall have sufficient experience and training to conduct the investigation.~~
- B. ~~Advisory Opinions: Upon the written request of the Officer or employee concerned, the Board shall render advisory opinions based upon the provisions of this Code. The Board shall file its advisory opinions with the City Clerk but may delete the name of~~

~~the officer or employee involved. In the event the Complaint is against the City Manager, the responsibility to identify and retain an EIO shall reside with the City Attorney in consultation agreement with the Mayor.~~

~~C. Hearings and Determinations: Any individual having information that an officer or employee as defined in Section 1:801, other than the City Manager or the City Attorney, is engaged in improper activities or has a conflict of interest may present his or her complaint to the City Attorney.~~

~~1. Said complaint shall be in writing, under oath, specific and to the point. The City Attorney shall review the written complaint with the Mayor and if either the Mayor or the City Attorney feels that the complaint is of substance, then the Mayor shall refer the matter to the Board.~~

~~2. If both the Mayor and City Attorney believe that the complaint is without substance, the person making the complaint and the subject of the complaint shall be notified in writing of that fact.~~

~~3. The Board shall hold a hearing which may be public or private at the discretion of the Board and at which the accused party shall be entitled to be represented by Counsel at his or her own expense to examine the party making the complaint, to summon witnesses and to present evidence on his or her behalf. If the Board finds that the individual is guilty as charged in the complaint, the whole matter shall be referred to the appropriate governing body for enforcement as set forth in Section 1:805.~~

~~4. Complaints against the City Manager and/or City Attorney for violations of this Ordinance shall be in writing, under oath, specific and to the point, and shall be referred directly to the Mayor or Assistant Mayor. If either the Mayor or Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance, then the person making the complaint and the Mayor shall be notified of that decision.~~

~~5. Complaints against the Mayor shall be filed with the City Attorney who shall review them with the Assistant Mayor. If either the City Attorney or the Assistant Mayor believes that~~

~~the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance then the person making the complaint and the Mayor shall be notified of that decision.~~

- ~~6. All members of the City Council (including the Mayor), School Board, Police Commission and Fire Commission are eligible to serve and must serve on the board when requested to do so except, however, that any person that has been charged in a complaint shall be barred from serving on that particular board.~~
- ~~7. All complaints shall be disposed of or forwarded to the Board by the City Attorney and/or the Mayor and/or the Assistant Mayor within thirty days after receipt.~~
- ~~8. The Board shall have thirty days to investigate and hold meetings and to report to the appropriate governing body as a whole if their findings warrant further action.~~
- ~~9. The statements of the findings of the Board shall be issued upon the request of any person charged.~~

#### **Section 1.806: COMPLAINTS, INVESTIGATIONS AND HEARING**

- A. Complaint Requirements.** Any person may submit a written complaint alleging one or more violations of Section 1:802. Such complaint must be based on personal knowledge, and set forth facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath and include contact information, including: home address, phone number and email address (such personal contact information to be treated as confidential upon request). The Complaint shall be delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall promptly provide a copy of the Complaint to the Charged Party.
- B. Review for Sufficiency.**
  - 1. A Review for Sufficiency of the Complaint will be completed within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available record of any public meetings or records referenced in the Complaint.**

2. The City Attorney and the Mayor shall conduct the Review for Sufficiency except in cases in which either is the subject of the Complaint. Complaints against the City Attorney shall be reviewed by the City Manager and Mayor. Complaints against the Mayor shall be reviewed by the City Attorney and the Assistant Mayor.
3. If the Complaint is deemed insufficient, the Complainant will be notified in writing of that decision with a copy provided to the Charged Party. A Complaint will be deemed sufficient if it is determined that the Complaint establishes some reasonable possibility that a violation of the Code of Ethics may have occurred.
4. If the Complaint is deemed to be sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through a communication in writing. That communication in writing will contain the following:

This Determination of Sufficient does not determine the truth or falsity of any of the allegations contained in the Complaint or constitute any finding or conclusion that a violation occurred.

- C. **Investigation Phase.** The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The EIO shall have all subpoena powers as may be available under State law. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty-five (45) days of the date of referral unless the Charged Party and the City's representative (City Manager or City Attorney) mutually agree to a longer period.

The EIO shall provide a written report with the conclusions reached in the completed investigation to the BOE. The EIO shall provide a non-binding recommendation as to the disposition of the Complaint to the BOE. Thereafter, all action with regard to the Complaint shall be taken by the BOE.

- D. **Board of Ethics Hearings.**



1. The BOE shall take no further evidence on any Complaint, but shall make its determination based upon the report received from the EIO. However, the BOE shall hold at least one (1) public hearing at which the EIO, the Complainant, and the Charged Party shall be afforded an opportunity to present oral and written argument to the BOE. The BOE may hear from such other and further parties as it determines appropriate.
  2. Any party may be represented by legal counsel at his or her own expense at any stage of an ethics proceeding.
  3. The BOE shall issue a written decision within thirty (30) days of the final public hearing with findings and a disposition, dismissal or referral for further action if a violation has been found. If a violation has been found, the BOE shall recommend a sanction or penalty, and refer the matter to the City Council (if an Officer or the City Manager) or to the City Manager (if an Employee) for disposition, sanction or other action as set forth in Section 1:807.
- E. If the employee is a member of a bargaining unit covered by the terms of a collective bargaining agreement, the investigation will comply with those provisions of the applicable collective bargaining agreement; this may include, but is not limited to the employee having Union representation at any investigative interview that may lead to discipline.

#### **Section 1.8057: ENFORCEMENT DISPOSITION AND SANCTION**

- A. **Sanctions:** In the event that the ~~Board of Ethics~~ BOE determines that any ~~officer~~ Officer or ~~employee subject to its control, has engaged in any act prohibited by the City Manager~~ committed a violation of this ~~ordinance or failed to make a mandated disclosure, the governing body shall~~ Ordinance, the City Council may take any ~~one~~ of the following ~~steps~~ actions:
- ~~1. In the case of the Governing body members:~~
    - a. Vote for removal pursuant to the City Charter as amended;
    - b. Vote to publicly censure **or admonish** the offending member;
    - c. Vote to place the matter on file; **or**
    - d. Vote ~~for innocence of any wrong doing to overturn the finding of a violation.~~



~~2. In the case of all officers and employees the governing body, consistent with the Merit System and any applicable bargaining agreements, shall:~~

- ~~a. Vote for removal~~
- ~~b. Vote for dismissal~~
- ~~c. Vote for suspension for a definite period~~
- ~~d. Vote for the censuring~~
- ~~e. Vote to place the matter on file~~
- ~~f. Vote for innocence of any wrongdoing.~~

**B.** In the case of Employees, the City Manager shall have all rights available under any employment agreement or collective bargaining agreement to discipline or terminate the employee and the City Manager shall make such report to the City Council as it determines necessary, in public or non-public session as may be determined at the time, as to the action taken.

**BC.** Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance, violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.

**(Adopted In Its Entirety 4/4/88)**

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

---

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk

DRAFT

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV, Section Commissions/Authorities – **TREES AND PUBLIC GREENERY COMMITTEE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

**ARTICLE IV: Commissions/Authorities**

**Section 1.413: TREES AND PUBLIC GREENERY COMMITTEE**

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of **nine–(9) ten (10** voting members including the following: **a City Councilor, the** City Manager or designee; **the** Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City **Officials staff members** listed above, shall be appointed by the Mayor **and with the approval of** City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

---

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

---

Kelli L. Barnaby, City Clerk



## CITY OF PORTSMOUTH

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

Karen S. Conard  
City Manager

**Date:** July 28, 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 August 1, 2022

---

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

#### **A. First Reading of Ordinance Amending Chapter 1, Article III – Boards:**

Attached please find a [proposed ordinance amending Chapter 1, Article III – Boards](#).

*I recommend that the City Council move to pass first reading, and hold a public hearing and second reading at the August 22, 2022 City Council meeting.*

#### **B. First Reading of Ordinance Amending Chapter 1, Article IV – Commissions and Authorities:**

Attached please find a [proposed ordinance amending Chapter 1, Article IV – Commissions and Authorities](#).

*I recommend that the City Council move to pass first reading, and hold a public hearing and second reading at the August 22, 2022 City Council meeting.*

#### **C. First Reading of Resolution Authorizing A Bond Issue Regarding Sagamore Avenue Area Sewer Extension:**

For first reading are two proposed bond resolutions related to the Sagamore Avenue Sewer Extension Project. One of those bond resolutions should be moved forward to a public hearing at the August 22, 2022 City Council meeting. Staff recommends that [Bond Resolution Option 2 in the amount of \\$1.2 million](#) move forward to a public hearing in order to maximize the number of connections to the new sewer line under the current contract with Severino. A [memorandum from the Department of Public Works staff supporting the recommendation is attached](#) and staff is available to answer any questions.

*I recommend that bond resolution option two in the amount of \$1.2 million be scheduled for a public hearing on August 22, 2022.*

**D. Second Reading of Ordinance Amending Chapter 1, Article VIII – Code of Ethics:**

Attached please find a [proposed ordinance amending Chapter 1, Article VIII – Code of Ethics](#).

*I recommend that the City Council move to schedule a third and final reading at the August 22, 2022 City Council meeting.*

**E. Third and Final 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 the third and final reading, and adopt the ordinance as presented.*

***XI. City Manager’s Items Which Require Action:***

**1. Polling Hours for State Primary Election:**

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours for the State Primary Election on September 13, 2022, be established from 8:00 a.m. to 7:00 p.m.

Based on new procedures being put in place and the significant amount of time and effort to complete documentation for the State Primary, I seek your support with this request.

*I recommend that the City Council move to establish polling hours for the September 13, 2022 State Primary Election from 8:00 a.m. to 7:00 p.m.*

**2. Conservation Easement and Street Naming Request for 3400 Lafayette Road:**

On February 17, 2022, the Planning Board granted site plan approval and a wetlands conditional use permit for the construction of a 50-unit multi-family residential development at 3400 Lafayette Road. The parcel and related approvals have since been acquired by Juniper Commons, LLC. As a condition precedent to approval, the Planning Board recommended acceptance of a conservation easement over 10.31 acres of the parcel, which include deeded public access. This conservation land abuts another existing conservation easement in favor of the City, and other City-owned parcels of land.

The [attached drawing](#) shows the location of the proposed conservation easement with public access to be granted to the City. The [attached conservation easement](#) has been reviewed by the Planning and Legal departments for form and substance.

*I recommend that the City Council move to authorize the City Manager to negotiate, accept and record a conservation easement in substantially similar form to the easement deed from Juniper Commons LLC contained in the agenda packet.*

In addition to the easement, Michael Green, representing the owner Juniper Commons LLC, is seeking approval to name the private road that serves the development. The applicant has requested the following names in order of preference:

- Juniper Lane (1st Choice)
- Isabella Lane
- Sunrise Lane

The City GIS Manager has reviewed the street name and has verified that Juniper Lane does not match any existing city streets or those of neighboring cities. The State Emergency Services & Communications (e9-1-1) has reviewed and indicated “Juniper Lane” is acceptable to use.

*I recommend that the City Council vote to approve naming of a private street to Juniper Lane per [the attached request and exhibit](#).*

3. **Access and Water Service Easements for Property Located at Hemlock Way f/k/a Patricia Drive:**

At the February 18, 2021 Planning Board meeting, the Board granted subdivision approval for a two-lot subdivision located on Hemlock Way, a private road formerly known as Patricia Drive. As part of the approval, the Board recommended that the City approve the transfer of ownership of approximately 7,860 square feet of the road right-of-way to the owners of the private road. This area is shown as the cross-hatched area on [the attached Plan](#). The City Council voted on March 8, 2021 to approve this transfer of the 7,860 square foot portion of the private road by release deed and further approved renaming the road to Hemlock Way.

The portion of the private road in this subdivision that was not conveyed by the City is a paper street. The Planning and Legal departments reviewed the history of the paper street and determined that the dedication of the paper street terminated because the street was not accepted within 20 years and ownership reverted to the abutting property owners as shown on the attached plan. Consequently, the City will require access and water service easements from affected property owners in order for the City to access the subdivision’s private water infrastructure.

*I recommend that the City Council move to grant the City Manager authority to negotiate and accept easements necessary to serve the recently approved subdivision as set forth in the attached plan.*

## ***XII. Consent Agenda:***

A. **Projecting Sign License for 175 Market Street:**

Permission is being sought to install a projecting sign at [175 Market Street](#) that extends over the public right of way, as follows:

Sign dimensions: 38” x 44”

Sign area: 11.6 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 signs, 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.*

### ***XIII. Presentations and Written Communications:***

#### **A. McIntyre Update:**

The City's project management team will be present along with development partner Michael Kane to provide an update on the status of the redevelopment efforts proposed for the McIntyre federal site in downtown Portsmouth. Russell Preston of the Principle Group will lead a presentation which outlines the refinement of the Community Plan as the conceptual plan transitions to preliminary design. The presentation will include site plan, elevation, floor plans and renderings.

#### **B. Presentation Regarding Proposed Land Acquisition at the Bellamy Reservoir:**

The City has partnered with Southeast Land Trust (SELT) for the negotiation, due diligence, and the preparation of a conservation easement on an approximately 45-acre portion of the Property owned by Jodi Fernald (heir of deceased owners, David and Sheila Fernald), 'Fernald Parcel', in order to benefit the continued protection of the City's primary water supply. Al Pratt, Water Resources Manager, will provide a brief overview of the potential purchase and will ask the Council to authorize the City Manager to negotiate a Purchase and Sale agreement similar to the two other reservoir property acquisitions the City has recently completed at this evening's meeting.

*I recommend that the City Council move to authorize the City Manager to negotiate a purchase and sale agreement.*

### ***XVI. Approval of Grants/Donations:***

#### **A. Acceptance of Various Donations:**

It has been the practice of the City Council for many years to acknowledge and formally accept all donations received by the City. This has been a practice only, as there is no written City Council policy and the acceptance of donations by the governing body is not required by law.



In contrast, the receipt of grant funds from federal and state agencies often require formal acceptance of terms and conditions by the governing body.

As the variety of ways in which the City takes in donations for various purposes has expanded, the City staff has recently developed a form to help provide the City Council with additional information relative to the donations that are being brought forward for City Council acceptance. Those donations come in the form of gifts into existing trust instruments through the donate buttons on the City's webpage, through fundraising events for special purposes (selling of tickets and auction items), as well as traditional checks typically written for a special purpose.

The donations on this agenda are documented on a new form. Note that there is no requirement under the law to identify donors, and in some cases, such as ticket sales, it is not easily feasible to collect such information at the event.

City staff is gathering and documenting the various practices and policies that are already in place in various departments for a more comprehensive report and will be making some recommendations on how the City Council might more efficiently handle and/or report on donations at the City Council level. In the interim, this additional information on the donation forms attached below should allow the City Council to move these items forward to completion as we are working to close out the fiscal year end:

- [Donation to the Fire Department - \\$250](#)
- [Donation to the Skateboard Park Lights - \\$2,910.80](#)
- [Donation to the Skateboard Park Lights - \\$2,686](#)
- [Donation to the Cemetery Committee - \\$1,500](#)
- [Donation to the Police Department - \\$5,000](#)

*I recommend that the City Council move to approve and accept the donations listed above.*

**B. Acceptance of Grant from to the Fire Department - \$50,000:**

The Fire Department received a grant in the amount of \$50,000 from the Governor's Office of Emergency Relief and Recovery - ARPA SFRF Locality Equipment Matching Program. The grant will go toward the purchase of 3 LUCAS CPR Chest Compression Devices, one for each of the City's ambulances. These battery-operated chest compression devices are used during CPR situations, and allow for more efficient chest compressions and also allows the person that would normally do compressions to perform other critical interventions.

These items were originally included in the FY23 Capital Improvement Plan request and subsequently removed the grant opportunity became available.

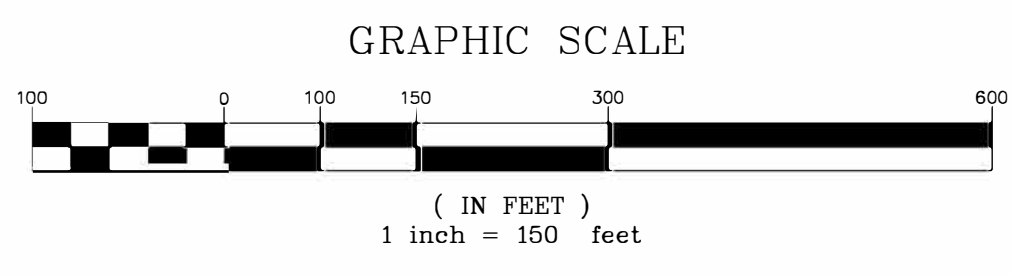
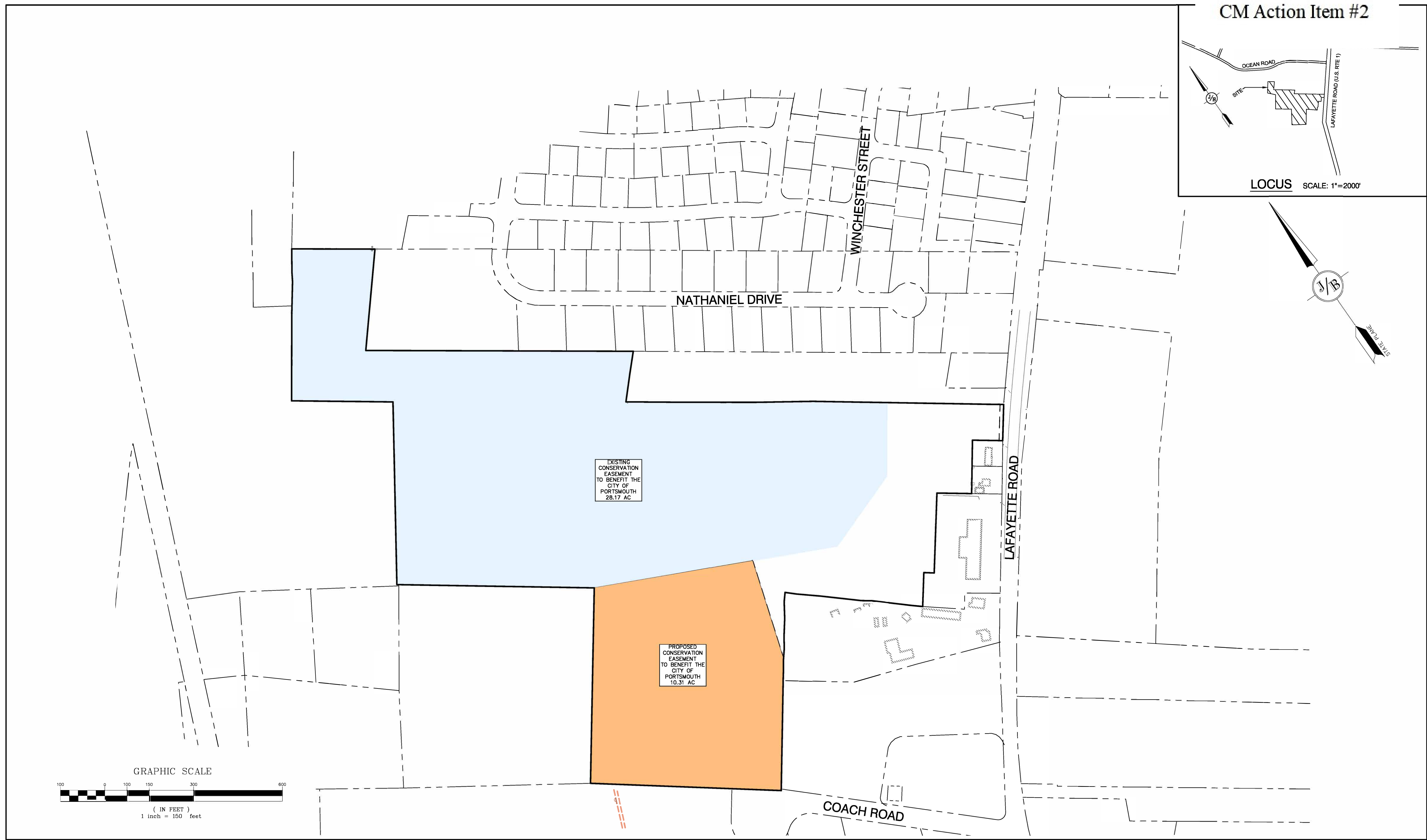
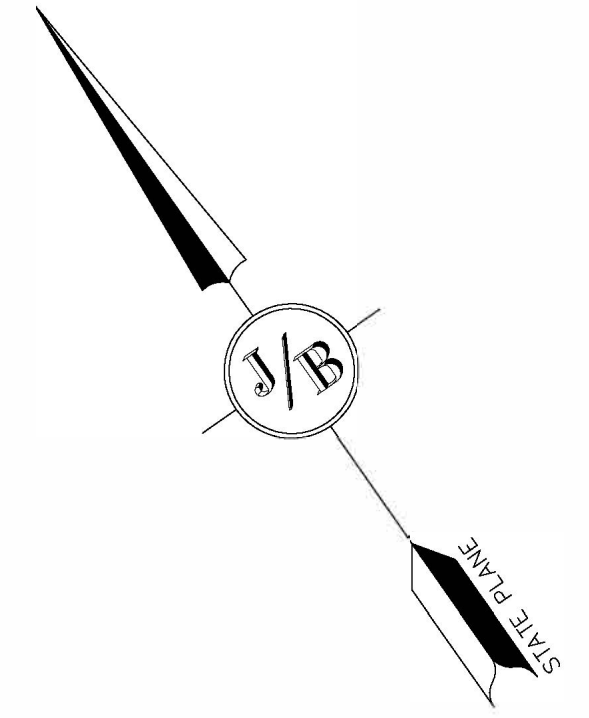
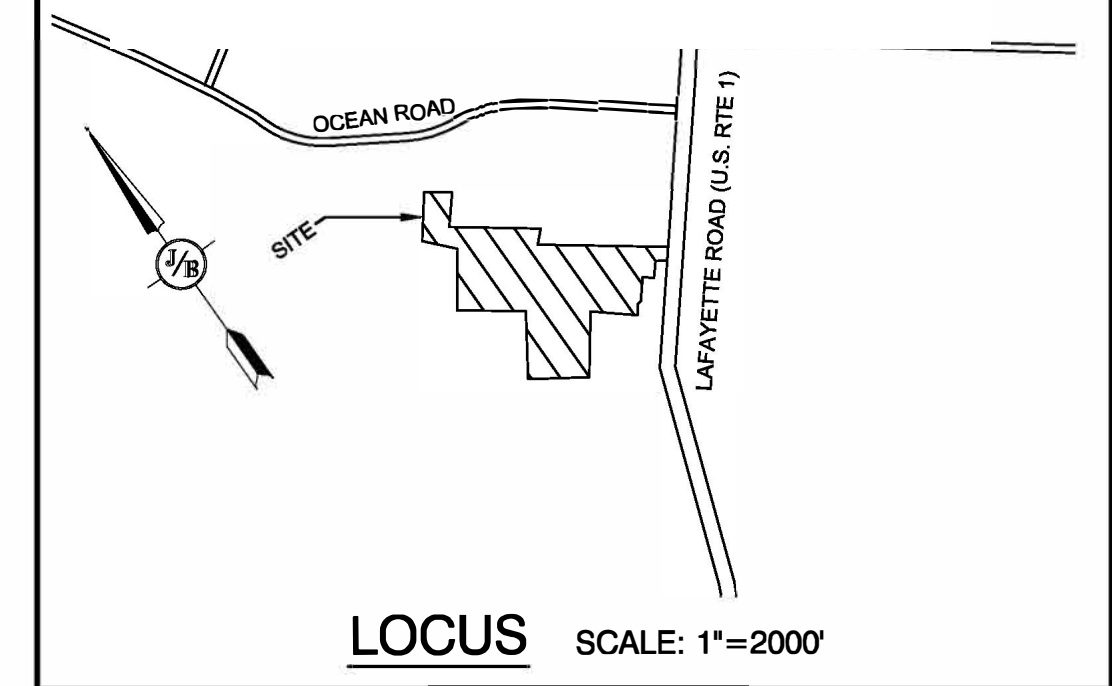
*I recommend that the City Council move to approve and accept the grant as presented.*

## *XVII. City Manager's Informational Items:*

### 1. **Report Back on Community Engagement:**

At the May 16, 2022 City Council meeting, the Council requested a report back on best practices and methods of communication the City currently utilizes for citizen engagement. This [report back is attached](#) for your information.

CM Action Item #2



Design: JAC    Draft: LAZ    Date: 3/3/21  
 Checked: JAC    Scale: AS SHOWN    Project No.: 20737  
 Drawing Name: 20737-PLAN.dwg  
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	7/22/22	SUBMITTED FOR REVIEW	LAZ

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

85 Portsmouth Ave.    *Civil Engineering Services*    603-772-4746  
 PO Box 219    Stratham, NH 03885    FAX: 603-772-0227  
 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>EASEMENT OVERVIEW PLAN</b>
Project:	<b>3400 LAFAYETTE ROAD PORTSMOUTH, NH</b>
Owner of Record:	<b>RICCI CONSTRUCTION CO., INC. 225 BANFIELD ROAD, PORTSMOUTH, NH 03801 BK 1930 PG 0229</b>

DRAWING No.  
**OVE**  
 SHEET 1 OF 1  
 JBE PROJECT NO. 20737

**CONSERVATION EASEMENT DEED**

**NOW COMES JUNIPER COMMONS, LLC** , a New Hampshire limited liability company having principal office address of 11 Lafayette Road, North Hampton, New Hampshire 03862 (the "Grantor"), for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Way, Portsmouth, New Hampshire 03801 (the "Grantee"), with Quitclaim Covenants:

**A CONSERVATION EASEMENT** over certain land of the Grantor in Portsmouth, County of Rockingham, State of New Hampshire, said easement areas being shown on a plan (the "Plan") prepared by Jones & Beach Engineers, Inc., entitled, "Condominium Site Plan", Tax Map 297 Lot 11, 3400 Lafayette Road, Portsmouth, New Hampshire, County of Rockingham, dated July 11, 2022, and recorded at the Rockingham County Registry of Deeds as Plan D-\_\_\_\_\_. The "Easement Area" is depicted as "Conservation Easement Area" on the Plan, and are more particularly bounded and described on the Plan as follows:

**Conservation Easement Area :**

Beginning at an iron rod at the intersection of two stone walls at the Southeastern corner of the property, then running N 52°48'37"E for 644.72', thence running N 36°06'08" E for 660.00', thence running S 64°44'46"E for 542.13', thence running S 17°28'24" W for 348.67' to a point on the stone wall, then running S 34°54'13"W for 30.65', thence running S 36°59'58" W for 35.16' to an iron pin, thence running S 35°59'50" W for 378.06' to the point of beginning, containing 449,213 Square Feet or 10.31 Acres.

This easement area contains 10.31 acres, more or less

This **CONSERVATION EASEMENT** is granted to the City of Portsmouth and the public, for the purpose of preserving and protecting in perpetuity the natural vegetation, soils, hydrology, natural habitat and scenic and aesthetic character of the Property so that the Property retains its natural qualities and functions.

**USE LIMITATIONS.**

A. The Property shall be maintained in perpetuity in an undeveloped and natural condition without there being conducted thereon any industrial or commercial activities, except as described below, and provided that such uses shall not degrade the conservation purposes of this Easement. No use shall be made of the Property, and no activity shall be permitted thereon,

which is inconsistent with the intent of this Easement, that being the perpetual protection and preservation of the Property.

B. The Property shall not be subdivided and none of the individual tracts that together comprise the Property shall be conveyed separately from one another.

C. No structure or improvement, including, but not limited to, a dwelling, any portion of a septic system, tennis court, swimming pool, dock, tower, commercial facility, conduit or utility line, billboard or other means of advertising display, driveway or road made of asphalt or other impervious surface, or other temporary or permanent structure or improvement, shall be constructed, placed, or introduced onto the Property. However, with the approval of the Planning Director for the City ancillary structures and improvements including, but not limited to, a road, dam, fence, bridge, culvert, barn, maple sugar house, or shed may be constructed, placed, or introduced onto the Property only as necessary in the accomplishment of the agricultural, forestry, conservation, or noncommercial outdoor recreational uses of the Property and provided that they are not detrimental to the scenic, agricultural, historic, recreational, wildlife habitat protection purposes of this Easement. Any such ancillary structure or improvement shall be constructed in a manner least detrimental to the conservation purposes of this Easement. The parties further recognize this provision shall not apply to any preexisting utility easements.

D. There shall be no dumping, injection, burning, or burial of refuse, trash, rubbish, debris, junk, waste, man-made materials or materials then known to be environmentally hazardous, including vehicle bodies or parts, or other similar substances.

This **CONSERVATION EASEMENT** is subject to the following benefits, burdens and access:

A. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended, or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

B. The Grantee shall have access to the Property and all of its parts for such inspection as is necessary to determine compliance with and to enforce this Easement and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Easement.

C. The Grantor shall ensure the unencumbered right for non-vehicular, recreational pedestrian access to the Conservation Easement Area in perpetuity. The Grantee shall have the right, but not the obligation, to construct and maintain pedestrian walking paths within the Conservation Easement Area with reasonable notice to the Grantor.

D. The Grantor shall ensure the unencumbered right for non-vehicular, recreational pedestrian access to the Conservation Easement Area in perpetuity. The Grantee shall have the right, but not the obligation, to construct and maintain pedestrian walking paths within the Conservation Easement Area with reasonable notice to the Grantor.



This **CONSERVATION EASEMENT** is subject to the following legal remedies in favor of the Grantee:

- A. When a breach of this Easement, or conduct by anyone inconsistent with this Easement, comes to the attention of the Grantee, it shall notify the Grantor in writing of such breach or conduct, delivered in hand or by certified mail, return receipt requested.
- B. The Grantor shall, after receipt of such notice or after otherwise learning of such breach or conduct, undertake those actions, including restoration, which are reasonably calculated to cure swiftly said breach, or to terminate said conduct, and to repair any damage. The Grantor shall promptly notify the Grantee of its actions taken under this section.
- C. If the Grantor fails to take such proper action under the preceding paragraph, the Grantee shall, as appropriate to the purposes of this Easement, undertake any actions that are reasonably necessary to cure such breach or to repair any damage in the Grantor's name or to terminate such conduct. The cost thereof, including, but not limited to, the Grantee's reasonable expenses, expert fees, court costs, and legal fees, shall be paid by the Grantor, provided that the Grantor is directly or primarily responsible for the breach.
- D. Nothing contained in this Easement shall be construed to entitle the Grantee to bring any action against the Grantor for any injury to or change in the Property resulting from causes beyond the Grantor's control, including, but not limited to, unauthorized actions by third parties, natural disasters such as fire, flood, storm, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.
- E. The Grantee and the Grantor reserve the right, separately or collectively, to pursue all legal remedies against any third party responsible for any actions detrimental to the conservation purposes of this Easement.
- F. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair Grantee's rights or remedies or be construed as a waiver.
- G. Grantee shall have the right to enforce this Easement by appropriate legal means and to obtain injunctive and other equitable relief against any violations, including without limitation, relief requiring restoration of the Property to its condition prior to the time of the violation, and shall be in addition to, and not limitation of, any other rights and remedies available to the Grantee.
- H. Grantee, by its acceptance of this Easement, does not undertake any liability or obligation relating to the condition of the Property.

**COVENANTS TO "RUN WITH THE LAND"**

- A. The terms and conditions of this Easement shall run with the Property in perpetuity and shall be enforceable against the Grantor or any other person or entity holding any interest in the Property.

B. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Easement. The Grantor agrees to execute any such instrument upon the Grantee's request.

#### **NOTICES**

All notices, requests and other communications, required or permitted to be given under this Easement shall be in writing, except as otherwise provided herein, and shall be delivered in hand or sent by certified mail, postage prepaid, return receipt requested to the appropriate address set forth above or at such other address as the Grantor or the Grantee may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or so mailed.

#### **SEVERABILITY**

If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

#### **SEPARATE PARCEL**

The Grantor agrees that for the purpose of determining compliance with any present or future bylaw, order, ordinance, or regulation (within this section referred to as "legal requirements") of the City of Portsmouth, the State of New Hampshire or any other governmental unit, the Property shall be deemed a separate parcel of land and shall not be taken into account in determining whether any land of the Grantor, other than the Property, complies with any said legal requirements. The Property shall not be taken into account to satisfy in whole or in part any of said legal requirements or any area, density, setback or other dimensional standard applicable to such land.

#### **MERGER**

The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee or any successor or assign shall be deemed to eliminate the Easement, or any portion thereof, granted hereunder under the doctrine of merger or any other legal doctrine.

The Grantee, by accepting and recording this Easement, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Easement is delivered.

This is a conveyance to the City of Portsmouth, New Hampshire pursuant to NH RSA 78-B:2 and is exempt from the New Hampshire Real Estate Transfer Tax.

For reference to the Grantor's title, see Deed recorded at the Rockingham County Registry of Deeds at Book 6401 Page 682.

IN WITNESS WHEREOF, Grantor and City have executed this Conservation Easement as set forth below

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

Juniper Commons, LLC

By: \_\_\_\_\_  
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me on \_\_\_\_\_ by  
Richard W. Green, Manager of Juniper Commons, LLC, as his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public  
My commission expires:





July 22, 2022

Beverly Mesa-Zendt AICP, Director-Planning Department  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Road Name Request for Juniper Commons, 3400 Lafayette Road, Portsmouth, NH

Hi Beverly,

Per my email and our discussions, we would like to request an approved street name for the private road that will be built as part of the Juniper Commons development of 50 townhomes located off Lafayette Road. The name we would like to request is

1. Juniper Lane (1<sup>st</sup> Choice)
2. Isabella Lane
3. Sunrise Lane

In discussing this with Jamie McCarty, Portsmouth GIS Manager, a street name on this private road would be considerably more practical from a 911 standpoint as well as from a visitor and general mail perspective. With 50 townhomes, we would like to request to be on the City Council Agenda to approve the street name, Juniper Lane, which we agree would make it a much better address for emergency and life safety reasons. At Jamie's suggestion, we would like to request this street naming, then each townhome would have an easily identifiable street number, i.e. 42 Juniper Lane. This would be much clearer than 50 unit numbers all located at 3400 Lafayette Road address. On our Bartlett Green development at the corner of Ocean Road and Lafayette Road we were required to address all the townhomes as 55 Ocean Road, Units 1 through 18. It creates a potential 911 issue but it also presents a practical issue when time and time again all packages are all delivered to the 1<sup>st</sup> unit rather than properly delivered to each home, causing significant confusion.

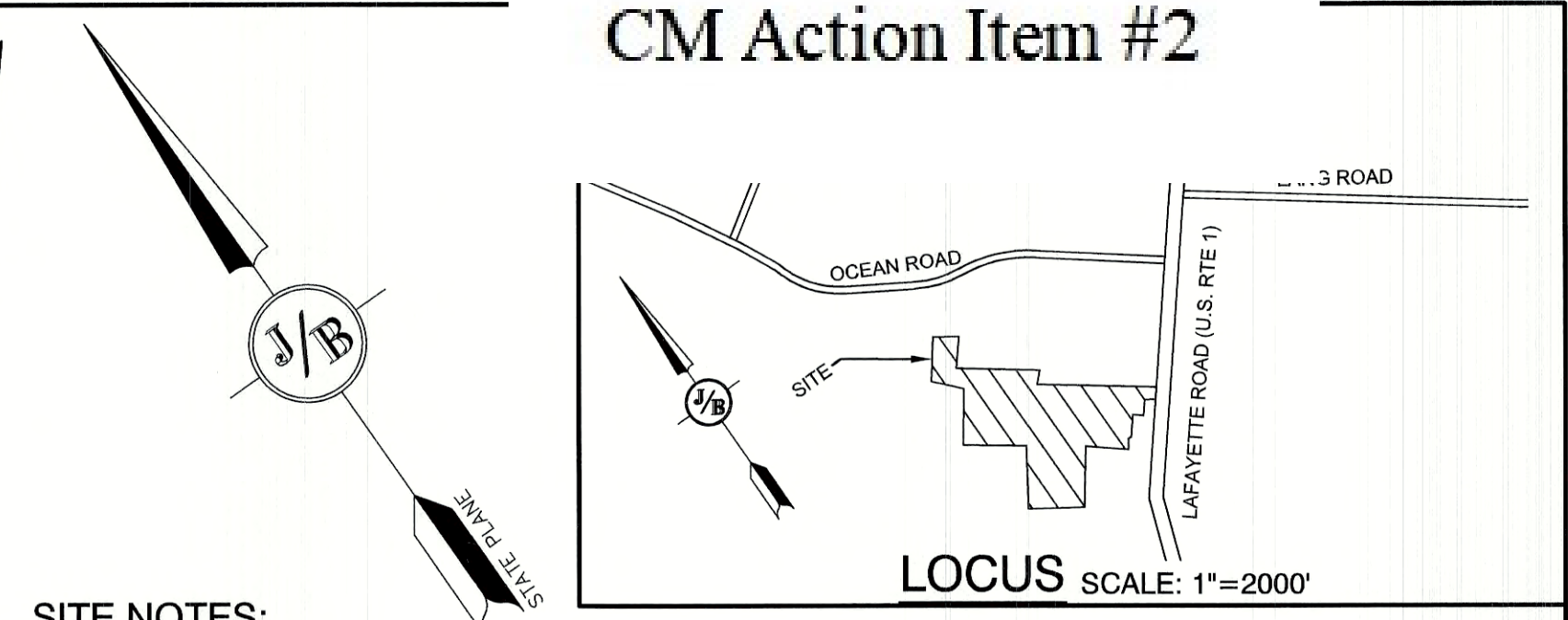
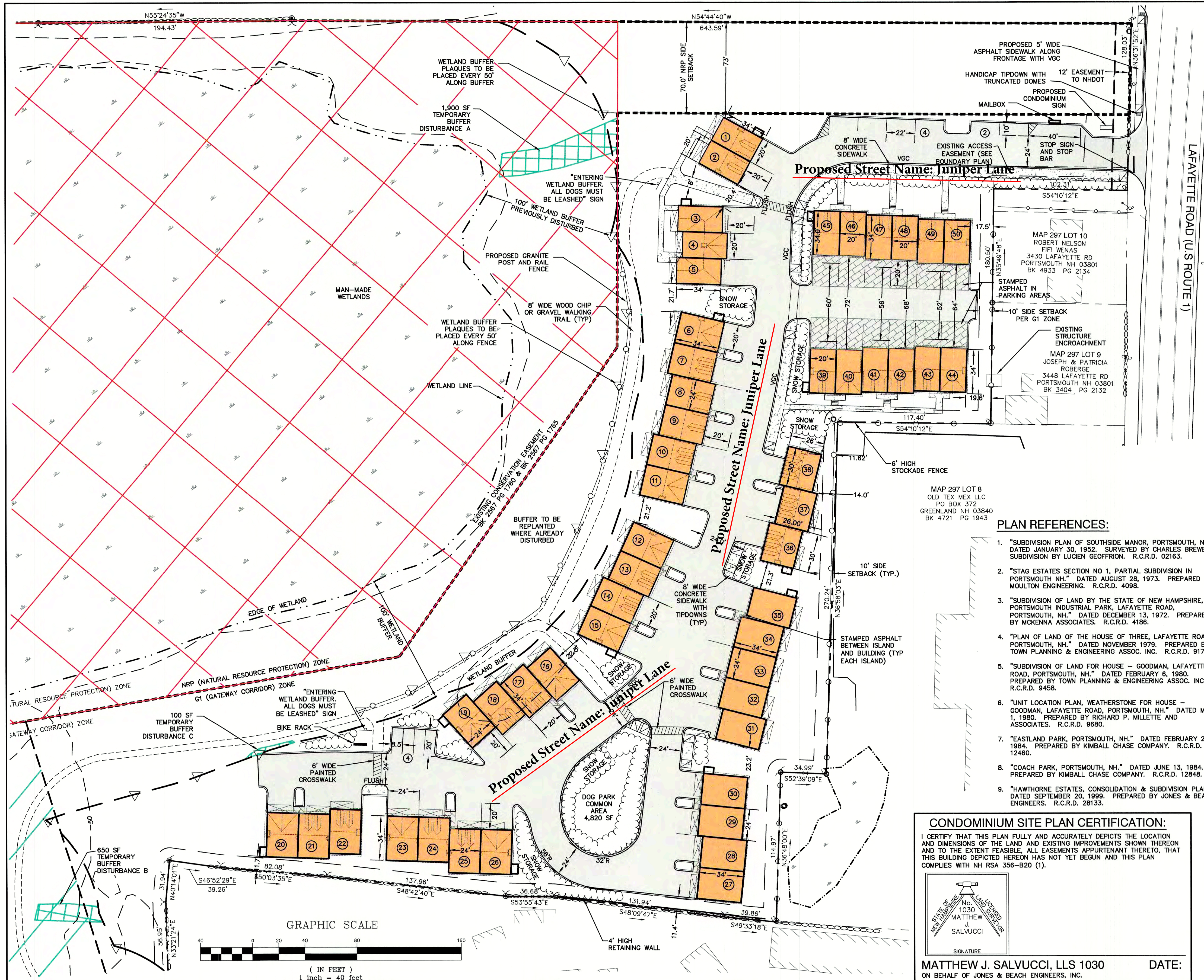
It is much less confusing to homeowners, guests, mail and package delivery and most importantly for 911 and emergency first responders during an emergency situation especially with 55 townhomes when you actually have a street name and house number. I would like to formally request that this private road be named Juniper Lane or Juniper Common. Please let me know if you need any additional information for us to be able to accomplish this.

Thank you for your assistance.

Best Regards,

Michael Green  
Green & Company for Juniper Commons LLC





**SITE NOTES:**

- THE INTENT OF THIS PLAN IS SHOW THE SITE LAYOUT FOR A 50-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON TAX MAP 297 LOT 11.
- ZONING DISTRICT: GATEWAY CORRIDOR (G1), USE: GATEWAY TOWNHOUSE  
 LOT AREA MINIMUM = NO REQUIREMENT FOUND  
 LOT FRONTAGE MINIMUM = 100'  
 BUILDING SETBACKS (MINIMUM):  
 FRONT SETBACK = 70' FROM CENTERLINE OF LAFAYETTE ROAD  
 SIDE SETBACK = 10'  
 REAR SETBACK = 15'  
 WETLAND SETBACK = 100'  
 MAX. BUILDING HEIGHT = 35'

AREA OF LOT WITHIN G1 DISTRICT = 677,360 S.F. = 15.55 AC  
 MIN. OPEN SPACE = 20%  
 OPEN SPACE PROPOSED WITHIN G1 DISTRICT = 577,990 S.F. = 85.3% ±  
 MAX. BUILDING COVERAGE = 50%  
 BUILDING COVERAGE PROPOSED WITHIN G1 DISTRICT = 38,108 S.F. = 5.6%  
 DENSITY ALLOWED = 16 UNITS/ACRE = 16 X 15.55 AC = 248 UNITS ALLOWED

ZONING DISTRICT: NATURAL RESOURCE PROTECTION (NRP)  
 LOT AREA MINIMUM = NO REQUIREMENT  
 LOT FRONTAGE MINIMUM = NO REQUIREMENT  
 BUILDING SETBACKS (MINIMUM):  
 FRONT SETBACK = 70'  
 SIDE SETBACK = 70'  
 REAR SETBACK = 70'  
 MAX. BUILDING HEIGHT = 35'

AREA OF LOT WITHIN NRP DISTRICT = 1,226,861 S.F. ± = 28.2 AC  
 MIN. OPEN SPACE = 95%  
 OPEN SPACE PROPOSED = 1,226,861 S.F. = 28.2 AC - 100% WITHIN NRP DISTRICT

EXISTING CONSERVATION EASEMENT = 28.16 AC = 64.4% OF SITE  
 PROPOSED CONSERVATION EASEMENT = 10.3 AC = 23.6% OF SITE  
 TOTAL CONSERVATION EASEMENT = 38.5 AC = 88.0% OF SITE

TOTAL IMPERVIOUS AREA = 99,370 SF = 5.2% OF SITE  
 TOTAL DISTURBED AREA = 211,700 SF = 4.8 AC = 11.1% OF SITE

**PLAN REFERENCES:**

- "SUBDIVISION PLAN OF SOUTHSIDE MANOR, PORTSMOUTH, NH." DATED JANUARY 30, 1952. SURVEYED BY CHARLES BREWER, SUBDIVISION BY LUCIEN GEOFFRION. R.C.R.D. 02163.
- "STAG ESTATES SECTION NO. 1, PARTIAL SUBDIVISION IN PORTSMOUTH, NH." DATED AUGUST 28, 1973. PREPARED BY MOULTON ENGINEERING. R.C.R.D. 4098.
- "SUBDIVISION OF LAND BY THE STATE OF NEW HAMPSHIRE, PORTSMOUTH INDUSTRIAL PARK, LAFAYETTE ROAD, PORTSMOUTH, NH." DATED DECEMBER 13, 1972. PREPARED BY MCKENNA ASSOCIATES. R.C.R.D. 4186.
- "PLAN OF LAND OF THE HOUSE OF THREE, LAFAYETTE ROAD, PORTSMOUTH, NH." DATED NOVEMBER 1979. PREPARED BY TOWN PLANNING & ENGINEERING ASSOC. INC. R.C.R.D. 9172.
- "SUBDIVISION OF LAND FOR HOUSE - GOODMAN, LAFAYETTE ROAD, PORTSMOUTH, NH." DATED FEBRUARY 6, 1980. PREPARED BY TOWN PLANNING & ENGINEERING ASSOC. INC. R.C.R.D. 9458.
- "UNIT LOCATION PLAN, WEATHERSTONE FOR HOUSE - GOODMAN, LAFAYETTE ROAD, PORTSMOUTH, NH." DATED MAY 1, 1980. PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES. R.C.R.D. 9680.
- "EASTLAND PARK, PORTSMOUTH, NH." DATED FEBRUARY 24, 1984. PREPARED BY KIMBALL CHASE COMPANY. R.C.R.D. 12460.
- "COACH PARK, PORTSMOUTH, NH." DATED JUNE 13, 1984. PREPARED BY KIMBALL CHASE COMPANY. R.C.R.D. 12848.
- "HAWTHORNE ESTATES, CONSOLIDATION & SUBDIVISION PLAN." DATED SEPTEMBER 20, 1999. PREPARED BY JONES & BEACH ENGINEERS. R.C.R.D. 28133.

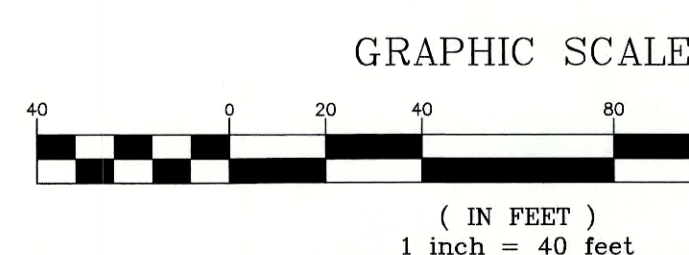
**CONDOMINIUM SITE PLAN CERTIFICATION:**

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE LAND AND EXISTING IMPROVEMENTS SHOWN THEREON AND TO THE EXTENT FEASIBLE, ALL EASEMENTS APPURTENANT THERETO, THAT THIS BUILDING DEPICTED HEREON HAS NOT YET BEGUN AND THIS PLAN COMPLIES WITH NH RSA 356-B20 (1).

MATTHEW J. SALVUCCI, LLS 1030  
 ON BEHALF OF JONES & BEACH ENGINEERS, INC.

DATE:

- THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
- ALL CONSTRUCTION SHALL CONFORM TO CITY STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 3301500270E, DATED MAY 17, 2005.
- LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
- ALL CONSTRUCTION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE STORMWATER POLLUTION PREVENTION PLAN (S.W.P.P.), THIS DOCUMENT IS TO BE KEPT ONSITE AT ALL TIMES AND UPDATED AS REQUIRED.
- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) AND NHDOT STANDARDS AND SPECIFICATIONS (NON-REFLECTORIZED PAVEMENT MARKINGS), UNLESS OTHERWISE NOTED. ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE CITY ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
- ALL PARKING STALLS SHALL BE SEPARATED USING 4" WIDE SOLID STRIPES. STRIPING SHALL HAVE TWO COATS OF PAINT, ALKYD BASIN SYNTHETIC RESIN, FEDERAL SPECIFICATION TTP-115 TYPE 1, IN A COLOR OF WHITE. ALL STOP BARS SHALL BE 18" IN WIDTH; ALL TRAFFIC ARROWS SHALL BE PAINTED IN A COLOR OF WHITE.
- THERE SHALL BE NO PARKING ALONG THE ACCESS ROAD.
- ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PROVIDED BY THE OWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER PRIOR TO THE START OF CONSTRUCTION. BUILDING DIMENSIONS AND AREAS TO BE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE NOTED.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THE SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
- EACH UNIT TO HAVE TRASH CANS INSIDE THE UNITS AND TO BE PICKED UP BY A PRIVATE TRASH HAULER.
- SNOW TO BE TRUCKED OFFSITE WHEN DESIGNATED SNOW STORAGE AREA ARE FULL. GREEN SNOW PRO TECHNIQUES TO BE UTILIZED ON THIS SITE. SNOW REMOVAL COMPANY STAFF SHALL ATTEND GREEN SNOW PRO TRAINING.
- THE FOLLOWING STATE PERMITS ARE REQUIRED FOR THIS PROJECT:  
 NHDOT ALTERATION OF TERRAIN PERMIT  
 NHDES SEWER CONNECTION PERMIT  
 NHDOT DRIVEWAY PERMIT
- A VARIANCE FROM THE PORTSMOUTH ZONING BOARD OF ADJUSTMENT FROM SECTION 10.5B22.40 AND 10.5B33.20 FOR BUILDING SETBACKS WAS APPROVED ON AUGUST 17, 2021.



Design: JAC Draft: LAZ Date: 3/3/21  
 Checked: JAC Scale: AS SHOWN Project No.: 20737  
 Drawing Name: 20737-PLAN.dwg  
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.



REV.	DATE	REVISION	BY
10	9/27/21	REVISED UTILITIES AND OFFSITE IMPROVEMENTS	LAZ
9	9/7/21	ADDED FISH AND GAME NOTES	LAZ
8	8/25/21	REVISIONS PER CITY REVIEW	LAZ
7	7/20/21	REVISIONS PER CITY REVIEW	LAZ
6	6/22/21	REVISIONS PER CITY REVIEW	LAZ
REV.	DATE	REVISION	BY

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**  
 Civil Engineering Services

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885  
 603-772-4746 FAX: 603-772-0227  
 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **CONDOMINIUM SITE PLAN**  
 Project: **3400 LAFAYETTE ROAD PORTSMOUTH, NH**  
 Owner of Record: **RICCI CONSTRUCTION CO., INC. 225 BANFIELD ROAD, PORTSMOUTH, NH 03801 BK 1930 PG 0229**

DRAWING No. **C2**  
 SHEET 7 OF 23  
 JBE PROJECT NO. 20737

PROJECT PARCEL  
 CITY OF PORTSMOUTH  
 TAX MAP 297, LOT 11  
 TOTAL LOT AREA  
 1,931,721 SQ. FT. ±  
 44.35 ACRES ±





LOCATION PLAN SCALE 1"=2000

- NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE TAX MAP 283 LOT 11 INTO 2 LOTS.
  2. THE PROPERTY IS DESIGNATED AS TAX MAP 283 LOT 11.
  3. THE AREA OF THE EXISTING LOT 11 IS 3.16 ACRES (137,340 SQFT).
  4. THE CURRENT OWNER PER TAX MAP 283 LOT 11, PATRICIA DRIVE, LOT 11, TAX MAP 283, LOT 11, IS 50A 50 SHORE DR., NORTHWOOD NH 03061.
  5. THE ZONING DESIGNATION FOR THE PROPERTY IS (SP-1) SINGLE RESIDENTIAL A DISTRICT.
  6. ADDITIONAL REQUIREMENTS IMPOSED FOR (SP-1) DISTRICT:
    - (a) MIN. ROAD FRONTAGE = 150'
    - (b) MIN. LOT DEPTH = 300'
    - (c) MIN. LOT AREA = 300,000 SF (1 ACRE)
    - (d) MIN. ROAD SETBACK = 30'
    - (e) MIN. FRONT SETBACK = 40'
    - (f) MIN. SIDE SETBACK = 20'
    - (g) MIN. REAR SETBACK = 20'
    - (h) MIN. LOT TO LOT CLEARANCE = 20'
    - (i) MIN. LOT TO SIDE YARD CLEARANCE = 20'
    - (j) MIN. LOT TO REAR YARD CLEARANCE = 20'
    - (k) MIN. LOT TO STATE ROAD CLEARANCE = 20'
    - (l) MIN. LOT TO SIDE YARD CLEARANCE = 20'
    - (m) MIN. LOT TO REAR YARD CLEARANCE = 20'
    - (n) MIN. LOT TO STATE ROAD CLEARANCE = 20'
    - (o) MIN. LOT TO SIDE YARD CLEARANCE = 20'
    - (p) MIN. LOT TO REAR YARD CLEARANCE = 20'
    - (q) MIN. LOT TO STATE ROAD CLEARANCE = 20'
    - (r) MIN. LOT TO SIDE YARD CLEARANCE = 20'
    - (s) MIN. LOT TO REAR YARD CLEARANCE = 20'
    - (t) MIN. LOT TO STATE ROAD CLEARANCE = 20'
    - (u) MIN. LOT TO SIDE YARD CLEARANCE = 20'
    - (v) MIN. LOT TO REAR YARD CLEARANCE = 20'
    - (w) MIN. LOT TO STATE ROAD CLEARANCE = 20'
    - (x) MIN. LOT TO SIDE YARD CLEARANCE = 20'
    - (y) MIN. LOT TO REAR YARD CLEARANCE = 20'
    - (z) MIN. LOT TO STATE ROAD CLEARANCE = 20'
  7. THE PROPOSED DRAINAGE PLANS USE CONCEPTUAL AND FINAL LOCATION OF EXISTING AND PROPOSED STRUCTURES, ETC. SHALL BE SUBJECT TO BUILDING PERMITS AND REGULATIONS.
  8. THE EXISTING USE OF THE LOT 11 IS VACANT LAND.
  9. THE PROPOSED USE OF THE LOT 11 WILL BE 3 LOT SUBDIVISION.
  10. WATER TO BE PROVIDED BY ON-SITE SEPTIC SYSTEMS.
  11. WATER TO BE PROVIDED BY MUNICIPAL PUBLIC WATER.
  12. RIGHT OF WAY WITHIN BOUNDARIES BY PUBLIC FIELD INVESTIGATION, RECORDED PLANS AND DEEDS.
  13. SURVEYING INSTRUMENTS WERE PROVIDED BY A COMBINATION OF OLD-LINE TO NEW DATUM AND DATA PROVIDED BY GROUND-CONTROL.
  14. SHEET 8 OF 10 THIS SET WILL BE RECORDED. A COMPLETE PLAN SET WILL BE FILED AT THE CITY OF PORTSMOUTH.
  15. THE FINAL MAP NUMBER FOR THIS SITE IS 300-2000-0000-0000-0000. THE FINAL SITE IS LOCATED WITHIN 300-2000-0000-0000-0000. THE DATE OF THE FINAL CHANCE FLOODPLAIN IS 08/10/2010.
  16. ALL UTILITIES AND UTILITIES OF CONSTRUCTION SHALL CONFORM TO CITY OF PORTSMOUTH REGULATIONS AND STANDARDS. THE CITY ENGINEER SHALL BE NOTIFIED OF ANY CHANGES TO THE FINAL MAP NUMBER FOR THIS SITE IS 300-2000-0000-0000-0000. THE DATE OF THE FINAL CHANCE FLOODPLAIN IS 08/10/2010.
  17. IF PUBLIC CONSTRUCTION IS REQUIRED, APPROPRIATE THAT INDUSTRY EXPERTS CONSULT WITH THE CITY ENGINEER OF PORTSMOUTH TO DETERMINE THE NECESSARY PROTECTION AT NO CHARGE TO THE CITY.
  18. IF PUBLIC CONSTRUCTION IS REQUIRED, APPROPRIATE THAT INDUSTRY EXPERTS CONSULT WITH THE CITY ENGINEER OF PORTSMOUTH TO DETERMINE THE NECESSARY PROTECTION AT NO CHARGE TO THE CITY.
  19. ELEVATIONS AND COORDINATES ARE BASED ON STATE PLANE COORDINATES. ELEVATIONS ARE BASED ON THE MEAN SEA LEVEL. THE MEAN SEA LEVEL IS BASED ON THE 1988 DATUM. THE MEAN SEA LEVEL IS BASED ON THE 1988 DATUM. THE MEAN SEA LEVEL IS BASED ON THE 1988 DATUM.
  20. RECORD TO BE PROVIDED TO THE CITY OF PORTSMOUTH OFFICE OF THE CITY ENGINEER FOR THE PURPOSES OF RECORDING THIS SET. THE CITY ENGINEER SHALL BE NOTIFIED OF ANY CHANGES TO THE FINAL MAP NUMBER FOR THIS SITE IS 300-2000-0000-0000-0000. THE DATE OF THE FINAL CHANCE FLOODPLAIN IS 08/10/2010.

**PLAN REFERENCES:**

1. R.C.P.D. PLAN #193, RECORDED APRIL 10, 1964, TITLED "PARCEL PLAN OF OCEAN HARBOR, PORTSMOUTH, NH", PREPARED FOR HALL'S HARBOR, INC. BY JOHN DUBÉ CONSULTANTS INC., PORTSMOUTH, NH. SCALE: 1"=40'. PLAN APPROVED BY PORTSMOUTH PLANNING BOARD ON MARCH 23, 1964.
2. R.C.P.D. PLAN #59697, RECORDED MAY 21, 1976, TITLED "RESUBDIVISION OF OCEAN HARBOR", PREPARED FOR HERRIS PROPERTIES, INC., PORTSMOUTH, NH. DATED: MARCH 1976, RE-CISED MAY 1976, PREPARED BY JOHN DUBÉ CONSULTANTS INC., PORTSMOUTH, NH. SCALE: 1"=40'. PLAN APPROVED BY PORTSMOUTH PLANNING BOARD ON MARCH 23, 1964.
3. R.C.P.D. PLAN #45806, RECORDED SEPTEMBER 16, 1978, TITLED "LOT LINE RECORD, LINDA OF LEISURE AND DEBORAH, PORTSMOUTH NH", PREPARED BY JOHN DUBÉ CONSULTANTS INC., PORTSMOUTH, NH. SCALE: 1"=40'. PLAN APPROVED BY PORTSMOUTH PLANNING BOARD ON SEPTEMBER 16, 1978.
4. R.C.P.D. PLAN #40338, RECORDED DECEMBER 6, 2002, TITLED "SUBDIVISION AND LOT LINE RELOCATION PLAN, MAP 283 - LOTS 1 & 11", PREPARED FOR PATRICIA DRIVE, LOT 11, TAX MAP 283, LOT 11, BY JOHN DUBÉ CONSULTANTS INC., PORTSMOUTH, NH. SCALE: 1"=40'. PLAN APPROVED BY PORTSMOUTH PLANNING BOARD ON OCTOBER 21, 2002.

**SUPPLEMENT NOTES:**

1. PRIOR TO CONSTRUCTION, PERMITTING AND PROTECTIVE MEASURES SHALL BE PLACE, MAINTAINED, AND REMOVED AT THE OWNER'S RISK AND COST.
2. PROPOSED PRIVATE DRIVE WILL BE A 7.5' SALT CONE WITH THE 100' STATE PAVEMENT WIDTH BUFFER.
3. LANDSCAPE SHALL BE MAINTAINED PER NORTH EAST ORGANIC PLANNING CONSULTANTS (100%) OR OTHER QUALIFIED ORGANIC MAINTENANCE CONTRACTOR AS NOTED BY THE CITY ENGINEER OF PORTSMOUTH.

**ADDITIONAL NOTES:**

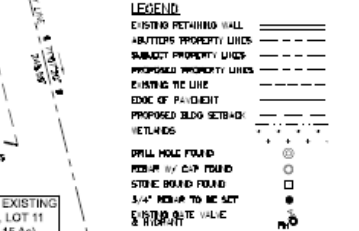
1. DRAINAGE OF ANY KIND, INCLUDING LANDSCAPE DESIGN IS PROHIBITED BY THE CITY ENGINEER OF PORTSMOUTH.
2. SALTING OF PAVEMENT IS PROHIBITED DUE TO CLOSE PROXIMITY TO A PRIME WETLAND.
3. THE PAVEMENT TO BE USED ON THE LOTS SHALL NOT INCLUDE PORTLANDS AND PORTLANDS.

**RIGHT OF WAY NOTES:**

1. MATCHED PORTION OF RIGHT OF WAY GRANTED TO THE CITY OF PORTSMOUTH BY DEED RECORDED AT R.C.D. BOOK 174, PAGE 173 TO BE CONVEYED TO ADJUTING LANDOWNERS, IN UNDIVIDED INTERESTS WITH RESERVATION OF RIGHTS OF ACCESS BY THE PUBLIC AND DRAINAGE BY THE CITY OF PORTSMOUTH.
2. OWNERSHIP RIGHTS OF REMAINING PORTION OF PATRICIA DRIVE REVERTED TO ADJUTING LANDOWNERS, PERPENDICULAR TO THE CENTERLINE, PURSUANT TO RSA 221:51 AND 221:54, MORTON, NH 1946 (1971) AFTER DEDICATION PURSUANT TO R.C.D. PLAN #193 RECORDED APRIL 10, 1964 WITHOUT ACCEPTANCE WITHIN 20 YEARS.
3. TAX MAP 283, LOTS 11 AND 11.1 RETAIN RIGHTS TO PASS OVER AND DEVELOP FORMER PATRICIA DRIVE PURSUANT TO DUCHESNEAU V. SELVA, 118 N.H. 758 (1997).

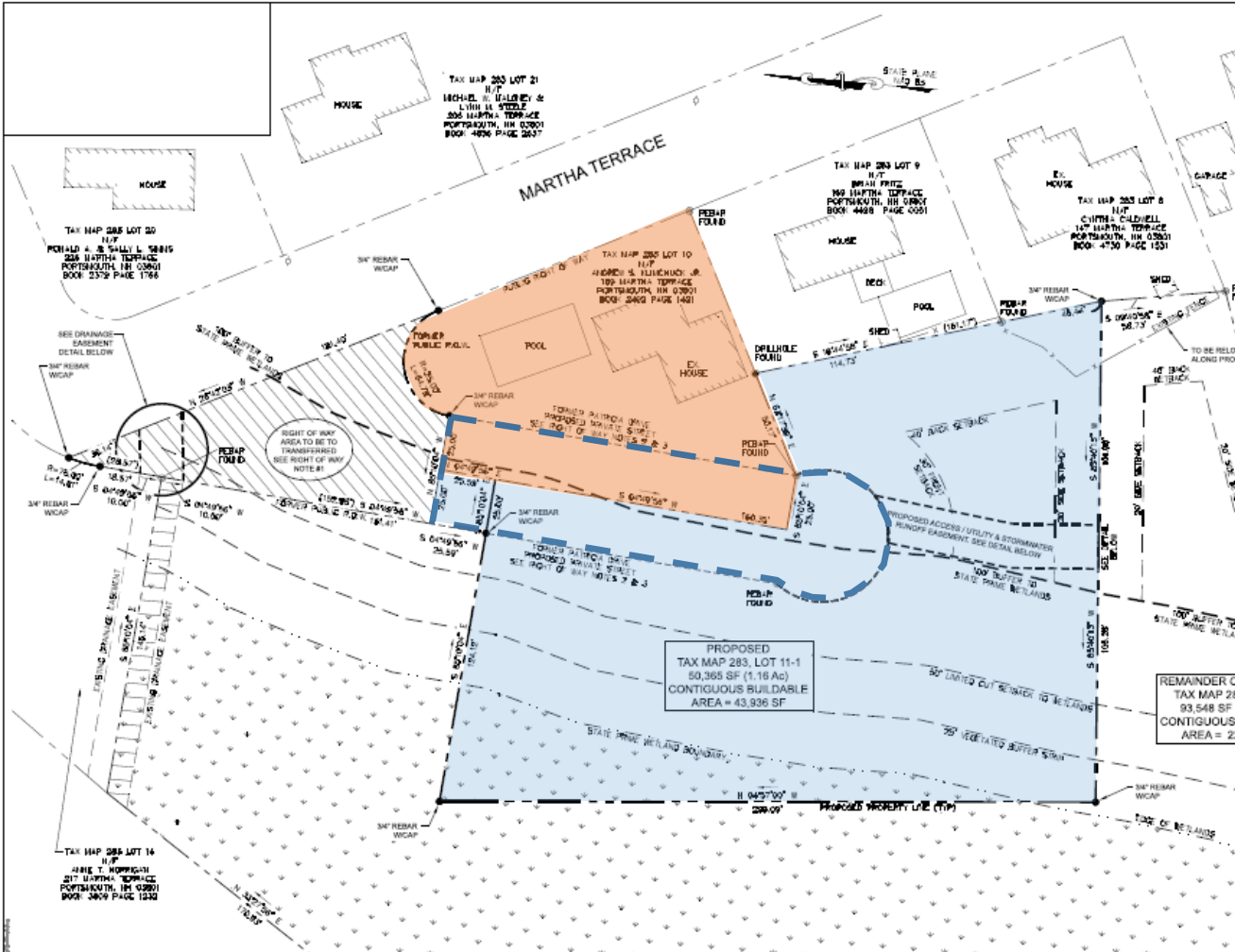
**TAX MAP 283 LOT 7:**

ADAM H. & FRANCES T. PRICE  
P.O. BOX 204  
123 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 3747 PAGE 1348



**WRITERS LIST:**

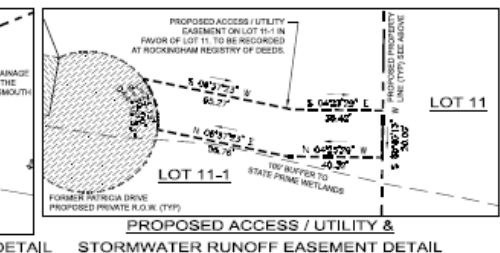
- MAP 283 LOT 7  
ADAM H. & FRANCES T. PRICE  
P.O. BOX 204  
123 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 3747 PAGE 1348  
N.P.
- MAP 283 LOT 8  
CYNTHIA CALDWELL  
147 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 4730 PAGE 1531  
N.P.
- MAP 283 LOT 9  
DEBORA FRETZ  
168 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 4481 PAGE 0951  
N.P.
- MAP 283 LOT 10  
ANDREW A. & KATHLEEN R.  
168 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 2462 PAGE 1421  
N.P.
- MAP 283 LOT 11  
MICHAEL W. MALONEY &  
LINA M. STEELE  
206 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 4858 PAGE 2637  
N.P.
- MAP 283 LOT 12  
RONALD A. & SALLY L. SERRIS  
226 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 2379 PAGE 1766  
N.P.
- MAP 283 LOT 14  
ANNE E. HARRISON  
217 MARATHA TERRACE  
PORTSMOUTH, NH 03801  
BOOK 3893 PAGE 1232  
N.P.
- MAP 283 LOT 13  
CITY OF PORTSMOUTH, DRW  
P.O. BOX 429  
PORTSMOUTH, NH 03802  
BOOK 2249 PAGE 3432  
N.P.
- MAP 283 LOT 12  
ELIZABETH H. PROCTOR  
180 POST ROAD  
GREENLAND, NH 03840  
BOOK 2789 PAGE 2583  
N.P.



INDEX SUBMISSION: No SA2021100907 APPROVED 10/6/2021

APPROVED BY PORTSMOUTH NH PLANNING BOARD

CHAIRMAN: DATE

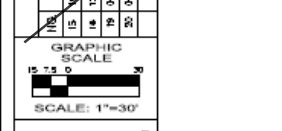
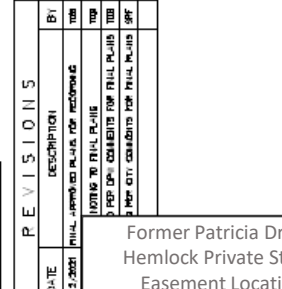


BOUNDARIES AND BOUNDS SHOWN ON PLAN SHALL BE SET UNDER HIS/HER SUPERVISION PRIOR TO CONVEYANCE OF ANY PROPOSED LOTS.

THE SUBDIVISION REGULATIONS OF THE CITY OF PORTSMOUTH ARE A PART OF THIS PLAN, AND APPROVAL OF THIS PLAN IS CONTINGENT ON COMPLIANCE WITH ALL THE REQUIREMENTS OF SA-D SUBDIVISION REGULATIONS. ACCEPTANCE SHALL BE MADE BY THE BOARD AND SUBJECT TO ANY CONDITIONS MADE IN WRITING BY THE BOARD AND ATTACHED HERETO.

I CERTIFY THAT THIS PLAN IS BASED UPON THE PLAN REFERENCES AND A FIELD SURVEY CONDUCTED ON THE GROUND BY ME OR BY A LICENSED SURVEYOR FOR THE STATE OF NEW HAMPSHIRE AND THE CITY OF PORTSMOUTH, NH.

*Scott F. Pratt*  
SCOTT F. PRATT, L.L.S.  
10/13/2022



**N.H. LAND Consultants**  
SURVEYING & LAND PLANNING - REAL ESTATE  
603-882-1111 FAX: 603-882-2528  
WWW.NHLANDCONSULTANTS.COM

PROPOSED SUBDIVISION PLAN  
**DUBÉ PLUS CONSTRUCTION**  
HEMLOCK WAY, PORTSMOUTH, NH 03801  
HEMLOCK WAY, PORTSMOUTH, NH 03801  
HEMLOCK WAY  
REALTY INVESTMENTS, LLC  
10 BRICKFELLS HILL ROAD, SUITE C, HAI-PAK-4E, NH 03841  
P.O. BOX 0330  
PAGE 798

ROCKINGHAM CO.  
JOB NO: 258.00  
DATE: SEPTEMBER 23, 2020  
PSP  
SHT 9 of 10

---

# MEMORANDUM

---

**TO:** Karen Conard, City Manager

**FROM:** Beverly Mesa-Zendt, Planning Director *Beverly Mesa-Zendt*

**DATE:** July 25, 2022

**RE:** City Council Referral – Projecting Sign  
Address: 175 Market Street  
Business Name: Aland Realty  
Business Owner: Chris Erickson

---

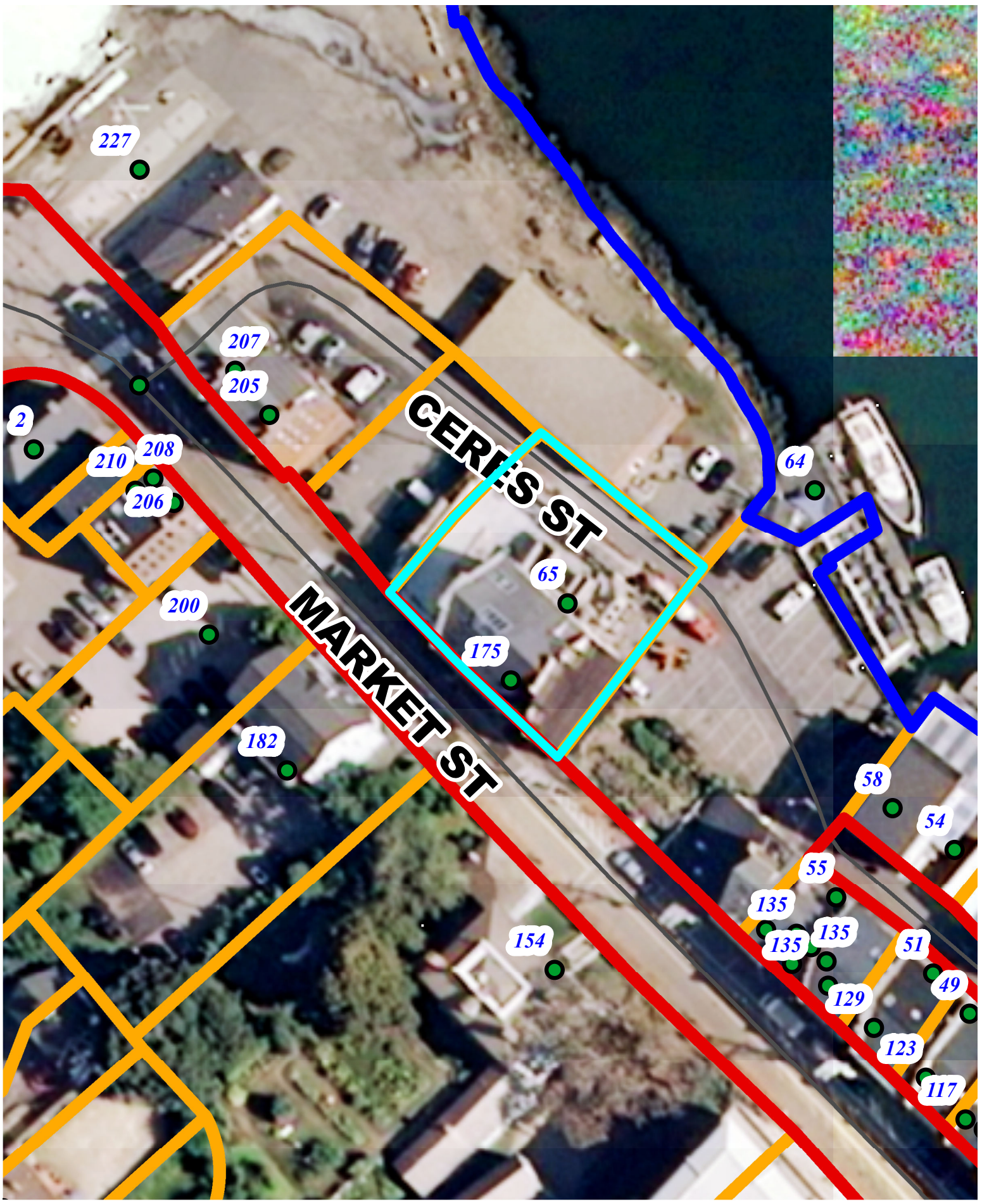
Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 38" x 44"  
Sign area: 11.6 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 signs, 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.





227

207

205

CERIS ST

64

210

208

206

65

200

175

MARKET ST

182

58

54

55

154

135

135

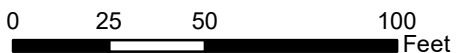
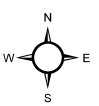
51

129

49

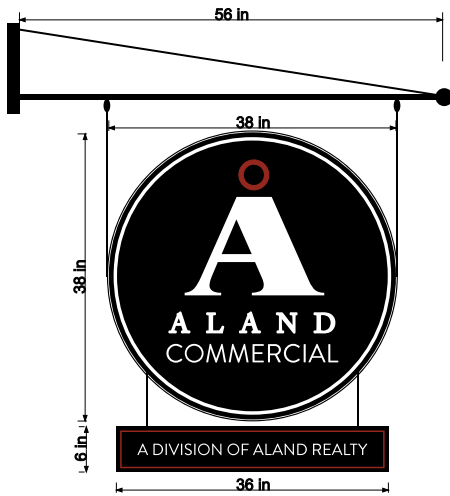
123



117



### Request for license 175 Market Street





 PortsmouthSign.com <b>603-436-0047</b>	<b>REVISION:</b> All orders under \$250 include 1 revision only. All orders over \$250 include 2 revisions only. Additional revisions will be charged at \$25 per revision. <b>PLEASE NOTE:</b> Designs are NOT actual size and color may vary depending on printer and/or monitor.	<b>7/7/2022</b> I understand this Order Form is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be used. Custom colors and specific matches to PMS colors will be an additional fee. I have carefully reviewed this form and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval. SIGNATURE: _____ Date: _____	<b>RETURN SIGNED TO: service@portsmouthsign.com</b>	Member of:  GREATER PORTSMOUTH CHAMBER OF COMMERCE the Greater York Region Chamber of Commerce
---	--	--	---	--

©COPYRIGHT 2019, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

Shop Use Only	Qty: SS <input type="checkbox"/> DS <input type="checkbox"/>	Materials:	Background Color:	Vinyl Color: HP <input type="checkbox"/> Int <input type="checkbox"/>	Other:
---------------	--	------------	-------------------	---	--------

Hello,

On behalf of the Portsmouth NH 400th Executive Team and Signature Events Committee we would formally ask for The Council's permission to have a community parade on Saturday, June 3, 2023 as part of our celebration of Portsmouth's 400th anniversary. Our route has not been finalized, but we envision it adhering closely to that of the Halloween Parade, starting on Peirce Island, circling down Daniel Street through Market Square and returning down State Street to conclude at Prescott Park. We're collaborating with The Gundalow Company, Strawberry Banke, and Prescott Park Arts Festival to ensure our schedule, with a late morning step off, will dovetail with their programming. More details will become available as planning continues, but we would like to secure the date as soon as possible so we can move forward with City Departments to arrange for all necessary public safeguards to be in place.

Thank you for your consideration,

PNH400 Parade Sub-Committee

Trevor Bartlett

Brinn Jennison

Monte Bohanan

Russ Grazier

--

Trevor F Bartlett

Executive Team, Marketing, Social, and Parade Guy

Portsmouth NH 400, Inc.

[portsmouthnh400.org](http://portsmouthnh400.org)





July 25, 2022

Portsmouth Mayor McEachern and City Council  
1 Junkins Ave.  
Portsmouth, NH 03801

Mayor McEachern and City Council,

The Music Hall respectfully submits this request to The City of Portsmouth to grant approval for the closure of Chestnut Street on Friday, September 16, through Sunday, September 18, 2022 for The Music Hall's annual Telluride by the Sea Film Festival taking place at The Music Hall Historic Theater. We request that Chestnut Street be closed from 9AM to 11PM on each day of the festival to allow for ample set up time for the stanchions. The expected attendance for this event is approximately 800 guests per day. Out on Chestnut Street, we will welcome guests to cue up in passholder specific lines separated by stanchions for each film screening throughout the weekend. On Saturday night, as in years past, we hope to host a "festival party" on out Chestnut Street after the final film of the day. Utilizing our "extension of premises" on our liquor license, our professional bartenders would serve alcoholic beverages while offering some light appetizers stationed at the top of the street. The Music Hall team will provide waste receptacles and do a full sweep of the street to ensure it is kept clean and trash-free. We would utilize our stanchions to designate a "beer garden" and only allow those with Festival passes or film tickets into this area. We also will be checking IDs. Typically, this party only lasts 60-90 minutes from approximately 10PM-11:30PM. Porter Street will remain unobstructed for the duration of the event.

Thank you very much for your time and consideration,

Sincerely,

A handwritten signature in black ink that reads "Tina M. Sawtelle". The signature is written in a cursive, flowing style.

Tina Sawtelle  
*Executive Director, The Music Hall*  
28 Chestnut St.  
Portsmouth, NH 03801  
[tsawtelle@themusicall.org](mailto:tsawtelle@themusicall.org)

The Music Hall  
28 Chestnut St. Portsmouth, NH 03801





July 25, 2022

Portsmouth Mayor McEachern and City Council  
1 Junkins Ave.  
Portsmouth, NH 03801

Mayor McEachern and City Council,

The Music Hall respectfully submits this request to The City of Portsmouth to grant approval for the closure of Chestnut Street on Thursday, October 6, through Sunday, October 9, 2022 for the annual New Hampshire Film Festival event taking place at The Music Hall Historic Theater. We request that Chestnut Street be closed from 8AM to 11PM on each day of the festival to allow for ample set up time. While we do not have all the details yet from NHFF, as they come in, our Programming Manager, James Paone, will provide any and all relevant updates to the city regarding specific usage of the street. In years past, The Festival has hosted a Friday Night "Red Carpet Gala" out on Chestnut Street. This would take place from 6:30PM-8PM, but will require all day set-up. James Paone will provide details as they come from the Festival Organizers. Porter Street will remain unobstructed for the duration of the event.

Thank you very much for your time and consideration,

Sincerely,

A handwritten signature in black ink that reads "Tina M. Sawtelle". The signature is fluid and cursive.

Tina Sawtelle  
*Executive Director, The Music Hall*  
28 Chestnut St.  
Portsmouth, NH 03801  
[tsawtelle@themusichall.org](mailto:tsawtelle@themusichall.org)

July 22, 2022

Mayor Deaglan McEachern

Portsmouth City Council

4 Junkins Ave.

Portsmouth, NH

Mayor McEachern and Councilors,

Last year we purchased the property at 361 Hanover St. former site of the historic Steam Factory Building and most recent home of Heinemann Publishing. The site is one acre in size bounded by Hanover St. (front), Rock St./Hill St. (sides) and Foundry Place (rear). Our intention is to redevelop the property into a mixed use residential and commercial project within the guidelines of the CD5 and DOD District.

As can be seen from the attached Existing Conditions Plan there is a strip of land that is contiguous to our rear parking lot (in pink) retained at an elevation 8'+-( yellow line) above Foundry Place. This area is currently used by us under a license from the city and is completely inaccessible to the city without crossing private property. The retaining wall returns around the corner and up Rock St. as shown isolating a rough area of grass (green) also annexed to our main building. This area is not easily accessible from the adjacent Rock St. and is therefore difficult for city staff to maintain.

The elevation and location of this minor parcel have the appearance of belonging with our building. The maintenance and upkeep of the parking area, retaining wall and landscape areas is critical to the appearance of our property and it would make sense for us to be responsible for it.

We would respectfully request that the City Council authorize the City Manager or other designee to negotiate our acquisition of this property on behalf of the city. We would welcome any questions you may have or a visit to the site for a view of this area.

Warm Regards,

Steven P. Wilson

361 Hanover St.



**LEGEND:**

MAP 137 LOT 11	ASSESSORS MAP AND LOT NUMBER
A.G.	ABOVE GRADE
B.G.	BELOW GRADE
BK. PG.	BOOK / PAGE
CD4-L1	CHARACTER DISTRICT 4-L1
CDS	CHARACTER DISTRICT 5
CONC.	CONCRETE
DMH	DRAINAGE MANHOLE
DHS	DRILL HOLE SET
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
HDPE	HIGH DENSITY POLYETHYLENE PIPE
GEN	GENERATOR
GRC	GENERAL RESIDENCE C DISTRICT
IRS	IRON ROD SET
M	MUNICIPAL DISTRICT
N/F	NOW OR FORMERLY
RET.	RETAINING
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
RRSS	RAILROAD SPIKE SET
S.F.	SQUARE FEET
SS	SPIKE SET
SWL	SINGLE YELLOW LINE
SWL	SINGLE WHITE LINE
T	TRANSFORMER
△	SPIKE/NAIL FOUND
□	IRON PIPE/ROD FOUND
○	BOUND FOUND
—	GUY WIRE
—	LIGHT POLE
—	UTILITY POLE
—	ELECTRIC BOX
—	UTILITY BOX
—	OVERHEAD WIRE
—	CHAINLINK FENCE
—	WOOD GAURDRAIL
—	BOUNDARY LINE
—	SETBACK LINE
CONCRETE	CONCRETE
GRANITE WALK	GRANITE WALK
PARKING AREA	PARKING AREA
OPEN SPACE	OPEN SPACE
LANDSCAPE AREA	LANDSCAPE AREA
WOODEN DECK	WOODEN DECK
BRICK WALK	BRICK WALK
GRANITE COBBLES	GRANITE COBBLES

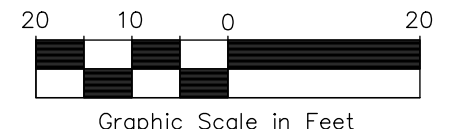
**PLAN REFERENCES:**

- "PLAN OF LAND IN PORTSMOUTH, N.H. PORTSMOUTH MFG & POWER CO. TO FRANKIE BROOKS" BY JOHN W. DURGIN, DATED FEBRUARY 1918. RCRD PLAN 078.
- "SUBDIVISION OF LAND OF PORTSMOUTH MFG. & POWER CO. PORTSMOUTH, N.H." BY JOHN W. DURGIN, DATED NOVEMBER 1925. RCRD PLAN #368.
- "LAND IN PORTSMOUTH, N.H. PORTS. MFG. & POWER CO. TO HAROLD S. WOODS" BY JOHN W. DURGIN, DATED NOVEMBER 1926. RCRD PLAN #389.
- "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH" BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004 LAST REVISED DECEMBER 20, 2005. RCRD PLAN D-33379.
- "CONSOLIDATION & SUBDIVISION PLAN TAX MAP 125, LOT 17 & TAX MAP 138, LOT 62 DEER STREET ASSOCIATES BRIDGE, DEER & HILL STREETS CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE" BY AMBIT ENGINEERING, INC. DATED JULY 2015. RCRD PLAN D-39899.
- "KEARSARGE MILLS CONDOMINIUM PLANS" BY KIMBALL CHASE COMPANY, INC. DATED APRIL 15, 1986. RCRD PLAN D-14855.
- "BOUNDARY LINE AGREEMENT PLAN KEARSARGE MILL CONDOMINIUMS PORTSMOUTH, N.H." BY JONES & BEACH ENGINEERS, INC. DATED APRIL 10, 1997 LAST REVISED APRIL 21, 1997. RCRD PLAN D-25421.
- "AMENDED SITE PLAN, KEARSARGE MILL CONDOMINIUMS, HANOVER STREET PORTSMOUTH, NH" BY KIMBALL CHASE CONSULTING ENGINEERS DATED 04-14-06 AND LAST REVISED 02-16-07. RCRD PLAN D-34716.



Copyright 2022 © TFMoran, Inc.  
48 Constitution Drive, Bedford, NH 03110  
All rights reserved. These plans and materials may not be copied, duplicated, replicated or otherwise reproduced in any form whatsoever without the prior written permission of TFMoran, Inc.  
This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.

LINE	BEARING	DISTANCE
L1	N 46°55'30" E	18.00'
L2	S 43°04'30" E	1.80'
L3	N 46°55'30" E	30.75'
L4	N 43°04'30" W	29.30'
L5	S 43°04'30" E	29.30'
L6	N 46°55'30" E	20.00'
L7	N 43°04'30" W	1.80'
L8	N 46°55'30" E	24.05'
L9	N 42°30'12" W	17.65'
L10	S 46°42'22" W	2.04'
L11	S 50°04'53" W	27.41'



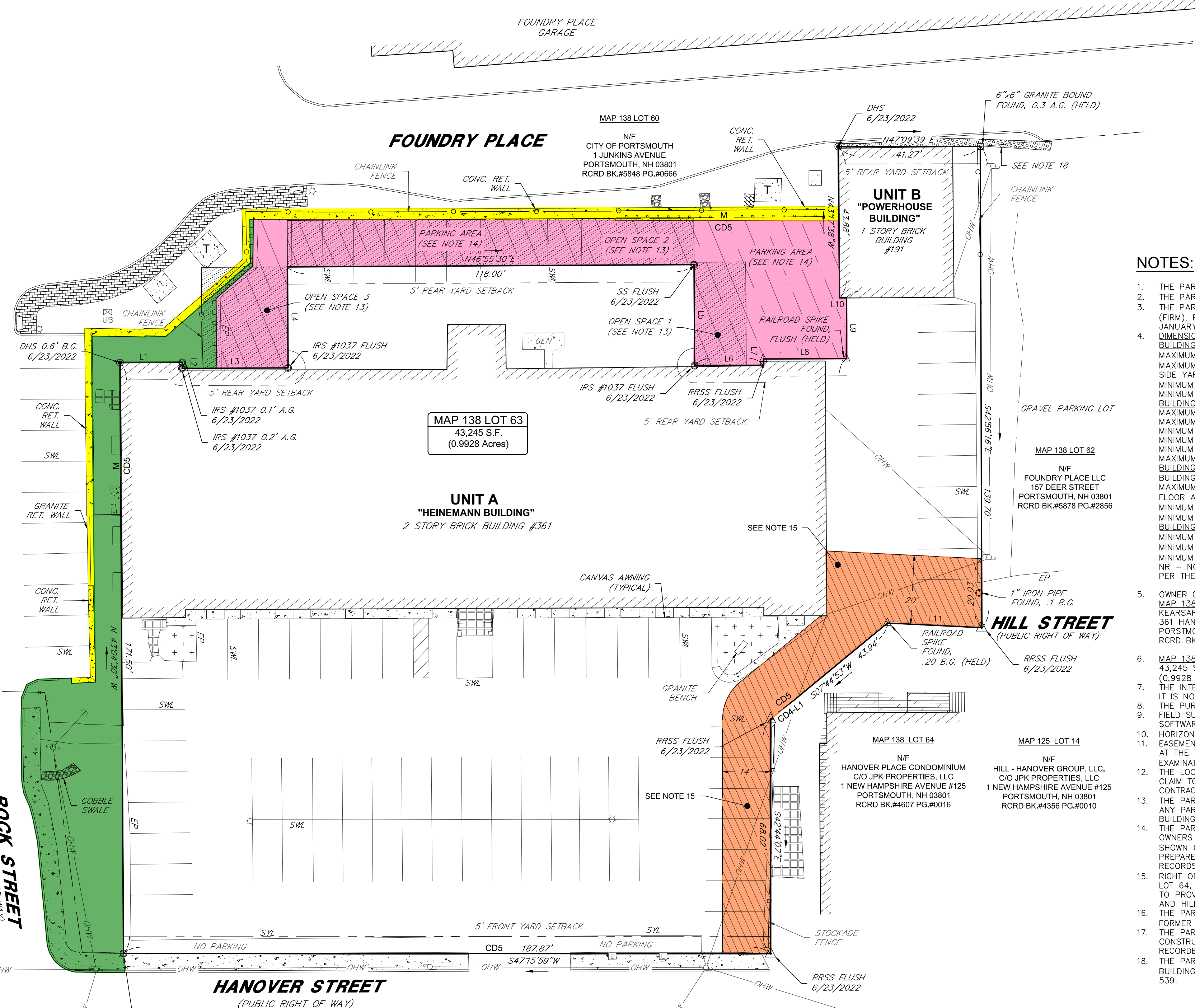
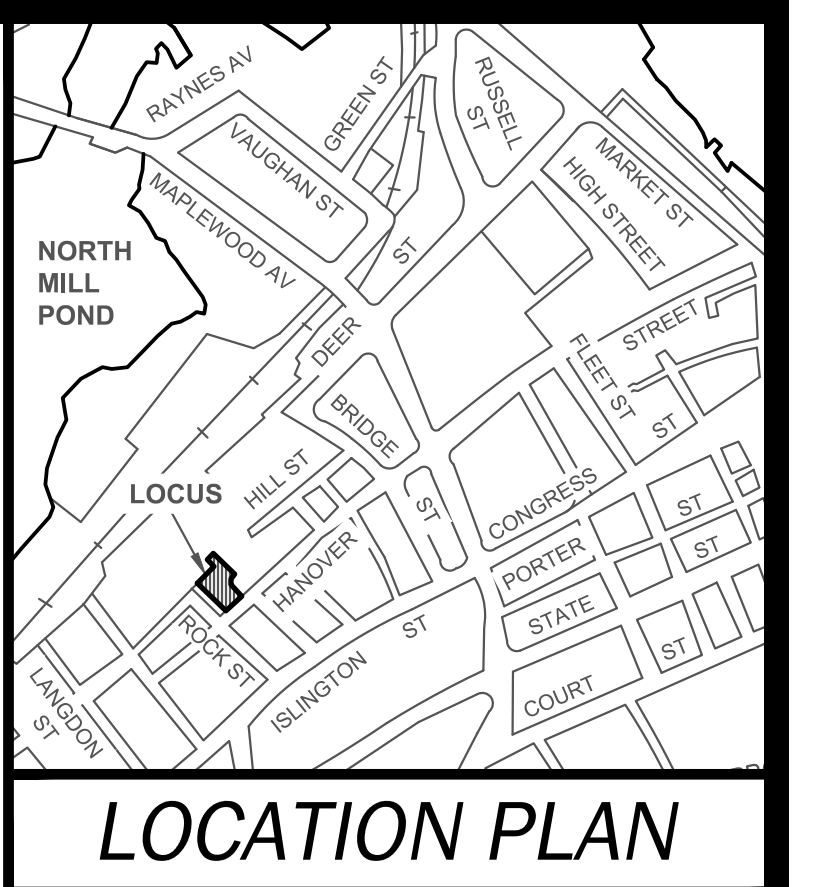
REV.	DATE	DESCRIPTION	DR	CK

**DRAFT**

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:18, II, III AND IV AND 672:14:  
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED IN JUNE, 2022. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS.  
I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.

TAX MAP 138 LOT 63  
**STANDARD BOUNDARY SURVEY**  
**361 HANOVER STREET**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**COUNTY OF ROCKINGHAM**  
OWNED BY  
**KEARSARGE MILL CONDOMINIUMS**  
SCALE: 1" = 20' (22x34)  
1" = 40' (11x17) **JULY 7, 2022**

Seacoast Division  
**TFM**  
Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists  
170 Commerce Way, Suite 102  
Portsmouth, NH 03801  
Phone (603) 431-2222  
Fax (603) 431-0910  
www.tfmoran.com  
47161-32  
DR ID FB 590  
CK BMK CADFILE  
S-1



**NOTES:**

- THE PARCEL IS LOCATED IN THE CHARACTER DISTRICT 5 (CD5) ZONING DISTRICT AND THE DOWNTOWN OVERLAY DISTRICT.
- THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
- THE PARCEL IS LOCATED IN ZONE X AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM), ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 259, VERSION NUMBER 2.3.2.1 MAP NUMBER 33015C0259F, MAP REVISED: JANUARY 29, 2021.
- DIMENSIONAL REQUIREMENTS:**

BUILDING PLACEMENT:	REQUIRED:
MAXIMUM PRINCIPAL FRONT YARD:	5'
MAXIMUM SECONDARY FRONT YARD:	5'
SIDE YARD:	NR
MINIMUM REAR YARD:	5'
MINIMUM FRONT LOT LINE BUILDOUT:	80%
<b>BUILDING AND LOT OCCUPATION:</b>	
MAXIMUM BUILDING COVERAGE:	95%
MAXIMUM BUILDING FOOTPRINT:	20,000 S.F.
MINIMUM LOT AREA:	NR
MINIMUM LOT AREA PER DWELLING UNIT:	NR
MINIMUM OPEN SPACE:	5%
MAXIMUM GROUND FLOOD GFA PER USE:	15,000 S.F.
<b>BUILDING FORM - PRINCIPAL BUILDING:</b>	
BUILDING HEIGHT:	60'
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE:	36"
MINIMUM GROUND STORY HEIGHT:	12'
MINIMUM SECOND STORY HEIGHT:	10'
<b>BUILDING PLACEMENT - OUTBUILDING:</b>	
MINIMUM FRONT YARD:	20' BEHIND A FACADE OF A PRINCIPAL BUILDING
MINIMUM SIDE YARD:	0'
MINIMUM REAR YARD:	3'
NR - NO REQUIREMENT PER THE CITY OF PORTSMOUTH ZONING ORDINANCE ARTICLE 5A FIGURE 10.5A41.100.	
- OWNER OF RECORD: MAP 138 LOT 63: KEARSARGE MILL CONDOMINIUMS 361 HANOVER STREET, PORTSMOUTH, NH 03801 RCRD BK.#2596 PG.#1585
- MAP 138 LOT 63: 43,245 S.F. (0.9928 ACRES)
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES OF MAP 138 LOT 63.
- FIELD SURVEY COMPLETED BY TCE & PID IN JUNE 2022 USING A LEICA TS-16 AND CARLSON SURVPC DATA COLLECTION SOFTWARE.
- HORIZONTAL DATUM IS NAD83 (2011) PER STATIC GPS OBSERVATIONS.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.
- THE PARCEL HAS THE BENEFIT OF THE COVENANT AND AGREEMENT FOR 3 "OPEN SPACE" AREAS THAT SHALL NOT, NOR SHALL ANY PART OF SAID THREE AREAS BE BUILT UPON BY ANY BUILDING WHATEVER WHICH MAY OBSTRUCT THE LIGHT OR AIR OF THE BUILDINGS AS RECORDED IN RCRD BOOK 2267 PAGE 1105. SEE ALSO PLAN REFERENCE 2.
- RIGHT OF WAY EASEMENT REFERENCED AS "EXISTING 14' AND 20' ROW" ON PLAN REFERENCE 6 WHICH BENEFITS TAX MAP 138 LOT 64, HAS BEEN RELEASED BY HANOVER PLACE CONDOMINIUM ASSOCIATION. IN CONSIDERATION, A GENERAL ACCESS EASEMENT TO PROVIDE VEHICULAR ACCESS ACROSS THE FRONT PARKING AREA OF KEARSARGE MILL CONDOMINIUM FROM HANOVER STREET AND HILL STREET, AS RECORDED IN RCRD BOOK 4798 PAGE 712. SEE ALSO PLAN REFERENCE 8.
- THE PARCEL IS SUBJECT AN ACCESS EASEMENT FOR THE BENEFIT OF THE CITY OF PORTSMOUTH FROM HILL STREET TO THE FORMER ROCK STREET GARAGE (MAP 138 LOT 60), AS RECORDED IN RCRD BOOK 4735 PAGE 2971.
- THE PARCEL IS SUBJECT TO AN EASEMENT FOR THE BENEFIT OF NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY TO ERECT, CONSTRUCT, AND MAINTAIN LINES FOR THE TRANSMISSION OF INTELLIGENCE OVER AND UNDER THE SUBJECT PARCEL AS RECORDED IN RCRD BOOK 2646 PAGE 2371.
- THE PARCEL HAS THE RIGHT TO SUPPORT THE BUILDING NOW STANDING (UNIT B) UPON THE NORTHEASTERLY WALL OF THE BUILDING ON LAND FORMERLY OF DIAMOND MATCH COMPANY (NOW THE CITY OF PORTSMOUTH). SEE RCRD BOOK 2535 PAGE 539.

Jul 08, 2022 - 1:06pm F:\MSC Projects\47161 - Hanover Street - Portsmouth\47161-32 - Survey.dwg



CITY COUNCIL E-MAILS

Received: July 11, 2022 (after 5:00 p.m.) – July 28, 2022 (before 9:00 a.m.)

August 1, 2022 Council Meeting

**Submitted on Mon, 07/11/2022 - 18:43**

**Full Name**

Beth Margeson

**Email**

[bmargeson@myfairpoint.net](mailto:bmargeson@myfairpoint.net)

**Subject**

Restoration of Involuntarily Merged Lots

**Address**

24 Marcy Street

**Message**

I note that there is a request for a restoration of an involuntarily merged lot on tonight's City Council Agenda. As a member of the Zoning Board of Adjustment, I have seen a few of these kinds of properties come through our board for zoning relief after they were restored to their premerger status. I was surprised to find out that Portsmouth requires the Planning Board to hold a public hearing on these kinds of requests. In tonight's packet, it states that there is no legal requirement for doing so and there is not.

Here is the link to the RSA:

<http://www.gencourt.state.nh.us/rsa/html/LXIV/674/674-39-aa.htm>

I write to ask you to drop this unofficial requirement going forward. It is simply unnecessary and adds unnecessary costs (fees for advertising for the Planning Board meeting, attending the meeting, possible retention of legal counsel) and process for the property owner. Also there is nothing that can be gleaned from a public hearing that would affect the restoration of premerger status to a lot. Generally, a lot was simply merged because it did not meet dimensional standards for building under the zoning ordinance at a certain time. These requests really only require referral to the Assessor's Office and, possible consultation with the City Attorney's Office, for it to be "unmerged" properly.

There is a lot of land use process in Portsmouth and, generally, I support that. However, requiring more (1) when it is not required and (2) really does not add anything of value, should be reconsidered.

Thank you,

Beth Margeson

**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, 07/12/2022 - 09:09**

**Full Name**

Anne Romney

**Email**

[anneromney@gmail.com](mailto:anneromney@gmail.com)

**Subject**

Neo-Nazi activities in the community

**Address**

66 State Street, 303

**Message**

Hi Councilors,

I'm sure you are all aware of the recent activities by the Neo-Nazi group with flyers, etc. I learned last night, in the middle of a Seacoast NAACP meeting, that the group has now pasted QR codes at the Cumberland Farms in Portsmouth that lead people to a recruiting website. The NAACP is going to craft a collaborative statement condemning these activities with the Racial Unity Team and others - but today I read what the Town of Kittery is doing and though it would be really important for the City of Portsmouth to take a strong stand, as well. Forgive me if you already have and I missed it. I am away for a few weeks. Here is a link to the Kittery article in today's Seacoast online.

<https://drive.google.com/file/d/1YFePdRhZVNsKXgmVmXeBikJgtUF4JVs/view?usp=sharing>

Thank you very much.

**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, 07/12/2022 - 09:29**

**Full Name**

charlie griffin

**Email**

[charlesgriffinesq2@gmail.com](mailto:charlesgriffinesq2@gmail.com)

**Subject**

Legal advice on Changing Columbus Day/Indigenous Peoples Day solely to Indigenous Peoples Day

**Address**

210 Hillside Drive

**Message**

When the City Attorney told Councilor Bailey last night that changing the name from Columbus Day/Indigenous Peoples Day solely to Columbus Day would not violate State law nor have any adverse consequences, his advice completely contradicted what he told the prior Council at its May 17, 2021 meeting.

According to the minutes of that meeting on page 4, he explained that Columbus Day is a State holiday and the Council could not change the name, but the City could coterminously celebrate Columbus Day with Indigenous Peoples Day, which is what the prior Council voted to do. It was that opinion that was the basis of the statement in my e-mail to you that you would be violating state law if you made the change solely to Indigenous Peoples Day.

I have separately e-mailed the City Attorney requesting an explanation for this significant discrepancy.

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

---

**Submitted on Wed, 07/13/2022 - 11:34**

**Full Name**

Olivia Annunziata Blaisdell

**Email**

[oannunziatablaisdell2025@sau52.org](mailto:oannunziatablaisdell2025@sau52.org)

**Subject**

Indigenous Peoples' Day

**Address**

444 Richards Ave

**Message**

Dear City Council Members,

I would like to formally thank all Councilors who voted to permanently change references to "Columbus Day" with only "Indigenous Peoples' Day" in Portsmouth. We Speak is extremely grateful and proud that after two years of working toward this end, we have finally been able to make Portsmouth a more inclusive and educated city. This is a first step in righting our wrongs and justly acknowledging and respecting the people who lived and owned these Portsmouth lands before we came here, and those who have current ties and connections to their native lands.

We would also like to update you on our efforts with the School Board, which resulted in a unanimous vote last night to replace Columbus Day with Indigenous Peoples' Day in our school calendars. The Board also voted to add Juneteenth to our school calendar as well.

Thank you again.

Sincerely,

Olivia Annunziata Blaisdell, on behalf of PHS We Speak Social Justice Club

**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, 07/19/2022 - 08:28**

**Full Name**

Colleen O'Rourke

**Email**

[colleen114oc@gmail.com](mailto:colleen114oc@gmail.com)

**Subject**

Erroneous Parking Ticket with no recourse

**Address**

41 Juniper Road

York, Maine. 03909

**Message**

There is a problem with your electronic meter system near the AC hotel. On 7/7/22 I purchased 2 hours of parking at ~2pm for plate # 3016. And got a ticket time stamped 3:10pm. Ticket #4022019180. On appeal, the supporting documentation (screen shot from bank account showing the payment) must not have uploaded properly. Appeal was denied for no documentation. Apparently, there is a problem with the appeal submission site as well. In principle: it was costly to spend 16\$ on parking for lunch. Adding \$35 for a ticket that was erroneously issued is unacceptable. Apparently my only recourse is to go to court, to contend two errors by your city. I am happy to email the bank statement showing payment (no way to attach here). Portsmouth is at risk of losing a frequent visitor over this absurdity. I am hopeful we can resolve this amicably.

**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, 07/19/2022 - 11:39**

**Full Name**

Gerald Duffy

**Email**

[gduffy44@gmail.com](mailto:gduffy44@gmail.com)

**Subject**

Preparing for extreme heat — communicating with the public.

**Address**

428 Pleasant St, Unit 3

**Message**

Dear Mayor and Councilors:

I'm writing both as a resident and a representative of PROGRESS PORTSMOUTH.

As is abundantly clear from news at home and abroad, It's only a matter of time before Portsmouth experiences a period of extreme weather, in our case most likely an extended wave of very high temperatures. This issue feels very close to home for me. My son is about to fly home from the UK where historic temperatures records were shattered this week — over 104F at Heathrow Airport. In August, I plan to visit southwest France, where severe heat and wildfires are affecting the region, with temperatures topping 106F. The Pacific Northwest experience similar weather last year.

It would be reassuring for Portsmouth citizens to know about plans the city has to cope with a heat wave of this magnitude. It make be a question of simply publicly communicating plans and measures that are already in place or, if otherwise, selecting an existing government entity, or creating a new one, to guide any necessary preparatory measures.

Kudos to the city for already pushing ahead with an excellent Climate Action Plan. Clearly, actionable plans are now in place, but, again, the public needs to be assured about the degree of urgency the city has embraced. Anything we can do to accelerate the reduction of greenhouse gas emissions — i.e. incentivizing the switch to electric vehicles, better insulating our homes, making it easy and attractive to install solar panels, and reaching carbon-neutral status for all our municipal facilities — these things will set an example for other nearby communities and send a very strong message to residents whom I believe are ready to hear it from an enlightened leadership. Vigorous outreach and giving residents a clear role in helping address this critical issue can, I believe, make a difference here.

Best wishes,

Gerald Duffy

Resident and spokesperson for PROGRESS PORTSMOUTH

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

---

**Submitted on Tue, 07/26/2022 - 16:39**

**Full Name**

Pamela

**Email**

[pambarrettnh@gmail.com](mailto:pambarrettnh@gmail.com)

**Subject**

Prescott Park. Intent of the sisters will

**Address**

100 Lafayette Rd

**Message**

The city has violated the intent that the Prescott sisters had in the will of Josie Prescott. The will States that the land is to be used for a free family park. The grassy area has been taken over by the association by putting tables and chairs as well as blankets in the area. It is no longer free to the public and the average wage of the people serving Portsmouth cannot afford to rent in this area. There are no provisions made for the handicapped or senior citizens to sit on the lawn or to Park close to the venue. Once again, the city is catering too the newcomers. I believe that the will needs to be reviewed and that the proper desires of Josie Prescott be adhered to. I believe if this will was challenged in a court of law the park would once again treat all residents to enjoy the park the way it was, until the early 2000s.

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

**Submitted on Wed, 07/27/2022 - 20:11**

**Full Name**

Gerald Duffy

**Email**

[gduffy44@gmail.com](mailto:gduffy44@gmail.com)

**Subject**

Governance Committee proposal re: Audit Committee

**Address**

428 Pleasant St, Unit 3

**Message**

Dear Mayor and Councilors:

I understand the Council will soon be asked to discuss recommendations from the Governance Committee regarding the re-configuration of the Audit Committee. I have followed the meetings of the Audit Committee closely since its inception. I would ask you to consider the following background information and perspective:

The Governance Committee's recommendation is completely in line with the best practices outlined by the Government Financial Officers Association (GFOA). I include a link to the relevant GFOA content and also include the summarized list below. A key point is that the GFOA recommends that an audit committee consists of only elected officials. These officials are expected to have a basic understanding of city finances and auditing processes. They need not be experts but they should have access to independent expertise, should it be necessary. By their December 15, 2021 meeting, the Audit Committee had devolved into an ugly power struggle and turf war, where committee members grew hostile with city staff in response to the limitations of the committee's authority, according to established city processes and legal perspective. The deputy city manager had to patiently field personal attacks that questioned her professionalism and included comments that her department's work was "disgusting," even when she made it clear she was seeking evenings and weekends to handle the committee's demand on top of her normal workload. See video of that painful meeting to understand the dysfunctional state of the committee at that stage.

<https://youtu.be/zbuWCfjyqM>

Acknowledging that the existence of an audit committee is a very good idea, there is a very strong case for a fresh start with our particular committee. To my understanding, that is what the Governance Committee's proposes. The key aspects of ensuring the best possible scrutiny of the city's book seem to be: 1) Maximum independence of the auditing process from the involvement of city staff and 2) finding the best possible auditing company to examine our books. Neither of these is in any way threatened by the proposal to reconfigure the Audit Committee. On the contrary, it is completely in line with best practices recommended by the gold standard organization of the profession.

Thanks for considering this important context for the discussion you will soon have on the matter.

Sincerely,

Gerald Duffy

GFOA Audit Committee Best Practices. (<https://www.gfoa.org/materials/audit-committees>)

Three main groups are responsible for the quality of financial reporting: the governing body,<sup>1</sup> financial management, and the independent auditors. Of these three, the governing body must be seen as first among equals because of its unique position as the ultimate monitor of the financial reporting process.<sup>2</sup> An audit committee is a practical means for a governing body to provide much needed independent review and oversight of the government's financial reporting processes, internal controls, and independent auditors. An audit committee also provides a forum separate from management in which auditors and other interested parties can candidly discuss concerns. By effectively carrying out its functions and responsibilities, an audit committee helps to ensure that management properly develops and adheres to a sound system of internal controls, that procedures are in place to objectively assess management's practices, and that the independent auditors, through their own review, objectively assess the government's financial reporting practices.<sup>3</sup>

GFOA makes the following recommendations regarding the establishment of audit committees by state and local governments:

The governing body<sup>4</sup> of every state and local government should establish an audit committee or its equivalent;

The audit committee should be formally established by charter, enabling resolution, or other appropriate legal means and made directly responsible<sup>5</sup> for the appointment, compensation, retention, and oversight of the work of any independent accountants engaged for the purpose of preparing or issuing an independent audit report or performing other independent audit, review, or attest services.<sup>6</sup> Likewise, the audit committee should be established in such a manner that all accountants thus engaged report directly to the audit committee. The written documentation establishing the audit committee should prescribe the scope of the committee's responsibilities, as well as its structure, processes, and membership requirements. The audit committee should itself periodically review such documentation, no less than once every five years, to assess its continued adequacy;<sup>7</sup>

Ideally, all members of the audit committee should possess or obtain a basic understanding of governmental financial reporting and auditing.<sup>8</sup> The audit committee also should have access to the services of at least one financial expert, either a committee member or an outside party engaged by the committee for this purpose. Such a financial expert should through both education and experience, and in a manner specifically relevant to the government sector, possess 1) an understanding of generally accepted accounting principles and financial statements; 2) experience in preparing or auditing financial statements of comparable entities; 3) experience in applying such

principles in connection with the accounting for estimates, accruals, and reserves; 4) experience with internal accounting controls; and 5) an understanding of audit committee functions;<sup>9</sup>

All members of the audit committee should be members of the governing body. To ensure the committee's independence and effectiveness, no governing body member who exercises managerial responsibilities that fall within the scope of the audit should serve as a member of the audit committee;

An audit committee should have sufficient members for meaningful discussion and deliberation, but not so many as to impede its efficient operation. As a general rule, the minimum membership of the committee should be no fewer than three;<sup>10</sup>

Members of the audit committee should be educated regarding both the role of the audit committee and their personal responsibility as members, including their duty to exercise an appropriate degree of professional skepticism;

It is the responsibility of the audit committee to provide independent review and oversight of a government's financial reporting processes, internal controls and independent auditors;<sup>11</sup>

The audit committee should have access to the reports of internal auditors, as well as access to annual internal audit work plans;

The audit committee should present annually to the full governing body a written report of how it has discharged its duties and met its responsibilities. It is further recommended that this report be made public and be accompanied by the audit committee's charter or other establishing documentation;

The audit committee should establish procedures for the receipt, retention, and treatment of complaints regarding accounting, internal accounting controls, or auditing matters. Such procedures should specifically provide for the confidential, anonymous submission by employees of the government of concerns regarding questionable accounting or auditing matters.<sup>12</sup> The audit committee also should monitor controls performed directly by senior management, as well as controls designed to prevent or detect senior-management override of other controls<sup>13</sup>;

The audit committee should be adequately funded and should be authorized to engage the services of financial experts, legal counsel, and other appropriate specialists, as necessary to fulfill its responsibilities<sup>14</sup>; and

In its report to the governing body, the audit committee should specifically state that it has discussed the financial statements with management, with the independent auditors in private,<sup>15</sup> and privately among committee members,<sup>16</sup> and believes that they are fairly presented, to the extent such a determination can be made solely on the basis of such conversations.

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

---



## CITY OF PORTSMOUTH



### STATEMENT AGAINST HATE SPEECH

The Portsmouth City Council condemns hate speech and discriminatory action of all kinds.

By declaring ourselves a Racial Justice Municipality in 2020, we committed ourselves to supporting racial justice, providing racial bias education and training, engaging with stakeholders and cooperating with other efforts to welcome diversity throughout our community.

If we said nothing while hate groups identified by the Anti-Defamation League continued to assert themselves on our streets and in our neighborhoods, we would not be living up to those commitments.

While it is true that all organizations who abide by Public Forum laws are protected by the First Amendment, those who oppose their messages of hate are also supported by the First Amendment in their right to object.

Education and awareness help us all build a stronger defense against such invasive plagues. Assuming that if we ignore them, they will go away is not a robust response to infections like these that spread fear, hate and lies.

The City of Portsmouth Police Department is aware of the actions of these particular hate groups, and will continue to investigate their actions both visible and invisible to the full extent of the law. The Police Department will continue to partner with our community in welcoming diversity, and protects all citizens from the militant violence of domestic terrorist organizations.

They, City staff and our citizens have the full support of the City Council in this vigilant protection of our declaration that as the City of the Open Door, we as a Racial Justice Municipality not only welcome but protect all who shelter in the safety of our community.

# PARKING and TRAFFIC SAFETY COMMITTEE

## ACTION SHEET

8:30 A.M. – July 7<sup>th</sup>, 2022  
Conference Room A

**PRESENT:** **Members:** Mary Lou McElwain, Steve Pesci, Mark Syracuse, Harold Whitehouse, Police Captain Mike Maloney, Councilor Andrew Bagley, Assistant Fire Chief Bill McQuillen

**City Staff:** City Engineer Eric Eby, Parking Director Ben Fletcher, Associate Engineer Tyler Reese, Parking General Foreman Mike Casad

ACTION ITEMS FOR CITY COUNCIL
<ul style="list-style-type: none"><li><u>Additional Parking Enforcement Holiday for Juneteenth.</u> <b>Voted</b> to approve Juneteenth as a parking enforcement holiday.</li></ul>



1. **Roll Call**
2. **Financial Report:** **Voted** to accept and place on file Financial Report dated May 31, 2022.
3. **Public Comment Session:** There were two speakers: **Carl Diemer** regarding speeding on Aldrich Road; **Jim Lee** regarding parking on Miller Avenue near South Street.
4. **Market Street, request for crosswalk between Deer Street and Hanover Street, by business owner:** **Voted** to refer to staff for evaluation and report back.
5. **Additional Parking Enforcement Holiday for Juneteenth:** **Voted** to approve Juneteenth as a parking enforcement holiday.
6. **Pannaway Manor, request for speed humps, by resident:** **Voted** to refer to staff for evaluation and report back.
7. **Daniel Street, request for 15-minute space in front of #22 Daniel Street:** **Voted** to refer to staff to collect usage data of current configuration and report back with recommendation at August meeting.
8. **Osprey Drive, report back on speed study:** **Voted** to place the item on file.
9. **Monthly Accident Report:** *Informational; no action required.*
10. **Parking Enforcement Holidays:** *Informational; no action required.*
11. **Construction projects update:** *Informational; no action required.*
12. **Adjournment:** **On unanimous roll call 9-0, voted to adjourn 9:15 AM**

*Respectfully submitted by: Eric Eby*

**PARKING and TRAFFIC SAFETY COMMITTEE**  
PORTSMOUTH, NEW HAMPSHIRE

**CONFERENCE ROOM A**  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also have the option to join the meeting over Zoom  
(See below for more details)\**

**8:30 AM**

**July 7<sup>th</sup>, 2022**

**MINUTES**

**I. CALL TO ORDER**

Chairman Andrew Bagley called the meeting to order at 8:30 a.m.

**II. ATTENDANCE**

Members Present:

Chairman Andrew Bagley  
Police Captain Mike Maloney  
Harold Whitehouse  
Steve Pesci  
Mary Lou McElwain  
Mark Syracuse  
Assistant Fire Chief William McQuillen

Absent

Erica Wygonik (Alternate)  
City Manager Karen Conard  
Public Works Director Peter Rice

City Staff Present:

Parking Director Ben Fletcher  
City Engineer – Parking, Transportation and Planning Eric Eby  
Associate Engineer Tyler Reese

**III. FINANCIAL REPORT**

Harold Whitehouse moved to accept the Financial Report dated May 31, 2022, and place it on file, seconded by Mary Lou McElwain. On a unanimous vote, motion passed 7-0.

**IV. PUBLIC COMMENT (15 MINUTES)**

This is the time for all comments on any of the agenda items or non-agenda items.

Carl Diemer of 337 Aldrich Road commented on the speed on the other half of Aldrich Road. They need to address the side of the road where there is no speed table because cars are continuing to speed on that side. Pedestrian traffic has increased on the road, and they are still having speeding issues. They have not done their due diligence on that end of Aldrich Road. The section where there is treatment has been working. The other end needs to be studied and patrolled. There needs to be a permanent fix.

Jim Lee of 520 Sagamore Avenue commented that cars are parking on the northbound lane of Miller Avenue at the South Street intersection. It blocks the northbound side and is creating a hazard for cars and emergency responders. The Committee should make it a no parking section for that part of the road.

Carl Diemer of 337 Aldrich Road commented that a quick fix could be to put a police car on Aldrich Road for enforcement. If they park facing the hill, they will be very busy.

Vice Chairman Steve Pesci requested clarification on if Mr. Lee was looking to have no parking on Miller Avenue consistently. Jim Lee responded that section is the only place people park in Miller Avenue. It is creating a hazard.

## V. PRESENTATIONS

None

## VI. NEW BUSINESS

*(No public comment during Committee discussion without Committee approval.)*

- A. Market Street, request for crosswalk between Deer Street and Hanover Street, by business owner.

City Engineer Eric Eby commented that the request came in from the adjacent business owner. They have put out a camera and are observing the crossings in that area. They will report back next month.

Harold Whitehouse moved to refer to staff for evaluation and report back, seconded by Mary Lou McElwain. On a unanimous vote, motion passed 7-0.

- B. Additional Parking Enforcement Holiday for Juneteenth (June 19<sup>th</sup>). **Sample Motion: Move to approve Juneteenth as a parking enforcement holiday.**

Chairman Andrew Bagley stated that all federal holidays are parking enforcement holidays, so it makes sense to include this.

Mary Lou McElwain moved to approve Juneteenth as a parking enforcement holiday, seconded by Vice Chairman Steve Pesci. On a unanimous vote, motion passed 7-0.

- C. Pannaway Manor, request for speed humps, by resident.

Mary Lou McElwain moved to refer to staff for evaluation and report back, seconded by Vice Chairman Steve Pesci. On a unanimous vote, motion passed 7-0.

- D. Daniel Street, request for 15-minute space in front of #22 Daniel Street, by business owner.

Harold Whitehouse questioned if anyone had contacted the business that this would impact. Chairman Andrew Bagley responded that the business owner has contacted the Committee.

Chairman Andrew Bagley commented that during the Brick Market construction the 15-minute parking spaces were encumbered. They were moved to be in front of Moe's. The owner of Moe's, Cheryl Pagano, is reluctant to move the space back because they have been beneficial for the business. It may be useful to have Staff evaluate the parking spaces and report back.

Mary Lou McElwain commented that she did not think they needed to be evaluated. Their need is clear.

Mary Lou McElwain moved to keep the two 15-minute spaces in front of Moe's and have one 15-minute space at the Brick Market building, seconded by Harold Whitehouse.

Harold Whitehouse commented that this was different than what has been discussed with the business before. They should make sure the business is clear about what is happening before they take action. Parking Director Ben Fletcher noted that the business owner was watching the meeting via Zoom.

Vice Chairman Steve Pesci questioned if the motion as it stood was acceptable to the business owner. Cheryl Pagano commented that they have been challenged with Covid-19 and those two 15-minute spots have been the only good thing. The request is to keep the two 15-minute spots in front of the shop. Customers have gotten used to that set up. It has been very beneficial for the takeout business. They would not be able to operate as smoothly across the street.

Chairman Andrew Bagley questioned if there was a timeframe where the spaces were used most frequently. Cheryl Pagano responded that they were open from 9 a.m. to 6 p.m. The spaces are utilized the most from 9 a.m. – 4 p.m.

Mary Lou McElwain agreed with keeping the 15-minute spaces in front of Moe's. It is just a takeout shop and it's an advantage to keep that. Mary Lou McElwain questioned if the 15-minute spaces were 15-minute spaces for the full 24 hours. Parking Director Ben Fletcher confirmed that was correct. Vice Chairman Steve Pesci clarified that these were public 15-minute spaces, so other businesses on that street would benefit as well.

City Engineer Eric Eby commented that there used to be more 15-minute spaces on that street, but they were not all being utilized. They were reduced to 3 spaces on the street. The distribution of those spaces is determined by how they will best benefit the businesses on that street. The primary factor is to not have the spaces sit empty and unused. If they are being used in those locations, then that makes sense. They can

monitor the spaces with a camera to see how they are being utilized. The configuration could stay as it is now, and staff can report back.

Mark Syracuse questioned if they would be able to monitor and report back by the next meeting. City Engineer Eric Eby confirmed they could.

Mary Lou McElwain commented that she did not think they needed to study it. It's been that way during the temporary use. There should be 2 in front of Moe's and one at the Brick Market. Parking Director Ben Fletcher noted that this discussion needs to take place because they are out of ordinance right now. They were moved temporarily, so they need to determine where they should be permanently. The discussion is how they should be distributed to best benefit the businesses on the street.

Chairman Andrew Bagley commented that he has seen the spaces in front of Moe's utilized, but he has only observed it during peak time. They should not be designated spaces to one business specifically. They should get the data to ensure that those locations make sense.

Mary Lou McElwain moved to refer to staff to collect usage data of current configuration and report back with recommendation at August meeting, seconded by Harold Whitehouse. On a unanimous vote, motion passed 7-0.

## **VII. OLD BUSINESS**

### **A. Osprey Drive, report back on speed study. Sample Motion: Move to place on file.**

City Engineer Eric Eby commented that they monitored the speeds again on this road. They are still the same with an average of 23 mph and 85<sup>th</sup> percentile of 27 mph. The speed limit is posted at 15 mph, but it's not a true legal speed limit. It should be 25 mph, so these average speeds are in the legal speed limit. That is why the recommendation is to place it on file.

Vice Chairman Steve Pesci commented that this was a perfect example of a speed limit that sets false expectations.

Harold Whitehouse moved to place on file, seconded by Mary Lou McElwain. On a unanimous vote, motion passed 7-0.

## **VIII. INFORMATIONAL**

### **A. Monthly Accident Report from Police**

Police Captain Mike Maloney commented that there were 67 crashes in May. Of that, 34 of them were reportable. There were no accidents involving a pedestrian or bike.

### **B. Parking Enforcement Holidays**

Parking Director Ben Fletcher commented that this was posted on the City's web site. It is an enforcement holiday not a payment holiday. Instead of changing it every year the division has made the decision to use the actual calendar day that it falls on.

Chairman Andrew Bagley commented that an enforcement holiday means no one is writing tickets that day. It's not really free parking. They don't advertise it on the meters because people who are from out of town or not paying attention will pay. If people do pay, then they are not entitled to a refund because it is not a free parking day.

Vice Chairman Steve Pesci clarified that the parking meter fee was not enforced but the time limits were different. Parking Director Ben Fletcher responded that the time limits were still enforced when applicable.

### **C. Construction Projects Update**

City Engineer Eric Eby commented that there was an informational letter at the end of the packet. South Street is being paved. Marcy Street and New Castle Avenue will be resurfaced after the gas line work is complete. Cate Street and Bartlett Street are undergoing the final configuration.

Vice Chairman Steve Pesci commented that it was noticeable how many pedestrians were using the Cate Street intersection. It would be helpful to add orange cones or other signage to help guide them through the construction.

## **IX. MISCELLANEOUS**

Mary Lou McElwain commented that she has had to back up a couple times to allow for tour buses to make a turn onto narrow streets. Mary Lou McElwain questioned if buses were restricted from going on certain streets in the City. City Engineer Eric Eby responded that Ceres Street was the only street that had that restriction. This Committee can put this on the agenda to look at it. Mary Lou McElwain confirmed they should put it on the agenda.

Chairman Andrew Bagley commented that there was a drain issue at the second speed table location on Aldrich Road. That is why it has not moved forward. There should be an update on that at a future meeting. The parking on Miller Avenue is technically legal, but it may make sense to have staff look at it. City Engineer Eric Eby commented that parking was allowed on a street unless it was prohibited. It could make sense to look at this area again. Police Captain Mike Maloney commented that they were aware of the situation and have spoken to the homeowner in the past. It is legal and they put it out there in an effort to slow traffic. It would be worth looking at.

Harold Whitehouse commented that they have had limited summer meetings in the past, but it would make sense to continue through the summer this year. Chairman Andrew Bagley responded that he anticipated meeting in August.

## **X. ADJOURNMENT**

Mark Syracuse moved to adjourn at 9:15 a.m., seconded by Mary Lou McElwain. On a unanimous vote, motion passed 7-0.

Respectfully submitted,

Becky Frey,  
Secretary for the Parking, Traffic, and Safety Committee

*\*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\\_xjurgSbqRA2S8Uw3KnbUkw](https://us06web.zoom.us/webinar/register/WN_xjurgSbqRA2S8Uw3KnbUkw)



CITY COUNCIL  
PRESENTATION - JULY 11, 2022



# GOVERNANCE COMMITTEE MID-YEAR UPDATE



# WORK ACCOMPLISHED

---

- Reviewed City Council Rules and made recommendations to the Council for adoption
  - Specifically reviewed Rule 43B for improvements to the Public Dialogue Process
  - Recommended no change for Rule 41, Address by the Public, to allow flexibility
  - Codified the practice of making “friendly amendments” in Rule 13B
- Reviewed the Ethics Ordinance, revised the Ordinance, and made recommendations to the Council for adoption
- With four former Mayors, reviewed the proposal by Councilor Denton to change the City Charter to elect Councilors by ward

# ONGOING WORK

---

- Reviewed the Ordinance for Defunct Boards, Commissions, and Committees, with recommendations forthcoming to the Council on ordinances to sunset
- Reviewing the Administrative Ordinance Chapter I, Articles III-IV for recommended changes to the Board, Commission, and Committee structure
- Reviewing Board, Commission, and Committee terms to bring in line with the rotation envisioned in the RSAs and Ordinance
- Reviewing Board, Commission, and Committee appointment schedules to avoid appointments between elections and the swearing-in of newly elected City Councils

# FUTURE TASKS

---



REVIEW POLICIES OF THE CITY FOR REVISIONS AND ADDITIONS, INCLUDING BUT NOT LIMITED TO THE SIDEWALK POLICY, PUBLIC ARTS POLICIES, AND A POTENTIAL DONATION POLICY



MAKE RECOMMENDATIONS TO THE COUNCIL AROUND PUBLIC ENGAGEMENT IN THE COMMUNITY CAMPUS PROCESS



COMPLETE A FURTHER REVIEW OF COUNCIL PRACTICE AND MAKE RECOMMENDATIONS FOR AREAS OF IMPROVEMENT

# Gift and Donation Submission Form

*Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.*

Date:	7.12.22
Department/ Contact Person:	Portsmouth Fire Department Fire Chief Todd Germain
Donation Amount:	\$250.00

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

**Yes. Portsmouth Fire Department**

Is there a particular purpose intended with this donation:

**Fire Department for Emergency Equipment**

Other Information/Special Conditions:

**Donations received in memory of Adam Price Sr.**

## Donor Information

First & Last Name:	Various
Business Name:	
Address*:	
Phone*:	
Email*:	

*Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk (\*) indicates it will not be publicly distributed.*

# Gift and Donation Submission Form

*Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.*

Date:	<input type="text" value="7/22/2022"/>
Department/ Contact Person:	<input type="text" value="Recreation Department"/>
Donation Amount:	<input type="text" value="\$2,910.80"/>

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Is there a particular purpose intended with this donation:

Other Information/Special Conditions:

## Donor Information

First & Last Name:	<input type="text" value="Various Donors"/>
Business Name:	<input type="text"/>
Address*:	<input type="text" value="n/a"/>
Phone*:	<input type="text" value="n/a"/>
Email*:	<input type="text"/>

*Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk (\*) indicates it will not be publicly distributed.*

# Gift and Donation Submission Form

*Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.*

Date:	7/22/2022
Department/ Contact Person:	Recreation
Donation Amount:	\$2,686

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Skateboard Park Lights
------------------------

Is there a particular purpose intended with this donation:

Funding for the Skateboard Park Lights
--

Other Information/Special Conditions:

This was the total amount of money received in exchange for auction items that were auctioned during the “Flip the Switch” Skateboard Park Lights fundraising auction. Funds were collected by cash and check as auction items were picked up that evening.
---

## Donor Information

First & Last Name:	Various Donors
Business Name:	n/a
Address*:	n/a
Phone*:	n/a
Email*:	n/a

# Gift and Donation Submission Form

*Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk (\*) indicates it will not be publicly distributed.*





# Gift and Donation Submission Form

*Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.*

Date:	July 20, 2022
Department/ Contact Person:	Suzanne Woodland, Deputy City Manager
Donation Amount:	\$1,500.00

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

The Cemetery Committee is working with the City of Portsmouth staff to set up a database of grave locations in the various Portsmouth cemeteries. The Cemetery Committee was able to identify free software developed by a local enthusiast which was donated for this purpose. City staff is working to help host and test this database software.

Is there a particular purpose intended with this donation:

The Cemetery Committee has solicited a donation of \$1,500 from the South Church Cemetery Fund to support the database effort. Data will need to be entered for the various cemeteries and the monies are intended to help support that data entry effort.

Other Information/Special Conditions:

The Deputy City Manager has advised the Finance Department of this special purpose and with this memorandum and City Council approval it will allow the Finance Department to earmark these funds for this particular purpose.

## Donor Information

First & Last Name:	
Business Name:	South Church Charity Fund
Address*:	200 Griffin Rd., Unit 3 Portsmouth NH

# Gift and Donation Submission Form

Phone\*:

Email\*:

*Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk (\*) indicates it will not be publicly distributed.*

# Gift and Donation Submission Form

*Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.*

Date:	7/25/22
Department/ Contact Person:	Chief Mark Newport/Asst. Jackie Burnett
Donation Amount:	\$5,000

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Portsmouth Police Department's Honor Guard

Is there a particular purpose intended with this donation:

**To help cover the cost of training and travel to the Police Officer's Memorial in Washington, D.C., where K-9 Max was honored after succumbing from injuries sustained during an on-duty training accident back in 2019.**

Other Information/Special Conditions:

**The Police Department has a standing operating policy relative to the receipt of donations. Donations are reviewed initially by the Chief and are then considered by the Police Commission during public session. The Police Commission voted to accept this donation at the June 13<sup>th</sup>, 2022 meeting and recommends that the donor's request to remain anonymous be respected if at all possible.**

## Donor Information

First & Last Name:	Anonymous
Business Name:	N/A
Address*:	Rye, NH 03870

# Gift and Donation Submission Form

Phone\*:

Unknown

Email\*:

Unknown

*Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk (\*) indicates it will not be publicly distributed.*



# CITY OF PORTSMOUTH COMMUNITY ENGAGEMENT REPORT

---



Suzanne Woodland, Deputy City Manager  
Beverly Zendt, Planning Director  
Stephanie Seacord, Public Information Officer  
Laura Horwood-Benton, Library Assistant Director

July 27 2022

# IN THIS REPORT

At the May 16, 2022 City Council meeting, Councilor Tabor requested a report back from City Staff on Community Engagement initiatives. We have outlined here communications channels and processes currently in place and additional opportunities.

This report summarizes:

- **Existing communications channels**
- **A consideration of new technologies**
- **Performance metrics, best practices and recommendations**



# EXISTING COMMUNICATION CHANNELS



The City engages residents in person, across City-managed communications platforms and public media, and through surveys and other interactive initiatives.

## Existing Communication Channels | Direct Resident Feedback

# DIRECT RESIDENT FEEDBACK

- Public comment at City Council meetings & Work Sessions
- Public hearing comment at City Council meetings
- Public dialogues (like Budget listening sessions)
- Public comment at all Board, Commission and Committee meetings
- City Department “Open Door” and “Office Hours” opportunities - for Planning, Inspections, City Manager, Mayor, DPW, etc.
- Citywide Neighborhood Committee Ward Forums, meetings and National Night Out
- Farmers’ Market, Market Square Day, Childrens Day, Fall Family Fun Fest
- DPW Project Public Information Meetings
- Special Topic information meetings - like Inspections, Department workshops, Water Forum, Community Power Informational Event, Joint Planning/ Conservation Commission meeting on watershed zoning.
- Public participation in the Capital Improvement Plan and Budget process
- Click n Fix - for tracking reporting maintenance issues
- Informal feedback at public service points (Recreation, Library, City Hall, Transfer Station)
- Comments and direct messages on social media
- Email form on city website:
  - City Council members
  - On major DPW projects
  - City staff
- Emails to [hotline@cityofportsmouth.com](mailto:hotline@cityofportsmouth.com)



# CITY CHANNELS FOR INFORMING RESIDENTS

## City Website

Provides current information and full details on City Departments, current projects, and City Boards, Commissions and Committees as well as archives of proceedings.

The website is a portal for conducting business with the City, including:

- scheduling inspections
- paying bills
- making donations
- signing up to be kept informed on specific projects



## Channel 22/Video Recording

A vital communications channel for Portsmouth residents without Internet access. City Council meetings are broadcasted and repeated, along with regular bulletins on street closure notices, snow parking bans, vaccination clinics, cooling centers, etc. Video recordings of all City meetings are live broadcast and archived on YouTube channel.

## Email Newsletters

The city's newsletter (distributed electronically Mondays and Wednesdays) has **3,873 subscribers**. It is also converted to PDF format and posted to website and social media, and emailed to media.

Other newsletters for city departments include Library, Recreation, and Schools.

DPW Project e-blasts covering **1,461 subscribers** for various projects, “push” eblasts and “pull” comment forms.

## Existing Communication Channels | City Channels

### Comprehensive

#### Annual Financial Report

Popular Annual Financial Report and Budget documents for multiple fiscal years - in print and interactive electronic form.

#### Media Relations

The Public Information Officer (PIO) maintains the City's relationship with local/regional media, providing press releases, media/photo opp advisories and op-eds, fielding inquiries and providing follow-up materials. The PIO is also trained in the State of NH WebEOC Emergency Response Network to liaise with the Emergency Operations Center Director (Fire Chief) if required.

#### RAVE (formerly CodeRED)

Maintained by PPD for emergency notices. Used most often for snow parking ban notices. The new system has a polling capability as well as the 'push' notifications offered by the previous CodeRED (text, email and voicemail),

Emergency bulletins are also communicated with color-coded Channel 22 "crawls," website banners, Facebook (CityHallPortsmouthNH, UnofficialPortsmouthNH, PortsmouthNH) and Twitter posts and via media alerts.

#### Direct Mail

This includes water bill inserts, annual Water System Reports, "Think Blue" postcard series, abutter notices, and periodic mailers from Library. The Inspections Department has also created its own list of contractors/users of the online permitting system to push out notices of conferences, code changes and other information.



# Existing Communication Channels | City Channels

## Social Media

### Facebook

- **CityHallPortsmouthNH**  
19,807 reached in June,  
up 54.% over May 2022
- **Fire Department:**  
3,500 followers
- **Library:** 4,700
- **Police Department:** 21,000
- **Recreation Department:** 1,400
- **Schools:** 882
- Sharing with **Unofficial Portsmouth** (18,400) and **PortsmouthNH** (28,800) groups

### Twitter

- **City**
- **DPW**
- **Combined Sewer Overflow Alert**
- **Fire Department**
- **Human Resources**
- **Library**
- **ParkPortsmouth**
- **Planning Department**
- **Police Department**
- **Recreation Department**
- **Schools**

### Instagram

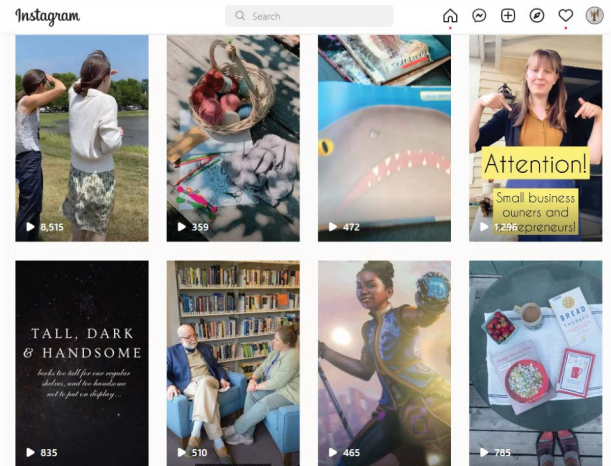
- **Think Blue Portsmouth NH**
- **Library**
- **ParkPortsmouth**
- **Recreation**

### YouTube

- **Think Blue**
- **Library**

### LinkedIn

- **Human Resources**



# POLLS & SURVEYS

## Focus Groups

The City uses formal focus groups directed by communications facilitators for major projects such as the McIntyre Project (Portsmouth Listens and the Principle Group), the Recreational Needs Study (Placework/Horsley Witten Group, Inc.), the Prescott Park Master Planning process, and the ADU zoning update.

## Mailchimp/Survey Monkey

The City uses both survey platforms to solicit feedback on specific projects and issues, like the Neighborhood Parking Program, ADUs, Middle Street Bike Lanes, Maple Haven/Pannaway Manor sidewalk projects, Fleet Street redesign and the Recreational Needs Study. Portsmouth Public Library regularly conducts event feedback surveys and plans to launch a Strategic Plan survey in the fall.

## QR codes

With the renaissance of QR code use since the pandemic, City staff have found these an effective and easy way for residents to participate in surveys. For example, Public Works solicited input last year for the Fleet Street project, and a QR code allowed users of the street to easily weigh in.

## Door-to-door

As needed, residents are informed of DPW projects with flyers delivered to their door. Some projects such as the Middle Street Bike Lane and Peverly Hill Road solicited feedback through door-to-door canvassing.

## Instant Polling

The City is now using Sli.do for instant polling (in-person and Zoom audience) at public meetings, like the Water Forum and Community Power Information Event.

# NEW TECHNOLOGIES



There are numerous ways social media and other electronic communications channels can be leveraged for local government, and Portsmouth has already found innovative, intriguing and safe ways to deploy these technologies.



## New Technologies

City staff is in the process of exploring new platforms for engaging the public, including the following.

### **Miro.com Virtual Whiteboard**

Principle Group used several interactive means for community participation in the McIntyre Project discussion: Portsmouth Listens focus groups, surveys and the dynamic whiteboard technology during online public meetings (posted on the [McIntyre Project page](#),

### **Virtual Lobby**

A **Virtual Lobby** allows virtual engagement similar to a workshop or charrette. The resident begins in a virtual City Hall foyer with a video recording from the Mayor and can visit different kiosks with information or surveys.

### **Podcasting**

The City of Dover, NH currently uses a podcast to provide updates on City events and issues of interest ([The Dover Download](#)). Portsmouth Library has offered a podcast in the past.

### **Pulse.com/Let's Connect**

Planning Director Beverly Zendt used this [monthly information/polling platform](#) in Redmond, WA, which provided residents with information on specific topics.

### **Government Delivery Listserv**

**This tool** allows residents to subscribe to topics are that most interesting to them. The City can select those specific sub-lists when sending out information e.g. land use board issues.

### **Consider.it**

Recommended by a resident as a [platform for public dialogue](#) on the Climate Action Plan because “It allows people to voice their opinion in a more robust way than by simply being ‘for or against’ something, and more than just checking a box on a survey. It also allows them to read, consider, and even amplify other peoples’ ideas. The broad spectrum of peoples’ opinions is graphically displayed in a pretty user-friendly format, and the site can be moderated as the city sees fit to keep the dialog on point and respectful (there is even a ‘code of conduct’ agreement when people register).”

**PERFORMANCE  
METRICS,  
BEST PRACTICES &  
RECOMMENDATIONS**

# PERFORMANCE METRICS

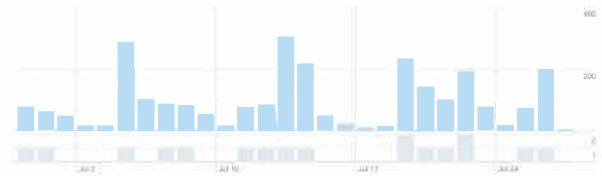
Quantifiable measures like subscribers, followers, respondents and reach can be measured for future improvements.

Beyond looking for increases across the board, each channel would benefit from a review and evaluation of qualitative measures, such as:

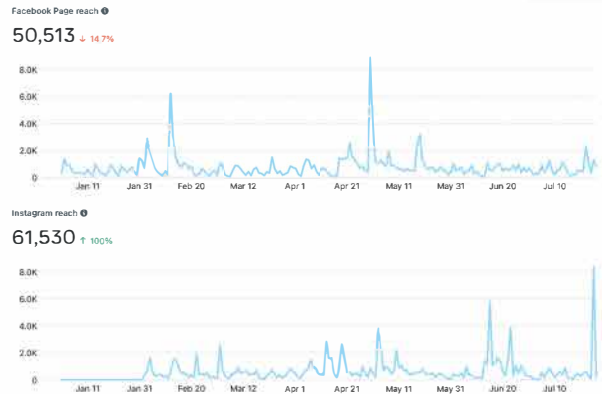
- What topics receive the most feedback?
- What channels are essential
- Should timing of messaging be adjusted? (Note: Sli.do polls can be useful for this, as well as in-person feedback in settings where appropriate.)

In addition, the City Budget includes both Accomplishments/Achievements and Goals as ways to measure performance.

Your Tweets earned 2.7K impressions over this 28 day period



Results





# BEST PRACTICES

Moving ahead with efforts to bolster two-way communication with residents, the City will keep in mind evolving best practices. Here are some current themes to consider:

## **Integrating Communications Directly with Services**

Currently examples include DPW's Click n Fix app, the OpenGov permitting portal, and the informal feedback received at public service desks. Further integration may be beneficial in some departments.

## **Increasing Responsiveness**

This includes both a faster response time to feedback and inquiries, as well as following up on priorities determined by public input. For example, the expanded use of the OpenGov platform has allowed us to be interactive with all our customers.

## **Developing a Brand and Identity**

Ensuring that residents know communications come directly from the city, or that they're using a trusted platform, with consistent design and branding.

## **Telling a Story**

Finding the moments in our work that will spark public interest and demonstrate what city staff and officials accomplish, in clear and understandable language, will continue to be a focus.

## **Sources**

"4 strategies that are defining the future of city communications"

**Bloomberg Cities**

"Creating a Welcoming and Connected City" **ICMA**

"Twitter, blogs and other Web 2.0 tools revolutionize government business" **FCW**

"Best Practices and Trends for Marketing Communications in the Public Government"

**Roberta Cinus**

# RECOMMENDATIONS

Here are some recommendations for next steps from City of Portsmouth staff.

**Test a Communications Campaign** inviting resident engagement, modeling the process that seems effective: small focus groups, surveys, public information meeting to provide results, further refinement, adoption of recommendations.

**Collect Performance Metrics** on a regular schedule, and evaluate.

**Focus on Continuous Improvement** in adopting and incorporating best practices.

**Beta Test New Technologies** on specific programs. For example, trying Consider.It for the Climate Action Plan.

**Assign a Communications Specialist** to social media monitoring, trending topics and response.

**Assemble a Community Engagement Team** from across departments to meet and discuss best practices, lessons, and work collaboratively on new projects.

