

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 3, 2022 TIME: 5:45PM

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_7EqbomifShaE3GtHN4RUMQ

5:45PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENTS – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

PROCLAMATIONS

1. Breast Cancer Awareness Month
2. Domestic Violence Awareness Month

VII. **ACCEPTANCE OF MINUTES – AUGUST 1, 2022**

VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

- A. *Recognition of Former State Representative Laura Pantelakos

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**

Public Hearing/Second Reading of Ordinance:

- A. Public Hearing/Second Reading of Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 – Building Height Standards, Sections 10.5A21.21 & 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability

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

(Sample motion – move to pass second reading and hold third and final reading at the October 24, 2022 City Council meeting as presented)

Third and Final Reading of Ordinance:

- B. Third and final reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities ***(Sample motion – move to pass third and final reading of the Ordinance as presented)***

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

- 1. Request to Establish Polling Hours
- 2. Right of Way Easement Deeds for properties located on Chevrolet Avenue

XII. CONSENT AGENDA

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

- A. Letter from Jake Dodge, The Greg Hill Foundation, requesting permission to hold the 10th Annual Jingle All The Way 5k Road Race on December 10, 2022 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 14th Annual Turkey Trot 5k on Thursday, November 24, 2022 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Kathryn Garcia & Joanne Wolfe, Alliance for Greater Good, requesting permission to use South Mill Pond and adjacent areas for the Portsmouth 400 Lantern Festival on Saturday, September 30, 2023 (rain date of Sunday, October 1, 2023) ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Tina Sawtelle, The Music Hall, requesting approval for the closure of Chestnut Street on Monday, October 24, 2022 for Strategic HR’s Conference from 7:00 a.m. to 5:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the downtown area for the 14th year beginning Sunday, October 16, 2022 through Sunday, November 6, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***

- B. Letter from James Albion, Generations United, Inc. d/b/a Generations Arcade LLC, requesting an open discussion regarding possibly opening one of their Console Arcades at the Skateboard Park
- C. Letters from Bob Newby regarding Dog Ordinance

XIV. MAYOR McEACHERN

- 1. Letter of Recognition of Elaine Syracuse
- 2. Appointments to be Considered:
 - Appointment of John Mayer to the Arts & Nonprofit Committee – Cultural Plan Subcommittee
 - Reappointment of Everett Eaton to the Economic Development Commission
 - Reappointment of Thomas Watson to the Economic Development Commission
 - Appointment of Richard Candee to the Task Force to Study Private/Public Historical Archives
 - Appointment of Susan Sterry to the Task Force to Study Private/Public Historical Archives
 - Appointment of Katinka de Ruiter to the Board of Library Trustees
 - Reappointment of Janaki Fonseka to the Board of Library Trustees
- 3. *Request to Change Date of December 19, 2022 City Council meeting (***Sample motion – move to change the City Council meeting date of December 19, 2022 to Wednesday, December 14, 2022***)

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

- 1. Citizen Input into ARPA Funding, 2022 Recreation Study and Community Campus (***Sample motion – move to authorize the City Manager to implement a citywide survey process to determine residents’ values and priorities for us of ARPA funds, updated city recreation initiatives, and future use of the Community Campus and adjoining property***)

B. COUNCILOR DENTON

- 1. *Climate Change Impacts (***Sample motion – move that the Legal Department explore potential legal remedies to recover costs incurred by the City of Portsmouth, residents, and businesses due to climate change impacts***)

C. COUNCILOR MOREAU & COUNCILOR COOK

- 1. Presentation from Ernie Greenslade and Valerie Rochon regarding the Portsmouth NH 400 Legacy projects pillar and the sculpture garden they are working towards installing in a public park and the RFP that has been created to gather the art communities ideas (***Sample motion – move to accept donation and approve the placement of sculptures to be commissioned by Portsmouth NH 400 in the public property known as Bohenko Park***)

D. COUNCILOR COOK

1. Public Art Policy/Ordinances
 - Public Art Policy Changes
 - Amendment to Article 17 – Funding of Public Art Ordinance
 - Draft Public Art Review Committee Ordinance

(Sample motion – move to bring forward for first reading at the October 24, 2022 City Council meeting)
2. Auditor Rotation Policy

E. COUNCILOR BLALOCK

1. *Skateboard Park Update

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Donation for a Memorial Park Bench in the South Mill Pond Dog Park in honor of Joshua Fogel - \$2,350.00 ***(Sample motion – move to accept and approve donation for a Memorial Park Bench in South Mill Pond Dog Park in honor of Joshua Fogel)***
- B. Approval of Donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association - \$240.00 ***(Sample motion – move to accept and approve to donation from the Barrington Fireman Association to the Police Explorers Program in the amount of \$240.00)***
- C. Approval of The Violence Against Women Act (VAWA) Grant from the NH Department of Justice to the Victim Witness Advocate position – *includes a cash match contribution - \$25,025.00*
- D. Approval of The Office of Highway Safety Grant from the NH Department of Safety which includes thirteen different highway safety initiatives – *includes a 20% match - \$53,510.66*

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *McIntyre Update
2. Report Back Re: Demolition Ordinance

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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

**The Council Chambers
City Hall
Portsmouth, New Hampshire**

A Proclamation

Whereas: The nation has observed Breast Cancer Month since 1985, to call attention to a cancer that touches so many lives and may affect nearly 350,000 women in the US this year; and

Whereas: This month is a time to celebrate the fact that there is now a 90% five-year survival rate for all stages of breast cancer and to support continued research and treatment efforts while 1 in 8 women still develop breast cancer at one point during her lifetime; and

Whereas: There are more than 3.9 million survivors of breast cancer in the United States and thanks to improvements in treatment the number of breast cancer survivors is expected to increase meaning those survivors will live for many years after their diagnosis; and

Whereas: Increased breast cancer screening increases early detection; reduces death; increases life expectancy; decreases late-stage cancer diagnoses; and increases survival rates; and

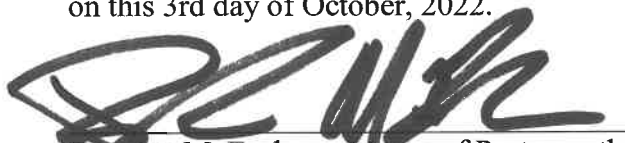
Whereas: The American Cancer Society, Susan G. Komen for a Cure, and the “Go Pink” October campaign is designed to raise awareness, advocate funding for research, promote early screening and honor those affected by breast cancer; and

Whereas: We salute all the women among us who have courageously fought their battles and the continued, unflagging efforts by those committed to the prize of ending cancer in our time.

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

Breast Cancer Awareness Month

Given with my hand and the
seal of the City of Portsmouth,
on this 3rd day of October, 2022.


Deaglan McEachern, Mayor of Portsmouth

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

Whereas: October was declared National Domestic Violence Awareness Month in 1987 because domestic violence is prevalent in every community and affects all people regardless of age, socio-economic status, sexual orientation, gender, race, religion or nationality; and

Whereas: We know, sadly, that every minute, an average of 20 Americans experience domestic violence – ten million Americans, including millions of children a year - and that one in every three women and one in every four men suffers from domestic violence in their lifetimes; and

Whereas: All domestic violence incidents affect every person within a home with long-lasting negative effects, particularly on children's emotional well-being, and their social and academic functioning; and

Whereas: Here in Portsmouth, since 2015 when A Safe Place and Sexual Assault Support Services (SASS) officially merged into one nonprofit organization, HAVEN has provided support services and prevention education to those impacted by domestic and sexual violence; and

Whereas: We share vision of HAVEN to End Violence and Change Lives and applaud their strong history of producing positive results along with our police department, schools and health care providers who are our sentries on the front lines of looking out for possible victims of domestic violence; and

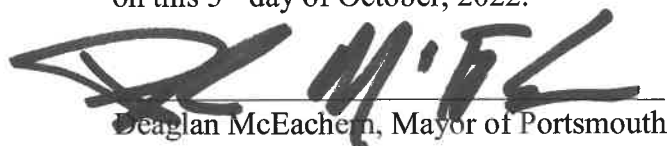
Whereas: We want to remind everyone that confidential, local help is available, 24 hours a day, at the HAVEN Violence Prevention and Support Hotline: 603-994-SAFE.

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

Domestic Violence Awareness Month

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

Given with my hand and the
Seal of the City of Portsmouth,
on this 3rd day of October, 2022.


Deaglan McEachern, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 1, 2022

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Denton moved to leave the Non-Public Session and seal the minutes. Seconded by Councilor Tabor 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, and Cook

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silent prayer.

VI. PLEDGE OF ALLEGINANCE

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Portsmouth High School Career Technical Education Center (CTE) – 45th Annual SkillsUSA NH Leadership and Skills Competition & National Competition

Mayor McEachern recognized the accomplishments of the CTE programs and presented gifts to Careers in Education teacher, Carla Frank and students Mackenzie Leonard who placed 1st in Exploring Career Support Services and Jade Remick for placing 3rd in the Job Interview competition.

The Mayor offered his congratulations to the following students who were unable to attend this evening:

- Riley Diemer and Kailyn Richards our state's 1st place team for Ethical Dilemma
- Kendall Jaggars placed 5th Children's Literature Pre-K through Kindergarten
- Ryan Scarlotto placed 3rd in Creative Lecture
- Katie Law placed 2nd and Zoe Morin placed 5th Job Interview competition
- Nick Kyrousis, Gold medal and Calvin Puglisi, Bronze medal in Power Equipment Technology
- Ethan Lantz, Bronze medal in Diesel Equipment Technology
- Adam Croteau, Gold medal in Automotive Service Technology

VII. ACCEPTANCE OF MINUTES – JUNE 6, 2022

Councilor Lombardi moved to accept and approve the City Council minutes of the June 6, 2022 City Council meeting. Seconded by Councilor Tabor.

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

IX. PUBLIC COMMENT SESSION

Mayor McEachern said the session would begin after the Presentation regarding Land Acquisition at Bellamy Reservoir by Al Pratt, Water Resources Manager.

Councilor Denton moved to suspend the rules in order to bring forward Items XIII. A. – McIntyre Update, XIII. B. – Presentation Re: Land Acquisition at Bellamy Reservoir and XV. C.1. – Mid-Year Report from Governance Committee. Seconded by Councilor Moreau.

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. McIntyre Update – City Manager and Project Management Team

Russell Preston provided a review of the Community Vision Plan, the Evolution of the Community Vision Plan, and Site Conditions. He addressed Massing Studies and Architectural Details of the project. Mr. Preston presented slides that showed renderings and elements of the building.

B. Presentation Re: Land Acquisition at Bellamy Reservoir – Al Pratt, Water Resources Manager

Water Resources Manager Pratt provided a detailed presentation regarding the purchase of the Fernald parcel containing 45 acres on the Bellamy Reservoir.

Councilor Denton moved to authorize the City Manager to negotiate and execute a Purchase and Sale Agreement for the purchase of a conservation easement on the subject parcel. Seconded by Councilor Tabor.

Councilor Lombardi asked if there were any activity on the two lots. Water Resources Manager Pratt said that there are two homes with leach fields.

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

XV. CITY COUNCIL MEMBERS

C. COUNCILOR COOK

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

Councilor Cook provided the Mid-Year Report from the Governance Committee outlining the work accomplished, ongoing work, and future tasks.

IX. PUBLIC COMMENT SESSION

Roy Helse spoke regarding changes being made to ordinances. He asked why the City paid Michael Kane \$2,000,000.00 for the development design of the McIntyre. He said the taxpayers were never told of the outrageous amount being paid to Mr. Kane.

Peter Whelan spoke opposed to changes in the Ethics Committee and feels it needs to go back for further review. He said the City Manager should not be involved in the process at all. He went on to speak regarding the McIntyre. He stated it has been 7 months and this is the first public comment on the McIntyre. He asked what will happen next and how much more will we pay them for being development partners.

Sue Polidura spoke regarding the Audit Committee Ordinance and said much time was spent on the ordinance and now the Governance Committee would like to change from volunteer membership to City Council. She expressed her opposition to this change.

Susan Sterry reported that the Point of Graves Cemetery has had all its headstones cleaned and 3 stones at the South Cemetery. She reported in total 405 stones have been cleaned and thanked all the volunteers and their time and commitment. She thanked City employees Corin Hallowell, Mark, Jason, and Frank for providing the water truck. She also thanked Stephanie Seacord for posting notices of the event.

Chris White spoke opposed to changes to the Audit Committee and the process of reviewing the ordinance. He expressed his opposition with the involvement of the City Manager with the process of recommending the consultant.

Petra Huda said there is an ongoing assault of the Audit Committee from staff and the Governance Committee and that it is not in the best interest of the City. She said it is time to change the auditor that has been in place for the last 27 years.

Arthur Clough spoke with a CPA not from the City and they feel having the same auditor for 27 years is a conflict of interest. He said letters are being sent out by the Legal Department to facilitate the removal of committee members of the Audit Committee.

Greg Mahanna expressed his opposition to the Ethics Ordinance naming committee members as officers. He further expressed his opposition that the officers are subject to criminal sanctions and said there is no purpose for this.

Peter Somssich spoke to the real monitors around Seabrook and the recent alert that took place. He said there was no rise in radiation and real time information could be received right away. He said we need a full investigation of the alert.

Esther Kennedy thanked Sue and DeDe for their work at the cemeteries and cleaning the headstones. She also spoke regarding having the auditor in place for 27 years. She said that is a long time to have the same auditor and asked why the City does not want to make a change.

Bill Downey said the design plan does not reflect the citizens will. He asked where the open and clean space is. He said this is a corruption of the process and the plan closes off the City. He said this is not the reflection of what the City wanted.

Paige Trace thanked Michael Kane and Russell Prescott for being here this evening but asked where the transparency is on the McIntyre project. She spoke regarding the Audit Committee and believes the books of the City to be clean, but why is the City trying to get rid of resident volunteers from serving on the Committee. She said a new auditor is needed to review the records because 27 years is too long to have the same one in place.

Duncan MacCallum said the change to the Audit Committee is wrong. He asked that the committee be left in the hands of the people with the most experience. He said the current members have outstanding knowledge in this field.

Zelita Morgan thanked Mayor McEachern for the statement against hate speech. She said this is not a good time to remain silent. She spoke to the Ethics Ordinance and expressed her concerns.

Robin Rousseau (via zoom) said she serves as a CPA and feels that the residents on the Audit Committee are experts. She said we need a Financial Oversight Committee. She stated the ordinance should be referred back to the Governance Committee for further work.

Judy Miller said there needs to be a meeting for public input on the McIntyre. She said utility poles are missing from the renderings and urged the City and developer to work with Eversource to eliminate the wires.

At 8:55 p.m., Mayor McEachern declared a brief recess. At 9:00 p.m., Mayor McEachern called the meeting back to order.

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

Councilor Cook moved to pass first reading and hold a public hearing and second reading at the August 22, 2022 City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Cook said this ordinance was brought forward from the Governance Committee to have the boards and commissions that no longer exist removed.

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

B. First reading of Ordinance amending Chapter 1, Article IV – Commissions and Authorities

Councilor Tabor moved to pass first reading and hold a public hearing and second reading at the August 22, 2022 City Council meeting. Seconded by Councilor Blalock.

Councilor Denton said voting on first reading is a procedural process so a public hearing can be held at the next meeting.

Mayor McEachern said how much could the ordinance change from first reading to public hearing/ second reading and what would be a minor change. City Attorney Sullivan said changes could be made but not to reflect the ultimate goal of the ordinance. Mayor McEachern asked would changes and make up of boards change be minor. City Attorney Sullivan said no. Assistant Mayor Kelley said she would like to have the Governance Committee hold a public input session on the changes being proposed.

Councilor Cook said two meetings have been held by Governance Committee with much comment on this and more input would be brought forward at the public hearing next City Council meeting.

Councilor Tabor said many points have been made at the Governance Committee meetings, which have been part of their deliberations. He said a public hearing will provide input to the City Council on whether changes need to be made to the ordinance.

City Attorney Sullivan said the ordinance could be amended at second reading.

Councilor Moreau asked the Governance Committee to provide background on the Audit Committee. Councilor Tabor said the changes proposed have been consistent. He said experts on this see an Audit Committee should be composed of the governing body. He stated the City Council hires the auditor who reports to the City Council and that does not need to be delegated to residents.

Councilor Lombardi said he feels the Audit Committee is necessary for transparency of the government. He stated GFOA guidelines are clear on responsibilities, this cannot be delegated to someone else. He said the committee seeks competitive bids for the audit.

Councilor Cook said the Audit Committee does not audit the books, they select the auditor.

Assistant Mayor Kelley said she would like to see two outside residents in an advisory role.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said things go better when citizens are involved. He said citizens are not as accountable as City Councilors. He said the City Council is elected to do a job and the job was that the Audit Committee select an auditor. He stated 18 hours was spent on that issue for the board to make a recommendation to the City Council. He said to have outside residents help specifically for financial expertise around rating an RFP, at this point he is not inclined to change the make-up of the Committee. Mayor McEachern said he would support this for public hearing at the next meeting.

Assistant Mayor Kelley handed the gavel back to Mayor McEachern.

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

City Manager Conard said City Engineer Demarais and Deputy Public Works Director Goetz are here this evening to speak to the Sagamore Avenue Sewer Extension project. City Engineer Desmarais said two options are before the City Council for consideration. He said their recommendation is the \$1.2 Resolution, which is Option 2. He spoke to the project having two components and has shared proposals. He reported that there are 39 properties interested but costs from FY22 have increased for FY23 from \$350,000.00 to \$400,000.00 and now we have to bond at a higher amount.

Councilor Denton move to pass first reading of the Resolution and schedule a public hearing and adoption at the August 22, 2022 City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Lombardi said this is like a loan program to residents. City Engineer Desmarais said it is a cost share, residents will pay for pipe line and City pays for pump and connection to household.

Councilor Blalock said residents have received estimates of costs, is that because we don't know the amount. City Engineer Desmarais said an estimate sheet was provided out of the contract. He stated we had a small contingency of 5% for any adjustments.

Councilor Tabor spoke in favor of the motion. He said he has the benefit of a low pressure system and was able to pay for it over 10 years. He said having that type of system has enhanced property values and everyone should be able to opt in now rather than later.

Mayor McEachern spoke in support of the Resolution. He asked if there has been any more property owners requesting to come on board. City Engineer Desmarais said that they have made attempts and a half dozen came forward. He stated we are working on prices now and what are included in the price. He said any additional would be \$40,000.00 and we could make adjustments in FY24.

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

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*)

Councilor Lombardi moved pass second reading and hold third and final reading at the August 22, 2022 City Council meeting. Seconded by Councilor Tabor.

Councilor Cook moved to amend Section 1.803 – Consequences of Violation, second sentence by striking the word *fine*, and amend Section 1.805 A. – Ethics Investigation Officer, line three after EIO to add “, *with approve from the Board of Ethics,*”. Seconded by Assistant Mayor Kelley.

Councilor Lombardi moved to amend Section 1.805 B. – Ethics Investigation Officer the last sentence by the addition of “and with the approval of the Board of Ethics”. Seconded by Councilor Tabor.

On a unanimous roll call vote 9-0, the amendment offered by Councilor Lombardi passed.

On a unanimous roll call vote 9-0, the amendments offered by Councilor Cook passed.

Councilor Blalock moved to suspend the rules to reopen the public hearing regarding the Code of Ethics Ordinance. Seconded by Assistant Mayor Kelley.

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

Petra Huda said the governing body should be providing the report and she feels that this is a significant change to the ordinance.

Zelita Morgan said due to the changes we should not move forward without a public hearing. She said she feels procedure was different this time. She said this is a complex matter and one element that makes ethics work is education. She said there needs to be ethics training, which has never been done. She said knowledge is power and the process needs to slow down. She urged the Council not to move this forward and to take a step back.

Arthur Clough said what he heard when Councilor Cook said the public had opportunities to speak, the public was allowed to make comments at the end of meetings. He said communication was not part of this. He said members should not be officers and the City Manager should not select the ethics officer.

Esther Kennedy said when you tabled this two weeks ago you stated it would be sent back to the Governance Committee. She said it was never brought up at the Governance Committee meeting. She said she does not believe having public hearings at 10:00 a.m. by the Governance Committee allows the majority of residents to speak because they are unable to attend.

Duncan MacCallum said you need to be careful who you have acting as the ethics officer.

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

Councilor Tabor said this is the best effort to improve the process. He stated a complete record of the facts needs to be taken if a resident says what a conflict of interest is. He spoke to the process to be followed.

Councilor Cook said the Governance Committee met every two weeks all spring and numerous public comment was held and listened carefully by the Governance Committee.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he does not agree with a 4 member board and a tie would go to the accuser. He said the importance of this ordinance is because of the ethics investigative officer. He said it is subjective looking to be even handed. He said ultimately the matter must go to the Ethics Board. He said he has some reservations and many he had were with the existing ordinance.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Councilor Lombardi said many changes to the ordinance came from presentations by the public. He said he supports this moving forward.

Councilor Cook moved to pass second reading, as amended and hold third and final reading at the August 22, 2022 City Council meeting. Seconded by Councilor Tabor.

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

Councilor Lombardi moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Assistance Mayor Kelley.

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

Third Reading & Adoption of Ordinance:

- E. Third reading of Ordinance amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee

Assistant Mayor Kelley moved to pass third and final reading as presented. Seconded by Councilor Tabor.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 1. Polling Hours for State Primary Election

City Manager Conard said this request from City Clerk Barnaby is to establish polling hours for the September Primary Election.

Councilor Denton moved to establish polling hours for the September 13, 2022 State Primary Election from 8:00 a.m. to 7:00 p.m. Seconded by Councilor Blalock.

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

2. Conservation Easement and Street Naming Request of 3400 Lafayette Road

City Manager Conard said this a Conservation Easement for 10.31 acres of land which abuts other City owned parcels. She indicated that the Legal and Planning Departments have reviewed the documents and recommend their approval.

Councilor Tabor moved 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. Seconded by Councilor Moreau.

Councilor Moreau said that this will be 50 townhouses off of Lafayette Road with public access.

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

Councilor Moreau moved to approve naming of a private street to Juniper Lane per the request and exhibits contained in the City Council packet for August 1, 2022. Seconded by Councilor Blalock.

Councilor Moreau stated that this is for ease of the 911 system with each unit having individual numbers.

Mayor McEachern asked if there has been examples where the City has been involved with private streets. City Attorney Sullivan responded affirmatively. He said the City Council has a statutory right to name a private road.

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

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

City Manager Conard said in February 2021 a subdivision approval was granted and the City recommended to transfer ownership of the roadway.

Councilor Moreau moved to grant the City Manager authority to negotiate and accept easements necessary to serve the recently approved subdivision as set forth in the plan contained in the agenda packet. Seconded by Assistant Mayor Kelley.

Councilor Moreau stated that Planning Board has reviewed this request and the Public Works Department reviewed the water meters.

Councilor Blalock said the street was not accepted in 20 years. City Attorney Sullivan explained the acceptance of streets process. He reported that there was no acceptance and the dedication was never accepted for a Paper Street.

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

XII. CONSENT AGENDA

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

- A. Request from Lisa DeGloria, Good Dog Gallery, to install a Projecting Sign at 135 Market Street, Unit G (***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 Chris Carragher, Seacoasts Paddleboard Club, requesting permission to hold the 5th Annual Halloween Costume Paddle on Sunday, October 30, 2022 from 10:00 a.m. to 11:30 a.m. at the Peirce Island Boat Ramp (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Pro Portsmouth 2023 Various Events Request (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Eversource Petitions and Pole License Requests:
- Installation of 4 poles on Peverly Hill Road #63-0696 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- C. Letter from Steven P. Wilson requesting acquisition of city property in relation to redevelopment of 361 Hanover Street

Councilor Cook moved to authorize the City Manager to negotiate a Purchase and Sales Agreement for a portion of property located at 361 Hanover Street. Seconded by Assistant Mayor Kelley.

Councilor Moreau expressed her concern regarding possibly giving up things that we might not want to give up.

City Attorney Sullivan stated that the Purchase and Sales Agreement will include provisions to refer this matter to the Planning Board.

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

D. Email Correspondence

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

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

XIV. MAYOR McEACHERN

1. Statement Against Hate Speech

Mayor McEachern read the following statement:

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 a 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.

Assistant Mayor Kelley said the residents thank the City Council for this statement. She said this is important to stand up and be louder than those people and their voices.

2. Appointment to be Voted:
 - Johanna Landis as an Alternate to the Historic District Commission

Councilor Lombardi moved to appoint Johanna Landis as an Alternate to the Historic District Commission until June 1, 2025. Seconded by Councilor Moreau.

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

XV. CITY COUNCIL MEMBERS

A. COUNCILOR MOREAU

1. Traffic Flow of State Street

Councilor Moreau moved to request that Parking and Traffic 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. Seconded by Councilor Denton.

Councilor Tabor said that this is something to research and would benefit the slowing of traffic and make pedestrians safer.

Councilor Cook spoke to how difficult it is to get pedestrians to be able to cross the street safely.

Mayor McEachern said this redesign would greatly effect Market Square.

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

B. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of July 7, 2022

Councilor Bagley moved to accept and approve the action sheet and minutes of the July 7, 2022 Parking and Traffic Safety Committee meeting. Seconded by Councilor Denton.

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

2. Additional Parking Enforcement Holiday for Juneteenth

Councilor Bagley moved to approve Juneteenth as a parking enforcement holiday. Seconded by Councilor Denton.

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

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

Councilor Lombardi moved to approve and accept the donations as presented. Seconded by Councilor Moreau.

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

- 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

Councilor Moreau moved to accept and approve the Grant from the Governor’s Office of Emergency Relief & Recovery ARPA SFRF Locality Equipment Matching Program - \$50,000.00. Seconded by Assistant Mayor Kelley.

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

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Report Back on Community Engagement

City Manager Conard presented the Report on Community Engagement for the City Council’s review and reference.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Cook asked for clarification on public protest and sign holding in the City.

City Attorney Sullivan said last summer there were complaints on conduct in front of North Church and Prescott Park where people place signs on objects, such as chairs, expressing their comments on political items. He reviewed first amendment rights and stated expressive conduct is protected by the constitution and the City can’t discriminate against it. He said he would advise the City Manager of steps to be taken to minimize conduct in the area but the public forum areas will need to be adjusted, which will be a public decision. He said he would proceed cautiously and write a report to the City Manager.

Councilor Cook said she would like to know about sidewalk encumbrances, where someone holds signs or places them in chairs. City Attorney Sullivan explained sidewalk encumbrances and the policy regulating them.

Mayor McEachern thanked City Attorney Sullivan for his work on this matter. He said people can reach out when a sidewalk is being encumbered or signs are being held in front of the North Church.

Councilor Tabor spoke to the Governance Committee being asked to look at a process on what we would do with Community Campus. He said he will work with the Governance Committee and this will be a great pilot project.

XIX. ADJOURNMENT

At 11:30 p.m., Councilor Moreau moved to adjourn. Seconded by Councilor Tabor and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, October 3, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 – Building Height Standards, Sections 10.5A21.21 & 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

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KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

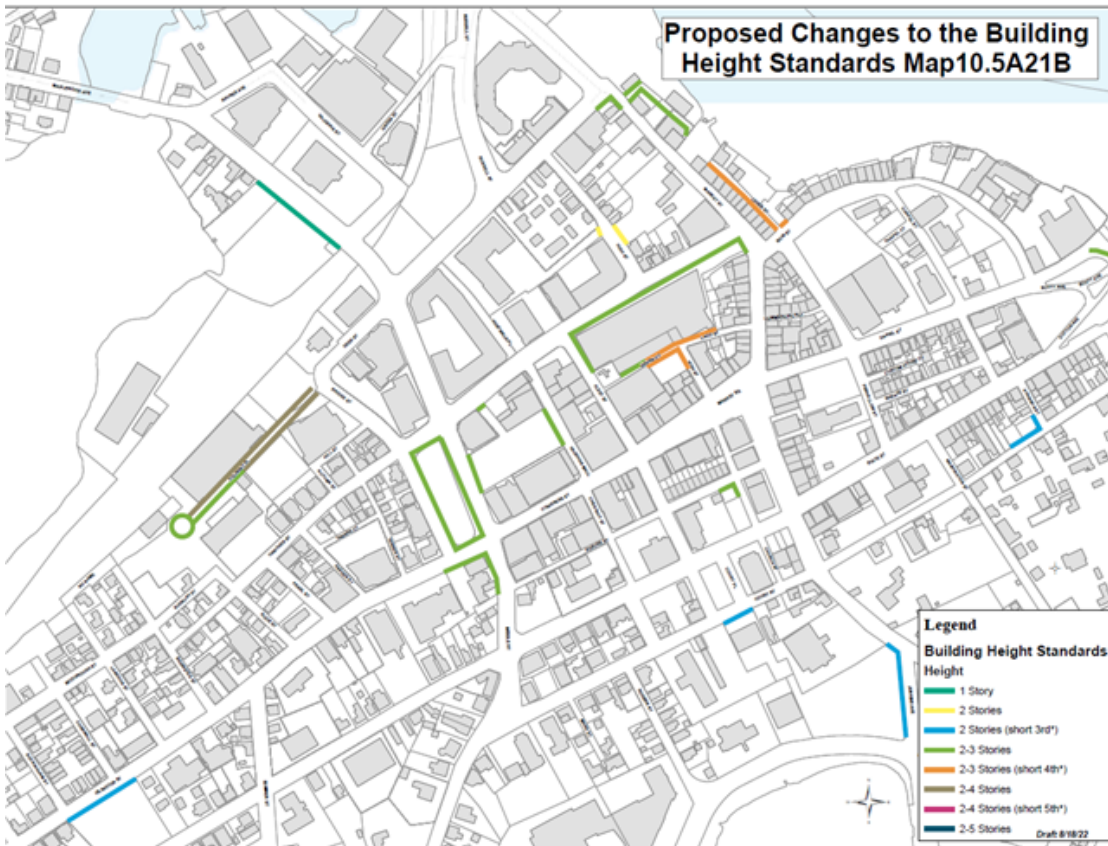
ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, Article 5A, Section 10.5A21.10, Content of Regulating Plan – Map 10.5A21B – Building Height Standards be amended as follows (additions or changes to Building Height Map shown in color, modifications to existing language in the Map notes **stricken** and **bolded**; remaining language unchanged from existing):

Chapter 10, Article 5A, Sections 10.5A21B Building Height Standards Map

a. Add the following graphics to the Building Height Standards Map 10.5A21B:



b. Amended the following note on Map 10.5A21B as follows:

Incentive Overlay Districts

Within the Incentive Overlay Districts, certain specified development standards, including height, density and parking, may be modified pursuant to Section ~~10.5A47~~ **10.5A46**.

That Chapter 10, Article 5A, Sections 10.5A21.20, Building Height Standards, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Chapter 10, Article 5A, Sections 10.5A21.20 Building Height Standards

10.5A21.20 Building Height Standards

10.5A21.21 Assignments for specific **building height** require a **building** to have no more than the designated maximum number of **stories** or the maximum height in feet (whichever is lower) and no less than the designated minimum number of **stories**. **Subject to Section 10.635.70 – Review Criteria, within the Historic District, the approved building height may be lower than the maximum designated number of stories or the maximum height in feet provided in Section 10.5A43.30 but shall not be lower than the minimum designated number of stories or the minimum height in feet provided.**

10.5A21.22 When a **lot** is assigned to more than one **building height** standard the lot shall be apportioned as follows:

- (a) A **building height** standard designated along ~~the a front lot line~~ **or street on a public place** shall apply to the portion of the **lot** that is 50 feet or less from such ~~lot line~~ **or street along a public place**.
- (b) A **building height** standard designated along a water body shall apply to the portion of the **lot** that is 100 feet or less from the mean high water line.
- (c) More than 50 feet from a **front lot line** ~~or street along a public place~~ and more than 100 feet from a water body, the **building height** may increase to the highest **building height** standard designated for the **lot**.
- (d) Where a **lot** has less depth from ~~the a front lot line,~~ **street along a public place** or water body than the required minimum distances stated above, the lowest **building height** standard for the **lot** shall be applied to the required linear distance from the ~~lot line,~~ **street public place,** or water body.

That Chapter 10, Article 5A, Sections 10.5A43.32, Building and Story Heights, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Chapter 10, Article 5A, Section 10.5A43.32: Building and Story Heights

10.5A43.32 A **roof appurtenance** may exceed the maximum allowed **building height** as specified on Map 10.5A21B (Building Height Standards) by 10 feet, subject to the following:

- (a) All **roof appurtenances** and other features that exceed the allowed **building height** for the zoning district shall not exceed 33 percent of the total roof area of the **structure** and, except for elevators, ~~and~~ **stair towers,** **and decorative railings no taller than four feet in height,** shall be set back at least 10 feet from any edge of the roof.

That Chapter 10, Article 15, Section 10.1530, Terms of General Applicability, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Chapter 10, Article 15, Section 10.1530 Terms of General Applicability

Average existing grade

For all buildings located outside the urban districts, the average existing grade shall be the average ground levels adjoining the building at all exterior walls measured every five feet around the perimeter of the building. For all buildings located inside the urban districts, the average existing grade shall be the average existing ground level measured every five feet along the street-facing façade of all lot lines adjoining a public place (see also building height).

Average finished grade

For all buildings located outside the urban districts, the average finished grade shall be the average ground levels adjoining the building at all exterior walls measured every five feet around the perimeter of the building. For all buildings located inside the urban districts, the average finished grade shall be the average finished ground level measured every five feet along street-facing façade of all lot lines adjoining a public place (see also building height).

Building height

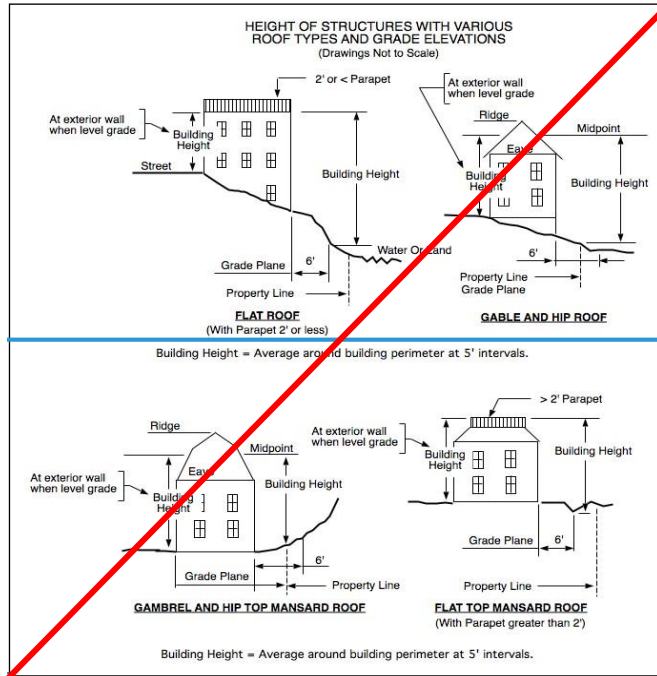
The greatest vertical measurement between ~~two reference points defined as follows:~~ the lower and upper reference points as defined below. This measurement shall be the building height for the purposes of this Ordinance.

- (a) ~~The~~ **For buildings located outside the urban districts, the** lower reference point shall be the **average existing grade plane as defined herein** or average finished grade, whichever is lower, measured along the perimeter of the entire building. For buildings located inside the urban districts the lower perimeter of the reference point shall be established from the average existing grade or average finished grade, whichever is lower, along street-facing façade of all lot lines adjoining a public place. In the case of a corner lot, through lot or waterfront lot the provisions of Section 5A.21.21 shall apply. The vertical distance between the lower and upper reference points shall not exceed the maximum number of stories or building height.
- (b) The upper reference point shall be any of the following:
 - (1) For a flat or **flat-topped mansard roof**, the highest point of the roof surface;
 - (2) For a **pitched, hip, or gable**, gambrel, **hip, hip-topped mansard** roof, or **penthouse**, the elevation midway between the level of the eaves, **or floor in the case of a penthouse**, and highest point of the roof. For this purpose, the “level of the eaves” shall mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves, but at no time shall this level be lower than the floor level of the uppermost **story** or **attic**.
- (c) A **parapet wall**, fence, railing, **decorative cornice**, or similar **structure** that extends more than ~~two~~ **four** feet above the roof surface shall be included in the determination of ~~the~~

building height, but shall not be included if it does not extend more than ~~two~~ **four** feet above the roof surface. (See also: average existing grade and average finished grade, parapet wall, mansard penthouses and urban districts)

~~(d) To determine building height, measurements shall be taken at least every 5 feet around the entire perimeter of a building. An average is calculated from these figures and that figure shall be the building's height for purposes of this Ordinance.~~

(See also: grade plane, parapet wall.)



Lot line

A property line bounding a lot.

Lot line, front

A boundary of a lot that separates the lot from a ~~street or~~ public place. ~~In the case of a A corner lot, through lot or a waterfront lot shall have multiple, the front lot lines shall be the line bordering the street on which the lot has its address. A In the case of a corner lot, or a through lot or a waterfront lot, the principal front yard shall be the line bordering a public place on which the lot has its address as defined by the City shall have two front lot lines.~~

Mansard roof

A building with either a flat- or hip-topped mansard roof as follows: ~~four-sided flat or hip-top roof characterized by two slopes on each of its sides with the lower slope punctured by dormer windows. The upper slope of the roof may not be visible from street level when viewed from close to the building.~~

- (a) Flat-topped mansard – four-sided flat-top mansard roof, characterized by one slope on each side of its sides, where the sloped roof may be punctured by dormer windows and the higher roof surface is a flat roof.
- (b) Hip-topped mansard – a roof characterized by two slopes on each side with the lower slope punctured by dormer windows. The upper slope of the roof may not be visible from street level when viewed from close to the building and the highest roof structure shall not be a flat roof as defined herein.

Penthouse

A habitable space within the uppermost portion of a **building** above the **cornice** which is set back at least ~~15~~ **20** feet from all edges of the roof **adjoining a public place and at least 15 feet from all other edges.** ~~and the~~ **The** total floor area **of the penthouse shall of which does** not exceed 50% of the area of the **story** below **and the height of the penthouse shall not exceed 10 feet above the story below the flat roof or 14 feet for a gable, hip or a hip-topped mansard roof surface.** **Except for elevator or stairwell access allowed under Section 10.517, no other roof appurtenance shall exceed the maximum allowed height of a penthouse.** For internal courtyards at least 40 feet from a **street** or vehicular right-of-way or easement, the **penthouse** shall be setback at least 8 feet from the edge of the roof of the **story** below. **(see also building height)**

Public place

A street way, park, pedestrian alleyway or community space that provides public access.

Short story

Either (1) a top **story** that is below the **cornice** line of a sloped roof and is at least 20% shorter in height than the **story** below; or (2) a **story** within a **flat-topped mansard roof** with a pitch no greater than 30:12.

Urban districts

For the purposes of grade definitions and building height determinations, the urban districts are defined as the Character and Civic Districts.

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

ORDINANCE # -2022

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:

Section 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 six (6) voting members who shall be appointed by the Mayor and confirmed by the City Council, three (3) members shall be City Councilors, with a City Councilor selected by majority vote of voting members of the Committee to be the Chair. The Audit Committee members who are not City Councilors shall possess experience in finance, accounting, auditing, and/or financial management and reporting. The City Manager shall be a member of the Committee with voice, non-voting. In the event of a vacancy in a member position on the Audit Committee, a qualifying individual shall be appointed by the Mayor to fill the remainder of the term of the vacant member. The terms of the City Council members of the Committee shall be for two (2) year terms coterminous with the term of the City Council.

- 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.

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: September 29, 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 October 3, 2022

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

A. **Public Hearing and Second Reading of Ordinance of Amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map for Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 – Building Height Standards, Sections 10.5A21.21 and 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability:**

Attached please find [proposed amendments to various sections of Chapter 10, Zoning Ordinance](#).

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the October 24, 2022 City Council meeting.

B. **Third and Final Reading of Ordinance Amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities:**

Attached please find [proposed amendments to Chapter 1, Article IV, Section 1.414 – Commissions and Authorities](#).

I recommend that the City Council move to pass third and final reading, and adopt the Ordinance as presented.

XI. City Manager's Items which Require Action:

1. **Request to Establish Polling Hours:**

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. In collaboration with the City Clerk, I request that the polling hours for the State General Election on November 8, 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 election, I seek your support with this request.

I recommend that the City Council move to establish polling hours for the November 8th General Election as presented.

2. **Right of Way Easement Deeds for Properties Located on Chevrolet Avenue:**

At its regularly scheduled meeting on May 19, 2022, the Planning Board granted site plan approval and subdivision approval for land addressed at 668 Middle Street. As a part of that approval, the property owner, now Public Land Holdings LLC, agreed to convey a right of way and utility easement to the City for the portion of Chevrolet Ave which is on 668 Middle Street. The applicant also secured an agreement from its abutter, Catherine R. Whelan, to make a similar conveyance to the City. Both conveyances were made a condition of Planning Board approval.

Historically, the City has not had a clear right of way interest to the entirety of Chevrolet Avenue. Over the past two decades, the City has worked slowly to acquire clean right of way interests in Chevrolet Avenue as opportunities arise. The proposed easements from Public Land Holdings LLC and Catherine Whelan would secure right of way interests over a total of 5,556 square feet located at existing Tax Map 147, Lots 18, 19-1 and 19-2. [The easement area is depicted on the drawing](#) included in the Council packet.

The Planning Board, Planning Department, Public Works Department and the Legal Department recommend the City accept easement deeds over Chevrolet Avenue from Public Land Holdings LLC and Catherine R. Whelan in [forms substantially similar to those included in the Council packet](#).

I recommend that the City Council move to authorize the City Manager to accept and record Right of Way and Utility Easement Deeds in substantially similar form to the easement deeds from Public Land Holdings LLC and Catherine R. Whelan contained in the agenda packet.

XVI. Approval of Grants/Donations:

A. **Approval of Donation for a Memorial Park Bench in the South Mill Pond Dog Park in Honor of Joshua Fogel - \$2,350:**

[Please find attached a memorial bench application](#) from Maggie Fogel in honor of Joshua Fogel. The City's Department of Public Works have reviewed this request of a bench with a plaque in the South Mill Dog Park.

I recommend that the City Council move to approve and accept the donation from Maggie Fogel for a bench in memory of Joshua Fogel as presented.

B. Approval of Donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association - \$240:

The Police Department received a donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association in the amount of \$240. [Attached please find the City's Gift and Donation Submission form in regards to this donation.](#)

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

C. Approval of Violence Against Women Act (VAWA) Grant for the Police Department from the NH Department of Justice to the Victim Witness Advocate Position - \$25,025:

At the September 20, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted a [Violence Against Women Act Grant from the NH Department of Justice in the amount of \\$25,025](#) to help fund 45% of the Police Department's Victim Witness Advocate position. This grant includes a cash match contribution, which is provided in the FY23 Budget.

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

D. Approval of the Office of Highway Safety Grant for the Police Department from the NH Department of Safety - \$53,510.66:

At the September 20, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted an [Office of Highway Safety grant from the NH Department of Safety in the amount of \\$53,510.66](#). This grant includes a cash match contribution, which can be accommodated in the FY23 Budget.

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

XVII. City Manager's Informational Items:

1. McIntyre Update:

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

2. Report Back on Demolition Ordinance:

Attached please find [a report back regarding](#) the Demolition Ordinance from the Demolition Review Committee (DRC), the Historic District Committee, and the Planning Board.

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

RIGHT OF WAY EASEMENT DEED

PUBLIC LAND HOLDINGS LLC, a New Hampshire limited liability company with a mailing address of P.O. Box 190, Exeter, New Hampshire 03833 (“Grantor”), for due consideration, hereby grants to the CITY OF PORTSMOUTH, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 30801 (“Grantee”), with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on Chevrolet Avenue, Portsmouth, Rockingham County, New Hampshire, also identified as Portsmouth Tax Assessor’s Map 147, Lot 18 (the “Premises”):

1. **Easement Area:** to construct, use, repair and replace a roadway for ingress and egress by foot and by vehicle by Grantee and members of the public, together with the right to install underground utilities, and storm water flowage under, over and across that area shown as “Proposed Right of Way and Utility Easement” and further identified as Easements Nos. 1, 2 and 3 over Tax Map 147, Lots 18-1 and 18-2 on an “Easement Plan, 668 Middle Street, Portsmouth, NH for Tuck Realty Corporation,” by Jones and Beach Engineers, Inc. , dated March 22, 2022 and revised through July 12, 2022, by Jones & Beach Engineers, Inc., recorded in the Rockingham County Registry of Deeds (the “Registry”) as Plan # _____ (the “Plan”).
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing the roadway and any utility and/or drainage lines and pipes, together with any associated infrastructure, equipment, outfall, swales and storm water flow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Easement Area and they shall be restored at the Grantee's expense.
4. **Grantor’s Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument, including without limitation any rights of the public to

safely utilize Chevrolet Avenue as a public way. Grantor shall not, however, erect any fence or other structure within the Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.

- 5. **Personal Property.** It is agreed that all utility and drainage infrastructure and related facilities installed within the Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
- 6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to describe and convey and easement over a portion of the premises conveyed to Grantor by Elizabeth B. Larsen, Trustee of the Elizabeth B. Larsen Trust of 2012 by deed dated December 21, 2021 and recorded at the Registry at Book 6367, Page 1660.

This is an exempt transfer per RSA 78-B:2(I).

Dated this ____ day of _____, 2022.

PUBLIC LAND HOLDINGS LLC

Witness

By: _____
Name:
Title

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

This instrument was acknowledged before me on _____, 2022, by _____, duly authorized _____ of Public Land Holdings LLC, on behalf of said limited liability company.

Notary Public/Justice of the Peace
My Commission Expires:

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801

RIGHT OF WAY EASEMENT DEED

CATHERINE R. WHELAN, an individual with a mailing address of P.O. Box 235, New Castle, New Hampshire 03801 (“Grantor”), for due consideration, hereby grants to the CITY OF PORTSMOUTH, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 30801 (the “Grantee”), with QUITCLAIM COVENANTS, the following easement with respect to Grantor's real property situate on Chevrolet Avenue, Portsmouth, Rockingham County, New Hampshire, also identified as Portsmouth Tax Assessor’s Map 147, Lot 19-1 (the “Premises”):

1. **Easement Area:** to construct, use, repair and replace a roadway for ingress and egress by foot and by vehicle by Grantee and members of the public, together with the right to install underground utilities, and storm water flowage under, over and across those areas shown as “Proposed Right of Way and Utility Easement” and further identified as Easements Nos. 4 and 5 over Tax Map 147, Lots 19-1 and 19-2 on an “Easement Plan, 668 Middle Street, Portsmouth, NH for Tuck Realty Corporation,” by Jones and Beach Engineers, Inc., dated March 22, 2022 and revised through July 12, 2022, recorded in the Rockingham County Registry of Deeds (the “Registry”) as Plan # _____ (the “Plan”).
2. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing the roadway and any utility and/or drainage lines and pipes, together with any associated infrastructure, equipment, outfall, swales and storm water flow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.
3. **Grantee's Responsibility to Restore:** Disturbed areas within the Easement Area and they shall be restored at the Grantee's expense.
4. **Grantor’s Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument, including without limitation any rights of the public to safely utilize Chevrolet Avenue as a public way. Grantor shall not, however, erect any fence or other structure within the Easement Area, substantially change the grade or

slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.

- 5. **Personal Property.** It is agreed that all utility and drainage infrastructure and related facilities installed within the Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
- 6. **Easement to Run with Land:** All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by deed of Charles J. Gaudet dated May 8, 2007, and recorded at the Rockingham County Registry of Deeds (the "Registry") at Book 4798, Page 125.

This is an exempt transfer per RSA 78-B:2(I).

Dated this ____ day of _____, 2022.

Witness: _____

Catherine R. Whelan

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared the above-named Catherine R. Whelan and acknowledged the foregoing instrument to be her free act and deed executed for the purposes contained therein.

Notary Public/Justice of the Peace
My commission expires: _____



Right of Way Easement over Chevrolet Avenue from Public Land Holdings, LLC and Catherine R. Whelan
Not to Scale – For Illustration Purposes Only



September 21, 2022

Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mayor McEachern and City Councilors,

The Greg Hill Foundation is requesting permission to return to the City of Portsmouth and host our 10th Annual Jingle All The Way 5K Road Race on December 10, 2022. Our Jingle All the Way 5K route is projected to start and end at Cisco Brewers Portsmouth. The race would be scheduled to start at 10AM and end at 11:30 AM. We will hold registration in the morning in the parking of Cisco Brewers Portsmouth and the race would be followed by a reception inside the brewery.

Enclosed with this letter please find the 5K route that we plan to utilize for 2022, the same course we used in 2021. Along the route there will be two water stops for the runners, as well as volunteers and carolers to help guide and cheer on our participants. We are excited to return to Portsmouth for this 10th annual event, marking only the second time it has been held in New Hampshire. We anticipate that we would have anywhere from 750-1000 runners for the event.

This event is a major fundraiser for our foundation, The Greg Hill Foundation, a 501c3 organization. Our mission is to help local families who have been touched by tragedy. Since our inception, we have been able to donate over \$20,000,000 to more than 8,000 beneficiaries. This event has been a staple for the foundation and we look forward to drawing off last year's event's success and bringing the race, runners, and spectators back to the City of Portsmouth. We have been able to develop a great relationship with Cisco Brewers Portsmouth and hope that we can not only support them and their business but also provide support for even more businesses within Portsmouth.

For more information about the foundation or for any clarifications about the event, please contact me at (603) 397-2479 or jdodge@fmpproductions.com.

Thank you,

Jake Dodge
The Greg Hill Foundation



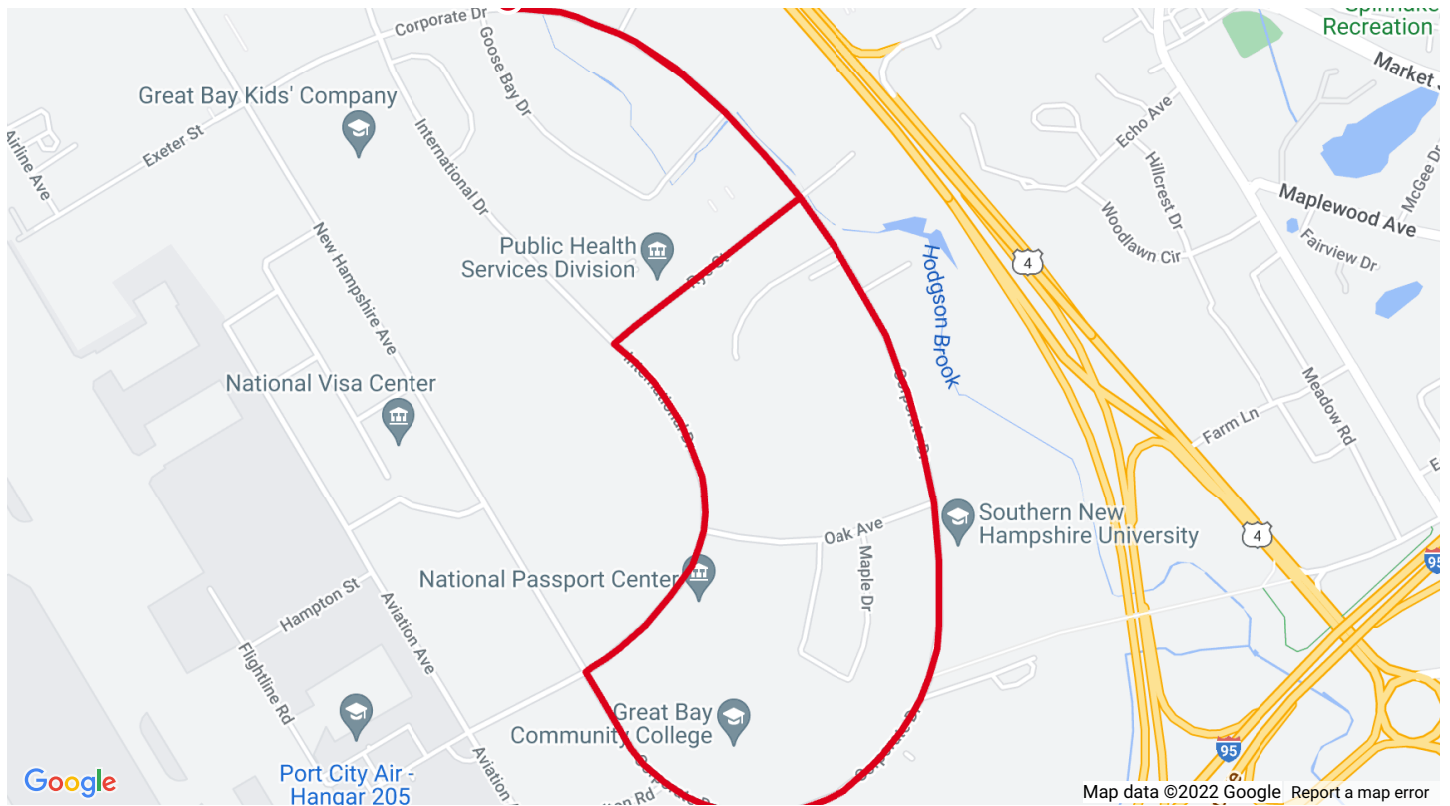
JINGLE CISCO

3.10 mi
Distance

101 ft
Elevation Gain

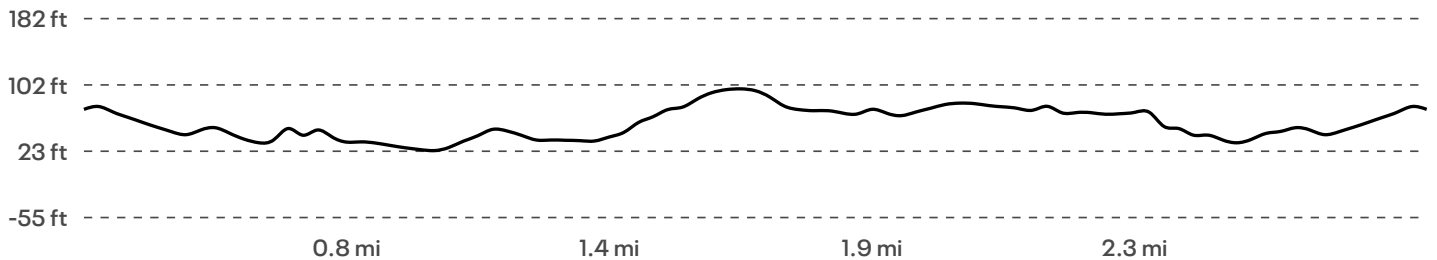
Run
Activity Type

Notes



Elevation

Start	Max	Gain
76 ft	100 ft	101 ft



DISTANCE (MI)	DIRECTION
0.00	Head south on Redhook Way toward Corporate Dr
0.01	Turn left onto Corporate Dr
1.23	Head southwest on Corporate Dr
1.77	Turn right onto International Dr
1.78	Head northeast on International Dr toward Oak Ave
2.30	Turn right onto Rye St
2.36	Head northeast on Rye St toward Corporate Dr
2.63	Turn left onto Corporate Dr
2.68	Head northwest on Corporate Dr toward Goose Bay Dr
3.10	Turn right onto Redhook Way
3.12	Destination



20 September 2022

Portsmouth NH City Council
c/o City Clerk's Office
1 Junkins Ave
Portsmouth NH 03801

Dear City Council,

My name is Matt Junkin. I am the Race Director of the Seacoast Rotary Turkey Trot 5k.

I am writing this letter to ask the City Council consider approval of our 14th Annual race which will take place on Thanksgiving November 24th, 2022. Registration for the race begins at 7am and the race will commence at 8:30 AM on Peirce Island, and Finish at Strawberry Banke.

Thank you for your consideration as well as the support you have provided for this event over the last 12 years.

Best Regards,

Matt Junkin
Past President, Seacoast Rotary
mrjunkin@gmail.com
603-591-0083



213 Gates Street, #1
Portsmouth, NH 03801
www.allianceforgreatergood.org

September 15, 2022

Mayor and City Councilors
Portsmouth City Hall
One Junkins Avenue
Portsmouth, NH 03801

Dear Mayor McEachern and City Councilors,

We are asking the City of Portsmouth for approval to use South Mill Pond and adjacent areas (TBD) for the Portsmouth 400 Lantern Festival. This event has been approved by Portsmouth NH 400 and is scheduled for Saturday, September 30, 2023 (rain date of Sunday, October 1).

We are also asking for your help in facilitating meetings with Police, Fire and DPW representatives to discuss logistics for this event and welcome your guidance on other steps that we will need to take to insure a successful and safe event.

This festival is envisioned as a family friendly, community event and fundraiser with the theme "Illuminating 400 Years of Community Kindness". Folks will buy, decorate, and launch paper lanterns at dusk on the South Mill Pond. For more information, we have attached our event proposal and a summary about the Alliance for Greater Good.

We have been partnering with Newburyport's Lantern Festival for Ovarian Cancer, an organization that recently held its 12th annual event on September 4th. The organizers allowed us to attend their planning meetings this year, and have shared their budget, best practices, and project plans. This has provided detailed information on event management and success.

Please let us know if you have any questions or if there is additional information you may need as you consider this event request.

Sincerely,

Kathryn A Garcia
Co-founder and Event Logistics, Alliance for Greater Good
774.287.5298

Joanne Wolfe
Co-founder and Treasurer, Alliance for Greater Good
301.675.3671

Alliance.GreaterGood@gmail.com

cc: Karen Conard, City Manager
Jessica Griffin, Assistant to the City Manager

PORTSMOUTH 400TH CELEBRATION



EVENT PROPOSAL

A PROPOSAL FROM
**THE ALLIANCE FOR
GREATER GOOD**



Alliance for
Greater Good

PORTSMOUTH LANTERN FESTIVAL



Imagine dusk on an autumn evening, where hundreds of lanterns float on the South Mill Pond, illuminating 400 years of community kindness.

about the event

**PORTSMOUTH LANTERN FESTIVAL:
ILLUMINATING 400 YEARS OF
COMMUNITY KINDNESS.**



Decorate and launch a biodegradable lantern to celebrate acts of kindness received, observed, given, or planned.

TENTATIVE ACTIVITIES:

- Purchase & decorate lanterns
- Enjoy music
- Savor Food Truck fan favorites
- Hear stories of kindness
- Launch lanterns on the South Mill Pond
- Celebrate 400 years of community kindness

FUNDRAISING GOAL: \$7,500 - \$10,000

BENEFICIARY:

The beneficiary is [Seacoast Mental Health Center](#).

RESOURCES NEEDED:

- Master of ceremonies
- Musicians/DJs & sound system
- Volunteers
- Police support
- Tent, tables, and chairs
- Porta-potties
- Dumpster
- Local shops or organizations
- Sponsors

LEARN MORE:

- [Newburyport Lantern Festival](#)





About the Alliance

We, the *Alliance for Greater Good*, are a collaboration of friends that creates events to connect the kindness in others with local beneficiaries. Since August 2020, we have coordinated events that have assisted a variety of beneficiaries including school children, families with food insecurity, assisted living center residents, restaurant workers, women transitioning from homeless shelters, domestic violence shelters and recovery centers, and neighbors needing short-term financial assistance. We believe that the following core values differentiate us from other local nonprofits:

- We create and coordinate events that assist a variety of beneficiaries, rather than a single beneficiary.
- We connect donors who want to help with beneficiaries that need help, which uplifts both and creates a powerful synergy.
- We embrace all-inclusive ways to give—time, goods, and money so that anyone who is interested can contribute.
- We are a volunteer run organization-- our co-founders & board members donate our time, energy, and expertise in pursuit of our mission to rally the kindness in people to meet community needs.

To learn more, check out our website and follow us on social media.





Wednesday, September 28, 2022

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

Dear Ms. Conard,

The Music Hall respectfully submits this request to The City of Portsmouth to grant approval for the closure of Chestnut Street on Monday, October 24, 2022 for Strategic HR's Conference. The event itself will begin at 8AM and conclude at 5PM. We request that Chestnut Street be closed from 7am to 5:30pm on Monday, October 24, 2022. The expected attendance for this private event is 300 guests. This event will include coffee and light refreshments out on Chestnut Street to greet attendees as well as a small set up of tables/chairs out on Chestnut to accommodate guests who would like to take their lunches outside (weather permitting). There will be no conference sessions taking place out on Chestnut Street, it will simply be used as welcome stations in the morning, and lunch tables between 12PM and 1:30PM. Absolutely no alcohol service or sound system of any kind will be present on this date. Any tables or chairs out on Chestnut will be easily moved in the event of an emergency, and our professional staff will be on site and prepared to move them out of the way.

Thank you very much for your time and consideration,

DocuSigned by:

A handwritten signature in blue ink that reads "Tina Sawtelle". The signature is written in a cursive style. Below the signature is a small, light blue rectangular box containing the text "AC8835E78074E2...".

Tina Sawtelle

Executive Director, The Music Hall

September 29, 2022

City Council
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Portsmouth City Council,

Once again, October is rolling in quickly. On behalf of the Scarecrows of the Port Committee, we would like to request permission to place scarecrows in designated locations throughout the Portsmouth Downtown area for the 14th year.

We are happy to continue this tradition that the community enjoys. We continue to remain a grassroots committee bringing the Scarecrows of the Port throughout downtown for the joy all receive during the fall season.

At this time, we are planning to put up 45 scarecrows that would be on City Property. We would like to put up the scarecrows, Sunday October 16th and take them down, Sunday November 6th. The Scarecrows of the Port Committee volunteers will be responsible for placement and removal.

As in the past we have a COI for insurance coverage.

Thank you for your continued support, we are grateful for all your support with helping us continue to bring smiles to the community with our Scarecrow friends.

Sincerely,



Laurie A. Mantegari
Committee Member / Volunteer
Scarecrows of the Port

CITY COUNCIL E-MAILS

Received: September 19, 2022 (after 5:00 p.m.) – September 29, 2022 (before 9:00 a.m.)
October 3, 2022 Council Meeting

Submitted on Wed, 09/21/2022 - 17:17

Full Name

Craig Welch Portsmouth Housing Authority & PHA Housing Development Ltd.

Email

craigwelch@nh-pha.com

Subject

2022 Portsmouth Housing Market Study - PHA Housing Development

Address

245 Middle Street
Portsmouth, New Hampshire. 03801

Message

Dear Mayor and City Councilors:

PHA Housing Development LTD., a non-profit development corporation affiliated with the Portsmouth Housing Authority, has published a Housing Market Study specific to the City of Portsmouth.

The study can be found on our website at <https://porthousing.org/wp-content/uploads/2022/09/Portsmouth-Market-Analysis-FINAL-09.09.2022.pdf>

While the Portsmouth City Planning Department was going to commission such a study back in 2021, as the City's local non-profit affordable housing developer, we offered to do this study in order to evaluate housing demand, prospective housing market opportunities, and to focus all of us on the right policies and priorities for additional affordable housing development.

The study includes an assessment of existing conditions, current and projected demographic and household characteristics, consumer preferences, and insight from a Community Survey that more than six hundred people responded to.

While the PHA recognizes that Portsmouth is part of a larger regional housing market, we chose to focus this study exclusively on the Portsmouth, largely because the Rockingham County Development Corporation is completing a broader study of the regional market.

Some of these key takeaways of the Housing Market study include:

- More workforce housing, including family-sized units, are needed in Portsmouth.
- Renters in Portsmouth are increasingly cost burdened. Cost burdened is defined as households paying more than 30% of their income. Nearly 40% of Portsmouth renters are cost burdened and 15% of renters are extremely so, paying more than 50% of their income on rent. For Portsmouth workers living outside of the city, cost burdening is also increasing due to the high cost of commuting into the city.
- Most owned housing units in Portsmouth were constructed before 1960, meaning they may not be equipped with accessibility features older adults are looking for today.
- One in every three respondents to the Community Survey indicated their current residence does not meet their needs, half of whom cited high costs as a primary concern.
- Of those surveyed who used to live in Portsmouth but no longer do, one-third would like to move back to Portsmouth if they could find housing that met their needs.
- While a significant amount of rental housing has been built in recent years, the increase in housing supply has not offset the sharp rent increases in the city because demand continues to outpace supply. One conclusion this supports is that the City should incentivize developers who agree to cap the rents, most notably, local non-profit housing developers.
- According to the housing survey, many respondents indicated that limited public transit and biking options create challenges for existing residents and workers commuting into the city.

Based upon this study, some of these key priorities we are considering include:

- Respond to the significant demand for workforce housing units for people making under 80% of the Area Median Income. (<https://www.nhhfa.org/wp-content/uploads/2022/04/HUD-Income-Limits-2022.pdf>) According to the Market Study, 52% of the new housing unit demand projected by 2030 will come from households earning at or below 80% of AMI, and the majority of people surveyed who indicated there is a very strong need for workforce housing, low-income housing, and housing for people experiencing homelessness. The majority of those surveyed also indicated a strong need for housing that is affordable to those employed in retail, hospitality, food service, the creative economy, and municipal employees and first responders.
- Respond to the trend that Portsmouth household size is increasing, by building some larger, three-bedroom units, a segment of the market that has been underdeveloped by most private housing developers.

- Respond to the overall increase in older adults in Portsmouth, and to the Community Survey which had a large number stating their current home does not meet their accessibility needs but they don't want to leave the city to find suitable housing.
- Respond to the data that shows that between 2020 and 2030, Portsmouth could see 489 affordable units lose federal subsidies and associated rental rate restrictions, putting these units at risk of moving to higher market rights. Preserving these units should be a priority for Portsmouth.

We look forward to discussing this study and how we can work together with the City to respond to these findings.

Thank you for your support for all that we do to provide quality affordable housing for the people of Portsmouth.

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



Generations United, Inc.
dba Generations Arcade LLC
PO Box 487
Dover, NH 03821-0487
(603) 749-8817
Email: jalbion@generationsarcade.com

Portsmouth City Council
Portsmouth City Hall
1 Junkins Ave.
Portsmouth, NH 03801

September 26, 2022

Good afternoon, City Council,

I tried contact you via the "contact us" page on the website, and I kept getting, "email cannot be delivered," so here is an old-fashioned letter.

We saw the article on fosters.com this morning regarding the skatepark to be built on route 33. Generations Console Arcade, with its first location, now 6 months old, in Rochester, NH, is interested in expanding, and we would like to open discussions with you in regards to possibly placing one of our console arcades at the skatepark.

Our current footprint is about 5,000sf without food, about 7,500sf if we include a snack bar with sitting area. We are primarily console gaming, with consoles from the 1970's, forward to the latest PlayStation 5., i.e. Wii, Xbox, PlayStation, Atari, etc. with a video game inventory surpassing 400 games. Our present location includes two VR rooms (Oculus), along with arcade games, pinball, and a "manual room" for non-video gaming, i.e. board games, card playing, jigsaw puzzles, etc.

Might there be an opportunity for us to visit with one or more of you to open a dialogue to discuss allowing Generations Console Arcade to participate at the skatepark?

To see more about Generations Arcade, view us online at www.generationsarcade.com or feel free to visit us during operating hours at 39 South Main Street, Rochester. Ownership can meet you there if you give us a day's notice of your arrival.

We look forward to speaking with you soon.

Respectfully,

James J. Albion, President
Generations United, Inc.
dba Generations Arcade LLC

Thursday, September 22, 2022

Dear Mayor McEachern, Assistant Mayor Kelly, and other members of City Council:

I trust you will add the matter discussed in this letter to your agenda for the upcoming October 3 meeting of city council. It concerns the leash provision of the 2005 dog ordinance, which deleted and replaced in its entirety the dog ordinance that preceded it.

Portsmouth, we have a problem

Imagine you are walking with your or perhaps a friend's dog along, say, a residential sidewalk. Your dog is unleashed. You love him or her.

Of course, you have the leash with you, to use when warranted. You also have poop bags with you, which you use as needed.

Most of the dogs you encounter or see on your walk are leashed. Of course, their walkers know that they cannot be safe off-lead in our urban environment, and the walkers are simply using common sense. As are you.

You are accompanying and supervising your dog, who is as usual behaving well, is trouble-free, and who listens to and follows your instructions when you talk to him or her.

Your dog may presently be socializing with another dog and/or person.

There has never been a single complaint about your dog, neither by a citizen nor by any public official. Everyone is having a good time.

All of a sudden, you are stopped and lectured at by a city enforcement official, cited for violating a city ordinance, and fined.

Is this reasonable?

For you, the day has been shattered.

How would you feel if this actually happened to you or a relative or a friend?

The problem

Today, animal control is obliged to enforce the May 2005 dog ordinance's "*You must use a leash at all times pretty much everywhere regardless of the circumstances and regardless of your dog's behavior*" mandate. This mandate provides no room for enforcement discretion.

When an owner or keeper is walking a dog around Portsmouth without a leash and is seen by an animal control enforcement official, the official automatically stops the walker and at least "warns" them.

The owner or keeper caught in this net is often cited and fined, definitely if they were previously issued a warning.

No consideration is given to the dog's behavior.

No consideration is given to the dog's being accompanied and supervised by its owner or keeper.

No consideration is given to the dog's being under control, namely the control of its owner or keeper.

This happens regardless of there being zero complaints about the dog. No complaints at all.

The owner or keeper is warned or cited and fined for no substantive reason, none at all.

In fact, the ordinance actually appears to allow the enforcement official to impound the dog, perhaps on the spot!

This is a form of "profiling".

This practice in Portsmouth that was set in motion on May 16, 2005 is institutionalized biased-based profiling — institutionalized by the city's then brand new dog ordinance and in turn required to be enforced by animal control (and in theory — but not in actuality — by every police officer). Here is the widely-utilized meaning of "biased-based profiling":

Biased-based profiling is the selection of an individual for enforcement action based solely on an attribute common to a group.

The common group and attribute in question in Portsmouth's case are persons walking unleashed dogs.

This practice is neither fair nor reasonable.

It is outright discriminatory in nature.

This practice does not benefit the public good.

In fact, this practice is arguably a waste of time and money, money that comes from our tax dollars.

Also, as important and in the long run more important, this practice amounts to willful interference with the day-to-day lives of responsible owners and keepers and their well-behaved, sociable, trouble-free, zero nuisance dogs.

This practice creates a great deal of harm, all of which is unnecessary, none of which is merited.

Resultant costs and harms

It can be convincingly argued that the benefits of enforcing ordinance Section 6.706 Unleashed Prohibited (aka At-Large Prohibited) are at best hypothetical, unmeasured and unverified.

On the other hand, the costs and harms this enforcement brings to our community are very real, and significant.

Perhaps the least of these are the measurable costs to the city — and in turn to the city's taxpayers. These are the expenditures of *budget* and *labor*, both of which might be better allocated to other priorities.

Although somewhat intangible, the other costs and harms are significant.

These include:

- Unnecessary *confrontation* between responsible citizens and city enforcement officials, plus consequent *anger* at and *criticism* of enforcement personnel — as well as the stress placed on them.
- Unwarranted *interference* with and *disruption* of the daily lives and activities of dog owners and keepers and the dogs they are caring for.
- The daily *anxiety* experienced by many dog owners and keepers about the possibility of encountering animal control enforcement personnel, and regularly being “on alert” for them.
- The lending of “legitimacy” to citizens who take it upon themselves to confront people walking dogs off-lead, angrily shouting invectives at them like “*The city has a leash law, you know!*”.

Each one of these is a serious harm.

I believe the most serious harm is the second one listed above, namely *unwarranted interference with and disruption of the daily lives and activities of dog owners and keepers and the dogs they are caring for*.

Not only are the above harms real ones, each one of them is also totally unnecessary.

None of these harms results in concrete benefit to the people who live in, work in, and visit Portsmouth.

Quite the contrary, they are simply harms. They are lasting harms. And they are unnecessary.

Unforeseen consequences

Obviously I, the city, and its citizens have everyone’s safety and overall welfare as a top priority.

As such, it is not hard to see why some may favor a “leash law” for all dogs at all times.

Indeed, many people assume that a dog’s being leashed more-or-less ensures that it will not growl at, lunge at, run at, attack or bite a person or another dog.

They view the leash as a “cure all”.

Well, whether their assumptions play out in real life all depends...

It principally depends on the actions of whoever is controlling the leash.

A good number of dog owners and keepers, especially new owners and uninformed owners as well as many children and teenagers, simply do not understand how the ways in which they utilize a leash directly affects a dog’s feelings, perceptions, and thus behavior.

In particular, this contingent is unaware of two well-known phenomena:

- Leash reflex (or reactivity)
- Leash aggression

Without going into what leash reflex/reactivity and leash aggression are, whenever they do play out their scenarios typically albeit inadvertently result in dog threats and/or attacks, targeted to other dogs and to people. These very real scenarios are well-known and well-documented, including right here in Portsmouth.

It simply is not true that leashing a dog is a sure-fire way of preventing trouble — threatening behavior and attacks, to be specific.

In fact, the improper utilization of a leash regularly results in exactly those behaviors that nobody wants, and accounts for a substantial portion and perhaps even the majority of such incidents.

What to do?

In short, a thorough review and evaluation of the May 2005 dog ordinance is in order.

It is incumbent upon the mayor, the assistant mayor, and city council to initiate such a review, and to do so expeditiously.

I am quite willing and ready to provide detailed input regarding the matter at hand such that those assessing the 2005 ordinance can consult with me, and with others whom I know.

Note that there are also a handful of other problematic provisions in the 2005 ordinance, i.e., apart from its leash mandate.

However, the core issue at hand is that in May 2005 the then city council incorporated an “Unleashed Dog Prohibited” provision under the guise of an “At-Large Prohibited” provision.

Therefore, let me close by drawing attention to the widely-used, indeed standard definition of “at-large” where dogs and other animals are concerned:

- *...”at-large” means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog [or other animal]...*

Per this definition, see paragraph II of Section 466.30-A, Dog Control, the New Hampshire 2021 Revised Statutes Annotated.

For example, a dog that is roaming around the city on its own is at-large, regardless of its behavior.

Equally, an accompanied and possibly leashed yet effectively unsupervised dog, certainly one that is ill-behaved, is also at-large.

On the other hand, a dog that is unleashed, well-behaved and under control while accompanied and supervised by any person is *not* at-large.

Thank you for your time, your interest, and your timely attention to this important yet largely below-the-radar matter.

I and many others look forward to hearing soon that you have decided to take this issue up in an expeditious and deliberate manner.

After all, it is all citizens of the city that the ordinance should serve, not only those who hate or are afraid of dogs.

This request is on behalf of all good dogs, all responsible dog owners, and all dog lovers.

Please feel to send me a quick text or email if you would like to speak with me about this matter prior to your October 3 meeting.

Sincerely and best regards,

Bob

--

Robert E. Newby

[183 Miller Avenue](#)

[Portsmouth NH 03801](#)

email: portcitybob@gmail.com

text: (603) 502-9826

Dog Off-Lead? No Harm. No Foul.

Hello again, this email -- along with its attached document -- is Part 2 of the request I initiated yesterday...

Food for thought

Where dogs are concerned, perhaps some reallocation of the city's budget to educating dog owners would be a beneficial course of action.

It is dog owners — namely irresponsible and inadequately educated owners — who stand at the heart of the community's legitimate concern with everyone's safety.

Dogs are not the problem. Poorly-educated and irresponsible dog owners and keepers are the problem — 99.99 percent of the time.

The way forward

Essentially no benefits result from the city's long-standing "all dogs must be leashed all the time pretty much everywhere regardless of their behavior" policy.

In fact, the policy results in significant unnecessary costs and harms.

The way forward is to rewrite Chapter 6, Article VII: Dogs and Other Pets of the city's ordinance, specifically as outlined in the accompanying Appendix to this document.

The rewrite is straightforward. It imposes virtually no costs to the city, including minimal costs to public works, and minimal costs the city clerk. I.e., minimal changes to how they currently operate. It does impose some adjustments of practice by the city's enforcement officials, particularly animal control, but these adjustments are of a minor nature; they will not lead to some sort of upheaval.

The rewritten ordinance will be a significant improvement. It will lack the May 2005 ordinance's inconsistencies, ambiguities, unreasonable and unenforceable provisions, and in particular its simplistic "one-size-fits-all" approach to a complex set of issues.

On this note, the current ordinance is actually a good deal more complicated than it needs to be, and its replacement will be far easier for all to learn, understand, adhere to, and communicate to others.

The rewritten ordinance will provide all the protections in the interest of public health and animal welfare that are needed. Those protections that are necessary and only those which are sufficient to meet the goals that all of us share.

Thus the rewritten ordinance will also be one that is acceptable to the overwhelming majority of the city's dog owners and dog lovers.

After all, it is *all* citizens of the city that the ordinance should serve, not only those who hate or are afraid of dogs.

The ill-considered and ill-conceived May 2005 enactment of the current ordinance, one where the loudest anti-dog voices held sway, should be undone.

Please act on this now.

Thank you,

Bob

On Thu, Sep 22, 2022 at 10:32 AM Bob Newby <portcitybob@gmail.com> wrote:
Thursday, September 22, 2022

Dear Mayor McEachern, Assistant Mayor Kelly, and other members of City Council:

I trust you will add the matter discussed in this letter to your agenda for the upcoming October 3 meeting of city council. It concerns the leash provision of the 2005 dog ordinance, which deleted and replaced in its entirety the dog ordinance that preceded it.

Portsmouth, we have a problem

Imagine you are walking with your or perhaps a friend's dog along, say, a residential sidewalk. Your dog is unleashed. You love him or her.

Of course, you have the leash with you, to use when warranted. You also have poop bags with you, which you use as needed.

Most of the dogs you encounter or see on your walk are leashed. Of course, their walkers know that they cannot be safe off-lead in our urban environment, and the walkers are simply using common sense. As are you.

You are accompanying and supervising your dog, who is as usual behaving well, is trouble-free, and who listens to and follows your instructions when you talk to him or her.

Your dog may presently be socializing with another dog and/or person.

There has never been a single complaint about your dog, neither by a citizen nor by any public official. Everyone is having a good time.

All of a sudden, you are stopped and lectured at by a city enforcement official, cited for violating a city ordinance, and fined.

Is this reasonable?

For you, the day has been shattered.

How would you feel if this actually happened to you or a relative or a friend?

The problem

Today, animal control is obliged to enforce the May 2005 dog ordinance's "*You must use a leash at all times pretty much everywhere regardless of the circumstances and regardless of your dog's behavior*" mandate. This mandate provides no room for enforcement discretion.

When an owner or keeper is walking a dog around Portsmouth without a leash and is seen by an animal control enforcement official, the official automatically stops the walker and at least “warns” them.

The owner or keeper caught in this net is often cited and fined, definitely if they were previously issued a warning.

No consideration is given to the dog's behavior.

No consideration is given to the dog's being accompanied and supervised by its owner or keeper.

No consideration is given to the dog's being under control, namely the control of its owner or keeper.

This happens regardless of there being zero complaints about the dog. No complaints at all.

The owner or keeper is warned or cited and fined for no substantive reason, none at all.

In fact, the ordinance actually appears to allow the enforcement official to impound the dog, perhaps on the spot!

This is a form of “profiling”.

This practice in Portsmouth that was set in motion on May 16, 2005 is institutionalized biased-based profiling — institutionalized by the city's then brand new dog ordinance and in turn required to be enforced by animal control (and in theory — but not in actuality — by every police officer). Here is the widely-utilized meaning of “biased-based profiling”:

Biased-based profiling is the selection of an individual for enforcement action based solely on an attribute common to a group.

The common group and attribute in question in Portsmouth's case are persons walking unleashed dogs.

This practice is neither fair nor reasonable.

It is outright discriminatory in nature.

This practice does not benefit the public good.

In fact, this practice is arguably a waste of time and money, money that comes from our tax dollars.

Also, as important and in the long run more important, this practice amounts to willful interference with the day-to-day lives of responsible owners and keepers and their well-behaved, sociable, trouble-free, zero nuisance dogs.

This practice creates a great deal of harm, all of which is unnecessary, none of which is merited.

Resultant costs and harms

It can be convincingly argued that the benefits of enforcing ordinance Section 6.706 Unleashed Prohibited (aka At-Large Prohibited) are at best hypothetical, unmeasured and unverified.

On the other hand, the costs and harms this enforcement brings to our community are very real, and significant.

Perhaps the least of these are the measurable costs to the city — and in turn to the city’s taxpayers. These are the expenditures of *budget* and *labor*, both of which might be better allocated to other priorities.

Although somewhat intangible, the other costs and harms are significant.

These include:

- Unnecessary *confrontation* between responsible citizens and city enforcement officials, plus consequent *anger* at and *criticism* of enforcement personnel — as well as the stress placed on them.
- Unwarranted *interference* with and *disruption* of the daily lives and activities of dog owners and keepers and the dogs they are caring for.
- The daily *anxiety* experienced by many dog owners and keepers about the possibility of encountering animal control enforcement personnel, and regularly being “on alert” for them.
- The lending of “legitimacy” to citizens who take it upon themselves to confront people walking dogs off-lead, angrily shouting invectives at them like “*The city has a leash law, you know!*”.

Each one of these is a serious harm.

I believe the most serious harm is the second one listed above, namely *unwarranted interference with and disruption of the daily lives and activities of dog owners and keepers and the dogs they are caring for*.

Not only are the above harms real ones, each one of them is also totally unnecessary.

None of these harms results in concrete benefit to the people who live in, work in, and visit Portsmouth.

Quite the contrary, they are simply harms. They are lasting harms. And they are unnecessary.

Unforeseen consequences

Obviously I, the city, and its citizens have everyone’s safety and overall welfare as a top priority.

As such, it is not hard to see why some may favor a “leash law” for all dogs at all times.

Indeed, many people assume that a dog’s being leashed more-or-less ensures that it will not growl at, lunge at, run at, attack or bite a person or another dog.

They view the leash as a “cure all”.

Well, whether their assumptions play out in real life all depends...

It principally depends on the actions of whoever is controlling the leash.

A good number of dog owners and keepers, especially new owners and uninformed owners as well as many children and teenagers, simply do not understand how the ways in which they utilize a leash directly affects a dog’s feelings, perceptions, and thus behavior.

In particular, this contingent is unaware of two well-known phenomena:

— Leash reflex (or reactivity)

— Leash aggression

Without going into what leash reflex/reactivity and leash aggression are, whenever they do play out their scenarios typically albeit inadvertently result in dog threats and/or attacks, targeted to other dogs and to people. These very real scenarios are well-known and well-documented, including right here in Portsmouth.

It simply is not true that leashing a dog is a sure-fire way of preventing trouble — threatening behavior and attacks, to be specific.

In fact, the improper utilization of a leash regularly results in exactly those behaviors that nobody wants, and accounts for a substantial portion and perhaps even the majority of such incidents.

What to do?

In short, a thorough review and evaluation of the May 2005 dog ordinance is in order.

It is incumbent upon the mayor, the assistant mayor, and city council to initiate such a review, and to do so expeditiously.

I am quite willing and ready to provide detailed input regarding the matter at hand such that those assessing the 2005 ordinance can consult with me, and with others whom I know.

Note that there are also a handful of other problematic provisions in the 2005 ordinance, i.e., apart from its leash mandate.

However, the core issue at hand is that in May 2005 the then city council incorporated an “Unleashed Dog Prohibited” provision under the guise of an “At-Large Prohibited” provision.

Therefore, let me close by drawing attention to the widely-used, indeed standard definition of “at-large” where dogs and other animals are concerned:

- *...”at-large” means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog [or other animal]...*

Per this definition, see paragraph II of Section 466.30-A, Dog Control, the New Hampshire 2021 Revised Statutes Annotated.

For example, a dog that is roaming around the city on its own is at-large, regardless of its behavior.

Equally, an accompanied and possibly leashed yet effectively unsupervised dog, certainly one that is ill-behaved, is also at-large.

On the other hand, a dog that is unleashed, well-behaved and under control while accompanied and supervised by any person is *not* at-large.

Thank you for your time, your interest, and your timely attention to this important yet largely below-the-radar matter.

I and many others look forward to hearing soon that you have decided to take this issue up in an expeditious and deliberate manner.

After all, it is all citizens of the city that the ordinance should serve, not only those who hate or are afraid of dogs.

This request is on behalf of all good dogs, all responsible dog owners, and all dog lovers.

Please feel to send me a quick text or email if you would like to speak with me about this matter prior to your October 3 meeting.

Sincerely and best regards,

Bob

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Dog Off-Lead? No Harm. No Foul.

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APPENDIX: Recommended Changes to the City’s Existing “Dogs and Other Pets” Ordinance – Chapter 6, Article VII

Part / Section	Commentary		Recommended Change(s)
	<i>Continuation of Formal Request to Rewrite the City’s “Dogs and Other Pets” Ordinance – by Robert E. Newby on Wednesday, September 21, 2022</i>		
	Each section of the current official ordinance set forth in Chapter 6, Article VII: Dogs and Other Pets is commented on here. Also, where deemed appropriate, changes to the ordinance are recommended.		
	The recommended changes amount to a formal proposal to revise the ordinance. This will be a substantive revision of the Dogs and Other Pets ordinance – the first in many years. The revision will address both the focus of this letter, as well as other identified issues which render the current ordinance flawed or problematic.		
	The following recommendations are made in the spirit of capturing the set of provisions which, taken as a whole, are both necessary and sufficient to meet the ordinance’s objectives. Everything that is necessary to meet the objectives is included. Only that which is sufficient to meet them is included. Nothing less, and nothing more.		
	To the best of my knowledge, the text in yellow below is the current official ordinance, section by section.		
Regulation of Animals in General			
6.701: Animal Bites	It shall be the duty of every person bitten by an animal, or his or her parent or guardian, and any attending physician, to report to the Animal Control Officer the bite within twenty-four (24) hours. The report shall describe the circumstances of the bite and the name, address and telephone number of the owner or keeper of the animal to the extent known.		
	<ul style="list-style-type: none"> <i>It seems to me that this requirement is neither reasonable nor enforceable – the only possible exception being its application to an attending physician, veterinarian, or city employee. Let’s use common sense.</i> 		Revise this section so as to <i>recommend</i> that any attending physician, veterinarian, or enforcement official report the bite incident to the Police Department, and to copy the report to Animal Control.
	<ul style="list-style-type: none"> <i>First, is it right for the city to deem anybody who does not adhere to what really is only a pro-forma guideline – let alone a guideline they cannot be expected to even know about – as being in violation of this ordinance, with a citation and penalty attached? No, it is not.</i> 		There should be no expectation, let alone any penalty, for a citizen at large failing to report such an incident.
	<ul style="list-style-type: none"> <i>It seems to me that the sole motivating reason for this section, as it pertains to citizens at large, is to limit the city’s exposure to a liability lawsuit.</i> 		
6.702: Nuisance Animals	No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which: 1. Molests or harasses passersby, domestic animals or passing vehicles in the public way; 2. Attacks or threatens persons or other domestic animals; 3. Punctures the skin of any person or domestic animal; 4. Damages property other than that of its owner; 5. Defecates off the premises of the animal’s owner, and the owner, or other individual in control of the animal, fails to remove such deposit immediately; 6. Barks, whines, howls or cries in a continuous fashion for more than thirty (30) minutes.		
	<ul style="list-style-type: none"> <i>This ordinance section is totally appropriate and on-the-mark – with one glaring exception. The section omits any mention of “at-large” animals.</i> 		Add the following numbered paragraph:
	<ul style="list-style-type: none"> <i>This section of the ordinance is the proper place where the issue of “at-large” animals – not only at-large dogs – should be addressed.</i> 		7. Is “at-large”. Here, “at-large” means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such animal.
	<ul style="list-style-type: none"> <i>A truly at-large animal, dog or otherwise, is rightly considered to be a nuisance animal.</i> 		The above language is adapted from Section 466.30-A, Dog Control, the New Hampshire 2021 Revised Statutes Annotated. The only difference is the substitution of “animal” for “dog” as item 7’s final word.
6.703: Cruelty	It shall be unlawful to torture, torment or neglect any animal as provided in RSA 644:8 and the penalties set forth therein shall apply.		
	<ul style="list-style-type: none"> <i>Totally appropriate.</i> 		
6.704: Rabies Vaccination	Every owner or keeper of any dog, cat or ferret shall be required to obtain such rabies vaccination as may be proscribed by RSA 436-100 as it may from time to time be amended.		

Part / Section	Commentary	Recommended Change(s)
	<ul style="list-style-type: none"> • <i>Totally appropriate.</i> 	
Regulation of Dogs		
6.705: Definitions	The following definitions shall apply to this article: <i>At-large</i> . At-large shall mean not under the control of the owner or another individual either by leash, cord, chain or other similar means of physical restraint. <i>Dog</i> . Dog shall include both male and female of the canine species. Dog shall also mean any animal which is considered to be a wolf-hybrid as defined in RSA 466-A. <i>Enforcement official</i> . Enforcement official when used herein shall mean any Animal Control Officer, Police Officer, or other individual authorized to enforce the provisions of this chapter and such state statutes pertaining to animals. <i>Keeper</i> . A keeper shall be any person or persons, firm, association or corporation who has temporary control or responsibility for a dog with the permission of the Owner. <i>Owner</i> . Owner shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog. The owner identified on any current dog license shall be prima facie evidence of the ownership of the dog. <i>Vicious dog</i> . Vicious dog shall mean a dog that, without provocation, attacks or bites a person or other domestic animal.	
	<ul style="list-style-type: none"> • <i>First, the definition of “at-large” in this section is highly idiosyncratic and problematic, as discussed throughout the present document. It should be updated.</i> 	1 — Move the Definitions section so that it precedes the chapter’s Regulation of Animals in General subchapter.
	<ul style="list-style-type: none"> • <i>Second, this section rightly belongs as the first section of the Dogs And Other Pets Article of the city ordinance. This is because all other sections utilize terms defined here.</i> 	2 — Renumber the section to reflect its new placement as the first section of the chapter.
		3 — Redefine “at-large” as follows:
		<i>“At-large” means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such animal.</i>
		As previously noted, the above language is adapted from Section 466.30-A, Dog Control, the New Hampshire 2021 Revised Statutes Annotated.
6.706: At-Large Prohibited	a. Prohibition. Except as exempted below, no person shall permit a dog owned by him or her or under his or her control to be at-large as defined by this Ordinance or to trespass upon the property of another, public or private. b. Exemptions. A dog shall not be deemed at-large if it is: 1. On the premises of the dog’s owner; 2. On the premises of the person under whose control the dog is supervised ; 3. On the premises of another person as long as that person has given permission for the dog to be at-large; 4. In any designated off-leash dog area managed and regulated by the City of Portsmouth. Designated off-leash areas shall be any City property posted under the authority of the Public Works Department as an off-leash area. c. No Defense. Failure of a Keeper to comply with this provision shall not relieve the Owner of responsibility from compliance.	
	<ul style="list-style-type: none"> • <i>Given the addition of an “at-large” paragraph as recommended for 6.702: Nuisance Animals — along with the associated redefinition of “at-large” in Section 6.705: Definitions — this section of the ordinance is no longer necessary.</i> 	Delete the section, in its entirety.
	<ul style="list-style-type: none"> • <i>I.e., with said recommended change and addition, it is simply not permitted for a dog to be “at-large” anytime on any public property, nor on private property without the property-owner’s permission — because such a dog is a “nuisance animal”.</i> 	
	<ul style="list-style-type: none"> • <i>This also pertains, therefore, to all designated “off-leash” areas, including enclosed and unenclosed ones.</i> 	
6.707: Conduct in Off-Leash Areas	a. Voice Control and Observation on Private Property. Every person who allows a dog to be off-leash in the designated areas under section 6.706(b)(1)- (3) shall maintain voice control over the dog and shall keep the dog under observation at all times unless the dog is contained by an invisible fence system or enclosure sufficient to prevent the dog from leaving the premises. b. Voice Control and Observation on Public Property. Every person who allows a dog to be off-leash in a designated area under section 6.706(b)(4) shall, unless excepted under subsection c below, maintain voice control over the dog and shall keep the dog under observation at all times. c. South Mill Pond Dog Park Rules: Dogs are permitted to be off-leash and not under voice control in the dog park. Due to the risks associated with this activity, the following shall apply: 1. Entry into the dog park is restricted to persons age 12 and older 2. Dogs must have current licenses and vaccination tags; 3. Dogs must be under observation; 4. Dogs must be spayed or neutered that are one year or older; 5. Spike and choke collars must be removed; and 6. Dog owners are responsible for their dogs’ actions.	
	<ul style="list-style-type: none"> • <i>Off-leash areas are in part for the convenience and use of dog owners and keepers accompanying dogs that cannot be safe going unleashed except in these areas.</i> 	Incorporate opening summary language to the effect that designated off-leash areas are in part — but not exclusively — for the convenience and use of dog owners and keepers accompanying dogs that cannot be safe going unleashed except in these areas. Add that they are also for the enjoyment of everyone’s walking (and running) on grass and dirt, as opposed to on pavement, and relatively away from vehicular traffic.

Part / Section	Commentary	Recommended Change(s)
	<ul style="list-style-type: none"> • They are also for the enjoyment of everyone's walking (and running) on grass and dirt, as opposed to on pavement, and relatively away from vehicular traffic. 	Replace paragraphs (a) and (b) with a new paragraph simply reminding citizens that <u>all</u> requirements of Section 6.702: Nuisance Animals apply equally across all public spaces, including <u>all</u> designated off-leash areas (one of these being the Dog Park).
	<ul style="list-style-type: none"> • Thus the section need <u>only</u> address the special case of the South Mill Pond dog park. 	Update the text of paragraph (c) to read:
	<ul style="list-style-type: none"> • Regarding the dog park, it should not be allowed for dogs to not be under voice (or equivalent) control, which renders them "at-large". To allow otherwise is to invite mayhem there, and to legitimize an owner's or keeper's negligent behavior. 	"Additional Rules for the South Mill Pond Dog Park — Due to the extra risks associated with the dog park, the following additional ordinance provisions shall apply: 1. Entry into the dog park is restricted to persons age 12 and older; 2. Dogs aged 1 year or older must be spayed or neutered, according to their gender; and 3. All spike and choke collars must be removed."
6.708: License	Every owner of a dog more than four (4) months old shall be required to license such dog within 30 days of ownership and annually thereafter with the City Clerk in the manner proscribed by RSA 466 as it may be from time to time amended. The fee for this license shall be set at the maximum amount permitted by state law. Failure to license any dog as provided in this section shall be a violation and the penalty shall be \$25.00 and not those penalties set forth in Section 6.710. [Amended 04/16/2012]	
	<ul style="list-style-type: none"> • Why are there no licensing requirements for cats, ferrets, etc.? 	Can anything be done about indoor-outdoor cats that prey on birds and birds eggs at night?
6.709: Removal of Dog Waste Required	The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on any public or private property.	
	<ul style="list-style-type: none"> • Totally appropriate. 	
Penalties, Impoundment and Enforcement		
6.710: Penalties	An offense of any provision of this chapter by any person shall be deemed a violation and shall be punishable by the following penalties: 1. First offense. A first offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of fifty dollars (\$50.00) 2. Second offense. A second offense of any provision of this chapter in any twelvemonth period shall be punishable by a fine of one hundred dollars (\$100.00). 3. Third and subsequent offenses. A third or subsequent offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of two hundred dollars (\$200.00). In addition to the penalties provided in this section, any animal found in violation of this chapter may be impounded as provided in Section 6.711 of this chapter.	
	<ul style="list-style-type: none"> • Whereas this section specifies penalties of \$50, \$100 and \$200 for the first, second and subsequent violations of the ordinance within a twelve-month period, individuals deemed to be in violation of Section 6.706 are actually being fined the amounts of \$62, \$124 and \$248, respectively. What gives here? Why does this discrepancy exist, and persist? 	Fix the matter.
		Also see Section 466:39 - City or Town Bylaws re its \$50 NH cap on penalties in the New Hampshire 2021 Revised Statutes Annotated.
6.711: Impoundment	<p>a. Authority to Impound. Animals who have bitten or are in violation of any provision of this chapter may be taken by any enforcement official and impounded in a humane manner. b. Place of Impoundment. Animals shall be impounded with such area veterinarians and/or animal welfare organizations as any enforcement official may deem reasonable and appropriate. c. Impoundment and Boarding Fees. The owner of any animal impounded under the provisions of this chapter shall be responsible for all impoundment and boarding fees. Owner shall make payment directly to the veterinarian or animal welfare organization to obtain release of the animal. d. Disposition of Unredeemed Animals. If any impounded animal is not redeemed within (7) days of its impoundment, it may be adopted or given away in accord with the policies and practices of the veterinarian or organization responsible for impoundment. If any unredeemed animal is not adopted or given away because of disease, temperament or other cause, it shall be euthanized in a humane way. The impoundment period may be waived by the enforcement official in case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal. e. Collection. Any sums owed under this chapter may be collected in a civil action brought under this section. f. Interference with Impoundment. Any person who interferes with the impounding of an animal or releases, or who attempts to release, an impounded animal contrary to this article shall be in violation of this chapter and may be subject to such additional charges as may be applicable under the criminal code. g. Notice of Impoundment. Within twenty-four (24) hours of the impoundment of any animal, the enforcement official shall make every reasonable attempt to notify the owner of the impounded animal of such impoundment. Such notice shall include either personal contact with the owner or a written notice posted at the dwelling house of the owner. h. Surrender for Impoundment. The enforcement official may elect to demand the surrender of any animal when there are reasonable grounds to believe the safety of the public or the animal will be benefited by such action. Reasonable grounds shall include without limitation: the impoundment of any animal that has bitten; risk of flight with the animal; or that the animal is or will within 48 hours be the subject of any complaint filed with the Animal Control Committee. The enforcement official shall provide a written summary to the Owner of the reasons for the demand for surrender. Failure to surrender any animal upon demand shall be a violation of this ordinance the penalty for which is \$100 per day and not the penalties set forth under 6.710.</p>	

Part / Section	Commentary	Recommended Change(s)
	<ul style="list-style-type: none"> Paragraph a. of this section reads “Authority to Impound. Animals who have bitten <u>or are in violation of any provision of this chapter</u> may be taken by any enforcement official and impounded in a humane manner.” 	Dig deeply into what Paragraph a. is all about, what it should be about, what is reasonable to trigger the impounding of a dog, etc.
	<ul style="list-style-type: none"> This is stated without regard to facts such as: (a) the severity of a bite; (b) the severity – i.e., actual damage – caused by a specific instance of nuisance; (c) the frequency and number of a dog’s nuisance incidents; (d) the dog’s simply being unleashed; etc. 	As it stands, the wording of this section is autocratic in the extreme. Thus it needs to be overhauled.
	<ul style="list-style-type: none"> As such, this section provides enforcement officials with <u>open-ended and unbounded discretion</u> as to when to impound a dog, and which dog to impound. This extends, as noted, to dogs being walked unleashed. 	Replace the current language with appropriate language, language that is both sufficient and necessary to attain the ordinance’s overall objectives.
	<ul style="list-style-type: none"> This is unacceptable, unless of course the city wishes to emulate an authoritarian regime. 	
6.712: Animal Control Committee	<p>a. Animal Control Committee Established. For purposes of this section, an Animal Control Committee is established. The Animal Control Committee shall be comprised of the Police Chief or his/her designee a veterinarian who shall be paid for his/her time, and a resident of Portsmouth appointed by the Mayor. The Police Chief or his/her designee shall be the Chair of the Committee. The designated Animal Control Officer shall be the prosecuting officer for any complaint brought before the Committee. b. Vicious Dogs. The Animal Control Officer or a City resident may make a written complaint directed to the Chair of the Animal Control Committee that a dog is alleged to be vicious as defined in Section 6.705. c. Repeated Dog at Large. In the event that any dog shall be found to be at-large three (3) or more times in a twelve-month period, the Animal Control Officer or a City resident may make a written complaint directed to the Chair of the Animal control Committee. d. Repeated Nuisance Animals. In the event that any animal shall be found to be a nuisance three (3) or more times in a twelve-month period, the Animal Control Officer or a City resident may make a written complaint to the Chair of the Animal Control Committee. e. Procedure. The Committee shall hear all complaints described in paragraphs b, c and d of this section. All hearings shall be public and the rules of evidence shall not apply. If the animal is impounded when the written complaint is filed, the hearing shall be within fourteen (14) days. All other complaints shall be heard within thirty (30) days. f. Orders. The Animal Control Committee may issue such orders as are necessary to protect the public and/or the animal. Such orders may include, but are not limited to: confinement in a secure enclosure or other similar restriction; muzzling; training; adoption; restricting the sale or transfer of the animal; requiring permanent identification; or euthanization in a humane manner. The Committee shall also have the authority to require proof of owner’s adequate insurance or resources in the event of any future claims for damage by the subject animal. In addition, the Animal Control Committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the City and that no new privileges be granted. The Animal Control Committee shall have the authority to modify such orders without hearing upon the agreement of the Owner and the enforcement official that a modification would be in the best interest of the public or the animal. g. Penalty For Violation Of Orders. Any person who violates any provision of any order of the Animal Control Committee shall be in violation of this ordinance and subject to a penalty of fifty dollars (\$50.00) for each day of non-compliance.</p>	
	<ul style="list-style-type: none"> To the best of my knowledge, at present there is no Animal Control Committee, nor has there been for some time. It certainly cannot be found on the city’s website. 	Either reinstate the Animal Control Committee or another body akin to it, delete this section, or reword the section to the effect that the city provides for the (re)creation, etc. of such a body in the future, where said body shall have certain duties and so on and so forth...
	<ul style="list-style-type: none"> It is very problematic for the ordinance to be out-of-date with respect to actual practice. 	
	<ul style="list-style-type: none"> It is also very problematic for there to be no such body. 	
6.713: Interference With Enforcement Officials	<p>Any person or persons who hinders, interferes with, obstructs or uses abusive or profane language against any enforcement official when in the course of their duties shall be in violation of this ordinance and subject to a penalty of \$100.00.</p>	
	<ul style="list-style-type: none"> Why is there a section like this specific to the Dogs and Other Pets ordinance? 	This merits being looked into.
	<ul style="list-style-type: none"> Isn’t this an across-the-board community standard, one that is not specific to the regulation of dogs and other pets? 	
6.714: Payment of Penalties	<p>Any penalties and fines assessed pursuant to this ordinance may be paid to the Clerk of Court of the Portsmouth District Court at any time prior to trial.</p>	
	<ul style="list-style-type: none"> Fine. 	Get it??
6.715: Separability of Provisions	<p>Each provision of this Ordinance shall be deemed independent of all other provisions herein, and if any provision of this Ordinance is declared invalid, all other provisions shall remain valid and enforceable.</p>	

Part / Section	Commentary		Recommended Change(s)
	<ul style="list-style-type: none"> As I am not an attorney, I have little if any idea what this clause really means and implies... It is lawyer talk, rather than plain English. 		No modification can be recommended by me, as I am not qualified to assess this legalistic and opaque clause.
** UNLABELED FOOTNOTE **	(Ordinance deleted in its entirety and replaced on May 16, 2005)		
Is there a missing ordinance section?	<ul style="list-style-type: none"> There is no mention in the ordinance of <i>watch dogs</i> and <i>guard dogs</i>. Perhaps there should be, inasmuch as some people do own or otherwise employ dogs for these specific purposes, and because these dogs are trained to prowl, to threaten, and to attack. Also, I presume that some businesses also employ such dogs. Or perhaps I am mistaken? 		Address the matter of “guard dogs” and “watch dogs”.
Is this component of the city’s ordinances in the right place?	<ul style="list-style-type: none"> Chapter Six (6) of the city ordinances concerns Licenses. 		
	<ul style="list-style-type: none"> It seems to me that Article VII: Dogs and Other Pets is fundamentally about Public Health, and only secondarily about licenses. 		Relocate the entire body of “Article VII: Dogs and Other Pets” from city ordinances’ “Chapter Six – Licenses” to “Chapter Three – Public Health”.

THIS IS PART 3 OF MY REQUEST TO COUNCIL PER THE UPCOMING OCTOBER 3 MEETING'S AGENDA

Punishing Portsmouth's Invisible Minority

You are the mother of a baby or an infant, perhaps of two or three. You push their stroller while your unleashed dog accompanies you. After all, you find it difficult to maneuver just the stroller, plus you are regularly attending to your young one(s). Are you aware that in the City of Portsmouth what you are doing is illegal?

You are the mother or father of one or more toddlers, and you are out walking and holding their hands while teaching them to walk. Your totally well-behaved family dog is accompanying you. She has learned how to be safe and not a nuisance in your human, urban world, so she is walking off-lead. Of course, you have poop bags and a leash with you, just in case. You are now breaking the law — in Portsmouth.

Your youngster is either physically, mentally, or behaviorally disabled. They are a real handful, and you often need to use both of your hands and arms to help them. Several years ago you adopted a dog, in part to provide your child with that comfort. You trained your dog for 18 to 24 months, perhaps with professional help, to safely and as a good canine citizen walk off-lead, because your dog is a part of your family and your challenged youngster benefits from your dog's companionship. This dog is unleashed while accompanying you. In Portsmouth you are breaking the law.

Your spouse is disabled, i.e., handicapped. They always or often cannot walk without your help, and at times there may be an event you have to deal with on the spot. Your very good unleashed dog is accompanying you. You are in violation of Portsmouth's 2005 dog ordinance.

Is this right? I say it is not. City council needs to remedy this.

On Fri, Sep 23, 2022 at 2:13 PM Bob Newby <portcitybob@gmail.com> wrote:

Hello again, this email -- along with its attached document -- is Part 2 of the request I initiated yesterday...

Food for thought

Where dogs are concerned, perhaps some reallocation of the city's budget to educating dog owners would be a beneficial course of action.

It is dog owners — namely irresponsible and inadequately educated owners — who stand at the heart of the community's legitimate concern with everyone's safety.

Dogs are not the problem. Poorly-educated and irresponsible dog owners and keepers are the problem — 99.99 percent of the time.

The way forward

Essentially no benefits result from the city's long-standing "all dogs must be leashed all the time pretty much everywhere regardless of their behavior" policy.

In fact, the policy results in significant unnecessary costs and harms.

The way forward is to rewrite Chapter 6, Article VII: Dogs and Other Pets of the city's ordinance, specifically as outlined in the accompanying Appendix to this document.

The rewrite is straightforward. It imposes virtually no costs to the city, including minimal costs to public works, and minimal costs the city clerk. I.e., minimal changes to how they currently operate. It does impose some adjustments of practice by the city's enforcement officials, particularly animal control, but these adjustments are of a minor nature; they will not lead so some sort of upheaval.

The rewritten ordinance will be a significant improvement. It will lack the May 2005 ordinance's inconsistencies, ambiguities, unreasonable and unenforceable provisions, and in particular its simplistic "one-size-fits-all" approach to a complex set of issues.

On this note, the current ordinance is actually a good deal more complicated than it needs to be, and its replacement will be far easier for all to learn, understand, adhere to, and communicate to others.

The rewritten ordinance will provide all the protections in the interest of public health and animal welfare that are needed. Those protections that are necessary and only those which are sufficient to meet the goals that all of us share.

Thus the rewritten ordinance will also be one that is acceptable to the overwhelming majority of the city's dog owners and dog lovers.

After all, it is *all* citizens of the city that the ordinance should serve, not only those who hate or are afraid of dogs.

The ill-considered and ill-conceived May 2005 enactment of the current ordinance, one where the loudest anti-dog voices held sway, should be undone.

Please act on this now.

Thank you,

Bob

On Thu, Sep 22, 2022 at 10:32 AM Bob Newby <portcitybob@gmail.com> wrote:
Thursday, September 22, 2022

Dear Mayor McEachern, Assistant Mayor Kelly, and other members of City Council:

I trust you will add the matter discussed in this letter to your agenda for the upcoming October 3 meeting of city council. It concerns the leash provision of the 2005 dog ordinance, which deleted and replaced in its entirety the dog ordinance that preceded it.

Portsmouth, we have a problem

Imagine you are walking with your or perhaps a friend's dog along, say, a residential sidewalk. Your dog is unleashed. You love him or her.

Of course, you have the leash with you, to use when warranted. You also have poop bags with you, which you use as needed.

Most of the dogs you encounter or see on your walk are leashed. Of course, their walkers know that they cannot be safe off-lead in our urban environment, and the walkers are simply using common sense. As are you.

You are accompanying and supervising your dog, who is as usual behaving well, is trouble-free, and who listens to and follows your instructions when you talk to him or her.

Your dog may presently be socializing with another dog and/or person.

There has never been a single complaint about your dog, neither by a citizen nor by any public official. Everyone is having a good time.

All of a sudden, you are stopped and lectured at by a city enforcement official, cited for violating a city ordinance, and fined.

Is this reasonable?

For you, the day has been shattered.

How would you feel if this actually happened to you or a relative or a friend?

The problem

Today, animal control is obliged to enforce the May 2005 dog ordinance's "*You must use a leash at all times pretty much everywhere regardless of the circumstances and regardless of your dog's behavior*" mandate. This mandate provides no room for enforcement discretion.

When an owner or keeper is walking a dog around Portsmouth without a leash and is seen by an animal control enforcement official, the official automatically stops the walker and at least "warns" them.

The owner or keeper caught in this net is often cited and fined, definitely if they were previously issued a warning.

No consideration is given to the dog's behavior.

No consideration is given to the dog's being accompanied and supervised by its owner or keeper.

No consideration is given to the dog's being under control, namely the control of its owner or keeper.

This happens regardless of there being zero complaints about the dog. No complaints at all.

The owner or keeper is warned or cited and fined for no substantive reason, none at all.

In fact, the ordinance actually appears to allow the enforcement official to impound the dog, perhaps on the spot!

This is a form of "profiling".

This practice in Portsmouth that was set in motion on May 16, 2005 is institutionalized biased-based profiling — institutionalized by the city’s then brand new dog ordinance and in turn required to be enforced by animal control (and in theory — but not in actuality — by every police officer). Here is the widely-utilized meaning of “biased-based profiling”:

Biased-based profiling is the selection of an individual for enforcement action based solely on an attribute common to a group.

The common group and attribute in question in Portsmouth’s case are persons walking unleashed dogs.

This practice is neither fair nor reasonable.

It is outright discriminatory in nature.

This practice does not benefit the public good.

In fact, this practice is arguably a waste of time and money, money that comes from our tax dollars.

Also, as important and in the long run more important, this practice amounts to willful interference with the day-to-day lives of responsible owners and keepers and their well-behaved, sociable, trouble-free, zero nuisance dogs.

This practice creates a great deal of harm, all of which is unnecessary, none of which is merited.

Resultant costs and harms

It can be convincingly argued that the benefits of enforcing ordinance Section 6.706 Unleashed Prohibited (aka At-Large Prohibited) are at best hypothetical, unmeasured and unverified.

On the other hand, the costs and harms this enforcement brings to our community are very real, and significant.

Perhaps the least of these are the measurable costs to the city — and in turn to the city’s taxpayers. These are the expenditures of *budget* and *labor*, both of which might be better allocated to other priorities.

Although somewhat intangible, the other costs and harms are significant.

These include:

- Unnecessary *confrontation* between responsible citizens and city enforcement officials, plus consequent *anger* at and *criticism* of enforcement personnel — as well as the stress placed on them.
- Unwarranted *interference* with and *disruption* of the daily lives and activities of dog owners and keepers and the dogs they are caring for.
- The daily *anxiety* experienced by many dog owners and keepers about the possibility of encountering animal control enforcement personnel, and regularly being “on alert” for them.
- The lending of “legitimacy” to citizens who take it upon themselves to confront people walking dogs off-lead, angrily shouting invectives at them like “*The city has a leash law, you know!*”.

Each one of these is a serious harm.

I believe the most serious harm is the second one listed above, namely *unwarranted interference with and disruption of the daily lives and activities of dog owners and keepers and the dogs they are caring for*.

Not only are the above harms real ones, each one of them is also totally unnecessary.

None of these harms results in concrete benefit to the people who live in, work in, and visit Portsmouth.

Quite the contrary, they are simply harms. They are lasting harms. And they are unnecessary.

Unforeseen consequences

Obviously I, the city, and its citizens have everyone's safety and overall welfare as a top priority.

As such, it is not hard to see why some may favor a "leash law" for all dogs at all times.

Indeed, many people assume that a dog's being leashed more-or-less ensures that it will not growl at, lunge at, run at, attack or bite a person or another dog.

They view the leash as a "cure all".

Well, whether their assumptions play out in real life all depends...

It principally depends on the actions of whoever is controlling the leash.

A good number of dog owners and keepers, especially new owners and uninformed owners as well as many children and teenagers, simply do not understand how the ways in which they utilize a leash directly affects a dog's feelings, perceptions, and thus behavior.

In particular, this contingent is unaware of two well-known phenomena:

- Leash reflex (or reactivity)
- Leash aggression

Without going into what leash reflex/reactivity and leash aggression are, whenever they do play out their scenarios typically albeit inadvertently result in dog threats and/or attacks, targeted to other dogs and to people. These very real scenarios are well-known and well-documented, including right here in Portsmouth.

It simply is not true that leashing a dog is a sure-fire way of preventing trouble — threatening behavior and attacks, to be specific.

In fact, the improper utilization of a leash regularly results in exactly those behaviors that nobody wants, and accounts for a substantial portion and perhaps even the majority of such incidents.

What to do?

In short, a thorough review and evaluation of the May 2005 dog ordinance is in order.

It is incumbent upon the mayor, the assistant mayor, and city council to initiate such a review, and to do so expeditiously.

I am quite willing and ready to provide detailed input regarding the matter at hand such that those assessing the 2005 ordinance can consult with me, and with others whom I know.

Note that there are also a handful of other problematic provisions in the 2005 ordinance, i.e., apart from its leash mandate.

However, the core issue at hand is that in May 2005 the then city council incorporated an “Unleashed Dog Prohibited” provision under the guise of an “At-Large Prohibited” provision.

Therefore, let me close by drawing attention to the widely-used, indeed standard definition of “at-large” where dogs and other animals are concerned:

- *...”at-large” means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog [or other animal]...*

Per this definition, see paragraph II of Section 466.30-A, Dog Control, the New Hampshire 2021 Revised Statutes Annotated.

For example, a dog that is roaming around the city on its own is at-large, regardless of its behavior.

Equally, an accompanied and possibly leashed yet effectively unsupervised dog, certainly one that is ill-behaved, is also at-large.

On the other hand, a dog that is unleashed, well-behaved and under control while accompanied and supervised by any person is *not* at-large.

Thank you for your time, your interest, and your timely attention to this important yet largely below-the-radar matter.

I and many others look forward to hearing soon that you have decided to take this issue up in an expeditious and deliberate manner.

After all, it is all citizens of the city that the ordinance should serve, not only those who hate or are afraid of dogs.

This request is on behalf of all good dogs, all responsible dog owners, and all dog lovers.

Please feel to send me a quick text or email if you would like to speak with me about this matter prior to your October 3 meeting.

Sincerely and best regards,

Robert E. Newby
[183 Miller Avenue](#)
[Portsmouth NH 03801](#)

email: portcitybob@gmail.com
text: (603) 502-9826

Dog Off-Lead? No Harm. No Foul.



CITY OF PORTSMOUTH

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

Deaglan McEachern
Mayor

September 29, 2022

Elaine Syracusa
28 Harrison Avenue
Portsmouth, NH 03801

Elaine,

I write to send you strength on behalf of the City of Portsmouth as you battle cancer. I do so as Mayor of the City that has benefited so much through your dedication to the Recreation Board for nearly 30 years. I also write as a son of Portsmouth that benefited from your dedication. You joined the Recreation Board in 1985 as I was learning to walk and the decisions you made had a profoundly positive impact on my life.

Finally, I write to you as a father. It is my hope that my daughters have the same sense of community and volunteerism that you exemplified and taught to your children. That they carry on your commitment to community is proof that you have set the right example.

With Gratitude for your many years of service,

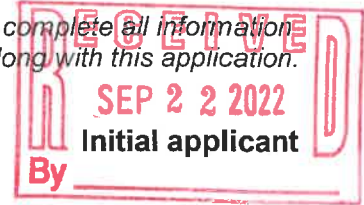
Deaglan McEachern
Mayor



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*



Committee: Cultural Plan Subcommittee / Arts & Nonprofit Committee

Name: John Mayer Telephone: 603.422.9551 (h) / 603.969.3913 (c)

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

Street address: 68 Cabot Street, Portsmouth, NH 03801


Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 24 years

Occupational background:

I have worked for non-profit museums my entire professional life with
experience as a museum curator, executive director, and preservationist.

My family moved to Portsmouth when I was appointed curator at
Strawbery Banke Museum in 1998 

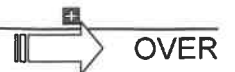
Please list experience you have in respect to this Board/Commission:

2016 - 2022- Executive Director, Amesbury (MA) Carriage Museum -
led major project to establish industrial history museum

2002 - 1995 - Museum Curator, Maine Historical Society, Portland, ME.

1998 - 2002 - Curator, Strawberry Banke Museum.

Personal interest in performing arts (active musician), studio art
(undergrad BFA in film arts), and museum practice.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO

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

Reasons for wishing to serve: _____

I am a long-time resident of Portsmouth, deeply connected to the community, and passionate about the importance of arts and culture for the health of our city.

I have recently retired from my full time position as executive director of a small community history museum. For the first time in many years, I have time to get involved in local activities, and would like to bring my experience and

perspective to a committee that can have a positive impact on the quality of life in Portsmouth.

In particular, I am interested in identifying ways more people - of all backgrounds - can find ways to get involved in the arts.

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

Founding Member - Industrial History New England (www.industrialhistorynewengland.org)
2022 Cohort - Essex County (MA) Charitable Foundation - Leadership Program (<https://www.eccf.org/>)

Member - Advocacy Workgroup - Smith-Magenis Syndrome support group (www.prisms.org)
Proprietor - Portsmouth Athenaeum

Fellow - Massachusetts Historical Society
Commissioner - Essex National Heritage Area (<https://essexheritage.org/>)

Member - Leftist Marching Band

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

(Portsmouth references preferred)

1) Russ Grazier, c/o PMAC, 973 Islington Street, Portsmouth, NH 03801 - 603.431.4278
Name, address, telephone number

2) Larry Yerdon, c/o Strawberry Banke Museum, 14 Hancock St., Portsmouth, NH 03801 - 603-433-1100
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 9/22/22

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

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

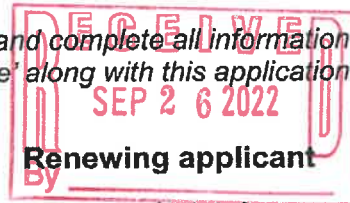
6/27/2012



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume along with this application



Committee: Economic Development Commission

Name: Everett Eaton Telephone: 603-978-1542

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

Street address: 155 Pinehurst Rd

Mailing address (if different): _____

Email address (for clerk's office communication): everett.eaton@td.com

How long have you been a resident of Portsmouth? 36 years

Occupational background:

SVP, Regional Vice President Commercial Lending

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

Reasons for wishing to continue serving: _____

I have found the EDC to be interesting and rewarding. We can help

mold the future of the City by giving the Council thoughtful guidance.

THIS IS MORE IMPORTANT THAN EVER AS THE CITY CONTINUES
TO EXPERIENCE URBAN INFILL AND THERE IS "PUSH BACK" OVER
REGARDING DEVELOPMENT.

6/27/2012

Please list any organizations, groups, or other committees you are involved in:
Portsmouth Rotary- Past member

Prescott park arts festival- Former Treasurer.

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

1) John Bosen 603-205-5171

Name, address, telephone number

2) Mike Magnant 603-988-6329

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: 

Date: 9/26/2022

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2026

Annual Number of Meetings: 11 (2021) Number of Meetings Absent: 2

Date of Original Appointment: 7-16-2001

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*



Committee: Economic Development Commission

Name: Thomas R. Watson Telephone: 603-770-6100

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

Street address: 200 New Castle Avenue

Mailing address (if different): P.O. Box 1106, Portsmouth, NH 03802

Email address (for clerk's office communication): tomwatson603@gmail.com

How long have you been a resident of Portsmouth? 1983-1994; 1998 - present

Occupational background:

I am retired. I practiced law in the City of Portsmouth from March
1979 until July, 2021. See attached curriculum vitae for listing of firms.

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

I have served as a member of the Economic Development Commision since 2018. As
the attachment indicates, I have also served on numerous other boards, (e.g., chair of
the Greater Portsmouth Chamber of Commerce, the Portsmouth Planning Board and
NH Main Street Center) where economic and community development have been part
of the organization's core mission.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO

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

Reasons for wishing to serve: _____

It has been a privilege serving as a member of the Economic Development Commission since 2018.

~~I have been an active member and believe I have contributed to the work of the Commission and helped expand its scope to include electric vehicle recharging and other smart city initiatives. I would much~~
appreciate the opportunity to continue this service.

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

Portsmouth Trustees of Trust Funds

Portsmouth Blue Ribbon Committee on Implementation of Prescott Park Master Plan

Strawbery Banke Museum (Member, National Council)

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

1) James G. Nocas, Jr., 64 Thatcher Road, Portsmouth, NH 03801 - 603-436-8378
Name, address, telephone number

2) Dana S. Levenson, 6 Currier's Cove, Portsmouth, NH 03801 - 603-498-9261
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 8.22.2022

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

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

6/27/2012

Number of meetings 2021 11 Absent 1
original appt date 02-20-2018 New Exp. date 10-1-2026

Thomas R. Watson
200 New Castle Avenue
P.O. Box 1106
Portsmouth, NH 03802-1106
603-770-6100
tomwatson603@gmail.com

Education:

University of New Hampshire, Durham, New Hampshire, BA Political Science, *cum laude*, 1973;
University of New Hampshire School of Law (formerly Franklin Pierce Law Center), Concord,
New Hampshire, JD 1978

Bar Admissions:

Admitted to the Bar of New Hampshire (1978) U.S. District Court, District of New Hampshire
(1978), U.S. Court of Appeals, First Circuit (1978), State of Maine (1982), U.S. District Court,
District of Maine (1982), U.S. Supreme Court (1986)

Professional Experience:

Retired from Drummond Woodsum & MacMahon, P.A., Portsmouth, New Hampshire and
Portland, Maine on July 31, 2021. Prior practice concentrated in the areas of civil litigation,
including commercial, personal injury and domestic litigation; general corporate and real estate.

Previously formed partnership (Tybursky & Watson) in the practice of law in Portsmouth, New
Hampshire in 1979; expanded to Tybursky, Watson & Harman in 1987; merged to become Taylor,
Keane, Blanchard, Lyons, Tybursky & Watson, P.A., later Taylor, Keane, Blanchard, Lyons &
Watson, P.A. in 1988; formed Watson, Lyons & Bosen, P.A. (later Watson & Bosen, P.A., then
Watson & Lemire, P.A.) in 1994; merged firm with Wiggin & Nourie, P.A. in 2005; shareholder at
Wiggin & Nourie, P.A. from 2005-2012; joined Drummond Woodsum & MacMahon in 2012.

Professional Involvement:

New Hampshire Association for Justice
President 1995-1996
Member, Board of Governors, 1989-2021;

American Association for Justice
Member, Board of Governors, 2006-2019
State Delegate, 1996-2006; Chair 1998-1999

New Hampshire Bar Association
Member, Board of Governors, 1985-1990

New Hampshire Bar Foundation
Board of Directors, 1987-1990

Community Involvement:

University of New Hampshire School of Law
Member, Board of Trustees, 2010-2013

Portsmouth Athenaeum
President, 2012-2014
Member, Board of Directors, 2010-2016
Proprietor, 1991-Present

Strawbery Banke Museum
Chair, Board of Trustees, 2002-2004
Member, Board of Trustees, 2000-2006
Member, National Council, 2008-Present

Greater Portsmouth Chamber of Commerce
Chair, Board of Directors, 1990-1992
Member, Board of Directors 1988-1992

Portsmouth Historical Society
President, 1995-1997
Member, Board of Trustees, 1994-1999

Leadership New Hampshire
Associate, Class of 1993-1994

Franklin Pierce Law Center Alumni Association
President, 1985-1986; Member, Alumni Council, 1990-1992

Treaty of Portsmouth Anniversary Committee
Member, 2002-2006

New Hampshire Main Street Center
Member, Board of Directors, 1998-2002

New Hampshire Small Business Development Center
Member, Board of Advisors, "Project Self-Start" Entrepreneurship Training
Program, 1993 - 1995

Ballet New England
Member, Advisory Board, 1996-2004

Greater Seacoast Economic Summit
Treasurer and Member of the Executive Committee 1990-1991

Public Service:

City of Portsmouth Trustees of the Trust Funds
Trustee, 2012 – Present; Chair, 2019 - Present

City of Portsmouth Economic Development Commission
Member, 2018 – Present

City of Portsmouth, Blue Ribbon Committee on Implementation of Prescott Park Master Plan
Member and Chair, 2020 - Present

City of Portsmouth Fire Chief Selection Committee
Member, 2019

City of Portsmouth Prescott Park Policy Advisory Committee
Member and Chair, 2017

City of Portsmouth Blue Ribbon Committee on Prescott Park Master Plan
Member, 2016 - 2017

City of Portsmouth Planning Board
Member, 1992 - 1994

City of Portsmouth Historic District Commission
Member, 1992

New Hampshire Constitutional Convention
Delegate, 1974

Recognition:

Voted 1995 "Portsmouth Citizen of the Year" by the Greater Portsmouth
Chamber of Commerce

Elected a New Hampshire Bar Fellow in 1993 by New Hampshire Bar Foundation

Received President's Award from New Hampshire Association for Justice in 1993, 1997, 2007 and
2016 in appreciation of outstanding service to the Association

Received Outstanding State Delegate award from the American Association for Justice in 1997 for dedicated and outstanding service

Received Weideman-Wysocki Citation of Excellence in 1999, 2000, 2002 and 2010 from American Association for Justice

Received Granite State Advocate Award from the New Hampshire Association for Justice in 2000 for dedication to the civil justice system

Received Board of Governor's Award from New Hampshire Association for Justice in 2006 in appreciation of long-term service to and support of the Association

Received Civil Justice Award from the New Hampshire Association for Justice in 2020 in recognition of outstanding commitment to the improvement and preservation of the American civil justice system.

Honored by the New Hampshire Association of Justice in 2021 by renaming the Board of of Governors Award the "Thomas R. Watson Board of Governors Award" in recognition of long term service on the Board.

Received inaugural Professionalism Award from the Rockingham County Bar Association in 2001

Recognized in 2011 through 2015 *Benchmark Plaintiff Guide* as local litigation star in commercial litigation and personal injury litigation.

Received President's Award for distinguished service from New Hampshire Bar Association as a member of the Special Committee on Rules of Civil Procedure in 1989.

Received 2013 E. Donald Dufresne Award for outstanding professionalism from the New Hampshire Bar Association

Inducted into the "Loyal Order of the Rock" in 2015 by the Rockingham County Bar Association in recognition of longstanding dedication to clients, colleagues and community



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.



Committee: Task Force to Study Private/Public Historical Archive

Initial applicant

Name: RICHARD M. CANDER Telephone: 207-363-6635

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

address: Le Schuette Rd. York, ME 03909 Mailing

address (if different): _____

Email address (for clerk's office communication): RCANDER@MAINE.UT.EDU

How long have you been a resident of Portsmouth? former (1969-76)

Occupational background:

Research Dept. Old Starbridge Village
Prof. Emeritus, American & New England
Studies, Boston Univ., Boston MA
Chair, Special Collections Committee, Portsmouth
Athenaeum

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

30+ years acquiring Portsmouth
manuscripts for the Athenaeum
Past President / current VP Portsmouth
Historical Society
Co-founder Portsmouth Advocates (1980)

OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO

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

Reasons for wishing to serve: As an academic historian
and one who established the
research library at the Athenaeum,
the poor access to city records
has created a hole in the historical
record.

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

Portsmouth Athenaeum: chair, Special Collections
Portsmouth Historical Soc. Vice President
Portsmouth Advocate - cofounder

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

(Portsmouth references preferred)

1) Bob Thoresen, Kennington St., (603) 234-1373
_ Name, address, telephone number

2) Martha Fuller Clark, 150 Middle, (603) 498-6936
address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Signature] Date: Sept 22, 2022

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

Please submit application to the City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

Employment

2004 - present	Professor Emeritus, American & New England Studies	Boston University
1986 - 2004	Professor, American & New England Studies	Boston University
1988	Acting Dir., American & New England Studies Program (Ph.D)	Boston University
1983 - 2004	Director, Preservation Studies Program (MA & MA/JD)	Boston University
1975 - 1986	Assistant Professor, American & New England Studies	Boston University
1969 - 1976	Architectural Historian, Research Dept., Old Sturbridge Village	Sturbridge, MA
1966	Architectural Historian, Plimoth Plantation Museum	Plymouth, MA
1963	Architectural Researcher, Gore Place Society	Waltham, MA

Education

Ph.D.	1976	University of Pennsylvania	American Civilization
--	1968	University of York, England	Vernacular Architecture
M.A.	1967	University of Pennsylvania	American Civilization
M.A.	1965	Cooperstown Graduate Program, SUNY/Oneonta	Museum Studies
B. A.	1964	Oberlin College	History

Award Committees

Portsmouth Advocates annual Preservation Awards	2010-present
Keeper's Preservation Education Fellowship, Society of Architectural Historians	member, 2000 -2001
Abbott Lowell Cummings Prize, Vernacular Architecture Forum:	member 1986-1989 chair, 1987-1989
Antoinette Forrester Downing Award, Society of Architectural Historians:	member 1986 -1988
Elizabeth Perkins Fellowship, Old York Historical Society, York, ME:	advisor, 1987-1990

Editorial Board Member

<i>Textile History</i>	Pasold Research Fund, Nottingham, England	1998 - present
<i>Proceedings</i>	Dublin Seminar for New England Folklife	1981 - present
Portsmouth Marine Soc. Press	Portsmouth Historical Society	2008 - present
<i>Portsmouth Peace Treaty</i>	Japan-America Society of N.H.	2005
<i>Encyclopedia of New England Culture</i>	Architectural editor	1993 - 1996
<i>Old-Time New England</i>	SPNEA editorial board	1994 - 2002

Honors

2018	John Grossman Memorial Award	Portsmouth Advocates/Portsmouth Historical Soc.
2017	Joyce G. Volk Award of Dedication & Service	Warner House Association
2013	Award for Excellence, Citizen Initiative	Memorial Bridge Project
2010	Inaugural Profiles in Preservation Award	Preservation Massachusetts
2008	Citizen of the Year	Greater Portsmouth Chamber of Commerce
2007	Lifetime Preservation Achievement Award	New Hampshire Preservation Alliance
2005	Lifetime Achievement Award	Massachusetts Historical Commission
2003	Elected Member	American Antiquarian Society
1997	Senior Fellow	Lemelson Center, Smithsonian NMAH
1994 & 99	Pasold Research Grants	Pasold Research Fund, England
1993	Sullivan Fellowship	Museum of American Textile History
1992	Arthur Gerrier Award	Portsmouth Advocates
1991	Norton Prize	Society for Industrial Archeology
1988	25th Anniversary Award	Massachusetts Historical Commission
1964	Geo. G. & Carrie C. Life Prize in American History	Oberlin College
1962	Fellow	Heritage Foundation, Deerfield, MA

Non-Profit Service

Society of Architectural Historians	1972 - 1994 1994 - 1997 2000 - 2002	member, Preservation Committee Chairman, Preservation Committee member Keeper's Fund Committee
Vernacular Architecture Forum	1980 Charter Member	1980-1987 Board of Directors 1982, 1989 Vice Pres. 1991-1993 President 1994 Past Pres.
National Council of Preservation Educators	1983-85, 1987-1989.	Board of Directors
Society for Industrial Archeology	1971 Charter Member 1975 Vice President	1972-1974 1976 Secretary President
Preservation Action	1976-1978 NH State Chair 1990-91 Regional Vice Chair	1979-1981 Vice President 1982-1989 Treasurer
Winterthur Museum	1992 - 1994	Academic Advisory Committee
American Textile History Museum	1998 - 2018 2000 - 2018	Collections Committee (2000-10 Chair) Board of Advisors
Society for the Preservation of New England Antiquities. [Historic New England]	1970-1976 Trustee. 1990 - 2015 1964 on --	1994 - 2004 SPNEA Council Library Archives Committee Life Member
SAH, New England Chapter (Life Member)	1972-1973	V. Pres. 1974 President
Dublin Seminar for New England Folklife	1982-present	Trustee & Advisory Board
Committee for a New England Bibliography	1986 -2000 1986 -1990	Board of Directors Project Director, Boston University
Boston Preservation Alliance	1983-2004	Boston University representative
Gibson House, Boston, MA	1996-2004	Board of Advisors
Historic Massachusetts, Inc.	1985-1990, 1996 -1999	Board of Directors
Essex Institute, Salem, MA	1988-1992	Trustee 1992 - 96 Curatorial Com.
Peabody Essex Museum, Salem	1993-1996	Overseer 1996 - 98 House & Grounds
Maine [Citizens for Historic] Preservation	1979-1984	Trustee 1970-72; 1985 - present Advisor
NH National Register Review Board, DRED	1970-1974	architectural historian
Portsmouth Advocates	1981-1985 1983 -1985	Vice Pres. Trustee 2012-18 Director
Portsmouth Athenaeum	1982-83, 89-92, 95-6, 2014 -16; 1986-1989 Pres.; 1992-94 Sec.; 1990 >	Director; 1984 -85 Vice Pres. chair, Sp. Collections
Portsmouth Preservation, Inc.	1968-1978	Board of Directors
Strawbery Banke Museum	1979-1985 1992-1993	Trustee; 1992, 1997, 1999 Pres. Search Committees Overseer 1993 - 94 Advisory Committee
Warner House Association	1991 - 2001 2005 - present	Board of Governors; 1993 - 96 Chairman Honorary Governor
Portsmouth Black Heritage Trail.	2001- 2005 2003 -04 2005 -2012	'Friends of the Pearl' 2004-06; 'Rock Rest' advisor Clerk/Treasurer, Pearl St. Church belfry project Board of Advisors
Portsmouth Historical Society	2004 2015-17	Trustee; 2005- 12 Vice Pres. 2012-14 President Past-President 2018-present Trustee & Ports. Advocates

Exhibitions

- 1998 "Those Inventive Aikens" Belknap Mill Society, Laconia, NH
- 2002 "Thomas P. Moses: Artist, Musician, & Poet ..." Portsmouth Athenaeum
- 2005 "An Uncommon Commitment to Peace," objects curator with Hayato Sakuri John Paul Jones House
- 2008 "City of the Open Door: Harry M.S. Harlow's Old Portsmouth." Portsmouth Historical Soc.
- 2008 "Russell Cheney, Paintings of Northern New England 1910-1945."
& "The Art of the Domestic: Kittery and Southern Maine." Portsmouth Athenaeum
- 2009 "Changing Portsmouth: Charles V. Goodhue & Henry M. Bakula." Portsmouth Historical Soc.
- 2009 "Birds, Beasties, and Boats: The Art of the Adams' of Adams Point." Portsmouth Historical Soc.
- 2011 "Maritime Portsmouth: The Sawtelle Collection" Portsmouth Historical Soc.
- 2011 "Fire on the Water: Portsmouth's *Kearsarge* sinks the *Alabama*," Portsmouth Athenaeum
- 2013 co-curator with Robert Chase "Nancy Lyon: Weaving the NH Landscape" Portsmouth Historical Soc.
- 2013 co-curator with Robert Chase "Omer T. Lassonde, N.H. Modernist" Portsmouth Historical Soc.
- 2013 "Bridging the Piscataqua: Construction and Community" Portsmouth Historical Soc.
- 2014 co-curator with James Craig "Bold & Brash: The Art of John Haley Bellamy" Portsmouth Historical Soc.
- 2015 co-curator with Robert Chase, "NH Art and Crafts: NH Art Assoc." Portsmouth Historical Soc.
- 2015 curator "Signs of the City" John Paul Jones House, PHS
- 2016 co-curator with Robert Chase, "Warner House at 300!" Portsmouth Historical Soc.
- 2016 co-curator with Robert Chase, "Regional Landscapes & Local Scenes." Portsmouth Historical Soc.
- 2017 co-curator with 3 others, "200 Years of the Portsmouth Athenaeum" Portsmouth Historical Soc.
- 2017 co-curator with 3 others, "Show of Shows" [Athenaeum Exhibits] Portsmouth Athenaeum
- 2018 co-author/ lecturer, "Sisters of the Brush and Palette" Portsmouth Historical Soc.
- 2018 co-curator with Robert Chase, "Carroll Thayer Berry (1886-1978):
Maine Painter, Printmaker & Photographer" York Public Library
- 2018 curator, "Rose Labrie: Primitive Artist" Portsmouth Historical Society
- 2020/21 curator, "Don Gorratt: Working Waterfronts" Portsmouth Historical Society
- 2021 co-curator with Robert Chase, "Ray-Welch, Maine Folk Artist." Springdale/Sanford, ME Historical Society
- 2021-22 exhibition planning for "Russell Cheney in Vermont"
with Robert Chase and Carol L. Cheney and museum staff Shelburne Museum, Vermont
- 2022-24 exhibition/catalog planning with Kevin Murphy for "Russell Cheney". OMAA & Vanderbilt Univ.

Video DVDs

- "Nancy Lyon: A Rediscovered Master Weaver," Spruce Creek TV, 2013
- "Omer T. Lassonde, NH Modernist" Atlantic Video; Video Tapestry, Portsmouth Historical Society 2013.
- "Gallery Talks for *Bridging the Piscataqua*" Video Tapestry, Portsmouth Historical Society 2013

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Web sites

- Claremont Multiple Resources: Downtown Historic District, 1978 <http://www.crjc.org/heritage/N07-25.htm>
- Newmarket Industrial & Commercial Historic District" 1980
https://npgallery.nps.gov/NRHP/GetAsset/NRHP/80000302_text
- "Rose Labrie Found Primitive Success" 2006
www.seacoastnh.com/famous-people/link-free.../rose-labrie-found-primitive-success/
- "Promoting Japan in America: the Life Work of E. Warren Clark (1849 – 1907), Portsmouth Peace Treaty
<http://www.portsmouthpeacetreaty.org/EWClark.cfm>
- "Books Collections in the Portsmouth Athenaeum Library,"
<https://portsmouthathenaeum.org/collections/library/>
- "Russell Cheney 1881-1945 American Artist," with Patricia Heard, exhibit checklist www.russellcheney.com
- "Social Conflict and Urban Rebuilding: The Portsmouth, New Hampshire, Brick Act of 1814." *Winterthur Portfolio*, 32: No. 2/3 (Summer/ Autumn 1997): 119-146. <https://www.jstor.org/stable/pdf/1215169>
- "Warren Clark (1849 –1907) "Noted Traveler and Lecturer on Oriental Topics," *Virginia Review of Asian Studies* (Fall 2112) Vol. 14, No. 2 <http://www.virginiareviewofasianstudies.com/>
- "Groundbreaking Modern Ceramics of Edwin & Mary Scheier ", with Dale Valena.
<https://www.incollect.com/articles/edwin-and-mary-scheier-mid-century-modern-new-hampshire-artists>
- Biographies on www.AskArt.com
- "Thomas P. Moses (1808-1881)"
 - "Russell Cheney (1882-1945)"
 - "Harry Merrick Sutton Harlow (1882 -1963)"
 - "Omer T. Lassonde (1903-1980)"
 - "William Holst (1912-1995)"

Portsmouth Athenaeum 200 Years Exhibit (2017)
<http://portsmouthhistory.org/athenaeum-explained-in-discover-portsmouth-display>

Abbott Lowell Cummings (1923-2017) obituary, *Antiques & Fine Arts*, "incollect"
<https://www.incollect.com/articles/tribute-to-abbott-lowell-cummings>

Architectural Surveys

- "An Architectural Survey of The Vaughan Street Urban Renewal Area, Portsmouth, New Hampshire" 1968-9
- "Portsmouth NH, Historic District" Portsmouth, New Hampshire 1971 & 1982
- "West End Survey" with Claire W. Dempsey and Beth Hostutler, Portsmouth, New Hampshire, 1991-2
- "The Architecture of the Rural New England Mill Village, " Research Dept., Old Sturbridge Village, 1970 - 76
- "Claremont, NH Downtown Multiple Resource Nomination" 1973
- "Newmarket, NH Business & Industrial Historic District" Survey 1979; NR 1980
- "First Period Buildings In Eastern Massachusetts: Phase I: Essex, Suffolk and Middlesex Counties Thematic Survey" Boston University for the Massachusetts Historical Commission, 1985-86

Dissertation

Wooden Building in Early Maine and New Hampshire: 1600-1720 (Ph.D. Dissertation: Univ. of PA, 1976)
University Microfilms, now UMI/ ProQuest LLC

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Books & Catalogs

- Housepaints in Colonial America*. [MA thesis] NY: Chromatic Publishing, 1968.
- Industrial Architecture in the Quinebaug and Blackstone Valleys: A Tour* (Boston: SAH, 1972)
- Atlantic Heights: A World War I Shipbuilder's Community*. Portsmouth: Portsmouth Marine Soc., 1985
(reprint ed., paperback, Portsmouth Marine Soc., 2012)
- Building Portsmouth: The Neighborhoods and Architecture of New Hampshire's Oldest City*. Portsmouth: Portsmouth Advocates, 1992 (2nd printing 1993; 3rd printing 1996; 2nd ed. rev. 2006).
- The Artful Life of Thomas P. Moses (1808-1881) "Poetry, Music, Painting -- Anything But Money"* Portsmouth, NH: Peter Randall for the Portsmouth Athenaeum, 2002.
- The Hand-Cranked Knitter and Sock Machine, A Social History and Catalogue of 19th and 20th Century Home Knitters of American Invention*. Madison, WI: Cottonwood Hill Publishing Co., 2005.
- Wallace Nutting's Portsmouth: Photographs of the 'Colonial' Past 1908-1918*. Portsmouth, NH: Wentworth-Gardner House Association, 2007.
- Buildings of Massachusetts: Metropolitan Boston*, with Keith Morgan ed. et al. Charlottesville and London: Univ. of Virginia Press, 2009
- Maritime Portsmouth: The Sawtelle Collection*, Richard M. Candee, ed. Portsmouth, NH: Portsmouth Marine Society: 2011.

Essays, Book Chapters, Journal & Magazine Articles

- "Strictly for the Birds," *Old-Time New England*, v. 57, no. 1 (Summer 1966): 12-14.
- "The Rediscovery of Milk-based House Paints and the Myth of Buttermilk Red," *Old-Time New England*, v. 58, no. 3 (Winter 1968): 79-81.
- "A Documentary History of Plymouth Colony Architecture," *Old-Time New England*, (1969) 3 parts, v. 59, no 2: 59-71, no. 3: 105-111; v. 60, no. 2: 37-53.
- "Millwright and Merchant: Water-powered Saw-milling in 17th century Maine and New Hampshire," *Old-Time New England*, 60:4 (Spring, 1970): 131-149.
- "The Early New England Textile Village in Art," *Antiques Magazine* (Dec. 1970): 910-915.
- "Three Architects in Early New Hampshire Mill Towns," *Journal of the Society of Architectural Historians*, May 1971.
- "The Old Schwamb Picture Frame Mill: the preservation of a 19th century local industry," *Pioneer America*, Jan. 1972.
- "The Province House and Its Occupants," (editor), *Old-Time New England*, 62:4 (Spring, 1972): 93-104.
- "American Vernacular Architecture," *Journal of the Society of Architectural Historians*, Dec. 1975.
- "The Jackson House," *New Hampshire Profiles*, July 1975.
- "New Hampshire Preservation Redefined," *Historic Preservation*, July-August 1975.
- "The 'Great Factory' at Dover, NH: The Dover Manufacturing Print Works, 1825," *Old-Time New England*, Summer-Fall, 1975.

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- "Architecture of Maine's Settlement: Vernacular Architecture to 1700," in *Maine Forms of American Architecture*. Deborah Thompson, ed. Waterville, ME: Down East Press & Colby College, 1976.
- "Clio and the Ship of Theseus," in *Preservation and Conservation: Principals and Practices*, Sharon Timmons, ed. Washington, DC: Preservation Press, 1976.
- "Introduction" to Hezekiah Reynolds, *Directions for House and Ship Painters*, reprint, 1812 ed. Worcester, MA: American Antiquarian Society, 1978.
- "Preparing and Mixing Colors," *Antiques Magazine* (April 1978): 849-853.
- "Newmarket Revisited, Looking at the Era of Industrial Growth (1820 - 1920)," Newmarket Service Club, 1979.
- "Land Surveys of William and John Godsoe of Kittery Maine: 1689- 1769" *New England Prospect: Maps, Place Names, and the Historical Landscape*, Dublin Seminar for New England Folklife Annual Proceedings, 1980 (Boston University, 1982) pp. 9-46.
- "Preservation, Income Tax and Big Business," *SAH Forum* 4:1 (Oct. 1982), reprinted in *Controversies in Historic Preservation: Understanding the Preservation Movement Today*, Pamela Thurber, ed., National Trust for Historic Preservation, Preservation Policy Research Report Series (Fall 1985).
- "Early Twentieth-Century Reform Housing by Kilham & Hopkins, Architects of Boston," with Greer Hardwicke, *Winterthur Portfolio*, 22:1 (1987).
- "Kilham, Hopkins & Greeley," *A Biographical Dictionary of Architects in Maine*, vol. 4, Augusta, ME: Maine Historic Preservation Commission, 1987.
- "John Langdon's Unusual 1820 Census of Mechanical Labor," *Maine Historical Soc. Quarterly*, Summer, 1987.
- "The Appearance of Enterprise and Improvement: Architecture and the Coastal Elite of Southern Maine," in *Agreeable Situations: Society, Commerce, and Art in Southern Maine, 1780-1830*. Laura F. Sprague, ed. Kennebunk, ME: Brick Store Museum, Northeastern Univ. Press, 1987.
- "Maine Towns, Maine People: Architecture and Community, 1783-1820" in *Maine in the Early Republic: From Revolution to Statehood*. Charles E. Clark, James S. Leamon, & Karen Bowden, eds. Hanover, NH: University Press of New England, 1988.
- "The 1822 Allendale Mill and Slow-Burning Construction: a case study in the transmission of an architectural technology," *IA, The Journal of the Society for Industrial Archeology*, 15:1 (1989).
- "First Period Architecture in Maine & NH: The Evidence of Probate Inventories," in *Early American Probate Inventories*, Proceedings of the Dublin Seminar, 1987. Boston: Boston University, 1989.
- "The New Colonials: restoration and remodeling of old buildings along the Piscataqua" in *A Noble and Dignified Stream: The Piscataqua Region in the Colonial Revival, 1860-1930*, Sarah Giffen and Kevin Murphy, eds., York: Old York Historical Soc., 1992.
- "Portsmouth Boom or Bust" in *Shaping the Land we call New Hampshire: A Land Use History*. Richard Ober, ed. Concord, NH: NH Historical Soc./ NH Forest Soc., 1992.
- "New England Mill Towns of the Piscataqua River Valley, 1815 - 1855," in *The Company Town: Architecture and Society in the Early Industrial Age*. John Garner, ed., Oxford Univ. Press, 1992.
- "Paints in the American Colonies and Early Republic, 1630-1820," with Abbott Lowell Cummings, in *Paints in America*. Washington, DC: Preservation Press for Barra Foundation and SPNEA, 1994
- "Joseph Whipple and the Oliver Evans Flour Mill in N.H. 1788-1802." *Old-Time New England*, vol. 74 (1996).

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- Introduction, "Guidelines for Architectural Historians Testifying on the Historical Significance of Properties." *SAH Forum*, Bulletin of the SAH Committee on Preservation, No. 23, Dec. 1996
- "Social Conflict and Urban Rebuilding: The Portsmouth, New Hampshire, Brick Act of 1814." *Winterthur Portfolio*, 32: No. 2/3 (Summer/ Autumn 1997): 119-146. <https://www.jstor.org/stable/pdf/1215169>
- The 'Shaker Sock': A New Hampshire Contribution to 19th-century Machine Knitting," *Historical New Hampshire*, 52 (Fall / Winter 1997): 60-77.
- "Domestic Industry in the Factory Age: Anglo-American Development of the 'Family' Knitting Machine," *Textile History*, 29, no. 1 (Spring, 1998): 62-92 , offprint Pasold Research Fund 1998.
- "Lace Schools and Lace Factories: Female Outwork in New England's Machine-Lace Industry, 1818-1838," The Dublin Seminar for Early New England Folklife, *Textiles in Early New England: Design Production, and Consumption*, (Boston: Boston University, 1999).
- "British frame workers in New England: Technology Transfer and Machine Knitting in Nineteenth-century America, 1820-1900," *Textile History* (Spring 2000): 31:1.
- "Socks and Stockings, Shirts, Drawers and Sashes: Hand and Machine Knitting for the Civil War," *Proceedings of the Textile History Forum*, Jacqueline M. Atkins, ed. Cooperstown, NY: the *Textile History Forum* and NY State Historical Association [NYSHA], 2000
- "Socks and Stockings, Shirts, Drawers and Sashes: Hand and Machine Knitting for the Union Army," *The Chronicle of the Early American Industries Association* (Dec. 2000): 140-153.
- "Illustrating Invention: Nineteenth-century Machine Advertisings for the Aikens of Franklin, N.H.," *40 Printing History* vol. 20, no. 2 (2000): 12-25.
- "The Hibbert Latch Needle Mystery Unraveled: Patent Control of 19th Century American Knitting Machines." *Textiles in Early New England II; Four Centuries of Material Life*, The Dublin Seminar for Early New England Folklife Annual Proceedings 1999 (Boston: Boston University, 2001), pp. 114-134.
- "The Ipswich Story: Technology & Low-cost American Hosiery Production," *The Chronicle of the Early American Industries Association*, 55:1 (March 2002): pp. 1 - 11.
- "Thomas P. Moses: Artist, Musician, & Poet ..." *Antiques and Fine Art*, 3:2 (Spring 2002): 216-221.
- "The Artful Life of Thomas P. Moses," *American Art Review*, 14:2 (March-April 2002):140-145.
- "The 1823 'Centennial' Celebration of New Hampshire's Settlement," *New England Celebrates: Spectacle, Commemoration, and Festivity*. The Dublin Seminar for Early New England Folklife Annual Proceedings 2000 (Boston: Boston University, 2002), pp. 47-63.
- "Atlantic Heights," in *Cross-Grained & Wily Waters, A Guide to the Piscataqua Maritime Region*, W. Jeffrey Bolster, ed., Portsmouth, NH: Peter E. Randall, 2002.
- "'Old Portsmouth...Home of the Stocking Business': A Forgotten 19th century Industry and its Inventors," *Historical New Hampshire* 57 (Fall/Winter 2002): pp. 85-107.
- TTRAG Proceedings 2004: The Warner House (1716) and its Roof," *Timber Framing* 72 (June 2004): 4-5.
- "Thomas Crane and N.P. Hopkins Market the Crane Knitter, 1867-1876," *The Chronicle of the Early American Industries Association*, 57:3 (Sept. 2004):111-118.
- "Warner House Origins: The Merchant House in Early Eighteenth Century London and New England," *Piscataqua Decorative Arts Society* vol. 2, (2004-2006 Lecture Series): pp. 74-80

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- "Textile Mills", *Encyclopedia of New England. The Culture and History of an American Region*. Burt Feintuch and David H. Watters, eds. (New Haven: Yale, 2005).
- "Juvenile Singing Schools and Floral Concerts: Thomas P. Moses's Nineteenth-century Children's Choirs in Portsmouth, N.H.", *The Worlds of Children, 1620-1920*, The Dublin Seminar for New England Folklife Annual Proceedings 2002, (Boston: Boston University, 2004), pp.185-196.
- "The Merchant's House," with John B. Wastrom in *The Warner House: A Rich and Colorful History*, Joyce Geary Volk, ed. Portsmouth: Warner House Association, 2006.
- "Later Eighteenth-Century Architectural Changes," with John B. Wastrom and Philip H. Kendrick in *The Warner House: A Rich and Colorful History*, Joyce Geary Volk, ed. Portsmouth: Warner House, 2006.
- "The Colonial Revival," in *The Warner House: A Rich and Colorful History*, Joyce Geary Volk, ed. Portsmouth: Warner House Association, 2006.
- "The Social Context: Highlights of the Portsmouth Peace Treaty Trail," *An Uncommon Commitment to Peace: The Portsmouth Peace Treaty of 1905*, Portsmouth, NH: Japan-America Society of New Hampshire, 2006.
- "Rediscovery of a New England Master, a Russell Cheney 1881-1945," *Antiques & Fine Art*, (Summer 2008), 142-149.
- "Russell Cheney—Northern New England Paintings," *American Art Review*, XX: 4 (August 2008), 126-129.
- "The Branson Family of Ohio," *The Spinning Wheel Sleuth*, Supplement #13 Hand Looms (May 2010), pp. 8-9.
- "The VAF at 30: After the After-Dinner Remarks" *Vernacular Architecture Newsletter*, no. 124 (Sum. 2010): 4-6
- "Portsmouth, NH: Maritime Portsmouth: The Sawtelle Collection," *American Art Review*, (May/June 2011), pp. 74-79.
- "Maritime Portsmouth: The Sawtelle Collection," Highlights, *Antiques & Fine Art* (Summer/ Autumn 2011), pp. 124-125.
- "Russell Cheney" entry in *The Art Guide to Ogunquit and South Coast Maine* (Portsmouth, NH: Phineas. 2012)
- "E. Warren Clark (1849 –1907) 'Noted Traveler and Lecturer on Oriental Topics,'" *Magic Lantern Gazette* v. 24:1 (Spring 2012), pp. 3-20 + covers; reprint *Virginian Review of Asian Studies* 14:2 (Fall 2012)
- "Omer Lassonde: New Hampshire Modernist" *American Art Review* XXV: 2 (April 2013) pp. 82-87, 127-8.
- "The Art of the Bridge: Beautiful Bridges / Technological Wonders" *The Art Guide to South Coast of Maine and Seacoast New Hampshire* (Portsmouth, NH: Phineas Press, 2013) pp. 53-56.
- "The Bold and Brash Art of John Haley Bellamy, *Carver Extraordinaire*" with James A. Craig, *The Art Guide to South Coast of Maine and Seacoast New Hampshire* (Portsmouth, NH: Phineas Press. 2014): 55-58.
- "Edwin and Mary Scheier: Mid Century Modern New Hampshire Artists," with Dale Valena, *The Art Guide to South Coast of Maine and Seacoast New Hampshire* (Portsmouth, NH: Phineas Press, 2013), pp. 56-61.
- "New Hampshire Art Retrospective" with R. S. Chase, *American Art Review* XXVII: 3 (June 2015), 102-110.
- "Edwin & Mary Scheier: Mid-century Modern New Hampshire Artists", with Dale Valena. *Antiques & Fine Arts*, (Autumn 2015) pp. 110-117.
- "Studio Sign of Thomas P. Moses," *Antiques & Fine Art* (Autumn 2015) p. 14.

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"Celebrating 300 Years of the Warner House" with Robert Chase *Art Guide to South Coast of Maine and Seacoast New Hampshire*, 2016, pp. 58-65

"Warner House 1716 – 2016" with Joyce Volk, *Antiques & Fine Art* (Autumn 2016) pp. 254 -259.

"Seacoast Sculpture from Material to Masterwork" *Art Guide to South Coast of Maine and Seacoast N.H.*, 2017, pp. 30-38

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"Sisters of the Brush & Palette," *The Art Guide to South Coast of Maine and Seacoast N.H.*, 2018, pp. 63-67.

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"Working Waterfronts: Don Gorvett." in *Twilight of American Impressionism: Alice Ruggles Sohier & Frederick H. Bosley*, Portsmouth Historical Society, 2021, pp. 74-83.

"Rollin Caughey, Sketch Artist of Post-Civil War America," with Michael P. Conzen, *Imprint* (Spring 2022): 1-6.

"One of the coming artists of America, Rollin Caughey, Artist-Illustrator, 1880–1884," *Imprint* (Spring 2022): 7-20.

Obituaries

"Joyce Volk (1927-2016)," *The Warner House Newsletter* (Spring/Summer 2017) pp.1-2.

"Abbott Lowell Cummings (1923-2017)", *Antiques & the Arts Weekly* (June 16, 2017) p. 38

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"Barnes Riznik (July 21, 1931 – April 29, 2019)"

Book Reviews

John B. Armstrong, *Factory Under the Elms* in *Historical New Hampshire*, Spring 1970.

Henry Glassie, *Pattern in the Material Culture of the Eastern United States* in *Journal of the Society of Architectural Historians*, Dec. 1971.

J.M.P. Pannell, *The Technique of Industrial Archeology* in *The Geography Newsletter*.

R.W. Brunskill, *Illustrated Handbook of Vernacular Architecture* in the *Journal of Am. Folklore*, Jan. 1972.

Jessica Tann, *The Development of the Factory* and Theodore A. Sande, *The New England Mill Survey* in *Journal of the Society of Architectural Historians*, Dec. 1972.

Robert DeZ. Hall (ed.), *A Bibliography of Vernacular Architecture* in *Technology and Culture*, Oct. 1974.

R.T. Mason, *The Framed Buildings of England* in *Journal of the Soc. of Architectural Historians*, Dec. 1975.

Charles Peterson (ed.), *Building Early America* in *IA, Journal of the Society for Industrial Archeology*, 1978.

Robert Miner (ed.), *Architectural Treasures of Early America*, vols. 1-8, *Journal of the Society of Architectural Historians*, Oct. 1979

Richard M. Candee, 6 Scituate Road, York, Maine 03909
207-363-6635 rcandee@maine.rr.com

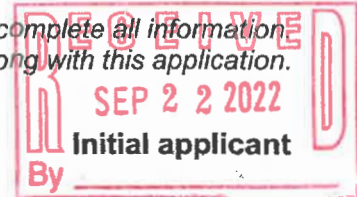
- Abbott Lowell Cummings, *The Framed Houses of Massachusetts Bay, 1625-1725 and Architecture in Colonial America*, in *Winterthur Portfolio*, Winter 1980.
- Jonathan Fairbanks & Robert Trent, *New England Begins*, vols. 1-3, *Winterthur Portfolio*, Sum.-Autumn 1984.
- John S. Garner, *The Model Company Town: Urban Design through Private Enterprise in Nineteenth Century New England* in *IA, The Journal of the Society for Industrial Archeology*, 12:1 (1986)
- Ellen Weiss, *City in the Woods: The Life and Design of an American Camp Meeting on Martha's Vineyard*, in *Journal of the Society of Architectural Historians*, Sept. 1988.
- Thomas Carter and Bernard L. Herman, eds. *Perspectives in Vernacular Architecture, III* in *Winterthur Portfolio* 25: 2/3 (Summer-Fall 1990).
- Thomas Hubka, *Big House, Little House, Back House, Barn* in *Vernacular Architecture Forum Newsletter*, Winter 1984.
- Catherine Bishir, Carl Lounsbury, Charlotte Brown, Ernest H Wood, III, *Architects and Builders in North Carolina* in *The Vernacular Architecture Newsletter*, Spring 1991.
- Patrick Malone and Robert Gordon, *The Texture of Industry* in *Journal of the Society of Architectural Historians*, 53 (May 1994)
- Michael Holleran, *Boston's "Changeful Times" Origins of Preservation & Planning in America*, in *Journal of the Society of Architectural Historians*, 59 (March 2000) pp. 136-7.
- A[aron] Reisfeld. *The History of Warp Knit Arts and Trades*. David Gross, editor, in *Textile History* 31: 2 (Nov. 2000) pp. 237-239.
- James L. Garvin, *A Building History of Northern New England*, in *Journal of the Society of Architectural Historians* 61: 1 (March 2002), pp. 115-116.
- Conference Reports: "The Textile History Forum", *Proceedings*, Jacqueline Atkins, comp. Cooperstown, NY: NY State Historical Assoc. & Textile History Forum, 2000-2003, *Textile History* 35: 1 (May 2004): 137-38.
- William H. Thiesen, *Industrializing American Shipbuilding: The Transformation of Ship Design and Construction, 1820-1920*, in *Journal of American History* (March 2007): 1269-70.



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.



Committee: Blue Ribbon Archive

Name: Susan Telephone: Sterry

Could you be contacted at work? YES/NO If so, telephone # N/A

Street address: 548 Broad St. Apt. 3R

Mailing address (if different): Portsmouth

Email address (for clerk's office communication): sterry10@ymail.com

How long have you been a resident of Portsmouth? 5 years

Occupational background:

CorporatE - Management, project management,
fundraising, Purchasing, Research, bookkeeping

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

I am a semiprofessional genealogist
and I am currently co-chair cemetery
Committee. These both give me the
knowledge and experience in helping this
Committee.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

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

Reasons for wishing to serve: I HAVE been RESEARCHING FOR 15 YEARS in PORTSMOUTH. I HAVE had MANY DISCUSSIONS with the LIBRARY REFERENCE and STAFF at ATHENAEUM. I WANT to SUPPORT and help ACHIEVE a private/public ARCHIVE which will benefit the community.

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

Cemetery Committee
DAR - member -

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

- 1) LEA CHASE PORTSMOUTH 603-682-6675
Name, address, telephone number
- 2) SARAH CAIN Kittery 207-450-8084
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Susan Steery Date: 9-22-22

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*



Regular Member to the Board of Library Trustees

Committee: _____

Katinka de Ruiters

203-233-4645

Name: _____ Telephone: _____

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

420 Lincoln Avenue, Portsmouth, NH 03801

Street address: _____

Mailing address (if different): _____

Email address (for derk's office katinka.deruiters@gmail.com communication): _____

7 years

How long have you been a resident of Portsmouth? _____

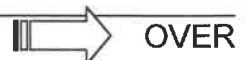
Occupational background:

graphic designer (self-employed & running my own business since 2000)

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

None, other than being a public library user for almost 50 years.

I was also a Board Member of the Stamford Land Trust in CT for a number of years.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO

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

Reasons for wishing to serve: _____

My son and I both love the Portsmouth Public Library, and make regular use of their many programs and services. I would like to give back to the community of Portsmouth and support the Library and its mission. I am, and would continue to be, a strong advocate for the Library.

Please list any organizations, groups, or other committees you are involved in:
currently training to become a UNH Marine Docent
will most likely be involved with TEDxPortsmouth come Spring

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)
1) Meganne Fabrega; 539 Lincoln Ave., Portsmouth, NH; 03801 603-661-3079
Name, address, telephone number
2) Misa Erder; 409 Lincoln Ave., Portsmouth, NH 03801; 603-380-2668
Name, address, telephone number

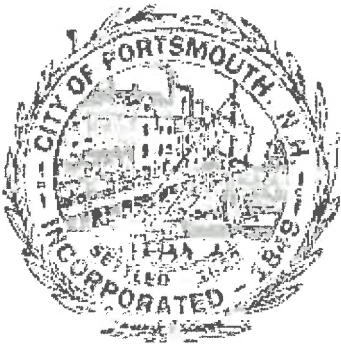
BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 09.22.2022

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.



Committee: library trustees

Renewing applicant

Name: Janaki Fonseka Telephone: 203.479.2260

Could you be contacted at work? YES/NO - If so, telephone #.

Street address: 7. Portcreek Place, Apt # 1301; Portsmouth NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? Since 2013.

Occupational background:

Internist / Hospitalist physician at
Wentworth Douglas Hospital

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

Reasons for wishing to continue serving: _____

The Portsmouth Public Library is a wonderful
service for the community. This is a small
way to repay the library for providing a
safe welcoming place when I needed it most.



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

- American College of Physicians,
NH Chapter

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

(Portsmouth references preferred)

1) Prashant Shankar; 7 Portwell Place Apt #1516 (978.886.301)
POUTSMOUTH NH 03801

Name, address, telephone number

2) Barbara Gasparik. 145 Brewery Lane Apt #307
POUTSMOUTH, NH 03801 (603.558.8539)

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: A Date: 09.23.2022

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2025

Annual Number of Meetings: 10 (2022) Number of Meetings Absent: 3

Date of Original Appointment: 9-16-2019

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

Item under Councilor Tabor's name for Oct 3 meeting

*Citizen input into ARPA funding, 2022 Recreation Study and Community Campus

Sample motion: *Authorize the City Manager to implement a citywide survey process to determine residents' values and priorities for use of ARPA funds, updated city recreation initiatives, and future use of the Community Campus and adjoining property.*

See explanation in packet.

*Citizen input into ARPA funding, 2022 Recreation Study and Community Campus

To answer these important policy questions, the City Council has been relying on public hearings, work sessions and surveys of residents who self-select their participation based on topics. These engagement methods tend to attract those most directly connected to the issue, or those with subject matter expertise and/or strong points of view. The City Council could benefit from quantifiable data from a broad-based sample of all the city's age and income groups. A broadly representative sample of opinion could determine what has highest priority for the most citizens so the city policy directions are in line with public priorities.

By recruiting a large panel and supporting it with online databases of information about the questions, we can engage a large cross section of the community in the discussion. As is always, the Portsmouth residents will diligently do their homework!

By using platforms like FlashVote (www.flashvote.com) that recruit a panel of residents representative of all segments of the city population, the council can acquire data that is more inclusive of all points of view than what is heard only at public hearings or work sessions. Also, questions that take only a minute or two on smartphones or PCs can engage residents whose busy lives otherwise prevent coming to City Hall to make their voice heard – parents, those working night hours, those who travel for work, etc.

Platforms such as FlashVote offer experts in opinion research who prepare scientifically valid questions. They also have skill in recruiting large (350+) panels and weighting them to match city demographics. Co



PORTSMOUTH NH 400 REQUEST FOR PROPOSALS: BOHENKO GATEWAY PARK SCULPTURE GARDEN

Portsmouth NH 400 is a nonprofit 501c3 organization founded to celebrate Portsmouth NH's 400th anniversary in 2023. It is soliciting proposals from qualified artists for public art to be installed in 2023 in the City's Bohenko Gateway Park. Proposals are being accepted through September 23, 2022.

PNH 400 has arranged its organization and programs around seven specific themes or pillars: arts and culture, commerce and trade, community and neighborhoods, education, maritime and military, signature events, and legacy projects. The Legacy Task Force is charged with spearheading projects that will last beyond the 2023 celebration, enriching the city for years to come.

After soliciting input from the community and the city, the plan is to create a maritime themed sculpture garden in the city's Bohenko Gateway Park.

BOHENKO GATEWAY PARK SCULPTURE GARDEN BACKGROUND

Imagine a sculpture garden welcoming visitors to Portsmouth, NH as they take the Market Street Gateway from Interstate 95 to the city's downtown. That's the vision of the Portsmouth NH 400 Legacy Task Force.

Located in the city's already existing Bohenko Gateway Park, this new sculpture garden will have a maritime theme, celebrating the river and all that is connected with it through public art. Visible from the Route 1 Bridge between Portsmouth and Kittery, Maine, the park offers sweeping views of the North Mill Pond and the Piscataqua River and features a winding pathway and a small pavilion with benches overlooking the water. According to city staff, the location could accommodate 6 to 8 sculptures. While the task force recognizes that this would be ideal—because of time and financial resources—the plan is to begin with a more limited number with plans to expand after 2023.

Just a short walk from the bustling downtown, this sculpture garden will attract visitors and residents of our seacoast community, providing the perfect location for quiet reflection, a family picnic, or educational programs on our maritime history.

Portsmouth NH 400 is inviting artists to submit designs and selection will be based on the Public Art Procedural Guidelines that were created by the city. A committee, including representatives from the community and the city as well as others with expertise in public art, will select the finalists. Plans are to install the public art during the 400th celebration in 2023. Funding for the project is coming from the PNH400 budget as well as grants and donations which are currently being sought.

BUILDING A LASTING LEGACY

ARTIST PROPOSALS FOR
THIS PROJECT ARE BEING
ACCEPTED THROUGH
SEPTEMBER 16, 2022

ERNIE GREENSLADE
PNH400 LEGACY TASK FORCE CHAIR
EGREENSLADE@COMCAST.NET
WWW.PORTSMOUTHNH400.ORG



MARITIME THEME

In the introduction of the book "Cross-Grained & Wily Waters: A Guide to the Piscataqua Maritime Region", Editor W. Jeffrey Bolster writes:

"This region at the meeting place of Maine, New Hampshire, and the Atlantic Ocean has long beckoned people. For thousands of years, Paleo, Archaic, and Abenaki natives appreciated its shellfish and game. Then English and other Europeans were attracted by a mind-boggling abundance of coastal codfish, along with easy waterborne access to majestic stands of white pine."

Once one of the nation's busiest ports and shipbuilding cities, Portsmouth's location on the Piscataqua River with access to the ocean has long shaped its history in many ways, from shipbuilding (gundalows and clipper ships), to commerce, to military (first Naval shipyard). In addition to celebrating humans or human creations, concepts may focus on the natural maritime world, including plants, animals, and the landscape. Creative interpretation of the maritime theme is welcome.

TO EXPLORE MORE ABOUT PORTSMOUTH'S MARITIME HISTORY

- Visit this link to read maritime-themed stories written by local historian Dennis Robinson.
- Contact the Portsmouth Public Library Reference Desk, 603 766-1720, or visit their special collections to research Portsmouth's maritime history
- Contact the Portsmouth Athenaeum

BUDGET

The total budget is \$200,000. While some initial funding has been secured, we are working to raise additional funding through grants and corporate and individual donations. This budget will cover one or more sculptures (exact number to be determined). The budget must cover design, fabrication, transportation, documentation and installation expenses including installation insurance. Project work must be completed in accordance with all applicable statues, laws, and regulations. Permitting may be required depending on location of the installation.

Projects in a range of prices will be considered. It's possible that one signature project will be selected, along with three or four smaller pieces. While we are interested in original concepts, already existing artwork that meets the requirements of this project will be considered, as long as similar art is not being exhibited within 60 miles of the park.

DESCRIPTION OF SITE

www.cityofportsmouth.com/planportsmouth/market-street-gateway-corridor-improvement-project
www.seacoastonline.com/story/news/local/portsmouth-herald/2019/11/27/portsmouth-to-name-park-after/2196543007/

Note: The City of Portsmouth will cooperate in obtaining permits if needed.

ERNIE GREENSLADE
PNH400 LEGACY TASK FORCE CHAIR
EGREENSLADE@COMCAST.NET
WWW.PORTSMOUTHNH400.ORG



SELECTION PROCESS

A review team including representatives from the City and from the community, chosen for their expertise in public art, will serve as the selection panel for this project and will use evaluation criteria as listed below. The committee reserves the right to choose the number of projects that will be selected.

Proposed projects should connect with the maritime theme and reflect the goals of the PNH400 and consider including community and visitor response and interaction such as:

- Encourage exploration
- Inspire curiosity
- Create connections
- Inform on local culture/history
- Create experience

There are no restrictions on the sculpture type, materials, or point of origin as long as the piece is suitable for year-round installation in a public space, which is located in proximity to a residential neighborhood. Note: sculpture will be outdoors with no protection or covering.

EVALUATION CRITERIA

Proposals will be evaluated according to the following:

1. Understanding of project goals as expressed in artist's concept
2. Qualifications of artist
 - Previous work and work samples
 - Proven ability to complete site-specific artwork based on past experience
 - Feasibility: artist's proven track record/ability to complete the work on time and on budget
 - Quality and craftsmanship of product as exhibited by past work
3. Artist Concept Characteristics
 - Originality: creativity and uniqueness of proposed artwork concept for this project
 - Quality, suitability, and appropriateness of proposed artwork in relation to the RFP
 - Maintainability: structural and surface soundness, durability and resistance to vandalism, weathering, excessive maintenance, repair costs
 - Public safety components
4. Willingness to include a plan for community or educational component relating to the art.
5. Submittal completeness
6. Proposal price

Note: While we are interested in commissioned art, already existing artwork that meets the requirements of this project will be considered, as long as similar art is not being exhibited within 60 miles of the park.

RESERVATION OF RIGHTS

PNH400 reserves the right to reject any or all proposals, to waive technical or legal deficiencies, and to accept and negotiate any terms of a proposal that may be in the best interest of the organization. PNH400 may request clarification or additional information of firms.

By submitting a proposal, the artist authorizes PNH400 to undertake such investigation as may be necessary to verify the artist's qualifications and reputation. The artist may be requested to execute a release in favor of third parties who have information relative to the artist's qualifications and reputation. Refusal to execute a release may result in disqualification.

ERNIE GREENSLADE
PNH400 LEGACY TASK FORCE CHAIR
EGREENSLADE@COMCAST.NET
WWW.PORTSMOUTHNH400.ORG



ADDENDA TO RFP

Addenda to this proposal document, if any, including written answers to questions, will be posted to the website under the project heading. Addenda and updates will NOT be sent directly to artists.

TIMELINE

Public Release of RFP August 8, 2022

Proposal Submittal Deadline September 23, 2022

Selection Committee Review/Interviews September 23-November 11 (anticipated timeline)

Finalist notifications November 14 (anticipated timeline)

Contracts Finalized December 12 (anticipated timeline)

Artwork Production and Installation Phase Begins December 12 and would like artwork installed in fall of 2023.

SUBMITTAL REQUIREMENTS

Proposals shall include the following and shall be organized using each of the elements listed below as section headings:

1. A current resume or CV.
2. A written statement, not to exceed three pages that addresses the artist's concept.
3. A preliminary rendering of the proposed artwork or photos of an already existing piece.
4. Itemized budget estimate.
5. Project timeline.
6. Up to 5 images of recent, relevant work.
7. A list of completed projects/works with references.

Artists will not be reimbursed for cost of proposal. However, stipends may be provided for models, travel, or other incidental costs for finalists if determined by the committee that it will be helpful.

HOW TO APPLY

Submit proposal packages to sculpture@portsmouthnh400.org no later than 5:00p.m. on September 23, 2022.

QUESTIONS?

Contact: Ernie Greenslade, chair of the PNH400 Legacy Task Force, egreenslade@comcast.net

ERNIE GREENSLADE
PNH400 LEGACY TASK FORCE CHAIR
EGREENSLADE@COMCAST.NET
WWW.PORTSMOUTHNH400.ORG





CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. ~~2009-06-2022-~~

The City Council Policy 2009-06 **Public Art Acquisition Policy** be renumbered and amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

PUBLIC ART REFERRAL AND ACQUISITION POLICY

The City of Portsmouth is committed to acquiring public art by donation, acquisition or commission. Only original work will be considered for acceptance.

~~The City Council desires that Art-Speak be charged with the formation of a standing committee, whose role will be to oversee the acquisition and de-accession (removal) of public art for all city departments¹. This committee will consist of between 7 and 11 members and will consist of Art-Speak Board Members (minimum of two), city staff, and community members.~~

The City Council shall establish a standing committee, whose role will be to oversee the acquisition and de-accession (removal) of public art for all City departments¹.

Whenever from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to the standing committee.

The standing committee will evaluate proposed donations, acquisitions or commissions based on the following criteria:

- The quality of the artwork.
- Appropriateness of the size, scale and materials for the site(s)
- Availability of an appropriate site.
- Costs of installation and maintenance of artwork.
- Condition and durability of the artwork.
- Aesthetic merit.
- Inclusion of a mandatory maintenance plan (including materials used and proper care for such materials)

¹ The Trustees of the Portsmouth Public Library have their own policy for art acquisition. The committee will defer to the Trustees of the Library for art acquisition at the Library.

All donated, acquired or commissioned works of *outdoor* art **must-shall** include a cash stewardship donation of at least 10% of the cost of the artwork which will be added to the Public Art Trust for ongoing stewardship of public art. *Indoor* art may or may not require a stewardship donation, depending on the type of art. The standing committee will determine if a stewardship donation is required for a given piece of indoor art, and if so, the amount of the donation. If the artwork is donated, the committee will determine the value of the artwork.

The committee ~~Art-Speak~~, along with recommendations from appropriate city boards, city staff, and/or committees, will review and recommend pieces of public art to the City Council for acceptance. All final decisions on acceptance shall be made by the City Council.

Suitable donations will be accepted unconditionally and free of all obligations and encumbrances. The City reserves the right to relocate donated artwork from time-to-time; and to not display a donated piece of art. Works from the collection may be considered for removal if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation **or for other good cause**.

As pieces of public art are acquired, they will be entered into the City Art and Artifact Index maintained by Portsmouth Public Library staff. If a piece is decommissioned, the date and reason for withdrawal will also be so recorded. Changes of location, whether temporary or permanent will be recorded in the Art and Artifact Index.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **December 21, 2009**.
Ratified by the Portsmouth City Council on January 19, 2010.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.
Ratified by the Portsmouth City Council on January 16, 2018.
Ratified by the Portsmouth City Council on January 8, 2020.
Ratified by the Portsmouth City Council on January 24, 2022.

Adopted by the Portsmouth City Council on _____.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2014-02

That City Council Policy 2014-02 **Policy Regarding Public Art** be amended by deleting the Policy as follows:

~~POLICY REGARDING PUBLIC ART~~

~~WHENEVER from any source an issue relating to Public Art should be brought to the attention of the City Council, that matter will be referred to the Public Art Review Committee (PARC).~~

~~This policy shall take effect upon the passage by the City Council.~~

~~Adopted by the Portsmouth City Council on June 16, 2014.~~

~~Ratified by the Portsmouth City Council on January 11, 2016.~~

~~Ratified by the Portsmouth City Council on January 16, 2018.~~

~~Ratified by the Portsmouth City Council on January 8, 2020.~~

Adopted by the Portsmouth City Council on _____.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article XVII **FUNDING OF PUBLIC ART** 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 XVII: FUNDING OF PUBLIC ART

Section 1.1700: STATEMENT OF PURPOSE

It is hereby declared that it shall be the public policy of the City of Portsmouth to assist and encourage the participation of its citizens and visitors in the enjoyment of the many benefits which flow from the arts. Among other activities to this end, the City will allocate a portion of the expense of public building construction and significant building renovation projects to be spent on works of art which shall be available for the benefit of all without additional cost to those persons. Such works of art shall be called public art as defined in more detail herein.

Section 1.1701: DEFINITION OF PUBLIC ART

“Public Art” or “Public artworks” are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site, considering the historical, geographical and social/cultural context of the site and constructed on a scale that is proportional to the scale of the development. “Artwork” – includes but is not limited to, painting, murals, inscriptions, stained glass, fiber work, statues, relief’s or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included in this definition are installations that are technological in nature, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts – both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Landscape items include the artistic placement of natural materials and other functional art objects. Works of art may be portable as well as permanent.

This definition shall not include:

Objects that are mass-produced from a standard design or reproductions of original art works; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art; logos or corporate identity.

Section 1.1702: PUBLIC ART COMMITMENT

One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in accordance with the terms of this ordinance and the Public Art Trust.

Section 1.1703: PUBLIC ART TRUST

There shall be created a Public Art Trust to serve as a repository of all public art contributions generated by application of this ordinance. Such Trust shall be administered for the purpose of implementation of this ordinance. The terms of the Trust shall be consistent with this ordinance and shall be interpreted by reference to this ordinance.

Section 1.1704: EXEMPTION

By a two-thirds (2/3) vote, the City Council may exempt a municipal building, such as a water or sewer plant, from the Public Art Commitment described in Section ~~1.1702~~ **1.1701** if the purpose of this ordinance would not be fulfilled due to the building's inaccessibility to the public, location, use or other factors. **In those cases, the public art associated with the project should be placed on other publicly owned property within the city, at the determination of the Council.** Any Council determination to exempt a building under this provision shall be made no later than the final vote of the Council authorizing the funding for the project. (Amended 06/19/2017)

Section 1.1705: EXPENDITURE OF PUBLIC ART FUNDS

Expenditure of public arts funds shall be determined by the City Council. In authorizing such expenditures the Council shall apply the following protocol and criteria:

- A. No less than ninety (90%) percent of the principal amount of public art contribution generated by any particular building project shall be expended on the site of that project.
- B. In determining the selection of any public art project, the City Council may:
 - 1. Refer the question to any agency of a public, non-profit or private nature which might be selected by the City Council for an advisory report, or;
 - 2. Refer the question to a standing committee for public art which

may be created by the City Council under such terms and conditions as it may establish, or;

3. Create an ad hoc committee for any particular public art project under such terms as the Council may establish, or;
 4. Seek such other advisory recommendation as the City Council deems appropriate
- C. Upon the authorization by the City Council of a public arts project, the administrative and financial implementation of that authorization shall be performed by the administrative officials of the City.

Section 1.1706: MAINTENANCE AND REPAIR OF PUBLIC ART

Public art funds under this ordinance and the Public Art Trust to be created in conjunction herewith shall be available for repair and maintenance of public art, regardless of whether the public art work was initially funded by the Public Art Trust or otherwise.

Section 1.1707: FUNDING ACCEPTED

This ordinance authorizes and the Public Art Trust shall provide for the acceptance by the City of donations, grants or contributions to public art which might be approved from time to time by the City Council.

This ordinance also authorizes the Council to accept donations with a designated purpose to commission works of public art to be placed on public property. The commissioning process shall follow the same procedures outlined in the ordinance for public art associated with capital expenditures by the City.

(Adopted 9/18/2006 to become effective August 21, 2007, **Edited 6/21/2022**)

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV **COMMISSION 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: COMMISSION AND AUTHORITIES

Section 1.412: PUBLIC ART REVIEW COMMITTEE

A. Membership and Term: The Public Art Review Committee (PARC) will consist of between seven and eleven members. Members shall include one member of city staff to be designated by the City Manager and the rest shall be community members. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Other than the City Manager's appointment, the members shall be appointed by the Mayor, with approval from the Council, to staggered terms varying from two to three years.

The PARC shall be chaired by a member of the local arts community and shall interview or make recommendations to fill PARC openings to the Mayor, as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.

B. Public Art Defined: For purposes of this Public Art Review Committee, "public art" shall be defined as artwork located in or on a public space such as a municipal facility, park, right-of-way, or other municipally owned or controlled property. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch or other structures intended for ornament or commemoration. Also include in this definition is any installation that is technological in nature or includes carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints , crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass plastics and other materials. Landscape items include the artistic placement of natural materials and other function art objects. Works of art may be portable as well as permanent.

Public art does not include objects that are mass-produced from a standard design or reproductions of original art works unless of limited edition; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the

artist; directional elements such as super graphics, signage or color coding except where these elements are integral parts of an original work of art; and logos, corporate identifiers or other forms of branding and advertising.

C. Powers and Duties: The PARC shall have the following responsibilities:

- 1. To foster development and awareness of public art within the City of Portsmouth, and advise the City Manager and City Council with respect to matters relating to the development of public art awareness within the City of Portsmouth.**
- 2. To accept referrals from the City Council or any other public body concerning public art and art issues generally.**
- 3. To provide input on masterplans, zoning ordinances, strategic planning documents as they relate to public art and art issues generally.**
- 4. To collaborate with the city on the acquisition, maintenance and marketing of its public art and develop a stewardship policy.**
- 5. Establish Guidelines for review of public art based on the Public Art Acquisition Policy.**
- 6. Initiate public forums where appropriate for determining thematic approaches and location options for public art.**
- 7. Determine recruitment strategies to attract qualified artists for public art projects.**
- 8. To review applications for public art following the Public Art Acquisition Policy, select final proposals, and advise the city on issues related to Percent for Art.**
- 9. Review all applications for sponsored works of public art following the same guidelines as those for the Percent for Art program.**
- 10. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the city or established by the Public Art Review Committee at the request of the City Council.**
- 11. To recommend to the City Council, as requested, replacement members to the PARC when they arise.**
- 12. Identify and solicit funds to supplement the public art budget.**

- 13. Perform further duties related to public art within the City of Portsmouth that the City Manager may request.**
- D. Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.**
- E. Reporting Responsibility: The Public Art Review Committee (PARC) shall include an annual report of their proceedings and programs to City Council. Details of the report include, but are not limited, to:**
- 1. Assessing available and potential resources in the Public Art Trust.**
 - 2. Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.**
 - 3. Assessing the impact of and opportunity for public art projects that advance economic development opportunities.**
- F. Revenue Development: The PARC may solicit or receive gifts, money or other to be applied to principal or interest, into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art.**

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 COUNCIL POLICY No. 2022-

That City Council Policy be amended by adding the following policy:

AUDITOR ROTATION POLICY

The City of Portsmouth is committed to transparent financial processes. The City Council is committed to providing accountability over city financials to foster public confidence in local government.

The City Council oversees a full accounting of all financial information of the city annually through an independent, comprehensive external audit. As a result, the City Council shall require an RFP process for selection of an auditor every five years or earlier, if needed. The City Council shall also require the Principal Auditor and engagement team, and the audit partner responsible for reviewing the audit, be changed every five years, at a minimum, to maintain audit independence.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on _____.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

M·R·F

40 Prospect Street Portsmouth, New Hampshire 03801

September 13, 2022

Portsmouth City Council
c/o City Manager's Office
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Sir or Madam:

Please see the enclosed Memorial Park Bench Request Form for the placement of a bench and plaque in the South Mill Pond Dog Park. Enclosed also is a request form and check in the amount of \$2,350.

This request is on behalf of myself, and a number of friends, and is in honor of my son Joshua Fogel, who spent a lot of time in the park with his Portsmouth dog friends. He passed away on July 9, 2022.

If you have any questions, or we need to submit any additional information, please let me know.

Sincerely,



Maggie Fogel



CITY OF PORTSMOUTH
MEMORIAL PARK BENCH REQUEST FORM

Thank you for your interest in donating a Memorial Park bench to the City of Portsmouth. All memorial requests and donations of funds must be approved and accepted by the Portsmouth City Council. This form outlines the process for considering requests and the information needed to begin the process. Each request will be considered by the Portsmouth City Council at an upcoming City Council meeting¹.

For questions related to the status of this request, please contact the City Manager's office by calling (603) 610-7202 or email jsgriffin@cityofportsmouth.com.

For calendar year 2021, the cost for each Memorial Park bench is: \$2,200.

\$2,350

Please submit this completed form with your check in the amount of \$2,200 (payable to: City of Portsmouth), and a transmittal letter to: Portsmouth City Council c/o City Manager's Office 1 Junkins Avenue Portsmouth, NH 03801.

Name(s): Margaret Rose Fogel
Address: 40 Prospect Street, Portsmouth, NH 03801
Phone: 646.330.2234 Email: maggie@maggiefogel.com

Please be sure to complete and enclose the following:

- A transmittal letter to the Portsmouth City Council referencing this request.
- A check made payable to the City of Portsmouth.

Please check one of the following:

- I would like to request that a memorial park bench be installed in the following location: at the South Mill Pond dog park
- I do not have a preference for the location of the bench I would like the City of Portsmouth to install this park bench in accordance with current improvement and beautification efforts.

I would like to request the following content be included in a plaque that will be affixed to the Memorial bench (Please do not include more than 80 characters with spaces):

see attached

Margaret R. Fogel

¹ Prior to submitting a Memorial Park Donation request, please take note of the following: the City of Portsmouth will move forward with your request in accordance with the action taken by the City Council. Not all locations requested by residents are feasible given site constraints, future improvement plans or other reasons. Staff members will work with you to identify an alternative suitable location if necessary.

JOSHUA A. FOGEL
10/12/1973-7/9/2022
FROM HIS FRIENDS
AND THEIR HUMAN COMPANIONS

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:	9/21/22
Department/ Contact Person:	Police Department, Chief Newport/Exec. Asst. Jackie Burnett
Donation Amount:	\$240 (unsolicited)

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

Portsmouth Police Explorers Program

Is there a particular purpose intended with this donation:

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. The Police Commission voted at their 9-20-22 meeting, public session, to accept this donation.

Other Information/Special Conditions:

Donor Information

First & Last Name:	
Business Name:	Barrington Fireman Association
Address*:	774 Franklin Pierce Hwy, Barrington, NH 03825
Phone*:	Unk.
Email*:	Unk.

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.*

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

DATE: SEPTEMBER 21, 2022
TO: KAREN CONARD, CITY MANAGER
FROM: STEFANY SHAHEEN, PORTSMOUTH POLICE COMMISSION CHAIR
MARK D. NEWPORT, CHIEF OF POLICE
RE: GRANTS

On behalf of Chair Stefany Shaheen~

At the September 20th, 2022 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grants:

- a. **The Violence Against Women Act (VAWA) grant from the NH Department of Justice in the amount of \$25,025 to help fund 45% of the police department's Victim Witness Advocate position – includes a cash match contribution.**
- b. **The Office of Highway Safety grant from the NH Department of Safety for the amount of \$53,510.66 which includes thirteen different highway safety initiatives – includes a 20% match.**

We submit the information to you pursuant to City Policy Memorandum #94-36, and respectfully request for this item to be added to the agenda for the City Council's consideration and approval at their October 3rd, 2022 meeting.

Respectfully submitted,



Jacqueline D. Burnett
Office of the Chief

copies: Business Asst. Patti Smallwood
Business Ops. Mgr. Karen Senecal

CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

TO: KAREN CONARD, CITY MANAGER
FROM: BEVERLY MESA-ZENDT, PLANNING DIRECTOR; NICHOLAS CRACKNELL,
PRINCIPAL PLANNER
SUBJECT: DEMOLITION REVIEW COMMITTEE, PLANNING BOARD AND HISTORIC
DISTRICT COMMISSION REPORT BACK ON THE DEMOLITION ORDINANCE
DATE: SEPTEMBER 27, 2022

City Council Request

On March 15, 2021 the City Council voted to request a report back regarding the Demolition Ordinance from the Demolition Review Committee (DRC), the Historic District Committee, and the Planning Board. Specifically, the City Council requested *"a report back from the Planning Board, Historic District Commission, and Demolition Committee on how to improve the Demolition Committee. This will include but not be limited to deterrents for the demolition of Portsmouth buildings, fines for misconduct, and public comments at meetings. Also, incentive for preservation of historical buildings"*.

BackgroundState Regulatory Authority

The Demolition Review Ordinance does not list a source of authority. A more detailed legal analysis would be necessary to identify a source of authority for this ordinance and the related committee.

Local Regulations

The Demolition Review Committee (DRC) not to be confused with the Historic District Commission (HDC) is a committee appointed by the City Council and comprised of five members as follows:

1. One member of the Historic District Commission
 2. One member of the Planning Board
 3. One member of the Portsmouth Historical Society
 4. The Chief Building Inspector or his/her designee
 5. The Planning Director or his/her designee.
-

Representatives of the Historic District Commission and Planning Board are appointed annually or as necessary. The primary purpose of the DRC and the Demolition Ordinance is to encourage the preservation of buildings and places of historic, architectural and cultural value.

The Demolition Ordinance is found in Chapter 14, Article II of the City Ordinances. The City's Demolition Ordinance provides a local review process for proposed demolition of privately-owned buildings and structures outside the Historic District with significant historic, architectural and cultural value.

City of Portsmouth Code of Ordinances Chapter 14: Housing Code

All projects proposing to demolish a portion of a building or structure must obtain a demolition permit from the Inspection's Department. Once the application has been submitted, most projects will be subject to a minimum 30-day review period as outlined in the Ordinance.

Demolition: Razing or destruction, entirely or in part, of a building or structure, whether or not reconstruction is planned after demolition, or removal of a building or structure in whole or in part from its present location. For the purpose of this Article, demolition shall not include (a) interior demolition that does not affect the exterior of the building or structure, or (b) work necessary to repair or replace exterior finishes such as roofing, siding, trim or windows.

https://files.cityofportsmouth.com/files/planning/demolition/demoordinance_111918.pdf

The following demolitions are exempt from the review process (but not exempt from a demolition permit):

- Demolition of a building or structure that has been granted a Certificate of Approval by the Historic District Commission or has been approved for demolition in association with a project approved, following a public hearing, by either the Planning Board or the Board of Adjustment.
- Demolition of any "dangerous building" that has been ordered to be demolished pursuant to Chapter 14, Article I, Section 14.109(C).
- Minor demolition projects, as determined by the Code Official, that are not located in the Historic District, including but not limited to chimneys, decks, porches, steps, small outbuildings or other similar design features.
- Removal of partial roof components for vertical expansion such as dormers or skylights on structures that are not located in the Historic District.

Staff Analysis

1. Because the HDC is charged with historic preservation, within the Historic District the role of the DRC should be more narrowly defined as providing adequate notification and an opportunity for discussion prior to demolition of older buildings outside the historic district.
2. State law does not empower local jurisdictions to prohibit a demolition outside the historic district, however, notice and delays are typical in most local jurisdictions.
3. The lack of direct statutory authority invites challenges to a significant expansion of the duties and powers of the DRC to stay demolitions.
4. The intent of the aforementioned recommendations was to set the threshold higher for demolitions that would trigger review but provide a longer period for public discussion.
5. Incorporating the local enabling legislation into the building code provides a stronger structural foundation for enforcement.

Demolition Review Committee Review and Recommendation

On April 12, 2021, the DRC discussed proposed revisions to the Demolition Ordinance. Below is a summary of the proposed changes, which are prompted by the City Council's vote and informed by nearly three years of administration under the current Ordinance.

- Increase the current 50 year threshold to 75 years for the applicability of review by the DRC for buildings proposed for demolition;
- Revise the definition of demolition to be the removal of 25% or more of the exterior roof or walls of a structure;
- Increase the maximum 90 day delay period for demolition to 180 days;
- Allow the DRC to request advisory opinions from the Historic District Commission regarding the historical, cultural, or architectural significance of a structure;
- Require the party requesting a hearing to formally present their objection(s) to the DRC at the posted public hearing;
- If a structure is demolished without a permit require a public hearing and include a penalty of up to a 180 day delay, which may be reduced by the DRC for good cause or suitable mitigation;
- Require written notice of a demolition hearing be sent directly to abutters within 300 feet of a property;
- Modify the purpose of the ordinance to better align with the jurisdiction, purpose, and intent of the Ordinance as well as the roles and responsibilities of the DRC
- Relocate the Demolition Ordinance to the Building Code;
- Add a clause for appeals of any DRC decision to the Board of Adjustment; and

- Retain the current composition of the DRC.

Planning Board and Historic District Commission Recommendations

The Planning Board and Historic District Commission concur with the recommendations of the DRC with the following additional recommendations:

1. A detailed legal analysis should be conducted to ensure that the recommendations are in conformance with state law, case law, and best practices.
2. At minimum current regulations should be migrated to the building code.
3. Rather than extending the stay of demolition to 180 days, commence the 90-day demolition delay period from the date of the public hearing required under Section 14.205. Additionally, expanded notification procedures to abutters would serve the purpose of broadening public awareness of impending demolitions and it would provide opportunities to affected community members to gain photographic records, influence the property owner to consider other courses of action, and to consider alternatives to demolition.

Additionally, the Historic District Commission recommended that the following section of Chapter 14 Housing – Article II Demolition be amended as shown below.

Section 14.203 APPLICABILITY

The requirements of this Article shall apply to any demolition except:

- (1) *Demolition of a building or structure that has been granted a Certificate of Approval by the Historic District Commission. or has been approved for demolition in association with a project approved, following a public hearing, by either the Planning Board or the Board of Adjustment.*
- (2) *Demolition of any “dangerous building” that has been ordered to be demolished pursuant to Chapter 14, Article I, Section 14.109(C).*
- (3) *Minor demolition projects, as determined by the Code Official, that are not located in the Historic District, including but not limited to chimneys, decks, porches, steps, small outbuildings or other similar design features.*
- (4) *Removal of partial roof components for vertical expansion such as dormers or skylights on structures that are not located in the Historic District.*