

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, JUNE 20, 2023

PORTSMOUTH, NH
TIME: 7:00PM

On a unanimous voice vote 9-0, Assistant Mayor Kelley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Lombardi and voted.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:05 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 for a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. Golden Rule "Sailboat of Peace"

Mayor McEachern read the Proclamation declaring June 22, 2023 as Golden Rule Day in Portsmouth and extended a warm welcome to Golden Rule and its crew, wishing them safe and successful journeys.

Mayor McEachern presented the Proclamation to Diane Stradling who accepted it with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES – MAY 1, 2023 CITY COUNCIL MEETING

Councilor Tabor moved to accept and approve the minutes of the May 1, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

IX. PUBLIC COMMENT SESSION

Ruben Yzaguirre said the Sherburne Neighborhood is unanimously opposed to a work force housing project at the Sherburne School. He said that Portsmouth Housing Authority is trying to attain as much free land as possible to develop with their own interests in mind.

Brandie Kramer said more information is needed on the Sherburne plan and its potential effects on the city and neighborhood.

Peter Jones said the Land Use Committee, City Council and Portsmouth Housing Authority are playing key roles on the Sherburne School project. He said PHA Director Welch was appointed by the City Council to serve on the Land Use Committee, but he feels that is a conflict of interest. He asked if there were any other developers being considered for the Sherburne project.

Peter Officer called into question the process on the Sherburne project. He said the project seems to be full speed ahead. He questioned how PHA Director Welch could serve on the Land Use Committee and vote while serving as the director of PHA.

Manny Garganta spoke regarding the Sherburne School and possibly having work force housing located there. He said this will have a real effect on the neighborhood and that needs to be considered before moving forward with anything.

Jackie Cali-Pitts said she lives in senior housing and there is a need for more affordable housing in the city. She said the City Council needs to consider the unintended consequences of your actions. She urged the City Council not to give away land.

Sue Polidura said you need to pay attention to the residents' concerns regarding Sherburne School. She also inquired about the new auditing firm and when the new audit would take place.

Nicholas Ristaino urged the City Council to continue to look at other sites to build affordable housing on. He said there is talk of a Blue Ribbon Committee being created and he would like to see that happen right away. He said a scaled back version of work force housing could be built at the Sherburne location.

Irish Mike spoke to the American Flag and said it should be waved proudly by all. He addressed proper flag protocol and requested that the American Flag be flown on every light pole in the city as is done in other communities.

Francis Cormier spoke regarding low-income housing and the need for more in the city and suggested that it be built on Lafayette Road.

Shawn Muske spoke to the value of Sherburne School and that the neighborhood is against it being used for work force housing.

Megan Corsetti urged that the presentation by PHA be held prior to the public comment. She said there needs to be a Blue Ribbon Committee created before a plan is developed. She suggested that the lower lot of City Hall be considered for work force housing to be located.

Aaron Garganta spoke regarding concerns of Sherburne School for work force housing and expressed concerns regarding such a plan. He spoke of the lack of transparency on other locations for this project to create work force housing. He said such a project would need to be developed and approved as a whole. He spoke of the need for a full traffic study of the area before any plan is brought forward.

Camie Saunders said the neighborhood is more important than your political plans. She said you need to listen to the residents and hear their concerns.

Peter Harris spoke to his email on traffic concerns regarding the intersection of Congress, Middle and Islington Streets. He said he does not understand the on-street dining for Jumpin Jays and The Goat but not allowing it for the Clipper Tavern. He said the intersection is a safety and liability issue for the City.

Erik Anderson expressed his concerns regarding Sherburne School project. He said this is a sensitive issue for the residents and community. He said he does not like the process being followed this evening because the presentation is taking place after public comment is held. He said there needs to be more public input following the presentation. He expressed support for the creation of a Blue Ribbon Committee on this matter.

Mayor McEachern said we will come back at the next City Council meeting with a process to involve the public and more conversations will take place.

Paige Trace said the presentation in the packet by PHA has no transparent information. She said everyone agrees with the need for work force housing. She said this is a serious matter and affects residents that voted for all of you. She said you should not talk at the resident's but to them and listen.

Petra Huda spoke on the bond resolution in the packet for \$38.6 million. She said she wants the City Council to ask for the status of last year's projects and if they are completed before funding more projects. She expressed concern of bonding for the schools and what happened to the ESSER Funds. She expressed opposition to the funding request for parking offices at the Foundry Garage and asked if they are really needed. She said the matter of Sherburne School should be put to a public hearing for the residents to be heard.

Sean Maloney spoke opposed to bike lanes in the city. He addressed the roundabout at Bartlett and Thornton and said it was a bad idea. He said residents are no longer being listened to on matters of importance in the city. He said property taxes are out of control.

Kate Fish said her home will be most directly affected by the development of Sherburne School. She feels the concerns regarding this matter have not been brought forward by the City Council. She said the neighborhood has one way in and that needs to be considered when developing a plan.

Rick Becksted said the presentation should have been held first and then allow comments by the public. He spoke of the need for multiple meetings to hear from the neighborhood. He said that this is moving quickly, and residents feel like the Council is trying to push this through before the next election. He said that this is affecting people's quality of life and we need to slow this project down.

Lisa Haggerty McMahon spoke regarding the sewer separation project on Union Street and the removal of the brick sidewalk. She said there needs to be a vote taken by the Council on whether the bricks should remain.

Liza Hewitt, *via zoom*, spoke regarding the intersection of Congress Street and Maplewood Avenue and its dangerous nature. She said no traffic lane should have been allowed for outdoor dining on Congress Street. She expressed her concern regarding the potential for a serious accident or worse.

Mark from the Park spoke about improvements to Prescott Park and the lack of funding.

Councilor Denton moved to suspend the rules to bring forward Item XIII. A. – Presentation by the Portsmouth Housing Authority Regarding Preliminary Study of Sherburne School Work Force Housing at 35 Sherburne Road. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

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

Thomas Ferrini, Chair of Portsmouth Housing Authority and Adam Ruedig, President of PHA Housing Development Ltd. provided a presentation regarding preliminary study of Sherburne School Workforce Housing. The study included reviewing the opportunity to build below market rate housing at the Sherburne School property. Chair Ferrini reported that the site meets key criteria qualifying it as an attractive site for the development of exactly the type of housing needed in Portsmouth.

President Ruedig addressed site analysis touching on economies of scale, neighborhood context, the historic preservation of Sherburne School building, environmental conditions, traffic, sustainable development opportunity, recreational opportunities, and property taxes.

Chair Ferrini reviewed recommended key milestones for a preliminary analysis, engagement and concept design, design development and construction. He stated that construction could potentially be completed in June 2026 if the process moves forward.

Discussion followed among the City Council relating to process and the development of affordable housing. Mayor McEachern said the next step is to come back to the City Council with a resolution to proceed in conjunction with creating a process to follow.

At 9:25 p.m., Mayor McEachern declared a brief recess. At 9:40 p.m., Mayor McEachern called the meeting back to order.

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

Councilor Moreau moved to pass second reading and schedule a third and final reading at the July 10, 2023 City Council meeting. Seconded by Councilor Cook.

Health Officer McNamara provided an update on the food code and advised the Council that most of the changes are housekeeping items to bring the code up to 2022. She said there are updates to adapt to industry changes and these updates will have minimum impact on operations.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern declared the public hearing closed.

Motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for First Reading for Annual Omnibus Ordinance Change

City Manager Conard said she is requesting to bring back first reading of the Omnibus Ordinance changes at the July 10, 2023 City Council meeting.

Councilor Bagley moved to schedule first reading at the July 10, 2023 City Council meeting. Seconded by Councilor Lombardi and voted.

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

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

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

City Manager Conard stated that site review approval was given in 2022 for this project.

Councilor Moreau moved 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. Seconded by Assistant Mayor Kelley and voted.

4. Bellamy Source Protection Easement for the Fernald Property

City Manager Conard said there are three requests for you to act upon this evening. She said we would establish a public hearing for a supplemental appropriation if needed.

Councilor Moreau moved to authorize the City Manager to enter into a Grant Agreement to accept up to \$739,000.00 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. Seconded by Assistant Mayor Kelley and voted.

Councilor Moreau moved to authorize the City Manager to enter into a Grant Agreement to accept up to \$25,000.00 from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program to be used toward this purchase. Seconded by Councilor Lombardi and voted.

Councilor Moreau moved to establish a Public Hearing July 10, 2023 for a supplemental appropriation of \$1,478,000.00 from the Water Enterprise Fund using a grant of up to \$739,000.00 from the New Hampshire Drinking Water and Groundwater Trust Fund, a grant of up to \$25,000.00 from NHDES Local Source Water Protection Program, and the remaining \$714,000.00 from Net Position with the understanding the 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. Seconded by Councilor Lombardi and voted.

XII. 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***)

Assistant Mayor Kelley moved to adopt the Consent Agenda. Seconded by Councilor Lombardi and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- B. Email Correspondence

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

- 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”

Assistant Mayor Kelley moved to refer to the City Manager with Authority to Act. Seconded by Councilor Blalock and voted.

- 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.

Assistant Mayor Kelley moved to refer to the City Manager with Authority to Act. Seconded by Councilor Bagley and voted.

- 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

Councilor Moreau moved to refer to the City Manager with Authority to Act. Seconded by Councilor Bagley.

Councilor Cook asked if this is something we have done in the past. Health Officer McNamara said we have not but there is a need for it. Councilor Cook said other mobile services are provided could we have them in the city. Health Officer McNamara said that is up to other organizations to come forward and make a request to the Council.

Motion passed.

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
 - James Hewitt to the Safe Water Advisory Group (SWAG)

The City Council considered the appointment of James Hewitt to SWAG to be acted upon at the July 10, 2023 City Council meeting.

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

Councilor Tabor voted to approve the following appointments/reappointments as listed. Seconded by Councilor Lombardi and voted.

Linnea Grim to the Arts and Nonprofits Committee, President & CEO of Strawberry Banke Museum Representative.

Jessica Blasko, Adam Fitzpatrick, Abigail Gindele as an Alternate, Barbara McMillan, Allison Tanner, and Lynn Vaccaro to the Conservation Commission until April 1, 2026.

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

Councilor Moreau presented the designs for the cutout sculpture that will be installed at the Bohenko Gateway Park.

B. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the June 1, 2023 meeting

Councilor Bagley moved to accept and approve the action sheet and minutes of the June 1, 2023 Parking & Traffic Safety Committee. Seconded by Councilor Moreau.

Councilor Bagley reported that the new roundabout was discussed, and the Parking & Traffic Safety Committee is evaluating it for 30 days before moving forward.

Councilor Moreau said residents living close to the roundabout support it but those driving through it do not like it.

Motion passed.

2. Request for First Reading regarding Amendment to Chapter 7, Article VI – LOADING ZONES, Section 7.601 – **LIMITED HOURS LOADING ZONES**

Councilor Bagley moved 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. Seconded by Councilor Lombardi and voted.

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**

Councilor Bagley moved 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. Seconded by Councilor Lombardi and voted.

C. COUNCILOR COOK

1. Updates for Administrative Code

Councilor Cook moved 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. Seconded by Councilor Lombardi and voted.

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

Councilor Bagley moved 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 \$75,000.00 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. Seconded by Councilor Lombardi.

Councilor Bagley said lead testing is important for the health and safety of children.

Motion passed.

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

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

- C. Acceptance of Victims of Crime Act (VOCA) Grant for the Police Department - \$24,759.00

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

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

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Update on FlashVote

City Manager Conard reported that FlashVote will roll out tomorrow and we have over 700 residents signed up for the first survey which will contain 5 questions regarding community priorities. She stated that the survey is open for 48 hours with the results publicly available upon completion.

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

City Manager Conard advised the Council that the sidewalk at the corner of Maplewood and Congress is open 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.

- 3. Prescott Park Public Forum Area

City Manager Conard informed the City Council that the City is going to remove all locks from the fence (which it does periodically anyway) and provide signage that makes it clear that no signs, bunting, flags, locks or other items may be affixed to municipal property, including the fence. This will be communicated to all users.

4. PDA Update

City Manager Conard provided a brief update on the recent meeting of the Pease Development Authority. She briefly addressed the extension of the Millionaire project. She also mentioned that the golf course now provides a full water service midway through the course.

5. Audit Firm (Not on Agenda)

City Manager Conard announced that she has signed a contract with CLA, and the staff is ready to move forward with the audit.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Moreau moved to suspend the rules to take up third and final reading of the 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. Seconded by Councilor Bagley and voted.

Third and final 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

Assistant Mayor Kelley moved to pass third and final reading of the ordinance, as presented. Seconded by Councilor Moreau and voted.

Councilor Lombardi announced that there will be a Public Information Session concerning the Mayor's Blue Ribbon Task Force on Historical Archives on Wednesday, June 28, 2023 at 6:30 p.m. in the Levenson Room of the Portsmouth Public Library.

XIX. ADJOURNMENT

At 10:25 p.m., Councilor Bagley moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK