

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JUNE 20, 2023 TIME: 6:00PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser

https://us06web.zoom.us/webinar/register/WN_aRkzW5t7Q6-XYx7GpS3vGg

6:00PM - ANTICIPATED NON-PUBLIC SESSIONS ARE BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT – 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**

PROCLAMATION

1. *Golden Rule “Sailboat of Peace”

- VII. **ACCEPTANCE OF MINUTES – MAY 1, 2023**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- 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 ORDINANCES AND/OR RESOLUTIONS**

Public Hearing/Second Reading of Ordinance:

- A. Public Hearing/Second reading of Ordinance amending Chapter 4, Article I – Food Licensing and Regulations, Section 4.101 – Adoption of the FDA 2022 Food Code, Section 4.102 – Amendments, Additions and Deletions to Food Code, Section 4.103 – Adoption of Specific Parts He-P 2300, as amended, and Section 4.107 – Term of License (**Sample motion – move to pass second reading and hold third and final reading at the July 10, 2023 City Council meeting**)
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Request for First Reading for Annual Omnibus Ordinance Change
2. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY24
3. Right of Way Easement Deed for Property Located at the Intersection of Sagamore Grove Road and Sagamore Avenue
4. Bellamy Source Protection Easement for the Fernald Property

XII. CONSENT AGENDA

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

- A. Request from Edward Szczepanik, EAD Woodwork, LLC, to install a Projecting Sign at 15 Penhallow Street Unit 2 ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- B. Request from James Reynolds, Salt Salon, to install a Projecting Sign at 28 Deer Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and***

- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- C. Letter from Jonathan Day, Portsmouth Halloween Parade, requesting permission to hold the 28th Portsmouth Halloween Parade on Tuesday, October 31, 2023
(Anticipated action – move to refer to the City Manager with Authority to Act)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation by the Portsmouth Housing Authority Regarding Preliminary Study of Sherburne School Workforce Housing at 35 Sherburne Road
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***
- C. Letter from Tina Sawtelle, The Music Hall, requesting permission for the closure of Chestnut Street on Saturday, July 8, 2023 for “Dan Brown’s Wild Symphony” ***(Sample motion – move to refer to the City Manager with Authority to Act)***
- D. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold a Charity Pickleball Tournament at Community Campus on Saturday, September 16, 2023, from 8:00 a.m. to 5:00 p.m. ***(Sample motion – move to refer to the City Manager with Authority to Act)***
- E. Letter from Mark Lefebvre, Pinetree Institute, requesting permission to deliver services within the city at a designated parking space for 2 hours per week ***(Sample motion – move to refer to the City Manager with Authority to Act)***

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
 - James Hewitt to the Safe Water Advisory Group (SWAG)
2. *Appointments to be Voted:
 - Appointment of Linnea Grim to the Arts and Nonprofits Committee, President & CEO of Strawberry Banke Museum Representative
 - Reappointment of Jessica Blasko to the Conservation Commission
 - Appointment of Adam Fitzpatrick to the Conservation Commission
 - Reappointment of Abigail Gindele to the Conservation Commission as an Alternate
 - Reappointment of Barbara McMillan to the Conservation Commission
 - Reappointment of Allison Tanner to the Conservation Commission
 - Reappointment of Lynn Vaccaro to the Conservation Commission
 - Appointment of Linnea Grim to the Prescott Park Master Plan Implementation Blue Ribbon Committee

XV. CITY COUNCIL MEMBERS

A. COUNCILOR MOREAU

1. Update on Sculpture Design at Bohenko Gateway Park

B. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 1, 2023 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the June 1, 2023 Parking & Traffic Safety Committee***)
2. Request for First Reading regarding Amendment to Chapter 7, Article VI – LOADING ZONES, Section 7.601 – **LIMITED HOURS LOADING ZONES** (***Sample motion – move to schedule first reading of Chapter 7, Article VI – LOADING ZONES, Section 7.601 – LIMITED HOURS LOADING ZONES at the July 10, 2023 City Council meeting***)
3. A PTS Action item from the June 1, 2023 meeting also includes an amendment to Chapter 7, Article X – Towing, Section 7.1004 that increases the amount of outstanding fines that trigger the boot and tow penalty from \$150 to \$250.

Request for First Reading regarding Amendment to Chapter 7, Article X – TOWING, Section 7.1004 – **TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES** (***Sample motion – move to schedule first reading of Chapter 7, Article X – TOWING, Section 7.1004 – TOWING OR IMMOBILIZATION OF MOTOR VEHICLES FOR NON-PAYMENT OF PARKING FINES at the July 10, 2023 City Council meeting***)

C. COUNCILOR COOK

1. Updates for Administrative Code (***Sample motion – move to request first reading at the July 10, 2023 City Council meeting of changes proposed by the Governance Committee to our Administrative Ordinance, Chapter 1, Articles III and IV. The Governance Committee is submitting these changes to update the language of the ordinance to be gender appropriate, and to require that each committee appoint a Chair annually at their first January meeting. These changes are expected to bring our ordinance in line with current practice***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Lead Service Line Sampling Plan and Replacement Plan Grant Program for Portsmouth Water Works and Pease Tradeport - \$75,000.00 (***Sample motion – move 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 \$75,000 from the Lead Service Line Sampling Plan and Replacement Plan Grant program. This Funding will be used for data mining and for the development of a service line inventory in Portsmouth that will meet the regulatory requirements associated with the EPA Revised Lead Copper Rule***)
- B. Acceptance of Grant from Homeland Security for the Police Department – \$31,819.70 (***Sample motion – move to approve and accept the grant as presented***)
- C. Acceptance of Victims of Crime Act (VOCA) Grant for the Police Department - \$24,759.00 (***Sample motion – move to approve and accept the grant as presented***)
- D. Acceptance of Donation for the Police Department of Various In-Kind Items (***Sample motion – move to approve and accept the donations as presented***)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Update on FlashVote
2. Amendment to Pedestrian Crossing Plan for 147 Congress Street Temporary Construction License
3. Prescott Park Public Forum Area
4. *PDA Update

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: June 15, 2023

To: Honorable Mayor McEachern and City Council Members

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

Re: City Manager's Comments on City Council Agenda of June 20, 2023

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

A. **Public Hearing and Second Reading of Ordinance Amending Chapter 4, Article I – Food Licensing and Regulations, Section 4.101 – Adoption of the FDA 2022 Food Code, Section 4.102 – Amendments, Additions and Deletions to Food Code, Section 4.103 – Adoption of Specific Parts He-P 2300, as Amended, and Section 4.107 – Term of License:**

The City's Food Licensing and Regulations Ordinance, Chapter 4, (aka the City's Food Code Ordinance) was last amended in late 2017. At that time, the City Council adopted amendments to our Food Code Ordinance (Chapter 4) by adopting the 2009 version of the FDA Food Code with local amendments, along with portions of the NH Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Food, with local amendments.

The [proposed amendments to Chapter 4](#) include the adoption of the recently released 2022 version of the FDA Food Code with local amendments. Adopting the most recent version of the 2022 FDA Food Code is necessary in order to maintain the "uniform system of provisions that address the safety and protection of food offered at retail and in food service" (FDA.gov). The amendments to Chapter 4 also include adding definitions and other sections of He-P 2300 that specifically apply to food processing/food manufacturing plants.

The adoption of both these updated codes, along with our local amendments, is necessary for our Retail Food program and our Manufactured Food program to align with our State regulatory partners for regulatory consistency. Additionally, adopting the updated codes will allow us to take advantage of newer, more efficient food service inspection software.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the July 10th City Council meeting.

XI. City Manager's Items Which Require Action:

1. Request for First Reading for Annual Omnibus Ordinance Change:

Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee to be presented to the City Council. This year's omnibus changes are detailed on the attached sheets, and address changes to one-way streets, taxicab stands, and speed limits.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article I, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 3-4 months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration. If adopted, the following sections of the ordinance would be amended: Chapter 7, Article III, Traffic Ordinance, Section 7.336A, One-Way Streets; Chapter 7, Article IVA, Bus Stops and Taxicab Stands, Section 7A.408, Taxi Stands Designated; and Chapter 7, Article XI, Speed Limits, Section 7.1100E, Speed Limit 25MPH.

The attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's consideration summarize the temporary regulations implemented by the Parking and Traffic Safety Committee over the past 12 months.

I recommend that the City Council move to schedule first reading at the July 10, 2023 City Council meeting.

2. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY24:

I am requesting that the City Council establish a Public Hearing on each of the proposed Bonding Resolutions for the July 10, 2023 City Council meeting for projects identified to begin in FY24 (respective Resolutions and CIP element sheets are attached).

GENERAL FUND

Various City Projects - \$17,350,000

a. [Police Station Upgrades - \\$400,000](#)

This funding will address identified Police Department building safety concerns and building projects.

b. [Land Acquisition - \\$500,000](#)

This project funds the purchase of land that has been determined to be protected for conservation and recreation. Ownership is usually sought to secure environmentally sensitive areas to purchase the development rights to a particular parcel, or for some municipal use. Protection may also be provided through the purchase of development rights by way of conservation easements and/or restrictions. Funds can be used as match for leverage on existing grant programs and to support and supplement the City's existing Conservation Fund. Acquisition of land is consistent with the goals and visions stated in the City Master Plan and Open Space Plan.

c. [Outdoor Pool Upgrades - \\$1,500,000](#)

This project will be constructed in several phases. The first phase will include upgrades to the pool filter, liner, and pump house. This first phase was bid but exceeded available funds. The FY24 request is for the required additional monies to cover that first phase of the project. The second phase will include the construction of a new pool house. FY28 funds will be sought for the design of the updated pool house with projected construction in FY29.

d. [Citywide Facilities Capital Improvements - \\$500,000](#)

This project funds projects that maintain City facilities.

e. [Elwyn Park Sidewalks Traffic Calming - \\$1,500,000](#)

This project will provide safe pedestrian connections and traffic calming throughout the Elwyn Park Neighborhood. A feasibility study has been completed using prior year capital funding which identified priority streets within the neighborhood for the addition of sidewalks and recommended traffic calming measures.

f. [Borthwick Avenue Bike Path - \\$400,000](#)

This funding will construct a new multi-use path along Borthwick Avenue. This path would start at the Route 1 Bypass intersection with Borthwick Avenue/Hodgdon Way and travel approximately 2400' along Borthwick Avenue toward Portsmouth Regional Hospital to connect the existing sidewalk and bike routes that currently end at the intersection of Eileen Dondero Foley Avenue. This path would thus finish the

pedestrian link on Borthwick Avenue and connect the West End to the planned rail trail.

g. [Sagamore Avenue Sidewalk - \\$300,000](#)

This project will construct a sidewalk along Sagamore Avenue from Odiorne Point Road to the old Moose Club access road.

h. [Citywide Sidewalk Reconstruction Program - \\$800,000](#)

The Public Works Department completed a conditional sidewalk assessment of City maintained sidewalks. The assessment contains detailed information on 74 miles of sidewalk. These sidewalks are not included in parks, fields and other City maintained facilities. The results give staff a clear depiction of the overall conditions. This project consists of sidewalks identified as poor to fair condition. Reconstruction work is based on need, and is coordinated with other street and utility improvement projects.

i. [Street Paving Management and Rehabilitation - \\$4,000,000](#)

The Pavement Condition Management Program started in 1993. An annual report updating the City's pavement management system is completed as part of this program. City road conditions are evaluated, the road network conditions and budget requirements are analyzed, and road-paving programs are developed. The report provides funding recommendations to maintain street conditions at current levels. These are capital costs, and are implemented over a two-year period with an expected life of 20 years. The operational budget includes maintenance costs with an expected life of 10 years.

j. [Pease Tradeport Street Rehabilitation - \\$3,200,000](#)

Per the Municipal Services Agreement between the City of Portsmouth and Pease Development Authority, the City provides public work services in the non-airfield area of the Pease International Tradeport. Services include maintaining and repairing roads, streets, bridges and sidewalks. FY24 funding will complete Corporate Drive.

k. [Edmond Avenue Upgrades - \\$1,050,000](#)

This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low-pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety. As such, an additional \$550,000 was added to the project during the FY24 budget process.

1. [Islington Street Improvements - \\$2,500,000](#)

This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years' funding. Phase 2b (from Cornwall Street to Maplewood Avenue) requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City's Long Term Control Plan.

m. [Union Street Reconstruction - \\$700,000](#)

This project is part of the City's ongoing Combined Sewer Overflow (CSO) Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. Additional sewer funding will be used from the previous years' CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

School Capital Projects – (\$2,350,000 New + \$1,500,000 Repurposed = \$3,850,000)

a. [School Facilities Capital Improvements - \\$550,000](#)

The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. These appropriations are used for buildings and grounds improvement projects including paving, roofing, energy efficiency improvements, infrastructure replacement, and security improvements.

b. [Fit-Up of Community Campus Space for RJ Lister Academy - \\$1,800,000 New Bonding and \\$1,500,000 of Repurposed Funds](#)

The City's acquisition of the Community Campus property made space available to relocate Robert J Lister Academy from the aging Sherburne School. Space on the lower level of Community Campus formerly occupied by Families First will provide a suitable location for the Lister Academy program. Fit-up of that square footage will require renovation of many small clinical rooms and offices into appropriately sized school classrooms and program spaces.

In addition to seeking new money, the City seeks to repurpose \$1,500,000 originally authorized for Elementary School Facilities to support the fit-up of Community Campus Space for RJ Lister Academy.

PARKING FUND

Parking Funds Projects - \$1,250,000

a. [Foundry Place Parking Offices - \\$1,250,000](#)

This is a revamp of project FY19 #BI-19-PW-40: Foundry Garage Parking Offices. That project was put on hold in 2018 until the use of the garage could be reexamined after opening. The garage has been in use for some time now and this project would address the buildout of the 4500 sf of office space to accommodate the Parking Division's three groups of employees in one location. The cost of the project bonding will be covered by parking revenues only; no general fund monies (including property taxes) will be used for this project.

WATER FUND

FY24 Water Projects - \$9,276,500

a. [Annual Water Line Replacement - \\$1,000,000](#)

The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their useful life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes.

b. [New Groundwater Source - \\$2,000,000](#)

This project consists of constructing, permitting and connecting a new groundwater supply well, adjacent to the existing Collins Well, into the Portsmouth water system. This project is important to ensure long-term sustainability of the water supply.

c. [Greenland Well Treatment - \\$2,500,000](#)

This project involves installing groundwater treatment at the Greenland Well to address potential PFAS regulations soon to be established by the EPA.

d. [Dover Water Emergency Interconnection - \\$1,726,500](#)

The Cities of Portsmouth and Dover have been working for a number of years to create an interconnection between their two water systems across the soon to be replaced General Sullivan Bridge. This interconnection would link four communities to the north of the bridge and eight communities to the south. The bridge is currently in design with construction set to begin in late 2023. Costs would be split between the two cities. Due to the importance of

this connection for emergency purposes, the New Hampshire Drinking Water and Groundwater Trust approved \$223,000 of funding to cover the design costs. Representative Pappas also included this project in recent congressional funding

earmarks totaling \$3,452,972, which would cover 50% of the anticipated project costs. The other 50% would be split between the two communities. However, we will continue to seek state funding assistance due to the regional benefit of this project.

e. [Edmond Avenue - \\$500,000](#)

This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety. As such, an additional \$550,000 was added to the project during the FY24 budget process.

f. [Islington Street Improvements - \\$850,000](#)

This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years' funding. Phase 2b (from Cornwall Street to Maplewood Avenue) requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City's Long Term Control Plan.

g. [Union Street Reconstruction - \\$700,000](#)

This project is part of the City's ongoing Combined Sewer Overflow (CSO) Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. Additional sewer funding will be used from the previous years' CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

SEWER FUND

FY24 Sewer Projects - \$6,915,000

a. [Annual Sewer Line Replacement - \\$1,000,000](#)

The wastewater collection system consists of more than 120 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their useful life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes.

b. [Long Term Control Related Projects - \\$300,000](#)

The City has a combined sewer collection system and is required by the Environmental Protection Agency to implement a Long Term Control Plan to reduce and otherwise mitigate combined sewer overflows. The City is moving forward with a Supplemental Compliance Plan (SCP) that stipulates sewer separation projects to be constructed. The SCP sewer separation projects are funded under other items. This project includes the costs for study, design and construction of other Long Term Control Plan projects, such as a Long Term Control Plan Update, infiltration and inflow identification and removal, sump pump removal programs, and other mitigations projects.

c. [Woodbury Avenue Sewer Separation - \\$250,000](#)

This funding allows for the construction of drainage infrastructure on Woodbury Avenue from Farm Lane to Rockingham Avenue. This project will remove catch basins along Woodbury Avenue that are currently connected to the sewer. A new drainage outfall will be constructed at Rockingham Avenue. This work will be coordinated with the repaving of Woodbury Avenue.

d. [Sewer Service for Sagamore Avenue Sewer Extension - \\$365,000](#)

This request is to allow a continuation of the Sagamore Avenue Sewer Extension Project. This water quality project facilitates the removal of septic systems from an environmentally sensitive area of the City. The project is in the next phase in converting existing septic systems to pumped sewer connections.

e. [Fleet Street Utilities Upgrades/Streetscape - \\$2,000,000](#)

The City is moving forward with a sewer separation project on Fleet Street. It is required through the City's Long Term Control Plan and Supplemental Compliance Plan. The project includes water, sewer, drainage upgrades along with full streetscape rework and other pedestrian enhancements. Funding for this work will come from the Water and Sewer Enterprise Funds and the General Fund. Given the scope of this project, it will need to be completed in phases. The FY24 funding is for construction of a new drain line from Hanover Street to the North Mill Pond. Phase 2 will be from Fleet Street from Hanover Street to Court Street as well as a potential expansion of the project limits as determined during the design. The expansion could include portions of Congress Street, State Street and Vaughan Mall. The Downtown Aerial Utilities Underground (BI 21 PW 43) project is funded to bury the Fleet Street overhead utilities. The Market Square Upgrade project (TSM-15-PW-61) will be coordinated with this project.

f. [Edmond Avenue Improvements - \\$200,000](#)

This project includes reconstruction of a section of water line on Edmond Avenue and McGee Drive. Work will include replacement of the water main, a low-pressure sewer near Maplewood Avenue and drainage improvements along the roadway. In

addition, residents have requested installation of a sidewalk along Edmond Avenue to improve pedestrian safety. As such, an additional \$550,000 was added to the project during the FY24 budget process.

g. [Islington Street Improvements - \\$2,100,000](#)

This project funds work related to reconstruction on Islington Street. Phase 1 was completed in FY23 with previous year funding and included work from the Route 1 Bypass to Dover Street. Construction bids for Phase 2 were received in the fall of 2022 and Phase 2a from Dover Street to Cornwall Street has been awarded for construction with previous years funding. Phase 2b (from Cornwall Street to Maplewood Avenue) requires additional funding and is requested in FY24. Funding for this work will come from the water and sewer enterprise funds and the general fund. This project will include sewer separation and credit will be provided under the City's Long Term Control Plan.

h. [Union Street Reconstruction - \\$700,000](#)

This project is part of the City's ongoing Combined Sewer Overflow (CSO) Long Term Control Plan in accordance with the EPA Supplemental Compliance Plan. The project includes water, sewer, drainage and streetscape modifications on Union Street from Middle Street to State Street. Additional sewer funding will be used from the previous years' CIP sewer project (EF-17-SD-95 Union Street Reconstruction).

I recommend the City Council move to authorize the City Manager to bring back for Public Hearing and Adoption, the various proposed CIP projects to be bonded, as presented, for the July 10, 2023 City Council meeting. (Please note that Bonding Resolutions require a Public Hearing and Adoption by two-thirds roll-call vote).

3. **Right of Way Easement Deed for Property Located at the Intersection of Sagamore Grove and Sagamore Avenue:**

On January 27, 2022, the Portsmouth Planning Board granted Site Plan Approval to demolish the existing mixed-use structure and construct a 6-unit residential structure totaling 21,066 square feet of gross floor area, 21 parking spaces as well as associated utilities, lighting, landscaping, and site improvements. Said property is shown on Assessor Map 201 Lot 2 and is located in the Mixed Residential Business (MRB) district.

Subsequent to the approval, City staff identified that the existing Sagamore Grove right of way, as articulated in the exiting Easement Deed, does not include approximately 124 square feet of the new, proposed roadway approved on January 27, 2022. Therefore, on June 16, 2022, the Planning Board voted to recommend the City Council accept a right of way easement incorporating this additional section of proposed roadway into the City's existing right of way known as Sagamore Grove. [The enclosed easement deed](#) would incorporate this section of proposed roadway into the City's existing Sagamore Grove right of way. [The attached drawing](#) depicts the area to be added to the right of way.

Adoption of [the enclosed easement](#) will allow for public access and city maintenance of the road.

The Department of Public Works and Planning Department recommend acceptance of this additional section of right of way. The Legal Department has reviewed the enclosed easement deed for form.

I recommend that the City Council move to authorize the City Manager to accept and record a right of way easement deed in substantially similar form to the easement deed from Sagamore Corner, LLC contained in the agenda packet.

4. **Bellamy Source Protection Easement for the Fernald Property:**

The City's Water Division has been actively identifying and protecting properties adjacent to the City's surface water supply, the Bellamy Reservoir ([see attached map](#)). The City has partnered with Southeast Land Trust (SELT) for the negotiation, due diligence, and the preparation of a conservation easement on an approximately 45-acre portion of the Property owned by Jodi Fernald (heir of deceased owners, David and Sheila Fernald), 'Fernald Parcel' on the attached map, in order to benefit the protection of the City's primary water supply. In June 2023, a purchase and sale agreement for this conservation easement was executed. This agreement is contingent upon City Council approval, City Council authorization of funds, easement boundary survey, finalizing easement documents, and an environmental site assessment.

The Property was appraised by Stark & Webster Valuations, LLC in June 2022. A conceptual build-out analysis was also performed to assist with the valuation. This analysis resulted in the development potential for seven house lots on the property. The estimated value of the whole parcel without an easement was \$1,550,000. The value of an easement on 45 acres of the approximately 52-acre parcel was appraised as \$1,435,000. This easement area excludes two areas around the existing houses on the property.

In addition to the value of the conservation easement of \$1,435,000, there are costs for the property survey, conservation easement preparation, an environmental site assessment and baseline documentation that are estimated by Southeast Land Trust as \$43,000. The total cost for the acquisition of the conservation easement is \$1,478,000. Grant funding for up to \$739,000 from the NH Drinking Water and Groundwater Trust Fund (DWGTF) has been approved by the DWGTF Advisory Commission ([see attached letter](#)).

Also, a \$25,000 grant from the NHDES Local Source Water Protection program has been awarded for this project ([see attached letter](#)).

Funds for the purchase of this conservation easement have also been requested by US Senator Shaheen in her Congressionally Directed Spending (CDS) Request to the FY 2024 Interior, Environment, and Related Agencies Appropriations Bill. The CDS request is for \$714,000. If CDS funds are appropriated, the City will not need to provide additional funds for the purchase of the Fernald Conservation Easement.

Funds from these grants are reimbursed after the expenditures have been made. In order to proceed with purchase of this easement, a supplemental appropriation from the Water Fund \$1,478,000 would need to be authorized to cover the purchase, with the understanding that grant reimbursements will be allocated back to this account. If the CDS funds are not appropriated, \$714,000 would be used from the Water Enterprise Net Position.

The subject parcel is a valuable parcel with respect to the protection of the Bellamy Reservoir. This parcel is highly desirable for development due to its extensive road frontage, limited areas of poorly drained soils, high elevation areas and overlooks to the Bellamy Reservoir. The property has approximately 3,900 feet of shoreline along the Bellamy Reservoir, and over 5,000 feet of frontage along abutting roads. The development of residential lots has the potential to greatly affect surface water quality through direct impacts of chemical runoff, septic system leachate, and stormwater sediment loading; and indirect impacts in terms of higher nutrient loading which can cause an increased likelihood of harmful algal blooms and impacts to dissolved oxygen concentrations. For these reasons, efforts to protect land that has the greatest potential to impact water quality, such as the Fernald's property, are important for the long-term management of the Portsmouth water supply.

City Staff recommends the City Council authorize the City Manager to take the following actions:

- Enter into Grant Agreement with the State of New Hampshire to accept up to \$739,000 from the NH Drinking Water and Groundwater Trust Fund to assist with the purchase of the conservation easement; and
- Enter into Grant Agreement with the State of New Hampshire to accept up to \$25,000 from the NHDES Local Source Water Protection program; and
- Establish a public hearing date for a supplemental appropriation for the purchase of the conservation easement through the allocation of funds from the Water Enterprise Fund Net Position. City staff will present details of this conservation easement project during the public hearing.

I recommend that the City Council:

- *Move to authorize the City Manager to enter into a Grant Agreement to accept up to \$739,000 from the State of New Hampshire's Drinking Water and Groundwater Trust Fund's Land Conservation Grant and Loan Program to be used toward this purchase; and*
- *Move to authorize the City Manager to enter into a Grant Agreement to accept up to \$25,000 from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program to be used toward this purchase; and*
- *Move to establish a Public Hearing July 10, 2023 for a supplemental appropriation of \$1,478,000 from the Water Enterprise Fund using a grant of up to \$739,000 from the New Hampshire Drinking Water and Groundwater Trust Fund, a grant of up to \$25,000 from NHDES Local Source Water Protection Program, and the remaining*

\$714,000 from Net Position with the understanding that City staff will pursue additional funding via U.S. Senator Shaheen’s Congressionally Directed Funding request to the FY2024 Interior, Environmental, and Related Agencies Appropriations Bill.

XII. Consent Agenda:

A. Projecting Sign License – 15 Penhallow Street Unit 2:

Permission is being sought to install a projecting sign at [15 Penhallow Street Unit 2](#) that extends over the public right of way, as follows:

Sign dimensions: 44” x 34”

Sign area: 10.4 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

B. Projecting Sign License – 28 Deer Street:

Permission is being sought to install a projecting sign at [28 Deer Street](#) that extends over the public right of way, as follows:

Sign dimensions: 36” x 24”

Sign area: 6 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

XIII. Presentations and Written Communications:

A. Presentation by the Portsmouth Housing Authority Regarding Preliminary Study of Sherburne School Workforce Housing at 35 Sherburne Road:

Tom Ferrini, Adam Ruedig and Kathy Bergeron from Portsmouth Housing Authority and Housing Development, Limited will [present on behalf of this effort](#).

XVI. Approval of Grants/Donations:

A. Acceptance of Lead Service Line Sampling Plan and Replacement Plan Grant Program for Portsmouth Water Works and Pease Tradeport - \$75,000:

The City has been awarded a grant for \$75,000 from the Lead Service Line Sampling Plan and Replacement Plan Grant. The funding from this grant will be used for data mining and for the development of a service line inventory in Portsmouth that will meet the regulatory requirements associated with the EPA Revised Lead and Copper Rule. [Attached please find the award letter and Grant Agreement](#) for reference.

I recommend that the City Council move 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 \$75,000 from the Lead Service Line Sampling Plan and Replacement Plan Grant program. This Funding will be used for data mining and for the development of a service line inventory in Portsmouth that will meet the regulatory requirements associated with the EPA Revised Lead Copper Rule.

B. Acceptance of Grant from Homeland Security for the Police Department - \$31,819.70:

At the June 9, 2023 Special Police Commission meeting, the Board of Police Commissioners approved and accepted a 2022 Homeland Security Grant in the amount of \$31,819.70 from the NH Department of Safety for reach and rescue equipment for the Seacoast Emergency Response Team (SERT).

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

C. Acceptance of VOCA Grant for the Police Department - \$24,759:

At the May 16, 2023 Special Police Commission meeting, the Board of Police Commissioners approved and accepted a 2023 Victims of Crime Act (VOCA) Grant in the amount of \$24,759 from the NH Department of Justice for the expenses incurred and services rendered for direct victim services, including expenses for personnel.

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

D. Acceptance of Donation for the Police Department of Various In-Kind Items:

The Police Department has organized a wellness initiative, originally called the “May Miles Competition”, in order to prioritize Officer wellness. This year, the initiative is taking place in July and being called the “July Jog Competition” – same purpose and goal. [The attached donations that were received from Runner’s Alley](#) will act as prizes for the winners of the competition.

At the April 18, 2023 Police Commission meeting, the Commission reviewed and approved the donation of the in-kind items.

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

XVII. City Manager’s Informational Items:

1. Update on FlashVote:

The City has now received the requisite number of signups to enable us to send our first FlashVote survey this week, focusing on the general topic of community priorities. These surveys are meant to be brief (under five minutes) and a statistically valid form of community input. The survey is open for 48 hours with the results publicly available upon completion.

For more information and to sign up, go to: <https://portsnh.co/flashvote>.

2. Amendment to Pedestrian Crossing Plan for 147 Congress Street Temporary Construction License:

As you recall from the June 5, 2023 City Council meeting, Lucky Thirteen Properties, LLC, (“Owner”) is making improvements to property it owns at 147 Congress Street. Their encumbrance permit expired on June 13, 2023 and the Council approved a temporary construction license for the Owner to encumber the sidewalks along Maplewood and Congress.

Prior to approving the license, Councilors asked the Owner’s representative questions about how pedestrians would cross the intersection because the sidewalks at the corner of Maplewood and Congress would be closed. Prior to the submission of the license, the Owner had worked with the Department of Public Works to create a pedestrian crossing plan to ensure appropriate signage was posted to redirect pedestrians when the sidewalks were closed. However, last week, staff and the Owner observed that pedestrians were ignoring the signs and still crossing at the intersection over to the corner of Maplewood and Congress and standing in the street because the sidewalks were closed. Staff and the Owner agreed to immediately open up the sidewalk at the corner of Maplewood and Congress in order to provide a refuge area for pedestrians to use the crosswalk and have adjusted the crossing signals and signage to permit pedestrian crossing at the corner of Maplewood and Congress.

The change to the pedestrian crossing plan recommended by staff last week was immediately agreed to and implemented by the Owner to protect public safety. I wanted to update the Council regarding the change to the pedestrian crossing plan at this intersection. Any slight adjustment to the license area and fee will be administratively approved and posted to the viewpoint system.

3. **Prescott Park Public Forum Area:**

[Attached please find an update from the Legal Department](#) regarding the fencing in Prescott Park.

4. **PDA Update:**

I will plan to provide a verbal update regarding the Pease Development Authority following their most recent Board meeting on June 15th.