

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 16, 2024 TIME: 7:00PM

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

https://us06web.zoom.us/webinar/register/WN_11r21RmQ5aA07XQHb661Q

AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting]
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE



PORTSMOUTH HIGH SCHOOL HOLIDAY ENSEMBLE PERFORMANCE



- VII. ACCEPTANCE OF MINUTES – AUGUST 19, 2024; SEPTEMBER 3, 2024; SEPTEMBER 23, 2024 AND OCTOBER 7, 2024
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 1. *Peter Loughlin – Trees & Public Greenery Committee Retiring Chair
- IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)
- X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

Public Hearing/Adoption of Resolutions:

- A. PUBLIC HEARING AND ADOPTION of Resolution Authorizing Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) with 100% Principal Forgiveness, for costs related to Sludge Minimization and PFAS Destruction Pilot
(Sample motion – move to adopt the Resolution as presented)
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

First Reading of Ordinance:

- B. First reading of Ordinance amending Chapter 10, Zoning Ordinance, by striking Article 5, Measurement Rules, Section 10.515.14; by amending Section 10.515.13; and by adding new Sections 10.811.60 and 10.811.61, relating to Accessory Uses to Permitted Residential Uses of the Ordinance of the City of Portsmouth, all in order to bring the Zoning Ordinance into better alignment with the Building Code, and to increase governmental efficiency

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

- 1. Approval of the 2025 City Council Amended Budget Schedule
- 2. Request for Market Square Master Plan Work Session
- 3. Approval of Memorandum of Understanding for Professional Services Among the Education Coalition Communities 2.0 NH
- 4. *Report Back on Land Donation from Estate of Star C. Johnson
- 5. *Report Back on Request to Release a Portion of Longmeadow Lane
- 6. Parking Lot Usage/Maintenance Agreement with St. John's Masonic Association
- 7. Betty's Dream PILOT Agreement
- 8. Second Amendment to Players' Ring Lease
- 9. Report Back on Solar Overlay District

XII. CONSENT AGENDA

- A. Request from Alexandra Farren of A & D Management to install a Projecting Sign at 16 Market Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost 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 Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 17th Annual Celebrate Pink 5K Walk & Run on Sunday, September 21, 2025 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Annie Zampitella, Wentworth-Douglass Hospital & Conventures, Inc., requesting permission to hold the 2025 Seacoast Cancer 5K Walk & Run on Sunday, September 14, 2025 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***
- B. Email Correspondence from James A. Hewitt dated December 4, 2024 ***(Sample motion – move to refer to the Legal Department)***
- C. Letter from Attorneys Matthew Cowan & Derek Durbin regarding the Release of Interest in Portion of Longmeadow Lane ***(Sample motion – move to accept and place on file)***

XIV. MAYOR McEACHERN

1. *Municipal Building Blue Ribbon Committee ***(Sample motion – move to establish the Municipal Building Blue Ribbon Committee with the following purpose: to explore and recommend to the City Council investments in the Municipal Building which would:***
- ***Upgrade the existing police space to improve adjacencies of key functions and to renovate or build better workspaces***
 - ***Accommodate the public more effectively, and increase security with a single point of service***
 - ***More efficiently allocate municipal services within the building***
 - ***Maximize the investment in critical building components to provide a safe, comfortable and energy-efficient environment)***

XV. CITY COUNCIL MEMBERS**A. COUNCILOR COOK**

1. Volunteer Training (***Sample motion – move to schedule a vote on the draft Volunteer Training and Standards of Conduct and Ethics Policy, and the Board, Commission, and Committee Handbook for Volunteers, developed and reviewed by the Governance Committee in conjunction with the Legal Department, at the January 6, 2025 City Council meeting***)

B. COUNCILOR LOMBARDI

1. *Appointment of Board Members to the Center for Archival Research of Portsmouth (CARP) (***Sample motion – move to appoint Vincent Lombardi as the City Council Representative and Christine Friese, as the City Manager’s designee, to the Board of Directors of the Center for Archival Research of Portsmouth for the 2025 calendar year***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Housing Opportunity Planning (HOP) Grant - \$65,321.00 (***Sample motion – move to approve and accept the grant as presented***)
- B. *Acceptance of US Department of Justice Grant for the Police Department for the NH Internet Crimes Against Children - \$368,355.00 (***Sample motion – move to approve and accept the grant as presented***)
- C. *Acceptance of Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership Grant for the Police Department - \$5,392.49 (***Sample motion – move to approve and accept the grant as presented***)
- D. *Acceptance of US Department of Justice Grant for the Police Department for the Implementation of a Body-Worn Camera Program - \$196,000.00 (***Sample motion – move to approve and accept the grant as presented***)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. *Pease Development Authority Board Meeting Update
2. Update Regarding Food Permits
3. *Status of Property Tax Bills
4. ARPA Assistance to Nonprofits
5. *Citywide Master Plan

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 COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 19, 2024

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Moreau moved to close the Non-Public Session and seal the minutes. Seconded by Assistant Mayor Kelley and voted.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Cook, Denton, Blalock, Bagley, Moreau and Lombardi

ABSENT: Councilor Tabor

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer in memory of Ruth Griffin.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – JULY 15, 2024

Assistant Mayor Kelley moved to approve and accept the minutes of the July 15, 2024, City Council meeting. Seconded by Councilor Moreau and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

Chair Chris Dwyer provided a brief presentation for the Public Art Review Committee regarding the public art piece for Peirce Island. She reported that the Committee has selected DiBari & Associates for the creation of the artwork. She explained this artwork aims to blend the beauty of natural patterns with the natural settings of the park, to welcome the community and create an engaging connection with the space and it will be entitled Spiraling Serenity. She said the artwork's wall will showcase a leaf pattern, giving the impression of a colossal leaf folded inwards to form a spiral shape. In its final version, the artwork will feature multiple leaf patterns, representing the various types of trees on site.

Councilor Cook moved that the City Council accept the recommendation of PARC Committee and vote to empower the City Manager to enter into a contract for \$140,000.00 with DiBari & Associates of Miami, Florida to design, construct, and install its proposed public artwork on Peirce Island. Seconded by Councilor Denton and voted.

IX. PUBLIC COMMENT SESSION

Jameson French spoke in support of the easement for the Cavaretta property. He said that this is the last largest piece of land that is undeveloped. He spoke to the national land trust and its accreditation process and SELT has been members for years. He urged the City Council to move forward with this as soon as possible.

Robin Nagar spoke in support of the Cavaretta project and to the development of the land trust. She spoke about the conservation of land within Rockingham County. She said when such an opportunity comes along you must act, and the land trust is well suited to take the easement on for this property.

Sam Reid said that this is an exciting project and we're asking for the city to provide \$1,000,000.00. He said it is 100 acres of land, and the easement is forever. He asked the City Council to allocate the funds towards this property.

Samantha Collins, Conservation Commission Chair, spoke in support of the easement. She said this is the largest remaining undeveloped land and it is crucial to maintain community balance, and this provides for preservation. She stated the Conservation Commission feels it would provide lasting benefits for years to come.

Mike Daigle said NH HB 1014 was passed and signed into law by Governor Sununu which requires to call holidays by their state name. He said an example would be Columbus Day honors all immigrants and is not an attack on Indigenous' Peoples Day.

Barbara McMillan spoke in support of the Cavaretta easement. She said this is an opportunity to protect 100 acres of land and it is a priority. She spoke of this being a natural resource and a balance between development and recreation. She stated that this is a lifetime opportunity and urged the City Council to support the easement.

Jessica Blasko urged the City Council to adopt the Climate Action Plan and spoke to the current warming trends. She also expressed support for the Cavaretta easement and said it is in line with our master plan.

Lynn Vaccaro spoke in support of the easement for the Cavaretta property. She said that this is a natural resource that is critically important to preserve. She stated this property ranks highly in this region and that SELT would be a tremendous partner with the city.

Barbara Ward spoke in support of the resource the easement will be for the city. She said that PPMTV is also an incredible resource for the city. She encouraged the City Council to allow for a presentation by PPMTV at the next City Council meeting.

Betsy Blaisdell spoke in support of the Cavaretta easement. She said that this is a great opportunity for the city. She stated that SELT has put in a tremendous amount of work for this easement and the family is offering this up to the city, which will leave a legacy. She urged the City Council to support this and vote in favor of the easement.

Stewart Sheppard spoke in support of the easement and spoke to the community benefits to the city.

Peter Bielagus spoke in support of PPMTV and said it is a way for people to tell their stories. He asked the City Council to allow PPMTV to make a presentation at the next meeting.

Jake Webb spoke in support of PPMTV and allowing for a presentation to speak to its value to the community. He said if PPMTV does not continue it would be a tremendous loss to the community.

Assistant Mayor Kelley moved to suspend the rules to bring forward Item XIII. – Presentations and Written Communications.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Bagley and voted.

B. Letter from Alexis Mason, Portsmouth Public Media Television, Inc. requesting to re-evaluate the Cable Franchise Fee Policy

Councilor Blalock moved to request a presentation for the September 3rd City Council meeting. Seconded by Councilor Bagley and voted.

C. Request and Presentation from Brian Hart, Southeast Land Trust of New Hampshire regarding Proposed Conservation Easement on the 100-Acre Woods, “Cavaretta Property”

Councilor Cook moved to schedule a date for a site walk at the property on August 22nd, August 23rd, August 26th, August 27th, or August 28th. Seconded by Assistant Mayor Kelley.

Brian Hart of SELT spoke in support of the Cavaretta easement and its importance to the City of Portsmouth. He said this is a 100-acre parcel that is the largest undeveloped piece of land in the city. He spoke about the diverse wildlife and resources of the property. Mr. Hart announced that there will be a Public Informational Session being held on Tuesday, August 27th at 7:00 p.m. at the Urban Forestry Center urging the public attend and learn more about this incredible piece of land.

Motion passed.

- D. Letter from Ashleigh Tucker Pollock, The Music Hall, requesting permission to close off a portion of Portwalk Place on Saturday, October 19, 2024, for the New Hampshire Film Festival

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

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

Public Hearing/Adoption of Resolution:

- A. Public Hearing/Adoption of Proposed Resolution Authorizing a Supplemental Appropriation from the Parking and Transportation Fund of \$1,000,000.00 for the High Hanover Parking Garage Project
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

City Manager Conard said the High Hanover Parking Garage is in need of funds to complete the project due to projecting costs for construction.

Discussion followed regarding the completion of work and life span for the building. Public Works Director Rice said the projected date for completion would be August of 2025 and the life span of the building is 25 years.

Petra Huda said she has questions on the process and contract. She said the original request was for \$600,000.00 and asked what is the balance of the contingency fund.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Bagley moved to authorize a supplemental appropriation of \$1 million from the Parking Division to adopt the Resolution as presented. Seconded by Councilor Blalock.

Councilor Blalock said that these are much needed improvements.

On a unanimous roll call 8-0, motion passed.

Third and Final Reading of Ordinance:

- B. Third and Final Reading of Proposed Ordinance Amending Chapter 10, Article 5A – Character-Based Zoning, Section 10.5A43.33 regarding Building and Story Heights of the Zoning Ordinance

Councilor Cook moved to pass third and final reading of the proposed zoning amendment to Chapter 10, Article 5A, Section 10.5A43.33. Seconded by Councilor Moreau and voted.

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 1. Update on McIntyre Litigation

City Attorney Morrell provided a lengthy update regarding the McIntyre Litigation and reported that the parties have agreed to a Stay Agreement on all proceedings. She spoke to looking at an OR District in the Commerce Way area. She stated a proposed ordinance to rezone that section of the city would permit mixed use residential development in that zone. City Attorney Morrell said by 2025 the City of Portsmouth will need 1,500 housing units and this ordinance would go a long way to provide the housing units.

Councilor Moreau moved to authorize the City Manager to enter into a Stay Agreement with SOBO Square and to request the proposed GNOD ordinance be referred to both the Planning Board and the Housing Committee for review and provide recommendations back to the City Council and bring the ordinance back for first reading. Seconded by Councilor Lombardi and voted. Councilor Bagley voted opposed.

Mayor McEachern said that this is an opportunity for us to add much needed housing in the future for the city.

At 8:43 p.m., Mayor McEachern declared a brief recess. Mayor McEachern called the meeting back to order at 8:55 p.m.

2. Adoption of Hazard Mitigation Plan

City Manager Conard said that many departments were involved in the process of this plan.

Councilor Bagley moved to adopt the Hazard Mitigation Plan as presented. Seconded by Councilor Lombardi.

Councilor Blalock said that this is a very thorough plan and that he feels safer having it in place.

Motion passed.

3. Adoption of Climate Action Plan

Kate Homet, Planning Department spoke to the RFP's and consulting team which developed the first iteration of the plan. She said our plan is to be net zero by 2040 in the city.

Councilor Denton moved to adopt Portsmouth's Climate Future: A Roadmap to Net Zero Emissions and Climate Resilience as the City's Climate Action Plan and commit to the goals and strategies set forth within this document as presented. Seconded by Councilor Blalock.

Councilor Denton thanked the Planning Department and the consulting team for their work on this plan. He said now the City Council will need to work to put the plan in place.

Councilor Blalock said he looks forward to adding more projects and meeting net zero for the city.

Mayor McEachern recognized Councilor Denton for pushing the envelope and voicing his support for the plan and leading the way.

Motion passed.

4. Request for Approval of Memorandum of Agreement with Firefighters Association of Portsmouth, New Hampshire, Local #1313

Councilor Lombardi moved to approve and accept the proposed MOA with the Firefighters Association of Portsmouth, New Hampshire – Local #1313 as presented. Seconded by Councilor Cook and voted.

5. Request for Approval of Reclassification of Assistant Fire Chief Gionet's Current Contract

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

6. FY2025/TY2024 Elderly and Disabled Recommended Exemption Levels

City Manager Conard announced that the Assessor will be making a presentation at the September 3, 2024, City Council meeting. She indicated that this looks to exemption levels for assessments for April 1, 2024.

Assistant Mayor Kelley moved to schedule a Public Hearing and adoption at the September 3, 2024, City Council meeting on the elderly and disabled exemptions recommended exemption levels for FY2025 / TY 2024 pursuant to RSA 72:37-b and RSA 72:39-b. Seconded by Councilor Bagley and voted.

7. Temporary Construction License for the B.P. Auger Building Company, LLC at 70 Pleasant Point Drive

City Manager Conard advised the City Council that the encumbrance would be extended for 120 days.

Councilor Lombardi moved that the City Manager be authorized to execute and accept the temporary construction license to encumber the dead-end portion of Pleasant Point Drive as requested. Seconded by Councilor Denton and voted.

8. Lease Extension for Community Campus Tenants

City Manager Conard said that this extension is being requested by three tenants.

Councilor Cook moved to accept the Second Extension of Amendment to Lease Agreements with Seacoast Outright, the Krempels Center and Child Advocacy Center of Rockingham County, Inc., to extend the lease terms through November 30, 2024, as presented. Seconded by Councilor Blalock and voted.

9. Street Naming for 686 Maplewood Avenue

City Manager Conard advised the City Council that the Department of Public Works has reviewed and has no objection to the naming being requested.

Councilor Blalock moved to authorize the use of Eden Lane as the private Street name for the development at 686 Maplewood Avenue. Seconded by Councilor Moreau and voted.

10. Middle Street Baptist Church Parking Lot Usage/Maintenance Agreement

City Manager Conard reported to the Council that this is an agreement for 20 parking spaces.

Assistant Mayor Kelley moved to approve the Middle Street Baptist Church Parking Lot Usage/Maintenance Agreement as presented. Seconded by Councilor Moreau and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
 - Appointment of Schott Chaudoin to the Recreation Board
 - Reappointment of Deborah Chag to the Trees and Public Greenery Committee

Councilor Bagley moved to appoint Scott Chaudoin to the Recreation Board and reappoint Deborah Chag to the Trees and Public Greenery Committee. Seconded by Assistant Mayor Kelley and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

1. Public Art Ordinance

Councilor Cook moved to schedule first reading at the September 3rd City Council meeting of the ordinance changes combining the Public Art Policy, Public Art Review Committee Ordinance, and the Funding for Public Art Ordinance. Seconded by Councilor Moreau.

Councilor Cook said you have several documents before you, one is a clean copy with changes and a redline version of the ordinance.

Councilor Moreau said she understands the combining of the ordinance and this will trigger the review requirements.

Motion passed.

B. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 1, 2024, meeting

Councilor Bagley moved to approve and accept the action sheet and minutes of the July 15, 2024, Parking & Traffic Safety Committee meeting. Seconded by Councilor Blalock and voted.

C. COUNCILOR LOMBARDI

1. Blue Ribbon Committee for Historical Archives Memorandum of Understanding

Councilor Lombardi said the committee has been working to understand the ability to create a non-profit to facilitate and fundraise for this project.

Councilor Lombardi moved to authorize the City Manager to execute a Historical Archives Memorandum of Understanding in substantially similar form to the draft included in the City Council packet. Seconded by Councilor Moreau.

Councilor Bagley said we are blessed to have a wealth of historic documents in the city, and this is a great path forward.

Motion passed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

Community Policing Facility Update – Public Works Director Rice reported that significant progress has been made and they anticipate coming back on September 23, 2024, with a presentation and a more robust update.

Update on the Sherburne Property Request for Proposals – City Manager Conard reported that staff and the Housing Committee met and discussed feedback received by the City Council. She announced that the RFP for the Sherburne property will be going out before August 30th.

Legislation Regarding HB1014 and State Holidays – City Manager Conard reported that HB1014 was recently passed by the Legislature effective September 10, 2024, which creates a new statute that addresses holiday designation and requires all schools and municipalities that adopt a holiday described in RSA 288:1 shall use the name in that statute in official communication, publication, document or calendar and would define the holiday on the 2nd Monday in October as Columbus Day.

Pease Development Authority Board Meeting Verbal Update – City Manager Conard reported the recent board meeting had a large turnout regarding the ARPA funding for the Rye Harbor Marine Facility Retail Platform and support for the proposed Portsmouth fish pier building replacement project. She stated that she will serve as Chair of the Airport Committee and the Capital Improvement and Land Committee. She announced in FY25 there will be a slight increase in fuel flowage fees from \$.6 to \$.8 which is significant but keeps us competitive. She announced that Pease is hosting the trials for Portsmouth High School Varsity and JV Golf Teams and will host the JV meet. She spoke to the robust turnout for the Eagle Coast Guard Cutter that had close to 10,000 visitors and that the long-awaited salt vessel is set to arrive on August 26th.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Blalock congratulated PHS Girls Track Coach Stan Lyford who is being inducted into the NHIA Hall of Fame. He said that Coach Lyford has been coaching the Girls Track team since 1974.

Assistant Mayor Kelley thanked all residents and businesses that celebrated the 4th Annual New England BiPOC Festival on Sunday which had over 5,000 people in attendance. She also expressed thanks to the Police Department, Strawberry Banke Museum, and all sponsors.

XIX. ADJOURNMENT

At 9:40 p.m., Assistant Mayor Kelley moved to adjourn. Seconded by Councilor Blalock and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 3, 2024

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:00 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau and Lombardi

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. National Service Dog Month in Portsmouth

Mayor McEachern read the Proclamation declaring September as National Service Dog Month in Portsmouth and called upon our residents and businesses to respect the important job they do in helping us live up to our motto of The City of the Open Door. Mayor McEachern presented two proclamations, one to Brendan Madden and one to Elle Shaheen who accepted them with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES

(There are no minutes on for acceptance this evening)

Councilor Tabor moved to suspend the rules to hear from Sarah MacGregor from Dragon Mosquito Control, Inc. and addressed the Council regarding methods used in Portsmouth to prevent the spread of mosquito-borne diseases. Seconded by Councilor Denton and voted.

Ms. MacGregor spoke about ways residents can protect themselves and decrease mosquito populations. She indicated that larval surveillance is done throughout the mosquito season. Ms. MacGregor stated they continue to monitor Portsmouth and do not recommend spraying at this time.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION

Julia Lanter spoke in support of PPMTV continuing to serve the city. She requested that the city reconsider their franchise fees.

Paul Gilson spoke regarding the franchise fee and said that there are 75 volunteers that serve the station. He said the station is very important to the city and the community.

Jake Webb spoke regarding the importance of PPMTV and the lifelong values he has learned from being a part of the station. He said the station is a resource that needs to remain in the community.

Beverly Hurst spoke in support of PPMTV and said that the station is important to many in the community.

Samantha Collins, Conservation Commission Chair, spoke in support of the Cavaretta property. She said with SELT expertise it will make sure the land is valued and cared for and urged the City Council to support the motion before them this evening.

Barbara McMillan, Conservation Commission Vice Chair, spoke in support of the purchase of the Cavaretta property. She said SELT knows the property and what needs to be done. She said this is a once in a lifetime opportunity for the city.

Talia Sperduto said purchasing the Cavaretta property is a once in a lifetime opportunity and the funds would come from the Conservation Fund.

Karen Webb spoke in support of the PPMTV. She said they have an award-winning staff and provide lifetime opportunities in the city for artists. She said that this is a key resource which would be lost to the community if the city does not support their request relating to the franchise fee.

Amanda Smith said it is important to protect green space in the city and preserve the Cavaretta property.

Tim Quinney said the Cavaretta property needs to be protected, and the city cannot let 100 acres go. He said the funds are earmarked for conservation.

Barbara Ward spoke about the importance of PPMTV. She said it provides many services and spoke to the importance of the government channel.

Peter Loughlin spoke of the importance of supporting the Cavaretta property. He said the land needs to be protected. He said the funding opportunity is available in the conservation fund. He also spoke to the importance of SELT to the process and will provide the assurance that the land remains open space.

Esther Kennedy said she supports the comments regarding the Cavaretta property. She stated you need to properly fix the sewer plant issues and sludge and order. She urged the city to do something sooner rather than later regarding the sewer plant.

Justin Richardson spoke to SELT and that this is a great investment for the Cavaretta property. He stated SELT protects the land, and this is an excellent opportunity to move forward for the future.

Nicole Beyer spoke in support of SELT and to provide funding. She said the land would provide future green space for people to enjoy.

Jim Lee spoke to the Disabled Veterans Kayak event taking place at the Elks Lodge. He urged the City Council to attend the event on September 17th at 11:00 a.m.

James Shanley spoke in support of the Cavaretta property and the purchase of 100 acres.

Christina Lusky asked why we need such a large Police Department. She said considering the reassessments and the increase in values we need to consider our spending ability. She said she does not believe we need such a large facility.

Anthony Balakier spoke in support of the Cavaretta Property and preserving 100 acres.

Sue Sterry spoke regarding the need for balance in the city. She said she supports the purchase of 100 acres.

Petra Huda said it feels that the process is backwards for the reassessment of properties. She said how can she come before the City Council without having her tax bill and questioned why they have not been sent to property owners.

Bob Gunning said there is discussion on raising the assessment amounts and income levels should also be increased.

Eddie Phimansone, Dover, NH said he supports PPMTV, and it is important to remain in the community for those that rely upon the channel and production of shows. He urged the city to consider the franchise fee when moving forward.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. Ordinance amending Chapter 1, Article IV, Section 1.412 – Public Art Review Committee, existing text to be deleted in its entirety and replaced with a brief reference to a new section in Chapter 1, Article XVII relating to public art; and Chapter 1, Article XVII – Funding of Public Art, Sections 1.1700-1.1707 existing text to be deleted in its entirety and replaced with a new Article XVII, retitled Funding, Review and Acquisition of Public Art, inclusive of new Sections 1.1700-1.1709

Councilor Cook moved to pass first reading and schedule a public hearing and second reading to be held at the September 23, 2024 City Council meeting. Seconded by Councilor Blalock.

Councilor Cook said we have taken the two ordinances and combined them and increased the funding threshold. She said \$3 million is a low amount. She said that the changes are not major to the ordinance.

Motion passed.

Public Hearing/Adoption of Resolutions:

- B. Public Hearing/Adoption of Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers. Qualifying taxpayers between the ages of 65-74 shall receive \$375,000.00 off their assessment. Qualifying taxpayers between the ages of 75-79 shall receive \$450,000.00 off their assessment and qualifying taxpayers 80+ years of age shall receive \$525,000.00 off their assessment
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Assessing Director Lentz said annually we review income and asset levels. She said she would like to look at exemption levels. She reported that the last time exemption levels were reviewed and changed was after FY2020 / TY2019. She stated in view of the change to the median single family assessed value for FY 2025 and, to maintain assessments to exemption levels in comparison in prior years, it is recommended to adjust the exemption levels as follows:

Age 65 to 74	\$375,000.00
Age 75 to 79	\$450,000.00
Age 80+	\$525,000.00
Disabled	\$375,000.00

Assessing Director Lentz said the recommendation will avoid a decline in tax relief for those approved for the elderly and disabled exemption. She stated any adjustment, if approved, would be for assessments as of April 1, 2024, for the FY 2025 / TY 2024 tax bill.

Councilor Bagley thanked Assessing Director Lentz for bringing this forward in a timely manner.

Councilor Cook expressed concern regarding the increase in values and how that would impact residents. She asked if there is anything preventing the Council from taking a second vote in October if necessary due to values.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Esther Kennedy asked that the Council hold off on this vote. She said people have a right to speak to their assessments. She expressed concern regarding those residents in modular or trailer parks being hit significantly with increases. She said the timing of this is horrific and some neighborhoods are going to be hit extremely hard.

Sue Sterry said we have many rental properties, and the increase in assessments are going to be passed onto the renters. She said there is no place for residents to relocate within a 50-mile radius from here.

Petra Huda thanked the City Council for increasing the exemptions, but you should wait for everyone to receive their bills.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Bagley said he feels we should pass what is before us this evening and we take pride in leading the State in this area.

Councilor Blalock clarified that there is nothing we can do for rent control in New Hampshire. Assessing Director Lentz said there is no statutory requirement for rent control in New Hampshire.

Mayor McEachern said he would support this Resolution and thanked Assessing Director Lentz for bringing this forward.

Assistant Mayor Kelley moved to adopt the Resolution, as presented. Seconded by Councilor Moreau and voted.

- C. Public Hearing/Adoption of Resolution Pursuant to RSA 72:37-b the City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers. Qualifying taxpayers shall receive \$375,000.00 of their assessment

- **PRESENTATION**

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

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

Councilor Denton moved to adopt the Resolution, as presented. Seconded by Councilor Tabor and voted.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for Work Session Regarding Draft Parking Utilization Study Report

City Manager Conard said the request is to hold a work session before the City Council at the next City Council meeting.

Councilor Bagley moved to schedule a work session at 6:00 p.m. on September 23, 2024. Seconded by Councilor Tabor and voted.

2. Southeast Land Trust Conservation Land Protection Project

Councilor Tabor moved to support the July 17, 2024 vote of the Portsmouth Conservation Commission and expend up to \$1,000,000.00 from the Conservation Fund to support the purchase of the conservation easement at 820 Elwyn Road, Cavaretta Property, 100 acre woods in Portsmouth with the execution of a grant agreement consistent with the grant agreement terms listed in the memorandum from Deputy City Attorney McCourt included in the supplemental City Council packet. City Manager Conard said this is a request from SELT and they are a local non-profit and they have been working with Mr. Cavaretta on his property. Seconded by Councilor Cook.

Councilor Bagley said that the funds are in the trust for protecting land. He said the primary concern is it has been 12 years working on this matter. He said we have received a large number of emails from individuals supporting the purchasing of the property.

Assistant Mayor Kelley said she would support the motion. She said it is important to come together and purchase the property for the future.

Councilor Cook said it is a once in a lifetime opportunity. She said she is impressed with the work SELT does and thanked Mr. Cavaretta for sacrificing development rights. Councilor Cook said both the Conservation Commission and the Sustainability Committee support this purchase.

The remainder of the City Councilors spoke in support of this once in a lifetime opportunity for the city to conserve 100 acres of green space.

Mayor McEachern thanked Deputy City Attorney McCourt for this agreement. He said he agrees with all that has been said to do something for the future. He thanked Mr. Cavaretta for doing this and the work conducted by SELT. He stated this is for the future of the city and it will make the city better.

On a unanimous roll call vote 9-0, motion passed.

XII. CONSENT AGENDA

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

- A. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 16th Annual Turkey Trot 5k on Thanksgiving November 28, 2024 (***Anticipated Action – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Bagley moved to accept and place on file. Seconded by Councilor Tabor and voted.

- B. Presentation from Portsmouth Public Media Television, Inc. requesting to re-evaluate the Cable Franchise Fee Policy

Portsmouth Public Media Television held a presentation outlining their work and request of the Council to re-evaluate the Cable Franchise Fee Policy. A review of the arts and culture provided by PPMTV was outlined, which is available to all as well as many other important programs.

Assistant Mayor Kelley moved to have the City Council discuss the presentation. Seconded by Councilor Cook and voted.

Assistant Mayor Kelley thanked everyone for coming forward to speak on this matter. She said she supports PPMTV but their reliance on the franchise fee is a concern with more people turning away from cable television to streaming services. She would like the Council to review their treasury reports and urged them to look at long-term planning.

Councilor Cook said she had conversations with PPMTV leadership regarding the franchise fee and how that also supports channel 22 as well as additional services. She said the city would need to find a sustainable model to support PPMTV and that may look like a different resource. She said that this must be a much broader conversation.

Councilor Bagley said that this is something he has struggled with, and we are pleased to support many non-profits, and this is about a question of fairness.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said we can't finance every non-profit and would like to look at a different policy. He stated he would support a motion to see an update to the City Council policy to take into account the franchise fee with a path to financial solvency and have a further discussion on what that might look like.

Mayor McEachern moved to request staff report back with recommendations regarding the Franchise Fee Policy. Seconded by Councilor Cook.

Councilor Cook said she would like to look at alternative options in partnerships in other places which could be explored.

Councilor Moreau said she would like to know how other communities handle their franchise fees.

Councilor Tabor said that this is something we do for the interim. He said PPMTV needs to figure out how they will fund themselves and we need to look at options for the short term.

Motion passed.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Mayor McEachern called a brief recess at 9:10 p.m., At 9:17 p.m., Mayor McEachern called the meeting back to order.

- C. Letter from Jim Pappas requesting the city relinquish paper street known as Walnut Street to him as the abutter to the property

Councilor Moreau moved to refer to the Planning & Sustainability Department for a report back. Seconded by Councilor Blalock and voted.

- D. Letter from Todd Selig, Durham Town Administrator, commending the Portsmouth Public Works team for their cooperation and coordination for the restoration work at Wagon Hill Farm

Councilor Tabor moved to accept and place on file. Seconded by Councilor Cook and voted.

- E. Letter from JerriAnne Boggis, Black Heritage Trail of NH, requesting permission to install a special plaque that honors Valerie Cunningham on a post on the grounds of the Portsmouth Historical Society

Assistant Mayor Kelley moved to authorize the City Manager to execute a license agreement with Black Heritage Trail of NH for the installation of plaque at the Portsmouth Historical Society. Seconded by Councilor Denton and voted.

- F. Letter from Bert Cohen, Chair & The Members of the Sustainability Committee, recommending and encouraging the City Council to vote in favor of partnering with SELT to purchase the conservation easement for the Cavaretta Property

Councilor Denton moved to accept and place on file. Seconded by Councilor Bagley and voted.

- G. Letter from 179 Union Property Services request for fee waiver for replacement of brick sidewalk

City Manager Conard said the matter was handled administratively by the Legal Department.

XIV. MAYOR McEACHERN

- 1. Resignation
 - Steve Pesci from the Parking & Traffic Safety Committee

Councilor Bagley moved to accept the resignation with regret and to send a letter of thanks for his service to the city. Seconded by Councilor Blalock and voted.

XV. CITY COUNCIL MEMBERS

(There are no items under this section of the agenda this evening)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Assistance to Fire Fighters' Grant (AFG) - \$324,327.00

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

B. Acceptance of Household Hazardous Waste Collection Grant - \$4,951.00

Councilor Blalock moved to authorize the City Manager to enter into a Grant Agreement with New Hampshire Department of Environmental Services to accept \$4,951.00 from the Household Hazardous Waste Collection Grant Program and execute any contracts or documents which may be necessary for this grant agreement. Seconded by Councilor Lombardi and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

Community Policing Facility Update – City Manager Conard reported that a presentation regarding updated concepts based upon feedback to date would be made at the September 23, 2024, City Council meeting.

Update on Sherburne Property Request for Proposals – City Manager Conard reported that Request for Proposals went out to the four submitters that ranked the highest in the RFQ process. She announced that there will be a Site Walk held on Thursday, September 12th at 1:00 p.m. and if the September 12th date cannot be held the Site Walk would take place on Monday, September 16th at 1:00 p.m. She reported that the deadline for submittal will be the close of business on October 9th.

Household Hazardous Waste Collection Day – City Manager Conard announced that Household Hazardous Waste Collection Day would be held on Saturday, September 14, 2024.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT

At 9:25 p.m., Councilor Blalock moved to adjourn the meeting. Seconded by Councilor Moreau and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 23, 2024

PORTSMOUTH, NH
TIME: 7:00PM

I. 6:00PM - WORK SESSION – PARKING UTILIZATION STUDY UPDATE

II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A

III. CALL TO ORDER [7:00 p.m. or thereafter]

Mayor McEachern called the meeting to order at 7:00 p.m.

PRESENT: Mayor McEachern, Assistant Mayor Kelley (Via Zoom), Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau and Lombardi

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – August 5, 2024

Councilor Moreau moved to accept the minutes of the August 5, 2024 City Council meeting. Councilor Tabor seconded the motion. The motion passed by a unanimous roll call vote of 9-0.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Recognition of outgoing Director of Water Resources/Deputy Director of Public Works Brian Goetz

Mayor McEachern praised Deputy Director Goetz for his stellar work for the City of Portsmouth and detailed his accomplishments during his tenure with the City of Portsmouth. Deputy Director Goetz was wished well on his new position in Rye.

IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)

Mary Lou McElwain – addressed the Council regarding the potential of a new police facility obstructing the view of the City from the City Hall complex.

Sue Polidura – Spoke about the history of the Battle of Flamborough Head.

Roy Helsel – Inquired whether the implications for water and sewer capacity is considered when new development is approved.

Francis Cormier – Questioned the need for a new police facility.

Jake Webb – Spoke in support of the PPMtv proposal on the agenda.

Cameron Horack - Addressed the Council regarding the proposed budget for the new police facility.

Elizabeth Bratter – Spoke about the proposed GNOD ordinance.

Councilor Tabor moved to suspend the rules and move item XIII.A. “Presentation on the Community Policing Facility” forward on the agenda. Councilor Blalock seconded the motion. The motion passed by a unanimous 9-0 roll call vote.

Presentation on the Community Policing Facility

Joe Almeida, Facilities Manager, stated that the process was still in the site selection phase. There have been multiple options reviewed and considered; many have been eliminated due to cost and functionality concerns. The images which have been presented thus far are only conceptual to test for fit of the building on a potential site but are not actual design proposals.

Mr. Almeida summarized the input that had been received from the community and the criteria determined to be most important to respondents, including a location on the municipal campus, minimizing the impact to the view from City Hall and Connor’s Cottage, staying within budget, and utilizing as much of the current facility as possible.

There is currently a staffing evaluation study underway, the results of which may necessitate an adjustment to the space needs assessment. There were illustrations presented showing the potential footprint of the new police station and the impact it would have on sight lines from the City Hall campus. These designs had been revised following community input and they reduced the impact to sight lines while also remaining within the original budget.

Facilities Manager Almeida outlined the next steps in the process which include completing the staffing needs study and bringing the results back to City Council, advancing the design to schematic design with a basic rendering, updating the budget estimates, presenting to the Land Use Boards, and anticipated bond authorization for additional design funds in 2025.

Councilor Cook inquired why the budget of the project was the same following the significant alterations to the size and design of the building. Facilities Manager Almeida stated that both the original design and the revised design presented consisted of 31,000 sq ft; the building would just be configured differently in the revised design.

Mayor McEachern inquired when the staffing needs assessment was expected to be complete. Mr. Almeida responded that the study is being expedited, however the completion date is not known.

Councilor Lombardi acknowledged that the staffing needs assessment is a very important component, and it may not make sense to look at other elements such as massing and design until the staffing needs assessment is complete. He referenced a statement made earlier that locating the new facility on the rear of the existing structure would cost more money and speculated that even with an increased budget, this location might be more worthwhile.

Councilor Bagley asked for an estimate on the impact to the tax rate if the project were approved through a 20-year bond. He stated that with the concerns throughout the City regarding property assessment and resulting tax rate, it might be advantageous to pause the approval of a \$42 million dollar police facility until the community has a final answer on the impending tax rate.

Mayor McEachern inquired how much square footage would be “stranded” in the new development. Mr. Almeida explained that 20,000 square feet of the existing facility is being re-utilized, with some poor-quality space on the basement level being “stranded” due to poor air flow with no potential for new duct work, and prior mold and rodent problems. He speculated that this space could potentially be used as storage in the future, but it would not be utilized for the Police Department and would not be recommended for staff offices.

There was a discussion regarding the staff needs assessment and the space needs assessment; the space needs assessment taking into consideration the space needed for the current staffing levels and the staffing needs assessment determining if the level of staffing is appropriate.

Mayor McEachern inquired about the potential of utilizing satellite offices or aligning certain police department functions, such as dispatch, within existing public safety facilities, such as the fire department. Mr. Almeida stated that it had been determined this method of utilizing satellite offices would not be more cost effective. Police Chief Newport clarified that dispatch is an integral part of police department functions and having them off-site would impact workflow and efficiency.

Mayor McEachern stated that there is potentially a disconnect with the method in which information is being conveyed; with questions and concerns raised by the public and Council at work sessions, and then City staff coming back with information stating what will not work for the project, but without the process or the “why” being discussed. He felt it would be beneficial to have a more in-depth explanation of how the Police Department functions amongst their various offices and why these designs are being proposed in this manner. Chief Newport stated that if desired, he could come back with a description of the offices and functions of the Police Department and how they interlock.

Councilor Denton referenced a recent renovation of the Police Department to replace the wall which overlooks the South Mill Pond. He inquired why the current design could not be revised by building that wall out further over the side access road and expanding over the hill. Chief Newport explained that the design is not only taking into consideration the space needed, but rather the specific functions within said space which necessitate a certain layout. It may not be as cost effective to build out the existing building in that area as suggested. Mr. Almeida concurred that the building redesign posited is possible if desired by Council, however it would be a drastic redesign and may come at an increased cost.

There was discussion on “adjacencies” and the need for certain functions and departments to be located within close proximity to each other, requiring certain space designs.

Councilor Cook inquired if there was a possibility that any of the offices in the redesign were either redundancies from the existing space or if there were any outdated functions built into the design which could be eliminated to save space. Mr. Almeida stated that the design and assessments have been reviewed very thoroughly with reductions performed where applicable; there are not currently any redundancies which can be eliminated.

Councilor Cook spoke about cost versus benefit. She stated that the current Police Department is functioning well within the current space and questioned if there was an imminent need for this project given the high budget, while acknowledging that the new build would result in more efficiencies for the Police Department.

Councilor Blalock inquired if there was a way to design the new structure with increased height being built over the existing structure to minimize impact to sight lines from Connor's Cottage. Mr. Almeida reiterated the need for adjacencies within the Police Department and emphasized the importance of departments being located near one another for proper function and efficiency.

Mayor McEachern asked for more clarity on the term "adjacencies," further detail on the efficiency gained through these adjacencies, and the costs associated with supplying adjacencies. He questioned if there would be more flexibility and cost savings with the building if some of these adjacencies could be eliminated or worked around.

Councilor Moreau inquired if the main entrance to City Hall would be eliminated with the police station construction. Mr. Almeida stated that although the entrance to City Hall was not part of the design, with the current proposal there was the possibility of a shared entrance with the Police Department being constructed or renovation of the City Hall entrance as part of the project.

Councilor Bagley suggested that a work session be scheduled in order to address the questions being posed this evening. He also suggested that there be additional Councilors added to the Working Group for better understanding and detail on the proposal. Mayor McEachern agreed that there should be increased effort to supply information to the public on the process and reasoning behind the process. Councilor Moreau suggested that there be public sessions as opposed to private working group meetings for more public transparency and understanding.

Councilor Tabor expressed the importance of supporting vital City infrastructure and entrusting the Police Department and architects to determine the need and scope of the proposed project. He acknowledged the need for more public engagement and understanding and the potential of having a more open committee.

Deputy City Manager Woodland stated that there could be a public information session or Council work session scheduled as a more open forum for discussing the project and answering the questions posed this evening. She clarified that many of the questions and potential design elements would be influenced by the results of the staffing needs assessment, and it may be beneficial to wait until that assessment is completed.

The Council continued to discuss the benefit of having a public session at which the process thus far is discussed with a more thorough presentation of the work and review that has already taken place. Mr. Almeida agreed that there could be documentation presented illustrating the designs and locations which had been rejected and the logic behind those locations being taken out of consideration. There was a discussion on the varying types of models which could be presented for better visual understanding of the proposal and massing of the building. Mr. Almeida suggested that the Council and the public review the City website for documentation and presentations which detail the work that has already been done on this project over the past several years.

Councilor Bagley moved to schedule a public meeting with the working group after the staffing needs assessment is complete. Mayor McEachern suggested that the public information session be held prior to the completion of the needs assessment for greater public transparency on the work which has gone into the process and the methodology behind the recommendations.

Councilor Bagley rescinded his prior motion. Councilor Cook rescinded her second. **Councilor Bagley moved to schedule a public presentation in the near future for the Council and the public and to schedule a separate work session upon completion of the staffing needs assessment. Councilor Cook seconded the motion. The motion passed on a roll call vote of 9-0.**

X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. First Reading of Ordinance Amending Chapter 10, Article 6 - Overlay Districts, Section 10.680 – Gateway Neighborhood Overlay District, by Establishing a New Incentive Overlay District Allowing for Higher Density Housing

Councilor Moreau moved to pass first reading of the proposed amendment regarding a Gateway Neighborhood Overlay District and to schedule a public hearing and second reading at the October 21, 2024 City Council meeting, seconded by Councilor Cook. The motion passed on a 9-0 roll call vote.

Councilor Moreau referenced the item appearing later on the agenda updating the Planning Board meeting on September 19, 2024 regarding GNOD. She reported that there has been a public hearing for this amendment scheduled at the Planning Board meeting on October 17, 2024. She stated that she would bring forward the verbal recommendation from that Planning Board meeting at the October 21 City Council meeting along with an overview of the discussion.

Councilor Tabor referenced the Housing Blue Ribbon Committee Update later on the agenda. He reported that the Housing Committee had recommended unanimously that the City Council adopt the Gateway Neighborhood Overlay District ordinance as presented. He summarized the supportive comments expressed by members at the meeting.

Assistant Mayor Kelley left the meeting at 7:37 PM.

XI. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

- B. PUBLIC HEARING AND SECOND READING of Ordinance Amending Chapter 1, Article IV, Section 1.412 – Public Art Review Committee, existing text to be deleted in its entirety and replaced with a brief reference to a new section in Chapter 1, Article XVII relating to public art; and Chapter 1, Article XVII – Funding of Public Art, Sections 1.1700-1.1707 existing text to be deleted in its entirety and replaced with a new Article XVII, retitled Funding, Review and Acquisition of Public Art, inclusive of new Sections 1.1700-1.1709

Councilor Cook invited Chris Dwyer, Chair of the Public Art Review Committee, to address the Council.

Ms. Dwyer explained the proposal to update and consolidate several existing ordinances to provide further clarity and avoid confusion in existing language. The first substantive change is to update the financial basis for projects which generate public art dollars. This would authorize 1% of the contract price for projects in the range of \$5 million to \$30 million dollars to be allocated to a public art trust. This figure has not been updated in over a decade and is being adjusted to reflect inflation and increased costs of construction. This would equate to a contribution of \$50,000 - \$300,000, dependent on the cost of the project.

Ms. Dwyer stated that the amended ordinance would give more flexibility in the use of funds in several ways. First, 75% of the funds generated by a site would be expended on that site with the remainder being placed in a public art trust fund instead of the entirety being required for use on site. The other provision would be that the maintenance funds that are within the Public Art Trust would not be designated for a particular project; there are some projects that may require regular maintenance while others may not need maintenance for long periods of time.

Ms. Dwyer stated that the third provision would be acknowledging that part of the Public Art Review Committee mission is to provide recommendations regarding public art to land use boards. She stated that there has been an increase in private developers proposing public art. She explained that there are additional provisions for procedures for recommendations to Public Works and the City Council regarding maintenance as well as the deaccession of art when it is no longer viable or when it was intended as a temporary installment.

Ms. Dwyer explained that the amendment being put forth would include a change in the definition of public art, which currently includes existing buildings and rehabbed buildings. The proposed language would change this to "Capital Construction Projects" to broaden the opportunity for art in a variety of types of development.

Councilor Cook moved to suspend the rules and move item "15 D 1: Public Art Review Committee Ordinance Amendment" forward on the agenda. Councilor Moreau seconded the motion. The motion passed by an 8-0 voice vote.

Councilor Cook stated that she did have a further amendment to the verbiage that appeared in the packet. Councilor Cook moved to amend the current language as above with the following revisions: *"...all new municipal buildings or for the renovation of existing municipal buildings" with "capital construction appropriations for any public construction project, excluding roadways and utility infrastructure, but not excluding facilities such as pump stations and treatment facilities."* Councilor Tabor seconded the motion.

Councilor Moreau inquired if the change was substantive enough that it would require it be reposted. Deputy City Attorney McCourt confirmed that the proposed language would substantially alter the amendment necessitating it to be scheduled for an additional second reading and public hearing. Councilor Cook stated that this circumstance had been anticipated and she would suggest that upon adoption of the amendment, the item should be referred for a second reading on October 7th instead of a third reading as originally planned. She reiterated that one of the goals is to place public art in appropriate places and there would not be public art located in roadways as referenced during public comment.

There was a brief discussion on the process and whether the public hearing should still take place considering the additional second reading and public hearing scheduled for October 7. Deputy City Attorney McCourt stated that the public hearing this evening should go forward. Mayor McEachern called to move the question. The motion passed by a unanimous voice vote of 8-0.

Mayor McEachern opened the public hearing. There were no speakers.

Councilor Cook moved to schedule the second reading and public hearing on October 7, 2024. Councilor Lombardi seconded the motion. The motion passed by a voice vote of 8-0.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

1. Request to Schedule Joint Work Session on the FY2026-FY2031 Capital Improvement Plan

Deputy City Manager Woodland requested that a joint work session be scheduled for Tuesday, November 12, 2024 at 6:00 PM. Councilor Denton moved to schedule the Joint Work Session on the FY26-FY31 CIP. Councilor Blalock seconded the motion. The motion passed by a unanimous 8-0 voice vote.

2. Consideration of Referral of Draft Right-to-Know Policy to Fee Schedule Study Committee

Deputy City Manager Woodland reported that during the 2024 legislative session, the NH Legislature enacted HB1002 amending RSA 91-A, the right-to-know law. This bill revised the way in which municipalities can respond to these requests. It also allows municipalities to charge a fee for right-to-know requests in certain circumstances if the governing body has adopted a related policy. She clarified that the draft policy does not affect the current policy regarding how paper copies are charged. However, the item is being referred to the Fee Committee due to the provision which allows a municipality to charge for some electronic communications. She summarized the exceptions to this proposed fee.

Deputy City Manager Woodland recommended that the City Council move to refer the Draft Right-to-Know Policy to the Fee Schedule Study Committee for a verbal report back and a potential adoption of the draft policy on October 7.

Councilor Tabor moved to refer the draft Right-to-Know policy to the fee schedule committee. Councilor Bagley seconded the motion.

Councilor Cook inquired if a PhD student compiling research would fall under the fee exemption referenced by Deputy City Manager Woodland. Jennifer Smith, staff attorney, responded that if such a request exceeded the 250 pages which would trigger the new policy and the request became cost prohibitive, the flexibility of the policy would allow the City to determine if the fee should be waived.

The motion passed by an 8-0 voice vote.

3. Sale of Surplus Police Vehicles

Deputy City Manager Woodland explained that in the past, the City has used govdeals.com, an online auction site, on which the vehicles go to the highest bidder. She stated that the City has found that the sale price for vehicles on this site is greater than what is experienced through other sealed bid processes. She recommended that the City Council move to approve of the sale of the police surplus vehicles through the method explained. Councilor Lombardi moved to dispose of the police surplus vehicles as presented. Councilor Tabor seconded the motion. Councilor Cook referenced a 2017 vehicle listed in the documentation which has bad rear brakes. She inquired why the brakes were not being replaced as opposed to selling the entire vehicle. Police Chief Newport explained that the police department does not dispose of vehicles until they are at end-of-life; most often if there is still life left in a vehicle it is added to the fleet of the Department of Public Works. He stated that if the car referenced is not being accepted by DPW, it is likely that the rear brakes are only a portion of the systems needing repair. Mayor McEachern requested that for future surplus sales, the backup documentation contains cost of repair versus replacement. The motion passed by a unanimous 8 - 0 voice vote.

4. Acceptance of Several Easements for Property Located at 53 Green Street

Deputy City Manager Woodland reported that in July of 2021, the Planning Board granted a wetlands conditional use permit, subdivisions, and site plan approval to Stone Creek Realty LLC for the demolition of an existing building, construction of a 5-story mixed-use building, and renovation of an existing parking area. As part of the approval, the Planning Board recommended the City accept the following easements:

- A Greenway easement adjacent to the North Mill Pond
- A Greenway access easement to access the new greenway from Green street
- A wide pedestrian sidewalk easement along Green street
- A sewer line easement
- An access easement for water services

She stated that several of these easements are for the benefit of the City in exchange for the density bonus incentives, permitting the building to have 5 stories where 4 are permitted. She explained that approval of the easements was delayed due to litigation which has since been resolved.

Councilor Moreau moved to authorize the City Manager to accept and record the easements as listed above in substantially similar form as appear in the packet. Councilor Tabor seconded the motion.

Councilor Bagley read an excerpt of the proposal agreement which states the water services easement is "... for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service." He inquired if this would be an issue if the City needed to perform maintenance and recalled a previous circumstance where the City did not have access rights to perform such maintenance. Deputy City Attorney McCourt explained that the City is not accepting ownership of water laterals on private property, however the City does have an interest in determining if leaks exist on the City water lines and being able to turn valves to stop these issues.

The motion passed by a unanimous 8-0 voice vote.

XII. CONSENT AGENDA

Councilor Blalock moved to accept the consent agenda. Councilor Denton seconded the motion. The motion passed by an 8-0 voice vote.

- A. Request from Roger Leahy, Overland Sheepskin Company, to install two Projecting Signs at 1 Market Square

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the signs, for any reason, shall be done at no cost to the City; and***
- ***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***

(Anticipated action – move to refer to the City Manager with Authority to Act)

- B. Letter from Chris Carragher, Seacoast Paddleboard Club (SPC), requesting permission to hold the 6th Annual Paddleboard event on Sunday, October 27, 2024, from 9:00 a.m. to 11:30 a.m. at the Robert P. Sullivan Boat Launch at Peirce Island ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2025 – Tuesday, December 31, 2024
 - Children's Day – Sunday, May 4, 2025; Noon – 4:00 p.m.
 - 48th Annual Market Square Day Festival & 10K Road Race – Saturday, June 14, 2025; 9:00 a.m. – 4:00 p.m.
 - 22nd Annual Summer in the Street – Saturday evenings – July 5, 12, 19, 26, August 2, 2025; 5:30 p.m. – 8:30 p.m.

In addition, Pro Portsmouth, Inc. requests the City joins as a sponsor in support of the fireworks' display in the amount of \$3,000.00 ***(Anticipated action – move to refer the City Manager with Authority to Act)***

- D. Letter from Laurie Mantegari, Scarecrows of the Port, requesting permission to install Scarecrows of the Port in the streets of Portsmouth beginning Tuesday, October 8th through Saturday, November 2nd ***(Anticipated action – move to accept temporary art display and refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Presentation on the Community Policing Facility – City Staff

The presentation occurred earlier on the agenda.

B. Email Correspondence

Councilor Denton moved to accept the email correspondence and place on file. Councilor Moreau seconded the motion. The motion passed by an 8-0 voice vote.

C. Letter from Christine Groleau, North Church of Portsmouth, requesting a reduction or waiver of fees associated with the upcoming construction project at 2 Congress Street

Councilor Moreau moved to authorize the City Manager to grant the waiver. Deputy City Manager Woodland explained that the City Manager would need the amount the Council desired to waive. Mayor McEachern stated that the last time a similar situation came before the Council was when the South Church requested a construction fee waiver and they were granted the waiver in full.

Councilor Bagley moved to authorize the City Manager to provide a full waiver of fees associated with the upcoming construction project at 2 Congress Street. Councilor Moreau seconded the motion.

Councilor Cook referred to the existing City Ordinance which allows for fee waivers for non-profits. Mayor McEachern explained that the amount of the waiver is unknown, but the work being done is to increase ADA access to the property.

The motion passed by an 8-0 voice vote.

D. PPMtv Proposal for Additional Funding and Change in Policy

There was a discussion regarding previous Councils' actions, prior to the establishment of the 2009 policy, regarding the potential funding of a public access television station. There had not been a desire at that time to fund a station, either through an allocation or a CIP project. There is a mechanism in place to fund the establishment of a station through seed money granted by Comcast; however, this results in increased fees for cable subscribers.

Councilor Bagley moved to authorize the City Manager to provide \$48,000 to PPMtv from the next quarterly Comcast franchise fee. Councilor Cook seconded the motion.

Councilor Bagley stated that allowing PPMtv early access to this money would give them an opportunity to explore other funding options and not leave them in a more difficult position as the franchise fees decline.

Councilor Lombardi asked if the franchise fees also contributed to the production of channel 22. Deputy City Manager Woodland stated that Channel 22 production fees come from the General Fund, in an amount of approximately \$224,000 per year which is inclusive of facility costs.

Councilor Cook stated that this decision is a good stopgap measure to allow PPMtv access to the money they need to continue operations but emphasized the importance of supporting arts nonprofits and encouraged residents to support PPMtv and become members.

Mayor McEachern emphasized that the revenue generated from cable franchise fees will continue to be reduced over time. He spoke about the importance of finding ways to fund PPMtv going forward and to plan for this loss of franchise revenue. Mayor McEachern referred to documentation contained in the packet which showed not only an increasing loss of this franchise revenue over several years, but a significant drop in revenue over the prior fiscal year necessitating the current request. Granting the request may allow the City time to find a policy which works to help sustain PPMtv and their ongoing operations.

The motion passed by an 8 – 0 voice vote.

XIV. MAYOR McEACHERN

1. Appointment of Sean Clancy as a Regular member and Jillian Harris as an Alternate member to the COAST Board of Directors

The City Council considered the appointments to be voted upon at the October 7, 2024 City Council meeting.

2. Appointments to be Considered:
 - Reappointment of Mark Syracuse to the Parking & Traffic Safety Committee
 - Reappointment of Mary Lou McElwain to the Parking & Traffic Safety Committee
 - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee
 - Reappointment of Robert Marchewka to the Economic Development Commission
 - Appointment of Brian Gibb to the Conservation Commission from an Alternate to a Regular member

The City Council considered the reappointments to be voted upon at the October 7, 2024 City Council meeting.

3. Resignation
 - Adam Fitzpatrick from the Conservation Commission

Councilor Lombardi moved to accept the resignation with regret and to send a letter of thanks to Adam Fitzpatrick's for his service to the City. Seconded by Councilor Blalock.

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY & COUNCILOR TABOR

1. Housing Blue Ribbon Committee Update

Councilor Tabor gave the update earlier on the agenda.

B. ASSISTANT MAYOR KELLEY

1. Update from the Legislative Subcommittee and its recommendation to approve the New Hampshire Municipal Association's 2025-2026 Proposed Legislative Principles and Proposed Legislative Policies to be voted on by NHMA members at its policy conference on September 27, 2024

Councilor Cook reported that the Legislative Subcommittee had met the prior Friday and had discussed the NHMA's 2025-2026 proposed legislative principles and legislative policy positions. The subcommittee had recommended that the NHMA add a new policy under "Land Use Policies" as well as a request to strike two policies under Land Use. Councilor Cook explained that members of the Legislative Subcommittee would be presenting to the NHMA regarding these suggested changes later in the week.

Councilor Cook moved to appoint the Assistant Mayor, or an alternate, to act as a delegate to the New Hampshire Municipal Association Legislative Policy Conference and to accept and approve the NHMA's 2025-2026 Proposed Legislative Principles and Legislative Policies, and floor policies as recommended by the Legislative Subcommittee including their recommended changes. Seconded by Councilor Denton. The motion passed by an 8 – 0 voice vote.

C. COUNCILOR COOK & COUNCILOR DENTON

1. Climate Action Plan related Capital Improvement Plan Additions

Councilor Denton moved to allow Climate Action Plan related Capital Improvement Plan additions by the Sustainability Committee to be submitted past the current deadline. Seconded by Councilor Cook.

Councilor Denton referenced the recently passed Climate Action Plan. The Sustainability Committee's Ordinance allows the committee to give guidance to the City Council in their implementation of the Capital Improvement Plan. However, with the new CIP timeline, the Sustainability Committee would not have had time to provide input prior to the following fiscal year and are therefore requesting a brief extension to provide input.

The motion passed by a unanimous 8 – 0 voice vote.

D. COUNCILOR COOK

1. Public Art Review Committee Ordinance Amendment

The Public Art Ordinance discussion occurred earlier on the agenda.

E. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 5, 2024 meeting

Councilor Bagley moved to approve and accept the action sheet and minutes of the September 5, 2024 Parking & Traffic Safety Committee meeting. Seconded by Councilor Moreau.

Councilor Bagley explained that there were a couple items of note from the meeting, the first being the sidewalk improvements on Congress Street. When the underground water and sewer lines are dug up in this area as part of the Fleet Street project, it would be an ideal time to make improvements to the surface and sidewalks. He clarified that the primary purpose behind the project was not to widen the sidewalks; however, while the infrastructure work is being done, it is the most cost-effective way to accomplish the sidewalk updates by doing the work simultaneously.

The second item is the proposed elimination of four parking spaces at the intersection of Cass Street and Middle Street to allow for a less obstructive, safer field of vision for motorists turning onto Middle Street. He stated that the parking spaces in question are heavily utilized, so there will be fliers printed and distributed to nearby houses and apartments, notifying residents that the Parking and Traffic Safety Committee will be doing a site walk of the area and addressing the issue at their next meeting.

Mayor McEachern inquired about the result of the City Council approval of the minutes and any potential effect it has on the Congress Street sidewalks; with the minutes indicating that the proposal would go to the Director of Public Works and staff for the continuation of the development of the proposed changes and incorporation into the existing Fleet Street project. He asked when the final approval would occur. Councilor Bagley stated that at a future PTS meeting, the Department of Public Works team would come back with a more detailed proposal and receive feedback from the committee. Ultimately, the proposal will come back to City Council for final approval. The project timeline is two years in the future and will not be coming back to Council imminently.

The motion passed by a unanimous 8 – 0 voice vote.

2. Request for First Reading of amendment to Chapter 7, Vehicles, Traffic and Parking, Article X, Towing, Section 7.1004, Towing or Immobilization of Motor Vehicles for Non- Payment of Parking Fines

Councilor Bagley moved to request first reading of the ordinance to be held at the October 7, 2024 City Council meeting. Seconded by Councilor Tabor.

Councilor Bagley explained that this proposed ordinance amendment would allow City Staff to place stickers on the windows of vehicles scheduled to receive a boot, giving the owner a week's notification prior to booting to resolve the matter. The current practice is that owners receive certified mail, which is not always received or opened. The sticker would be a visible indication that there is a parking matter to be resolved.

The motion passed by a unanimous voice vote.

3. Renewal of Annual Valet Parking License Agreement for Parade Residence Hotel LLC

Councilor Bagley moved to approve the renewal of the Valet Parking License Agreement for Parade Residence Hotel, LLC. Seconded by Councilor Blalock.

Councilor Bagley explained that both of the valet licenses on the agenda involve a street which is technically a private roadway, however the City has an agreement with the owners that the City will carry out parking enforcement in the area and collect the revenue therefrom, which is then used to maintain the street. The proposed action will ensure the road is maintained to the standards of other public roadways within the City.

There was a brief discussion regarding where the valeted cars are parked.

The motion passed by a unanimous voice vote.

4. Renewal of Annual Valet Parking License Agreement for Portwalk HI LLC (*Sample motion – move to approve the renewal of the Valet Parking License Agreement for Portwalk HI LLC*)

Councilor Bagley moved to approve the renewal of the Valet Parking License Agreement for Portwalk HI LLC. Seconded by Councilor Tabor. The motion passed by a unanimous voice vote.

F. COUNCILOR MOREAU

1. Update from the Planning Board meeting on September 19, 2024 regarding GNOD

This update was given earlier in the meeting.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Historic Cemetery Donation - \$2,500.00

Councilor Blalock moved to accept the donation from EightKPH LLC in the amount of \$2,500.00 to support restoration work at the North Cemetery. Seconded by Councilor Lombardi. The motion passed by a unanimous voice vote.

- B. Acceptance of Fire Department Donation - \$100.00

Councilor Blalock moved to accept the donation from Allen Hawthorne in the amount of \$100.00 to be used at the department's discretion. Seconded by Councilor Moreau. The motion passed by a unanimous voice vote.

- C. Acceptance of Police Department Grant from the NH Department of Safety - \$26,300.00

Councilor Cook moved to approve and accept the grant for the Police Department as presented. Seconded by Councilor Denton. The motion passed by a unanimous voice vote.

- D. Acceptance of Police Department Donation - \$3,200.00

Councilor Denton moved to approve and accept the donation for the Police Department as presented. Seconded by Councilor Tabor. The motion passed by a unanimous voice vote.

Mayor McEachern informed the public that the Honor Guard, to which this donation is going, is not funded with taxpayer money but through private donations. When the donor learned of this, they contributed the referenced amount and Mayor McEachern hoped that others may see this donation and follow suit.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Pease Development Authority Board Meeting Update

Deputy City Manager Woodland stated that the agenda of the last PDA meeting had been relatively light. There was a discussion of an ARPA money allocation to the Portsmouth Fish Pier replacement building which will be further discussed at the October meeting. She reported that the airport has seen several heavy military transport missions supporting several efforts in the region; through July of 2024, there have been more than 60,000 enplanements and they are projecting over 100,000 by the end of the calendar year.

Deputy City Manager Woodland announced that the terminal upgrades will be available for use to the general public by Thanksgiving.

2. Revaluation Informal Hearings Update

Deputy City Manager Woodland reported that, in accordance with State law, the City has completed the revaluation of all real property for the 2024 tax year. The appraisal firm Vision Government Solutions was contracted to complete the process for all properties throughout the City. Notices were mailed out to residential property owners last week and notices will be mailed to commercial property owners at the end of the current week. The values indicated in the notice reflect property assessments as of April 1, 2024 using sales within the city over the past 1 -2 years. The new assessed values will be utilized for the upcoming December tax bills.

She stated that if property owners have questions or want to discuss the new value, there are details within the notice on how residents can schedule an informal hearing. She informed residents of the tools available on the City Assessing website.

Councilor Lombardi inquired if the City had received information from the State regarding the tax rate. Nathan Lunney, Deputy City Manager Finance Administration, reported that the City is likely a month away from setting the tax rate and have not yet received the numbers from the State. He explained that all the numbers being discussed are estimates.

3. Report Back on PPMtv Request for Additional Funding and Policy Change

The PPMtv discussion occurred earlier on the agenda.

4. Update on Accessory Dwelling Unit Handbook

Deputy City Manager Woodland reported that the ADU handbook is in the final stages of completion. The design consultants work was completed in August and the resulting designs and renderings are being integrated into the proposed handbook. The final draft of the handbook will be ready by the end of September or early October.

Deputy City Manager Woodland announced that on Monday the 30th, between 11:00 P.M. and midnight, the demolition will start on the State Street building and continue until approximately 6:00 A.M. There will be notice given to abutters of the property. Following the demolition, there will be approximately a week of construction debris being transported away from the property.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT

At 9:45 PM, Councilor Moreau moved to adjourn the meeting. Seconded by Councilor Bagley. The motion passed by a unanimous voice vote.

Respectfully submitted,

Cassie Givara
Deputy City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 7, 2024

PORTSMOUTH, NH
TIME: 7:00 PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:10 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau and Lombardi

V. INVOCATION – n/a

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

1. Children’s Environmental Health Day – October 10, 2024

Councilor Denton read a Proclamation declaring October 10, 2024, Children’s Environmental Health Day. Rebecca O’Brien, Sustainability Committee, accepted the proclamation.

2. Fire Prevention Week October 6-12, 2024

Mayor McEachern read a Proclamation declaring the week of October 6 – 12, 2024 “Fire Prevention Week.” Fire Chief McQuillen accepted the proclamation and urged residents to change the batteries on their smoke detectors and carbon monoxide detectors.

3. Domestic Violence Awareness Month

Councilor Moreau read a Proclamation declaring the month of October “Domestic Violence Awareness Month” in the City of Portsmouth. Ryan Grogan, Jean Reed, Natalie Belleville, and Steve Gahan accepted the proclamation.

VII. ACCEPTANCE OF MINUTES

There were no minutes to be accepted this evening.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION

Frank Desper – Addressed the City Council regarding the Wall of Healing (item XVIII. G. on the agenda) requesting permission to bring the display from Washington, D.C. to Portsmouth in the Summer of 2025.

Petra Huda – Requested that City Manager item “XVII. 2. Revaluation Update” be moved forward on the agenda. Ms. Huda also questioned the proposed tax rate and whether the commercial values were factored into the numbers.

Councilor Moreau moved to suspend the rules to move forward on the agenda the City Manager’s Informational Items under section XVII. Councilor Cook seconded the motion. The motion passed by a unanimous voice vote.

1. Update on Public Informational Meeting for Community Policing Facility

City Manager Conard reported that Thursday, November 7 at 6:00 PM has been set as the date for the public information session requested at the prior City Council meeting. There has been no time limit set for the meeting, and it will allow an opportunity for questions, answers, and feedback as well as presentations by staff and review of the work done to date.

City Manager Conard stated that City Staff expect to have contract details worked out within the next week with the firm who will be conducting the staffing needs assessment.

2. Revaluation Update

Rosann Lentz, City Assessor, gave a brief update on the City’s commercial assessment and preliminary values. She presented a comparison between the 2023 and 2024 valuation, and further broke down the percentage of commercial increase by neighborhood as well as the increase in value by property usage.

City Assessor Lentz illustrated the percentage of increase in taxes based upon the percentage change in property value and the number of parcels within the City affected by each category.

City Assessor Lentz referenced a question posed during public comment regarding why the commercial values had not been posted or calculated as part of the estimated tax rate. She clarified that these values had been considered as part of the tax rate, and are all posted on the Assessing page of the City website. Physical notices are being sent out within the next couple days. She stated that for those who would like to discuss their assessments, the Assessing office is currently accepting appointments. She explained that although the property cards are not yet available for residential properties, the commercial cards are available in office for review.

City Assessor Lentz clarified that the rate is a preliminary estimate and will not be final until the tax rate is set by the State of New Hampshire. The results of the hearings currently taking place could change values and cause an adjustment in the estimated rate as well.

Councilor Cook referenced the elderly and disabled exemptions which Council had voted to increase the month prior. She questioned if these exemption levels would not be equivalent considering the increase in valuations. Assessor Lentz explained that when reviewing the exemptions prior to the increase, they had looked at the median assessed value which was \$750,000 at the time. This median has now increased to \$762,000. She speculated that many of the people who qualify for these exemptions are not falling with the income and asset range which would be affected by the increased valuations. Councilor Cook inquired if there would still be time to increase the limits for the elderly and disabled exemptions at the next City Council

meeting. Ms. Lentz responded that the amount of exempt value could be amended, but not who would qualify for said exemptions; the City Council would need to wait until next year to change these numbers if desired.

Councilor Tabor reported that he has heard concerns from constituents regarding the increase to their taxes and questioning on whether this was common throughout the City. Ms. Lentz reviewed the categories presented earlier of percentage change in value and the resulting percentage in tax increase. She stated that those whose values increased between 46% - 60% would experience between a 5.4% - 11% increase in their taxes. Those whose properties have increased between 61% - 80% will experience an increase between 11.6% – 25.3%. These categories comprise over 2/3 of the City's properties, both residential and commercial. Councilor Tabor suggested it might be beneficial to have a breakdown of just the residential properties and the percentage of those whose taxes remained the same or increased, which might give a better sense of how the revaluation is impacting constituents.

Councilor Moreau spoke about the billing structure for some commercial utilities which charge a flat rate. She asked if there could be a similar method used for tax payments to distinguish rates between residential and commercial. City Assessor Lentz stated that there is not a way to differentiate between residential and commercial properties as far as the tax rate is concerned.

There was a discussion regarding tools available on the assessing page and how they can be utilized by residents.

Mayor McEachern inquired if there were zoning changes to office/professional buildings, would these zoning amendments and the updated use be taken into consideration when the valuation of a commercial property was determined. Assessor Lentz responded that it was difficult to answer due to multiple criteria that come into consideration such as the location, development, and sales price on properties; even with identical zoning and usage, market value could be different dependent on the location of a property.

Mayor McEachern asked if there was a possibility that there could be an extension to the hearing deadline on commercial properties if multiple requests are received due to owners who may not have been aware of the deadline. Assessor Lentz stated that the deadline would need to be maintained closely to allow time for the assessing team to review and make the changes based upon the hearings.

Mayor McEachern inquired how many commercial property owners went through the hearing process as opposed to utilizing a lawyer to navigate an abatement. Assessor Lentz estimated that there would be fewer than 100 commercial owners taking advantage of hearings, with the total number of both residential and commercial property owners requesting hearings falling between 3%-5%.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. First Reading of Ordinance amendment to Chapter 7, Vehicles, Traffic and Parking, Article X, Towing, Section 7.1004, Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines by amending the ordinance to reflect current procedures, delete and revise outdated language, change notice provision and increase fine for violation for removing immobilization device

Councilor Bagley moved to pass first reading and schedule a public hearing and second reading for the October 21, 2024 City Council meeting. Councilor Tabor seconded the motion. The motion passed by a unanimous voice vote.

Mayor McEachern clarified that this ordinance amendment would allow for a sticker to be placed on the window of relevant vehicles informing the owner of the fines and fees as opposed to the current practice of sending certified letters which could be missed or ignored.

Public Hearing/Second Reading of Ordinance:

- B. PUBLIC HEARING AND SECOND READING of Ordinance Amending Chapter 1, Article XVII, Sections 1.1700-1.1709 – Funding, Review, and Acquisition of Public Art as shown in Exhibit A
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Cook reminded the Council that the presentation on this agenda item had taken place at the September 23, 2024, City Council meeting. However, Chris Dwyer, Chair of the Public Art Review Committee, is present if there are further questions.

Petra Huda – Felt that there was some contradictory language with how the ordinance is written regarding where public art is and is not allowed. Ms. Huda also inquired if the percentage of permitting fees allocated to public art on infrastructure projects would increase the cost to utility ratepayers.

Chris Dwyer, Chair of the Public Art Review Committee, clarified that there would not be art placed on every infrastructure project, however this ordinance would allow for art to be placed on the more visible sites.

Councilor Bagley inquired if adoption of this ordinance would restrict future Councils' ability, if desired, to reduce the percentage of funding allocated for public art on the higher cost projects. Mayor McEachern stated that adoption of the ordinance would not restrict future Councils. He clarified that there are monetary limits detailed in the ordinance.

Councilor Cook clarified that the proposed ordinance does not change the public art commitment, which is already designated in the City code, it just amends the dollar amounts to

be allocated and clarifies language within the ordinance to outline what does and does not qualify.

Councilor Moreau inquired if the legal department had reviewed the language of the proposed ordinance and approved. Deputy City Attorney McCourt confirmed that the legal department had reviewed and approved of the proposed language. He explained that his understanding was that the intent of Council is to clarify within the ordinance which projects can include public art; to exclude roadway and utility infrastructure projects, but to include pump stations and water treatment facilities. As proposed, the ordinance language fulfills that intent.

Councilor Tabor explained that this ordinance had come before the Governance Committee several times. He stated that the proposed iteration clears up some language from the prior ordinance; it clarifies how art is defined and what can be rejected, it clarifies the duties of the Public Art Review Committee, and it talks about maintenance of art and the funding thereof.

Councilor Cook move to pass second reading and schedule a third and final reading for the October 21, 2024 City Council meeting. The motion was seconded by Councilor Lombardi. The motion passed by a unanimous voice vote.

Councilor Cook moved to suspend the rules to pass third and final reading of the of Ordinance Amending Chapter 1, Article XVII, Sections 1.1700-1.1709 – Funding, Review, and Acquisition of Public Art. Councilor Moreau seconded the motion. The motion carried by a unanimous 9-0 voice vote.

Councilor Cook moved to pass third and final reading of the of Ordinance Amending Chapter 1, Article XVII, Sections 1.1700-1.1709 – Funding, Review, and Acquisition of Public Art. Councilor Moreau seconded the motion. The motion carried by a unanimous 9-0 voice vote.

Councilor Denton moved to suspend the rules to inquire about which item an audience member was present to hear. City Manager Conard stated that the gentleman was present to hear City Manager's action item #2 (Temporary Construction License Extension for 238 Deer Street, LLC), which could be handled first under City Manager's items. *

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

2. Temporary Construction License Extension for 238 Deer Street, LLC

City Manager Conard explained that the property owner is seeking an extension on the encumbrance which includes four license areas. They are seeking a 5-month extension of the original October 31 deadline: from November 1, 2024 - March 31, 2025, due to unexpected project delays. There is an additional fifth encumbrance including the two parking spaces located across the street from the property at 161 Deer Street. She stated that City staff, along with the property owners and abutting owners meet weekly and that all parties are supportive of the

request and all departments have agreed to the terms of the extension.

Councilor Tabor moved to authorize the City Manager to execute and accept the temporary construction license extension to encumber the five license areas for 238 Deer Street as presented. Seconded by Councilor Blalock.

Councilor Moreau asked for what this fifth encumbrance, which is not abutting the property, will be used. Stuart Mitchell, SJM Construction, answered that these spaces will be utilized for parking, staging, and offloading of materials following the loss of spaces that were previously used for these purposes.

Councilor Bagley praised the construction crew for the work they have been able to accomplish with minimal disruption or complaints from constituents.

There was clarification given on the precise area in question. Councilor Cook stated that she supported the proposal as long as there was a clear path for travel to the Foundry garage.

The motion passed by a unanimous voice vote.

1. Report Back from Fee Schedule Study Committee Regarding Right to Know Policy

City Manager Conard reported that Fee Committee had met on October 2nd to handle the referral of the Right-to-Know policy from the prior City Council meeting. In response to new legislation altering how municipalities are allowed to respond to these requests, City staff have proposed a new policy, which is included in the packet, as well as a revised fee schedule. The proposed policy would allow a charge of \$1 per record, regardless of whether the records are delivered in hard copy or electronically, when the number of records exceeds 250. There has been additional language added to reflect that all responses must be provided in the timeframe as required by law.

Councilor Denton moved to adopt the draft City Council Policy for Unique Electronic Records as presented with the additional language referenced and add the fee of \$1.00 for unique electronic records to the Fee Schedule as shown. The motion was seconded by Councilor Moreau. The motion passed by a unanimous voice vote.

3. Drinking Water Groundwater Trust Fund – Grant Extension

City Manager Conard stated that on July 10, 2023, the City Council had authorized the City to enter into a grant agreement with the State to accept a grant in an amount of \$739,000 from the NH Drinking Water and Groundwater Trust Fund. This grant would assist the City in the purchase of 45-acres of conservation land with an easement on a parcel of land which abuts the Bellamy reservoir. She reported that the City has encountered unexpected delays in the easement purchasing process. Based on communications with the State, it has been determined that it would be most beneficial to request a 1-year extension on this grant.

Assistant Mayor Kelley moved to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$739,000.00 grant from the State of New Hampshire Drinking Water and Groundwater Trust Fund by one year, to a completion date of December 31, 2025. Seconded by Councilor Denton. The motion passed by a unanimous voice vote.

4. Acceptance of Community Space Easement and Access Easement for Water Services for Property Located at 200 Chase Drive

City Manager Conard stated that on February 20, 2020, the Planning Board had granted site plan approval, lot line adjustment, and conditional use permit for parking to the Church for the construction of a 22-unit residential apartment building within the existing parking lot. There were easements which were needed as part of this approval, however the approvals were delayed by two court cases which were recently concluded at the NH Supreme Court. The recommendation is now to accept these easements.

Councilor Blalock moved to authorize the City Manager to accept and record a community space easement and an access easement for water services from Bethel Assembly of God in a substantially similar form to the easement deeds contained in the agenda packet. Seconded by Councilor Cook. The motion passed by a unanimous voice vote.

5. Revocable License for 260 Marcy Street

City Manager Conard explained that the owner's existing concrete retaining wall and curbing is deteriorating. The owners, J&L Family Trust, seek to replace them with a granite retaining wall and curbing along their property abutting both Marcy Street and Meeting House Hill Road. A portion of the original retaining wall and curbing are located outside the boundaries for the property within the City's right of way. City Manager Conard recommended that a revocable license be issued for any potential instance where the City may need this wall or curbing to be removed for any reason.

Councilor Moreau moved to authorize the City Manager to execute and deliver a Revocable License allowing Owner of 260 Marcy Street to replace their existing retaining wall with a new granite retaining wall and curbing on City property. Seconded by Councilor Bagley.

Councilor Cook asked if the original deed is taken into consideration for older homes which may have been built before the City roadways were constructed, additionally considering that the deeds of this time period were not always reliably recorded. Deputy City Attorney McCourt stated that the most likely situation was that this retaining wall was erroneously constructed on City property from the outset and this encroachment has existed for many decades. He clarified that it is best practice that when a property owner comes forward to renovate under these circumstances, the original arrangement is memorialized.

The motion passed by a unanimous voice vote.

XII. CONSENT AGENDA

- A. Request from Nissa Bagelman, Reedmor Books & Brews, to install a Projecting Sign at 67 State Street, Unit 2.

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 no cost 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

Assistant Mayor Kelley moved to adopt the Consent Agenda. Seconded by Councilor Moreau. The motion passed by a unanimous voice vote.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Denton moved to accept and place on file. Seconded by Councilor Lombardi. The motion passed by a unanimous voice vote.

- B. Letter from Jessie & Scott Rafferty requesting their residence be removed from the Historic District

Councilor Blalock moved to refer the amendment of the zoning map, removing 185 Orchard Street from the Historic District, to the Planning Board and the Historic District Commission for reports back to the City Council. Seconded by Councilor Moreau.

Councilor Bagley spoke about several other properties that technically fall within the Historic District which may also qualify for such an action. Councilor Blalock reported that the Historic District Commission will be discussing cleaning up the map in the future and acknowledged several properties which are included in this district which could potentially be removed from the map, and this Council action might jumpstart that process.

City Manager Conard reported that the Planning Board recently received a request to subdivide the lot in question. The original lot had a Middle Street address, but the rear subdivided portion of the lot has frontage on Orchard Street; this rear portion is the lot proposed to be removed from the Historic District.

There was a brief discussion on the process of updating the Historic District map.

The motion passed by a unanimous voice vote.

- C. Letter from Meg Gilman regarding eliminating pesticide use in our communities and State

Assistant Mayor Kelley moved to accept and place on file. Seconded by Councilor Cook. The motion passed by a unanimous voice vote.

- D. Letter from Abigail Gindele regarding the increasing pesticide dependency tied to an imbalance in ecosystems

Councilor Bagley moved to accept and place on file. Seconded by Councilor Blalock. The motion passed by a unanimous voice vote.

- E. Letter from Michael Capalare requesting the city place an historical marker at The Plains to signify George Washington's arrival in Portsmouth on October 31, 1789

Councilor Cook moved to refer to the Public Works Department for report back. Seconded by Councilor Bagley. The motion passed by a unanimous voice vote.

- F. Letter from Bob Corash regarding the construction of the Community Policing Facility

Councilor Moreau moved to accept and place on file. Seconded by Assistant Mayor Kelley. The motion passed by a unanimous voice vote.

- G. Letter from Francis Desper, Frank E. Booma Post 6 American Legion, requesting to host the Wall of Healing during the summer of 2025

Councilor Lombardi moved to refer to the School Board for its consideration. Seconded by Councilor Denton.

Councilor Moreau referenced the public comments made by Mr. Desper earlier in the evening and supported the request in using the School grounds, which are not well utilized in the summer time. She hoped that the School Board would support the request and suggested that if it does not work out, the City could potentially find an alternate location for the Wall of Hope. Mayor McEachern supported the opportunity to bring the Wall of Hope to Portsmouth for a week over the summer and agreed that if not on school grounds, there could be a location found to host the Wall within the City.

The motion passed by a unanimous voice vote.

- H. Letter from Coureur Portsmouth requesting permission to hold the 3rd Annual Halloween Skate Jam on Saturday, October 26, 2024 from 1:00 p.m. to 4:00 p.m. (Rain Date October 27th) at the Portsmouth Skatepark

Councilor Blalock moved to refer to the City Manager with Authority to Act. Seconded by Councilor Bagley. The motion passed by a unanimous voice vote.

- I. Letter from Christine Groleau, North Church of Portsmouth, extending heartfelt thanks to the City Council for granting a fee waiver related to their construction project that will benefit the broader Portsmouth community

Assistant Mayor Kelley moved to accept and place the letter on file. Seconded by Councilor Tabor. The motion passed by a unanimous voice vote.

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
 - Appointment of Sean Clancy as a Regular member to the COAST Board of Directors
 - Appointment of Jillian Harris as an Alternate member to the COAST Board of Directors
 - Reappointment of Mark Syracuse to the Parking & Traffic Safety Committee
 - Reappointment of Mary Lou McElwain to the Parking & Traffic Safety Committee
 - Reappointment of Erica Wygonik to the Parking & Traffic Safety Committee
 - Reappointment of Robert Marchewka to the Economic Development Commission
 - Appointment of Brian Gibb to the Conservation Commission from an Alternate to a Regular member

Assistant Mayor Kelley moved to appoint Sean Clancy and Jillian Harris to the COAST Board of Directors; to reappoint Mark Syracuse, Mary Lou McElwain, and Erica Wygonik to the Parking & Traffic Safety Committee; to reappoint Robert Marchewka to the Economic Development Commission; and to appoint Brian Gibb to the Conservation Commission from an Alternate to a Regular member. Seconded by Councilor Lombardi. The motion passed by a unanimous voice vote.

2. **Request for first reading an ordinance amendment to exempt structures which do not require a building permit from zoning requirements.**

Mayor McEachern stated that the goal of this item is to gather feedback from the legal department regarding the exemption of structures requiring a building permit. Under the current code, the term “structure” is broad. Mayor McEachern suggested that the code be reviewed and compared to local and State regulations, and potentially revised to allow the exemption of structures which may not need a permit for safety reasons.

Councilor Blalock moved to refer to the Legal and Planning & Sustainability Departments to draft language for consideration at a future City Council meeting. Seconded by Councilor Bagley.

Councilor Bagley asked for clarification on the types of structures which may be exempted. Mayor McEachern referenced some pre-build or temporary sheds, some fences, treehouses, and similar structures. He stated that the removal of potentially unnecessary ordinances empowers and lends credibility to the existing ordinances.

The motion passed by a unanimous voice vote.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BLALOCK

1. Sister City Update – Proclamation will be read at two upcoming receptions:
 - Sister City Santarcangelo, Italy on October 9th
 - Sister City Nichinan, Japan on October 11th

Councilor Blalock reported that there are currently students and staff members visiting Portsmouth from the Sister City of Santarcangelo, Italy. These students along with the Mayor of Santarcangelo will be visiting City Hall on Tuesday, October 9. On October 11, there will be students and staff visiting Portsmouth from the Sister City of Nichinan, Japan.

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the agenda)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Update on Public Informational Meeting for Community Policing Facility
2. Revaluation Update

Both of the City Manager’s informational items were discussed earlier on the agenda.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

There was no discussion under Miscellaneous Business.

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

Assistant Mayor Kelley moved to adjourn the City Council meeting at 7:36 PM. Councilor Bagley seconded the motion. The motion passed.

Respectfully submitted,

Cassie Givara
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 16, 2024 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a Resolution Authorizing Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00), with 100% principal forgiveness, for costs related to:

- Sludge Minimization, and
- PFAS Destruction Pilot

The complete Resolution 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

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KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY-FOUR
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # XX – 2024

A resolution authorizing Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000), with 100% principal forgiveness, for costs related to:

- **Sludge Minimization, and**
- **PFAS Destruction Pilot.**

RESOLVED:

THAT that the sum of up to **One Million Dollars (\$1,000,000)** is appropriated for:

Sludge Minimization, and
PFAS Destruction Pilot.

including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow up to **One Million Dollars (\$1,000,000)** through the loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan with 100% principal forgiveness.

THAT, the expected useful life of the projects is set forth above, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

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

That Chapter 10, ZONING ORDINANCE, be amended by striking Article 5, Measurement Rules, Section 10.515.14; by amending Section 10.515.13; and by adding new Sections 10.811.60 and 10.811.61, relating to Accessory Uses to Permitted Residential Uses of the Ordinances of the City of Portsmouth, all in order to bring the Zoning Ordinance into better alignment with the Building Code, and to increase governmental efficiency, to be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Article 5 Dimensional and Intensity Standards

Section 10.510 General Requirements

10.515 Measurement Rules

10.515.13 Fences not over 4 feet in height shall be exempt from front yard requirements, and fences not over **8 6** feet in height shall be exempt from side and rear yard requirements.

~~10.515.14 — A mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet shall be exempt from yard requirements, but shall be set back at least 10 feet from a property line; and shall not be located closer to the street than the front of the principal structure.~~

Article 8 Supplemental Use Standards

Section 10.810 Residential and Institutional Residence of Care Uses

10.811 Accessory Uses to Permitted Residential Uses

10.811.60 Any **lot** containing one or two **dwelling units** is permitted to construct and maintain up to one, one-story detached accessory structure used as a tool or storage shed, playhouse, treehouse, or similar use per dwelling unit on the property, with a square footage not greater than 120 square feet. Accessory structures permitted by this section shall not require any permit, and shall be generally exempt from all provisions of this ordinance except Article 10, Environmental Protection Standards, Section 10.516.30, Corner Lot Vision Obstruction, and Section 10.630 **Historic District**.

10.811.61 Swings and other playground equipment as well as above-ground prefabricated pools and hot tubs are permitted as accessory to single and two family **dwellings** and are generally exempt from all provisions of this ordinance except Article 10, Environmental Protection Standards and Section 10.516.30, Corner Lot Vision Obstruction.

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: December 12, 2024

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager

Re: City Manager's Comments on City Council Agenda of December 16, 2024

X. Public Hearing and Vote on Ordinances and/or Resolutions:

A. Public Hearing to Authorize Loan and Acceptance of Grant for Sludge Minimization and PFAS Destruction Pilot - \$1,000,000:

The State of New Hampshire Department of Environmental Services has recently awarded the City \$1,000,000 in a Clean Water State Revolving Fund (CWSRF) loan with 100% grant funding forgiveness for a wastewater sludge minimization study and PFAS destruction pilot project.

In order to take advantage of this recently awarded loan opportunity with 100% forgiveness, the City Council needs to authorize the City Manager to enter into this CWSRF loan.

I recommend that the City Council move to adopt [the resolution](#) as presented.

B. First Reading of Ordinance Amending Chapter 10, Zoning Ordinance, by striking Article 5, Measurement Rules, Section 10.515.14; by Amending Section 10.515.13; and by Adding New Sections 10.811.60 and 10.811.61, relating to Accessory Uses to Permitted Residential Uses of the Ordinance of the City of Portsmouth, all in order to bring the Zoning Ordinance into Better Alignment with the Building Code, and to increase governmental efficiency:

At the October 7, 2024 City Council meeting, the City Council voted to refer to the Legal and Planning & Sustainability Departments a request to draft an ordinance which would exempt certain structures which do not require a building permit from zoning requirements. Therefore, [attached is a draft zoning ordinance](#) which limits review of structures accessory to one and two-family dwellings such as sheds, playhouses, treehouses, playground equipment, and prefabricated above-ground pools and hot tubs. Under this proposal, up to one of these structures per dwelling unit would be exempt from zoning regulations such as setbacks and lot coverage and would only need approval pursuant to environmental protection standards, Historic District compliance, and compliance with corner lot vision obstruction regulations.

Further, this proposal includes increasing height of fences exempt from side and rear yard setbacks from six feet to eight feet.

Finally, contained in this proposal is the elimination of the regulation of certain HVAC equipment pursuant to Section 10.515.14. This leads to multiple variance applications each month, which are routinely granted by the Zoning Board of Adjustment.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the January 6, 2025 City Council meeting.

XI. City Manager's Items Which Require Action:

1. Approval of 2025 City Council Amended Budget Schedule:

Please [find attached an updated 2025 City Council calendar with an amended budget schedule.](#)

I recommend that the City Council move to approve the amended budget schedule for 2025.

2. Request for Market Square Master Plan Work Session:

I would like to request a Market Square Master Plan Work Session at 6:00 p.m. on January 6, 2025 to [review the work to date of the Beta Group](#), the City's consultants for this Plan.

I recommend that the City Council move to schedule a work session as presented.

3. Approval of Memorandum of Understanding for Professional Services Among the Education Coalition Communities 2.0 NH:

On January 25, 2021, the City Council authorized the City to participate in the Coalition Communities, 2.0 ("CC2") and to enter into a Memorandum of Understanding for Professional Services Between Coalition Communities 2.0 ("MOU"). The MOU expired on December 31, 2022 and was renewed for another two-year term by vote of the Council on August 22, 2022. The current MOU expires on December 31, 2024 and the attached MOU in your packet is another two-year renewal, which if approved, would authorize the City to continue to participate as a member of the newly named Education Coalition Communities 2.0 NH ("ECC2NH"). Other than the name change and minor edits, this MOU is substantially similar to the current MOU. Membership in ECC2NH has enabled the City to share the cost of professional services, which include legal, lobbying and communication services to advocate and educate others against the return of a donor/receiver education funding formula.

Education funding is a complex issue, and it would be unduly burdensome and costly for each town to track, advocate and lobby against legislation that supports the return of a donor/receiver education funding formula. It is anticipated that legislation will be introduced in January 2025 in response to the ConVal case (Contoocook Valley School District v. State of New Hampshire, Docket No. 213-2019-CV-00069).

The ConVal case successfully challenged the constitutionality of the amount the State of New Hampshire pays in per pupil adequacy. The decision in ConVal increases adequacy from \$4,100 to \$7,356 per pupil. This decision has been stayed and appealed by the Attorney General to the New Hampshire Supreme Court. If the ConVal decision is upheld, it could substantially increase Statewide Education Property Tax (“SWEPT”). Tracking education funding legislation during the next session of the legislature will be important in order to advise members of the fiscal impact of all bills related to any changes to SWEPT.

ECC2NH members also share the cost of legal services in the education funding case of Steven Rand, et al v. The State of New Hampshire, Docket No. 215-2022-CV-0016. It would have been cost prohibitive for many ECC2NH members to separately intervene in this lawsuit. The Court in Rand found the DRA’s administration and collection of SWEPT unconstitutional and enjoined the State from permitting communities to retain excess SWEPT and for excess SWEPT communities to remit the excess SWEPT to the State. This decision has been stayed and appealed to the New Hampshire Supreme Court by the Attorney General and legal counsel for ECC2NH. A decision is expected on both these cases in the spring of 2025.

Given the benefits of membership in the ECC2NH outlined above, I would recommend the Council approve [the MOU attached in your packet](#).

I recommend that the City Council move to authorize the City Manager to negotiate and execute the MOU with the Education Coalition Communities 2.0 NH on behalf of the City in a form similar to the attached.

4. Report Back on Land Donation from Estate of Star C. Johnson:

At their September 19, 2024 meeting, the Planning Board considered the request from the Estate of Star C. Johnson to donate Map 232 Lot 25 to the City. The Planning Board voted unanimously to recommend the City Council accept the donation of land.

I recommend that the City Council move to authorize the City Manager to accept the parcel of land located at Tax Assessor’s map 232 Lot 25 from the Estate of Star C. Johnson.

5. Report Back on Request to Release a Portion of Longmeadow Lane:

At their September 19, 2024 meeting, the Planning Board considered the request from Derek Durbin, Esq. requesting the release of a portion of Longmeadow Lane. The Planning Board voted to recommend the City Council not release the City’s interest in Longmeadow Lane.

I recommend that the City Council move to place the request from Attorney Durbin on file.

6. **Parking Lot Usage/Maintenance Agreement with St. John’s Masonic Association:**

St. John’s Masonic Association, Inc. (“St. John’s”) has a Parking Lot Usage/Maintenance Agreement (“Agreement”) with the City that expires on December 31, 2024. The Agreement allows the public to park for free in 61 designated parking spaces in its parking lot located at the corner of Miller Avenue and Middle Street at City Tax Map 136, Lot 19, commonly known as the St. John’s Masonic Lodge Lot (“Lot”). Fourteen parking spaces in the Lot are reserved for St. John’s as depicted in the map in the Council packet.

The City’s Parking Utilization Advisory Group has been working with DESMAN Design Management and SLR Consulting to conduct a Parking Utilization Study (“Study”). It is anticipated that the final Study will be submitted to Council within the next few months. The [agreement in the packet for the Council’s consideration](#) has the same terms and conditions as the existing Agreement, except for the six (6) month term and an adjustment to the fee. The City and St. John’s have agreed to this short-term agreement in order to have time to consider the recommendations of the Study before entering into a long-term agreement.

I recommend that the City Council move that the City Manager be authorized to negotiate and enter into a Parking Lot Usage/Maintenance Agreement with St. John’s in a form similar to the attached.

7. **Betty’s Dream PILOT Agreement:**

[Attached please find a Memorandum from City Assessor Rosann Maurice-Lentz](#) recommending the City Manager be authorized to enter into a Payment in Lieu of Taxes (PILOT) agreement with Betty’s Dream in the amount of \$3,000. The form of the agreement has been approved by City Attorney Morrell.

I recommend that the City Manager be authorized to enter into a PILOT agreement with Betty’s Dream in the amount of \$3,000.

8. **Second Amendment to Players’ Ring Lease:**

On September 3, 2013 the City Council approved a ten-year lease with the Players’ Ring to lease property located at 105 Marcy Street, Portsmouth, New Hampshire (Tax Map 104, Lot 3) and the building formerly known of as the Heritage Museum (“Property”). On October 28, 2019, the City Council approved a 5-year Stewardship Agreement with the City, the Players’ Ring and the State’s Land and Community Heritage Investment Program (“LCHIP”) in order to receive grant money to fund improvements to some historic features of the Heritage Museum. The Council also voted to extend the lease term to January 3, 2025 in order to match the end date of the LCHIP Agreement. This vote was memorialized in Lease Amendment 1, which also permitted Players’ Ring to sublease to a summer camp by Council vote of June 15, 2020.

The existing lease, like many other similar leases of City property to nonprofits, obligates the Players' Ring to pay for and construct certain capital improvements in accordance with a strict schedule mutually devised and agreed upon by the City and the Players' Ring. The capital improvements under the existing lease have been completed. The City and the Players' Ring are presently negotiating the scope and nature of the next series of capital improvements that will be included in the schedule of a new lease. The City and the Players' Ring have agreed to extend the existing lease through March 31, 2025 (approximately three months) in order to give the City and the Players' Ring time to negotiate a new lease and create the next schedule of capital improvements for the Property.

I recommend that the City Council move to authorize the City Manager to negotiate and enter into [Lease Amendment 2 with the Players' Ring](#) in a form similar to the attached.

9. **Report Back on Solar Overlay District:**

Please find attached a report back from the Planning and Sustainability Department regarding a proposed [Solar Array Overlay District](#). As part of the City's membership in SolSmart, Planning and Sustainability staff have begun drafting zoning amendments to increase the installation of solar within the City. Staff recommends that the City Council refer the solar amendments to the Planning Board for its recommendation and report back. The staff suggested amendments will incorporate solar energy systems as a principal use, allowing solar in certain zoning districts, rather than the establishment of an Overlay District. These amendments would allow solar energy systems to be installed in all areas appropriate and outline a conditional use permit process that incorporates best practices improves transparency of processes and clarity of development standards.

I recommend that the City Council move to refer the zoning review and drafting of Solar Zoning Amendments to the Planning Board for its recommendation in a report back to the City Council.

XII. Consent Agenda:

A. **Projecting Sign Request for 16 Market Street:**

Permission is being sought to install a projecting sign at [16 Market Street](#) that extends over the public right of way, as follows:

Sign dimensions: 41" x 26.7"

Sign area: 7.6 sq. ft.

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

- 1) *The license shall be approved by the Legal Department as to content and form;*

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

XVI. Approval of Grants/Donations:

A. Acceptance of Housing Opportunity Planning (HOP) Grant - \$65,321:

Attached please find a memorandum regarding a Housing Opportunity Planning Grant 2.0 in the amount of \$65,321.

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

B. Acceptance of US Department of Justice Grant for the Police Department for the NH Internet Crimes Against Children - \$368,355:

At the November 19, 2024 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$368,355 from the US Department of Justice for the Police Department's Internet Crimes Against Children Task Force.

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

C. Acceptance of Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership Grant for the Police Department - \$5,392.49:

At the November 19, 2024 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$5,392.49 from the Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership. This grant helps to fund 50% of the cost associated with outfitting new officers and replacing vests for current officers.

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

D. Acceptance of US Department of Justice Grant for the Police Department for the Implementation of a Body-Worn Camera Program - \$196,000:

At the November 19, 2024 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant in the amount of \$196,000 from the US Department of Justice for the Police Department's implementation of a Body-Worn Camera Program.

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

XVII. City Manager's Informational Items:

1. **Pease Development Authority Board Meeting Update:**

I will provide a verbal update on the Pease Development Authority's recent Board Meeting held on December 12, 2024.

2. **Update Regarding Food Permits:**

Attached please find a memorandum from Deputy Health Officer Kristin Shaw regarding food permit data.

3. **Status of Property Tax Bills:**

I will give a verbal update on the status of property tax bills for FY25/TY24.

4. **ARPA Assistance to Nonprofits:**

Attached please find a memorandum from the City's Public Health Director Kim McNamara regarding ARPA assistance to nonprofits.

5. **Citywide Master Plan:**

I will give a verbal update on the status of the Citywide Master Plan.

2025 SCHEDULE OF CITY COUNCIL MEETINGS
AND WORK SESSIONS

Regular Meetings - 7:00 p.m.

January 6 and *21 (Tuesday)

February 3 and *18 (Tuesday)

March 3 and 17

April 7 and 21

May 5 and *19

*Opening Budget Public Hearing

June *9 and 23

*Continuation of Budget Public Hearing & Adoption of the Budget)

July 14 (One meeting for the month of July)

August 4 and 18

September 8 and 22

October 6 and 20

November 17 (One mtg due to Municipal Election)

December *8 and 22

*Adoption of CIP

Work Sessions - 6:00 p.m.

January 15th (Budget Preview Work Session – Wednesday @ 6:00 p.m.)

May 12th (**General Fund:** General Gov., Fire, Police, School Depts. Budget WS – Monday @ 6:00 p.m.) with Public Comment Session

May 14th (**Enterprise & Special Revenue Funds:** Water/Sewer, Parking, & Stormwater Depts. Budget WS – Wednesday @ 6:00 p.m.) with Public Comment Session

May 28th (Continuation of Budget Review WS Wednesday @ 6:00 p.m.) with Public Comment Session

Nov. 12th (CIP Joint WS with Planning Board – Wednesday @ 6:00 p.m.)

All Work Sessions will be held in Council Chambers unless otherwise indicated

***Footnote:** Additional Work Sessions can be scheduled at the call of the Mayor

MARKET SQUARE MASTER PLAN



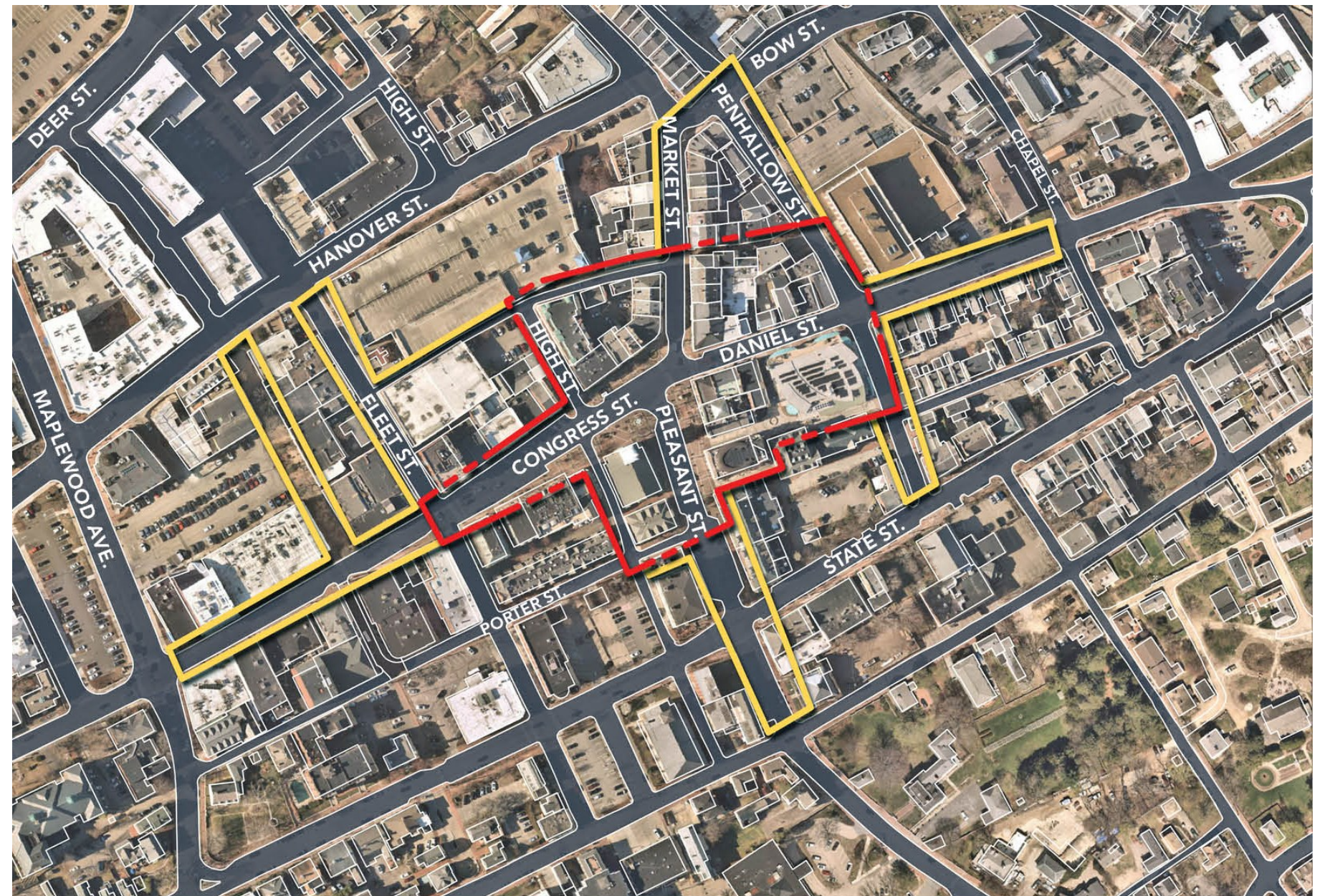
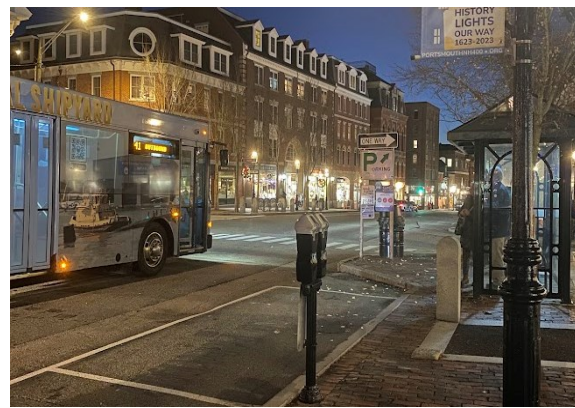
City Council Work Session
January 6, 2025



Market Square Master Plan



1. Introduction
2. Master Plan Process
3. Initial Findings
4. Concept Development





Master Plan to set the stage for future improvements

Per City Request for Proposals (RFP)

- *Market Square... 'due for an upgrade'*
- *(Develop) a plan that addresses publicly accessible spaces (Public Realm)*
 - *Streets, Sidewalks, Alleyways, Public Parking.....*
- *Create a "Shared Public Conceptual Vision Plan"*
- *With recommendations regarding expanded areas for outdoor dining
Integrated & visually.....with expanded universal accessibility.....*

LEGEND

 PROJECT AREA

 OUTDOOR DINING STUDY AREA

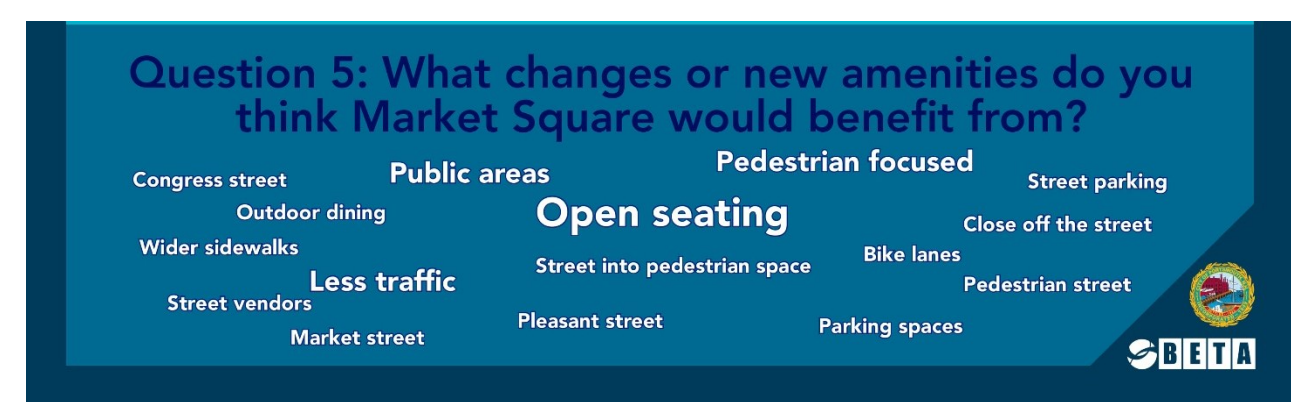
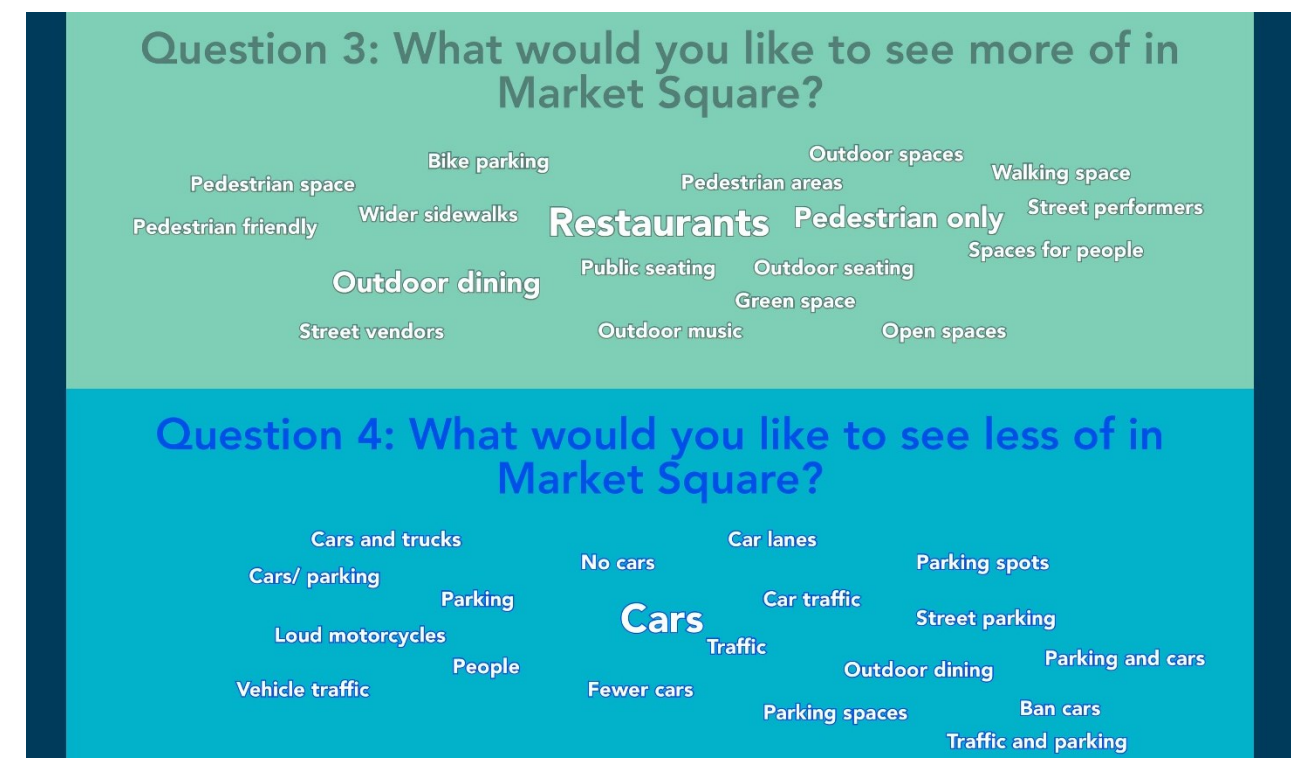




Public Engagement- Workshops, Farmers Market Pop-Ups, Market Square Day, Online Questionnaire & Working Group

General Input

- **People are important**
A place for people
- **Details Matter**
Crosswalks
Greenspace
Public Seating
Wider sidewalks
Integrated outdoor dining
Performance Space/Art
- **Cars are overwhelming at times**
- **Balance functional considerations**
- **More public seating/dining**



Market Square Master Plan

General – Synthesizing Public Input



1. Sense of loss of Market Square as a community gathering space, in instances some expressed a loss of community feel, observations that community services & businesses in the Market Square area are limited.
2. Sense of privatization of the Public Realm in and around the Square.
3. Growing concern that families with young children have limited attractions/things to do in Market Square.
4. Concern over vehicle congestion, safety, noise and pollution.
5. Concern over the possible elimination of vehicles entirely:
There are residents & businesses that need 24/7 access.
6. Multi-modal alternatives need consideration & greater integration.

Market Square Master Plan

Specific – Synthesizing Public Input

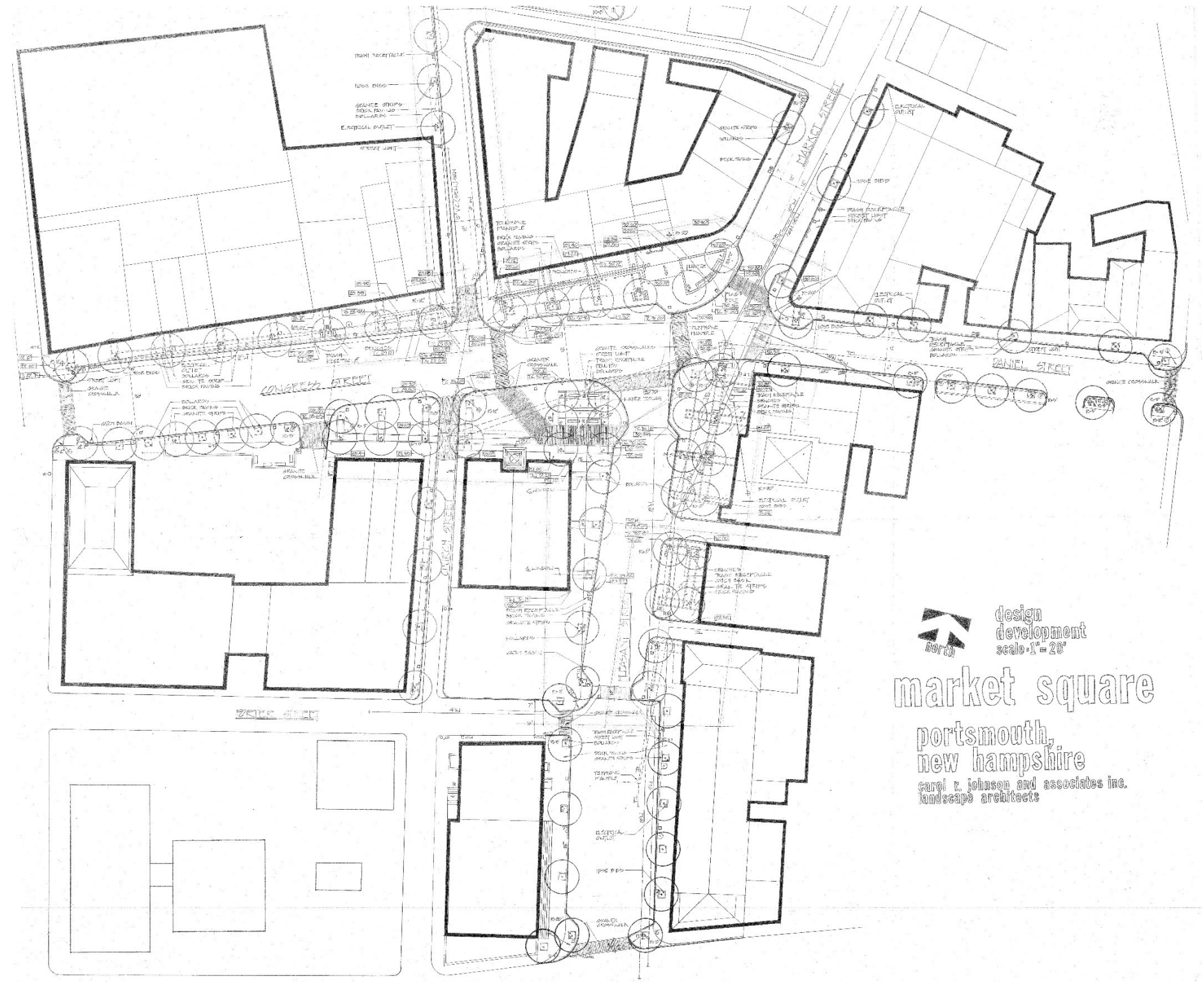


1. Maintain the character of the Square.
2. Improve sidewalks: Surfaces, Walkability.
3. Enhance pedestrian crossings.
4. Reduce vehicular conflict and confusion.
5. Balance vehicular access, parking, deliveries & loading.
6. Create flexible management for street openings and closures.
7. Enhance Public realm
 - Enhance /Improve Fountain/Water feature
 - Improve wayfinding /signage
 - Improve or create Public Restrooms
 - Increase Street Trees
 - Enhance Lighting
 - Improve/Create public art/performance space
 - Expand public seating and outdoor dining

Re-visiting the Original Market Square

Master Plan

1. Improve Lighting
2. Enhance Sidewalk Areas
3. Improve crosswalks
4. Enhance Fountain



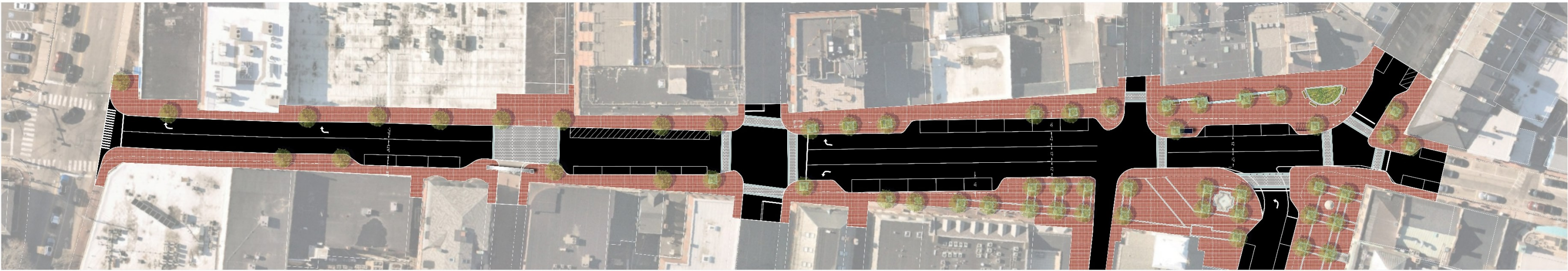
Market Square Master Plan

Initial Recommendations



1. Reduce pavement widths to eliminate driver confusion.
Emphasis on Congress St. as two lanes and Pleasant St. corridor.
2. Create consistent vehicular travel experience where possible
3. Eliminate one left turn lane from North-bound Pleasant St.
4. Re-set curbing flush in areas, expand sidewalk materials
5. Enhance crosswalks – widths, alignments, materials
6. Expand sidewalk areas for dining, street trees.
7. Realize Public Realm opportunities on north side of Congress Street
8. Employ removeable bollards for flexible street closure for predictable closure of streets, create programmatic management options.
9. Explore deliveries & loading spaces that flex to sidewalks and parking.
10. Hanover St. Garage – w/enhanced wayfinding it can do more:
Public Restrooms – Convenient and welcoming, Bike/Scooter Storage

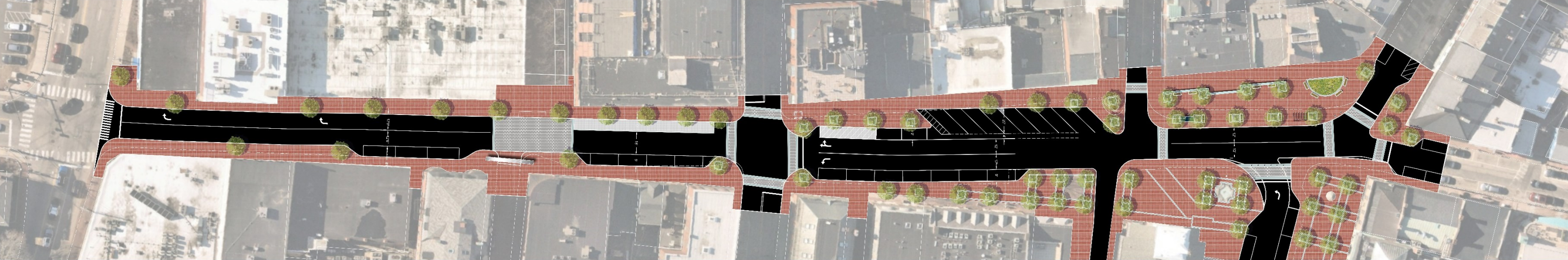
Congress Street Initial Studies



C.1

Three lanes with parallel parking

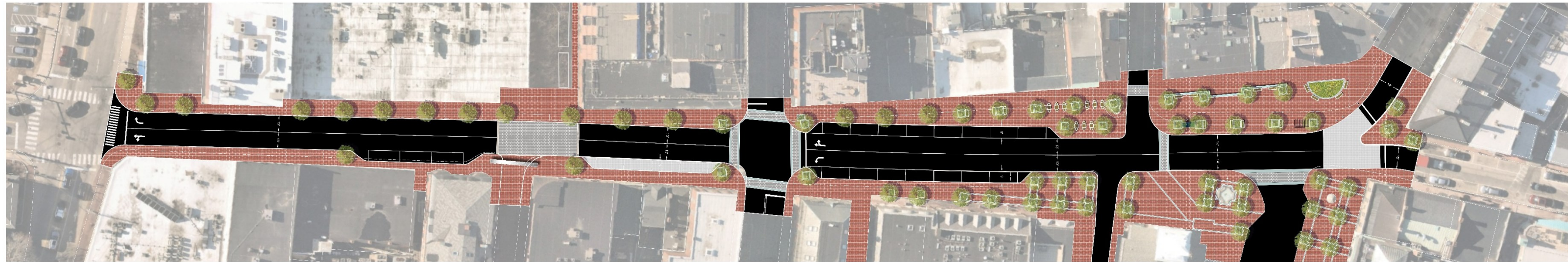
Congress Street Initial Studies



C.2

Two lanes, retain (limited) existing diagonal parking

Congress Street Initial Studies



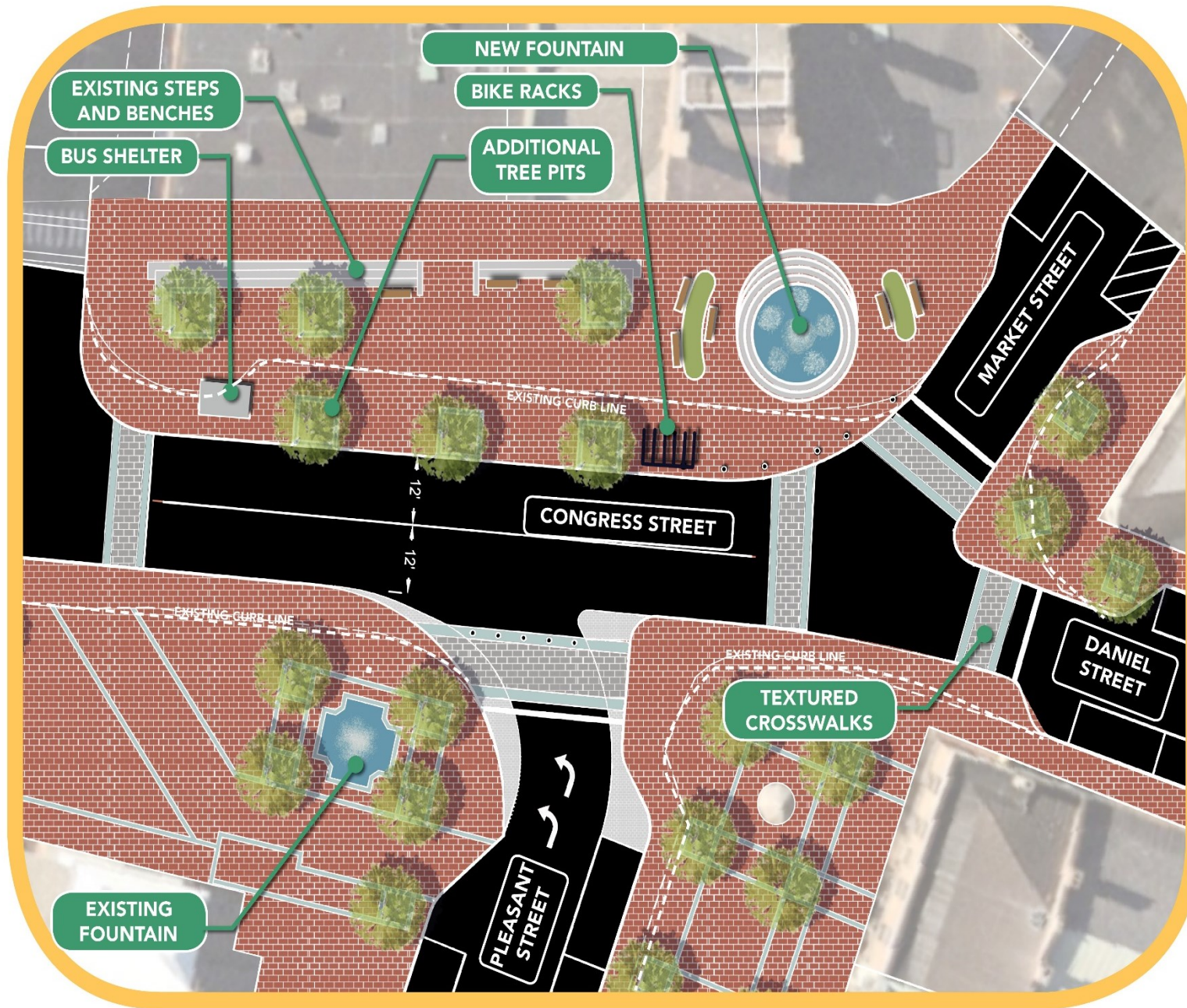
C.3

Two lanes with parallel parking

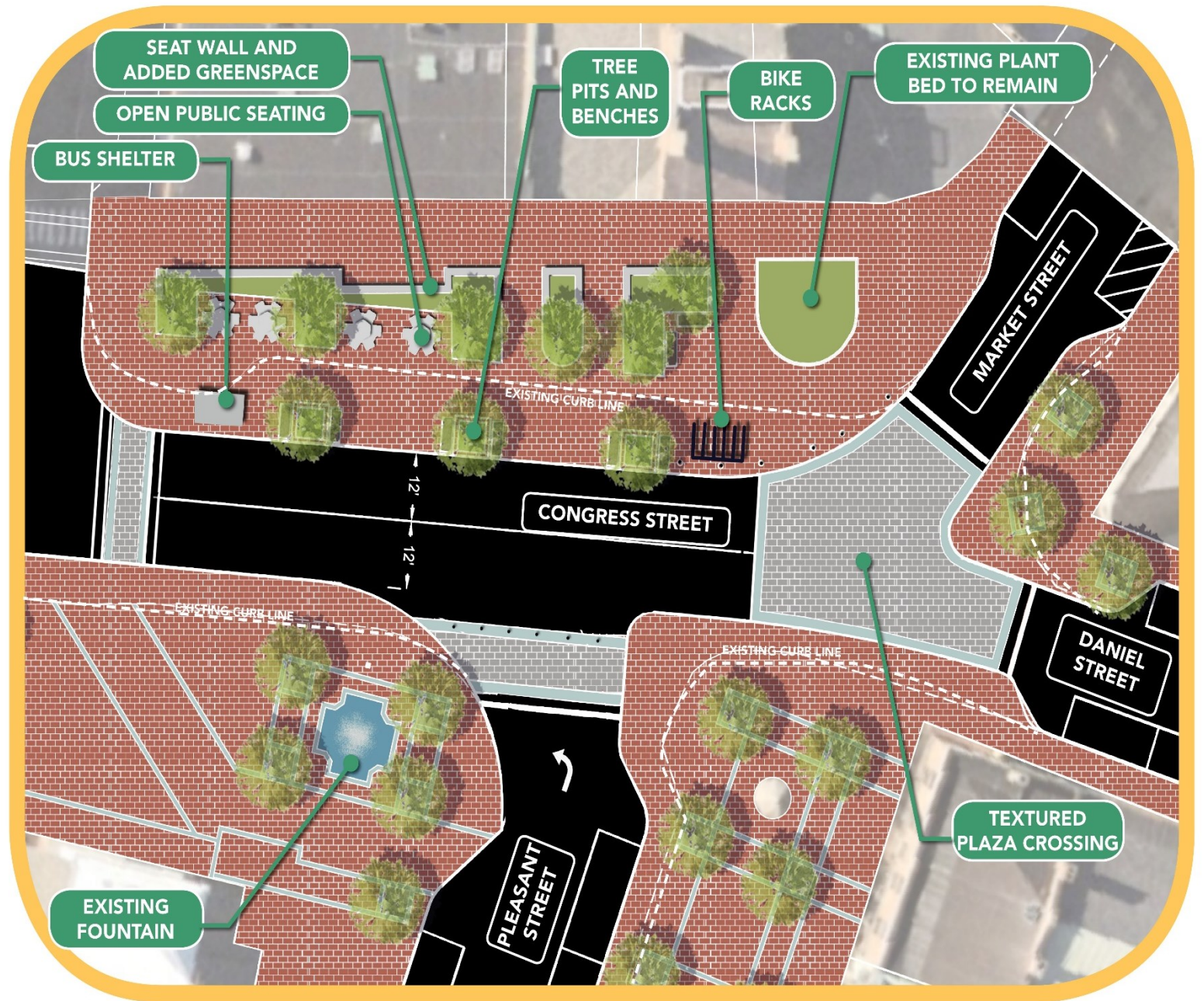
Congress Street Initial Studies Detail



STUDY 1



STUDY 2





Congress St. existing conditions

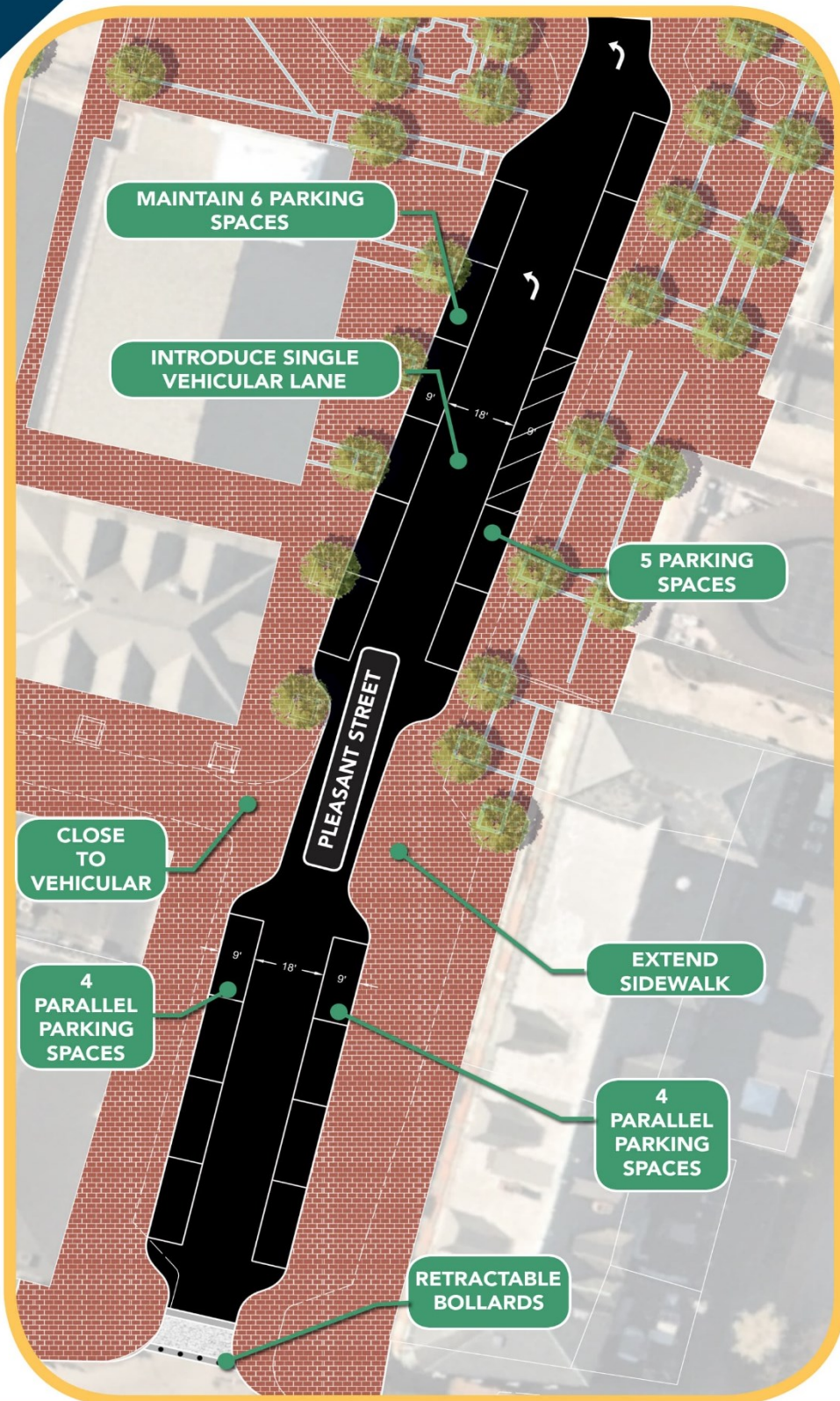
MARKET SQUARE MASTER PLAN



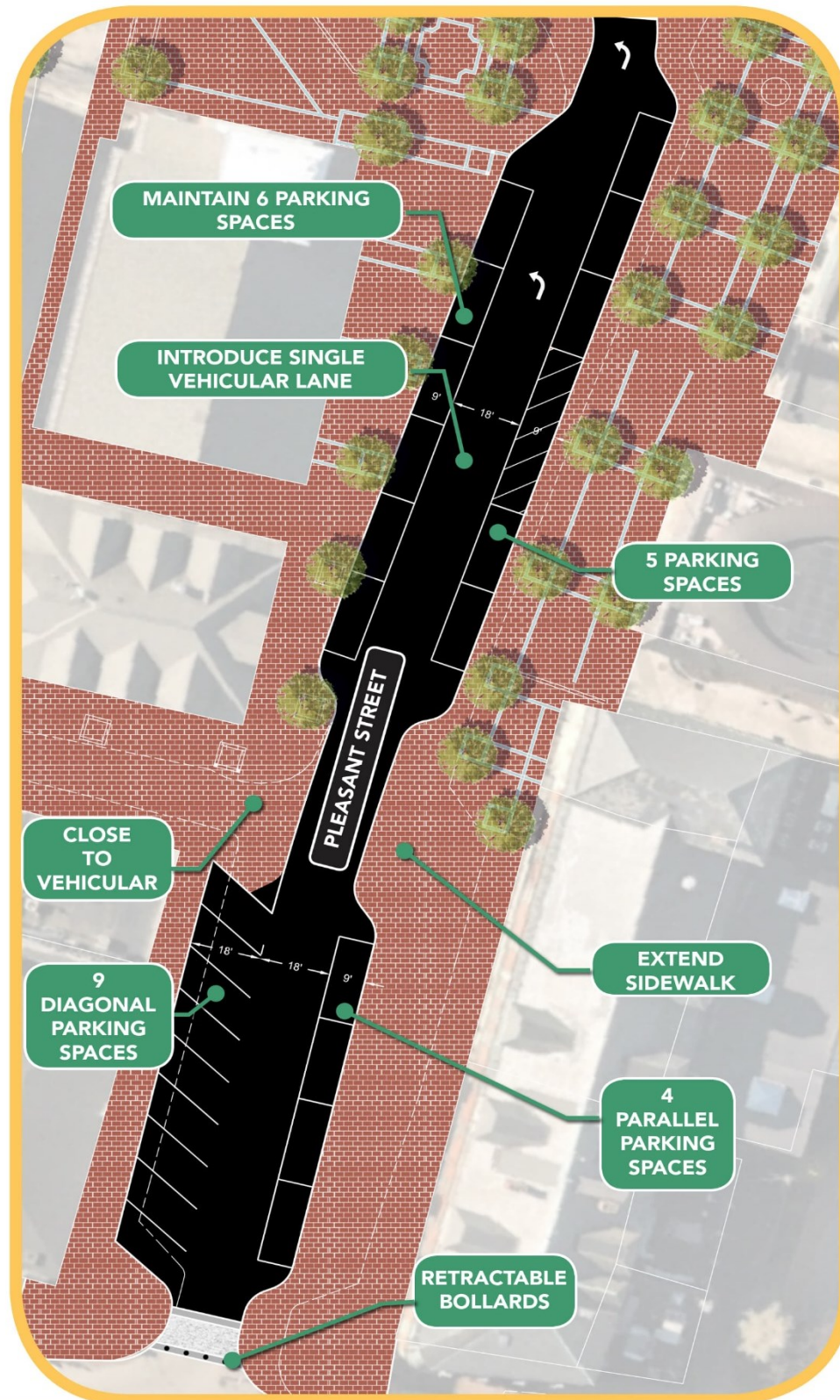
Congress St -concept with additional seating

Pleasant Street Studies

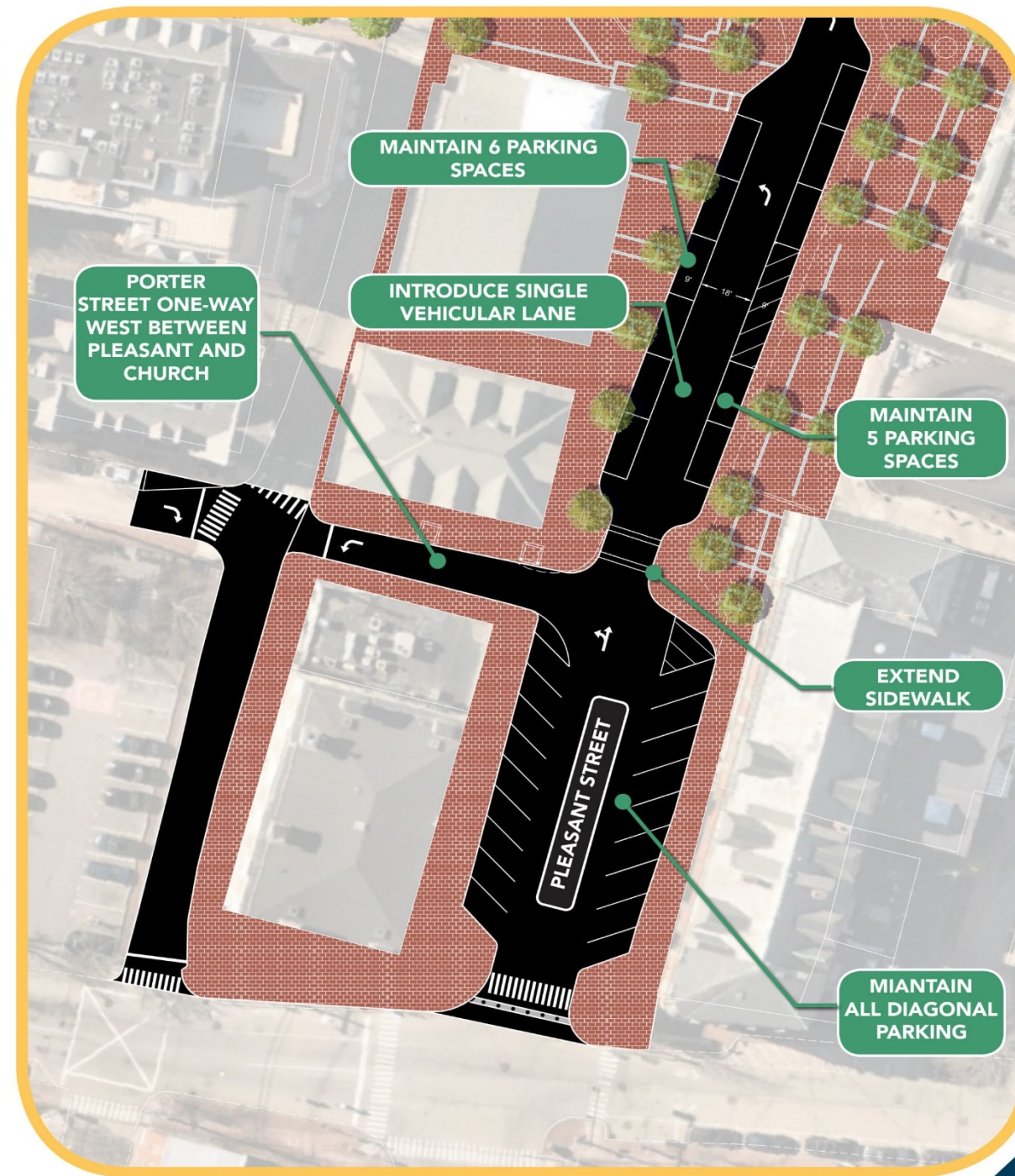
STUDY 1



STUDY 2



STUDY 3

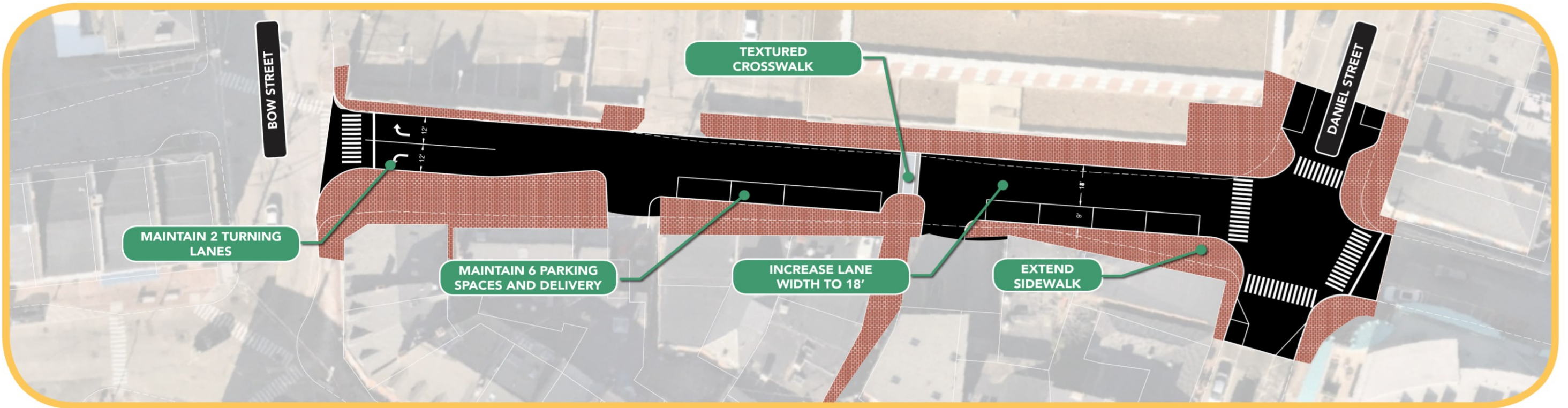


CONCEPTUAL STUDIES

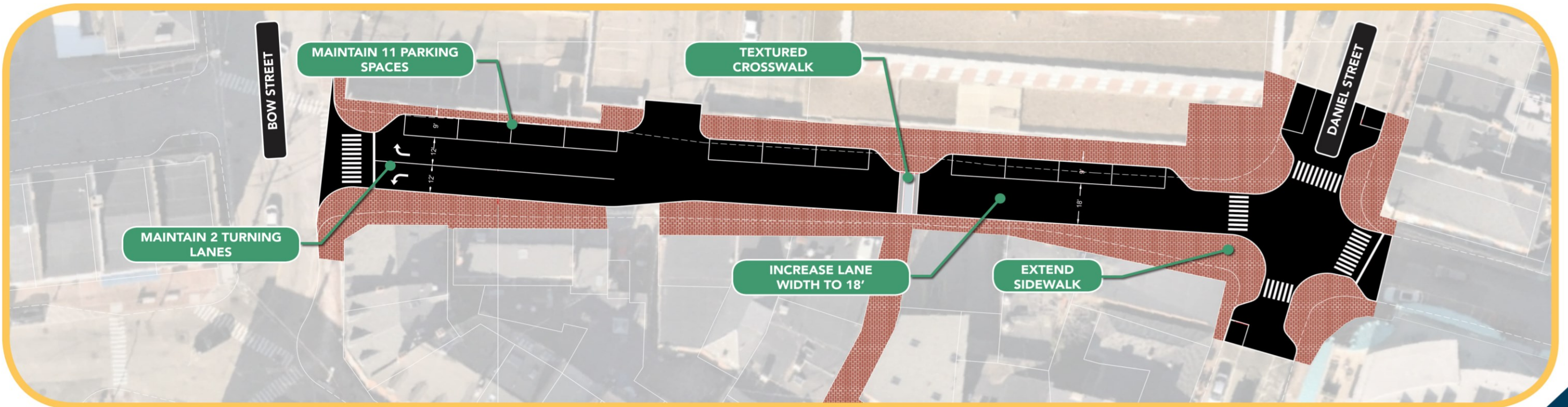


Penhallow Street Studies

STUDY 1



STUDY 2



CONCEPTUAL STUDIES



Fountain/ Water Feature

Enhanced Fountain

Existing Fountain



Enhanced Fountain

Increase visual qualities, consider interactive features such as lighting, and water jets.

Paving/Surface Treatments



Continue use of authentic and traditional surface materials with high attention to detail

Removable & Fixed Bollards



Incorporate removable & fixed bollards, bollard and chain system in appropriate areas to guide pedestrian movement as well as frame vehicular traffic patterns

Seating

Create space for additional open public seating and dining facilities



Site Amenities



Increase existing street tree pit size
Expand shade trees other plantings



Improve bike rack locations

Lighting



Explore techniques to improve efficiency of distribution & amount of light output from period fixtures



Congress St. existing condition



Concept with Congress St. reconfigured

Related Initiatives & Studies

- 1. State Street –Two-way Concept
- 2. Parking Utilization Study
- 3. Climate Action Plan
- 4. Bicycle & Pedestrian Plan

City of Portsmouth Parking Utilization Study Update



CITY COUNCIL WORK SESSION
September 23, 2024



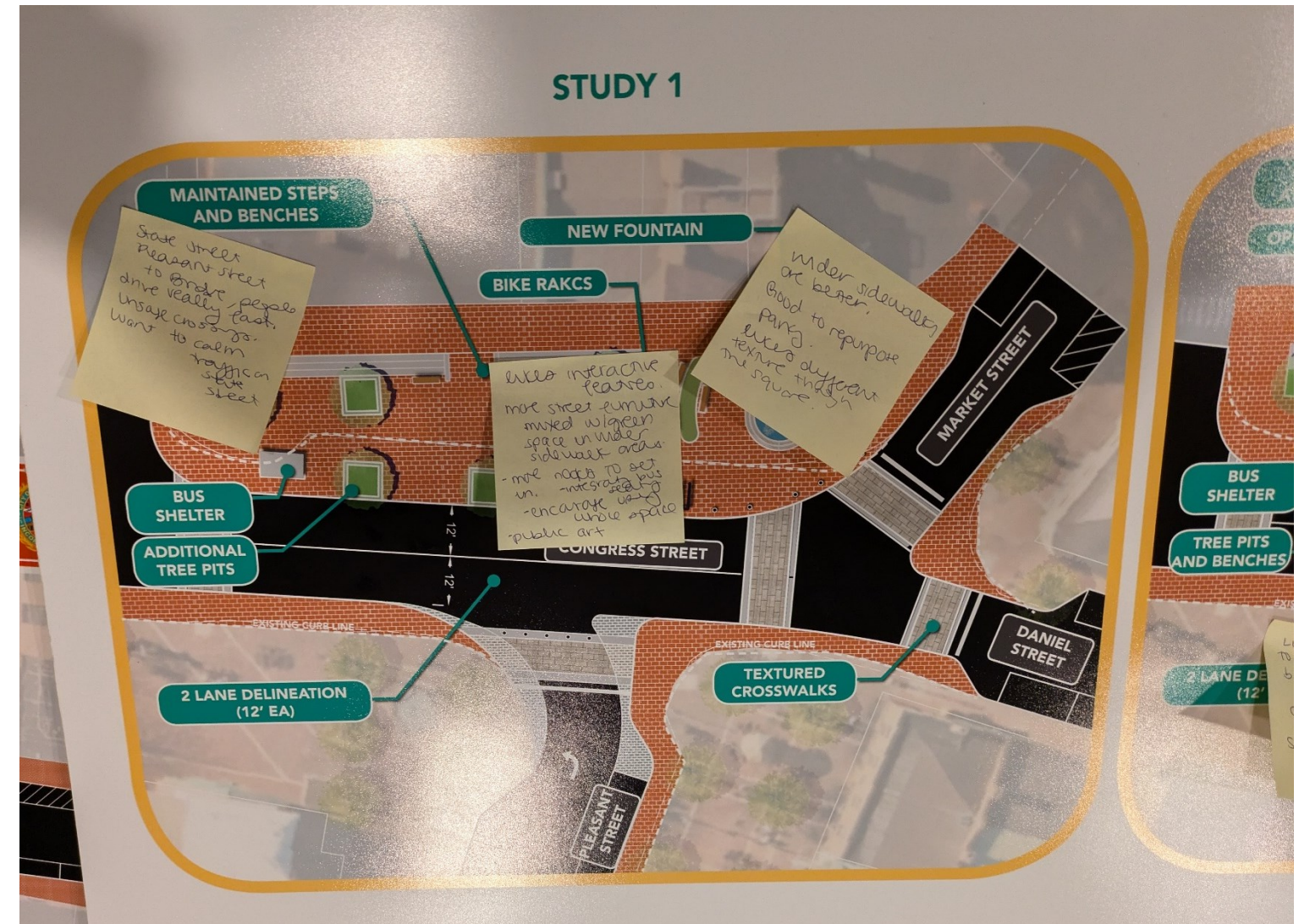
State Street Two-Way Modeling Effort
Portsmouth, New Hampshire

June 1, 2023



Next Steps

1. Synthesize Council Input
2. Working Group Session
3. Finalize Alternates
4. Compile Recommendations
5. Complete Master Plan



Thank You!

Arek Galle RLA, AICP Project Manager - BETA Group Inc.
Jeffery Maxtutis- Transportation Planner - BETA Group Inc.



MEMORANDUM OF UNDERSTANDING FOR PROFESSIONAL SERVICES
BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH

This Memorandum of Understanding (“MOU” or “Agreement”) is entered into by the City of Portsmouth and the Towns/Cities listed in Exhibit B as may be updated from time to time (hereinafter referred collectively as “Education Coalition Communities 2.0 NH”) and each understands and agrees to the commitments, terms, and conditions contained in this Agreement.

WHEREAS, For approximately ten years prior to 2006, the state funded education through a formula that created what was commonly known of as “donor” and “receiver” towns. Under this formula, a community was characterized as a donor community if it raised more in Statewide Education Property Tax (“SWEPT”) than the state’s calculation of that community’s total cost of an adequate education for its students. This “excess” SWEPT was then distributed by the state to the community’s whose total cost of education exceeded the amount raised in SWEPT (known as “receiver” communities);

WHEREAS, The former donor towns worked together to challenge the donor/receiver education funding formula through the formation of a group known as the “Coalition Communities.” In part, due to the advocacy and lobbying efforts of the Coalition Communities, the legislature abolished the donor/receiver education funding formula and from 2011 through the present, communities now retain the “excess” SWEPT they raise;

WHEREAS, A Commission to Study School Funding (“Commission”) was created by the NH Legislature in 2019 to “review the education funding formula and make recommendations to ensure a uniform and equitable design for financing the cost of an adequate education for all public-school students.” RSA 193-E:2-e;

WHEREAS, The Commission’s Report, issued on December 1, 2020, recommends, in part, the return of a donor/receiver education funding model by recommending that communities that generate excess SWEPT remit the “excess” SWEPT to the state for redistribution to towns whose cost of an adequate education is more than the SWEPT the town generates;

WHEREAS, The Commission’s Report was comprehensive in its analysis of students’ needs and in identifying the deficiencies in how the state fulfills its constitutional obligations to provide students with an adequate education but seriously deficient in its misplaced reliance on the broken and overburdened system of funding education through the property tax;

WHEREAS, Legislation will be introduced in 2021 and possibly subsequent years that adopts in similar fashion the Commission’s recommendation of a donor/receiver education funding formula, which will have a substantially negative effect on the taxpayers from newly created donor communities (“Education Coalition Communities 2.0 NH”);

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

WHEREAS, All Education Coalition Communities 2.0 NH are members of the New Hampshire Municipal Association (“NHMA”). NHMA provides advocacy and lobbying services to its members but it may not lobby on behalf of specific legislation supported or opposed by a municipality unless it is of interest to its members generally and supported by clear member adopted policy positions as legislative principles. NHMA’s current legislative policy on education does not specifically oppose a donor/receiver education funding model. NHMA does not take a position on issues that pit one set of communities against another set of communities. Without majority membership support, NHMA’s ability to lobby on behalf of the Education Coalition Communities 2.0 NH is severely limited and leaves its Education Coalition Communities 2.0 NH members at a disadvantage in their ability to effectively advocate in opposition to legislation that would recreate a donor/receiver education funding formula;

WHEREAS, RSA 31:9 provides that “[t]owns may at any legal meeting authorize the employment by the selectmen of counsel in legislative matters in which the town is directly or indirectly interested, or may ratify the previous employment by the selectmen of such counsel and may grant and vote money therefor.”;

WHEREAS, Education funding is a complex issue and it would be unduly burdensome and costly for each town to separately track, advocate and lobby in opposition to education funding legislation that supports a donor/receiver model;

WHEREAS, The Education Coalition Communities 2.0 NH seek to share the cost of professional services, including but not limited to lobbying, communication, legal, and other professional services if required to advocate and educate others regarding its opposition to public policies related to the use of the property tax to fund education;

THEREFORE, the Education Coalition Communities 2.0 NH enter into this Agreement for the purposes set forth above, as follows:

I. **DEFINITIONS**

A. “Advocate” shall mean the individual hired to provide professional lobbying services, as further described in the Scope of Services attached as Exhibit A.

B. “Agreement” shall mean this document, this Memorandum of Understanding for Professional Services Between the Education Coalition Communities 2.0 NH.

C. “Biennium” shall mean the two-year term of the legislature.

D. “Coalition Communities” shall mean donor towns under prior education funding formulas.

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

E. “Education Coalition Communities 2.0 NH” shall mean any potential donor towns under an education funding formula that adopts the Commission’s recommendation or any portion thereof that returns to a donor/receiver education funding formula. See also Member.

F. “Commission” shall mean the Commission to Study School Funding created by RSA 193-E:2-e.

G. “Donor communities” shall mean a community that when SWEPT is assessed on the municipality’s total equalized assessed property value, SWEPT raises more funds than the state’s calculated cost of an adequate education assessed for all students. This excess SWEPT is remitted to and distributed by the state to receiver communities.

H. “Excess SWEPT” shall mean when the SWEPT is applied to the equalized property value of a town, it raises more in SWEPT than the state’s calculated cost of an adequate education for all students in its community.

I. “Joint Board” shall mean the Joint Board for the Education Coalition Communities 2.0 NH’s Joint Board, which will be the oversight board for the Education Coalition Communities 2.0 NH. This Joint Board shall not be confused with the Board of Selectmen for the individual towns that are members of the Education Coalition Communities 2.0 NH.

J. “Lobbying Services” are the professional lobbying services, as further described in the Scope of Services attached as Exhibit A.

K. “Member” shall mean a town or city that is a potential new donor town and party to this Agreement. A Member has contributed its full Assessment and is a full voting member. The Joint Board may create Associate Membership or other types of memberships for those towns who have made a contribution but not in the full amount of the suggested Assessment.

L. “Receiver Communities” shall mean a community that when SWEPT is assessed on the municipality’s total equalized assessed property value, SWEPT raises less than the state’s calculated cost of an adequate education for all its students. The state distributes excess SWEPT raised by donor communities to receiver communities to meet its obligation to fund an adequate education.

M. “Report” shall mean the report of the Commission entitled *Our Schools, Our Kids; Achieving Greater Equity for New Hampshire Students and Taxpayers, A Report From The Commission to Study School Funding, Submitted to the New Hampshire General Court, December 1, 2020 Relative to RSA 193-E:2-e*.

N. “SWEPT” shall mean the Statewide Education Property Tax or any other form of property tax assessed by the State of New Hampshire.

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

II. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to allow the Education Coalition Communities 2.0 NH to jointly hire an advocate for professional lobbying, communication and legal services or other professional services and to share the costs associated with these services as more fully set forth in the Scope of Services attached as Exhibit A or other future contracts or Requests.

III. DURATION OF AGREEMENT

The term of this Agreement runs concurrent with the current biennium of the legislature from January 1, 2025 through December 31, 2026. This Agreement may be renewed for an additional two-year term by vote of the majority of the Members after receipt of authorization from its board of selectmen or city council at its annual meeting prior to termination.

IV. MEMBERSHIP

The undersigned hereby organize and constitute themselves as Members of the Education Coalition Communities 2.0 NH. The Members are listed in Exhibit B, which is attached and incorporated hereto. Each Member is authorized to participate by vote of its Board of Selectmen or City Council and copies of these votes are attached and incorporated as Exhibit C. Each signatory is an authorized representative of its town or city.

There will be an organizational meeting of the Members within upon renewal as described in Section III of this Agreement. At the organizational meeting, the Members will elect the Joint Board members as more fully described in Section V. Each Member is afforded one vote in all matters upon which require action. A majority vote of those Members present and voting shall be needed to act upon any business associated with this Agreement. One third of the total Membership shall constitute a quorum.

V. JOINT BOARD

1. Purpose of Joint Board

A. The Joint Board has the authority to enter into contracts on behalf of the Members, including but not limited to professional services contracts for lobbying, communication, legal, and other professional services approved by majority vote of the Members, to hire, supervise, advise and direct the activities of the professionals hired under the terms any contract, to negotiate with respect to all matters relating to this Agreement, to request, collect, hold, accept, invest, disperse and expend funds, to approve bills and circulate documents necessary in order to keep Members informed of activities pursuant to this Agreement and conduct such other activities as the Joint Board deems necessary and proper to carry out the purposes of this Agreement.

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

B. The Joint Board shall have the sole authority to approve an annual operating budget, which it shall transmit to the Members.

C. Officers: Beginning with its first meeting and then annually thereafter, the Joint Board shall elect a Chair, Vice Chair, and a Clerk from the members of the Joint Board. The Chair shall serve as the official spokesperson for the Members.

2. Membership of Joint Board

A minimum of five regular members of the Joint Board shall be comprised of three town/city managers and two elected officials from its Members. All Joint Board members shall be nominated at the Members' organizational meeting and serve through the expiration of the term of this Agreement. If this Agreement is renewed by the Members for an additional term, the Members will elect Joint Board members before its first meeting during the first 30 days of the renewed term. There are no term limits for Joint Board members. Joint Board members may be supported by appropriate staff from its community.

Joint Board members and its officers shall not be personally liable for any debt, liability, or obligation of the Education Coalition Communities 2.0 NH. All persons having any claim against the Education Coalition Communities 2.0 NH may look only to its funds for payment of any such contract or claim, or for the payment of any debt, damages, judgment or decrees, or of any money that may otherwise become due and payable to them from the Education Coalition Communities 2.0 NH.

3. Meetings:

A. Annual meetings. The Joint Board shall schedule one annual meeting of the Members during the term of this Agreement after the close of the legislative session.

B. Regular meetings. The Joint Board shall meet regularly at quarterly meetings or more frequently at the call of the Chair at such times and places that are mutually convenient to discuss issues of mutual concern to the Members. The Joint Board shall meet once a month with the Members while the legislature is in session, as publicly noticed to the members. Additional meetings with Members may be scheduled either by the call of the Chair or by written request of five or more Members. The Clerk shall post proper notice of all meetings and shall record minutes pursuant to RSA 91-A:2. Attendance for purposes of quorum and voting may be by telephone or video, subject to the provision of RSA 91-A.

4. Voting and Alternates.

A. Number of Joint Board members. The membership of the Joint Board is comprised of five regular members and two alternate members.

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

- B. Quorum. Three of the five Joint Board members in attendance at a meeting are necessary to form a quorum.
- C. Majority vote. All votes will pass by simple majority.
- D. Role of Alternates.

Alternate member(s) shall sit with all other Joint Board members during the meetings and may participate but may only vote if regular member cannot participate on said item. If an alternate has already been appointed to sit in for a regular member, then the second alternate shall be appointed by the Chair.

If a Joint Board member has unexcused absences for 2 consecutive or 3 total meetings during the term of this Agreement, they will be deemed to have vacated their position and the Joint Board will be free to appoint an alternate as a regular member to the vacant position upon majority vote of the Joint Board. If a Joint Board member resigns or is unable to continue to serve, the Joint Board will appoint an alternate as a regular member by majority vote of the Joint Board.

If alternates become regular members of the Joint Board, new alternates will be appointed by the Joint Board from all applicants that have been nominated by five or more Members.

VI. FINANCIAL AGREEMENT

- A. Apportionment of Cost: The Education Coalition Communities 2.0 NH agree that they will apportion costs as follows:

Apportionments shall be assessed annually to each Member no later than the 30th of June of each year of the Agreement. The Apportionment may be based on each Member's percentage of the group's total equalized property value as determined by the most recent and available data from the NH Department of Revenue Administration. Once adopted, this Apportionment formula may not be amended without a majority vote of the Members. This Apportionment will take into account the contributions transferred by Members from the Claremont Coalition Account.

- B. Special Associate Member. Special Associate Member Assessment shall be assessed by the Joint Board to Associate Members who are not parties to this Agreement and may not vote but have requested information and/or support the Coalition Communities efforts.

- C. Fiscal Agent. The Members agree that the City of Portsmouth ("City") will be the fiscal agent for the funds described in paragraph A above. The funds will be collected by the Joint Board and held by the City for purposes set forth in this Agreement and the Scope of Services set forth in Exhibit A. However, the Members have delegated all decisions relative to the acceptance and expenditure of funds to the authority to the Joint Board, as described more fully in section IV above

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

D. Accounting for Funds. The Joint Board with assistance from the Fiscal Agent shall provide to the Members from time to time, but at least quarterly, a formal accounting of monies received, spent, and obligated, and a final accounting upon the termination of the Agreement.

E. No funds will inure to the benefit of any member of the Joint Board, private individuals, or employee of municipalities subject to this Agreement except that reasonable compensation may be paid for services rendered to the Members, including but not limited to contracted services and administrative support.

F. Funds upon Termination. Upon termination of this Agreement, no individual employee or member of the Joint Board shall be entitled to a share in the distribution of any funds upon dissolution. Upon termination, the funds shall be distributed to each Member at the time of distribution in proportion to the percentage of its contribution relative to the total contribution of the all Members made in the year of distribution.

VII. Termination

A. Mutual Agreement. This Agreement may be terminated at the end of the two-year term upon mutual agreement of the Members' Boards of Selectmen and City Council. The Boards of Selectmen and City Council shall make the decision to terminate in September of the second year of the term of this Agreement.

B. Terminate Without Penalty.

If this Agreement is renewed for an additional term, a Member wishing to withdraw from the Agreement shall give notice three months before the expiration of the two-year term and shall be responsible for its share of the Apportionment until the expiration of the term. Notice shall be in writing from the Board of Selectmen of the withdrawing Member to the Joint Board. The Joint Board will notify the other Members of any Member's withdrawal through their authorized agents who have executed this Agreement. This Agreement shall terminate upon completion of its two-year term if not renewed.

C. Termination With Penalty

A Member wishing to withdraw from the Agreement before the end of the two-year term shall be responsible for its share of the Apportionment until the completion of the term. Notice shall be in writing from the Board of Selectmen of the withdrawing Member to the Joint Board. The Joint Board will notify the other Members of any Member's withdrawal through their authorized agents who have executed this Agreement.

VIII. Other

A. Amendment: This Agreement may be amended only by written Agreement signed by the majority of Members.

**MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION
COMMUNITIES 2.0 NH FOR 2025-2026**

B. City Council and Board of Selectman Approval: All Members undersigned have received approval of this Agreement by its City Council or Board of Selectman and have been authorized to participate by votes taken on dates attached and incorporated as Exhibit C.

C. Notices: Notices for each party shall be in writing and mailed or distributed by electronic means to the individuals listed in Exhibit C which is attached and incorporated hereto.

D. Severability: If any provision of this Agreement is deemed invalid or unenforceable, the remaining provisions shall remain in full force and effect.

E. Governing Law: This Agreement shall be governed by and interpreted in accordance with the provisions of the laws of the State of New Hampshire.

F. Separate Document: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

Exhibit A

EDUCATION COALITION COMMUNITIES 2.0 NH

www.coalitioncommunitiesnh.com

SCOPE OF SERVICES FOR PROFESSIONAL LOBBYING SERVICES

A coalition of similarly situated municipalities have created an association of communities called the “Education Coalition Communities 2.0 NH” to engage an individual or organization to provide lobbying and/or communication services, which tracks and respond to legislative initiatives during the 2025-2026 Legislative session relative to public school funding as more fully described in SCOPE OF WORK.

The Education Coalition Communities 2.0 NH through its representatives on the Joint Board reserves the right to negotiate any terms of a proposal that may be in the best interest of the Education Coalition Communities 2.0 NH with which it will be working.

SCOPE OF WORK

OBJECTIVE: The Education Coalition Communities 2.0 NH seeks to enter into an independent contractor relationship with an individual or organization to provide two (2) tiers of services to include lobbying and/or communication services for the legislative years 2025-2026.

BACKGROUND: For approximately ten years prior to 2011, the state funded education through a formula that created what was commonly known of as “donor” and “receiver” towns. Under this formula, a community was characterized as a donor community if it raised more in Statewide Education Property Tax (“SWEPT”) than the state’s calculation of that community’s total cost of an adequate education for its students. This “excess” SWEPT was then distributed by the state to communities whose cost of an adequate education exceeded the amount raised in SWEPT (known as “receiver” communities). Portsmouth, along with other donor towns, worked together to challenge the donor/receiver education funding formula through the formation of a group known as the “Coalition Communities”

A Commission to Study School Funding (“Commission”) was created by the Legislature in 2019. On December 1, 2020, the Commission issued its final report which recommends, in part, the return of a donor/receiver education funding model by recommending that communities that generate excess state education property tax to remit the “excess” to the state for redistribution to towns whose cost of an adequate education is more than the state education property tax the town generates. While the Commission did a thorough job in assessing students’ educational needs throughout the state, it failed to adequately address how those needs should be funded by

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

improperly relying on the historically overburdened property tax to fund education. (for further details see: https://carsey.unh.edu/school-funding?utm_source=email&utm_medium=lmm&utm_campaign=carsey-research)

Education funding is a complex issue and it would be unduly burdensome and costly for each potential donor town to separately track, advocate, and lobby in opposition to education funding legislation that supports a donor/receiver model. A group of donor towns, called the Education Coalition Communities 2.0 NH has formed to pool resources for professional services as more fully set forth below.

BASIC SERVICES: Responsibilities of the Lobbyist/Advocate: To represent the interests of the Education Coalition Communities 2.0 NH before the New Hampshire General Court during the 2025-2026 biennium. Specifically, the Lobbyist/Advocate shall advocate for, provide information about, and oppose selected bills, which are introduced during the session that address education funding primarily through an increase in the state education property tax and/or local property tax, which would create an education funding formula that returns to a donor and receiver town education funding concept. The Lobbyist/Advocate will exercise their responsibilities consistent with the legislative rules governing the conduct of lobbyists in New Hampshire. It is further expected that, when necessary, the Lobbyist/Advocate will participate remotely or be physically present at the legislature to attend hearings, discuss bills with legislative members, and testify on pending matters. The Lobbyist/Advocate will regularly communicate on activities to the Joint Board of the Education Coalition Communities 2.0 NH and work with its members to create communication plans and strategies for messaging and outreach to oppose donor/receiver education funding legislation.

SERVICE TIERS TO BE PROVIDED

1. Lobbying and Legislative Advocacy
2. Communications Planning

Nothing in this Scope of Services prohibits multiple firms from collaborating in providing both Service Tiers.

Services will be offered at an annual fixed base fee for these scope of services as negotiated with the provider firm(s). Any assumptions and/or limitations in the proposed fee (for example the number of public hearings to be covered for a set fee) will be clearly identified. Hourly or other fees not included in a base price will be clearly noted.

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

SCOPE OF WORK OUTLINE FOR SERVICE TIERS PROPOSED

The stated tasks are illustrative examples of the Scope of Work and is not to be considered an exhaustive list of all tasks included in the Scope.

Tasks As Part Of The Scope:

1. Lobbying/Advocacy
2. Govt. Relations Services
3. Monitoring Legislation
4. Monitoring Regulations
5. Updating Joint Board
6. Updating CC 2.0 Membership
7. Coordinating Testimony
8. Strategic Counseling/Planning
9. External/Internal Communications
10. Develop a Communications Plan
11. Assist in organizing Joint Board Meetings
12. Assist in posting meetings of Joint Board
13. Assist in posting meetings of Membership
14. Assist in creating agendas for Joint Board/Membership
15. Assist in minute creation & posting same
16. Hosting in Person/Video Conferencing Services
17. Assist in hosting Website and Page Content
18. Assist in establishing a Social Media Presence
19. Op-Ed Pieces
20. Interview Pieces
21. Spokesmanship
22. Regulatory Review
23. Other: _____

**MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION
COMMUNITIES 2.0 NH FOR 2025-2026**

Exhibit B

Member Municipalities as of January 1, 2024

Bridgewater
Carroll
Franconia
Hampton
Hebron
Holderness
Hollis
Jackson
Lebanon
Lincoln
Meredith
Moultonborough
New Castle
New London
Newbury
Newington
Portsmouth
Rye
Sugar Hill
Sunapee
Tuftonboro
Waterville Valley
Wolfeboro

MOU FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH FOR 2025-2026

Exhibit C

EDUCATION COALITION COMMUNITIES 2.0 NH
www.coalitioncommunitiesnh.com

AUTHORIZATION AND SIGNATURE

The person executing this MEMORANDUM OF UNDERSTANDING, FOR PROFESSIONAL SERVICES BETWEEN THE EDUCATION COALITION COMMUNITIES 2.0 NH (Agreement) on behalf of the Town/City of _____ represents and warrants that they have all legal authority and authorization necessary to enter into this Agreement, and that such person has been duly authorized by its City/Town Council/Board of Selectmen to execute this Agreement on behalf of the undersigned City/Town. Further, the person executing this Agreement has been duly authorize to represent and/or designate a representative of the undersigned City/Town as a member with regard to any terms contained within the agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date written below.

DATE: _____

CITY/TOWN OF: _____

AUTHORIZED SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

TOWN REPRESENTATIVE: _____

REP.'S EMAIL ADDRESS: _____

REP.'S MAILING ADDRESS: _____

REP.'S BEST AVAILABLE TELEPHONE: _____

PARKING LOT USAGE/MAINTENANCE AGREEMENT

St. John's Masonic Association, Inc., 351 Middle Street , Portsmouth, New Hampshire (hereinafter "St. John's"), and the City of Portsmouth a municipal corporation with an address of 1 Junkins Avenue, Portsmouth, New Hampshire, (hereinafter "City"), hereby enter this agreement with respect to the parking lot owned by St. John's at the intersection of Miller Avenue and Middle Street in the City (Map 0136, Lot 0019) (hereinafter "the Lot") for the purposes and under the terms and conditions contained herein.

1. This Agreement shall commence in effect on January 1, 2025 and continue in effect until June 30, 2025.
2. During the period in which this Agreement is in effect, the 61 parking spaces (Parking Spaces) in the Lot shown on the attached plan shall be available at the direction of the City for the purpose of allowing members of the public to park.
3. Public parking under this Agreement shall be limited from Monday through Saturday from the hours of 6:00 a.m. to 7:30 p.m. each day, except for snow-related use as described below.
4. St. John's agrees to permit the City to include these Parking Spaces as inventory for snow removal operations during declared Snow Emergencies, as advertised in the City's website and other related communications. St. John's further agrees that overnight use of the Parking Spaces in the Lot is permitted during declared Snow Emergencies.
5. The City shall have the authority to provide regular and consistent enforcement of its rules and regulations governing the use of the Parking Spaces during the times stated in this Agreement.
6. The City shall post and maintain signage in a manner to be approved by St. John's to inform members of the public of the terms and conditions under which they may use the Lot.
7. The City shall plow snow, apply salt and sand, and remove snow as necessary from the Lot in accordance with its normal practices for City parking lots. In April, the City shall sweep the Lot and remove all accumulated sand and debris resulting from winter maintenance activity.
8. Except as described in this Agreement, all other the use of the Lot shall be under the control of St. John's.
9. The City agrees to indemnify and hold harmless St. John's with respect to claims caused solely by the City's negligence, and which are within the scope of the City's liability insurance, to the extent and under the terms and conditions under which the City itself is entitled to indemnification from the New Hampshire Public

Risk Management Exchange, under the terms of its member agreement as it may be in effect from time to time.

- 10. In exchange for the foregoing, the City shall pay to St. John's total compensation of \$17,500.00, which shall be paid within 30 days of the execution of this Agreement. The annual fee will be prorated if this Agreement is terminated prior to the expiration of its term as set forth below.
- 11. This Agreement may be terminated with cause by either party in the event that either party fails to maintain its obligations under this Agreement, after been given written notice of such failure and a thirty (30) day period to cure it. This Agreement may be terminated without cause by either party with forty-five (45) days written notice to the other party.

For the City of Portsmouth

**For St. John's Masonic Association, Inc.,
Portsmouth, NH**

Karen S. Conard, City Manager

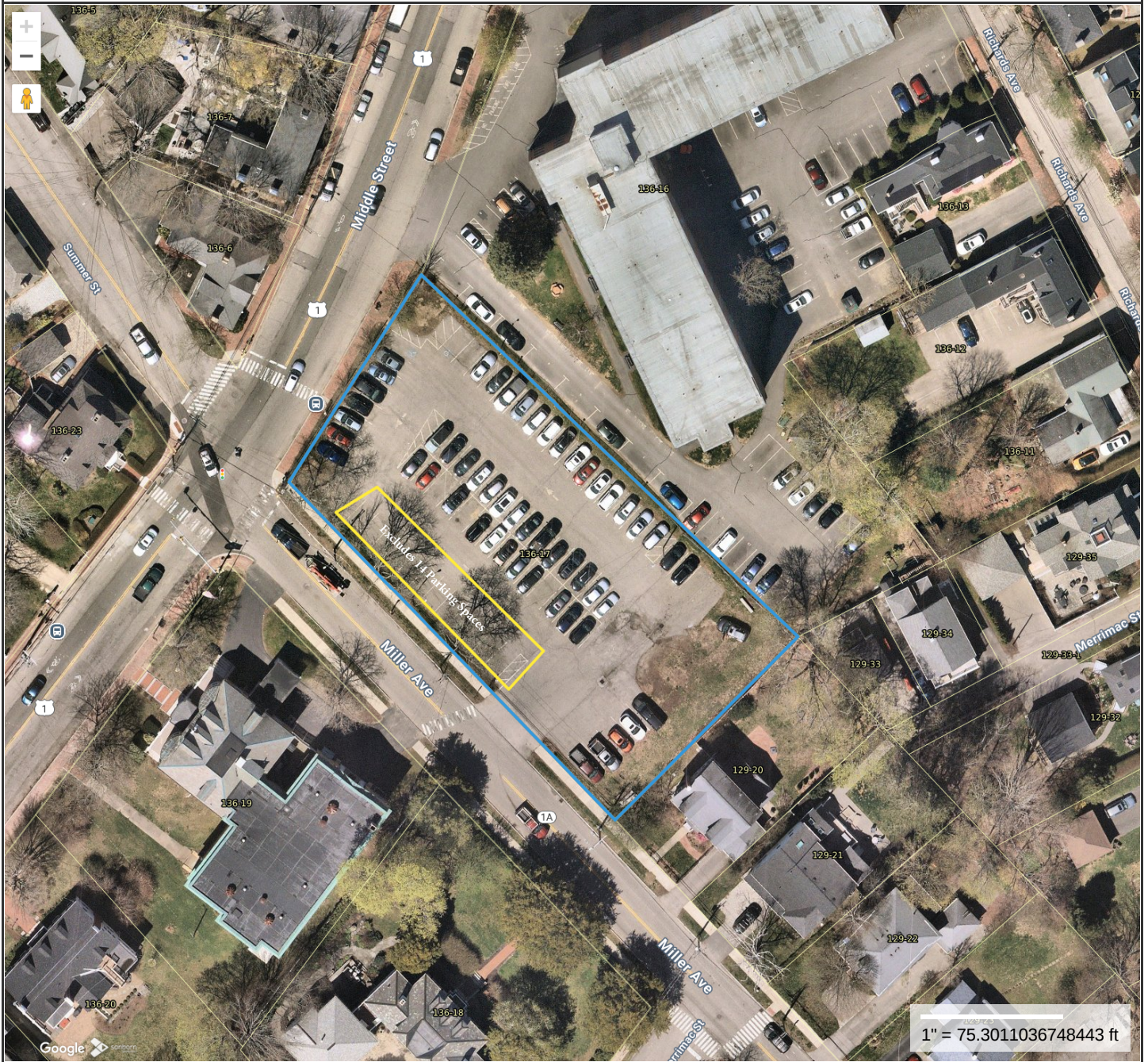
Alan Ammann, President

Dated: _____

Dated: _____

Pursuant to vote of the City Council
on _____.

Pursuant to vote of the St. John's
Masonic Association, Inc. Board on
_____.



Property Information

Property ID 0136-0017-0000
Location MIDDLE ST
Owner ST JOHNS MASONIC ASSOC INC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/26/2024

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

**City of Portsmouth
Assessor Office**

To: Karen Conard, City Manager
From: Rosann Maurice-Lentz, City Assessor
Cc: Susan Morrell, City Attorney
Date: December 9, 2024
Re: Payment in Lieu of Tax Request – Betty’s Dream

On December 4, 2024, an email addressed to Members of the City Council from Kara Sweeny who represents Betty’s Dream was sent to my office requesting a payment in lieu of tax (PILOT). Annually, Betty’s Dream submits this request pursuant to RSA 72:23-k. PILOT agreements between the City and otherwise exempt organizations are meant to help the municipality to defray the costs of municipal, non-utility, services.

Betty’s Dream is a group home facility for low-income and disabled individuals located at 75 Long Meadow Road. The Assessor’s Office has reviewed Betty’s Dream charitable status and feels they meet the term “charitable” as set forth in RSA 72:23-1.

RSA 72:23-k states the real estate and personal property of charitable, nonprofit community housing and community health care facilities for elderly and disabled persons, if none of the income or profits is used for any purpose other than community housing or community health care, shall be exempt from taxation. This exemption shall apply to housing and health care facilities situated within New Hampshire which are sponsored or owned by nonprofit, charitable corporations or organizations, located within or outside of the state, and to projects organized, operated, or assisted under state law or pursuant to rules and regulations of the United States Department of Housing and Urban Development, the United States Department of Health and Human Services, or any successor agency.

For Fiscal Year 2025, Betty’s Dream has requested a sum of \$3,000, be paid as payment in lieu of tax which is what they have negotiated with the City in the past and my recommendation would be to accept this agreement.

For cause shown and at any time, keeping in mind the nature and purpose of the project, the municipality or the board of tax and land appeals may refund or abate all or a portion of the payment in lieu of taxes in any year.

**PAYMENT IN LIEU OF PROPERTY TAX AGREEMENT BETWEEN
THE CITY OF PORTSMOUTH AND BETTY’S DREAM FOUNDATION
(PILOT)**

This Agreement is made as of this _____ day of _____, 2024, pursuant to NH RSA 72:23-k, by and between BETTY’S DREAM FOUNDATION, having a place of business at 75 Long Meadow Road, Portsmouth, New Hampshire 03801, and the CITY OF PORTSMOUTH, a municipal corporation established under the laws of the State of New Hampshire (the “CITY”), having a place of business at 1 Junkins Ave., Portsmouth, New Hampshire 03801.

RECITALS

- A. BETTY’S DREAM FOUNDATION is a New Hampshire non-profit organization that supports a group home for low-income and disabled individuals located at 75 Meadow Road, Portsmouth, New Hampshire 03801 (the “Property”).
- B. Betty’s Dream is a group home for the developmentally disabled, with 24 fully accessible apartments and a community room, kitchen and recreation room.
- C. Betty’s Dream is supported by BETTY’S DREAM FOUNDATION, a tax-exempt charitable non-profit under Section 501(c)(3) of the Internal Revenue Code. The income and profits of BETTY’S DREAM FOUNDATION are used solely for community housing purposes.
- D. RSA 72:23-k defines the property to which the Charitable, Non-Profit Housing Project property tax exemption applies and is supplemented by N.H. Code of Administrative Rules Part Rev 423.

- E. The CITY recognizes that as presently constituted BETTY'S DREAM/the Property satisfies the requirements of these laws and is therefore entitled to a property tax exemption pursuant to RSA 72:23-k.
- F. Pursuant to RSA 72:23-k, II, BETTY'S DREAM FOUNDATION shall make a payment in lieu of taxes to defray the costs of municipal, non-utility services in an amount equivalent to 10% of its Annual Profit Before Depreciation. Failing mutual agreement, the sum paid on December 1 of each year shall be an amount not to exceed the lower of 10 percent of the shelter rent received by the owner from all sources during the preceding calendar year, not including security deposits received from residents of the housing project, for shelter and care of residents within the project, or a sum equivalent to that derived from application of the current municipal, non-school, portion of the local tax rate against the net local assessed value of the project.
- G. The CITY is willing to recognize and grant to BETTY'S DREAM FOUNDATION an exemption from taxation and accept a payment in lieu of taxes by BETTY'S DREAM FOUNDATION, as set forth in this Agreement based on the current ownership and current use of Property.

WHEREFORE, based upon the mutual covenants and promises contained herein, and for other good and valuable consideration which the parties acknowledge, BETTY'S DREAM FOUNDATION and the CITY agree as follows:

1. *Tax Exempt Status.* The CITY recognizes, agrees, and grants to BETTY'S DREAM that the Property and all improvements located thereon, are currently exempt from taxation

under the provisions of RSA 72:23-k based on the current ownership and current use of Property.

2. *Payment in Lieu of Taxes.*

(a) Commencing on the execution of this agreement, BETTY'S DREAM FOUNDATION shall be obligated to pay the CITY this year \$3,000 in lieu of taxes, and annually thereafter an amount equal to 10% of their Annual Profits, before Depreciation.

(b) The PILOT (PAYMENT IN LIEU OF TAXES) payment shall be payable by December 1, of each year.

(c) BETTY'S DREAM FOUNDATION shall provide the CITY annually, contemporaneously with payment of the PILOT, an accounting that indicates the detailed calculation of their annual profits and the payment in lieu of taxes.

(d) This agreement shall be effective from its date of commencement until and including payment due on December 1, 2024, as long as BETTY'S DREAM FOUNDATION remains exempt from payment of property taxes under RSA 72:23-k, I & II.

(e) Nothing in this Agreement shall prevent BETTY'S DREAM FOUNDATION from challenging the CITY's assessment of the real estate or the improvements in accordance with applicable law.

(f) If the method of calculating the CITY's tax under RSA 72 is changed, the parties agree to enter into good faith negotiations to amend this Agreement.

3. *Lease of Property by BETTY'S DREAM FOUNDATION to Nonexempt Person or Entity.*

In the event that all or a portion of the Property is leased by BETTY'S DREAM FOUNDATION to a person or entity which is not exempt from taxation, such person or

entity shall pay taxes on such portion determined by multiplying the tax derived from application of the full tax rate to the assessed value of the Property by a fraction, the numerator of which shall be total square footage of the building constructed on the property (including the tenant's portion of common areas, if any) leased to such person or entity, and the denominator of which shall be to the total square footage of the building constructed on the Property.

4. *Termination.* Either party may terminate this agreement or renegotiate this agreement prior to November 1, 2025. In the event the Property is sold or disposed of by BETTY'S DREAM FOUNDATION, then the terms and conditions of this Agreement shall terminate on the date of execution of such sale or disposition. In the event the Current Use of Property is altered and/or ceases, the CITY may terminate this Agreement at its discretion.
5. *Binding Effect.* This Agreement constitutes the binding agreement of the CITY and BETTY'S DREAM FOUNDATION, their respective successors and assigns. This Agreement cannot be modified except by an instrument in writing agreed to by the parties.
6. *Representation of Authority.*
 - (a) BETTY'S DREAM FOUNDATION represents and warrants that this Agreement is binding upon execution of this Agreement by its duly authorized member.
 - (b) The CITY represents and warrants that this Agreement is binding upon execution by the City Manager of the CITY after an authorizing vote of the Portsmouth City Council.
7. *Applicable Law.* This Agreement shall be construed and interpreted in accordance with the laws of the State of New Hampshire. The parties consent to the jurisdiction of the Rockingham County Superior Court to resolve any dispute hereunder.

8. *Entire Agreement.* This Agreement constitutes the entire agreement of the CITY and BETTY'S DREAM FOUNDATION regarding the tax-exempt status of BETTY'S DREAM FOUNDATION and payment in lieu of taxes regarding the property located at 75 Long Meadow Road, Portsmouth, New Hampshire.

Authorization for the City Manager to enter into this Agreement was given by the City Council on December 16, 2024.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and date first above written.

CITY OF PORTSMOUTH

Witness

By: _____
Karen S. Conard
City Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by Karen S. Conard, City Manager for the City of Portsmouth, New Hampshire, on behalf of the City.

Notary Public
My Commission Expires

BETTY'S DREAM FOUNDATION

Witness

By: _____
Kara Sweeny
Duly Authorized

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of _____,
2024 by Kara Sweeny, Executive Director, on behalf of BETTY’S DREAM FOUNDATION.

Notary Public
My Commission Expires:

LEASE AMENDMENT 2

WHEREAS, the **City of Portsmouth**, a municipal corporation organized and existing under the laws of the State of New Hampshire and having a usual place of business at 1 Junkins Avenue in Portsmouth, (the “City”), and the **Players’ Ring Company**, organized and existing under the laws of the State of New Hampshire and having a principal place of business at 99-105 Marcy Street, Portsmouth, New Hampshire, (“Players’ Ring”), are parties to a lease, executed on September 8, 2013;

WHEREAS, on October 28, 2019, the Portsmouth City Council voted to extend the lease term until January 3, 2025;

WHEREAS, the existing lease obligates the Players’ Ring to pay for and construct certain capital improvements in accordance a schedule devised and mutually agreed upon by the parties;

WHEREAS, the capital improvements listed in the existing schedule have been completed and the City and the Players’ Ring are presently negotiating the scope and nature of the capital improvements to be included in the schedule for the new lease;

WHEREAS, the parties agree to extend the existing lease for approximately three months in order to give the parties time to create a new schedule of capital improvements to incorporate into the new lease;

NOW, THEREFORE, the City and Players’ Ring agree as follows:

- 1. Paragraph 3 shall be amended to read as follows:

The term of this lease shall end March 31, 2025. Notwithstanding any other provision in this lease, this lease may be terminated by the Players’ Ring upon thirty (30) days written notice to the City.

All other terms of the lease not amended shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Lease Amendment 2 on _____, 2024.

WITNESS:

CITY OF PORTSMOUTH

Karen S. Conard
City Manager

Approved by vote of the City Council on

_____.

WITNESS

PLAYERS' RING COMPANY

Margherita Giacobbi,
Executive Director

DRAFT

I/ferrini/keases/playersring/amendment2

LEASE

This lease is made by and between the **City of Portsmouth**, a municipal corporation organized and existing under the laws of the State of New Hampshire and having a usual place of business at 1 Junkins Avenue in said Portsmouth, hereinafter CITY, and the **Players' Ring Company**, organized and existing under the laws of the State of New Hampshire and having a principal place of business at 99-105 Marcy Street, Portsmouth, New Hampshire, hereinafter **PLAYER'S RING**.

1. PREMISES:

CITY leases to **PLAYER'S RING** a certain structure formerly known as the Heritage Museum located at 105 Marcy Street, Portsmouth, New Hampshire.

2. LEASE PAYMENTS:

The **PLAYER'S RING** shall compensate the CITY for the use of the premise by maintaining strict compliance with a schedule of capital improvements to the premises as described in Schedule A attached hereto. In performing the capital improvements attached hereto on Schedule A the **PLAYER'S RING** shall comply with the following terms and conditions:

- A. All labor, material and other costs of every kind shall be solely borne by the **PLAYER'S RING**.
- B. The design, engineering and materials to be utilized in connection with the performance of the capital improvements shall all be approved in advance in writing by the Public Works Director of the City of Portsmouth.
- C. All capital improvements performed by **PLAYER'S RING** shall be performed to the reasonable satisfaction of the Public Works Director of the City.
- D. **PLAYER'S RING** shall be responsible for any taxes assessed on the building pursuant to RSA 72:23. However, **PLAYER'S RING** shall be entitled to apply for a charitable exemption pursuant to RSA 72:23 V. To the extent that such an exemption is granted by the City Assessor no taxes shall be due. To the extent that taxes are due, the tax obligation of **PLAYER'S RING** may be satisfied by the provision of in-kind services to the City as follows:

In any given calendar year commencing with the first effective date of this lease the **PLAYER'S RING** shall expend no less on the performance of capital improvements to the premise than would otherwise be due to the City in real estate taxes with respect to building. **PLAYER'S RING** shall provide CITY with labor and material receipts demonstrating that the required amount has been paid by **PLAYER'S RING**. In the event that **PLAYER'S RING** fails to expend at least the amount which would have

been due as real estate taxes, then PLAYER'S RING shall make up the difference by a cash payment to CITY on each anniversary date of this lease.

- E. Notwithstanding any other provision of this lease, failure to maintain the capital improvement schedule attached as Exhibit A shall constitute grounds for termination of the lease by CITY.

3. TERM:

The term of this lease shall commence on September 4, 2013 and shall end September 3, 2023. Notwithstanding any other provision in this lease, this lease may be terminated by the PLAYER'S RING upon thirty days (30) written notice to the CITY.

4. PARKING:

PLAYER'S RING shall use only such portion of the surrounding grounds as CITY may specifically designate for parking by PLAYER'S RING.

5. WASTE AND REPAIRS:

PLAYER'S RING shall not allow any waste, rubbish or other objectionable materials to accumulate within the premises or upon the surrounding grounds. PLAYER'S RING shall arrange and pay for proper solid waste receptacles. PLAYER'S RING agrees to maintain the interior and the exterior of the premises in good repair at all times.

PLAYER'S RING shall at its own cost, and without expense to the CITY perform other maintenance or repair necessary to keep and maintain the premises and its equipment in good, sanitary and neat order, condition and repair.

6. COMPLIANCE WITH LAWS:

PLAYER'S RING shall comply with all Federal, State and Municipal laws, ordinances and regulations affecting the leased premises, the improvements thereon, or any activity or condition on or in the premises.

7. UTILITIES AND MAINTENANCE:

All costs and expenses of every kind whatsoever of or in connection with the use, operation and maintenance of the premises and all activities conducted therein shall be the sole responsibility of the PLAYER'S RING.

8. REPAIRS AND MAINTENANCE:

CITY shall not be obligated to make any repairs, replacements or renewals to the leased premises exclusively occupied by PLAYER'S RING caused by the PLAYER'S RING use thereof. No alteration of the premises which is visible from the exterior thereof and no alteration of the interior which exceeds Two Thousand Five Hundred (\$2,500) Dollars in cost shall be made without the prior written approval of the CITY'S City Manager. PLAYER'S RING shall, insure that their operations shall in no way affect or damage, impair or impact the

grounds immediately adjacent to said building, including mowing of grass, clipping the shrubbery and keeping the area free of litter.

9. **LEASE ADMINISTRATION:**

Except when otherwise specified, the Trustees of the Trust Funds for the City of Portsmouth shall oversee and administer this Lease jointly with the City Manager on behalf of the City.

10. **CITY'S RIGHT OF ENTRY**

PLAYER'S RING shall permit CITY and the agents and employees of CITY to enter into and upon the premises at all reasonable times to inspect the same, or to make repairs or improvements called for in this Agreement.

11. **SUBLETTING AND ASSIGNMENT:**

PLAYER'S RING shall not assign this Lease or sublet any portion of the premises.

12. **PRODUCTION SCHEDULE:**

The PLAYER'S RING shall provide a schedule of proposed productions one month in advance to the Trustees of Trust Funds and the PLAYER'S RING shall remain responsible for all provisions in this lease whether or not the PLAYER'S RING is in charge of the actual production or is acting as production manager. Such programs and schedules shall not be inconsistent with the terms, conditions and spirit of the Prescott Will.

13. **ACCEPTANCE OF PREMISES:**

PLAYER'S RING by acceptance of the premises, acknowledge that they are fit for the uses of the PLAYER'S RING.

14. **LIENS:**

CITY shall keep all of the premises free and clear of all liens arising out of PLAYER'S RING'S occupancy of the premises and at all times promptly and fully pay or discharge any claims on which any lien could be based.

15. **INDEMNIFICATION OF CITY:**

The Players' Ring Company agrees to defend, hold harmless and indemnify the City of Portsmouth and its officers, agents and employees against any and all liability for bodily injury, death, and property damage arising from the existence of this lease or any activity conducted hereunder or any person or entity operating under its authority. This provision shall survive termination or expiration of the lease.

16. **TERMINATION AT CITY'S OPTION:**

The City of Portsmouth, in its sole and unfettered discretion, may terminate this lease upon ninety days written notice delivered to the PLAYER'S RING.

17. **TERMINATION FOR CAUSE:**

In the event of any breach of this Lease by the PLAYER'S RING or failure to perform any condition herein, the CITY may in addition to all rights and remedies each has at law,

CITY shall give a written notice to the PLAYER'S RING of a claimed breach. If such breach is not cured within 30 days, the CITY shall have the right of reentry and may remove all persons and property from the premises to be stored at the expense of the PLAYER'S RING. CITY, after reentry, may terminate this Lease and in addition to its other rights, may recover from PLAYER'S RING, its reasonable costs and damages occasioned by PLAYER'S RING'S breach.

18. TERMINATION OR SURRENDER OF LEASE:

Upon termination of this Lease, or mutual cancellation thereof, the PLAYER'S RING shall immediately surrender the premises.

19. IMPROVEMENTS:

All alterations, additions and improvements made in or to the premises in the nature of fixtures shall unless otherwise provided by written Agreement or by the terms hereof, be the property of CITY and remain and surrendered with the premises and PLAYER'S RING hereby waives all claim for damages to a loss of any property belonging to PLAYER'S RING that may be in or upon the premises.

20. NOTICE:

Any notice required under this Lease or other writing which may be given by either party hereto to the other shall be deemed to have been given when made in writing and deposited in the U.S. MAIL, registered and prepaid and addressed as follows:

TO CITY:

City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, N.H. 03801

Trustees of Trust Funds
Sheafe Warehouse
P.O. Box 1103
Portsmouth, NH 03801

TO PLAYER'S RING:

Barbara L. Newton, Exec. Dir.
Players' Ring Company
105 Marcy Street
Portsmouth, N.H. 03801

Michael E. Chubrich, Esq.
230 Lafayette Road
Building D
Portsmouth, N.H. 03801

21. USE OF PREMISES:

The premises shall be used solely for the purposes of production of theatrical presentations and associated activities, and no other purposes without prior written approval by the CITY. PLAYER'S RING accepts the premises with the understanding that they shall be restricted to said use of those operations and services provided by the PLAYER'S RING as stated herein. No alcoholic beverages shall be used, consumed or possessed upon the premises.

22. REGULATIONS:

PLAYER'S RING agrees that it shall abide by and enforce among its staff any reasonable rules and regulations established by the CITY.

23. EXTENSION OR RENEWAL:

There is no automatic extension or renewal of this lease and no further notice is required on the part of the CITY prior to its expiration.

**24. INSURANCE:
LIABILITY AND PROPERTY DAMAGE**

- A. PLAYER'S RING shall bear all risk of loss to the premises and risk of personal injury or property damage arising out of the use or existence of this lease. PLAYER'S RING shall indemnify and hold CITY harmless from all suits, claims or actions arising out of the existence or use of this lease or the termination of the lease for any reason or at any time. PLAYER'S RING shall return the premises to the CITY OF PORTSMOUTH in as good or better condition than it was at the execution of this lease.
- B. PLAYER'S RING shall, at all times during the term of this Lease, maintain in effect at its expense the following insurance coverages:
1. Comprehensive General Liability protection in a coverage amount not less than Two Million (\$2,000,000) Dollars per occurrence.
 2. Property damage coverage protecting the building and its contents in an amount to be determined by the Public Works Director of the City of Portsmouth to represent full replacement cost.

The above insurance coverages shall be provided by an insurer and written in a form satisfactory to the CITY. Each policy shall name the City of Portsmouth as an additional insured. PLAYER'S RING shall maintain with the City Attorney of the CITY certificates of insurance providing evidence of the required coverages and requiring the insurer to notify the CITY of any cancellation of the policies.

25. ADA COMPLIANCE:

The CITY and PLAYER'S RING agree that the PLAYER'S RING shall be solely responsible for making the services and/or programs which it offers accessible to the handicapped as this term is recognized in the Americans with Disabilities Act. Where it is necessary to make structural modifications to the building and/or property in order to achieve the goal of accessibility for the unique services and programs offered by the PLAYER'S RING, then PLAYER'S RING shall be solely responsible for making such structural modifications. Prior to making any structural modifications, the CITY shall obtain the consent of the PLAYER'S RING.

PLAYER'S RING agrees to indemnify and hold harmless the CITY from any claims brought against the PLAYER'S RING for failure to provide accessible services and programs under the Americans with Disabilities Act or to otherwise fail to comply with the

responsibilities under the Americans with Disabilities Act as a provider of public accommodations.

IN WITNESS WHEREOF, the parties have executed this Lease on September 18, 2013.

WITNESS:

Ann R. Shupe

CITY OF PORTSMOUTH

John P. Bohenko

John P. Bohenko
City Manager

Pursuant to vote by the City Council on
September 3, 2013.

WITNESS

Regina M. Baker

PLAYERS' RING COMPANY

Barbara L. Newton

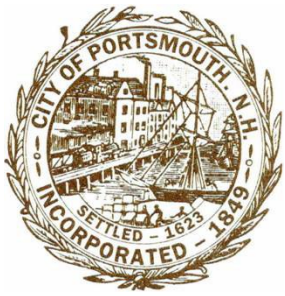
Barbara L. Newton
Executive Director

SCHEDULE A

The Players' Ring

Proposed Benchmarks for Ten-Year Lease

<u>Capital Improvements</u>	<u>Completed no Later Than</u>	<u>Estimates</u>
Furnace Replacement and Related Work	December 31, 2013	\$18,000
East Side: Windows, Doors and Masonry Work	December 31, 2015	\$42,200
West Side: Windows, Doors and Masonry Work	December 31, 2017	\$45,080
South and North Sides: Windows, Masonry Work	December 31, 2018	\$18,060
Air Conditioning	December 31, 2019	\$9,000
Bathroom with Work Sink – Second Floor	December 31, 2020	\$6,500
Stage Lighting Upgrade	December 31, 2021	\$15,000
Theatre Seating	December 31, 2022	\$15,000



CITY OF PORTSMOUTH

Planning and Sustainability Department
(603) 610-7216

MEMORANDUM

TO: KAREN S. CONARD, CITY MANAGER
FROM: PETER BRITZ, PLANNING & SUSTAINABILITY DIRECTOR
SUBJECT: DRAFT SOLAR ARRAY OVERLAY DISTRICT
DATE: 12/9/2024

The expansion of solar power development across the State is rapidly increasing as a means to provide clean energy and increase resiliency for our communities. Many New Hampshire communities have implemented land use regulations for solar. Local governments play an important role in establishing policies, procedures and programs that impact solar deployment in the community.

The City of Portsmouth has taken several measures to promote solar including the adoption of the Climate Action Plan, Zoning Amendments to promote solar in the Historic District and joining the national SolSmart program. SolSmart is a national program that helps cities, towns, counties and regional organizations become solar energy leaders. As part of the program Portsmouth signed the following Solar Commitment:

In partnership with the SolSmart team, our dedicated City staff members will work to improve solar market conditions, making it faster, easier, and more affordable for our residents and businesses to install solar energy systems. These efforts will also increase the efficiency of local processes related to solar development, which may save our local government time and money.

We will leverage SolSmart to achieve the following solar goals:

- 1. Develop a streamlined process for solar permitting or inspections.**
- 2. Promote and participate in long-term, community wide sustainable solar programs.**
- 3. Install solar energy systems on key local government facilities.**

To assist in the development of land use regulations the SolSmart Program has provided technical assistance in the form of a zoning review. The Zoning Ordinance was reviewed to determine if it incorporates best practice regulations for solar energy. Recommendations from this review included establishing a purpose or intent that outlines the goals of including solar energy systems in the zoning code, including


definitions for solar energy and codifying roof-mounted solar as an accessory use allowed by right in all major zoning districts.

In response to the SolSmart zoning review, Planning staff have begun drafting zoning amendments that will incorporate the recommendations provided. Staff suggest amendments to the Zoning Ordinance that will also incorporate solar energy systems as a principal use allowed in certain zoning districts, rather than the establishment of an overlay district. This would allow solar energy systems to be installed in all areas that are appropriate and outline a conditional use permit process that incorporates best practices and improves transparency of processes and clarity of development standards.

Recommended Motion: I recommend that the City Council move to refer the zoning review and drafting of Solar Zoning Amendments to the Planning Board for its recommendation in a report back to the City Council.

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: December 4, 2024

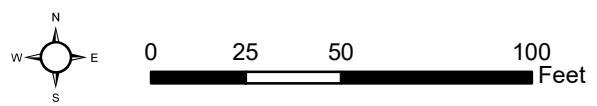
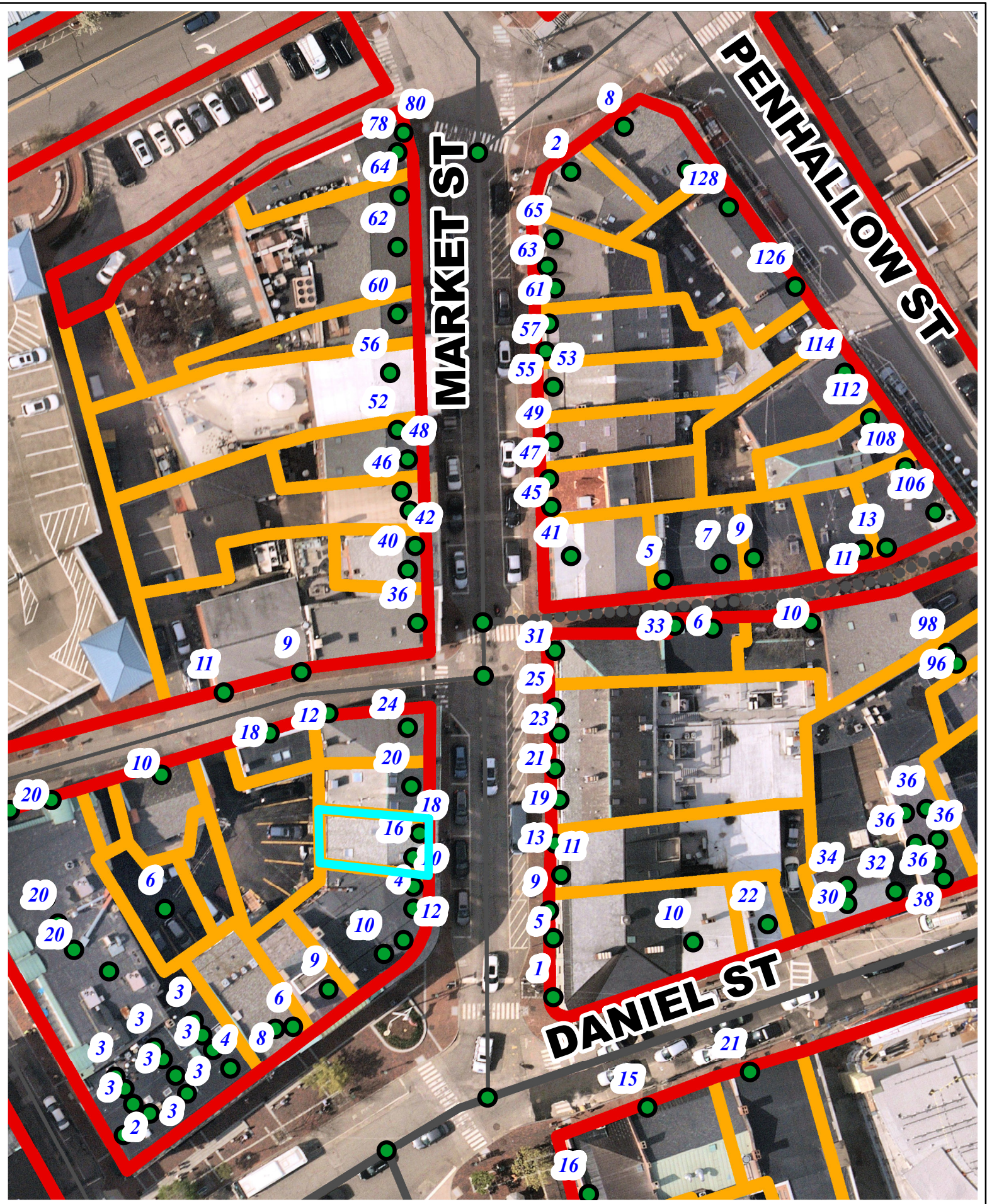
RE: City Council Referral – Projecting Sign
Address: 16 Market Street
Business Name: A & D Management
Business Owner: Alexandra Farren

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

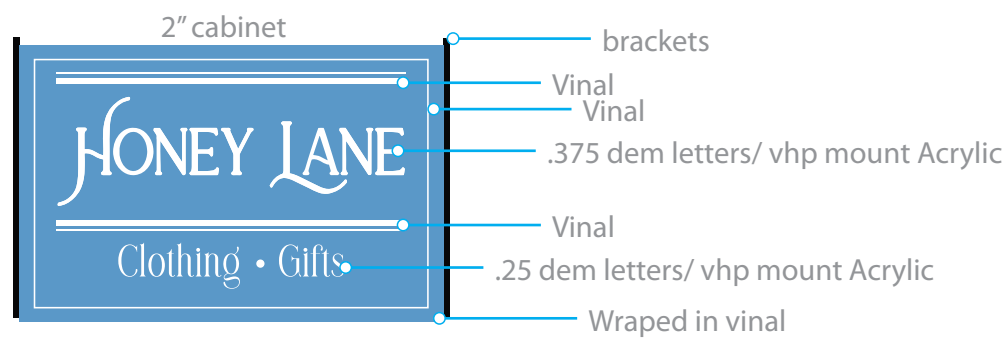
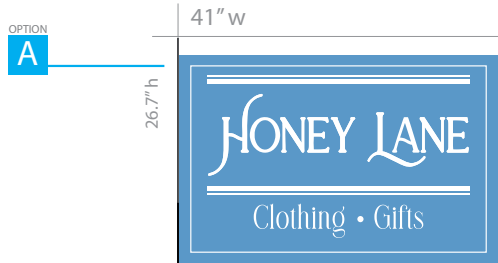
Sign dimensions: 41" x 26.7"
Sign area: 7.6 sq. ft.

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

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



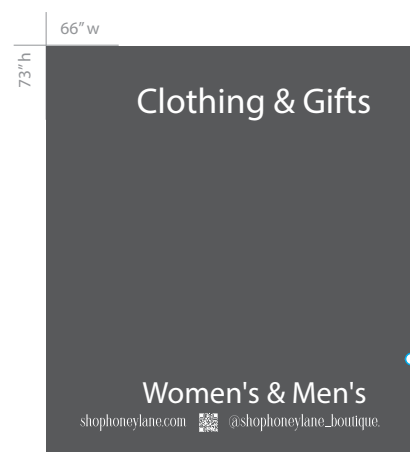
Request for license 16 Market Street



Took 5" off sign high to meet permit



.25 dem letters stud mounts Alum



HP WHITE

4199

PAGE 1 OF 2



IJ140 8508
 WHITE DEM LETTERS
 HP WHITE

APPROVED: 11-5-24
 SAIGE

FOLDER	HOMNEY LANE
SUB	001
DESIGN	HL_Portsmouhth_SETUP.ai
PRINT	HL_Portsmouhth_PRINT-04.eps
CUT	HL_Portsmouhth_CUT-03.eps
SENT	

- A- x1 Dubble sided hanging sign 41" w X 26.7" h
.375 and .25 DEM LETTERS/ vhp mount
2" cabinet
- B- .5 Dem Letters above door/ stud mount
105" w X 11" h
- C- window decals
HP White

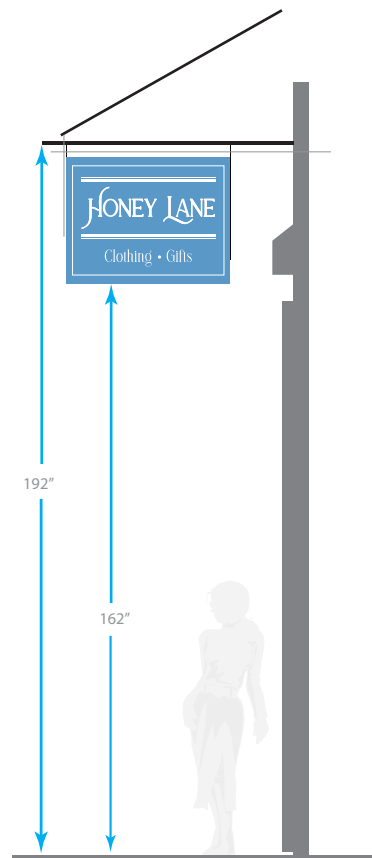
INSTALL: Allie Farren
 CONTACT: alexandrafarren7@gmail.com
 PHONE: 781-636-8839
 ADDRESS: 16 Market St Portsmouth

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Approved By: _____
 Date: _____

PLEASE CHECK FOR ACCURACY



4199

PAGE 2 OF 2



RISINGREVOLUTIONSTUDIO
signs / graphics & sculpture
207.636.7136

Lite Navy
 White
 Sky Blue
 WHITE DEM LETTERS

FOLDER	HONEY LANE
SUB	001
DESIGN	HL_Portsmouth_SETUP.ai
PRINT	001
CUT	001
SENT	

- A-** x1 Double sided hanging sign 41" w X 26.7" h
.375 and .25 DEM LETTERS
2" cabinet
- B-** Dem Letters above door
105" w X 11" h
- C-** window decals
HP White

PROJECT INFO

APPROVED: 11-5-24 SAIGE

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Approved By: _____
Date: _____

PLEASE CHECK FOR ACCURACY



December 9, 2024

Portsmouth NH City Council
C/o City Manager's Office
1 Junkins Ave
Portsmouth NH 03801

Dear Ms. Griffin,


My name is Jennie Halstead. I am the Executive Director of My Breast Cancer Support, and the Race Director of the **Celebrate Pink 5k Walk & Run**.

I am writing this letter to ask the City Council consider approval of our 17th Annual race which we propose take place on Sunday, September 21, 2025. Registration for the race begins at 7.30 am and the race will commence at 9 AM from the Portsmouth Middle School, provided state guidelines allow.

Thank you for your consideration, as well as the support you have provided for this event over the last 16 years.

Best Regards,

Jennie Halstead

Jennie Halstead
Executive Director, Survivor 

Wentworth-Douglass Hospital

Seacoast
Cancer 5K



December 10, 2024

Mr. Deaglan McEachern
Mayor of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor McEachern,

I am reaching out on behalf of Wentworth-Douglass Hospital and Conventures, Inc. to formally request permission to hold the 2025 Seacoast Cancer 5K in the City of Portsmouth on Sunday, September 14th, 2025. Upon the approval of Pease Development Authority, this event will be held in the parking lot of Wentworth-Douglass Hospital's Outpatient Center, located on Pease Tradeport, for the fourth year in a row.

The 5K walk/run will take place 9:00AM Sunday morning, with post-event festivities concluding at noon. Pending the scheduled completion of Corporate Drive, I have attached our suggested 5K route that would require the following road closures:

Corporate Drive -8:30AM-10:30AM

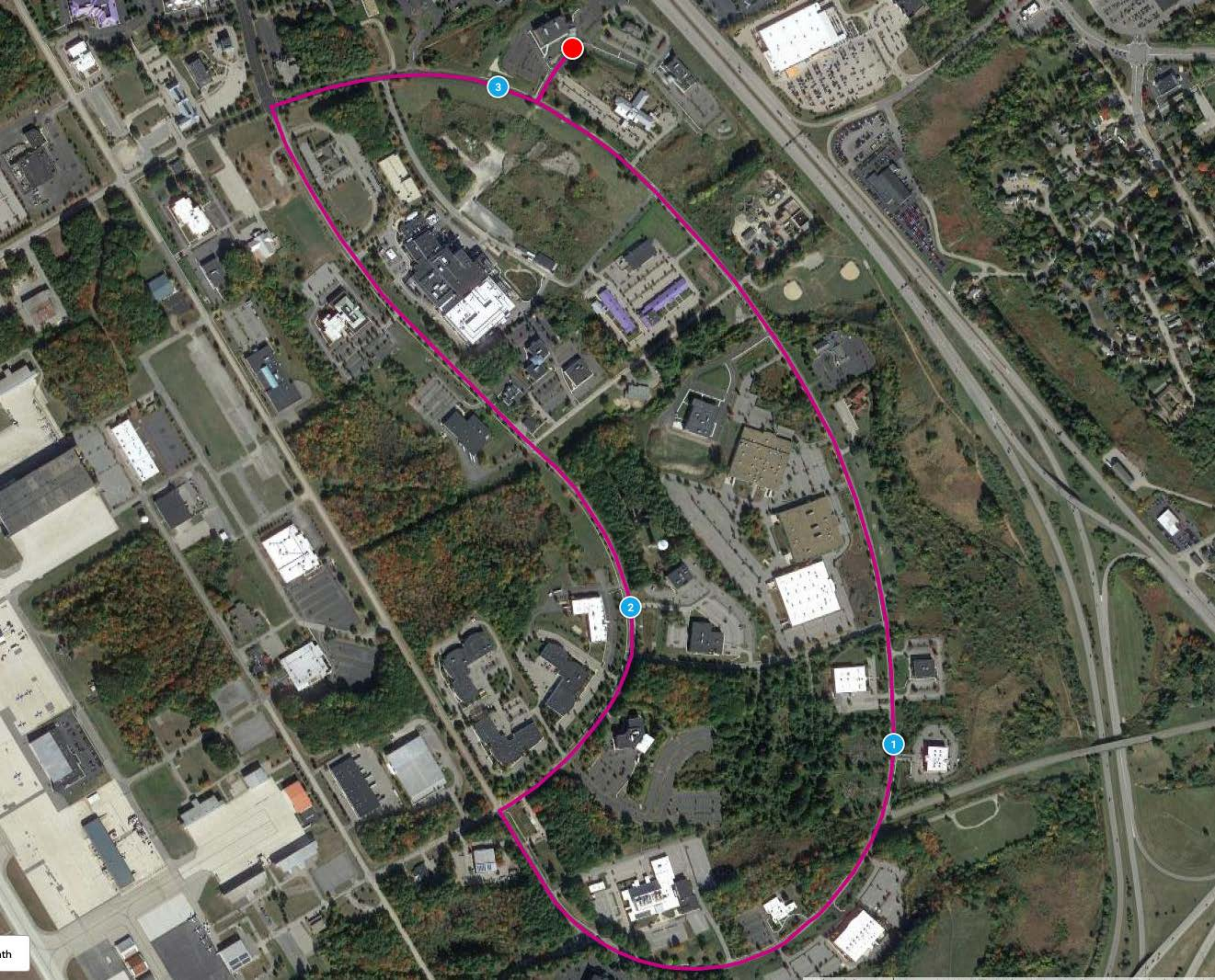
International Drive -8:30AM-10:30AM

We expect to draw a field of 2,000 participants of all ages and running abilities. Please feel free to contact me at 617-204-4234 with any questions or concerns you may have. Thank you in advance for your consideration.

Sincerely,

Annie Zampitella
Senior Account Executive, Sports Events
Conventures, Inc.

CC Judy Pinkham
Manager, Corporate Giving and Special Events
Wentworth-Douglass Hospital Foundation



City Council Email December 3, 2024 – December 12, 2024

Submitted on Tue, 12/03/2024 - 15:18

Submitted by: Anonymous

Submitted values are:

First Name

Edward

Last Name

Liggett

Email

ned.liggett@gmail.com

Address

15 Stonerow Lane
Port Matilda, Pennsylvania. 16870

Message

I visited Portsmouth on Saturday, November 23. I enjoyed some shopping and lunch at Surf restaurant. Although I thought I had paid for parking I received a violation due to no record of payment. Somehow, despite entering information for nearly 5 minutes at the parking zone I failed to click on something and my payment of \$4.25 did not register. The amount of trouble that it takes to park in Portsmouth and enter information is ridiculous to me. But that's the way parking is almost everywhere now. I'm dating myself but dropping some quarters into the meter was a lot easier. As someone that's visiting your city, I can say that it's not a friendly experience. I will not be returning to Portsmouth and spending money there in the future. Plenty of other places to visit along the coast that hopefully have an easier parking portal than the crap you guys present to the user.

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

Yes

Submitted on Tue, 12/03/2024 - 18:31

Submitted by: Anonymous

Submitted values are:

First Name

Kate

Last Name

Hatem

Email

katemph@gmail.com

Address

1 Ash Street
Portsmouth, New Hampshire. 03801

Message

Dear Councilors,

I wanted to take a moment to thank you for taking action last night to not only support the Elementary School Playground Request but offering a solution to authorize bonding earlier than requested. Giving the School Dept access to these funds in July 2025 will hopefully allow us to move the project forward sooner. For that I am so grateful. I am also glad that you were able to suggest a way to prioritize the schools while also maintaining the funds for the South Mill Playground. They are both great projects.

We have worked so hard on the playground project and have encountered nay sayers all along the way. Despite this, we have persevered. Securing those funds last night was a huge step and we are prepared to keep advocating and doing all that we can to help get this project completed. Your unanimous vote to authorize the bond for funding sends a clear message that we were so relieved to hear. We feel that you truly understood the importance of this project and your actions show that you prioritized it.

I know that you often only hear complaints and the things that you could do better but tonight I want you to hear my message of thanks and deep appreciation. As I've said before, our crusade to get the elementary playgrounds renovated started after my son broke his arm on the playground at LHS. So it's very personal to me. I look forward to the day when we can start cutting the ribbons on new, safe, and ADA compliant playgrounds in Portsmouth.

Thank you so much for your support.

With so much gratitude,

Kate Hatem

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, 12/04/2024 - 14:10

Submitted by: Anonymous

Submitted values are:

First Name

Valerie

Last Name

Rochon

Email

valerie@portsmouthnh400.org

Address

3336 Apres Ski Way, USPS 771655
Steamboat Springs, Colorado. 80487

Message

Dear Mayor McEachern, Assistant Mayor Kelley, City Councilors, and City Manager Conard,
You have all been so supportive of Portsmouth NH 400th, Inc. and our events, programs, and projects since 2021. From approving (sometimes crazy) 2023 events to allowing us access to the funds in the 400th Anniversary Trust, and to approving two new Trusts where we can continue our missions of educating Portsmouth youth in Portsmouth's heritage, supporting public art, and future anniversary celebrations, you have stood behind us. I would like to sincerely thank each of you for your support, without which we truly could not have had the successful years (2021-2024) we've enjoyed. Valerie

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

Yes

Submitted on Thu, 12/05/2024 - 14:24

Submitted by: Anonymous

Submitted values are:

First Name

Grace

Last Name

Lessner

Email

glessner@mindspring.com

Address

15 Hawthorne St
Portsmouth, New Hampshire. 03801

Message

I am a Portsmouth homeowner, former renter, and resident of the city for over 24 years. I have worked professionally for nearly a decade as a supporter of, and advocate for, the development and preservation of affordable housing in New Hampshire.

I would like to highlight two significant reasons I strongly support Portsmouth Housing Authority as the developer of the Sherburne School property into affordable housing for the residents of Portsmouth:

1. With PHA as the developer, there will be local experience, accountability, and control of the process, construction, and rent-up. This will be of great benefit to the city and its citizens, for practical and economic reasons. The city already has a strong and productive partnership with PHA on which to build additional successes. Having PHA as the developer will have a positive economic impact for the city and also will be a reinvestment in our community.

2. Importantly, Portsmouth Housing Authority demonstrated, with the Ruth Griffin Place workforce housing apartments on Court Street, that it is a highly competent, resourceful, and responsive housing developer. I am familiar with the various phases, challenges, stops and starts, and final success of the planning, construction, and opening of Griffin Place, including its financing complexities, work with key project partners, and community relations. I also have spent time in the building and know several families who live there.

I believe Portsmouth Housing Authority has proven itself to be a very competent developer and community partner, and would be the best choice as the developer for the city's much-needed and next successful housing development for our local workforce and others who so urgently need an affordable place to call home.

Thank you.

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

Yes

Submitted on Sat, 12/07/2024 - 12:04

Submitted by: Anonymous

Submitted values are:

First Name

Charles

Last Name

Turner

Email

cturner327@comcast.net

Address

368 Greenside Ave

Portsmouth, New Hampshire. 03801

Message

Mr. Mayor and City Council members,

I want to express my support for POAH to be awarded with the contract to develop the Sherburne school site. They seem to be the best choice, their plan is excellent and after the RFP and RFQ process they scored well above all of the other developers. Their plan includes rehabbing and reusing the school building and the overall size and scope of the development fits well with our community. The PHA plan does not include the school and it appears they are just looking to put buildings up that just don't fit in a single family neighborhood. My fear is that PHA will put up 1 or 2 buildings and the school will sit empty and not maintained leaving us, the residents, with an eyesore for years to come. After listening to all the points brought up at the housing committee meeting from John O'Leary and Megan Corsetti and the others, I strongly agree with them and I ask you to honor the scoring process that was put in place to seek out the best developer for the project and ask that you select POAH. It gives the city what it wants and it will beautify and improve the entry way to the neighborhood.

Sincerely,

Charlie Turner

603-396-2355

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

Yes

Submitted on Sat, 12/07/2024 - 13:11

Submitted by: Anonymous

Submitted values are:

First Name

David

Last Name

Hudlin

Email

dhudlin@hotmail.com

Address

260 miller ave
portsmouth, New Hampshire. 03801

Message

Dear Council,

I'm writing to you as a follow up from my letter to you dated 9.26.24. In that letter I outlined my concerns about the impact on residents of the, as yet, undetermined impact of the final presented valuations and the proposed new tax rate. In that letter I expressed the concern of what I predicted as a likely scenario of an average increase in residential property tax bills of 10-20% depending on valuations in relation to the reduced tax rate. Not long after my letter was submitted, the Assessor presented the Residential and Commercial assessments and the projected impacts. To no one's surprise, the results of the new city wide valuation is the same as the old valuation, and the one before that, and the one before that etc etc. It's as predictable as the setting of the sun or the rising tide. Residential assessments increased on ave 60-70%, while Commercial assessments an ave of 30-40%, with the largest segment of the commercial tax base increasing a mere 8-10%. The tax impact of these assessments, with the continuing shift of the tax burden to residents, is crushing middle class homeowners, and is not sustainable. Commercial property owners see reductions in tax bills, or negligible increases every valuation cycle, while we pick up an increasing share of the tax burden. As I mentioned previously, as residents, we have little recourse when it comes to assessments. We can question the accuracy of certain properties and whether certain factors are being applied accurately in the VGSI model. On the Commercial side, I've questioned for years the accuracy of these assessments. Without sales comps, we as residents and you as Councilors rely on the formulations of VGSI. In my opinion many of these commercial assessments are undervalued, and conversely many residential assessments are aggressive, with what appears to be a peanut butter type approach to assigning a predictable % increase across neighborhoods regardless of the nuances of individual homes. Personally, my property value increased 72% and my tax bill increased \$1,720/yr or 19.5%! Are you as Councilors concerned about this? Do you think this is inconsequential to families dealing with rising costs...food, utilities, childcare, college, car insurance, home insurance etc. It's no coincidence that since the valuation and tax rate was announced, there was a noticeable

increase in homes listed for sale.

Since you as Councilors can't influence or challenge the assessments, the one key variable that you do have control over is the City operating budget. The Mayor made the comment that the 4.5% increase was considered reasonable. That's concerning. As I stated in my previous letter, the compounding impact of YOY increases of 2-4% are crushing taxpayers. Our Budget base keeps growing exponentially. We can't continue to simply take the prior year departmental budgets as a starting point, and then negotiate a % increase. We must do what the private sector does. We do zero based budgeting and justify every line item. PRIOR YEAR'S BASELINE IS NOT JUSTIFICATION FOR THE NEW BUDGET! As stewards of our hard earned tax dollars, we expect you to scrutinize each budget submission and push departments to do the same with less, or more with the same. After the financial shock to residents from this latest tax increase, you owe it to residents to hold tax increases to zero next year, and make it standard procedure to have each department start the budget process with a mandate to hold expenses to no more than prior year spending, but with a goal of reducing expenses. We need to run the City like a business. Unfortunately, without the free market competition for services, we need the Council to act as that force, and push for cost savings wherever possible.

Thank you

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, 12/09/2024 - 14:08

Submitted by: Anonymous

Submitted values are:

First Name

Jane

Last Name

Nisbet

Email

janisbet@unh.edu

Address

139 South Street
Portsmouth, New Hampshire. 03801

Message

Yesterday, December 8th, my husband and I were walking on Little Harbor Road at approximately 3:00 in the afternoon. We heard three very loud gun shots coming from the woods adjacent to the small parking area at the end of the access road to Carey Cottage (Good Works). It was frightening. As we proceeded to the end of the road (toward the water) we saw a man in an orange vest in the woods, on the right, maybe 50 yards away. Normally, we would walk the path along the water that reconnects with the Good Works access road but we were afraid to get anywhere near the woods. Another man who had been walking the path in the woods approached us on the road and asked about the gunshots. He was unaware that hunting was allowed in the area, as were we. We walk this road and connecting paths almost every day and have never heard gunshots

before. Could you clarify for us if it is legal to hunt in that area? Also, if it is permitted, shouldn't the land be posted as such since most people believe it is safe to walk on the road and in the woods? Thank you for your attention to this matter.

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, 12/09/2024 - 14:27

Submitted by: Anonymous

Submitted values are:

First Name

Joseph

Last Name

Wentworth

Email

jawentworth11@gmail.com

Address

184 Madison Street, apt 24
Portsmouth, New Hampshire. 03801

Message

Hello I am a young professionally, who's currently lived and worked in Portsmouth for over 3 years now and I would like to voice my support for the Portsmouth Housing Authority to be awarded the Sherburne School Site for affordable housing. Finding affordable housing in Portsmouth has been a nightmare since I began working here. The majority of my fellow young professional friends have been priced out of Portsmouth and have had to move to either Dover, Rochester or other nearby towns despite working in Portsmouth and wanting to live here. Some of them have decided to abandon the seacoast all together and move to Boston due to rent cost of the two city's becoming increasingly comparable. I know many young professionals who would love to live in Portsmouth and want to be constantly supporting locally owned restaurants and stores, but are unable to afford the rising costs of rent here. I think the Portsmouth Housing group would be the most successful in developing this site to combat this affordable housing crisis in Portsmouth. I trust PHA to have Portsmouth's best interests in mind as they are run by Portsmouth Residents who have a vested interest in the city and are familiar with Portsmouth needs. They also already have a successful track record in Portsmouth with the Ruth Lewin Griffin Place Workforce Housing property downtown. I think it is also a strength of PHA that their development and property management revenue continues to be reinvested in Portsmouth to continue to grow the community and housing.

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, 12/09/2024 - 17:17

Submitted by: Anonymous

Submitted values are:

First Name

Jason

Last Name

Saunders

Email

saundersair@gmail.com

Address

406 Greenside Ave
Portsmouth, New Hampshire. 03801

Message

Council,

As a resident and concerned citizen of Pannaway Manor, I would encourage the city council to vote for the Preservation of Affordable Housing (POAH) proposal for the Sherburne Property Project. After reviewing all the proposals, the POAH's proposal not only fits best with our neighborhood, it also minimizes the severity of impact and degradation of quality of life and value that our neighborhood will incur with this project. In addition, the POAH proposal scored the best overall on the master scoresheet.

Finally, one of POAH's guiding core principles is the belief in the value of partnerships with its neighbors. This belief is not shared by the PHA, as evidenced by the disparaging and disrespectful remarks made by PHA Executive Director Craig Welch about the Pannaway Manor neighborhood and its residents.

Please vote for the POAH proposal.

Thank you for your consideration.

Jason Saunders

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, 12/09/2024 - 17:21

Submitted by: Anonymous

Submitted values are:

First Name

Cameron

Last Name

Saunders

Email

cammieroblan@hotmail.com

Address

406 Greenside Ave.
Portsmouth, New Hampshire. 03801

Message

Council Members: The development of the Sherburne School property will directly affect me and my neighborhood. Please consider my request that you choose the POAH proposal over the other 3 proposals being considered. POAH came in with the highest score, based on your own criteria. There is also the only proposal that gave any thought to our neighborhood with their objectives "Develop an architectural vision that fits into the neighborhood context and scale" and "Design a site plan that offers ample open space and amenities for both residents and the wider community". These objectives are very important to us! I have attended many of the meetings about this project and after each one, I have felt that it was an unfortunate waste of my time and energy. Rather than just continuously pushing through your own agenda, this time, it would be appreciated if you would consider those of us who will have to live with your decisions.

Sincerely,

Cameron Saunders

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, 12/09/2024 - 17:36

Submitted by: Anonymous

Submitted values are:

First Name

Hamilton

Last Name

Stevens

Email

hbrooksstevens@yahoo.com

Address

60 Martine Cottage Rd
Portsmouth, New Hampshire. 03801

Message

Do you know that the City of Portsmouth has over 60 acres of land at our DPW facility off Peverly Hill Rd. A much well suited site for our new police station for a number of reasons- growth in our Southern Rte 1 tier. Near water country which has 10 of thousands of visitors - more than downtown on a given weekend summer day - easy access to a number of routes into town, Rte 1 and downtown. Near hospital. Site is flat. The current

proposed site by City Hall should instead be set aside for its wonderful view with park benches. The City could maintain a small substation at current location and build a new less expensive station by the DPW building. Has the City considered location?

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, 12/09/2024 - 20:36

Submitted by: Anonymous

Submitted values are:

First Name

Genevieve

Last Name

Becksted Muske

Email

genbec@comcast.net

Address

9 Schurman Ave

Portsmouth , New Hampshire. 03801

Message

Once again, this council has done nothing for any of its citizens and everything for themselves and their personal agendas.

You've never once listen to the citizens of this community. And you have once again proven to me that you will continue on that journey.

Everyone of you should be ashamed of yourselves. You don't listen to us, you don't listen to advice, you don't listen to anyone.

The sad thing is everyone of you will go to bed tonight feeling justified in your actions.

Truth be told, I was not there tonight because the decisions of this council has done nothing but offend and sadden me. You should all be ashamed of yourselves, go to bed knowing that.

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, 12/11/2024 - 10:26

Submitted by: Anonymous

Submitted values are:

First Name

Nicole

Last Name

Stonerook

Email

nstonerook@sau52.org

Address

155 Parrott Ave
Portsmouth, New Hampshire. 03820

Message

Good morning!

In 8th grade science here at Portsmouth Middle School, students are creating a solution to the plastic pollution in a Shark Tank style presentation. For these presentations, I thought it would be great to have some "sharks" with billions of dollars listen to our student's pitches. With that, I wanted to invite you to be a shark and either "fund" their ideas, argue percentages, or politely say "I'm out" (this will not hinder their grade). With your help (and others), I think this will create a very fun and engaging way to present some amazing ideas from our 8th graders. You do NOT need to be a part of both days and you also do not need to stay the entire day. Please let me know if you would like to be a part of our PMS Shark Tank, I think your participation will make for a special addition. Please make note that the time slots are not the same Wednesday/Thursday. We would love to have you there! Thank you! Wednesday the 18th

8:45-9:45

10:45-11:30

11:30-12:30

12:30-1:30

Thursday the 19th

8:45-9:45

10:30-11:30

12:55-1:55

1:50-2:50

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, 12/04/2024 - 22:25

Submitted by: Anonymous

Submitted values are:

First Name

Jim

Last Name

Hewitt

Email

samjakemax@aol.com

Address

726 Middle Road
Portsmouth, New Hampshire. 03801-4867

Message

December 2, 2024

Mr. Mayor, City Councilors:

Jim Hewitt 726 Middle Road

At the last City Council meeting, I stood before the nine of you and asked if you had received a copy of my attorney's letter dated October 28 to the City Attorney requesting my attorney's fees in the amount of \$28,108.25 be reimbursed to me. My attorney had requested his letter be included in the November 18 City Council packet. His letter was not in the packet, hence the need to ask if you had seen it.

Two weeks have passed and I still don't know if you have seen his letter.

I can't say this surprises me, as it took the City's outside legal counsel over five months to get back to my attorney regarding his initial demand last May for the City to reimburse our legal fees.

Our country's founding fathers created a representative democracy form of self-government so that the people would be their own rulers. In Portsmouth, the will of the people is executed by you, their nine representatives on the City Council.

Accordingly, I wish to remind the City Council that the decision whether or not to reimburse our legal fees is not the City attorney's, it's not the City Manager's, it's not the City's insurance company Primex's, nor is it a decision for Primex's attorneys to make.

The City Council needs to make this decision.

Recall the City Council decided on December 6, 2021 to make me a Planning Board member. The City Council decided last January 16th to put me on trial for alleged acts of malfeasance while serving Portsmouth as a volunteer Planning Board member. The City Council decided last February 13th to find me innocent on all counts.

So tonight, I'll ask a different question. At a future public city council meeting, will the City Council deliberate and then vote to give us our money back?

Thank you

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

Yes

BY: EMAIL & HAND DELIVERY

December 2, 2024

RECEIVED

City Council
City of Portsmouth
c/o Karen Conard, City Manager
1 Junkins Avenue
Portsmouth, NH 03801

DEC 9 REC'D
CITY MANAGER
PORTSMOUTH, NH

RE: Release of Interest in Portion of Longmeadow Lane

Dear Ms. Conard,

I am writing on behalf of our client Jeannette McMaster, owner of the property located at 86 Farm Lane, Tax Map 236, Lot 74. On July 16, 2024, our firm submitted a request on behalf of Ms. McMaster requesting that the City release any interest it has in a portion of a paper street running now or formerly known as Longmeadow Lane. The request was referred from the City Council to the Planning Board for a recommendation. The Planning Department staff recommended to the Planning Board that the request be denied after discovering underground utilities (water/sewer) running through the subject land. Our Office subsequently requested that the Planning Board table the request before making a recommendation to the City Council to assess our Client's options.

After reviewing her options, Mrs. McMaster is renewing her request for the City to release any rights it may have in the paper street running along the westerly side of her property in exchange for her conveying a "utility easement" back to the City for the purpose of maintenance, repair and replacement of the underground utilities.

To provide a bit of background, as further detailed in the July 16, 2024 letter, Longmeadow Lane was first shown on a subdivision plan recorded in the Registry of Deeds at Plan #02160 in 1954, however since that time, the only portion of the street that has been constructed is the piece running from Woodlawn Circle to the "Betty's Dream" property located at 75 Longmeadow Lane, Tax Map 236, Lot 76. The remainder of street shown on the 1954 Plan was never constructed or paved or used for public access and consists of wooded areas, and in certain instances consists of yard area for the abutting properties, including the properties at 86 Farm Lane (236-74), 88 Farm Lane (236-75), 200 Spaulding Turnpike (237-56 & 236-73).

As described in the July 16, 2024 letter, our Client's family has owned the property at 86 Farm Lane for several decades. For as long as our client, or anyone else with knowledge of the property can remember, the westerly portion of the paper street adjacent running along her property has been fenced in integrated into her back yard.

For these reasons, our client is respectfully requesting that the City entertain entering into a formal agreement that will convey approximately 25' wide portion of the paper street that have been integrated into her back yard and provide perpetual utility easements to provide the requisite access. The area of the paper street that Janet is asking the City to release is depicted on the conceptual plan attached hereto as Exhibit A. Please note that the attached plan was created as part of a concept development plan for our client's property but is not part of any pending land use board application filed with the City.

I appreciate the Council's consideration of this request and would be happy to provide any additional information or answer any questions it has in connection with this request. We would respectfully request that the Planning Board place this back on its agenda for its next meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew J. Cowan".

Matthew J. Cowan, Esq.
Derek R. Durbin, Esq.



CITY OF PORTSMOUTH CITY COUNCIL POLICY No. 2024- _____

VOLUNTEER TRAINING AND STANDARDS OF CONDUCT AND ETHICS POLICY

1. **PURPOSE**

As part of its commitment to open government and citizen engagement, the City of Portsmouth has established boards, commissions, and committees to provide expert and/or community advice to the City Council and City Staff on a variety of topics, issues, and initiatives. The City of Portsmouth provides essential services upon which individuals and businesses rely daily. The successful delivery of those services requires the best efforts of both elected and appointed City Officials and volunteer board, commission, and committee members. Consequently, your reliability, your ability to interact respectfully and successfully with each other, the public and staff, and your attention to your assigned duties are critically important. This Policy provides a standard of conduct framework for the completion of these assigned duties and respectful interactions. Failure to meet these standards is cause for concern, discipline, and possible removal, in addition to any penalties that may be applicable pursuant to State and Federal law.

2. **SCOPE**

This Policy applies to all elected and appointed officials, including volunteer members of the boards, commissions, committees, Blue Ribbon committees, advisory committees, and any task force established by the City.

3. **POLICY**

To meet the high standard of performance and conduct the City expects, this Policy provides both general and specific guidance to help you succeed and to promote consistency in expectations. Generally, elected and appointed officials and volunteers of the City are expected to maintain common standards of honesty and decency expected of its staff as set forth in the City's Standards of Conduct and Code of Ethics Policy, which forms the basis for this Policy.

To provide additional guidance, the following specific areas of conduct are called out for attention below. In addition, the City has adopted detailed, specific policies concerning some areas of conduct and those more specific policies will govern.

A. **Absenteeism, Tardiness and Attendance:** Any expected absence or lateness should be reported to the Chair of the group meeting as soon as possible. Elected and appointed City Officials and volunteer board, commission, and committee members are also subject to the attendance requirements and appointment, tenure and removal provisions of Chapter 1, Article III, Section 1.302 of the City ordinances.

B. **Confidentiality and Non-Disclosure:** As part of your duties, you may learn confidential information which may include personnel and individual protected health information, privileged and confidential legal opinions, security related strategies, and confidential financial information. You have an obligation to keep such information secure and to follow any policies that may be in place to protect that information from disclosure. New Hampshire's Right-to-Know Law, RSA 91-A, governs the procedures for conducting non-public sessions of public bodies and the confidential nature of those sessions. This is discussed in more detail in the Volunteer Training Manual and will be reviewed during the mandatory volunteer Orientation and Training.

C. **Courtesy, Respect and Professional Conduct:** Generally, elected and appointed officials and volunteers of the City are expected to behave courteously and professionally and to maintain common standards of honesty and decency.

D. **Honesty:** Elected officials and volunteers are expected to be truthful and to maintain public records accurately and in accordance with the law. You may not promise special favors to anyone or receive special consideration from anyone in exchange for an official act.

E. **Drug Free:** City property is a drug-free zone and alcohol-free location by Ordinance. Bringing, possessing, or using alcoholic beverages or illegal drugs or being under the influence of or testing positive for these substances on City property or while acting in an official capacity may result in discipline, removal or criminal charges.

F. **Non-Discrimination and Anti-Harassment:** See separate Non-Discrimination and Anti-Harassment Policy on this topic. This policy applies to all elected and appointed City Officials and volunteers by adoption of this Policy.

G. **Safety:** All elected and appointed officials and volunteers are encouraged to help to maintain a healthy and safe work environment. Any unsafe condition or any accident can be reported to the Chair of their committee or to the City Manager's Office.

H. **Telephone, Facsimile, Computer, E-Mail, and Copier Usage:** See separate Non-Discrimination and Anti-Harassment Policy on this topic. This policy applies to all elected and appointed City officials and volunteers by adoption of this Policy.

I. **Theft, Destruction or Unauthorized Use of City Property.** Elected and appointed officials and volunteers shall be permitted to use and remove City property with permission of the Chair of their Committee or the City Manager. The City

reserves the right to search and inspect City property. Misappropriation or misuse of City property may subject elected and appointed officials and volunteers to discipline, removal or penalties applicable through State or Federal law.

J. Conflict of Interest: Chapter 1, Article VIII, Sections 1.801 through 1.807 of the City of Portsmouth Ordinances sets forth a Code of Ethics applicable to all City employees and City officials, elected and appointed. That Code of Ethics defines and prohibits conflicts of interest. Conflicts of interest jeopardize the confidence the public has in government and are to be avoided.

K. Volunteer Orientation and Training: The City will coordinate and provide Orientation and Training for all Board members prior to their first meeting. Board member participation in this Orientation and Training is mandatory and a prerequisite to participating in any Board meetings. The Orientation and Training will include the distribution and review of the City's Board, Commission & Committee Handbook for Volunteers ("Volunteer Handbook"), and information regarding the following topics:

- i. A general overview of the City's governance structure;
- ii. Information regarding the Board's purpose and function, including the role of the Board and its relationship with the public, other Boards, City Staff and the City Council;
- iii. Meeting Rules and Procedures, which will including but not limited to:
 1. Attendance
 2. Quorum
 3. Role of Chair
 4. Role of City Council Liaison
 5. Role of Staff Liaison
 6. Meeting Rules and Procedures, including compliance with Roberts Rules and Confidentiality
 7. Review of applicable City ordinances and other City policies (Non-Discrimination and Anti-Harassment, Acceptable Use for Electronic Media, Social Media, and any other policy approved and required by the City Council) and compliance with New Hampshire's Access to Governmental Records and Meeting Law, RSA 91-A (Right-to-Know law)
 8. Discussion of consequences of Board Member's failure to comply with Board Rules and Procedures, City ordinances, City policies and State and Federal laws
- iv. Mandatory Board member participation in Orientation and Training to provide guidelines on good government practices, and acknowledgement of review and receipt of Volunteer Handbook and City policies.

- v. Specialized training may be provided to Board Chairs, as needed
- vi. Specialized training will be provided to Land Use Boards on quasi-judicial procedures and relevant state law.

The City acknowledges citizen participation as an important ingredient to delivering top-quality public services and further acknowledges the dedication and commitment of each Board member and value their contributions to City government.

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

Adopted by the Portsmouth City Council on _____.

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

**BOARD, COMMISSION &
COMMITTEE HANDBOOK
FOR VOLUNTEERS**



Revised: 11/26/24

INTRODUCTION

Without the dedication of the many volunteers who serve and contribute countless hours as board, commission, and committee (collectively “Boards” or “Board”) members, the City would be unable to function. These volunteers help make the City of Portsmouth a great place to live, work, and play.

Citizen knowledge, interest and action are important ingredients to the delivery of top-quality public services. More than ever, citizen participation is playing an important role in local government. The richness that comes from citizens serving on City Boards is one of the things that makes Portsmouth exceptional.

The City has established Boards to advise and assist the City Council in dealing with specific projects, policies, and issues of concern. Boards play an integral and important role in the City's decision-making process. The City benefits from the expertise of the dedicated individuals that make up these Boards.

Being a member of a City Board requires work and commitment, and it is hopefully a very rewarding experience. It offers a means to participate in community affairs, to work with interesting people, and an opportunity to help shape City policy.

This handbook has been prepared to:

1. Outline the role and function of City Boards;
2. Review important guidelines for all Boards;
3. Provide information about the history and composition of the City’s organizational structure; and
4. Provide members with the information necessary to understand areas of responsibility for their respective Board and their role in serving their Board and the City.

CITY ADMINISTRATION

Board members need to be familiar with the City’s organization and develop an understanding of City departments and their operations. The easiest way to do this is to review the organizational chart attached.

RELATIONSHIPS

Relationship with the City Council

A good relationship with the City Council is essential. The primary responsibility of City Boards is to advise and make recommendations to the City Council. Boards are responsible for providing additional avenues of communication for the general public. As they provide their recommendations to the City Council, Board members should keep in mind that no Board has the final authority to establish City policy or administrative direction. It is the City Council's role to receive the recommendations made by the Boards and to consider them as part of its decision making. Regardless of one’s individual position, it is helpful for a Board member to understand that the policy decisions of the City Council are final once they are made.

Official communications with the City Council should be in written form, or by public report, from the entire Board. Communications will then be forwarded through the Staff Liaison to the City Council and the City Manager. The role of Staff is typically to *communicate* the position of the Board rather than to *advocate* for it. Whenever a Board has an item before the City Council, the Chair or a representative of the Board is not usually required to attend the Council meeting, but is encouraged to be present to speak about the issue or answer questions, especially when Staff recommendations differ from those of the Board. Staff will indicate in the agenda report if Staff recommendation differ from the recommendations of the Board.

When a Board member addresses the City Council at a public meeting, it should be made clear whether or not he/she is speaking on behalf of the Board or as an individual. If the member is speaking on behalf of the Board (normally this would be the Chair or Vice Chair), only the majority position of the Board should be advocated. If

the member is expressing his/her own personal viewpoint on a particular subject, it should be stated as such.

Board members assist the City Council and Staff by:

1. Focusing attention on specific issues of community concern;
2. Encouraging citizen participation and involvement in the ongoing management of their community;
3. Providing a grass roots perspective on issues of importance; and
4. Making recommendations considering citizens' input and perspective.

Citizens seeking to provide comment at Board meetings on non-agenda items should be directed to do so during public comment at those meetings, or at City Council meetings so that the City Council is aware of citizens' concerns. The Council may refer items back to the Board for greater policy development.

Generally, Roberts Rules of Order are followed for Board meetings and the Chair has some discretion in running meetings. Fairness is very important. (If a Board allows public comments on agenda items, then it should be very judicious in doing so, similar to the City Council rule of three minutes.) A few sample motions are provided below:

<u>You Want to</u>	<u>You say</u>	<u>Interrupt</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Enforce Rules	Point of Order	Yes	No	No	No	None
Suspend Rules	Move to suspend Rules	No	Yes	No	No	2/3 vote
Make a Motion	I move	No	Yes	Yes	Yes	Majority
Amend a Motion	I move to amend	No	Yes	Yes	Yes	Majority
Postpone	I postpone to time certain	No	Yes	Yes	Yes	Majority
Close debate	Move the Question	No	Yes	No	No	2/3 vote
Take a break	Move to recess	No	Yes	No	Yes	Majority
Close meeting	Move to adjourn	No	Yes	No	No	Majority

Relationship with City Staff

Staff Liaisons to Boards are valuable resources. They do research and provide relevant information that enhances the Board's ability to get things done. Staff are available to answer questions and follow-up on items brought before the Board. Members should be aware of the time involved on the part of Staff in preparing studies and reports and should make sure that all requests to Staff are consistent with the Board's approved role.

Board members may not direct Staff to initiate major projects without approval from the City Council or City Manager, and individual members may not direct Staff to initiate any program or study. In addition, members should not become involved in the operational matters of City departments unless part of Board's advisory responsibility (e.g. the Library Board of Trustees). For more information about the powers and duties of the Portsmouth Library Board of Trustees, please see the Trustee section of the Library website at: <https://www.cityofportsmouth.com/library/library-trustees-board>.

Relationship with Fellow Board Members

Cooperation among fellow Board members plays an important role in the successful efforts of City Boards. In order to build consensus around common goals and objectives, members should first show a willingness to define the issues at hand and then work to reconcile opposing viewpoints. When members interact positively, the group as a whole will be more effective. Important points to keep in mind in working with other members are:

1. Respect an individual's viewpoint, even though it may be different from your own;
2. Allow other members adequate time to present their views before making comments;
3. Be open and honest;
4. Welcome new members and help them become acquainted with the Board; and
5. Accept responsibility, voice opinions, be fair and factual.

Relationships with the Public

Good relations with the public are vital for all City Boards. In many cases each Board serves as a link between the City Council and the public, helping to inform the public, to reconcile opposing viewpoints, and to explain City programs and policies. Members should welcome citizen input at meetings and be considerate of all interests, attitudes, and differences of opinion. Each Board provides a channel for citizen expression by listening to comments, opinions, and concerns from the public. Therefore, it is important to be responsive and in tune with the community.

Relationship with Other Boards

From time to time, an issue will come before the City that involves two or more Boards. When this occurs, each Board should focus on their own advisory responsibilities, not on areas that are under the jurisdiction of the other Board. The responsibilities of Boards are, at times, very close to one another, and care should be taken to avoid overlapping to the greatest degree possible. For example, the Conservation Commission, Trees and Greenery Committee and Recreation Board can all easily become involved in the consideration of a single project around parks. This can get confusing, and it is often difficult to resist getting involved in decisions that are the responsibility of another Board. On a particularly complex project, or when members' objectives contradict one another, it may be appropriate to have joint meetings to improve communication to facilitate a mutual understanding of the issues.

Business Relationships

Members of Boards may not participate in a discussion or vote if they have a direct financial interest in the vote to be taken (such as a contract). For more information, See Volunteer Training and Standards of Conduct and Ethics Policy.

APPOINTMENT PROCESS & EXPECTATIONS

Board Member Requirements and Appointment Process

Members of almost all City Boards must be residents of the City of Portsmouth. Interested applicants apply for an appointment to a specific Board. Appointments are made by the Mayor and confirmed by the City Council.

Oath of Office

Every officer of the City, including members of City Boards, may be required to take an oath of office administered by the City Clerk.

Training for Board Members

Continuing education to further one's knowledge of the various issues that face New Hampshire municipalities is essential to serving the public interest. Board members are encouraged to attend conferences and workshops, read relevant publications, and utilize other opportunities for personal and professional training that will bring new ideas into the community. New Board members will be required to participate in member orientation and training. Failure to complete this orientation and training will result in the member's inability to begin his/her term and participate in meetings. Land use board members may be required to attend specialized training during their term.

General Guidelines for Board Members

The Council encourages active citizen participation in the business of City government. Boards provide an opportunity for interested residents to participate in the governing of their community under guidelines and procedures established by the Council. Boards can improve the quality of City government by providing the Council with resources to make better-informed decisions. Other benefits of these Boards include improved lines of communication between the public and Council, greater opportunities for discussion of public issues and more citizen involvement in City government.

Appointment to a City Board is an honor. It provides an opportunity for genuine public service. Each Board member should be aware of the responsibilities that go along with officially serving the City. The specific duties of each Board vary with the purpose for which it was formed.

There are, however, many responsibilities common to all Board members:

1. Understand the role and responsibility of the Board. Be informed of its functions, scope and authority and relationship to other Boards;
2. Represent the overall public good, not the exclusive point of view of a sole group or interest;
3. Keep all lines of communication open. Each member serves as a communication link between the community, the City Council, and Staff;
4. Do your homework and be prepared. Members should become familiar with items under consideration prior to meetings in order to be fully prepared to discuss, evaluate, and act on matters scheduled for consideration. Reviewing the materials in your agenda package in advance of each meeting is crucial. It will give you a sense of the potential impacts that recommended actions may have on the community, and any potential issues surrounding those actions. Not being prepared hinders a Board member's ability to represent your community, make informed decisions, and explain your position with confidence. Feel free to seek Staff's advice and assistance in advance of a meeting;
5. Ask questions in advance. If you have a question about a matter that is not on the agenda (or perhaps it's regarding an agenda item but it relates to technical details), contact the Board Chair or Staff Liaison before the meeting. If you ask your questions during the meeting without prior notice, Staff may not have the resources on hand to provide a clear and concise answer. Asking questions in advance of the meeting will provide Staff with the necessary time to do their homework and better prepare for the conversation;
6. Be a participant, an active representative, and be enthusiastic. If you are not able to attend the meeting, or must attend via Zoom or Teams, please let your Staff Liaison or the Board Chair know in advance. Board members are reminded that physical attendance is vital to ensure a quorum during meetings. Without a quorum, the Board is unable to have an official meeting and cannot pass recommendations to Council or Staff. Specific attendance requirements, along with provisions regarding the appointment, tenure and removal of Board members are set forth in Chapter 1, Administrative Code, Article III, Boards, Section 1.302, Appointments, Tenure and Removal. For City Ordinance: <https://www.cityofportsmouth.com/cityclerk/city-ordinances;>
7. Establish a good working relationship with fellow Board members, the City Council, and your Staff Liaison; and
8. Understand the scope and authority of your Board's responsibility and strive to work within that scope.

Being appointed as a Board member by the City Council carries with it a significant responsibility. As an "ambassador" of the City, the City Council expects that you will conduct yourself with politeness and courtesy with the public and Staff and whenever in the public eye. Yours is a position of service that is charged with maintaining the public trust. It is important that you do not abuse that trust.

MEETINGS

Attendance

Regular attendance at meetings is critical to the effective operation of City Boards. Therefore, all members are expected to attend all of their Board meetings, including work sessions. If you are unable to attend a meeting, call your Chair or Staff Liaison prior to the meeting.

Quorum

A quorum is a simple majority of the voting members of a Board physically present at the meeting and is necessary to pass any motions. In the event of a lack of quorum, or if quorum is lost during a Board meeting, the Board's official business will cease.

Role of the Chair

The principal role of the Chair is to manage the Board meeting. This includes helping to set meeting agendas, maintaining the order of business during the meeting, focusing discussion on the issues at hand, and ensuring that the public appearing before the Board are treated courteously. The Chair must make certain that discussions do not get sidetracked. Duties of the Chair also include review of the agenda with the Staff Liaison before the meeting, representing the body at City Council and community group meetings.

Role of the Staff Liaison

Boards are often assigned a Staff Liaison to provide information, professional or technical advice and support as required. A Staff Liaison will support the Chair in their facilitation of Board meetings, including the wording of motions and determining next steps on various agenda items.

Role of the Staff Liaison or Secretary

Boards often assign a Secretary or Staff Liaison to help with administrative tasks. These tasks typically include:

- Attending meetings and recording minutes;
- Operating Zoom or Teams during a meeting;
- Preparing and distributing minutes to Board members;
- Posting agendas and minutes to the City's website (through the Staff Liaison);
- Maintaining the Board member contact list; and
- Coordinating various meeting logistics including room bookings and public notices of Board meetings (through the Staff Liaison).

Role of the City Council Liaison

A City Council Liaison may be appointed to your Board as a voting or non-voting member. A voting City Council Liaison serves as a full member of the Board.

The City Council Liaisons serve as a communication channel between the City Council and the Board to deliver information, both to and from the City Council, and to provide clarification as required. A Council Liaison's role is not to assess or align with the decisions of the Board, but to act as a conduit of information.

Open Meetings

Effective citizen oversight of the workings of government is essential to our democracy and promotes confidence in it. Public access to meetings of governmental bodies is a vital aspect of this principle. Please consider reading New Hampshire's Access to Governmental Records and Meeting Laws

(<https://www.gencourt.state.nh.us/rsa/html/indexes/default.aspx>) It offers explanations of some of the

fundamental principles in New Hampshire Open Meetings Law, and answers questions that arise on a regular basis.

City Boards are public bodies under the Right-to-Know law and are therefore held to the same standard of transparency as City Council meetings. As such, Board meetings are open to the public, unless the meeting has been closed as part of consultation with the Legal Department on matters that are allowed under state law.

Notification of Board meetings is posted in two locations at public notice posting places as defined through state law, which are often the bulletin board in the City Hall foyer and the City's website.

COMPLIANCE WITH CITY POLICIES

Board members interact with members of the public, other members and City Staff. The City has established several policies, more fully described and incorporated by reference below, that you are required to abide by during your term. Prior to your term beginning, you will be required to review this Volunteer Handbook and acknowledge that you have reviewed and will abide by these policies as a condition of being a member of a City Boards. Failure to sign off on these policies will result in your inability to begin your term and participate in meetings.

Volunteer Training and Standards of Conduct and Ethics Policy

All Board members are required to be familiar with and comply with the City's Volunteer Training and Standards of Conduct and Ethics Policy which provides standards for performance of your duties and standards of conduct that require respectful interactions with each other, the public and Staff. The City's Volunteer Training and Standards of Conduct and Ethics Policy is incorporated herein and requires your review and signature through the City's PowerDMS system, which will be your acknowledgment that you have reviewed and will abide by this policy as a condition of being a member of a City Board.

In addition to the Volunteer Training and Standards of Conduct and Ethics Policy, all Board members are subject to the City's Code of Ethics and Conflict of Interest ordinance set forth in Chapter 1, Administrative Code, Articles VIII, Code of Ethics, and some members are subject to Article IX, Conflicts of Interest/Mandatory Financial Disclosure <https://www.cityofportsmouth.com/cityclerk/city-ordinances>

Non-Discrimination and Anti-Harassment Policy

All Board members are required to be familiar with, and comply with, the policy of the City of Portsmouth prohibiting sexual (or other forms of unlawful) harassment in the workplace. The City's Non-Discrimination and Anti-Harassment Policy prohibits harassment of any kind and requires reporting incidents of harassment and discrimination. The City's Non-Discrimination and Anti-Harassment Policy is incorporated herein and requires your review and signature through the City's PowerDMS system, which will be your acknowledgement that you have reviewed and will abide by the policy as a condition of being a member of a City Board. The references to "employees" shall include Board members and the reference to "supervisors" shall include the Chair of the Board. However, all questions and reports relative to violations of the City's Non-Discrimination and Anti-Harassment Policy (Reporting Procedures and Investigations) should be made to the Director of Human Resources or the Legal Department, not the City Manager's office.

Acceptable Use Policy for Electronic Media

The City encourages the use of technological resources and computing systems "electronic media" and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the City, including Board members, should remember that electronic media and services provided by the City are City property and their purpose is to facilitate

and support City business. The City's Acceptable Use Policy is incorporated herein and requires your review and signature through the City's PowerDMS system, which will be your acknowledgment that you have reviewed and will abide by the policy as a condition of being a member of a City Board.

Social Media Policy

Social media consists of networks and online publications that enable individuals and groups to communicate between and among one another for different purposes (e.g. Facebook, Twitter, LinkedIn, YouTube, blogs, etc.). The City of Portsmouth uses various social media in order to reach out to the public and educate individuals on certain events, activities, awards, and other news releases.

The City does not provide social media platforms for Board members to communicate amongst one another, to Staff or to members of the public. When using social media posts, and other online interactions ("electronic communication") regarding matters before their Board, members are reminded that although they are not acting on behalf of their Board, they should maintain a standard of professional and respectful communications in all their public electronic communications. When posting to public pages, members should be mindful of their responsibilities under the Non-Discrimination and Anti-Harassment, Volunteer Training and Standard of Conduct and Ethics Policies described above.

Expressing opinions on social media or engaging in contentious public online discussions can lead to perceived or actual conflicts of interest for some Boards with quasi-judicial roles. Posts on various social media sites have been the focus of court cases here in New Hampshire where conflicts arose, and decisions were overturned because someone posted something on a social media platform. If you choose to use social media, please do so with caution.

Adherence to City Council Policy

Board members should not approve projects that violate adopted City policies. Members can make recommendations to the City Council about exceptions to a City policy and can also recommend policy changes when appropriate.

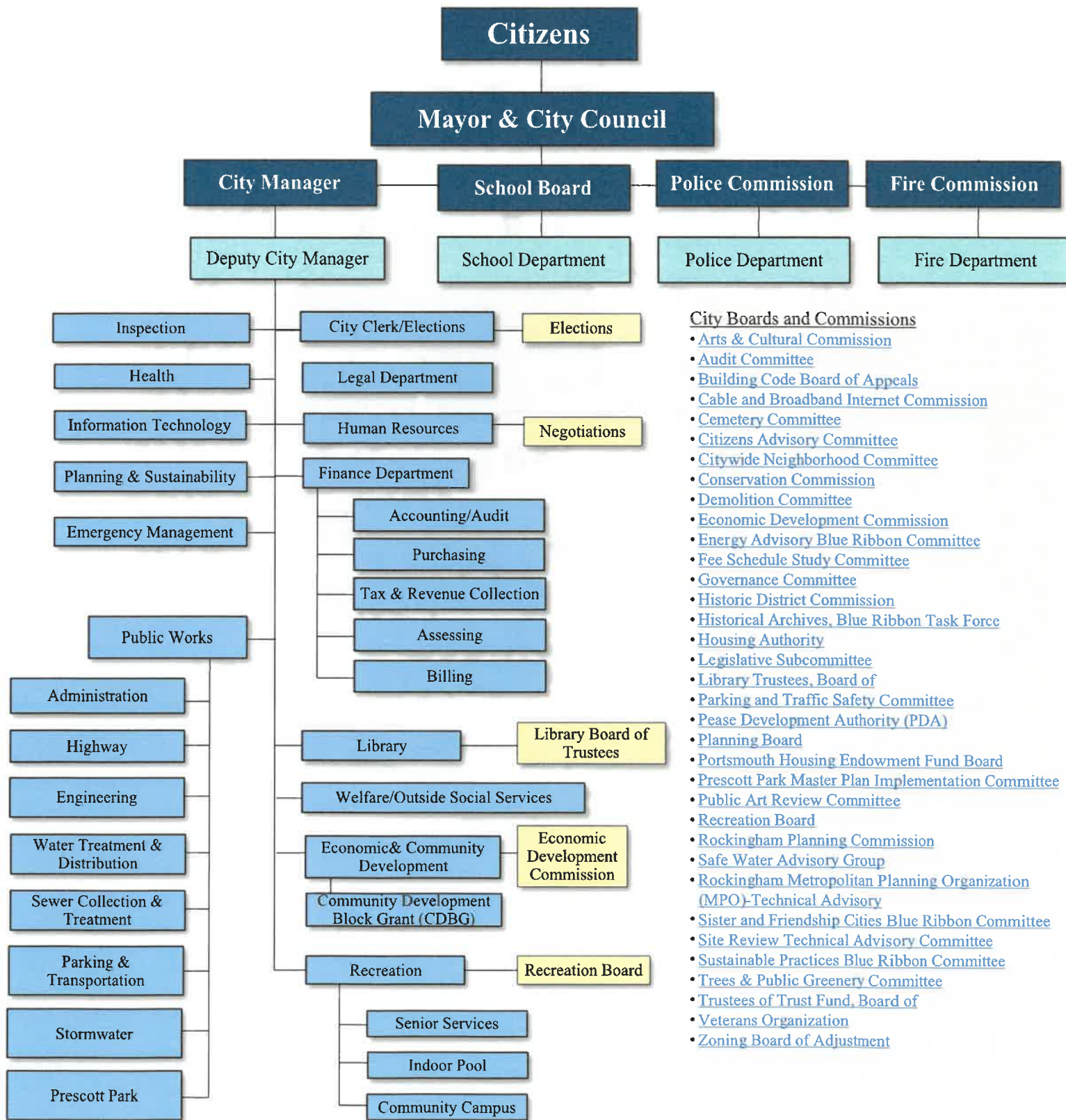
Open Records

Meaningful access to public records plays a vital role in facilitating government oversight. All communications to City Staff and to elected officials are subject to Right-to Know requests. Please review New Hampshire's Access to Governmental Records and Meetings Law, link to NH RSA (<https://www.gencourt.state.nh.us/rsa/html/indexes/default.aspx>) for more information.

VIOLATIONS OF CITY POLICIES AND BOARD RULES AND PROCEDURES

A member's failure to adhere to City policies and Board rules and procedures can create a lack of trust in City government and hinder the effectiveness of the Board's work. It may also subject the decisions of the Board to legal challenges. A Board member's failure to adhere to these policies, rules and procedures could negatively influence a member's reappointment or change in role from alternate to permanent member and may be grounds for removal.

City of Portsmouth, New Hampshire Citywide Organizational Chart



- City Boards and Commissions**
- [Arts & Cultural Commission](#)
 - [Audit Committee](#)
 - [Building Code Board of Appeals](#)
 - [Cable and Broadband Internet Commission](#)
 - [Cemetery Committee](#)
 - [Citizens Advisory Committee](#)
 - [Citywide Neighborhood Committee](#)
 - [Conservation Commission](#)
 - [Demolition Committee](#)
 - [Economic Development Commission](#)
 - [Energy Advisory Blue Ribbon Committee](#)
 - [Fee Schedule Study Committee](#)
 - [Governance Committee](#)
 - [Historic District Commission](#)
 - [Historical Archives, Blue Ribbon Task Force](#)
 - [Housing Authority](#)
 - [Legislative Subcommittee](#)
 - [Library Trustees, Board of](#)
 - [Parking and Traffic Safety Committee](#)
 - [Pease Development Authority \(PDA\)](#)
 - [Planning Board](#)
 - [Portsmouth Housing Endowment Fund Board](#)
 - [Prescott Park Master Plan Implementation Committee](#)
 - [Public Art Review Committee](#)
 - [Recreation Board](#)
 - [Rockingham Planning Commission](#)
 - [Safe Water Advisory Group](#)
 - [Rockingham Metropolitan Planning Organization \(MPO\)-Technical Advisory](#)
 - [Sister and Friendship Cities Blue Ribbon Committee](#)
 - [Site Review Technical Advisory Committee](#)
 - [Sustainable Practices Blue Ribbon Committee](#)
 - [Trees & Public Greenery Committee](#)
 - [Trustees of Trust Fund, Board of](#)
 - [Veterans Organization](#)
 - [Zoning Board of Adjustment](#)

Last Reviewed: 1/4/2021
Effective: 4/1/1993
Revised: 3/6/2014, 12/17/2020
Primary Approver(s): City
Manager

City of
PORTSMOUTH
New Hampshire



Page: 1 of 4

TITLE: *Non-Discrimination and Anti-Harassment Policy – City Policy #28*

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

1 PURPOSE

The City of Portsmouth (“City”) will not tolerate any form of discrimination and harassment, including sexual harassment. The purpose of this policy is to affirm the City’s commitment to these important goals, provide guidance to prevent unlawful conduct, describe the means of reporting complaints and concerns, and to identify consequences. Adherence to this policy will promote a productive, safe and professional organization in which all persons are treated with fairness and respect.

Employees with any questions about this policy should not hesitate to contact their supervisor or the Human Resources Department.

2 SCOPE

This policy applies to all departments and divisions. It applies to all employees, full and part-time, as well as all interns (collectively “employees”). This policy covers employees’ interactions with each other as well as with the public, vendors and contractors. Employees shall not engage in discriminatory or harassing conduct and equally as important, employees shall report discriminatory or harassing conduct regardless of whether that conduct is committed by a co-worker, member of the public, vendor or contractor so that the issue may be addressed promptly.

3 DEFINITIONS

Discrimination: For the purposes of this policy, discrimination means conduct that is based upon an individual’s protected status (as defined below) and that: adversely affects a term or condition of the individual’s employment; is used as the basis for or a factor in decisions affecting the individual’s employment; or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Harassment: Harassment is a form of discrimination and includes unwelcome verbal, written, physical, or non-physical conduct that is based on a person’s protected status that has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment or otherwise negatively affects an individual’s employment opportunities or benefits. Harassment is a form of discrimination, and can take many forms.

Protected Status: A personal characteristic including race, color, religion, disability, age, sex (including pregnancy), religion, national or ethnic origin, citizenship, protected veteran status, marital status, sexual orientation, gender identity or expression, genetic information, or any other

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Manager



Page: 2 of 4

TITLE: *Non-Discrimination and Anti-Harassment Policy – City Policy #28*

characteristic protected by law. Protected status is sometimes referred to as “protected class” or “protected category.”

4 DISCRIMINATION AND HARASSMENT PROHIBITED

The City expressly prohibits any form of unlawful harassment or discrimination based on an individual’s protected status. Employees shall not engage in discriminatory or harassing conduct against any person, whether a co-worker, intern, member of the public, vendor or contractor.

The conduct prohibited by this policy, whether verbal, written, physical, or visual, includes any discriminatory employment action and an unwelcome conduct that is inflicted on someone because of that individual’s protected status. Among the types of conduct prohibited by this policy are epithets, slurs, jokes, negative stereotyping, intimidating acts, and the circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status whether that posting is physical or done through social media or other electronic means. The City prohibits that conduct in the workplace, even if the conduct is not sufficiently severe or pervasive to constitute unlawful harassment.

5 SEXUAL HARASSMENT

Sexual harassment, as a form of harassment, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical and non-physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a condition of employment;
- Submission to or rejection of such conduct is used as a basis for any employment decisions affecting the person involved; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

This policy prohibits sexual harassment regardless of whether it rises to the level of unlawfulness. Sexual harassment can occur between members of the same sex as well as different genders. Sexual harassment includes preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct.

Examples of sexual harassment forbidden by this policy also includes, but is not limited to: (1) offensive sex-oriented verbal kidding, teasing or jokes; (2) repeated unwanted sexual flirtations, advances or propositions; (3) verbal abuse of a sexual nature; (4) graphic or degrading comments about an individual’s appearance or sexual activity; (5) offensive visual conduct, including leering, making sexual gestures, the display of offensive sexually suggestive objects or pictures, cartoons or posters; (6) unwelcome pressure for sexual activity; (7) offensively suggestive or obscene texts, emails, letters, notes or invitations; or (8) offensive physical contact such as patting, grabbing, pinching, or brushing against another’s body.

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Manager

City of
PORTSMOUTH
New Hampshire

The seal of the City of Portsmouth, New Hampshire, is circular and features a central figure of a ship on the stocks. The text around the seal reads "CITY OF PORTSMOUTH, NEW HAMPSHIRE" at the top and "INCORPORATED 1726" at the bottom. The words "SETTLED 1623" are also visible within the seal's border.

Page: 3 of 4

TITLE: *Non-Discrimination and Anti-Harassment Policy – City Policy #28*

6 EMPLOYEE AND SUPERVISOR RESPONSIBILITIES

All employees are responsible for keeping the work environment free of harassment and discrimination. This means encouraging respect and fairness and avoiding the encouragement of actions that could be perceived as discriminatory or harassing. Employees are responsible for reporting incidents of harassment and discrimination as described in Paragraph 7.

Employees in a supervisory role have heightened obligation. If a supervisor observes or receives information regarding an actual or alleged incident of harassment or discrimination, the supervisor shall take immediate action to stop it, whenever possible or appropriate, and is obligated to report the incident using any of the options identified below in Paragraph 7. The supervisor shall take further prompt effective measures to ensure that no further apparent or alleged harassment or discrimination occurs pending completion of any investigation, in consultation with the Human Resources Director and the City Manager as appropriate. For example, it may be appropriate to place an employee against whom a harassment allegation has been made on administrative leave with pay pending the conclusion of the investigation. Any supervisor who is made aware of harassment or discrimination and fails to report it may be subject to disciplinary action, up to and including termination of employment.

Nothing in this Policy prohibits employees from affirmatively speaking with their co-workers about behavior, jokes, comments or other acts that they find uncomfortable or concerning if that employee is comfortable doing so in furtherance of educating their co-workers, but there is no requirement to do so.

7 REPORTING PROCEDURES AND INVESTIGATION

By Employees: Complaints of discrimination or harassment of any type shall be reported immediately to any of the following: a supervisor, the Director of Human Resources or the City Manager. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or engaging in the discriminatory conduct.

By Supervisors: Supervisors who become aware of harassing conduct and/or a complaint of harassment of any type shall report the conduct and/or complaint immediately to the Director of Human Resources or the City Manager.

Any complaint of discrimination, whether reported by an employee or received from a member of the public, vendor or contractor, will be investigated and appropriate action will be taken depending on the nature and severity of any proven incident. Investigations will be conducted as discretely as possible, consistent with the need to conduct a prompt and thorough investigation. Confidentiality cannot be promised.

Last Reviewed: 1/4/2021
Effective: 4/1/1993
Revised: 3/6/2014, 12/17/2020
Primary Approver(s): City
Manager

City of
PORTSMOUTH
New Hampshire

The seal of the City of Portsmouth, New Hampshire, is circular and features a central image of a ship. The text around the seal reads "CITY OF PORTSMOUTH, N.H." at the top, "SETTLED 1630" on the left, "INCORPORATED 1838" on the right, and "NEW HAMPSHIRE" at the bottom.

Page: 4 of 4

TITLE: *Non-Discrimination and Anti-Harassment Policy – City Policy #28*

8 CORRECTIVE ACTION

Depending on the outcome of any investigation, the City will take appropriate corrective action to stop the discrimination or harassment and prevent its recurrence. Any employee who is found to have engaged in discrimination or harassment prohibited by the policy will be subject to appropriate disciplinary action, up to and including termination of employment. The City may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law. If the person who engaged in conduct in violation of this policy is not a City employee, the City will take whatever corrective action is reasonable and appropriate under the circumstances.

9 RETALIATION PROHIBITED

Retaliatory treatment of any employee for reporting discrimination, harassment or other prohibited behavior or for cooperating in a harassment investigation is strictly prohibited. All employees who experience or witness any conduct they believe to be retaliatory shall immediately report such conduct according to one of the options defined in Paragraph 7. Retaliation is a form of unlawful discrimination and will be handled in the same manner as other forms of conduct violating this policy.

Last Reviewed: 7/25/2023 Effective: 7/25/2023 Primary Approver(s): City Manager, CIO	City of PORTSMOUTH New Hampshire	Page: 1 of 5
TITLE: <i>Acceptable Use Policy – City Council and Board Members</i>		

ACCEPTABLE USE POLICY – CITY COUNCIL AND BOARD MEMBERS

1 PURPOSE

This policy outlines the guidelines for the acceptable use of technology resources and computing systems owned and operated by the City of Portsmouth (“City”). Council and Board members granted access to City resources and systems for completing Council work related activities shall abide by the provisions set forth in this policy.

2 PARTIES AND RESOURCES COVERED

This policy applies to all Council and Board members in regard to all technology hardware, O365 and other programs, and municipal devices including phones, laptops, multifunction devices, and storage media. Your municipal e-mail address is an IT Resource as well.

3 GENERAL REQUIREMENTS

3.1 USERS MUST:

- a. Agree to use IT Resources in an effective, efficient, ethical, secure, and lawful manner for municipal business purposes; and

3.2 USERS SHALL NOT:

- a. Attempt to access any information, data or programs contained on IT Resources for which User does not have authorization or explicit consent.
- b. Send fraudulent, harassing, or obscene messages and/or materials using IT Resources or store any such material on IT Resources.
- c. Conduct private business activities or political campaigning using IT Resources.
- d. Download, install, or run cybersecurity programs or utilities that reveal weaknesses in the cybersecurity of any IT Resources such as password cracking software or hacking utilities.

3.3 USERS SHALL:

- a. Report any weaknesses in cybersecurity or any incidents of possible misuse or violations of this policy to the CIO.
- b. Take reasonable precautions to secure the City IT resources to guard against unauthorized access.

Last Reviewed: 7/25/2023 Effective: 7/25/2023 Primary Approver(s): City Manager, CIO	City of PORTSMOUTH - New Hampshire	Page: 2 of 3
TITLE: <i>Acceptable Use Policy – City Council Board Members</i>		

4. ADDITIONAL PROHIBITIONS

- 4.1 Users shall not use IT Resources for illegal purposes or to further illegal activities.
- 4.2 IT Resources shall not be used for any unauthorized access to or use of data, systems, and networks including, but not limited to:
 - a. Probing or attempting to probe, scan, or test for vulnerabilities without the express authorization of the CIO.
 - b. Breaching of a host, network component or authentication measure without the express authorization of the CIO.
 - c. Monitoring of data on any network or systems without the express authorization.
- 4.3 IT Resource shall not be used to:
 - a. Purposefully conduct computer activities that result in damage to, or disruption of, a City network or connected device.
 - b. Forge data with the intent to misrepresent the origination user or source.
 - c. Fake electronic mail headers (including any portion of the IP packet header and/or electronic mail address) or to use any other method to forge, disguise, or conceal the user's identity or IP address (also referred to as 'Spoofing').

5. INCIDENTAL PERSONAL USE OF CITY RESOURCES AND SYSTEMS

Occasional and incidental use of IT Resources and systems for personal, non-commercial purposes does not constitute a violation of this policy provided the use is:

- a. At no cost or risk to the City, does not interfere with the City's needs and operation; and
- b. Is otherwise in accord with this policy.

6. NO EXPECTATION OF PRIVACY

Users shall have no expectation of privacy in connection with any use of IT Resources including email communications, internet browsing and storage of documents or data on IT Resources. All information including all data files, documents, videos, and photographs on IT Resources are property of the City. As the owner of this information, the City may disclose information on IT Resources to third parties as it determines is in its best interest including without limitation to supervisors and managers, law enforcement, or in response to statutory requests for records.

Last Reviewed: 7/25/2023 Effective: 7/25/2023 Primary Approver(s): City Manager, CIO	City of PORTSMOUTH <small>New Hampshire</small>	Page: 3 of 3
<hr/>		

TITLE: *Acceptable Use Policy – City Council and Board Members*

ACCEPTABLE USE ACKNOWLEDGEMENT

I have read and been informed about the content, requirements, and expectations of the Acceptable Use Policy for all City of Portsmouth Users.

I understand that if I have questions, at any time, regarding the policy, I will consult with the Chief Information Officer.

I understand my responsibilities under this Policy and acknowledge this by signing below.

Signature: _____ Date: _____

Printed Name: _____



MEMORANDUM

To:

City Council

Copy:

Karen Conard, Peter Britz

From:

Howard Snyder, Housing Navigator

Date:

2024-12-10

Subject:

Housing Opportunity Planning Grant 2.0 – Acceptance of Awarded Grant Funds

Purpose

This memorandum provides a summary of the Housing Opportunity Planning Grant 2.0 and the program scope of awarded funds.

Background

InVestNH's Housing Opportunity Planning (HOP) Grant Program was established in 2022. The City of Portsmouth was awarded funds in the first HOP grant round to pursue analysis and development of potential regulatory changes relating to housing matters. Notable outcomes are the *Places to Live Study Circle Dialogue* effort and *Inclusionary Zoning Feasibility Analysis*.

Through a robust community engagement effort, the *Places to Live Study Circle Dialogue* effort provides the City with what its decision makers should consider so that there is an increase in a variety of housing options that further contribute to Portsmouth as the best place to live and work for all. The *Inclusionary Zoning Feasibility Analysis* report provides an overview of potential regulatory modifications to help the City achieve the aims described in both the *Places to Live Study Circle Dialogue* written report and presentation to City Council on February 22, 2024.

HOP 2.0 Grant Program

Building upon the success of the first Housing Opportunity Planning Grant Program, InVestNH issued a second grant round in the Summer of 2024. As with the first grant program, this HOP 2.0 grant is based upon providing funds for municipalities looking to increase housing opportunities through local community engagement and regulatory modifications. The HOP 2.0 grant program is structured to have the municipality strategically develop and implement specific amendments to their regulations for the purpose of housing creation.

Grant Award and Scope

The achievements of the first HOP grant-based effort led the Planning and Sustainability Department to submit a grant application for the HOP 2.0 program. The City of Portsmouth applied in September 2024 and was awarded \$65,321 in November 2024 to fund the project described in the City's grant application.



The City's application to InVestNH describes use of grant funds to support efforts to achieve specific amendments to the City's regulations to address current restrictions, conflicts relating to housing, and enhance opportunities in housing choices for the long-term. Additionally, the application described a community outreach and engagement initiative that will last for the duration of the program.

Teaming with the City for this initiative is the economic planning and real estate firm RKG and the public facilitation firm RHL Strategies. These consultants were critical to the City's success with the first HOP grant funded efforts.

Responsibilities of the City in terms of the HOP 2.0 grant are per the scope provided in the application and as approved by InvestNH. The tasks of this scope are outlined below in bulleted format:

- **Task 1 - Project Initiation:** Recount outputs and recommendations from previous housing study, analysis and engagement efforts such as the *Places to Live Study Circle Dialogue*, *Housing Market Study*, and *Zoning Feasibility Analysis*.
- **Task 2 - Review of Existing Regulation and Policies:** Formulate potential specific regulatory recommendations to accomplish the City's affordable and workforce housing production goals.
- **Task 3 - Preliminary Formulation of Potential Amendments and Policy Changes:** Planning consultant will craft specific recommendations on potential changes to existing codes and ordinances for the purpose of providing improvements to the market, financial, and physical conditions impacting the development of housing diversity (both price diversity and type diversity) in Portsmouth.
- **Task 4 - Community Outreach and Engagement, Part I:** Held in workshop format, the event will inform and receive feedback from members of the community on the preliminary strategies developed in Task 3 that pertain to potential zoning amendments and other similar regulatory changes.
- **Task 5 - Refinement of Potential Amendments and Policy Changes:** City staff and the planning consultant will refine the initial strategies based on the results of the public event held in Task 4. The planning consultant will integrate event outcomes with analysis alternatives to produce a series of 'preferred' solutions for the City's policy makers to consider.
- **Task 6 - Community Outreach and Engagement, Part II:** Presentation by the planning consultant as part of a joint working meeting with City policy makers to gain insights from policy makers to further refine and finalize the presented solutions.
- **Task 7 - Initial Report:** The planning consultant will prepare a draft report for City staff review. A coordination meeting will review and workshop the initial report to address concerns and resolve any changes/edits required to complete the project. The consultant will incorporate all changes and submit a revised report to the City.
- **Task 8 - Community Outreach and Engagement, Part III:** The planning consultant will finalize the summary report and present it to the City Council during a public meeting.



December 4, 2024

City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

c/o Peter Stith, Planning Manager pmstith@cityofportsmouth.com
Peter Britz, Director of Planning and Sustainability, plbritz@cityofportsmouth.com

Dear Portsmouth,

The Steering Committee for the InvestNH Municipal Planning & Zoning Grant Program reviewed your submission for the Housing Opportunity Planning (HOP) Grant. The purpose of this grant is to assist those municipalities looking to increase housing opportunities through community engagement and regulatory change.

I am pleased to inform you that the Steering Committee has approved your application and scope of work for \$65,321 as requested.

In addition to the monetary award, participation in Housing Academy is a key benefit of this program and is designed to help build or further develop local capacity as it relates to housing matters. To that end, and if you have not already done so, we encourage all awardees to recruit volunteer community members to participate alongside designated staff. More information on Housing Academy can be found online at nhhopgrants.org/housing-academy.

At your earliest convenience, please confirm your acknowledgment and acceptance of this award by responding to the email sent to you. We will also look for your fully executed Grant Agreement (attached separately) and confirmation of your primary and alternate point of contacts for this grant.

If you have not yet selected a consultant, please visit NHHOPgrants.org to view our [List of Qualified Consultants](#). If you would like to work with a consultant who is not currently on this list, or if your community requires a competitive process, please contact us to discuss further.

Finally, in all public acknowledgments, we ask that you note this award as being received from the InvestNH Municipal Planning & Zoning Grant Program, funded by the NH Department of Business and Economic Affairs as part of the \$100 million InvestNH Initiative with ARPA State Fiscal Recovery funds. This award will be administered jointly by NH Housing, Plan NH, and UNH Cooperative Extension.

On behalf of the Steering Committee, congratulations!

A handwritten signature in black ink, appearing to read "Tiffany Tononi McNamara".

Tiffany Tononi McNamara
Steering Committee Chair
Executive Director | Plan New Hampshire

**InvestNH Municipal Planning & Zoning Grant Program
Housing Opportunity Planning Grant**

GRANT AGREEMENT

This agreement ("Agreement") is by and between New Hampshire Housing Finance Authority, 32 Constitution Drive, Bedford, NH 03110, ("NHHFA") and the City of Portsmouth, New Hampshire ("Grantee").

NHHFA is administering the InvestNH Municipal Planning & Zoning Grant Program ("the Program") under contract with the NH Department of Business and Economic Affairs ("BEA"). BEA has established the Program using funds awarded for these purposes under Section 9901 of the American Rescue Plan Act (Pub. L. No. 117-2 (March 11, 2021)).

Pursuant to a competitive application process NHHFA will provide a grant to Grantee for a project consistent with the Program objectives and Grantee's approved application ("the Project").

Grantee will undertake and complete the Project pursuant to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

1. GRANT AMOUNT: \$65,321
2. EFFECTIVE DATE: December 4, 2024
3. COMPLETION DATE: September 30, 2026
4. PROGRAM ADMINISTRATOR. This Program is administered by NHHFA. Project communications with Grantee will generally be by and with NHHFA.
5. PROJECT PERFORMANCE AND CONSULTANT SELECTION. Grantee agrees to perform work to complete the Project pursuant to the terms and conditions of the Scope of Work (Exhibit A). Grantee's application to the Program is considered part of this Agreement and any commitments included within the application will be binding on Grantee. Program application instructions, forms, and associated materials are also conditions to this Agreement.

Grantee acknowledges that it is responsible to complete all Project work and that it will deliver to the Program Administrator (a) all required work under the Scope of Work; (b) all required documentation under the Scope of Work; and (c) all other requirements, duties, obligations and responsibilities of Grantee under the Scope of Work. Grantee

acknowledges and agrees that NHHFA will have the sole authority and discretion to determine whether Grantee has met the requirements set forth in this Agreement.

Grantee shall subcontract with a consultant to perform the work of the Project. Grantee may select its consultant from the list of qualified contractors published as part of the Program without engaging in a competitive process. The Grantee may otherwise engage in a competitive process to choose its consultant, but the consultant chosen by the Grantee will be subject to approval NHHFA. NHHFA reserves the right to assess the qualifications of such consultants and to reject those it deems to be unqualified to perform the proposed work. Grantee's contractor may subcontract Project work only upon review and written approval of subcontractor's qualifications by NHHFA. Grantee will at all times be responsible for Project performance under this Agreement.

6. MONTHLY PROGRESS REPORTS. Grantee will report to NHHFA every other month with a progress update towards implementing its proposed Scope of Work, completed tasks, and metrics of success including documentation on public meetings, workshops and hearings, public participation levels and additional outreach efforts. Reports must be submitted and signed by the municipality. See EXHIBIT C for full list of reporting dates.

Progress reports will consist of a completed two-page form and any attached deliverables provided by the Grantee to support activities completed during the reporting month. If Grantee is submitting a progress report that includes a draft of any proposed regulations, NHHFA reserves the right to comment on that draft prior to notice of public hearings held by the Grantee's planning board or other cognizant body.

7. CLOSE OUT OF CONTRACT. Grantee must submit its final invoice within 10 days of the Completion Date. Any invoice submitted after that date will not be eligible for reimbursement. Grantee must submit a final report to the Program Administrator on or before the Completion Date. Any funds remaining unexpended after the final invoice will not be eligible for any further reimbursement. Any funds used for unallowed costs shall be returned with the final report to Program Administrator by check payable to New Hampshire Housing Finance Authority.

8. POST-COMPLETION PROJECT REPORTS. If Grantee adopts ordinances or regulations paid in whole or part with these grant funds, Grantee will report on permitting and development activity under the regulations for a period of three (3) years after Completion Date in a form determined by NHHFA.

9. PROJECT TERM EXTENSION. No extensions will be permitted. All funds must be expended by September 30, 2026. Grantee must ensure that the Project work is performed in a manner that is consistent with the time periods set forth in the Scope of Work and with the Completion Date.

10. COMPLIANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL LAWS, REGULATIONS, AND RULES. By signing this Agreement, Grantee covenants and agrees that it will fully comply with all applicable provisions of these documents as well as all other applicable local, state and federal laws, regulations and rules that may be applicable to the conduct of this Project.

11. CONFLICT OF INTEREST. Grantee agrees that it will maintain in effect a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) covering each activity funded under this Agreement. Grantee will disclose in writing to Program Administrator any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

12. RESTRICTION ON ADDITIONAL FUNDING. Grantee acknowledges and agrees that no portion of the funds under this Agreement may be used for the purpose of obtaining additional Federal funds under any other law of the United States, except if authorized under that law.

13. UNIQUE ENTITY IDENTIFIER. Grantee must (i) be registered in SAM.gov; (ii) provide a valid unique entity identifier; and (iii) continue to maintain an active SAM.gov registration with current information at all times during the term of the Project. Registration instructions are here: <https://sam.gov/content/home>.

14. PUBLICATIONS. With the exception of ordinances, regulations, and rules proposed or adopted by Grantee, any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part by, federal award number SLFRP0145 awarded to the State of New Hampshire by the U.S. Department of the Treasury."

15. LIABILITY AND INDEMNIFICATION. NHHFA will not be liable for the action or inaction of Grantee in the performance of its duties under this Agreement. Further, Grantee will indemnify NHHFA and its employees, members, officers, counsel, and other representatives from all claims, causes of action, liability, loss, damage, or expense arising or resulting from Grantee's actions, including, but not limited to negligence and willful or intentional conduct in performing the work contemplated under this Agreement or arising in any way under this Agreement.

16. NHHFA'S RIGHT TO TERMINATE AGREEMENT. In the event of a violation of any term or condition of this Agreement by Grantee, NHHFA will have the right to terminate this Agreement by giving Grantee ten (10) days written notice of such termination. NHHFA will reimburse Grantee for its Project expenses incurred prior to the effective termination date indicated in its written notice.

17. GRANTEE'S ADMINISTRATIVE AND FINANCIAL REPORTS AND INFORMATION. Grantee will maintain full and accurate accounts and records, including personnel, property and financial records, adequate to identify and account for

all costs and expenses pertaining to the work performed by Grantee pursuant to this Agreement and such other records and information as may be deemed necessary by NHHFA to assure proper accounting and use for all Program funds. Between the Effective Date and the date five (5) years after the Completion Date, Grantee will keep, or require to be kept by subcontractors, detailed records of all services performed in connection with the Grant. At any time during Grantee's normal business hours, and as often as NHHFA, the State, the U.S. Department of Treasury or OMB may demand, Grantee will make available to the NHHFA, State, the U.S. Department of Treasury or OMB all records pertaining to matters covered by this Agreement. Grantee will permit NHHFA, the State, the U.S. Department of Treasury or OMB to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data, and other information relating to all matters covered by this Agreement.

18. NO INTELLECTUAL PROPERTY RIGHTS. Grantee acknowledges and agrees that any and all reports, plans, drawings or other documents produced or generated in whole or in part under this Agreement will not be the subject to copyright or other intellectual property right by Grantee or Grantee's contractors and subcontractors. All such documents will be in the public domain.

19. NO AGENCY. Grantee acknowledges and agrees that it has no authority to act on behalf of NHHFA as its agent, representative or in any other capacity whatsoever and that it will not hold itself out as an agent or representative of NHHFA. Further, Grantee acknowledges and agrees that it does not and shall not claim or assert to have the right to act for, bind or take any action whatsoever in any capacity whatsoever on behalf of NHHFA.

20. WAIVER. The waiver of a breach of any provision of this Agreement by either party or the failure of either party otherwise to insist upon strict performance of any provision hereof shall not constitute a waiver of any subsequent breach or of any subsequent failure to perform.

21. NOTICE. Any notice required under this Agreement shall be given as follows:

Notice to NHHFA Program Administrator:

Grace Warwick, Associate Program Manager
New Hampshire Housing
PO Box 5087
Manchester, NH 03108
info@nhhopgrants.org

Notice to Grantee:

Name: _____

City/Town: _____

Address: _____

Email: _____

22. **APPLICABLE LAW AND VENUE.** This Agreement is governed by and construed in accordance with the laws of the State of New Hampshire. Any legal proceeding relating to this Agreement will be brought in the proper state or federal court in the State of New Hampshire.

23. **SEVERABILITY.** If any provision of this Agreement is for any reason held illegal, void or invalid, such illegality or invalidity will not affect the remaining provisions hereof, and this Agreement will be construed and enforced as if such illegal, void or invalid provisions(s) were not a part hereof.

24. **ENTIRE AGREEMENT.** This writing along with the exhibits and attachments constitutes the entire agreement of the parties and all other writings, statements, agreements, or representations whether oral or written are superseded and replaced hereby. No alteration, change or modification of this agreement may be made except in writing signed by all parties.

25. **BINDING EFFECT.** This Agreement is binding upon the parties hereto and upon their successors, heirs, personal representatives and assigns.

Signature page follows.

AGREED:

New Hampshire Housing Finance Authority

By: _____ Date: _____
Heather McCann
Managing Director, Engagement, Policy and Communications

City of Portsmouth, New Hampshire

By: _____ Date: _____
Signature (Duly Authorized)

Name and Title Printed

EXHIBIT A

Scope of Work

1. Grantee acknowledges and agrees that the funds awarded under this Agreement will be used solely for purposes identified in this Agreement. Funds are awarded for these purposes under Section 9901 of the American Rescue Plan Act (Pub. L. No. 117-2 (March 11, 2021)), for which Grantee has not received payment or reimbursement from any other source and the State has determined is an allowable purpose as defined in Section 9901.

2. Services to be Provided:

Services to be provided include all deliverables as presented in the approved application as well as the below scope of work and budget from the grantee's application packet.

EXHIBIT B

Methods and Conditions of Payment

Grantee acknowledges and agrees that funding under this Agreement may be withheld, in whole or in part, in the event of Grantee's non-compliance with any Federal or State law, rule or regulation applicable to the Project, or if the Project has not been satisfactorily completed in accordance with the terms and conditions of this Agreement.

REIMBURSEMENT OF GRANTEE'S COSTS. Grant funds will be paid as reimbursement by NHHFA to Grantee for its costs within 30 days of presentation of an invoice to the Program Administrator by Grantee. NHHFA reserves the right to request further information in support of Grantee's invoice; such requests will toll the reimbursement period until requested information is provided by Grantee.

ELIGIBLE COSTS. In addition to the cost of consulting services as required in this Agreement for conduct of the Project, Grantee may expend grant funds for the purpose of acquiring materials and other services necessary to perform tasks identified in the Scope of Work, including but not limited to costs of public notices for meetings.

Food and beverage costs will qualify for reimbursement provided its primary purpose is for the Project and for the purpose of engaging with the public or groups of stakeholders, such as public meetings or focus groups, or is for the dissemination of information about the Project and gathering of public input regarding the Project. Grant funds cannot be used for the purchase of alcoholic beverages.

Grantee may use up to 5% of grant funds for its administrative costs as outlined in submitted Project budget.

Grant funds may not be used for the acquisition of property, to pay for equipment, or to pay for consultant services rendered prior to the Effective Date.

At the conclusion of the Project, all invoices must be submitted within 10 days of the Completion Date to be eligible for reimbursement.

EXHIBIT C

Reporting Schedule

Grantee will complete the two-page reporting form and include any applicable deliverables from the reporting period. Reports must be submitted on the 10th of the month and reimbursements will not be processed if there are any outstanding reports. Reports must be submitted and signed by the municipality. At the conclusion of the grant period, a final short form report will be required. If your project requires three-year post reporting, separate information and guidance will be provided.

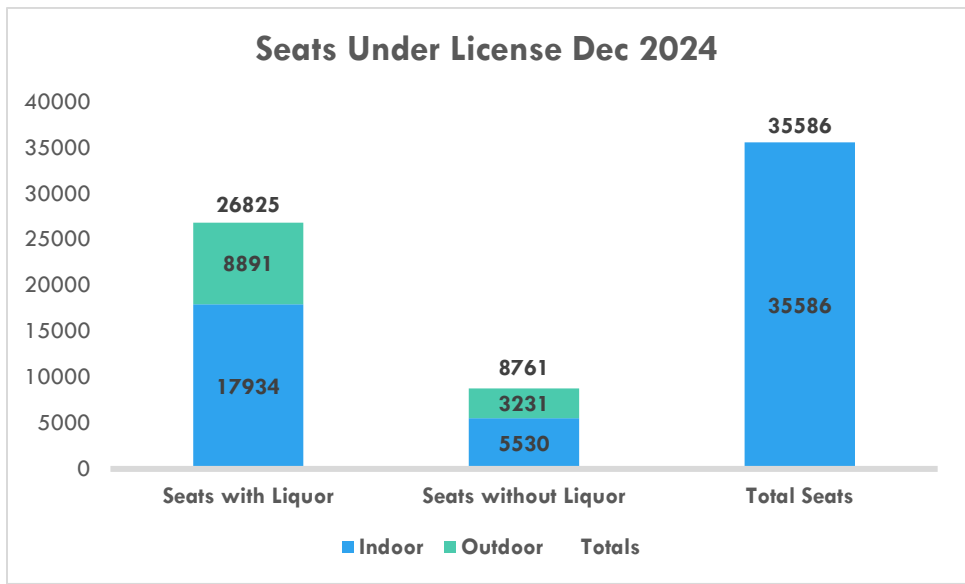
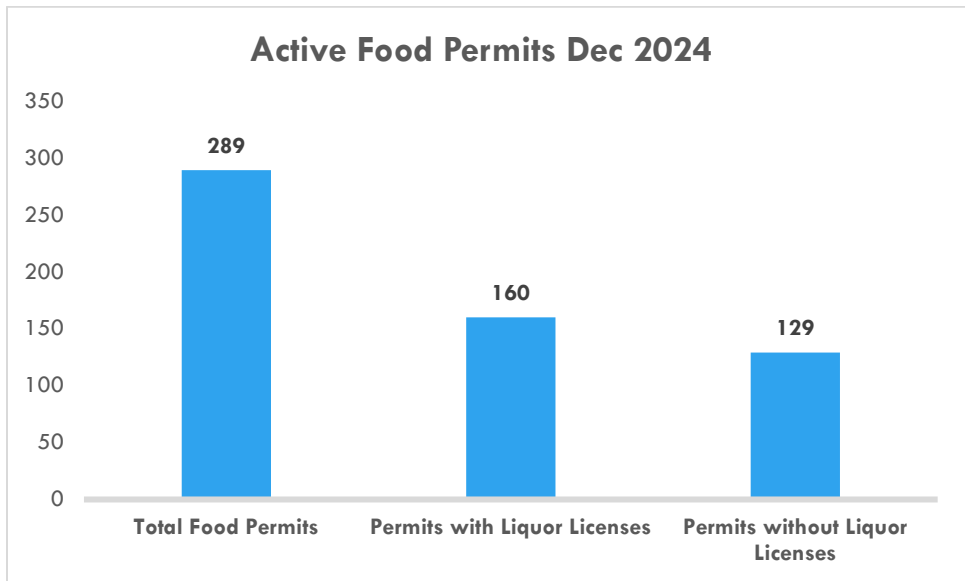
Reports are expected on the following schedule:

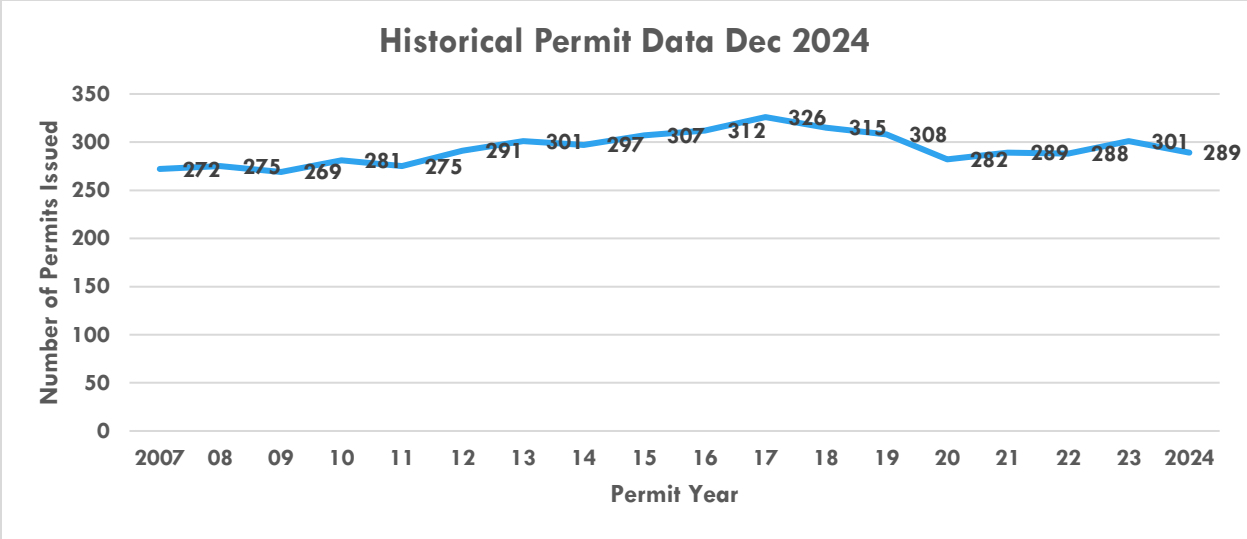
REPORTING DUE DATE	REPORT PERIOD
February 10, 2025	Project Start – January 31
April 10, 2025	February 1 – March 31
June 10, 2025	April 1 – May 31
August 10, 2025	June 1 – July 31
October 10, 2025	August 1 – September 30
December 10, 2025	October 1 – November 31
February 10, 2026	December 1 – January 31
April 10, 2026	February 1 – March 31
June 10, 2026	April 1 – May 31
August 10, 2026	June 1 – July 31
October 10, 2026	August 1 – September 30
FINAL REPORT	October 1 – Project Conclusion

Memo

To: Karen Conard, City Manager
 Kim McNamara, Health Officer
 From: Kristin Shaw, Deputy Health Officer
 Date: December 11, 2024
 Re: Food Permits

Please find the updated Food and Liquor permit data as of December 5, 2024, for annual renewals.





Please let me know if you have any additional questions. As always, seat numbers are self-reported, and we have new businesses going through the permitting process (approximately 7 in the permitting pipeline as of today.) These numbers indicate a slight decrease from 2023, largely due to a loss of mobile food truck vendors interested in renewing their annual permits.



City of Portsmouth

Health Department

MEMORANDUM

TO: Karen Conard, City Manager

CC:

FROM: Kim McNamara, Public Health Director

DATE: December 10, 2024

SUBJECT: ARPA Assistance to Nonprofits

The online application for the \$350,000 in ARPA assistance to nonprofit human service agencies closed on November 27, 2024. Staff reviewed the applications for compliance with federal requirements and alignment with the Community Health Needs Assessment & Improvement Plan.

The following 34 non-profits qualify for assistance: Great Bay Kids Company, Austin17House, Big Brothers Big Sisters, Magnolia House, Triangle Club, My Friend's Place, Chase Home, Seacoast Community School, Seacoast Family Promise, I Got Bridged, NH Harm Reduction Coalition, Operation Blessing, New Generations, Seacoast Pathways, Cornerstone VNA, Greater Seacoast Community Health, Greengard Center for Autism, Friends of Lafayette House, Seacoast Mental Health Center, Friends in Action, Feminist Health Center, YMCA of the Seacoast, Seacoast Youth Services, Haven Violence Prevention Support, Cross Roads House, Krempels Brain Injury Center, Portsmouth Housing Authority, Court Appointed Special Advocates (CASA), The Birchtree Center, Gather, Arts in Reach, Safe Harbor Recovery Center, Hospice Help Foundation, and Yoga in Action.