

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 odor. 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