

TO: KAREN CONARD, CITY MANAGER
FROM: KELLI L. BARNABY, CITY CLERK
RE: ACTIONS TAKEN AT THE PORTSMOUTH CITY COUNCIL MEETING HELD IN THE EILEEN DONDERO FOLEY COUNCIL CHAMBERS ON MONDAY, APRIL 3, 2023
PRESENT: MAYOR McEACHERN, ASSISTANT MAYOR KELLEY, COUNCILORS TABOR, DENTON, MOREAU, BAGLEY, LOMBARDI, BLALOCK AND COOK

1. On a unanimous voice vote 9-0, **voted** to close the Non-Public Session and seal the minutes.
2. Proclamation – Volunteer Appreciation Month – Mayor McEachern read the Proclamation declaring April as Volunteer Appreciation Month and urged all citizens to celebrate the essential contributions of citizen volunteers to the past, present, and future of Portsmouth.
3. Proclamation Sexual Assault Awareness Month – Assistant Mayor Kelley read the Proclamation that declared April as Sexual Assault Awareness Month in Portsmouth and called upon the residents to learn more about this problem, the help available to victims and how to be part of the solution to ending this tragedy.
4. Acceptance of Minutes – February 6, 2023; February 21, 2023; March 6, 2023 and March 20, 2023 – **Voted** to accept and approve the minutes of the February 6, 2023; February 21, 2023; March 6, 2023 and March 20, 2023 City Council meetings.
5. Recognitions and Volunteer Committee Reports – Mortimer Scholarship Funds – Mayor McEachern recognized William “Bill” Mortimer for his years of service to this community, and the generous gift recently received from his family. He spoke to the two Scholarship funds administered by the Trustees of Trust Funds, The William and Irene Mortimer Scholarships. He reported that the Trustees received a bequest from Bill’s estate of nearly \$912,000.00. Mayor McEachern said we hope that Bill’s record of service and generosity of spirit will inspire others to give to the scholarship funds.
6. Recognitions and Volunteer Committee Reports - Great Bay Community College Men’s Basketball Team – United States Collegiate Athletic Association Final Four Appearance – Mayor McEachern recognized the achievement of Great Bay Community College’s Men’s Basketball Team, for having their best season in program history. He stated after making it to the conference finals, they finished the season winning 22 games, and then moved on to a national tournament run and into the Final Four of the United States Collegiate Athletic Association (USCAA). Mayor McEachern acknowledged Theodore Wolfe who was named to the USCAA All-Academic Team, and Kingsley Breen named to the USCAA All American 2nd team, and both were named YSCC All Conference players. He stated the season continued to produce firsts in program history for the Herons as Alex Burt was voted USCAA National Coach of the Year! He said it is truly a shining example of the quality of our Community College here in Portsmouth.

Cheryl Lesser, President of GBCC, addressed the City Council and said this is a history making event and the college rallied around the team. She expressed that these students are all role models for working together.

Coach Burt said the team strengthen the bond and relationships on the floor and at the school.

7. Public Comment Session – There were 12 speakers: Irish Mike (Childrens Safety); Sue Sterry (Flash Vote); Dave Cosgrove, Amy Mae Court (Skateboard Park Bond Authorization); Rich DiPentima (Train Safety); Liza Hewitt (ADU Public Hearing); Petra Huda (ADU's/Community Power); Jim Hewitt (Workforce Housing Covenant); Esther Kennedy (ADU's/Housing); Paige Trace (Portsmouth); Francis Cormier (What Does Democracy Look Like?) and Julia Sinelnikova, *via zoom* (PortsmouthNH400 Sculpture for Bohenko Gateway Park).
8. **Voted** to suspend the rules to bring forward Item XIII. C. – Letter from Julia Sinelnikova regarding PNH400 artwork.
9. **Voted** to suspend the rules to allow Valerie Rochon, Managing Director, Portsmouth NH 400th, Inc., to speak regarding the Legacy Pillar team who worked with the City to create a sculpture garden in Bohenko Gateway Park, with the first sculpture commemorating the 400th Anniversary. Managing Director Rochon provided a thorough review of the process. She reported that the Review Team reviewed all 47 proposals from 35 artists and evaluated them based on the criteria outlined in the RFP. She stated that seven artists were interviewed and were asked for additional information. Managing Director Rochon said Sijia Chen was the artist selected and her concept rose to the top in all categories. She then read a statement from Ms. Chen regarding her sculpture *Endeavor* based on Portsmouth's maritime history and culture, which she researched extensively.
10. Letter from Julia Sinelnikova regarding PNH400 artwork – **Voted** to place on file.
11. **Voted** to suspend the rules to bring forward Item XVII. 1. – McIntyre Update.
12. City Manager's Informational Item 1. – McIntyre Update – City Manager Conard reported that staff had a zoom conversation with the GSA this afternoon. She read the message provided by the GSA which provided a decision regarding the City's efforts to acquire the Thomas J. McIntyre Federal Building through the Historic Monument public benefit conveyance program sponsored by the National Park Service.

"Pursuant to the License Agreement executed between GSA and the City of Portsmouth on January 11, 2023, and due the City's failure to submit an application to the National Park Service to acquire the property through the Historic Monument public benefit conveyance program by the established deadline, GSA will no longer support this conveyance option. The GSA intends to move forward with the disposal of the property through a sale alternative. We look forward to discussing the sale process with you in the coming days."

City Attorney Morrell stated that the City Manager inquires of the City Council a vote to continue discussing the McIntyre Property with the GSA.
13. McIntyre - **Voted** to authorize the City Manager to discuss a negotiated sale with the GSA. Councilor Bagley voted opposed.
14. First reading of Ordinance amending Chapter 1, Article IV, Section 1.411 – Cemetery Committee – Membership and Term – **Voted** to pass first reading and schedule a public hearing and second reading at the April 17, 2023 City Council meeting.

15. Public Hearing/Second reading of Ordinance amending Chapter 10 – Accessory Dwelling Unit, Section 10.43- - Use Regulations, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 10.814 – Accessory Dwelling Units, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, Article 15 – Definitions – Section 10.1530 – Terms of General Applicability – **Voted** to postpone public hearing and second reading and schedule a Work Session for April 10, 2023. Further, for report back from the Legal Department regarding amendments to be considered at the City Council meeting of April 17, 2023.
16. Request for Public Hearing Regarding Skateboard Park Additional Bond Authorization – **Voted** to hold a public hearing on additional bonding for the Skateboard Park, include the Base Bid and Alternate 2 in the amount of \$1,083,500.00.
17. **Voted** to suspend the rules to bring forward Items XVI. A. - Approval of Donation to the Fire Department from Shirley Van Aken for use at the Fire Department's Discretion - \$100.00 and XVI. B. - Acceptance of Assistance to Firefighters Grant - \$333,294.54.
18. Approval of Donation to the Fire Department from Shirley Van Aken for use at the Fire Department's Discretion - \$100.00 – **Voted** to approve and accept the donation as presented.
19. Acceptance of Assistance to Firefighters Grant - \$333,294.54 – **Voted** to approve and accept the grant as presented.
20. License Agreement for Seacoast Eat Local/Farmers' Market 2023 – **Voted** to authorize the City Manager to execute the License Agreement as presented, allowing Seacoast Eat Local to operate a Farmers' Market at the Municipal Complex on Saturdays from May 6, 2023 through November 4, 2023, and that the City Manager is further authorized to negotiate and execute any amendment to the Agreement that she deems consistent with its purpose.
21. Acceptance of Easement for 170 Union Street – **Voted** to authorize the City Manager to accept and record an access easement for water services in substantially similar form to the easement deed from LSCG, LLC contained in the agenda packet.
22. Acceptance of Easements for 160 Court Street – **Voted** to authorize the City Manager to accept and record sewer line easement in substantially similar form to the easement deed from Portsmouth Housing Authority contained in the agenda packet.
23. Acceptance of Easements for 2454 Lafayette Road – **Voted** to authorize the City Manager to accept and record a Community Space Easement and a Workforce Housing Covenant in substantially similar form to the easement deeds from 2422 Lafayette Road Associates LLC contained in the agenda packet and subject to Councilor Moreau's corrections. Assistant Mayor Kelley voted opposed.
24. Acceptance of Easement for 201 Kearsarge Way – **Voted** to authorize the City Manager to accept and record an access easement in substantially similar form to the easement deed from Richard Fusegni contained in the agenda packet.
25. Acceptance of Easements and License for 444 Borthwick Avenue – **Voted** to authorize the City Manager to accept and record a stormwater easement, and grant a sidewalk maintenance license in substantially similar form to the easement deed and the License Agreement from HCA Realty, Inc. contained in the agenda packet.

26. Finalization of Easements and a License Amendment for West End Yards – **Voted** to authorize the City Manager to accept and record the multiple deeds and license amendment in substantially similar form as set forth in the memorandum from Attorney Ferrini.
27. Consent Agenda – **Voted** to adopt the Consent Agenda.
- A. Letter from Katie Johnson, Yoga in Action, requesting permission to use the Whale Statue lawn in Prescott Park for a one-hour class each Tuesday at Noon from June through August (**Anticipated action – move to refer to the City Manager with Authority to Act**)
 - B. Letter from Richard Mason, Veterans Count, requesting permission to hold the Pack & Boots 5K Road Race at the Pease Tradeport on Tuesday, July 4, 2023 at 8:00 a.m. (**Anticipated action - move to refer to the City Manager with Authority to Act**)
 - C. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 18th Annual Seacoast Half Marathon on Sunday, October 29, 2023 (**Anticipated action - move to refer to the City Manager with Authority to Act**)
28. Email Correspondence – **Voted** to accept and place on file.
29. Letter from Maggie Walsh, YMCA of the Seacoast, requesting permission to hold a 5K Fun Run on Saturday, June 24, 2023 – **Voted** to refer to the City Manager with Authority to Act.
30. Appointments to be Voted - Voted to appoint Ernest Carrier as an Alternate to the Planning Board until December 31, 2024; reappointment of Daniel Main to the Portsmouth Housing Authority until April 1, 2028; reappointments of Jacqueline Cali-Pitts, Richard Duddy and Lauren Krans to the Recreation Board until April 1, 2026; appointments of Jessica Blasko and John Patrick Carty to the Blue Ribbon Sustainability Committee; appointment of Jeffrey Mattson until December 1, 2024; ML Geffert as an Alternate until December 1, 2027; and Jody Record as an Alternate to the Zoning Board of Adjustment until December 1, 2023.
31. Request for Update on the Public Engagement Report of July 22, 2022 and consideration of further public processes – **Voted** to request an update on the Public Engagement Report of July 22, 2022.
32. Parking & Traffic Safety Committee Action Sheet and Minutes of the March 15, 2023 meeting – **Voted** to approve and accept the action sheet and minutes of the March 15, 2023 Parking & Traffic Safety Committee meeting.
33. City Council Donation Policy – **Voted** to postpone consideration of the Policy until the May 1, 2023 City Council meeting.
34. Acceptance of State Aid Grant Award (SAG) Peirce Island WWTF Upgrade – **Voted** to approve and accept the State Aid Grant in the amount of \$35,031,456.00 payable over 30 years pursuant to amortization schedule.

35. Acceptance of 2023 Local Source Water Protection Program Grant – **Voted** to authorize the City Manager to enter into a Grant Agreement with the State of New Hampshire Department of Environmental Services to accept up to \$25,000.00 from the NHDES Local Source Water Protection Program to assist with the purchase of a conservation easement on a parcel adjacent to the Bellamy Reservoir.
36. Approval of Donation from Piscataqua Savings Bank for lunch as part of Student Government Day – **Voted** to accept the donation not to exceed \$1,000.00 for lunches as part of Student Government Day for the students, staff and City Council participating in the day.
37. Acceptance of InvestNH Municipal Demolition Grant Program - \$125,600.00 – **Voted** to approve and accept the Grant as presented.
38. City Manager's Informational Items – Rail Car Safety Update – Councilor Moreau requested that the current plan be placed on the website for the public to review.
39. City Manager's Informational Items – Household Hazardous Waste Collection Day – Mayor McEachern announced that Household Hazardous Waste Collection Day will be held on April 29, 2023.
40. Request for Work Session Regarding Indoor Sports Complex/Ice Rink – City Manager Conard reported we would move forward with the RFP process and then schedule a Work Session.
41. Miscellaneous Business Including Business Remaining Unfinished At Previous Meeting – Councilor Moreau announced that the first Tuesday of every month a meeting is held in the Levenson Room at the Library regarding the Air Show for the PortsmouthNH 400th Celebration.
- Councilor Blalock reported that Little League started today and urged residents to support the teams.
- City Manager Conard reminded the City Council that students will be shadowing the Council and staff and sitting up at the dais during the April 17, 2023 City Council meeting.
- Councilor Tabor reported that letters regarding community power will be going out in May and we anticipate going live in June.
42. Adjournment – At 10:20 p.m., **voted** to adjourn.

Submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk