

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 4, 2023 TIME: 6:30PM

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_a4GN3jrrTlu1MJysVBELZq

6:30PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A
1. CONSIDERATION OF LEGAL ADVICE RELATIVE TO COMCAST FRANCHISE AGREEMENT RENEWAL PURSUANT TO NH RSA 91-A:3 II (I)

AGENDA

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

- I. WORK SESSION
- 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
- VII. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - A. Presentation of the Blue Ribbon Committee on Historical Archive – Tom Watson (**Sample motion – move to continue the Blue Ribbon Task Force on Historical Archives to pursue the recommendations outlined in their report of November 20, 2023**)
- 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

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 1, Article IV – Commission and Authorities – Public Art Review Committee (**Sample motion – move to pass first reading and hold a public hearing and second reading at the December 18, 2023 City Council meeting**)

Public Hearings/Second Reading of Ordinances:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article III, Section 1.304 – Recreation Board Membership (***Sample motion – move to pass second reading and hold third and final reading at the December 18, 2023 City Council meeting***)
- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS
- C. Public Hearing/Second reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure (***Sample motion – move to pass second reading and hold third and final reading at the December 18, 2023 City Council meeting***)
- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS
- D. Public Hearing/Second Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure (***Sample motion – move to pass second reading and hold third and final reading at the December 18, 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. *Supplemental Appropriation for Outside Counsel Litigation Fees
2. Approval of Memorandum of Agreement for Portsmouth School Clerical Employees
3. Approval of Memorandum of Agreement for Association of Portsmouth School Teachers
4. Approval of Memorandum of Agreement for Portsmouth City Employees – AFSCME Local #1386A
5. Portsmouth Indoor Pool Liquidating Charitable Trust

XII. CONSENT AGENDA

- A. Request from Ellen Bruton, Terpsichore, LLC, to install a Projecting Sign at 9 Commercial Alley (***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. Letter from Michaela Kneuer, Big Brothers Big Sisters of New Hampshire, requesting permission to close Pleasant Street on Saturday, September 21, 2024 from 1:00 p.m. to 4:00 p.m. for the 16th Annual Stiletto Sprint (rain date September 22, 2024) (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. *Presentation regarding Housing Navigator Update by Howard Snyder
- B. Letter from Cody Bureau requesting the City alternate every other year between white and colored lights on the Christmas Tree in Market Square
- C. Email Correspondence (***Sample motion – move to accept and place on file***)

XIV. MAYOR McEACHERN

1. *Holiday Parking (***Sample motion – move to authorize the City Manager to establish free holiday parking from December 16th to December 24th***)
2. Resignation:
 - Abigail Gindele from the Conservation Commission
3. Appointments to be Considered:
 - Stephen Buzzell to the Cemetery Committee
 - Kelly DeCourcy to the Citizen Advisory Committee
 - Susan Durling to the Citizen Advisory Committee
 - Alice Carey to the Conservation Commission
 - Maria Peppas to the Library Board of Trustees
 - Tyler McLaughlin to the Library Board of Trustees
 - Rick Chellman to the Planning Board
 - Paul Giuliano to the Planning Board
 - Peter Weeks to the Trustees of the Trust Fund

4. *Appointments to be Voted:
 - Herb Lloyd to the Sustainability Committee
 - Aubrey Gewehr to the Sustainability Committee
 - Effie Malley to the Sustainability Committee
 - Jessica Blasko to the Sustainability Committee
 - Steve De Trolio to the Sustainability Committee
 - Bert Cohen to the Sustainability Committee
 - Torey Brooks to the Sustainability Committee
 - William Lyons to the Sustainability Committee
 - Chas Sullivan to the Sustainability Committee

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR, COUNCILOR MOREAU AND COUNCILOR BLALOCK

1. *Report Back on the CIP Citizen Request Meeting

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of ARPA Funds for the Fleet Street Roadway Reconstruction - \$519,500.00
(Sample motion – move to authorize the City Manager to enter into an ARPA Grant Amendment No, 1 with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion to the existing grant agreement)
- B. *Acceptance of Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant - \$460,000.00
(Sample motion – move to authorize the City Manager to enter into a Grant Agreement with the United States Department of Transportation to accept \$460,000.00 from the CRISI Grant Program. This funding will be used to perform preliminary engineering and development of specifications and cost estimates to replace the Bartlett Street bridge near the intersection of Bartlett and Cate Street)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Jones Avenue Scrap Yard Report Back to the City Council
2. *Disposition of the McIntyre Property
3. *Pease Development Authority Board Meeting 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**



**CITY OF PORTSMOUTH
BLUE RIBBON TASK FORCE TO STUDY THE
ESTABLISHMENT OF A PUBLIC/PRIVATE
HISTORICAL ARCHIVE**

**FINAL REPORT AND
RECOMMENDATIONS**

NOVEMBER 30, 2023

Councilor Vincent Lombardi, City Council Liaison
Richard Candee, Portsmouth Historical Society
Alan Cohen, Community Member
Charles Doleac, Portsmouth Peace Treaty Forum
Elizabeth Farish, Strawberry Banke Museum
Christine Friese, Portsmouth Public Library
Thomas Hardiman, Jr., Portsmouth Athenaeum
Jeff Keefe, Portsmouth Athenaeum
Kristen Peterson, Community Member
Susan Sterry, Historic Cemeteries Committee
Emma Stratton, Portsmouth Historical Society
Thomas R Watson, Portsmouth Athenaeum



Task Force Members, left to right:

Front row, Thomas Hardiman, Emma Stratton, Alan Cohen and Susan Sterry.

Second row, City Councilor and Chairman Vince Lombardi, Elizabeth Farish and Jeff Keefe.

Back row, Richard Candee, Thomas Watson, Kristen Peterson, Charles Doleac and Christine Friese.

BLUE RIBBON TASK FORCE ON HISTORICAL ARCHIVES

In September 2022, Portsmouth, New Hampshire’s Mayor and City Council established the Blue Ribbon Task Force on Historical Archives, charged with exploring options to create a public/private Archive to preserve documents and materials related to the city’s past, present and future. Committee membership includes representatives from the city, the community and non-profit organizations whose missions relate directly to protecting Portsmouth’s history. What follows is the rationale, historical context, summary of current conditions, explanation of need, economic and cultural considerations, potential funding sources and recommendations for next steps.

See Appendix A



TABLE OF CONTENTS

Executive Summary	3
Archive Efforts To Date	8
Collections and Description of Need	12
Recommended Methods and Facilities.....	23
Potential Funding	23
Cultural and Economic Considerations	24
Leadership Recommendations and Goals	29
Conclusion	31
Recommendations.....	32
Appendices	33



EXECUTIVE SUMMARY

A Portsmouth Public/Private Archive would preserve and provide access to the administrative records and historical and cultural materials of Portsmouth for the benefit of present and future generations. The keepers of the Archive would be committed to providing archival services to member organizations by organizing and maintaining them in a secure, climate-controlled and fire-protected environment, making these Archives available to researchers, students and the general public through digital and physical means.

Benefits for the City

In addition to meeting modern record keeping requirements for the city, a Portsmouth Archive would encourage engagement in our community from those who live, work and recreate here. It would provide access to all who are interested in the history of our city, both by the preservation of records and by fostering partnerships with public and private organizations. Portsmouth records and materials are considered primary resources for scholars studying the early development of our country, including the geography and populations that preceded European settlement. Many individuals come to study their own heritage and ancestry. Heritage tourism is an important economic driver for the region; Portsmouth's rich history and extensive cultural resources attract thousands of people who come to explore, learn and enjoy the city and all it has to offer. Preserving primary resources and making them widely available is critical to the identity of the city and its future.

The Collections

There are four initial stakeholders in the Portsmouth Public/Private Archive: the City of Portsmouth, Portsmouth Athenaeum, Portsmouth Historical Society and Strawberry Banke Museum. The Task Force anticipates additional stakeholders, including smaller institutions and organizations, as well as individual collectors of significant historical documents and objects.

Their collections provide a window into New Hampshire history from indigenous inhabitants to the European settlement of our nation in the 17th century through the economic and social development of the 20th century. Visitors come to Portsmouth from across the country and around the world to explore this history and development. While the Athenaeum contains private documents of the colonial era, the city Archive contains most of the known public record directly related to Portsmouth.

The same may be said of subsequent centuries; the 19th and 20th centuries represent evidence of the growth and economic changes after the War of 1812, the impact of industrialization and the maritime and naval history of the port.

Online and in-person requests for documents and photographs from the Athenaeum's manuscript, ephemera and photographic collections suggest that even greater online access to a broad range of resources through collaboration will find a ready market among family history researchers, genealogists, as well as both academic and public history scholars from around the world.

The City of Portsmouth has many documents and records that New Hampshire state statutes require the city to preserve. But other materials in the city's hands are important to understanding our 400-year documented history. They reveal the people who have lived in the Piscataqua region, and have contributed to our changing understanding of the social and economic growth of this place. Thus, documentation of architecture ranging from the 1660s to present offers a timeline of how people lived and worked and how this place has changed over time. Our historic graveyards record the families who made Portsmouth what it is today.

Portsmouth Athenaeum has extensive documents and photographs acquired or entrusted to it by other historical organizations and individuals. Since the 1980s it has cataloged, digitized and stored these records and made them accessible online. Its storage facility is full and cannot accommodate all that currently exists as well as what they expect to add in the future. Its history of growth is a strong indicator of what to expect in the coming years and is a useful measure in determining the scale of a new archival facility.

Strawbery Banke Museum in addition to dozens of historic buildings with period furnishings on a 9 acre site, has substantial photographs, manuscripts and other documents and archeological materials in its collection. Its archeological artifacts are currently stored in boxes in the basements of the historic houses, in an area experiencing sea level and subsurface water level rise and flooding in the basements.

Portsmouth Historical Society is home to an extensive collection of paintings, furnishings, textiles and other objects related to Portsmouth's history up through the present day. Their object collection is stored primarily in the attic of the historic John Paul Jones House. They collaborate with the Portsmouth Athenaeum for storage of their documents and photographs.

The lack of proper storage can result in the deterioration or loss of valuable artifacts and can restrict the ability to acquire additional important collections. This puts Portsmouth's history at risk of being lost forever by being poorly stored, damaged, discarded, or sold outside the Portsmouth area. Past attempts to collaborate archiving efforts among Portsmouth's primary historical institutions have all failed due to an unwillingness among the organizations to participate and uncertain funding.



Momentum for Collaboration

This collaborative project between the city and the major historical institutions is a unique opportunity to create a public/private Archive which will take advantage of the economy of scale, finance and operations.

Through the work of the Blue Ribbon Task Force on Historical Archives, key historical institutions have agreed to collaborate to solve Portsmouth's archival needs. The leaders of these organizations have determined that the cost savings alone of forming a consortium — for real estate, staffing, security and HVAC and environmental equipment, etc. — will allow them to better execute their roles as stewards of Portsmouth's history and preserve more of the past for future generations. In addition to reducing costs, a collaborative Archive would provide easier access to researchers, students and all who are curious about Portsmouth's past. It will also promote greater accessibility for the City of Portsmouth's municipal documents, as required by law. Financing opportunities will expand, with access to separate funding channels directed at government Archives and private, non-profit preservation efforts.

Leadership and Operations

A successful historical Archive consortium will require the proper legal entity to operate effectively. A legal framework will ensure that the Archive operates in a way that defines the responsibilities and duties of the public and private partners, as well as the ownership and access rights to the records. A governance structure will ensure that the Archive is managed and funded effectively and transparently. This will include a governing body that oversees the Archive, including appointing a director or manager for day-to-day operations.

Well-established policies and procedures will ensure that the Archive operates smoothly for record acquisition, preservation and access. These policies will be informed by best practices in archival management, regularly reviewed and updated as needed. A record management system will ensure that records are organized, preserved and accessible and allow for the easy retrieval and sharing of records, while also ensuring that they are protected from unauthorized access or loss. Procedures will be in place for accessing records, while also ensuring that privacy rights are protected.

Conclusion

Based upon its year-long examination of the current and future needs for archival space of the City of Portsmouth, Portsmouth Athenaeum, Strawberry Banke Museum and Portsmouth Historical Society and the issues surrounding the housing, funding and management of such archives, the Task Force concludes that the development of a consolidated "Portsmouth Archive" as a public/private collaboration with the City and those institutions is both a feasible and the preferred option for preserving the records and materials that memorialize the history and culture of Portsmouth and its people. Each of the private institutions has expressed its interest and agreement to further pursue this option. In furtherance of this effort, the Task Force requests that the City Council adopt the recommendations for future action set out in the last section of this report.



ARCHIVE EFFORTS TO DATE

NH Revised Statutes Annotated, including RSA 33-A, Municipal Record Retention, regulate the obligations of a municipality to create, retain and make available to the public the records of governmental activity.

In contrast, decisions relating to the acquisition, retention, preservation of and accessibility to records and other archival material generated or acquired by private institutions have historically been lightly regulated (e.g., the obligation to retain tax records) and left to the varying rules of the institutions and, often, to the discretion of their leaders.

This difference in approaches has resulted in much variation among the record-keeping efforts of Portsmouth historical, religious, fraternal, sporting, business and educational institutions. Some institutions have retained records for more than two centuries, others have disposed of their records much sooner for lack of adequate storage space. Moreover, as some community organizations have ceased to exist, their records have been lost to landfills. Portsmouth, despite being one of North America's earliest settlements, has not been immune from the loss of its written history.

The need for and utility of a public/private archival facility in Portsmouth has been recognized since at least August of 1979, when Nancy Peace of the School of Library Science at Simmons College submitted "A Proposal for Preserving the Historical Records of Portsmouth, NH." Peace wrote:

When I sat down to write this report, I began by making a list of the types of materials that serve to document the life of a town and its people. In a parallel column I tried to list the potential custodians of each type of material in Portsmouth. The latter effort proved futile as almost any of the city's institutions could collect each type of material. I believe the most effective programs are those where a single institution accepts the primary responsibility for developing research collections.¹

The report generated interest, but efforts to create a consortium of collecting institutions were timid and the costs of conservation and cataloging of historic materials were left to grant funding and private donations. Portsmouth Public Library requested an appropriation of \$45,000 in the city budget for 1982 to do more extensive cataloging and preservation, but the request was not funded.

That same year, the master plan for Portsmouth Athenaeum prepared by Robert Thoresen and Richard Candee recommended that the Athenaeum use its newly acquired space on the third floor of the Foye store building in Market Square to create a research library. The free research library opened in 1986 and the Athenaeum took on the administration of the records of 40 Portsmouth organizations, including the very important historical Archives

¹ Peace, Nancy, Library's Historic and Special Collections, Simmons College of Library and Information Science, 1979.

of the Portsmouth Historical Society, the Warner House Association, the Society of Colonial Dames of New Hampshire and five historic churches. However, in 2019, the Athenaeum received a critical engineering report showing that, primarily due to the exponential growth of its archival collections, its constricted space in the Foye building was dangerously overloaded and it has had to take steps to move materials offsite, limiting their accessibility.

A grant to the National Historic Preservation of Records Commission to create a city Archive was proposed in 1983, but it was not approved because the city could not guarantee future funding of the operation. The grant was revived in 1992 as a joint application from the city and Portsmouth Athenaeum, but it was again rejected because there was no guarantee of future funding beyond the two-year term of the grant. In 1997, the City Council approved \$10,000 to fund a complete inventory of the city's historical collections. Contractor David Goodman's three-volume report² on more than 5,500 items was submitted in 1999 and comprises the format for the city's Archives today.

In 2018, the city made a major commitment of \$200,000 over four years to create a permanent document storage area in City Hall, overseen by the Finance Department and City Clerk. The facility has UV protection, a dry fire suppression system, environmental monitoring and security. It is the best archival storage system that the city has ever had for its internal records, but it is rapidly pushing its capacity to the limit.

Portsmouth Athenaeum, Strawberry Banke Museum and Portsmouth Historical Society, as the major private organizations collecting and preserving Portsmouth history, now face the same space and climate-control issues as the city. Strawberry Banke Museum closed its Thayer Cumings library in 2007 and its Jones House Archeology Center soon after, leaving major historical resources with little or no accessibility to the public. Portsmouth Historical Society's collections storage areas are limited in their ability to accept new donations. In addition to these concerns, there are important private collections (small and large) that are leaving Portsmouth because our institutions lack the space and the resources to care for them. The fragmentation of preservation efforts in Portsmouth

² Goodman, David M. , *Historic Records and Artifacts Inventory Project: Report and user guide with introduction and comments*, March, 2000.



acknowledged more than 40 years ago has only increased in the intervening decades. The situation is multiplied by the inefficiency of several institutions working to fund exactly the same thing. And the disparity of access to materials across collecting institutions means that our city's rich history is promoted incompletely to our citizens and to the wider world.

The creation of a central Archive would meet the public benefit objective need identified in 1979 and the efficiencies and funding opportunities of a public/private partnership would reap long-term savings for all of the participants involved.

Peace's report from 1979 concludes:

"Research collections, if they are to be useful, must be as extensive as possible, well organized, carefully cared for and accessible on a reasonable basis. Staff with expertise in the handling of special materials is required, as is a safe environment to preserve valuable and often unique items. The development of research collection demands considerable commitment of time and funds. If this commitment is absent, a program should not be undertaken."



Collections and Description of Need

The following assessments include collections, scope and special needs.

City of Portsmouth Archive

Collections

By law, the city is required to keep certain types of documents and artifacts in perpetuity (i.e. tax warrants, assessing information, City Council records, etc.). Many of these historic/permanent documents, ranging in age from newly created to 300-plus years of age, are not in current city use and are being stored with others at the city's Police Department, Planning Department, Legal Department and Public Works Building. City Hall houses permanent records from many of the city's departments including City Clerk, Finance, Planning, Public Works, Human Resources, Trustees and Fire Department. City staff are bound by many different record retention policy requirements including, but not limited to:



- NH RSA 91-A (Right to Know Laws)
- NH RSA 33-A (Municipal Record Retention)
- NH RSA 201-D (Libraries)
- NH RSA 106-B (Criminal Records Laws and Rules, Police)

These permanent records, as well as the vital records held by the City Clerk, must legally be held in perpetuity by the city and as such must be protected more so than other records.

Description of need

Prior to 2017, the city's public records were stored in an underground tunnel connecting the hospital to Connors Cottage, where they were subject to frequent water infiltration, fluctuating temperatures and mold. Many of the historical records were compromised in the process. In 2017, the city devoted an area of the basement in the Seybolt Building of City Hall to storage, including those records it is required to keep due to NH RSA's. The Archive is climate controlled with a temperature monitoring system in place to alert for outliers. The Archive room is also humidity controlled through an industrial-sized, stand-alone dehumidification unit with humidity monitoring in place to alert staff to any needs for changes to levels. Wetness monitors have been put into place due to the basement location and the nature of the building's old plumbing structure and the lighting in the room is UVA/UVB protected. The room is protected by a waterless fire suppression

system, the only part of the building to be so. Initially, there were instances of leaks and outside water infiltration during heavy rains. Through trial and error, these leaks no longer directly affect the Archive space, but staff are acutely aware of the importance of the Archive space and monitor it often when extreme weather events are in place. Basements and attics are two of the least ideal places for archival storage due to the likelihood of water infiltration as well as additional challenges controlling heat and humidity of the area. For example, during our site visit, the ceiling of the quarantine room and the fire suppression system room were exposed due to a recent burst wastewater pipe that impacted the fire suppression area. The affected pipes were chased back until a healthy pipe was located and the affected pipes were replaced to ensure a safe environment for the documents. No records or artifacts were harmed during the episode.

The facility is already at capacity for space (within six years of opening). Records stored in the Archive are growing at a rate of four or five shelving units per year to include all the documents required under state RSA. Additionally, there are permanent records and artifacts not stored in the city's Archive for various reasons, including objects and maps at the Department of Public Works (DPW) as well as records from the School, Legal, Library, Planning and Police Departments. It should be noted that some departments including the School Department, Public Library, Legal and Police Department have additional state, federal and RSA requirements for specific documents as well as privacy laws that increase the difficulty of a central repository for city records.

The building of this archival space, its contents and its current upkeep are all due to the dedication of the Director of Finance and Administration, a member of the Finance staff who has taken on the Archives as a passion project and the Director of Public Works and his facilities staff. The Director of Finance, along with the City Clerk, annually request funding to maintain and expand the facility as well as to clean and remediate damaged materials. Funding comes from the city's Capital Plan as well as applications to New Hampshire's "Moose Plate" Conservation and Heritage Number Plate program. The city's finance team member is not able to devote a significant amount of time to some of the more finite tasks needed to enhance the capabilities of the city Archive, but is able to dedicate her time to its oversight and upkeep. She works in tandem with the city facilities staff to ensure annual maintenance is performed, environmental needs are met and identified issues are fixed, in addition to checking in frequently during drastic weather events. Although the location has a great amount of technological monitoring, she relies

heavily on the facilities and maintenance teams for in-person routine checks during overnights, weekends, holidays and extreme weather situations.

Additionally and unfortunately, historical items have disappeared in the past due to not having a central repository where items would be entered into an inventory for tracking and quick access to items.

The primary goal of the city is to eventually house all permanent records and artifacts in a manner that ensures compliance, historic preservation and security of the items.

Portsmouth Public Library

Collections

Portsmouth Public Library, constructed in 2006, has a small special collections room and climate-controlled vault.

The Collections consist of books, articles, city documents (tax records, annual reports, etc.), city directories, vital records (birth, marriage and death indexes), maps, art work, photographs, historical newspapers and ephemera. Also included are microfilm covering Portsmouth historic newspapers, digital files created by Portsmouth Public Library relating to the art and archival collections and institutional records for several Portsmouth organizations.

The Special Collections department maintains an Archive of manuscripts, photographs and art. Researchers will find unique historic materials including school attendance records, urban renewal materials, early 19th century watercolors of local homes and other properties by Sarah Haven Foster and mural sketches by WPA artist Gladys Brannigan. Artwork from prominent local artists can also be viewed throughout the building while the vault holds the majority of the library's special collections.

Information and resources pertain to topics for Portsmouth, the Seacoast and some surrounding cities and towns. While the collection development efforts have focused on acquiring materials relating primarily to the City of Portsmouth, information about other

towns in Rockingham County, including town histories for Strafford County, NH; York County, Maine; and a bit of Essex County, Massachusetts, are also available.

Description of need

A collection assessment was done many years ago and has been the focus of conservation grants yearly, rehousing of many materials and efforts to improve access. Special Collections storage has also extended from the vault and office to the repurposed Reference Storage space during the past several years. This allowed for safer storage for growing collections of vertical files, historic books and Archives. **The collections are in good order and well cared for, but filled to capacity.**



Portsmouth Athenaeum

Collections

The Portsmouth Athenaeum has, since its inception in 1817, been the steward of important collections related to the history of Portsmouth and the Piscataqua River region. Scholars and students from all over the United States and internationally come to

use the Athenaeum's rich resources for original research. Virtually the entire collection is also accessible online, with catalog information and images; the site receives between 2,000 and 3,000 unique visitors every month.

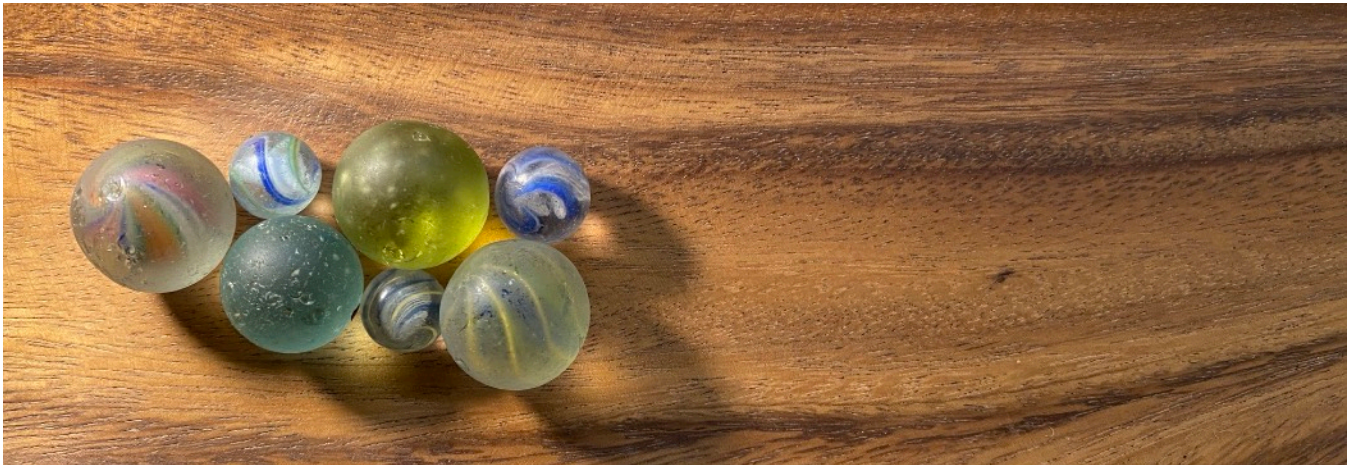
The Athenaeum's holdings include:

1. The Art and Artifacts collections, includes paintings, furniture, original art prints, models of Piscataqua River ships, ethnographic and archaeological objects given before 1875 and other artifacts of significance;
2. Rare Books, including many old and rare books purchased starting in 1817 and the entire libraries of Charles L. Woodbury and Benjamin T. Tredick, both dating from the late 19th century;
3. The Manuscript Collection (1,300 lineal feet), comprising Archives of local businesses, families and organizations including the Athenaeum itself; as well as those on deposit from other local institutions
4. The Photographic Collection, including 24,000 photographs, copper plates, daguerreotypes, glass slides, etc., almost all of which are on the Internet and an estimated 30,000 yet to be processed.
5. The circulating library (40,000 volumes), which is available to proprietors and, through the New Hampshire Public Library System's Interlibrary Loan Program, to members of the general public.

Day-to-day responsibility for the Athenaeum rests with the Keeper, who oversees a staff of five: a Research Librarian, who is also responsible for the Ephemera Collections; a Rare Books Librarian, also responsible for pamphlets; an Archivist, who is responsible for the Manuscript/Archive collection, a Photographic Collection Manager creating digitized images and the Map Collection; a Curator of Art and Artifacts; and an Assistant Curator. A number of members of the board and proprietors generously volunteer their time assisting with Athenaeum work, such as name and place recognition, historical research, mounting exhibits, maintaining the building, acting as docents for the public and carrying out special projects.

Description of need

The Athenaeum has quickly outgrown its existing space, to the point where the weight of the collections may compromise the structural integrity of its buildings. A short-term solution has been secured with additional off-site storage on State Street, but this storage is not environmentally stable. **The overriding, dominant concern at the Athenaeum is the building environment — including temperature and humidity control and visible and ultraviolet light levels — which is damaging the collections. Equally important is fire risk, especially in the 1805 building. There is an urgent need to address these issues.**

**Strawbery Banke Museum***Collections*

Strawbery Banke Museum collects objects needed to illustrate and understand Portsmouth's historic Puddle Dock neighborhood through time as defined by the interpretive plan. Strawbery Banke collects archives and artifacts that were made or owned in Puddle Dock, Portsmouth, the greater Piscataqua area and the Seacoast region between the earliest period of Native American habitation in the region until the founding of the museum (c. 1960) when Puddle Dock was last a residential neighborhood. Except for Native American artifacts, the core years represented by the collection are 1623-1960. Core collections items include:

- Objects that can be documented or attributed to Portsmouth makers or makers in the greater Piscataqua River region or the Seacoast region;
- Objects that have a history of ownership in Puddle Dock, Portsmouth, or in the Piscataqua region, or the Seacoast region;
- Period objects that are similar to those that might have been owned in Puddle Dock, Portsmouth, the greater Piscataqua region or the Seacoast region as documented by local archaeological evidence, early household inventories, newspaper advertisements, account books, related documented examples, photographs and oral histories;
- Period manuscripts, photographs and published materials that relate to the families of the Puddle Dock neighborhood and the furnished house exhibits of Strawberry Banke Museum.

The Permanent Collection consists of original, rare and often irreplaceable historical and art objects preserved for future generations with the inherent understanding that curatorial staff are only temporary stewards. Objects in the Permanent Collection may be used for research and exhibition and curator-supervised teaching and include ceramic, glass, metal, textiles, paintings, prints (graphics), wooden objects (primarily furniture) and tools from the late seventeenth century through the mid-20th century.

The museum avoids using objects in the Permanent Collection in any way that is detrimental to their preservation. Objects in this collection number around 25,000 and are fully accessioned and may only be transferred through the deaccession process.

The Archaeological Collection consists of material culture remains found during the course of excavations at Strawberry Banke, in the City of Portsmouth and the greater Piscataqua region. There are over one million artifacts in this collection. These constitute a collection of prehistoric artifacts and historic artifacts from the late seventeenth to the twentieth centuries. The collection includes human-made objects as well as biological and geological remains, which are maintained in storage, exhibition, study and educational collections. In addition to artifacts, environmental and dating samples, field

documentation, laboratory documentation, photographic records, related historical documents, maps and reports are considered part of the Archaeological collection.

The Thayer Cumings Library and Archives Collection includes historical monographs, photographs, research papers, manuscript collections or single items (account books and other business records, personal letters and diaries, ephemera) and books relating to the history and inhabitants of Puddle Dock and the surrounding neighborhoods in Portsmouth and architectural plans and drawings of Strawberry Banke structures and landscapes. There are approximately 500 linear feet of archival collections housed in Carter Collections Center and the Townhouse Vault.

Strawbery Banke's Collections staff consist of a full-time curator, a full-time project based archaeologist and a part-time Collections Manager.

Description of Need

Strawbery Banke Museum has appropriate storage space for archival materials, including documents, photographs, oral history transcripts, maps and building assessments in the Carter Collection Center. However, there is little to no room for growth. The closure of the Thayer Cumings Library and Archive in 2009 precipitated the need for alternative storage, hence the move to the object collection facility. However, public access to the museum's resources was severely affected by the library closure. The archival material is still available if requested, but the public-facing nature of the resources no longer exists.

The museum has a small vault in what is now a museum-owned rental building, the Shapley Townhouse at 454 Court Street. This small space has environmental challenges and must be monitored constantly. The vault holds glass plate negatives, various types of tapes with recorded oral histories, 20th century advertising material collected during the Abbott Store project, institutional Archive among other Archives. The museum's archaeological collection is precariously stored in the basements of the museums' 18th and 19th century houses. The collection represents artifacts from the 30 excavations executed by archaeologists on Puddle Dock and the significant Deer Street excavation of the 1980s. This is problematic for numerous reasons including accessibility, possible harm from failing building systems like furnaces and sump pumps, the constant breakdown of the boxes from damp basement conditions and, more recently, the threat of sea level rise.

Strawbery Banke Museum’s archival material should be more easily accessible to the public and the archaeological collection should be protected and available for scholars for research projects.

Portsmouth Historical Society

Collections

The Portsmouth Historical Society has one of the region’s most diverse collections of objects, which includes furniture, paintings, textiles, silver, glassware, china and more. The nearly 3,000 objects are all stored on-site at the historic John Paul Jones House. Portsmouth Historical Society has collected objects needed to illustrate and understand the history and material life, broadly conceived, of Portsmouth, New Hampshire and the immediate Seacoast area, from the 17th century (with the exception of certain earlier Native American materials) to the present. Such objects include artifacts that were made or owned in Portsmouth and the Seacoast region. Some types of items include but are not restricted to:



1. Objects that can be documented or attributed to a Portsmouth artist, artisan, company, or maker(s);
2. Objects that have a significant history of ownership in Portsmouth or the Seacoast region; for example, Asian or European ceramics of the types imported into Portsmouth;

3. Period objects that are similar to those that might have been owned in Portsmouth or the Seacoast region as documented by local archaeological evidence, early household inventories, newspaper advertisements, account books, related documented examples, photographs and oral histories;
4. Period manuscripts, photographs and published materials that relate to the history of Portsmouth. This aspect of the collection is coordinated with the Portsmouth Athenaeum, where PHS materials of this sort are on long-term deposit.

The collection is overseen by a part-time Collections Manager and part-time Curator who are guided by a Collecting Policy that has been vetted by the Historical Society's Collections Committee and Board. Documents and photographs owned by the Historical Society are on deposit at the Portsmouth Athenaeum.

Description of Need

While attempts have been made to properly store items with archival boxes, metal shelving and hanging walls, the third floor space in the John Paul Jones House is not properly climate controlled. There is evidence of substantial past leaks from the roof and the window air conditioning units are not sufficient to moderate the fluctuating heat and humidity levels in a 1758 home. The third floor is only accessible to museum staff and the organization lacks adequate study/research space. Furthermore, the Society's storage space is at capacity, leaving minimal room to grow their collection. **The lack of public access and climate control are two major concerns for the Portsmouth Historical Society that this project will hopefully address.**



Recommended Methods and Facilities

Although beyond the scope of the Task Force’s mission, we have included recommended methods and facility needs for archival storage.

See Appendix B

Potential Funding

Although beyond the scope of the Task Force’s mission, we have included examples of potential federal and private foundational grants.

See Appendix C

Cultural and Economic Considerations

Archive as Cultural and Historical Record

In appointing this Task Force, the City Council recognized that the history of Portsmouth provides important context and documentation for the history of New Hampshire and the country. Portsmouth's history is also integral to the identity of the city, is a major tourism and academic draw and is critical to the economic viability of the city. A Portsmouth Archive will serve as a repository of information about the people and cultures who have lived here and will be of great consequence to the future.



Portsmouth has witnessed a transformative shift in its historical institutions since the 1990s, with a heightened focus on collecting and representing underrepresented communities. The city's rich history, spanning from its earliest inhabitants to its present-day diversity, is closely entwined with the experiences of European immigrants from the late 19th and early 20th centuries, the free and enslaved Black community, the LGBTQ+ community, indigenous inhabitants, and women. By emphasizing these historically

marginalized narratives, local institutions acknowledge the vital role these communities have played in shaping Portsmouth's heritage.

These underrepresented stories have often been excluded or underrepresented in historical records and interpretations. Local institutions are committed to rectifying this historical bias, striving to provide a more inclusive and accurate portrayal of the city's shared history. Their dedication reflects a commitment to preserving the entirety of Portsmouth's historical tapestry and cultivating a deeper understanding and appreciation of the contributions and challenges faced by these communities in the city.

The Chamber Collaborative of Greater Portsmouth reports over one million visitors per year. Heritage-tourism visitors take advantage of our well-preserved downtown to explore collections at the Athenaeum; follow the self-guided tour of Strawberry Banke living history museum; or view regionally unique exhibits and walking tours at Portsmouth Historical Society. History is as central to the cultural economy as world-class music venues, live theater and fine dining. Everything that's done today continues to add to our unique and fulfilling way of life and the Archives are a treasure that continues to shape our story.

Archive for Long-Lasting Economic Viability

Having a city Archive in Portsmouth can bring several benefits that contribute to the economic viability, scholarly interest, cultural preservation and future development of the city, including:

1. *Preservation of Historical Records*

A city Archive serves as a repository of historical documents, photographs, maps, city-owned documents and other artifacts related to the city and its surrounding region. By preserving these records, the Archive ensures that the history of Portsmouth and the Piscataqua region is safeguarded for future generations. This preservation effort helps maintain the city's cultural heritage and provides researchers with rich resources to study and document the past.

2. *Attracting Scholars and Researchers*

The existence of a comprehensive city Archive attracts scholars, historians and researchers from all over the world who are interested in studying the history,

people and cultures of Portsmouth. Researchers often require access to primary source materials and a well-organized Archive with a diverse collection can make Portsmouth an attractive destination for academic and intellectual pursuits. This influx of research and general interest can bring economic benefits to the city through increased visits by academics and researchers, enhanced collaboration with local institutions and academic conferences.

3. *Promoting Cultural Tourism*

Portsmouth has a rich cultural heritage and a city Archive can help promote cultural tourism. The Archive can showcase exhibitions, host educational programs at schools and offer guided tours that highlight the historical significance of the city and its surrounding region. This not only attracts tourists but also generates revenue for local businesses, such as hotels, restaurants and shops, thus enhancing the economic viability of the city.

4. *Shaping Future Development*

A city Archive plays a vital role in informing the future development of a city. By studying historical records and understanding past patterns, city planners, policymakers and architects can make more informed decisions about urban development, infrastructure projects and heritage preservation. The Archive acts as a valuable resource for identifying and preserving historically significant buildings, neighborhoods and cultural landscapes, thereby ensuring that future development aligns with the city's historical identity and character.

5. *Engaging the Community*

A city Archive can actively involve the local community by organizing educational programs, workshops and exhibitions that promote historical literacy and civic engagement. By connecting residents in the preservation and interpretation of their city's history, the Archive fosters a sense of pride, identity and belonging. This community engagement can also lead to the generation of local historical knowledge, oral histories and personal Archives, which further enrich the city's archival collection and make it more representative of diverse experiences.



Archive as Educational Tool for Portsmouth Schools

A Portsmouth Archive will be an invaluable educational resource in several ways:

1. *Primary Source Material*

Provide a more authentic and direct understanding of the past, allowing students to engage with history on a more personal level.

2. *Local History Education*

Learning about the history of their own city helps students develop a sense of place and community identity.

3. *Research Skills*

Students will learn valuable research skills, such as how to search for and evaluate historical sources, which can be applied to other areas of their education and future careers.

4. *Critical Thinking*

Analyzing historical documents and records encourages critical thinking. Students will assess the reliability of sources, consider bias and form their own interpretations of historical events.

5. *Multidisciplinary Learning*

Exploring materials will help students see the interconnectedness of different aspects of history and encourage multidisciplinary learning.

6. *Project-Based Learning*

Teachers can design project-based learning activities around the materials found in the Archive. Students can create exhibits, documentaries or research papers based on their findings, fostering creativity and deep engagement with history.

7. *Connecting Past and Present*

Studying local history allows students to connect historical events to their contemporary lives. They will see how the past has shaped Portsmouth and the world they live in today.

8. *Cultural Appreciation*

Learning about the history of Portsmouth will foster an appreciation for our cultural heritage. This includes learning about the traditions, customs and contributions of different ethnic and cultural groups in our community.

9. *Hyper-Local Field Trips and Outreach*

Educational programs, tours or outreach activities can be specifically designed for school groups. These opportunities enhance students' learning experiences by allowing them to interact directly with historical materials and local experts.

10. *Career Exploration*

Introduces students to potential careers in fields such as history, teaching, archival science, library science and museum studies, inspiring some to consider pursuing careers in these areas.



Leadership Recommendations and Goals

Now is the time to collaborate and create a public/private Archive. Organizations are receptive to the idea and are prepared to work cooperatively to make it a reality. A well-designed Archive benefits each organization financially and offers state-of-the-art preservation for items in a central location.

The Task Force recommends that first and foremost the city show its support to move toward the creation of a shared space among the represented groups, acknowledging that such a space would be in the cultural and economic interest of the city and the non-profits. For the first time, the city and non-profit organizations have come to an agreement to support a combined Archive, sharing the overhead of temperature and humidity control, fire protection and other special considerations required to preserve Archived materials.

The first step in this support should be the continuation of this committee under the new Council. Once renewed, this committee should address the following:

1. *Legal entity options*

What would be the best legal entity for a shared Archive? Among the considerations are the legal and financial interests of all parties and ways to keep the consortium viable to receive a variety of grants, donations and other contributions. While some grantors require a grantee to be registered as a 501(c)(3) organization, other grants are available to government entities. How can the Archive best take advantage of available financing and how can each organization's interest best be protected for the long term? What form of organization would allow for new entities to join? What would happen should a member choose to remove its collection in the future?

2. *Space requirements*

The committee should, in the very near future, work with a consultant to analyze more closely the space and environmental needs to sustain such an Archive. The funds should be appropriated to pay for such a study, based on similar studies carried out in the past 10 years.

3. *Funding*

The committee should continue to identify ways in which to pay for the Archive, considering what will come from each organization and what funds might be raised in the community and through grant opportunities.

4. *Organization membership and responsibilities*

The committee should reach a consensus as to the makeup of the new ongoing shared Archive. Will participants beyond those currently represented on the Task Force be considered? Additionally, what will be the responsibilities of each member organization? Based on the determined legal entity, how will each organization be represented on the governing board?

5. *Identification of materials to include*

As indicated above, the number and types of items currently archived differs greatly. The committee will need to set boundaries as to which types of materials should be retained in the shared space, considering object sizes, space limitations and archiving methodologies.

Conclusion

The Blue Ribbon Task Force on Historical Archives has invested significant time and effort to perform due diligence regarding the viability of a public/private partnership to provide a museum quality historical archival facility. The Archive is intended to collect, preserve and provide access to the critical components that document the rich history of Portsmouth. Portsmouth's history should be readily available to all who have an interest in its early native American inhabitants, the emergence of democracy and the fascinating path in time that paved the way to the vibrant community we enjoy today.

Currently the four primary stewards of Portsmouth history, (The City of Portsmouth, The Portsmouth Athenaeum, Strawberry Banke Museum and Portsmouth Historical Society) are all struggling with the quality and quantity of space needed to meet their ever-growing collection needs. The Blue Ribbon Task Force is made up of executives and board members of all four of these key institutions, as well as concerned citizens and representatives of the city. Since 1979, several past efforts to create a historical Archive for Portsmouth have failed for two primary reasons: an unwillingness for institutions to collaborate and no commitment to funding. Separately each institution has made legitimate efforts to solve their archival challenges. However, each of these attempts has been isolated and most often set in motion by crisis. As a result, they have been costly and have fallen short of meeting the comprehensive needs of the community.

The City of Portsmouth and its leading historic institutions have a unique opportunity to work together to solve Portsmouth's historical archival challenge through a well-planned, comprehensive approach. The entities involved are unanimous in their support of continuing to pursue the viability of this vision. They recognize this opportunity will provide needed cost efficiencies, expand future funding opportunities and improve resource allocation by allowing them to better execute their individual missions.

Should the shared Archive become a reality, the community wins by being a good steward and limiting the risk of losing valuable historic documents and artifacts. The consortium's effort would make researching Portsmouth's history more efficient for all and enhance educational opportunities for students of all ages. A concerted effort to preserve and provide efficient access to Portsmouth's past will leave an ongoing legacy for future generations.

Recommendations

As history continues to unfold, the urgency for proper archival space will increase exponentially, as will the cost and space limitations required to solve the issue. In time, the current leadership will change in the city government as well as the boards and executives of the core historical institutions. To take advantage of the key components in place today that can move this effort to fruition, The Blue Ribbon Task Force on Historical Archives strongly recommends the following:

1. City Council vote to continue the Blue Ribbon Task Force on Historical Archives to pursue the following recommendations;
2. The city and participating institutions jointly pursue a conservation assessment in 2024 to quantify the amount of archives to be stored from each participating institution and the space required to properly steward them. The estimated cost is \$150,000;
3. The Task Force develop and recommend to the City Council the most appropriate legal entity under which the Archive will operate;
4. The Task Force review and recommend which organizations will make up the consortium and how they will be represented in the operations of the Archive;
5. The Task Force develop and recommend a funding plan that includes the city and participating organizations, as well as the availability of public and private resources;
6. The Task Force recommend suitable locations to house the Archive and the City Council earmark the preferred location for future development as the Archive;
7. The Task Force pursue such other issues and make other recommendations that are related to the establishment of the Archive.



Appendix A

Blue Ribbon Task Force on Historical Archives

On September 19, 2022, the City Council voted unanimously to establish a Blue Ribbon Task Force to Study the Establishment of a Private/Public partnership to Properly Archive Historical Documents relating to the City of Portsmouth.

The proposal presented by Councilor Vince Lombardi noted:

Rationale

The history of Portsmouth is:

1. Nationally recognized as important to the history of the state and the country
2. Integral to the cultural identity of the city
3. A major tourism draw
4. Important to the economic viability of the city
5. Studied and documented by historians from all over the world
6. A repository of information about the people and cultures have lived here
7. Important for how citizens shape Portsmouth in the future

The Issue

The city and many organizations (and individuals) currently own and store documents and other materials relevant to the history of Portsmouth.

The city and these organizations do not have adequate facilities to properly store and preserve these materials.

Goal

Mayor McEachern created this Blue Ribbon Committee to study the feasibility of a public/private document Archive that would provide the city and private organizations with a proper climate controlled and fire protected facility to preserve these records.

Purpose/Charge

This Task Force is charged with exploring options to create a public/private Archive to preserve documents related to the city's past, present and future.

The Task Force will look in particular at:

1. How the city and Portsmouth private historical organizations can join together to create a facility that meets the needs of archiving important records.
2. How the pertinent materials are identified and judged as vital; what should not or cannot be included? What qualifies as Portsmouth history? What counts as historical significance?
3. What archiving methods should be used for each type of material to assure each type is protected effectively?
4. What space will be required for such an effort? How will the space be identified, procured and maintained?
5. How will the ongoing efforts be funded? What are the opportunities for establishing trust funds, local and state monies and private contributions?
6. How will the Archive ongoing leadership and management be structured and Implemented?

This Task Force will not be responsible for a plan to determine the maintenance and preservation of city records required to be archived under State and Federal laws and regulations.

Membership

The Task Force will be made up of representatives from major city and non-profit groups whose missions relate directly to preserving Portsmouth history. This includes:

- City of Portsmouth designee (such as a representative from the Library) The Portsmouth Athenaeum
- Strawberry Banke Museum
- The Portsmouth Historical Society and
- Such other entities as may be proposed by the City Council.

Term

The Task Force will provide written recommendations to the City Council by December 31, 2023, at which point it will sunset and if appropriate, a permanent oversight committee could be created by the City Council.

Appendix B

Recommended Methods and Facilities

Recommendations for Storage Conditions

Current National Archives and Records Administration guidelines move away from set points towards ranges. The guidelines are intended to balance long-term preservation of holdings with energy efficiency.

Environment #1: "Comfort Conditions" for work spaces (70° F. ±5°/ RH 35-45% ±5%)

These conditions can drift seasonally: warmer in summer, cooler in winter. They need to be maintained only when spaces are occupied, not on a 24/7 basis. Areas include research and collections management spaces that do not include storage.

Environment #2: Low Sensitivity Holdings (50° - 65°F / RH 30 – 50%)

Most paper including rare books, maps and plans, newspapers, ephemera, pamphlets and manuscripts. Black and white photographic materials including paper-based black and white photographs, polyester-based black and white film, photo albums and glass plate negatives. Electronic and magnetic media including computer tapes and disks, optical disks, video tapes, audio tapes, disk recordings and wire recordings.

Environment #3: Cold Storage for Sensitive Materials (35° F / RH 30 – 40%)

Cellulose acetate-based media including motion picture and still picture film negatives, microfilms, vesicular microforms, slides and color still picture negatives and transparencies and motion picture film. If there is not much sensitive material, a frost-free refrigerator may be the best solution. In the longer term and depending how the collections grow, a cold storage vault could be considered. *Note that there are special packaging requirements for cold storage of photographic materials.*

Environment #4: Highly Sensitive/Unstable materials (Frozen Conditions 30° F, never above 32°F / RH 30 – 40%)

Includes deteriorating acetate negatives, deteriorating motion picture film and any nitrate material. A single upright or chest freezer would be adequate for the materials currently held by the Athenaeum only.

For all other items, the following conditions are ideal for long-term preservation and storage, as recommended by the National Park Service and the Department of the Interior:

Environmental Controls	
<i>Temperature</i>	A temperature range of 59-77°F is acceptable.
<i>Relative Humidity</i>	It is generally recommended to maintain environments in the range of 45-55% with an allowable drift of no more than 5% within a 24-hour period, yielding a total annual range of 40% to 60%.
<i>Lighting</i>	Recommended to use LED or UV-filtered fluorescent lighting. Lighting levels should not exceed 200 lux or 20 footcandles.
<i>Pest Management</i>	An integrated pest management system, overseen by paid staff, is essential to ensure the collections remain free from any insect infestation that could cause irreparable damage to natural materials such as paper, textiles, furniture and more.
<i>Fire Safety</i>	Buildings should be built of fireproof or fire-resistant materials. Sprinkler systems are only permitted when floor drains are installed.
<i>Water Mitigation</i>	Storage spaces should not be located in basements or attics.

Archival Structures

Many of our organizations must sacrifice public space to create room for collection storage and have a finite amount of space, though our collections continue to grow.

By separating curatorial office, work and research spaces from the space housing the collection, we minimize environmental impacts on the collections and lessen security risks.

Building	
<i>Load Bearing</i>	A live floor load of 350 pounds per square foot is desirable, especially for particularly heavy collections such as paper-based materials such as Archives and herbaria, some fossil collections, metals, heavy equipment and if there are plans to install a moveable aisle (compactor) storage system.
<i>Flooding</i>	Collections storage should be located outside the 100-year floodplain.
<i>Building materials and features</i>	Buildings should have minimal to no windows (or have windows blocked/insulated), be built of fire-resistant or fireproof materials and be insulated with a vapor barrier.
<i>Growth</i>	Storage must also provide adequate space to accommodate reasonable growth of the collection over the next ten years.
<i>Piping</i>	No pipes should run through the storage space with special exception for sprinklers, in which case floor drains are required.

Storage Materials

Museum quality, equipment and containers are made using inert, non-reactive materials that do not off gas (emit) substances that accelerate or cause deterioration of objects. Storage containers are often made of corrugated paper-based boards or plastics. Museum quality corrugated boards are made of acid-free paper and are available in neutral pH (unbuffered) or alkaline pH (buffered) varieties. Other storage material must be acid-free and of neutral or alkaline-buffered pH. Certain plastics are considered museum quality storage material, such as polyethylene and polyester. Museum cabinets, shelving units and other storage equipment are made of metal.

Shelving: Museum cabinets, shelving units and other equipment are raised off the floor at least 4 inches, preferably 6 inches, on metal risers as a precaution against potential flooding and to facilitate cleaning of floors and inspection for pest problems.

Staffing: Collections require constant oversight, management and processing, handled by trained professionals. Collections management and archival studies are two degree concentrations offered at the undergraduate and graduate level.

Appendix C Potential Funding

Potential Grant Funders

The grants listed here are for the highest awards. Additional opportunities exist at each federal agency.

National Endowment for the Humanities

[Humanities Collections & Reference Resources:](#)

\$350,000 for implementation; prefer institutional collaboration

[Sustaining Cultural Heritage Collections:](#)

Planning: \$50,000

Implementation Level I: \$100,000

Implementation Level II: \$350,000

Institute for Museum and Library Services (IMLS)

[Museums for America:](#)

\$250,000 for collections stewardship and access

National Archives

[Major Collaborative Archival Initiatives:](#)

A grant is for one to three years. Awards will be between \$150,000 and \$350,000.

Nonprofits and local government agencies are eligible.

National Parks Service (NPS), co-managed by IMLS

[Museums for America:](#)

\$25,000 to \$750,000 for preservation projects and collections

Private Foundations

Penates Foundation

Fidelity Foundation: [Capital Investments or Planning Initiatives](#)

Luce Foundation: [American Art Responsive Grants](#)

[Foundation Grants for Libraries & Archives](#) (Library of Congress)

Mellon Foundation: [Expanding Public Knowledge](#)

Gladys Kriebel Delmas Foundation: [Research Libraries Program](#)

There are additional opportunities for digitization efforts as well as preserving underrepresented collections.

APPENDIX D

Seacoastonline

Portsmouth's historic archives in need of a home. Here's what is being done about it.

Tom Hardiman Portsmouth Athenaeum.

August 23, 2023

PORTSMOUTH — On Sept. 19, 2022, the City Council voted unanimously to establish a Blue Ribbon Task Force to study the establishment of a private/public partnership to Properly Archive Historical Documents relating to the City of Portsmouth. The committee is chaired by Councilor Vince Lombardi and has 12 regular members who represent the city, multiple nonprofit historical organizations, and city residents interested in preserving local history.



The need for and utility of a central archival facility was recognized as early as 1979 in a report commissioned by then-city librarian Sherm Pridham. One aspect of that report was picked up in the 1982 Athenaeum master plan, written by Richard Candee and Bob Thoresen, which recommended that the Athenaeum open its archives to the public and solicit other organizations to deposit their archives with them. The Athenaeum now administers the historical records of nearly 40 historical, religious and civic organizations.

Multiple efforts throughout the 1980s and '90s to create a true central archive in Portsmouth failed for various reasons. The most recent, begun in 2016 by then-city Library Director Steve Butzel, was derailed by the pandemic, but ultimately led to the collaborative publication "The History of Portsmouth in 101 Objects." Councilor Lombardi felt that with the unprecedented institutional collaboration that went into the book and the rising

appreciation for local history engendered by the Portsmouth 400th celebrations, 2023 was the right time to take up the cause again.

Lombardi is uniquely well suited to the work, having long associations with Strawbery Banke, Portsmouth Historical Society, the Athenaeum, Portsmouth Advocates, and the city's Historic District Commission. The other committee members include current executive directors of the public library, the Athenaeum, the Historical Society, and the chief curator of Strawbery Banke Museum, and many current or past board members of the cooperating institutions. Sue Sterry represents the city Cemetery Committee and frequently reminds the other members of the frustration of having to go to four or five different institutions or city departments to try to find information on a single historical person or location.



The committee held its first meeting in the Levenson Room of the Public Library on Jan. 27, when several members of the public echoed Sterry's aggravation of having to search multiple collections to find documents. Since then the committee has met biweekly and has toured the seriously overcrowded collections facilities of the Historical Society, Strawbery Banke, the Athenaeum, the Public Library, and City Hall. It also heard from Rodney Obien, archivist at Keene State College, Brian Burford, former state archivist for New Hampshire. Both shared valuable experiences with setting up archival facilities. The committee also got a sobering assessment from real estate expert David Choate on the critical shortage of available sites for such a facility in Portsmouth.

Halfway into its work, the committee is now drafting its report of findings of fact and recommendations on how to proceed. It has had one public hearing and plans to hold another in the fall. The good news is that all of the participants are now keenly aware of the need for a new facility and can see that a public/private partnership would be vastly more economically efficient than the current system of having five institutions run their own facilities separately. The members remain optimistic, confident that others will feel the same way once they see the facts.



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ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV **COMMISSION AND AUTHORITIES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IV: COMMISSION AND AUTHORITIES

Section 1.412: PUBLIC ART REVIEW COMMITTEE

- A. Membership and Term: The Public Art Review Committee (PARC) will consist of between seven and eleven members. Members shall include one member of city staff to be designated by the City Manager, **a City Councilor in a non-voting capacity**, and the rest shall be community members. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Other than the City Manager's appointment, the members shall be appointed by the Mayor, with approval from the Council, to staggered terms varying from two to three years.

The PARC shall be chaired by a member of the local arts community and shall interview or make recommendations to fill PARC openings to the Mayor, as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.

- B. Public Art Defined: For purposes of this Public Art Review Committee, "public art" shall be defined as artwork located in or on a public space such as a municipal facility, park, right-of-way, or other municipally owned or controlled property. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch or other structures intended for ornament or commemoration. Also included in this definition is any installation that is technological in nature or includes carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass plastics and other materials. Landscape items include the artistic placement of natural materials and other function art objects. Works of art may be portable as well as permanent.

Public art does not include objects that are mass-produced from a standard design or reproductions of original art works unless of limited edition; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage or color coding except where these elements are

integral parts of an original work of art; and logos, corporate identifiers or other forms of branding and advertising.

C. Powers and Duties: The PARC shall have the following responsibilities:

1. To foster development and awareness of public art within the City of Portsmouth, and advise the City Manager and City Council with respect to matters relating to the development of public art awareness within the City of Portsmouth.
2. To accept referrals from the City Council or any other public body concerning public art and art issues generally.
3. To provide input on masterplans, zoning ordinances, strategic planning documents as they relate to public art and art issues generally.
4. To collaborate with the city on the acquisition, maintenance and marketing of its public art and develop a stewardship policy.
5. Establish Guidelines for review of public art based on the Public Art Acquisition Policy.
6. Initiate public forums where appropriate for determining thematic approaches and location options for public art.
7. Determine recruitment strategies to attract qualified artists for public art projects.
8. To review applications for public art following the Public Art Acquisition Policy, select final proposals, and advise the City on issues related to Percent for Art.
9. Review all applications for sponsored works of public art following the same guidelines as those for the Percent for Art program.
10. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the City or established by the Public Art Review Committee at the request of the City Council.
11. To recommend to the City Council, as requested, replacement members to the PARC when they arise.
12. Identify and solicit funds to supplement the public art budget.
13. Perform further duties related to public art within the City of Portsmouth that the City Manager may request.

- D. Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.
- E. Reporting Responsibility: The Public Art Review Committee (PARC) shall include an annual report of their proceedings and programs to City Council. Details of the report include, but are not limited, to:
 - 1. Assessing available and potential resources in the Public Art Trust.
 - 2. Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.
 - 3. Assessing the impact of and opportunity for public art projects that advance economic development opportunities.
- F. Revenue Development: The PARC may solicit or receive gifts, money or other to be applied to principal or interest, into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

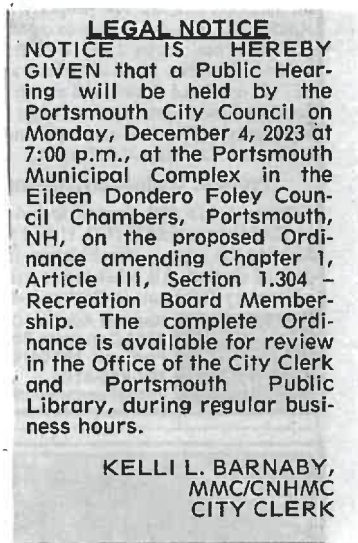
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 4, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article III, Section 1.304 – Recreation Board Membership. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article III, Section 1.304 – **RECREATION BOARD** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE III: BOARDS

Section 1.304: RECREATION BOARD

A. Membership: The Recreation Board shall consist of ~~ten~~ **nine** members, ~~namely the City Manager as a member ex-officio and nine persons~~ appointed by the Mayor **with approval of the Council.**

- 1. One member shall be a city councilor selected by the Mayor with the approval of the Council, who shall be an ex-officio member.**
- 2. One member shall be a School Board member selected by the Mayor with the approval of the Council, who shall be an ex-officio member.**

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 4, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 4, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX, Section 1.901 – **MUNICIPAL OFFICIALS DISCLOSURES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IX: CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE

Section 1.901: MUNICIPAL OFFICIALS DISCLOSURES

A. Preliminary: This ordinance is adopted by the City of Portsmouth in compliance with the mandate contained in the Charter Amendment entitled "CONFLICT OF INTEREST" which was adopted by referendum vote of the City of Portsmouth on November 3, 1987 as amended pursuant to referendum vote of the City of Portsmouth on November 7, 2017. This ordinance may be referred to as the Mandatory Disclosure Ordinance.

B. Definition: For purposes of this Article only, the following terms shall be defined in the following manner:

Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" in this provision shall include members of the City Council, School Board, Police Commission, Fire Commission, Planning Board, Zoning Board of Adjustment and Historic District Commission, **including City employees appointed to the Land Use Boards.**

Income: The term "income" shall be defined as a gain of recurrent benefit usually measured in money that derives from capital, labor, or investment.

Capital Assets: The term "capital assets" shall be defined to include interests and investments in Portsmouth-based businesses, businesses owned by Portsmouth residents and businesses which transact business with the City of Portsmouth. The term "capital assets" shall also be defined to include all real estate holdings and interests in real estate located in the City of Portsmouth.

Financial Disclosure Statement: The term "financial disclosure statement" shall mean a written statement, given under oath:

- 1) Listing an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of any capital asset whose value at the time of disclosure is below Ten Thousand (\$10,000) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.
 - 2) Listing any sources of income, whether or not connected with the City of Portsmouth which individually produce income in an amount greater than \$10,000 calculated annually on a per calendar year basis.
 - 3) **Listing affiliations with local organizations in which a person is serving in a fiduciary capacity, such as a trustee, director, or other officer.**
- C. Obligation of All Municipal Officials: All municipal officials will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be based on the form used by the State to implement RSA 15-A (attached) prepared by the City Clerk for approval by the City Council and made available to all municipal officials for this purpose.
- D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process under the Municipal Code of Ethics, Reference Chapter I, Article VIII.
- E. Public Records: Financial Disclosure Statements shall be public records.
- F. Return of Records: Financial Disclosure Statements shall be returned to the public official six (6) months after leaving office.
- G. Penalties: Any violation of this article shall be subject to the penalties prescribed for violation of the City Code of Ethics, Sec. 1.801 et seq.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

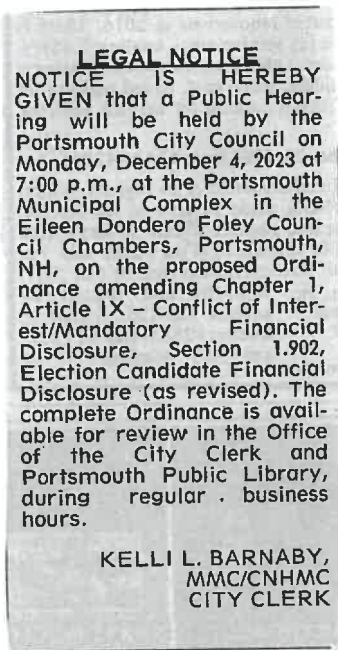
ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 4, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure (as revised). The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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



ORDINANCE#

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX- CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE, Section 1.902, ELECTION CANDIDATE FINANCIAL DISCLOSURE, of the Ordinances of the City of Portsmouth, be amended as follows (Deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing). Amendments made after second reading of October 16, 2023, are in **blue**, deletions from original redline draft or from existing language is ~~stricken~~ and remaining language is unchanged.

ARTICLE IX: CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE (Adopted Section 1.902 in its Entirety 6/4/2007; amended 07/10/2017; amended 04/16/2018 pursuant to referendum vote of the City of Portsmouth on November 7, 2017)

- A. Required Disclosure: Each candidate for City Council, School Board, Police or Fire Commissions, and every Political Action Committee shall report contributions and election related expenditures.
1. Political Action Committee: The term "Political Action Committee" (PAC) is any person or group of people raising and spending money to elect or defeat candidates for City Council, School Board, Police and Fire Commissions or pass or defeat Charter Amendments, Ballot Questions or Referenda.
- B. The report of expenditures shall specify the cumulative total, **and need not** be itemized, ~~and shall be required only if the candidate's or Political Action Committee's for~~ expenditures since the last municipal election. ~~equal or exceed a cumulative total of \$100.00.~~
- C. The report of monetary contributions to the candidate or Political Action Committee shall identify each contribution **of \$100.00 or more** since the last municipal election by name, address, amount and date of contribution(s). ~~All such contributions in excess of \$100.00 shall be reported, whether the contribution is made in money, materials, or services. Contributions from sources unknown to the candidate shall be reported as such.~~
- D. The reports must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which the candidate, slate of candidates or Charter Amendment, Ballot Question or Referendum appears.
- E. Any contribution received within the seven (7) days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two (2) weeks following the election.
- F. **All campaign signs, literature, and other advertising will state the candidate or PAC that paid for it, along with the Fiscal Agent and their address or an Internet address, if the Internet address is printed or written in a size of type or lettering large enough to be clearly legible**

and the website immediately and prominently displays all of the information required by this section through election day.

- F. G. Violations:** For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII. In addition to any penalties available under the Code of Ethics, any violations of the mandatory disclosure ordinance may be reported by the Board of Ethics to the Office of the New Hampshire Attorney General.
- G. H.** The City Clerk shall prepare forms which shall be utilized by all persons and Political Action Committees subject to these disclosures.
- H. I. Public Records:** All election financial disclosures shall be public records and shall be published on the City website.
Form used by the State to implement RSA 15 A

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted. This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: November 30, 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 December 4, 2023

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

A. First Reading of Ordinance Amending Chapter 1, Article IV – Commission and Authorities – Public Art Review Committee:

Attached please find [an ordinance amending Chapter 1, Article IV – Commission and Authorities – Public Art Review Committee](#).

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the December 18, 2023 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article III, Section 1.304 – Recreation Board Membership:

At its regularly scheduled meeting of October 18, 2023, the Recreation Board voted to recommend a change to its membership. This change is intended to memorialize the current membership of the Recreation Board in Ordinance. Therefore, the Recreation Director and the Legal Department recommend the City Council [amend Chapter 1, Section 304](#) consistent with the changes detailed in [the attached redlined document](#).

At the November 13th City Council meeting, the Legal Department recommended the City Council refer this proposed amendment to the Governance Committee and schedule second reading at this evening's meeting.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the December 18, 2023 City Council meeting.

C. **Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure:**

Attached please find a proposed amendment to Chapter 1, Article IX, Section 1.901 – Municipal Officials Disclosure.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the December 18, 2023 City Council meeting.

D. **Public Hearing and Second Reading of Ordinance Amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure:**

Proposed amendments to [Ordinance Chapter 1, Article IX, Section 1.902](#) came before the Council at their October 16, 2023 meeting for second reading. The Council discussed several amendments proposed by Councilor Denton, but rather than voting on these amendments, the Council referred the proposed amendments to the Legal Department for review and report back.

The Legal Department has reviewed the proposed amendments to the Ordinance as drafted. The Council expressed concern about the legality of eliminating the \$100 threshold for disclosures of contributions and expenditures. The State statute governing disclosures of campaign contributions and expenditures, RSA 644:1-13, applies only to certain State and County elected positions and does not apply to City elections. The provisions of RSA 644:14-22 that concern political advertising, push polling, and enforcement are applicable to Cities and Towns.

Moreover, RSA 47:17 specifically empowers Cities and Towns to make laws “requiring the reporting of contributions to, and expenditures by, any candidate or political committee made for purpose of influencing the election of any candidate for local elective office.” (RSA 47:17, XIV-b). Thus, the City Council is empowered to set the disclosure limits it believes necessary to regulate the reporting of campaign contributions and expenditures.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the December 18, 2023 City Council meeting.

XI. City Manager’s Items Which Require Action:

1. **Supplemental Appropriation for Outside Counsel Litigation Fees:**

The City is involved in two complex litigation matters that are being handled by outside counsel and require additional funds. These matters are the City v. SoBow Square (the McIntyre litigation in the Superior Court’s Business Court that sits in the Hillsborough Northern District Superior Court in Manchester) and Banfield Road LLC v. the City, et al., (an environmental claim filed against the City and several other parties in Federal Court).

In the SoBow Square litigation the City is represented by the Hinckley Allen law firm and in the Banfield Road litigation the City is represented by the McLane law firm. In these two matters, there is no dedicated fund from which to pay the on-going monthly invoices from outside counsel. Both matters were initiated in the Spring of this year, after the budget was published and before the litigation was significantly underway. It would have been difficult to anticipate the on-going legal expenses associated with these matters at the time the budget was passed.

Our outside counsel has provided us with an educated approximation of their anticipated fees for the remainder of this fiscal year. Based on these estimates the Legal Department is requesting an additional \$450,000.

I recommend that the City Council move to schedule a Public Hearing on the Proposed Supplemental Appropriation from Unassigned Fund Balance of \$450,000 for Outside Counsel Legal Fees at the December 18, 2023 City Council meeting.

2. **Approval of Memorandum of Agreement for Portsmouth School Clerical Employees:**

Attached please find a proposed Memorandum of Agreement (MOA) for the Portsmouth Association of Clerical Employees, along with a memorandum from the City's Labor Negotiator, Tom Closson.

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

3. **Approval of Memorandum of Agreement for Association of Portsmouth School Teachers:**

Attached please find a proposed Memorandum of Agreement (MOA) for the Association of Portsmouth School Teachers, along with a memorandum from the City's Labor Negotiator, Tom Closson.

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

4. **Approval of Memorandum of Agreement for Portsmouth City Employees – AFSCME Local #1386A:**

Attached please find a proposed Memorandum of Agreement (MOA) for Portsmouth City Employees – AFSCME Local #1386A, along with a memorandum from the City's Labor Negotiator, Tom Closson.

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

5. Portsmouth Indoor Pool Liquidating Charitable Trust:

In 2010, a nonprofit tax-exempt corporation, Save the Indoor Portsmouth Pool (“SIPP”), was formed to “lessen the burdens of the City of Portsmouth” in connection with the operation of the Portsmouth Indoor Pool (“Pool”). Through a unique lease and operations agreement with the City of Portsmouth, SIPP was able to raise funds for needed capital improvements and helped modernize pool programming and the fee structure. The Pool is in a much better position now than in 2010 both with regard to the condition of the facility and operations.

SIPP desires to discontinue its existence as a nonprofit corporation. Last year, the lease and operations agreement with SIPP came to an end; SIPP having had no interest in renewing it. This year, SIPP is looking to complete the wind down of its activities by placing its remaining funds, approximately \$185,000, in a trust to benefit the Pool.

The Legal Department has been working with SIPP representatives, Attorney Charles Doleac and its Board President Michael Chubrich to develop the [attached Portsmouth Indoor Pool Liquidating Trust instrument](#) that is before the City Council for consideration. Suzanne Woodland, Deputy City Manager/Regulatory Counsel, has been working with SIPP and is prepared to speak to the draft Trust if there are questions. A representative of SIPP is also expected to be present.

With regard to the Trust, it is fairly simple. If the City continues to invest in and operate the Pool as it is currently doing, the Trust will provide matching funds for continued capital improvements. If the City determines not to operate the Pool any further, the funds would be distributed to another 501(c)(3) organization in the area that operates an indoor pool. The Trust is to sunset in 2030.

The Trustees of Trust Funds reviewed and approved the form of this Trust instrument at its meeting of November 16, 2023. If the City Council approves it as is, the Trustees are prepared to execute it without further action.

I recommend that the City Council authorize me to execute the Portsmouth Indoor Pool Liquidating Trust.

XII. Consent Agenda:

A. Projecting Sign License – 9 Commercial Alley:

Permission is being sought to install a projecting sign at [9 Commercial Alley](#) that extends over the public right of way, as follows:

Sign dimensions: 32” x 42”

Sign area: 9.3 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 Regarding Housing Navigator Update by Howard Snyder:

Howard Snyder, the City's Housing Navigator, will give an update regarding the upcoming engagement effort with Portsmouth Listens as well as introduce RKG's financial market analysis.

XVI. Approval of Grants/Donations:

A. Acceptance of ARPA Funds for the Fleet Street Roadway Reconstruction - \$519,500:

The City was awarded \$519,500 in ARPA funds for the Fleet Street Roadway Reconstruction project in 2022. The City Council accepted those funds in March of 2022, however the City is requesting a modification of the anticipated project substantial completion date for the project.

The following authorization is requested from the City Council for the City Manager to amend the current ARPA Grant agreement for the Fleet Street Reconstruction Project.

I recommend that the City Council move to authorize the City Manager to enter into an ARPA Grant Amendment No.1 with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion to the existing grant agreement.

B. Acceptance of Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant - \$460,000:

The City has been awarded a grant of \$460,000 (\$345,000 in federal funds and \$115,000 for the City's 25 percent match) from the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant. The funding from this grant will be used to perform preliminary engineering, and development of specification and cost estimates to replace the 135-year-old through plate girder bridge over Bartlett Street. The project will also perform preliminary engineering, and development of specification and cost estimates for surface and safety improvements at three grade crossing (Barberry Lane, Maplewood Avenue, and Green Street) on the CSX Portsmouth Branch and one public crossing (Market Street) on the CSX Newington Industrial Track. These improvements may include replacement of the crossing surface, installation of continuous welded rail through the crossing and installation of upgrades of active warning devices.

The following authorization is requested from the City Council for the City Manager to enter into a contract for the acceptance of these grant funds.

I recommend that the City Council move to authorize the City Manager to enter into a Grant Agreement with the United States Department of Transportation to accept \$460,000 from the CRISI Grant Program. This funding will be used to perform preliminary engineering and development of specifications and cost estimates to replace the Barlett Street bridge near the intersection of Bartlett and Cate Street.

XVII. City Manager's Informational Items:

1. Jones Avenue Scrap Yard Report Back to the City Council:

[Attached please find a report back from the Legal Department](#) regarding the status of the Jones Avenue/MAC Metals scrap metal yard as requested at the November 13th City Council meeting.

2. Disposition of the McIntyre Property:

I will provide a verbal update on the disposition of the McIntyre property at this evening's meeting.

3. Pease Development Authority Board Meeting Update:

I will provide a brief update on the business that was discussed at the Pease Development Authority (PDA) Board Meeting held on November 16th.

THOMAS M. CLOSSON
ATTORNEY AT LAW PLLC

379 Amherst Street, Suite #2
PMB 231
Nashua, New Hampshire 03063
603-759-6614
Thomas.closson@nhlaborlaw.com

To: City Manager Conard, Mayor McEachern, Members Of The
Portsmouth City Council
CC: Superintendent Zach McLaughlin, Human Resources Director Kelly
Harper, City Finance Director Judie Belanger, School District
Business Administrator Nathan Lunney
From: Tom Closson
Date: November 27, 2023
Re: Proposed Extension Of Current Collective Bargaining Agreements

The Portsmouth School Board has approved a Memorandum of Agreement with the Portsmouth Association of Clerical Employees to extend their current collective bargaining agreement for one (1) additional year, to June 30, 2025. See the attached Exhibit 1. The Portsmouth School Board has also approved a Memorandum of Agreement with the Association of Portsmouth Teachers to extend their current collective bargaining agreement for one (1) additional year, to June 30, 2025. See the attached Exhibit 2. Finally, the Portsmouth City Employees – AFSCME Local #1386A has requested that the City extend its current collective bargaining agreement for one (1) additional year, to June 30, 2026. See the attached Exhibit 3.

All three (3) of these extensions implement the City's COLA calculation for the proposed additional year, and otherwise keep current contract language unchanged.

In my opinion, these are all reasonable proposals that will benefit the City and the Portsmouth School District both economically and in terms of ongoing labor stability.

PORTSMOUTH BOARD OF EDUCATION

AND

THE PORTSMOUTH ASSOCIATION OF CLERICAL EMPLOYEES (PACE)

MEMORANDUM OF AGREEMENT

1. The Portsmouth Board of Education (“the Board”) and the Portsmouth Association of Clerical Employees (“the Union”) are parties to a collective bargaining agreement (“CBA”).
2. The Board and the Union are scheduled to begin negotiations for a successor CBA this school year.
3. The Board and the Union have agreed that it is in the best interests of both parties to do a one (1) year extension of the existing 2022-2024 CBA, which is scheduled to expire June 30, 2024.
4. The mutual extension will result in the current CBA extending through June 30, 2025.
5. The agreement to extend the existing CBA includes the agreement to increase wages for the one (1) year extension as follows:
 - a. All employees covered by the CBA will receive a COLA based on the 10-year rolling COLA average of the Boston-Cambridge-Newton, MA-NH Consumer price index, with a floor of 3% and a ceiling of 5%.
 - b. The COLA outlined in 5(a) above will be applied to the base wage for each employee beginning on July 1, 2024.
 - c. The COLA outlined in 5(a) above will be applied to all longevity amounts in the CBA.

- d. All reference to the Title "Administrative Assistant to the Assistant Superintendent" in the CBA, will be changed to "Executive Assistant to the Assistant Superintendent."
 - e. Dates in the sections "Applicability After Contract Expires"; "Duration"; and any other section of the CBA, which are directly impacted by this MOA and are identified as needing adjustment to adjust to align with the intent of this MOA will be adjusted.
 - f. All other language contained in the existing 2022-2024 CBA between the parties will remain current contract language through the one (1) year extension.
6. This MOA is to address only the agreed upon changes outlined in 5(a-e) above and is not intended to create any precedent or binding practice between the Board and the Union.

Dated: 11/14/23

Nancy Clayburgh
Nancy Clayburgh
Chair, Portsmouth School Board Chair

Dated: 11/8/2023

Karen Conway
Karen Conway
President, PACE

Ratified by the Portsmouth City Council on _____

Dated: _____

Kelli Barnaby
City Clerk, City of Portsmouth

PACE CLERICALS UNION - 10/30/23

NH Retirement Rate	13.53%	13.53%
FICA Rate	7.65%	7.65%
COLA Rate		3.00%
Aux COLA Rate		0.00%

CURRENT CONTRACT - CLERICALS GROSS BUDGET (Steps only/No COLA)

	FY24 Base	FY25	Projected 1-Yr Total
Wages	1,161,973	1,165,138	1,165,138
Longevity	12,416	13,675	13,675
NH Retirement	158,895	159,493	159,493
FICA	89,841	90,179	90,179
	1,423,125	1,428,485	1,428,485

Year-to-Year **CURRENT** Gross Budget Change 5,360
 % Change 0.38%

5,360	Total Yr-to-Yr Increase
0.38%	Change FY24 to FY25

PROPOSED TENTATIVE AGREEMENT - CLERICALS GROSS BUDGET

	FY24 Base	FY25	Projected 1-Yr Total
Wages	1,161,973	1,200,165	1,200,165
Longevity	12,416	14,083	14,083
NH Retirement	158,895	164,288	164,288
FICA	89,841	92,890	92,890
	1,423,125	1,471,426	1,471,426

Year-to-Year **PROPOSED** Gross Budget Change 48,301
 % Change 3.39%

48,301	Total Yr-to-Yr Increase
3.39%	Change FY24 to FY25

BREAKDOWN OF TENTATIVE AGREEMENT COSTS OVER "CURRENT" GROSS BUDGET

YEAR-TO-YEAR Change Over Prior Year Base

	FY24 Base	FY25	Projected 1-Yr Total
Wages	-	35,027	-
Longevity	-	408	-
NH Retirement	-	4,795	-
FICA	-	2,711	-

TOTAL COST OF TENTATIVE AGREEMENT - 42,941
 3.02%

-	Total Yr-to-Yr Increase
0.00%	Change FY24 to FY25

THOMAS M. CLOSSON
ATTORNEY AT LAW PLLC

379 Amherst Street, Suite #2
PMB 231
Nashua, New Hampshire 03063
603-759-6614
Thomas.closson@nhlaborlaw.com

To: City Manager Conard, Mayor McEachern, Members Of The
Portsmouth City Council
CC: Superintendent Zach McLaughlin, Human Resources Director Kelly
Harper, City Finance Director Judie Belanger, School District
Business Administrator Nathan Lunney
From: Tom Closson
Date: November 27, 2023
Re: Proposed Extension Of Current Collective Bargaining Agreements

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All three (3) of these extensions implement the City's COLA calculation for the proposed additional year, and otherwise keep current contract language unchanged.

In my opinion, these are all reasonable proposals that will benefit the City and the Portsmouth School District both economically and in terms of ongoing labor stability.

PORTSMOUTH BOARD OF EDUCATION

AND

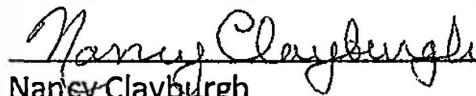
THE ASSOCIATION OF PORTSMOUTH TEACHERS (APT)

MEMORANDUM OF AGREEMENT

1. The Portsmouth Board of Education (“the Board”) and the Association of Portsmouth Teachers (“the Union”) are parties to a collective bargaining agreement (“CBA”).
2. The Board and the Union are scheduled to begin negotiations for a successor CBA this school year.
3. The Board and the Union have agreed that it is in the best interests of both parties to do a one (1) year extension of the existing 2022-2024 CBA, which is scheduled to expire on June 30, 2024.
4. The mutual extension will result in the current CBA extending through June 30, 2025.
5. The agreement to extend the existing CBA includes the agreement to increase wages for the one (1) year extension as follows:
 - a. All employees covered by the CBA will receive a COLA based on the 10-year rolling COLA average of the Boston-Cambridge-Newton, MA-NH Consumer price index, with a floor of 3% and a ceiling of 5%.,
 - b. The COLA outlined in 5(a) above shall be applied to the base wage for each employee beginning on July 1, 2024.
 - c. The COLA outlined in 5(a) above shall be applied to all tracks in the salary schedule.


- d. Dates in the sections "Applicability After Contract Expires"; "Duration"; and any other section of the CBA which are directly impacted by this MOA and are identified as needing adjustment to align with the intent of this MOA will be adjusted.
 - e. All other language contained in the existing 2022-2024 CBA between the parties will remain current contract language through the one (1) year extension.
6. This MOA is to address the agreed upon one (1) year extension and salary/track increases as outlined in 5(a-d) above and is not intended to create any precedent or binding practice between the Board and the Union.

Dated: 11/14/23



Nancy Clayburgh
Chair, Portsmouth School Board Chair

Dated: 11/7/23



Erin Bakkom
President, APT

Ratified by the Portsmouth City Council on _____

Dated: _____

Kelli Barnaby
City Clerk, City of Portsmouth

ASSOCIATION OF PORTSMOUTH TEACHERS - 10/30/23

NH Retirement Rate	19.64%	19.64%
FICA Rate	7.65%	7.65%
COLA Rate		3.00%
Aux COLA Rate		2.00%

CURRENT CONTRACT-APT GROSS BUDGET (Steps only/No COLA)

	FY24 Base	FY25	Projected 1-Yr Total
Salary	22,057,526	22,305,047	22,305,047
Adv Degree	3,703,669	3,703,669	3,703,669
Longevity	160,370	160,370	160,370
Leadership	123,262	123,262	123,262
Extra Days	64,998	64,998	64,998
Extra & Co Curricular	539,534	539,534	539,534
NH Retirement	5,233,934	5,282,547	5,282,547
FICA	2,038,676	2,057,611	2,057,611
	33,921,969	34,237,038	34,237,038

Year-to-Year CURRENT Gross Budget Change 315,069
 % Change 0.93%

315,069	Total Yr-to-Yr Increase
0.93%	Change FY24 to FY25

PROPOSED TENTATIVE AGREEMENT-APT GROSS BUDGET

	FY24 Base	FY25	Projected 1-Yr Total
Salary	22,057,526	22,974,281	22,974,281
Adv Degree	3,703,669	3,814,886	3,814,886
Longevity	160,370	160,370	160,370
Leadership	123,262	123,262	123,262
Extra Days	64,998	66,890	66,890
Extra & Co Curricular	539,534	550,325	550,325
NH Retirement	5,233,934	5,438,319	5,438,319
FICA	2,038,676	2,118,286	2,118,286
	33,921,969	35,246,619	35,246,619

Year-to-Year PROPOSED Gross Budget Change 1,324,650
 3.90%

1,324,650	Total Yr-to-Yr Increase
3.90%	Change FY24 to FY25

BREAKDOWN OF TENTATIVE AGREEMENT COSTS OVER "CURRENT" GROSS BUDGET

YEAR-TO-YEAR Change Over Prior Year Base

	FY24 Base	FY25	Projected 1-Yr Total
Salary	-	669,234	669,234
Adv Degree	-	111,217	111,217
Longevity	-	-	-
Leadership	-	-	-
Extra Days	-	1,892	1,892
Extra & Co Curricular	-	10,791	10,791
NH Retirement	-	155,772	155,772
FICA	-	60,675	60,675

TOTAL COST OF TENTATIVE AGREEMENT - 1,009,581
 2.98%

1,009,581	Total Yr-to-Yr Increase
2.98%	Change FY24 to FY25

THOMAS M. CLOSSON
ATTORNEY AT LAW PLLC

379 Amherst Street, Suite #2
PMB 231
Nashua, New Hampshire 03063
603-759-6614
Thomas.closson@nhlaborlaw.com

To: City Manager Conard, Mayor McEachern, Members Of The
Portsmouth City Council
CC: Superintendent Zach McLaughlin, Human Resources Director Kelly
Harper, City Finance Director Judie Belanger, School District
Business Administrator Nathan Lunney
From: Tom Closson
Date: November 27, 2023
Re: Proposed Extension Of Current Collective Bargaining Agreements

The Portsmouth School Board has approved a Memorandum of Agreement with the Portsmouth Association of Clerical Employees to extend their current collective bargaining agreement for one (1) additional year, to June 30, 2025. See the attached Exhibit 1. The Portsmouth School Board has also approved a Memorandum of Agreement with the Association of Portsmouth Teachers to extend their current collective bargaining agreement for one (1) additional year, to June 30, 2025. See the attached Exhibit 2. Finally, the Portsmouth City Employees – AFSCME Local #1386A has requested that the City extend its current collective bargaining agreement for one (1) additional year, to June 30, 2026. See the attached Exhibit 3.

All three (3) of these extensions implement the City’s COLA calculation for the proposed additional year, and otherwise keep current contract language unchanged.

In my opinion, these are all reasonable proposals that will benefit the City and the Portsmouth School District both economically and in terms of ongoing labor stability.

EXHIBIT #3

CITY OF PORTSMOUTH
AND THE
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO, COUNCIL 93, LOCAL 1386
REPRESENTING THE PORTSMOUTH CITY EMPLOYEES – 1386A

MEMORANDUM OF AGREEMENT

WHEREAS, the City of Portsmouth, New Hampshire (“City”) and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1386A (“Union”) hereby agree as follows:

1. The City and the Union are parties to a collective bargaining agreement that covers the period from July 1, 2022 to June 30, 2025 (“the CBA”).
2. The parties have agreed to add the position of Maintenance Garage Assistant to the Union’s bargaining unit. The position will be placed at a Grade 5 on the salary schedule.
3. This Memorandum of Agreement addresses only the specific situation described above. This Memorandum of Agreement shall not be construed as creating any binding past practice between the Parties.

Dated: _____

City of Portsmouth, New Hampshire

Dated: _____

Portsmouth City Employees - 1386A

Dated: _____

Approved by the City Council for the City
of Portsmouth, New Hampshire

ESTIMATED-AFSCME 1386A

* ESTIMATED

SALARY ADJUSTMENT	4.00%			
COLA	2.05%	3.00%	* 2.075%	* 2.075%
social security	6.20%	6.20%	6.20%	6.20%
medicare	1.45%	1.45%	1.45%	1.45%
retirement	14.06%	13.53%	13.53%	* 13.53%

ALL FUNDS: GENERAL FUND, PARKING, STORMWATER, PRESCOTT PARK, WATER and SEWER (98.85 FTEs)

ESTIMATE ONLY-CURRENT CONTRACT-(Steps only/No COLA)

Wages	FY23 Budgeted salary	FY24	FY25	FY26 Projected 4-Yr Total		
Salary	4,672,810	4,766,267	4,861,592	4,934,516	19,235,185	
Longevity	28,615	36,374	39,689	41,640	146,317	
Retirement	661,020	649,797	663,143	673,274	2,647,235	
Medicare	68,171	69,638	71,069	72,154	281,032	
Social Security	291,488	297,764	303,879	308,522	1,201,653	
	5,722,104	5,819,840	5,939,372	6,030,105	23,511,422	
Year-to-Year CURRENT Gross Budget Change		97,736	119,532	90,734	308,001	Total Yr-to-Yr Increase*
% Change		1.71%	2.05%	1.53%	5.38%	Change FY23 to FY26
					1.35%	Avg % Change

ESTIMATE ONLY-PROPOSED TENTATIVE AGREEMENT EXTENTION-1386A GROSS BUDGET

Wages	FY 23 New Proposed Salary	FY24	FY25	FY26 Projected 4-Yr Total		
Salary	4,959,347	5,165,375	5,351,767	5,453,377	20,929,867	
Longevity	54,604	56,242	57,789	76,503	245,138	
Retirement	704,962	712,324	731,913	754,357	2,903,556	
Medicare	72,702	76,339	78,439	80,844	308,324	
Social Security	310,865	326,416	335,392	345,677	1,318,351	
	6,102,480	6,336,696	6,555,299	6,710,759	25,705,235	
Year-to-Year PROPOSED Gross Budget Change		234,217	218,603	155,460	608,279	Total Yr-to-Yr Increase
		3.84%	3.45%	2.37%	9.97%	Change FY23 to FY26
					2.49%	Avg % Change per yr

						Net Cost over current budgeted amounts FY23-FY26
DIFFERENCE CURRENT and PROPOSED	380,375	516,856	615,928	680,654	2,193,813	

PORTSMOUTH INDOOR POOL LIQUIDATING CHARITABLE TRUST

PARTIES

The parties to this Trust Agreement are: Save the Indoor Portsmouth Pool, Inc. (“SIPP”), a tax exempt corporation with a principal place of business at 82 Court Street, Portsmouth, New Hampshire, the Trustees of Trust Funds, (“Trustees”) charter officers of the City with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire; and the City of Portsmouth (“City”), a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire.

PRELIMINARY

WHEREAS, SIPP is a non-profit tax-exempt corporation formed on July 6, 2010 to “lessen the burdens of the City of Portsmouth in connection with the operation of its public aquatic recreational facilities and programs” by helping preserve and improve the Portsmouth Indoor Pool, 50 Andrew Jarvis Drive, Portsmouth, New Hampshire (the “Pool”), and

WHEREAS, SIPP desires to discontinue its existence and operations and donate its existing assets to the City for the operation of the Pool;

WHEREAS, on the date of execution of this Trust, the City maintains a Special Revenue Fund (the “Special Revenue Fund”) for Pool operations.

NOW THEN, SIPP, the Trustees, and the City hereby agree that the sum of \$ _____ (the “Initial Contribution”) shall be donated by SIPP to the City and deposited with the Trustees no later than December 31, 2023 to be held in Trust, along

with any other contributions from any source, and disbursed by the City in accordance with the following terms and conditions.

TERMS AND CONDITIONS

1. The Trustees as holder of the Trust under the City Charter, shall:
 - A. Hold such funds, together with all additions thereto in savings or special notice accounts or in such investments as allowed by the laws of the State of New Hampshire. The funds in the Trust shall be held by the Trustees and invested and reinvested by the Trustees without restriction against pooling the assets of this Fund with any other trust funds held by the Trustees for investment purposes, so long as the funds are subject to separate accounting.
 - B. Pay, from the Initial Contribution and any subsequent contributions, earnings, and appreciation, less any depreciation, losses and prior distributions (collectively, the "Fund Balance"), to the City, for deposit in the Special Revenue Fund, a sum up to thirty-five percent (35%) of the contracted or expended cost of any Capital Improvement Project as may be requested by the City Manager. A Capital Improvement Project for the purposes of this Trust shall be any construction, maintenance, rehabilitation, or improvement of/to the Pool facility, its equipment or systems costing more than \$25,000. The City Manager shall provide written certification of such contracted or expended cost and the Trustees shall not be required to review any proof of or otherwise verify such costs beyond the certification of the City

Manager. The City shall be responsible for the remaining sixty-five percent (65%) of the Capital Improvement Project.

2. By accepting Trust funds in any given fiscal year, the City agrees that:
 - A. The City shall maintain the Pool by contributing at least \$200,000 (the FY24 amount) to the Special Revenue Fund.
 - B. The City shall retain a qualified indoor pool aquatic supervisor.
 - C. The City shall retain lifeguards necessary to support programming determined by the City at the Pool.
 - D. The City shall pay any other expense determined in the sound discretion of the City Manager of the City to be in furtherance of the provision of public aquatic activities at the Pool.
 - E. The City shall maintain the Special Revenue Fund until the termination of this Trust.

LIQUIDATION AND TERMINATION OF THE TRUST

3. If the City shall cease to operate the Pool (other than for temporary closures) before June 30, 2030, this Trust shall terminate and the Fund Balance in the Trust shall be distributed to any section 501(C)(3) charity operating an indoor pool in the geographic vicinity of the Pool, as selected by the City Council of the City. The Trustees shall make such final distribution only upon receipt of a written request and certification by the City Manager that the designated recipient of the distribution has been approved and authorized by the City Council, accompanied by proper documentation of the City Council's action including a copy of the City Clerk's meeting minutes recording the vote.

4. If the City has not ceased to operate the Pool (other than for temporary closures) before June 30, 2030, on or after said date, upon written request of the City Manager, the Trustees shall pay to the City of Portsmouth for deposit into the Special Revenue Account for any Pool related use, the Fund Balance in the Trust without further conditions or obligations on the part of the City (such as those described in paragraph 1(C), whereupon, this Trust shall terminate.

5. If, at any time, there are no funds remaining in the Trust, whether due to distributions of funds in accordance with the terms of paragraph 1(B) or paragraph 3 or paragraph 4 or otherwise, this Trust shall terminate.

Executed this _____ day of _____, 2023.

City of Portsmouth

Witness

By: _____
Karen S. Conard, City Manager
Pursuant to vote of Portsmouth City Council
on _____

Save the Indoor Portsmouth Pool, Inc.

Witness

By: _____
Michael E. Chubrich, President

Trustees of the Trust Funds

_____ By: _____

Witness

Thomas R. Watson, Trustee

Witness

By: _____
Peter G. Weeks, Trustee

Witness

By: _____
Dana S. Levenson, Trustee

DRAFT

M E M O R A N D U M

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: November 22, 2023

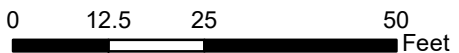
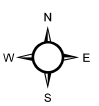
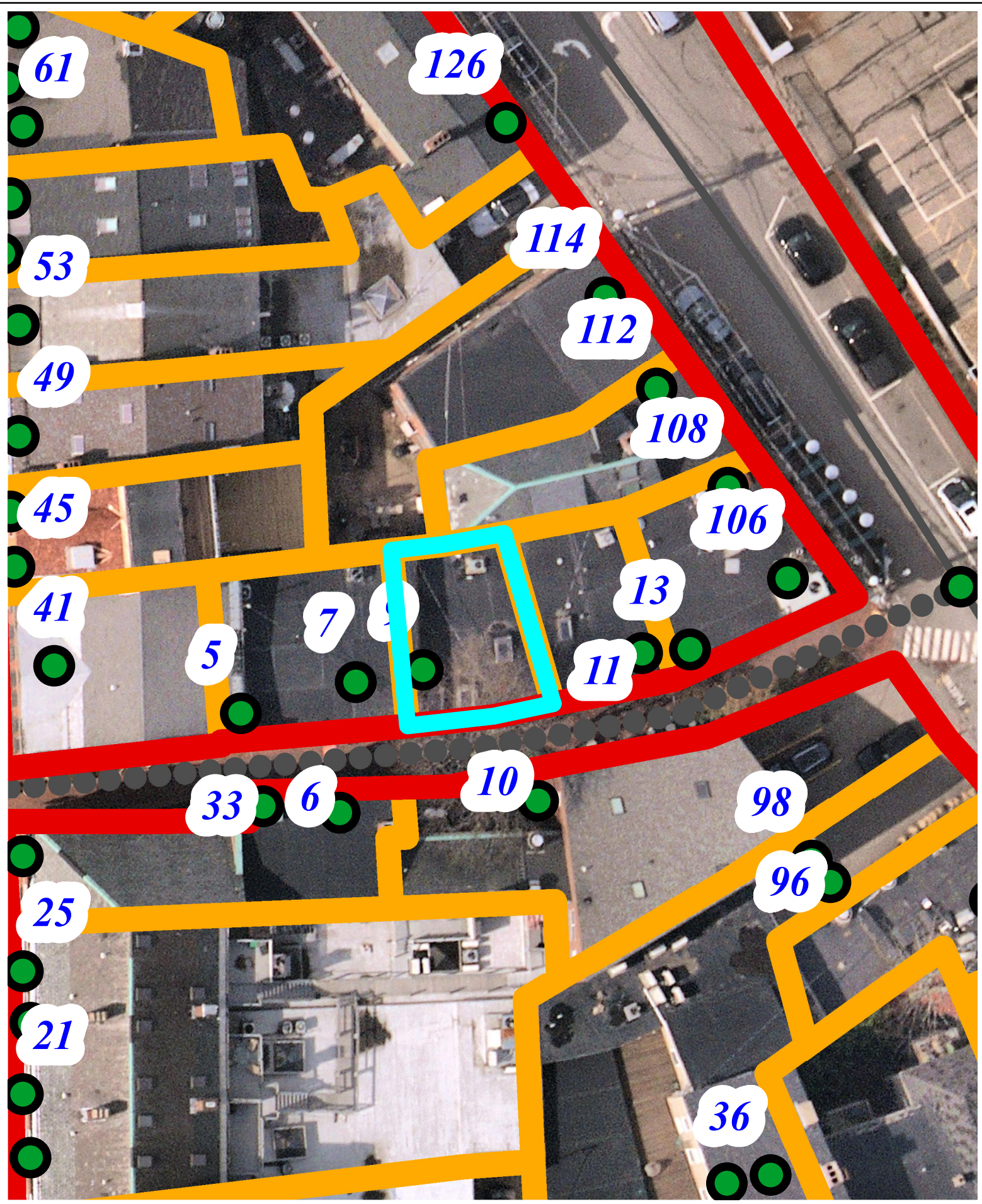
RE: City Council Referral – Projecting Sign
Address: 9 Commercial Alley
Business Name: Terpsichore, LLC
Business Owner: Ellen Bruton

Permission is being sought to install a projecting sign that extends over the public right of way, as follows:

Sign dimensions: 32" x 42"
Sign area: 9.3 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.



**Request for license
9 Commercial Alley**



PERMIT
REVISED: 11/22/23

89 OAK STREET DOVER, NH 03820 • 603-742-1517

Company: Terpsichore
Job: 24 Commercial Alley
Type: Projecting Sign

Quantity: 1

Size: 32" w x 42" h (9.33 sq ft)
108" Above Grade to Bottom Edge

Sides: DS

Style: Mix of carved and print

Substrate: 2" HDU

Posts & Brackets: Refurbish Existing
Frontage: 42'

Colors: Gold
Medium Pink: BM Pink Corsage 1439
Light Pink: BM Bermuda Breeze 1345

Install: Yes

PROPOSED:



EXISTING:

Removed by Sundance Sign for Refurbishing



All proofs and drawings are original unpublished artwork, owned by Sundance Sign Company. Artwork is protected under the U.S. Copyright laws. It is being submitted for your viewing only, and is not to be shown to anyone outside of your organization. Any use, reproduction, copying or exhibiting this drawing without express written consent of Sundance Sign Company will constitute your agreement to incur all expenses involved with the creation of this drawing, and all legal costs to acquire those costs if required. I have verified the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly. I authorize release to production according to this approval submittal. **Customer Approval** _____ **Date:** _____



November 20, 2023

The Honorable Mayor McEachern and City Council Members
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor McEachern and City Council Members,

Big Brothers Big Sisters of New Hampshire would like to respectfully request approval to close Pleasant Street on Saturday, September 21, 2024 from 1pm – 4pm for our 16th Annual *Stiletto Sprint*. We further request to reserve the following Sunday, September 22, for a rain date.

Our Young Philanthropists for Mentoring (YP4M) Committee is excited to begin organizing the Stiletto Sprint for 2024. The YP4M Committee is a group of young professionals who help raise financial support and awareness for our mission to provide children facing adversity with strong and enduring, professionally supported, one-to-one relationships that change their lives for the better, forever.

This year's Stiletto Sprint was very successful, raising funds for our mentoring programs and awareness of the agency. All proceeds from this event will support Big Brothers Big Sisters' efforts in the community.

Big Brothers Big Sisters of New Hampshire will work with your Council and the Fire and Police Departments to make this a successful and minimally disruptive event. We will require every participant to sign a release of liability waiver as well carrying a Certificate of Insurance for the event.

If you have any questions regarding this proposal, please contact me at mkneuer@bbbsnh.org or 603-255-8647.

We look forward to continued collaboration with the City of Portsmouth.

Sincerely,
Michaela Kneuer
Development Manager
Big Brothers Big Sisters New Hampshire

Business office: 3 Portsmouth Ave. #2 - Stratham, NH 03885

www.bbbsnh.org

Serving Central, Western, Seacoast, and Lakes Region, NH

To: Deaglan McEachern, Mayor of Portsmouth
Portsmouth City Council

From: Cody Bureau (Parents: Chad and Christine Bureau)
456 Lincoln Avenue
Portsmouth, NH 03801
(603) 770-6763
cdbureau@gmail.com

Dear Mayor and City Council,

My name is Cody and I am 7 years old. I am writing on behalf of the residents of Portsmouth that would love to see colored lights on the Christmas tree in Market Square.

My family moved to Portsmouth a couple of years ago. I love walking and scooting downtown year-round, but I really love it during the holidays. The only problem is that the Christmas tree in Market Square always has white lights on it. My dad really likes white lights but my mom and I love colored lights because they are more fun. I think it would be fairer if we alternated colored and white lights every other year.

I have started a petition and a fundraiser for this cause. We have received nearly 700 signatures over the course of only 6 weeks. We have also raised over \$2,000 to pay for the lights while also supporting 2 great charities that are close to our hearts: *I Got Bridged* and *Smile Train*.

Please accept this donation to the City of Portsmouth in the amount of \$1,099.56 to cover the cost of the colored lights. The remaining money we have raised will be split between our two charities. That said, we would like to keep our fundraising going through the end of the year and would appreciate anything the town is willing to do to help raise additional funds for charity.

Thank you all for your consideration and Happy Holidays!

Sincerely,

Cody Bureau

CITY COUNCIL E-MAILS

Received: November 13, 2023 – November 30, 2023 (before 9:00 a.m.)

December 4, 2023 Council Meeting

Submitted on Mon, 11/13/2023 - 19:34

Full Name

Dov Yellin

Email

diy13@yahoo.com

Subject

Relocating Police Station to Clough Drive

Address

130 UNION ST

Message

Please do not build a new police station, or anything for that matter, on Clough Field. The proximity to Little Harbour School would cause more problems than necessary, and losing that green space would be detrimental to the school and the community. While we should support our police department wholeheartedly, the cost of this new station is extreme, especially compared to costs to renovate the existing building. But if a new station must be built, I strongly urge you to choose one of the other proposed sites that is least detrimental to the surrounding community.

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

Submitted on Mon, 11/27/2023 - 13:01

Full Name

Evan Young

Email

ekmgmtco@gmail.com

Subject

Important safety ordinances being drafted by the city arborist

Address

43 Whidden St

Message

Hello,

I'd like to draw your attention to some important safety ordinances that the city arborist is working to draft with city legal council. Over the past couple of months, I've been trying to draw DPW's attention to a privately owned hedge that has slowly taken over two-thirds or more of the sidewalk on Washington St, which is the most direct way to walk downtown for many in area behind Strawberry Banke. In the winters, this section of the sidewalk is not plowable and ends up icing over forcing pedestrians into the street for the season. At any time of year, those with strollers or wheelchairs are also forced into the street, an issue that will soon affect my wife and I with the arrival of our first child in February.

DPW has little recourse today if a property owner refuses to allow the arborist to trim the vegetation or simply refuses to respond to their requests for a conversation, despite the fact that they're consuming public property, causing safety issues, and reducing the utility of the sidewalk or other public asset. In conversation with the arborist, I learned that there are several other similar issues involving encroachment on public property presenting safety issues that have been submitted to DPW which remain in limbo given the lack of engagement or stonewalling by property owners. For this reason, he has started to work with city council to draft a new ordinance that would better protect city property and improve access for all residents and guests. Please consider the proposed changes in light of what would be best for all. Property owners should be encouraged to beautify their property, but it shouldn't require compromising safety or public land.

Evan Young

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

Submitted on Wed, 11/29/2023 - 13:20

Full Name

Sean Morin

Email

pga26@msn.com

Subject

Fiscal Responsibility

Address

67 Madison Street

Message

Dear City Council Members,

We urgently need to prioritize fiscal responsibility in our budget decisions. The current budget, with a 6.1% year-over-year increase, is deeply concerning, especially in light of the record inflation rates experienced in recent years. It's worth noting that this increase now exceeds the rate of inflation, which is unsustainable and unacceptable!

While discussions about affordable housing are crucial, we must also focus on addressing the needs of our current residents. The current budget, which appears to have been approved without much scrutiny, threatens to displace long-standing members of our community. This situation cannot continue, and it is imperative that we hold all parties accountable for these budgetary decisions.

Rather than automatically approving budget increases, we should be actively exploring opportunities for budget cuts and efficiencies to alleviate the financial burden on our residents. Our commitment to fiscal responsibility should be unwavering, and we must act now to ensure the well-being and stability of our community.

Sincerely,

Sean Morin

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

Kelli L. Barnaby

From: Abigail Gindele <agindele@gmail.com>
Sent: Thursday, November 9, 2023 8:22 AM
To: Kelli L. Barnaby
Cc: Peter L. Britz; Kate E. Homet
Subject: Conservation Commission resignation

To all it may concern,

As of last night, I resigned as a member of the Conservation Commission. I was told I should notify the City Clerk to make it official.

I did share this decision last night at the meeting with the other members, as well as Kate Homet and Peter Brtiz. At the end of the meeting, I returned my City iPad (with power cord).

Please let me know if there is anything else I should/need to do to complete this process.

Thank you,
Abigail Gindele
229 Clinton St.



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Cemetery **Initial applicant Name:** Stephen C. Buzzell



Telephone: 802-760-9418

Could you be contacted at work? YES/NO Retired

Street address: 409 Richards Ave., Portsmouth, NH 03801 _____

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

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

Occupational background:

Retired Middle School History & Language Arts Teacher, Stowe, VT (15 years), former Corporate Banker for a variety of Boston based banks (10 years), 8 years international sales & marketing for a variety of U.S. technology companies. BS Business Administration from the University of New Hampshire. I have also received a BA History, and a MA Teaching from Johnson State College, Vermont.

Please list experience you have in respect to this Board/Commission: Assisted in the cleaning of gravestones at the North Cemetery, and several times at the South Cemetery (2023). I also have considerable financial experience gained from over 10 years financing companies

throughout New England. OVER

6/27/2012

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

Would you be able to commit to attending all meetings? YES/NO (I've read several of the past minutes and attending the monthly meetings won't be a problem.

Reasons for wishing to serve: I'm a retired history teacher with a passion for history and preserving the past. I live 5 houses down from the South cemetery and walk through it almost daily. I enjoy walking through cemeteries, reading headstones, and thinking about the people buried there. I have tried to research the Medal of Honor recipients in South Cemetery, as well as the Civil War veterans whose graves I've cleaned. I have worked with the Cemetery Committee a couple of times in the North and South Cemeteries. I also bought my own supply of D2 cleaner, as well as sprayers, brushes, etc. and have gone to the South Cemetery several other times to clean headstones. My primary focus has been on veterans and their families, but I have also cleaned others. I would love to learn how to reset the headstones.

Please list any organizations, groups, or other committees you are involved in: This past summer I built 4 Adirondack chairs for Seacoast Family Promise's silent auction. In 2022 I also worked with an Afghan refugee resettlement group (Ascentria) teaching English. When I was a teacher I led my students in several Africa focused fund raising events (Africa was a key part of the 7th grade curriculum). One example of this was when we worked with the US embassy in Nigeria, where we raised money (through a talent show, bake sales, etc) and bought and shipped medical supplies for AIDS victims in Lagos. I also worked with Volunteer Africa (a Tanzanian NGO) and spent 2 months building a medical clinic in a remote part of central Tanzania.

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

- 1) Barbara Collier, 399 Richards Ave., Portsmouth, NH 03801 Tel: 917-439-3975
- 2) Tom Nies, 419 Richards Ave., Portsmouth, NH 03801 Tel: 603-205-4081

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: _____

Date: _____

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

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

6/27/2012

STEPHEN C. BUZZELL
409 RICHARDS AVENUE, PORTSMOUTH, NH 03802
TEL: 802-760-9418
EMAIL: STEPHENCBUZZELL@GMAIL.COM

PROFESSIONAL EXPERIENCE:

FLEETBOSTON FINANCIAL (ACQUIRED BANKBOSTON), VICE PRESIDENT 1999 - 2001
Expanded the Bank's presence with emerging companies in the New England Region. Originated and managed equity investments on behalf of the Bank. Mentored and supported Loan Officers, Credit Analysts, and Entrepreneurs. Consistently among the Bank's top performers.

BANKBOSTON (ACQUIRED BAYBANK), VICE PRESIDENT 1996 - 1999

BAYBANK, ROSE FROM CREDIT ANALYST to VICE PRESIDENT 1990 - 1996

SYMBICON ASSOCIATES, INC, VICE PRESIDENT 1981 - 1989
Created international sales and marketing plans for U.S. companies, trained domestic and international personnel, and motivated distributors.

TEACHING EXPERIENCE/AWARDS:

STOWE MIDDLE SCHOOL, Stowe, VT (retired) 2004 - 2019
7th Grade Classroom Teacher of Social Studies & Language Arts. Started and oversaw a micro-lending program at the school using KIVA.org. Students made more than 250 microloans to people in over 50 different countries. Started an afterschool program and helped students build over 80 longboards. Taught them woodworking, laminating, and fiberglass, skills. Negotiated dealer pricing for the components (trucks and wheels).

National Winner from the *NATIONAL ENDOWMENT OF THE HUMANITIES* (spent 5 weeks in South Africa & Lesotho) 2013

National Winner *TEAMS THAT MAKE A DIFFERENCE* -- my teaching partner & I presented at the National League of Middle Schools Denver Conference. 2008

VOLUNTEER AFRICA (Tanzanian NGO) - Lived & worked for almost 2 months in a small remote village building a medical clinic and teaching English in the local secondary school. 2008

EDUCATION:

Johnson State College, Johnson, VT Masters of Arts in Education (Summa Cum Laude 4.0 GPA)

Johnson State College B.A. History (Summa Cum Laude 4.0 GPA)

Boston University, Boston, MA M.B.A. Candidate

University of New Hampshire, Durham, NH B.S. School of Business & Economics

TEACHING CERTIFICATION/ENDORSEMENTS (VERMONT)

HIGHLY QUALIFIED STATUS: Social Studies (5-12), Language Arts (5-9), Math (5-9)



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Citizen Advisory Committee (CAC)

Name: Kelly C. DeCourcy Telephone: 603-944-2189

Could you be contacted at work? YES NO If so, telephone# 603-334-4024

Street address: 100 Meadow Road, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): kellydecourcy61@gmail.com

How long have you been a resident of Portsmouth? 34 Years

Occupational background:

Financial Services in Portsmouth since 1982, I am currently a Financial Advisor at Wells Fargo Advisors at One Harbour Place.

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

As a resident of Portsmouth since 1989 and having worked in Portsmouth since 1982, I've seen many changes to our community and have been involved with multiple non-profits that serve the Seacoast. I am a 2019 graduate of Leadership Seacoast, a former Peer Advocacy Council member of Safe Harbor Recovery, a volunteer at GATHER, an advocate for RISE: Empowering Women and Children and a frequent volunteer for Operation Blessing. I also served as the Events Chair for the Wells Fargo Employee Impact Team.



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

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

Reasons for wishing to serve: _____

I am truly interested in seeing our community thrive and believe I can provide insight to what is needed and learn about what we are currently have as resources.

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

I am not currently involved in any.

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

1) David Higgins, Portsmouth Resident and Co-worker, 603-686-1597

Name, address, telephone number

2) Ruth Medros, Portsmouth Resident 603-828-5660

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Willy C. De Date: 11/6/2023

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

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

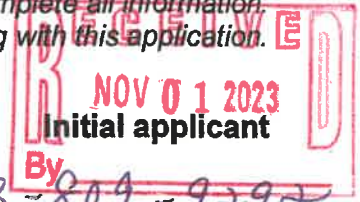
6/27/2012



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Citizens Advisory Committee

Name: Susan Durling Telephone: 603-809-9292

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

Street address: 389 New Castle Ave, Portsmouth

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 4 years

Occupational background:

Kitchen + bath designer - 15 years
(own my own business)

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

I am on the board of Seacoast Women's
Giving Circle for 5 years. I have experience
researching topics + writing + reviewing grant
proposals + applications.



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

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

Reasons for wishing to serve: I would like continue to
engage with other community members
regard the issues Portsmouth is facing.

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

Seacoast Women's Giving Circle

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

- 1) Tracey Lynch 603-988-8265 1061 South St.
Name, address, telephone number Portsmouth NH
- 2) Linda Daley 617-872-6515 126 Spring St.
Name, address, telephone number Portsmouth, NH

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Susan Durling Date: 10/30/23

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

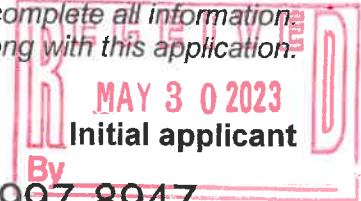
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Conservation Commission

Name: Alice Carey Telephone: 617-997-8947

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

Street address: 236 Hillside Drive

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 15 years

Occupational background:

I am a licensed architect and LEED professional, practicing in Portsmouth.
I am also an outdoor educator and have worked with a number of
Seacoast programs with elementary-aged children.

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

As an architect I am frequently required to submit applications to land use boards and I
I am familiar with the hearing and application process. I have also become familiar with
long-range City goals through my work as a consultant in the recently completed
Recreational Needs Study and other projects with the City of Portsmouth, and as a
member of the Steering Committee for the Open Space Plan. Additionally, I am a
frequent advocate for nature-based education and I appeared before this commission
most recently to present plans for the nature playground at Dondero Elementary.



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

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

Reasons for wishing to serve: _____

~~Portsmouth's open spaces are increasingly valuable as development continues in the city. I believe that it is possible for awareness of and connections to these open spaces to be made with thoughtful development. My perspective as an architect will contribute this balance in priority. I am also curious about potential partnerships this commission could foster with City departments and outside organizations to increase stewardship and place-based educational opportunities, particularly for Portsmouth's youngest residents.~~

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

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

1) Brian Murphy Portsmouth NH 917-945-1000
Name, address, telephone number

2) Lauren Dow Eliot ME 617-750-8705
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 5/30/2023

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

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

Alice Carey, AIA LEED AP BD+C



Alice Carey is a registered architect with a background in planning, programming, and urban design. Her work on civic and municipal projects ranges from programming and architectural design to large-scale comprehensive planning. Alice's approach ensures that designs are planned to support near and long-term objectives, producing solutions which are reflective of clients' future goals while remaining cognizant of the practical constraints of budgets and schedule.

Alice's passion for outdoor education and natural playgrounds led her to facilitate the incorporation of nature-based education and play spaces in Portsmouth public schools, and she recently presented her work at a national conference on nature-based early learning.

EDUCATION

Syracuse University
B. Arch. 2002, cum laude

REGISTRATION

MA - 20402

HONORS

BSA Honor Award
Park School Renovation + Addition

ASLA Honor Award for Central Wharf
Park, Boston, MA 2011

EDUCATION + COMMUNITY

City of Portsmouth
Open Space Plan Steering Committee
2018-2019

Dondero Elementary School
Green Campus & Nature Playground
Master Plan: Facilitation and advocacy
2016-present

Lead Educator - White Pine
Programs, 2022-present

Outdoor Educator, Dondero
Elementary School 2019-22

Outdoor Education/Advocacy -
ForestKids, Eyes of the World Nature
Immersion, Seacoast Wander Club,
2016-present

Architecture Instructor 2004-06
Citizen Schools, Dorchester, MA
Boston Architectural Center

SELECT PROJECTS

City of Portsmouth Recreational Needs Study
Portsmouth, NH Research, Engagement and Planning, 2022

City of Portsmouth Master Plan
Portsmouth, NH Urban design and city planning, 2015*

Portsmouth City Hall Master Plan
Portsmouth, NH Programming + Planning, Facade Design 2018*

Hampton Master Plan
Hampton, NH Research and Planning 2021

Strawbery Banke Museum Stormwater Master Plan
Portsmouth, NH Resiliency Planning, 2022

City of Lebanon Early Learning Center Study
Lebanon, NH Planning + Conceptual Design 2023

Newmarket Municipal Facilities Planning
Newmarket, NH Facilities Assessment + Planning 2023

Raymond Old Firehouse Renovation Study - Town Offices
Raymond, NH Reuse Programming + Design, 2020

St. Anselm College Humanities Institute
Manchester, NH Programming, through construction 2019-2022

EXPERIENCE

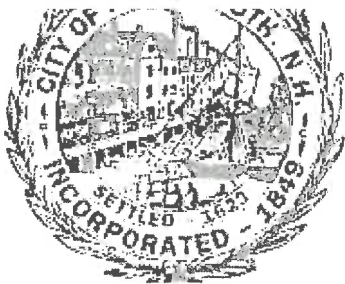
Lavallee Brensinger Architects, Manchester, NH

JSA Design, Portsmouth, NH

Chan Krieger & Associates/NBBJ, Boston, MA

EYP, Boston, MA

*Indicates work performed while employed at a previous firm



CITY OF PORTSMOUTH, BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: LIBRARY BOARD OF TRUSTEES

NOV 21
Renewing application
By

Name: MARIA PEPPAS Telephone: 508-813-0169

Could you be contacted at work? YES/ NO - If so, telephone# 603-778-0526

Street address: 104 ECHO AVE, PORTSMOUTH NH

Mailing address (if different): _____

Email address (for clerk's office communication): MARIAPEPPAS@GMAIL.COM

How long have you been a resident of Portsmouth? 4 years

Occupational background:
Staff Attorney at the New Hampshire Public Defender

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

Reasons for wishing to continue serving: _____

It has been an honor to serve on this board & deeply respect and value the incredible services that the public library community members

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

NH Bar Association


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

1) Christine List 857-753-8827
Name, address, telephone number

2) STEPHANIE HAUSMAN 603-531-3609
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 11/15/23

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2026

Annual Number of Meetings: 9 Number of Meetings Absent: 3
2022

Date of Original Appointment: 10-19-2020

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Board of Trustees Portsmouth Public Library

Name: Tyler McLaughlin Telephone: 603-340-8024

Could you be contacted at work? YES / NO If so, telephone # 603-340-8024

Street address: 998 South St Apt 2 Portsmouth, NH, 03801

Mailing address (if different): Same

Email address (for clerk's office communication): tmclaughlin117@gmail.com

How long have you been a resident of Portsmouth? 1 month

Occupational background:
Data + Artificial Intelligence Specialist at Microsoft

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

NCAA Advisory Board @ University of New Hampshire

Active Community member in Durham, NH, Merrimackborough, NH, and Boston, MA.

• Reach out + Read Volunteer — raised 30 children's books via book drive

• Cello Bello Grant Researcher — raising \$\$ for non-profit

• Global Mentorship Initiative — mentored university student in Ghana

for 14 weeks — up-skilled in LinkedIn Learning



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

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

Reasons for wishing to serve: In order to fix globally, we must
fix locally (first).

I am passionate about giving back to my community and being an
advocate for those who do not stand up for themselves.

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

N/A in Portsmouth
Mentorship programs through work (remote)

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

1) Don Goldstein, 998 South St Apt 3, Landlord, 603-828-6606
Name, address, telephone number

2) Brian Stane, Maitlandborough, Family Friend, 603-490-3352
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Tyler McGehee Date: 6/15/23

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

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



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: PLANNING BOARD

RECEIVED
NOV 17 2023
Renewing applicant
By

Name: ROK CHELLMAN Telephone: 603 479 7195

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

Street address: 224 State St. Portsmouth

Mailing address (if different): SAME

Email address (for derk's office communication): Chellman@TNDEngineering.com

How long have you been a resident of Portsmouth? 18+ years

Occupational background:
PROFESSIONAL ENGINEER & LAND SURVEYOR
URBAN PLANNER

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

Reasons for wishing to continue serving: TO CONTINUE
MY SERVICES FOR THE CITY



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

Parking Utilization; LAND USE
MASTER PLAN
Plus professional groups - many

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

- 1) Greg MAHANA 3 Pleasant Lane Portsmouth
Name, address, telephone number 603 498 1475
- 2) KAREN BOUFFARD Richards Ave. Portsmouth
Name, address, telephone number 603-969-4311

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: [Handwritten Signature] Date: 11/17/23

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____
Annual Number of Meetings: _____ Number of Meetings Absent: _____
Date of Original Appointment: _____

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Plannning Board Alternate

Name: Paul G Giuliano Telephone: 352-989-3770

Could you be contacted at work? YES NO If so, telephone# 603-427-7740

Street address: 39B Albacore Way

Mailing address (if different): _____

Email address (for clerk's office communication): pgiuliano@ccsnh.edu

How long have you been a resident of Portsmouth? 2017-18 and 2022 to pres

Occupational background:

Director Great Bay Community College 2017 to present.

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

Rochester Planning Board regular member 2020 to 2022

Rochester Zoning Board alternate member 2019 to 2021
Rochester Economic Development Commission 2018 to 2021 Chairman 2022

OVER

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

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

Reasons for wishing to serve: _____

I feel fortunate to live and work in Portsmouth and wish to serve the community the best way I can. I believe in the importance of a quorum to conduct the boards business. I have a record of consistent attendance at meetings and site visits. I also have the time needed to study the agendas, applications, and requests. My record of service is well documented, as is my willingness to recuse myself to ensure the integrity of board decisions.

Please list any organizations, groups, or other committees you are involved in:
Portsmouth Elks 5 year member.

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

1) Robert Larkin 39C Albacore Way 603-748-0392
Name, address, telephone number

2) Deanna Friedman Kittery ME 203-627-4133
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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5. Application will be kept on file for one year from date of receipt.

Signature: Paul G Giuliano Date: July 5th 2023

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

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

RECEIVED
OCT 23 2023
Renewing applicant
By

Committee: Trustees of the Trust Funds

Name: Peter G. Weeks Telephone: 603 674 5264

Could you be contacted at work? YES NO - If so, telephone# 603 674 5264

Street address: 18 Congress St Unit 305 Portsmouth NH 03801

Mailing address (if different): Box 673 Portsmouth NH 03802

Email address (for clerk's office communication): pgWeeks@Comcast.net

How long have you been a resident of Portsmouth? Born Portsmouth Hospital 1945
actually live in Portsmouth 65 years out of the Port 78 years

Occupational background:
Real Estate Developer since 1974, Real Estate
Consultant Past 25 years Former Member City
Council, School Board, Police Commission

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

Reasons for wishing to continue serving:
During the past 6 years have worked with the
other 2 Trustees to move the Dunbar of
funds and select any Fund Manager that
reduced our cost.

OVER
➔

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

None

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

1) John Lyons Jr. Falls Road 603 770-6103
Name, address, telephone number

2) Peter Loughlin Thaxter Road 603 431-6466
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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5. Application will be kept on file for one year from date of receipt.

Signature: [Handwritten Signature] Date: 10-23-2023

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 1-1-2027
 Annual Number of Meetings: 13 Number of Meetings Absent: 1
2022
 Date of Original Appointment: 2/5/2018

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



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH
680 Peverly Hill Road
Portsmouth N.H. 03801
(603) 427-1530 FAX (603) 427-1539

November 16, 2023

Alysha Clark
NHDES Clean Water ARPA Grant Program Manager
29 Hazen Drive, PO Box 95
Concord, NH 03302

***Re: ARPA Grant Extension Request – Project No. CS-334106-19
Loan Modification Request
Fleet Street Roadway Reconstruction, Portsmouth New Hampshire***

Dear Ms. Clark:

The City of Portsmouth is requesting a modification of the anticipated project substantial completion to existing loan and grant agreements referenced above.

This extension is due to delays in designing the additional project scope for the new outfall. This includes negotiations of easement, land access agreements, and unanticipated environmental permitting. The City is requesting the project substantial completion described in the loan agreement be extended 567 days from March 2, 2024, to September 30, 2025, and an ARPA Grant Completion date extension from December 31, 2023, to June 30, 2025. The CWSRF and ARPA funding for this project is programmed for the Engineering and Construction Phase of the project.

Please do not hesitate to call with any questions.

Very truly yours,

Karen S. Conard, City Manager
City of Portsmouth, New Hampshire.

Grant Agreement with the City of Portsmouth
ARPA Grant CS-334106-19
Amendment No. 1

This Agreement (hereinafter called the Amendment) dated this ____ day of _____, is by and between the State of New Hampshire, acting by and through its Department of Environmental Services (hereinafter referred to as the State) and the City of Portsmouth acting by and through its City Manager, Karen S. Conard (hereinafter referred to as the Grantee).

WHEREAS, pursuant to an Agreement (hereinafter called the Agreement) approved by the Governor and Council on January 18, 2023, the Grantee agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums as specified therein; and

WHEREAS, The Grantee and the State have agreed to amend the Agreement in certain respects.

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of Agreement: The Agreement is hereby amended as follows:

(A) The Completion Date as set forth in sub-paragraph 1.7 of the Agreement shall be changed from December 31, 2023, to June 30, 2025.
2. Effective Date of Amendment: This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.
3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

City of Portsmouth

By _____
City Manager, Karen S. Conard

STATE OF NEW HAMPSHIRE
COUNTY OF _____

On this the ____ day of _____, before the undersigned officer, personally appeared _____ who acknowledged himself to be the person who executed the foregoing instrument for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

THE STATE OF NEW HAMPSHIRE
Department of Environmental Services

By: _____
Robert R. Scott, Commissioner

Approved by Attorney General this ____ day of _____, as to form, substance and execution.

OFFICE OF ATTORNEY GENERAL

CITY OF PORTSMOUTH**LEGAL DEPARTMENT****MEMORANDUM**

DATE: NOVEMBER 27, 2023

TO: KAREN S. CONARD, CITY MANAGER

FROM: TREVOR P. MCCOURT, DEPUTY CITY ATTORNEY

RE: JONES AVENUE SCRAP YARD
REPORT BACK TO CITY COUNCIL

As you know, at its regular meeting on Monday, November 13, 2023, the City Council voted to request a report back from the legal department regarding the status of the Jones Avenue scrap metal yard. What follows is that report back.

Over the past several months, the City has received many complaints regarding noise and other activities at 246 Jones Avenue. These complaints stem both from ongoing use of the property as a scrap metal yard, and from the increased truck traffic on Jones Avenue. Traffic significantly increased at the end of the summer due to the use of the property as laydown for the City's Union Street Sewer Separation Project.

For a description of the history of 246 Jones Avenue, including how it came to be a lawful, preexisting nonconforming use, please see the letter from Attorney Peter Loughlin attached as Exhibit 1. What follows is a description of recent activities at the subject property.

Current Uses at 246 Jones Avenue

246 Jones Avenue exists as a scrap metal yard, surrounded predominately by residential homes. In 2017, Bob MacDonald purchased 246 Jones Avenue and, through his business MAC Metals, continued to operate the property as a scrap metal yard.

Mr. MacDonald also operates a construction firm known as MAC Construction out of his property located at 1088 Portsmouth Avenue in Greenland. This past spring, MAC Construction was the successful bidder to complete the City's Union Street Sewer Separation Project. For more information regarding this project, please visit:

<https://www.cityofportsmouth.com/publicworks/union-street-sewer-separation>.

Surrounded by predominantly residential properties, the yard has recently faced complaints regarding the operation of the scrap metal yard and increased truck traffic on Jones Avenue. This increased traffic stems both from the operations of the scrap yard and the City project.

Legal Context

Lawful, preexisting nonconforming uses are created when a property is used for a purpose prior to the enactment of an ordinance restricting that use, and the use continues without significant interruption. When this occurs, the use may continue, else the City risks conducting a constructive taking of a private property right.

Further, although using 246 Jones Avenue for laydown for off-site construction is not permitted use of this property, the Zoning Ordinance makes exception when it is for a City project. In this case, the City's use of the property for construction laydown is exempt from the ordinary zoning restrictions.

Current Efforts

Regarding the continued use of 246 Jones Avenue as a scrap metal yard, although this use would seem to be inconsistent with the surrounding residential uses in the neighborhood, there is little the City can lawfully do to limit or eliminate this use. The City may continue to enforce its generally applicable ordinances, but the use of 246 Jones Avenue as a scrap metal yard must be permitted to continue.

In response to concerns raised by residents to City staff, Mr. Macdonald has taken steps to reorient the City project in an attempt to reduce the truck traffic on Jones Avenue. Those specific steps are detailed in an email from his attorney Colby Gamester, attached as Exhibit 2.

Further, City staff are currently working with Mr. MacDonald to identify alternative properties within the City to use as laydown when the Union Street Project resumes in the Spring. City staff continues to be willing to work generally with property owners to bring properties into compliance with the current zoning scheme.

Attachments (2)

cc: Susan Morrell, City Attorney
Peter Rice, Director of Public Works
Peter Britz, Director of Planning and Sustainability

LOUGHLIN & WADE

ATTORNEYS AT LAW

LEONARD COTTON HOUSE • STRAWBERY BANKE

144 Washington Street

P.O. Box 1111

PORTSMOUTH, NEW HAMPSHIRE 03802-1111

EXHIBIT 1

PETER J. LOUGHLIN
BRIAND T. WADE

TELEPHONE
603-431-6466
FAX
603-436-4079

October 27, 1995

Richard Hopley
Chief Building Inspector
Portsmouth Municipal Complex
1 Junkins Avenue
Portsmouth, NH 03801

RE: Wentworth Scrap Metals, 246 Jones Avenue, Portsmouth

Dear Rick:

Attached please find a Building Permit Application and Site Review Application (together with a application fee in the amount of \$200) for the erection of a 40' x 100' Butler building on the Wentworth property at 246 Jones Avenue. In this letter I will describe the purpose of the proposed building, the nonconforming status presently enjoyed by the Wentworths and why their proposal complies with State and local land use regulations.

The Site

The Wentworth property is located on the northwesterly side of Jones Avenue. It consists of approximately 8 acres and is shown on City of Portsmouth Assessor Plan R-21 as Lot #2. It has 195' of frontage on Jones Avenue, is approximately 500' deep, and approximately 750' across.

Over the years the lot has been graded so that now the entire site is level uplands. There appear to be no wetlands on the property, although there is a pond just beyond the northwest corner of the property (the so-called Pines second pond), and a drainage swale along the easterly border which provides drainage for the Subject Property and the adjacent Clipper Nursing Home.

There are stands of mature White Pines along the north and west borders of the property. Mr. Wentworth mows the outer areas of the lot especially on the westerly end of the property to keep it neat looking and to prevent it from becoming overgrown and unsightly. The fact that the property has been used as a scrap metal recycling center for approximately 40 years has limited the amount of vegetation growing in the actively used sections of the lot.

History of Site

The present site of the Wentworth Scrap Metal operation was originally acquired through a series of separate deeds by Herman and Ruth Wentworth between 1948 and 1963. For many years, beginning in the late 1940's, Herman Wentworth operated a business at the property. Over the last 30 or so years the entire site has been used in conjunction with the scrap metal operation.

In 1980 Clifton "Wimpy" Wentworth took over operation of the facility. Through the use of modern shredding equipment Mr. Wentworth has been able to reduce the amount of volume on the site, however, the bulk of the site continues to be used for the business operations.

Non-Conforming Status

The Wentworth Scrap Metal operation exists as a valid non-conforming use on the entire rear portion of the Wentworth property. Although Jones Avenue is at the present time predominantly residential (except for the nursing home and Elks Club), it was at one time the site of the City's solid waste disposal area. Herman Wentworth began his long relationship with the City when the City dump existed beyond his property, and that relationship has continued his Clifton Wentworth, even though the dump no longer exists.

A question arose concerning Mr. Wentworth's junk dealer's license in the mid-1960's. The issue of non-conforming status was addressed and resolved on February 8, 1968 when City Attorney John Driscoll ruled that Mr. Wentworth in fact did enjoy a non-conforming use at his Jones Avenue address and was entitled to a junk dealer license.

Existing Structures

In addition to the residence of Mr. and Mrs. Clifton Wentworth, there are three permanent business-related structures on the Wentworth property. One is a 48' x 42' building which is used for the office for the business and for storage and some inside work on equipment. City records appear to indicate that this building was originally constructed in 1966 and expanded pursuant to a building permit issued by the City of Portsmouth on October 24, 1972.

In addition to the large barn-like structure, there exists on the site a 24' x 20' two stall garage which was constructed in 1969 as well as a smaller storage shed.

Richard Hopley
October 27, 1995
Page 3

Changes in Environmental Regulations

Over the years environmental regulations have become tighter and tighter concerning the operation of scrap metal yards. For example, all metal fuel tanks must now be cut open, inventoried, numbered and stored. In addition, items such as batteries and other similar materials which present environmental concerns must be stored inside a structure. This has lead over the years to the need to establish storage facilities on the site. In addition to the permanent structures listed above, at the present time there are 20 storage sheds and/or semi-trailer bodies used for storage. These represent more than 4,000 square feet of storage space. Many are used for storage of items which, before the advent of present regulations, would simply have been stored outside in the yard.

Proposal

In order to comply with the paper work and storage requirements of an evolving regulatory scheme, Mr. Wentworth needs to consolidate and expand his inside storage capability. Toward that end he proposes to locate a 40' x 100' Butler building on the site. This building would provide the storage that is a necessary component to modern-day scrap metal recycling centers and would provide an inside location to work on the equipment that is an integral part of a modern operation.

For example, most of the scrap metal is now transported from the site by Mr. Wentworth in an 18 wheel trailer dump truck. The fact that materials are shredded on the property by Mr. Wentworth using the latest in crushing/shredding equipment, and hauled in these large tractor trailers has substantially reduced the number of loaded vehicles that must leave the site. These long vehicles are also necessary to meet the requirements of scrap metal receiving facilities such as the New Hampshire State Pier.

While the trucks are necessary and desirable for modern operations, they require a larger facility for inside maintenance. The proposed building would permit the larger trucks to be maintained in a controlled atmosphere and, more importantly, will allow for the work to be performed on a concrete apron which will provide better protection of the groundwater in the event of spills.

Legal Issue Presented by Request for Building Permit

Although Wentworth Scrap Metal is surrounded on two sides by large commercial nursing homes, the property in fact lies in a single family residence district. Scrap metal operations are not normally permitted uses in the residential zone, and the Wentworth facility exists there as a valid nonconforming use. The question obviously becomes whether the addition of this new building is a natural extension of the existing nonconforming use and therefore permitted, or a substantial change in the use and therefore prohibited. It is my feeling that the addition of the building is permitted under the doctrine of law permitting the natural expansion of nonconforming uses.

Richard Hopley
October 27, 1995
Page 4

Legal Basis for Issuance of Permit

Last fall I attended a lecture on nonconforming uses which was held at the Portsmouth City Hall. Also present at this seminar were Lucy Tillman, David Holden, and a number of the members of the Portsmouth Zoning Board of Adjustment. The lecture was sponsored by the New Hampshire Municipal Association and the lecturer was H. Bernard Waugh, Jr, Legal Counsel to the NHMA. During the course of the lecture Attorney Waugh spoke at some length about "changes and expansions of 'grandfathered' uses." He also presented materials concerning, what he referred to as, the "natural expansion" of nonconforming uses. I cite Attorney Waugh's material since he and his materials are justly entitled to a good deal of credibility, unlike the green book that some local guy wrote on land use.

Bernie Waugh pointed out that the case of New London Land Use Assn. v. New London ZBA, 130 N.H. 510 (1980) presents one of the most recent and best summaries given to us by the New Hampshire Supreme Court of legal rules for when a nonconforming use can be changed or expanded. In that case the Court held:

Nonconforming uses may be expanded, where the expansion is a natural activity, closely related to the manner in which a piece of property is used at the time of the enactment of the ordinance... however, enlargement or expansion may not be substantial and may not render premises or property proportionately less adequate....

We also must consider the extent to which the challenged use reflects the nature and purpose of the prevailing nonconforming use, whether the challenged use is merely a different manner of using the original nonconforming use or whether it constitutes a different use, and whether the challenged use will have a substantially different impact upon the neighborhood....

To the extent that the issuance of a building permit for the 40' x 100' Butler building can be considered to be an expansion of a nonconforming use, it is an expansion which is a natural activity closely related to the manner in which the property has been used in the past. The new building will not, in any way, render the property proportionately less adequate. Neither will there be any problems with lot coverage, area requirements or set backs. The amount of area devoted to scrap metal recycling purposes will not be expanded but rather approximately 3,200 square feet of the more than 300,000 square feet that is available for these purposes will be enclosed rather than being used in the open.

The establishment of the new building will not in any way change the nature or purpose of the prevailing nonconforming use. The addition of the building may allow for some efficiencies in the operation of the nonconforming use, however, it will not have a substantially different impact upon the neighborhood. In and of itself it will not increase or decrease the number of trips to the site. It will permit some work that is presently done outside to be done inside and perhaps have less visual impact on the neighborhood. It represents a natural

expansion in that the inside storage and inside maintenance is, as pointed out above, in keeping with the changing regulations for operations of metal recycling facilities.

Tests for Valid Expansion of Nonconforming Use

In the 1989 Municipal Law Lecture Series outline that Bernie Waugh prepared (and redistributed last fall) he set up a three part test for legality of changes in nonconforming uses. The test which he established is as follows:

- a). **Does the proposed change arise naturally (through evolution, such as new and better technology) out of the "grandfathered" use; is it required for the purpose of making the existing use more available to the owner; or does it constitute a new and different use (in which case all grandfathered rights must be relinquished)?**

The Wentworth building permit request meets this test. As pointed out above, the proposed addition of a building arises naturally through the need to comply with evolving methods for handling scrap. It is clearly an attempt to make the existing use of the property more available and more easily used by the owner.

- b). **Will the change or expansion render the premises proportionally less adequate for the use, in terms of the requirements of the ordinance?**

The nonconforming use presently meets all front set back, side set back, rear set back, height, lot coverage, and minimum lot size requirements. The addition of a building will in no way cause the property to become less adequate or proportionally less adequate.

- c). **Will the change or expansion have a substantially different impact on abutting property or the neighborhood?**

The answer is no. Other than perhaps making some improvements to the aesthetics of the operation by eliminating many of the small storage sheds and trailers, the new building will not have a substantially different impact on abutting property or the neighborhood. The same number of trucks will come and go, the same amount of material will be brought to and processed at the facility. The chief difference will be the ability of the owner to comply with E.P.A. regulation and the ease of maintaining the sophisticated equipment that is required to run an operation of this type in the 1990's.

Site Review

In order to erect this new building, Mr. Wentworth realizes that he will have to go through the Site Review process. He looks forward to working with the Planning Department, the Technical Advisory Committee, and the Planning Board to insure that the new building is appropriately located on the site. Mr. Wentworth is also aware that the Site Review process

Richard Hopley
October 27, 1995
Page 6

will give an opportunity to the City and to his abutters to address in detail all issues related to access, drainage and landscaping.

Mr. Wentworth has proven himself to be a cooperative and caring neighbor during the years that he has operated the business at this location. Wentworth Scrap Metal provides a vital service to the City of Portsmouth with minimal impact on abutting property owners. The Site Review process will provide the City with safeguards which will insure that the facility will continue to be operated in a careful manner in the future.

Conclusion

The establishment of a new building at the Wentworth property is a natural expansion of the nonconforming use and is not in any way a substantial change of use. The establishment of the new building will be a convenience to the landowner and allow him to comply with ever changing requirements of his service industry without having an adverse effect on the neighborhood.

If you have any questions concerning this matter, please do not hesitate to contact me.

Respectfully submitted,



Peter J. Loughlin

PJL/jkh

CC: Clifton Wentworth

- Enclosures: Building Permit Application
Site Review Application
Check for \$200 application fee
2/8/68 Letter from City Attorney John Driscoll
Existing Conditions Site Plan for Wentworth Recycling
Site Plan for Wentworth Recycling

From: Colby Gamester <colby@gamesterlaw.com>
Sent: Thursday, October 19, 2023 10:35 AM
To: Donna D. Splaine
Cc: Trevor McCourt; Bob MacDonald
Subject: RE: Meeting with MAC Metals - Follow Up

EXHIBIT 2

Trevor,

As a follow up to our meeting on Tuesday, here is a breakdown as to what has occurred and what Bob is doing on Union Street which has greatly reduced truck traffic over the past two weeks, especially compared to the increase once the project turned onto Union Street.

For the majority of the project, while on Middle Street, the typical day on Middle Street consisted of:

- Stripping the gravel and hauling it to Jones Ave.
- Then stripping the fill and hauling it to Jones Ave.
- Then hammer the ledge and haul that to Greenland
- Then go to Jones Ave for fresh stone and excavated stone
- Then go back to Jones Ave for fresh sand
- Then bring materials and aggregate back to the yard at the end of day
- Miscellaneous other trips throughout the day to and from Jones Ave

All this activity only increased when the project first turned on to Union Street because of the unsuitable fill and additional trips to and from Jones Ave.

Now that the project is on Union Street:

- Strip gravel and store it on site
- Strip fill and store it on site
- Bring in materials and fresh aggregate (stone and sand) only as needed from Jones Ave
- Bringing only excavated clay/unsuitable fill to Jones Ave.

Additionally, the depth of the excavation currently is only about 4-5 feet, compared to 10-15 feet on Middle and first portion of Union, so there is generally less material being handled each day.

Furthermore, Bob has been able to better manage hours generally wrapping up around 4:30 each day, compared to 6:00-7:00 on Middle Street and first portion of Union.

I've CC'd Bob on this email in the event that I have conveyed something incorrectly.

If you have any question, then please let us know.

Regards,
Colby

Colby T. Gamester, Esq.
Gamester Law Office
144 Washington St.
Portsmouth, NH 03801
(603)-427-0000

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From: Colby Gamester <colby@gamesterlaw.com>
Sent: Wednesday, October 11, 2023 6:47 AM
To: Donna D. Splaine <ddsplaine@cityofportsmouth.com>
Cc: Trevor McCourt <tmccourt@cityofportsmouth.com>
Subject: Re: Meeting with MACK Metals

Good Morning Donna,

Bob and I are both available on 10/17 at 3:00. Thanks for providing options.

Regards,
Colby

From: Colby Gamester
Sent: Tuesday, October 10, 2023 12:01:39 PM
To: Donna D. Splaine <ddsplaine@cityofportsmouth.com>
Cc: Trevor McCourt <tmccourt@cityofportsmouth.com>
Subject: RE: Meeting with MACK Metals

Donna,

Please, you can call me Colby. I will forward these dates to Mr. MacDonald and get back to you as soon as possible.

Colby

Colby T. Gamester, Esq.
Gamester Law Office
144 Washington St.
Portsmouth, NH 03801
(603)-427-0000

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From: Donna D. Splaine <ddsplaine@cityofportsmouth.com>
Sent: Tuesday, October 10, 2023 11:36 AM
To: Colby Gamester <colby@gamesterlaw.com>
Cc: Trevor McCourt <tmccourt@cityofportsmouth.com>
Subject: Meeting with MACK Metals

Dear Attorney Gamester:

As we discussed, below please find a few upcoming dates that are currently available for a meeting with you, MACK Metals, and the City:

Wednesday, 10/11/23: 11:00-12:00; 3:00-4:00; or 3:30-4:30

Tuesday, 10/17/23: 10:30-11:30; 11:00-12:00; or 3:00-4:00

Thursday, 10/19/23: 9:00-10:00

Friday, 10/20/23: 10:00-11:00

Please let me know as soon as your client can confirm a date and time. I will then send out a notice to all to meet in the Law Library here at City Hall.

Thank you,

Donna D. Splaine
Paralegal/Admin Assistant II
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

(603) 610-8874 (Direct Dial)

(603) 427-1577 (Fax)

City Hall Hours: Monday, 8:00 a.m. – 6:00 p.m.; Tuesday – Thursday, 8:00 a.m. – 4:30 p.m.; and Friday, 8:00 a.m. – 1:00 p.m.
(NOTE: If a holiday falls on a Monday, City Hall will be open until 6:00 p.m. on Tuesday)

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