



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE  
TUESDAY, October 10, 2023  
10:00 a.m.

Conference Room A  
City Hall Complex, 1 Junkins Avenue,  
Portsmouth, NH 03801

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

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1. Welcome and Call to Order
2. Roll Call
3. Review and approval of the Minutes from the August 7, 2023, and September 11, 2023, meetings
4. Old Business
  - a. City Council Draft Ethics and Transparency Policy
  - b. Sidewalk Policy – Historic District Commission Representative
  - c. Disclosures Policy – Administrative Ordinance Section 1.901
5. Public Comment
6. Announcements
  - a. Current Committee Schedule
    - Administrative Ordinance Section 1.901, Draft Ethics Policy, Sidewalk Policy, BR Conversions – October 23, 2023.
7. Adjournment

*\*Members of the public also have the option to join this meeting over Zoom using the link below:*

**Join Zoom Meeting**  
<https://us06web.zoom.us/j/85135633730>

**Meeting ID: 851 3563 3730**  
**Passcode: 794430**



**DRAFT**  
**10/4/2023**

## **CITY OF PORTSMOUTH**

CITY COUNCIL POLICY No. 2023 -

### **Ethics and Transparency Policy**

#### **1. Council Conflict of Interest Policy**

- 1.1** City Councilors should not exert undue influence on quasi-judicial board members in their official capacity, including speaking on issues before quasi-judicial boards that are not related to a direct abutter interest in the proposal.
- 1.2** Council members shall not attend other Councilor's committee meetings unless noticed in advance, or unless they were invited to participate as a guest, if their attendance might create a Council quorum.
- 1.3** Council members shall not vote on matters pertaining to their own personal reputational interest, including issues of Ethics and Conflict of Interest.
- 1.4** In order to preserve the public confidence in the ethical operation of the City Council, any Councilor who has a concern about a potential conflict of interest for him/her/themselves and the need for recusal, the Councilor shall:
  - Confer with the City Legal Department to seek a written opinion.
  - Share that opinion with the Council and the public before the questioned action is taken.
  - **If there is a question that arises during Council discussion, the Councilor shall request an opinion from the City Attorney prior to engaging in further discussion.**

#### **2. Transparency**

**The Council shall not meet unless the meeting is duly noticed (This includes without limitation meetings with legal counsel, which meetings are currently permitted to occur without notice to the public under NH law.)**

Should any conversation in nonpublic session be beyond the noticed scope of the meeting and requirements of law, any Councilor may raise a point of order during the course of the meeting of the digression.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on \_\_\_\_\_, 2023.

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Kelli L. Barnaby, CMC/CNHMC  
City Clerk

DRAFT



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2010 - 02

#### POLICY REGARDING SIDEWALKS AND DRIVEWAY APRONS

**WHEREAS**, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

**WHEREAS**, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies; and

**WHEREAS**, it is not desirable to have a patchwork of brick and concrete sidewalks, rather an entire block shall be treated uniformly.

**NOW THEREFORE**, the City Council adopts the following policy:

A. Whenever sidewalks within the Historic District are constructed, repaired or replaced in the City the following shall apply:

1. Sidewalks will be brick, except for the following streets which will be concrete:
  - a. Islington Street,
  - b. New Castle Avenue east of Marcy Street,
  - c. Middle Street and Lafayette Road south of Aldrich Road; and
  - d. All streets west of the easterly shore of the North Mill Pond, except for Nobles Island.

(All as shown on Exhibit A attached hereto.)

2. Where practicable, the excepted streets above shall have brick border. Practicable means consistent with American Disability Act requirements, rights-of-way availability, and other limitations.

B. The following streets outside the Historic District are currently brick and will be replaced with brick:

- a. Richards Avenue from Parrott Avenue to Middle Street;
- b. Austin Street from Middle Street to Summer Street;
- c. Cabot Street from end to end;
- d. State Steet from Union towards to the Historic District;
- e. Union Street from State Street to Islington Street;
- f. Mark Street; and
- g. Rogers Street with the exception of the abutting Middle School

Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be replaced as described in paragraph A (2).

~~Where a sidewalk for a particular block is located both within the Historic District and outside of the Historic District, the entire block shall be brick. I~~

~~B.C.~~ The preferred standard material for all other sidewalks will be concrete.

D. Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron. Deviations from asphalt are permitted upon approval of the Director of Public Works; any additional cost for an alternative treatment must be paid for by the property owner.

~~G.E.~~ The typical practice at corners is to wrap the brick around the corner to the next driveway.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **May 17, 2010.**  
Ratified by the Portsmouth City Council on January 17, 2012.  
Ratified by the Portsmouth City Council on January 13, 2014.  
Amended by the Portsmouth City Council on January 20, 2015.  
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.

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Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk



**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE  
DRAFT MEETING MINUTES  
MONDAY, AUGUST 7, 2023 – 10:00 a.m.  
Conference Room A  
City Hall Complex, 1 Junkins Avenue  
Portsmouth, NH 03801**

1. **Welcome and Call to Order** – 10:02 a.m.
2. **Roll Call** – Councilor Kate Cook, Councilor Vincent Lombardi, and Councilor John Tabor all present. Also present was Deputy City Manager Suzanne M. Woodland and Of Counsel Robert P. Sullivan.
3. **Review and Approval of Minutes** – Councilor Lombardi moved to approve the June 26 2023 minutes. Councilor Tabor seconded and all in favor. Committee members discussed an edit to the draft of the July 31, 2023 minutes. Councilor Tabor moved to approve the minutes as amended. Councilor Lombardi seconded. All in favor.
4. **Old Business**
  - a. **Sidewalk Policy**

A motion was made by Councilor Tabor to suspend the rules and move this matter forward in the agenda to accommodate the speaker. Seconded by Councilor Lombardi and all in favor. Councilor Cook provided a summary that the City Council referred the sidewalk policy to this committee for consideration. At the last meeting the Director of Public Works appeared and provided input.

Historic District Commission Member, David Adams, spoke regarding the HDC's current emphasis on pavers in driveways and other unit material. Pavers fit better aesthetically with the existing brick sidewalks in various areas in the HDC.

Councilor Cook posed the question about whether brick sidewalks should be required in front of historic homes outside of the HDC if the brick sidewalks currently exist there.

Councilor Tabor mentioned that Cabot and portions of State are outside the HDC but have historic homes.

David Adams prefers continuity of sidewalk material. Allowing homeowners to buy brick in front of their own residence presents inconsistent look and raises fairness issues. Discussion of how certain streets have changed in the last twenty years and different hardscapes. Discussion of change in hardscaping to achieve a better look.

Councilor Lombardi wondered why one side of Middle Street is brick and one is concrete. Discussion of a previous petition from residents to keep a whole block brick. Discussion of how brick sidewalks end rather abruptly in some areas.

Discussion of stone sidewalks that remain on Fleet Street, Washington Street and Marcy Street. Question and discussion as to whether they can be retained in some form when the sidewalk is rebuilt while still achieving ADA compliance.

Several questions were identified for follow up with public works.

**b. Sustainability Blue Ribbon Committee (SBC) Conversion Ordinance**

Motion by Lombardi to allow the SBC to move forward to the City Council with option 1 presented unless the survey being conducted by the SBC contradicts that and then the alternative presented by the SBC will move forward to the City Council. Seconded by Tabor. All in favor.

**c. Election Disclosures** -Governance Committee was satisfied with the current draft and it will move be brought back to the next meeting for possible vote and moving it forward to the City Council.

**d. City Council Preliminary Draft Ethics Policy**

The Governance Committee members discussed a draft. Attorney Sullivan will be working on additional and modified language to bring back to the next Governance Committee meeting.

**5. Public Comment**

Petra Huda (comments on sidewalk policy, SBC Ordinance draft, elections disclosure, and ethics policy draft).

Zolita Morgan (general comments on role of staff on committees, comments on communication between the City Council and administration).

**6. Announcements**

Next meeting is September 11, 2023 (start time may be delayed depending on September 11 ceremonies).

Councilor Lombardi moved to adjourn. Councilor Tabor seconded. All in favor. Meeting adjourned at 11:45 a.m.

Meeting Minutes prepared by

Suzanne Woodland, Deputy City Manager/Regulatory Counsel

Minutes Approved: \_\_\_\_\_



**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE  
DRAFT MEETING MINUTES  
MONDAY, SEPTEMBER 11, 2023 – 10:00 a.m.  
Conference Room A  
City Hall Complex, 1 Junkins Avenue  
Portsmouth, NH 03801**

1. **Welcome and Call to Order** – 10:00 a.m.
2. **Roll Call** – Councilor Kate Cook, Councilor Vincent Lombardi, and Councilor John Tabor all present. Also present was the Deputy City Manager, Suzanne Woodland.
3. **Review and Approval of Minutes from the March 27, 2023 meeting** – Councilor Lombardi moved to approve the March 27, 2023 minutes. Councilor Tabor seconded and all in favor.
4. **Old Business**
  - a. **Election Disclosures - Administrative Ordinance 1.902 and City Charter Section 3.8**

Councilor Cook reviewed the status and history of consideration. These changes will not go into effect for the current election cycle. Motion to move to City Council for review by Councilor Lombardi. Councilor Tabor seconded and all in favor.
  - b. **City Council Draft Ethics Policy**

Committee discussed the Ethics Policy draft. Legal to review current draft language with an emphasis towards transparency particularly as it relates to notice of City Council meetings, including meetings with legal counsel.

Discussion of potential whistleblower policy, specifically around conflict of interest and concerns regarding councilors acting as whistleblowers. The Deputy City Manager will discuss with Legal.
  - c. **Sidewalk Policy**

The Committee reviewed the draft sidewalk and driveway aprons policy in regard to the use of bricks vs concrete outside of the HDC. The Deputy City Manager will obtain more information from the DPW and will report her findings and provide an updated draft at the next meeting.



**5. New Business**

**a. Disclosures Policy – Administrative Ordinance 1.901**

The Committee discussed possible ordinance changes to improve disclosure requirements for elected officials. Improvements would include better reporting of financial interests as well as disclosure regarding affiliations / roles of a fiduciary nature with local organizations. The purpose of the additional disclosure requirements is to better identify conflicts of interest. The Deputy City Manager will provide best practice language obtained from other municipalities and will present at the next meeting and obtain draft language from the legal department.

**b. BR Conversions – Outstanding potential blue ribbon committee conversions: African Burying Ground Stewardship Committee, Portsmouth Energy Advisory Committee, Citywide Neighborhood Committee, and Sister Cities Blue Ribbon Committee.**

The African Burying Ground Stewardship Committee does not have a consensus to move forward with the conversation and the Sister Cities Blue Ribbon Committee has not recently met. Councilor Cook has made a request to the Citywide Neighborhood Committee to consider whether they would like an ordinance adopted to reflect their practice and the Portsmouth Energy Advisory Committee findings will be discussed at the next meeting.

**6. Public Comment**

**a. Petra Huda attended in person and commented on the Election Disclosure, Ethics Policy Disclosure and Sidewalk Policy.**

**7. Announcements**

**a. Current Committee Schedule**

- Administrative Ordinance Section 1.901, Draft Ethics Policy, Sidewalk Policy, BR Conversions – October 10, 2023.

**8. Adjournment**

Next meeting is October 10, 2023.

Councilor Tabor moved to adjourn. Councilor Lombardi seconded. All in favor. Meeting adjourned at 11:50 a.m.

Meeting Minutes prepared by

Suzanne Woodland, Deputy City Manager/Regulatory Counsel

Minutes Approved: \_\_\_\_\_