

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 18, 2024 TIME: 5:00PM

*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\\_L-G1YTpJT5utt-2ng8RWsg](https://us06web.zoom.us/webinar/register/WN_L-G1YTpJT5utt-2ng8RWsg)

**5:00PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A**

1. COLLECTIVE BARGAINING AGREEMENT IN ACCORDANCE WITH RSA 91-A:3 II (a)
2. CONSIDERATION OF LEGAL ADVICE IN ACCORDANCE WITH RSA 91-A:3, II (I)

## AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE
- VII. ACCEPTANCE OF MINUTES – FEBRUARY 5, 2024
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
  - A. Public Art Review Committee (PARC) Recommendation of Public Art for Bohenko Gateway Park (**Sample motion – moved to accept the proposed plan for artwork, including support from the Department of Public Works for the painting and preparation of the site**)
- IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)
- X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

### First Reading of Ordinance:

- A. First reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance. That the Zoning Map be amended so that the described parcels within the ordinance are rezoned from Office Research (OR) to Gateway Neighborhood Business (G1) (**Sample motion – move to pass first reading and schedule public hearing and second reading for April 15, 2024 City Council meeting of the proposed Zoning Map Amendments**)

## **Public Hearing/Second Reading of Ordinance:**

- B. Public Hearing/Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

*(Sample motion – move to pass second reading and schedule a third and final reading at the April 1, 2024 City Council meeting to amend Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates, to remove the standard Occupancy Zone (Zone B) and increase the parking rate discount for residents using the ParkMobile App)*

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

#### **City Manager’s Items Which Require Action:**

1. \*Request for Work Session Regarding South Meeting House
2. License Agreement for Seacoast Eat Local Farmers’ Market 2024
3. Authorization for Disbursement of \$2,350.00 from Trust for Administrative Costs for First Time Homebuyer Program

## **XII. CONSENT AGENDA**

- A. Request from Emily-Anne Boone, LIIV Medical Aesthetics, to install a Projecting Sign at 24 Ladd Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

#### **Planning Director’s Stipulations:**

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

- B. Letter from Julia Johnson, Alliance for Greater Good, requesting permission to hold the Lantern Festival on Saturday, September 28, 2024 at the South Mill Pond from 5:00 p.m. to 7:30 p.m. (*Rain date of Sunday, September 29<sup>th</sup>*) (**Anticipated action – move to refer to the City Manager with Authority to Act**)
- C. Letter from Evan Dolecki, Loco Sports, LLC & Ventures Endurance, requesting permission to conduct the 8<sup>th</sup> Annual Margarita Half Marathon & 5K on Sunday, May 12, 2024 at 8:15 a.m. (**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. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting the following:
  - Use of spaces in Prescott Park on Saturday, September 28<sup>th</sup>, 11:00 a.m. to 3:00 p.m., and Sunday, September 29<sup>th</sup>, 1:00 p.m. to 5:00 p.m.
  - Use of space in front of North Church
  - Motorcycle Parking Ban in Market Square on Sunday, September 29<sup>th</sup> and some parking passes for their performers and volunteers (**Sample motion – move to refer to the City Manager with Authority to Act**)
- C. Letter from Russ Grazier, PMAC, requesting permission to hold a one-time small parade for Jazz Appreciation Month on Friday, April 12, 2024 at 12:00 p.m. (**Sample motion – move to refer to the City Manager with Authority to Act**)
- D. Letter from Craig Welch, Executive Director, Portsmouth Housing Authority, requesting a letter of support to accompany their request for congressionally directed spending funds from our congressional delegation for potential workforce housing at the Sherburne School property (**Sample motion – move to recommend and authorize the Mayor to send a letter on behalf of the City Council**)

### XIV. MAYOR McEACHERN

- 1. Appointments to be Considered:
  - Reappointment of Samantha Collins to the Conservation Commission
  - Reappointment of Kathleen Bergeron to the Portsmouth Housing Authority
  - Reappointment of Kathryn Lynch to the Recreation Board

## XV. CITY COUNCIL MEMBERS

### A. COUNCILOR COOK

1. \*Historic Preservation Grants and Sustainability (***Sample motion – move to request a report back to the Council by May 6<sup>th</sup> on federal and state grant programs in historic districts and the impact of not following Certified Local Government National Park Service guidelines and state guidelines in historic districts on grant eligibility, including eligibility for sustainability grants addressing sea-level rise and preservation of historic structures and neighborhoods***)
2. \*Police Facility Process (***Sample motion – move to request a report back on the needs assessment process for the proposed Police Facility in advance of the work session of the Council with the committee***)

### B. COUNCILOR BAGLEY

1. **Action Item Needing Approval by City Council:**
  - Market Square bus bay parking, voted to change the two 15-minute spaces in the bus bay to Zone A spaces (***Sample motion – move to change the two 15-minute spaces in the bus bay to Zone A spaces***)
2. Parking & Traffic Safety Committee Action Sheet and Minutes of March 7, 2024 (***Sample motion – move to approve and accept the action sheet and minutes of the March 7, 2024 Parking & Traffic Safety Committee meeting***)

## XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Victims of Crime Act Grant Award to the Police Department to fund the Legal Department Victim Witness Advocate - \$24,739.00 (***Sample motion – move to approve and accept the Grant as presented***)
- B. Approval of Source Water Protection Grant Extension (***Sample motion – move to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$25,000.00 grant from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program by one year, to a completion date of May 31, 2025***)

## XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. \*Report Back on Salter Street Rezoning
2. \*Hanover Renovation Update – Hanover Street Entry/Exit Wait Times
3. Green Building Policy
4. \*Update on “Skip the Stuff” Ordinance
5. \*Pease Development Authority Update
6. \*Community Policing Facility Update
7. \*FlashVote Survey Status Update



**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT  
PREVIOUS MEETING**

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

*\*Indicates verbal report*

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

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 5, 2024

PORTSMOUTH, NH  
TIME: 7:00PM

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

### **III. CALL TO ORDER**

Mayor McEachern called the meeting to order at 7:05 p.m.

### **IV. ROLL CALL**

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

**ABSENT:** Councilor Denton

### **V. INVOCATION**

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

### **VI. PLEDGE OF ALLEGIANCE**

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

### **PROCLAMATION**

#### **1. Black History Month**

Mayor McEachern read the Proclamation hereby proclaiming the month of February 2024 in Portsmouth, New Hampshire as Black History Month and urged all citizens to champion our commitment to racial equity and inclusion and to sustain the open door of diversity throughout our community.

### **VII. ACCEPTANCE OF MINUTES – DECEMBER 18, 2023**

**Councilor Blalock moved to approve and accept the minutes of the December 18, 2023 City Council meeting. Seconded by Assistant Mayor Kelley and voted.**

### **IX. PUBLIC COMMENT SESSION**

Roy Helsel asked if taxes are reduced when there is a surplus of funds. He also stated the city needs to have zero based budgets.

Mark Brighton spoke regarding the high expense of using outside counsel. He asked why we can't use our own counsel in cases.

Christina Dubin spoke in support of reducing single-use plastic service-ware. She stated it is filling up the landfills and polluting our waters. She said that people could opt out for the single-use plastic service-ware rather than opting in and this is a benefit to the community and public health.

Rebecca O'Brien said she agrees with Christina that people should opt in rather than opt out. She said there has been a movement to reduce single use items. She spoke regarding the health risks associated with plastics for the environment.

Evy Douglass said that this is a step to being an eco-city. She stated that we need legislation for change to occur with an incentive.

Julie Myers spoke regarding the scrap metal yard on Jones Avenue. She said this is a neighborhood filled with families and it is a danger for children to walk along the roadside due to the large heavy truck traffic.

Pete Evans said it was offensive that the Deputy City Attorney compared the decibel readings at the scrap yard to those of the nearby cemetery.

Paige Trace said that Mayor McEachern earned the position and expected him to lead the city through the good times and bad. She spoke opposed to Mayor McEachern calling for a hearing to potentially remove James Hewitt from the Planning Board. She said that this is ugly and beneath the mayor and urged the Council to let Mr. Hewitt serve out his term on the Planning Board.

Duncan McCallum spoke against the complaint lodged against Mr. Hewitt. He said that the city is headed for trouble with this complaint. He said nothing Mr. Hewitt has done comes close to a reason for dismissal from the board.

Esther Kennedy asked why any of the Council voted to hold such a hearing for the removal of James Hewitt. She said there must be a reason why you are putting him through this. She stated that these are bogus charges.

Myles Boyne asked that the city vote to "skip the stuff" single-use plastic service ware. He said this will help with climate issues we are facing. He said we need to do something to reduce the waste.

Petra Huda spoke regarding malfeasance and stated the memorandum from the Legal Department did not address what malfeasance is. She said that holding a hearing against Mr. Hewitt is a waste of taxpayers' dollars.

Gabe Weinrieb spoke in support of "skip the stuff" for single-use plastic ware. He said this is the right step to help eliminate this type of waste.

Arthur Clough said over the years residents have seen misconduct by employees and asked why the city is going after Mr. Hewitt when he has done nothing wrong. He stated he knows this is a way to have someone else serve on the Planning Board and vote how the city wants.

Emma Jeffrey spoke in support of "skip the stuff" single-use plastic ware. She said that this should be an ordinance to address these kinds of matters.

Jillian Richmond spoke in support of "skip the stuff" single-use plastic ware. She said this will make the city an eco-friendlier place to live.

Mark Stettner (via Zoom) spoke regarding speed cushions on Woodbury Avenue and asked the City Council to vote against the request to install them. He feels the speed cushions will cause traffic to back up and increase greenhouse gas emissions. He also stated that it will slow down emergency response times for our police and fire departments. Mr. Stettner said that there has been no study as to what six speed cushions could do to a road.

Jim Hewitt introduced his Attorney Jeremy Eggleton (via Zoom) Attorney Eggleton said there should be no hearing against Mr. Hewitt. He said that Mr. Hewitt has voted 95% of the time in favor of projects before the Planning Board. He stated that this feels like a personal attack on Mr. Hewitt. Attorney Eggleton said that Mr. Hewitt should be able to serve his remaining term on the Planning Board.

Tom Kelley (via Zoom) spoke in support of “skip the stuff” single-use plastic ware. He also addressed the Jones Avenue scrap metal yard and its impact on the neighborhood. He stated there needs to be a genuine effort made to address the issues.

Kelsey Sullivan, Dover, NH volunteer member of Surf Rider Foundation, spoke in support of the single-use plastic ware ordinance. She said this is part of a natural movement and is making single-use items as an opt in. She said very often they will bring items home or to the office and not use them. Ms. Sullivan said this ordinance would save restaurants money in the long run by not having to provide single-use plastic ware.

Brian Yurasits, Dover, NH said he is devoted to the single-use plastic ware cause and knows the effects of single-use plastic products. He said that this will impact our health and we don't want more plastic than we need.

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

### **Public Hearing – Capital Improvement Plan (CIP):**

- A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2025-2030
  - **PRESENTATION** (*Presentation was held at the January 17m 2024 Work Session*)
  - **CITY COUNCIL QUESTIONS**

Councilor Bagley said he would make changes at the March 4<sup>th</sup> City Council meeting.

- **PUBLIC HEARING SPEAKERS**

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

Gregory Hebert spoke regarding the cut through in his neighborhood being used and how residents do not feel safe crossing the street. He suggested that a sidewalk be installed on the west side of Greenleaf Avenue in the spring of this year. He said the traffic utilizing the cut through has caused safety concerns for the residents and they need to be addressed. He urged the City Council to have this project as part of the CIP for this year.

William Arakelim said he understands the request to update the playground for the gateway to Langdon Park. He spoke opposed to park improvements for the South Playground with the recent flooding impacts to the area. He said he feels the money should be used to protect other infrastructure in the area.

Petra Huda said the number for FY25 CIP is large and will increase the level of bonding. She expressed concerns for the Mechanic Street Pumping Station funding requests. She believes that the \$20 million figure in FY27 is for a new pump station, and said that the Mechanic Street Pump Station is the most important station the city has.

Cliff Hodgdon spoke regarding the South Playground equipment replacement and said that it should be kept in a centralized area of the park.

Paige Trace expressed concern with the Mechanic Street Pumping Station funding being moved out to FY27. She said that the city should go back and look at the budget for non-negotiated items.

With no further speakers, Mayor McEachern said the Public Hearing will be continued until the March 4, 2024 City Council meeting.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Cook asked staff to explain why the Mechanic Pump Station funding is out in FY27.

Public Works Director Rice said the original program was to do maintenance work to match the funding for the bridge. He spoke to the temporary pumps out at the station and said they have been there a long time. He said the funding is out in FY27 because it takes a couple of years for a design to be done for a pump station.

City Engineer Fiedler spoke regarding improvements being made to the backup pumps. He said the flooding and elevations need to be reviewed as well as the benefits and how it integrates with sights. He stated this is a reason it is predicted for a multi-tier approach.

Councilor Tabor inquired if we operate with full redundancy. City Engineer Fiedler said we have 3 back up redundancies.

Councilor Moreau asked for an update on the South Mill Pond playground. Public Works Director Rice said nothing has been designed at this point, but the intent is to have an accessible playground. Recreation Director Henley said we want to enhance and improve the site and keep natural surfaces. Mayor McEachern said two years ago Councilor Cook wanted a more accessible playground.

Councilor Bagley spoke in support of sidewalks for Woodbury Avenue.

Councilor Tabor said he is pleased with the sidewalks for Greenleaf Avenue which came through a citizen CIP process. Councilor Moreau said that Greenleaf Avenue sidewalks were added at the Planning Board level.

**Assistant Mayor Kelley moved to continue this evening's public hearing until the March 4, 2024 City Council meeting. Seconded by Councilor Lombardi and voted.**

**Councilor Cook moved to suspend the rules to bring forward Item XV. C.1. – Reducing Single-Use Plastic Service-ware Waste. Seconded by Councilor Moreau and voted.**

**Councilor Cook moved to send the draft Single-Use Food Service-ware Reduction Ordinance included in your packet to the Sustainability Committee and the Legal Department for simultaneous review and report back at the March 18<sup>th</sup> City Council meeting so that first reading can be scheduled. Seconded by Assistant Mayor Kelley.**

Councilor Cook said the ordinance was addressed through the comments made by Portsmouth High School students this evening.

Councilor Blalock thanked the speakers this evening for coming forward and taking the time to work on this matter.

Mayor McEachern asked about third-party apps and if that is something that exists with other communities. Councilor Cook said we have an app for that technology currently in the city.

**Motion passed.**

### **Public Hearing – Outdoor Dining Encumbrance Permit Ordinance**

B. Public Hearing on proposed Ordinance amending Chapter 6 – License – Article XVII – Outdoor Dining Encumbrance Permit, Section 6.1701 – 6.1707

- **PRESENTATION**

Senior Assistant City Attorney Ferrini said the ordinance was brought in November and staff amended the ordinance and met with the Economic Development Commission Working Group to review the ordinance and approve it. She spoke about what remains the same and how one applies through the Viewpoint System. She stated the outdoor dining remains the same with certain locations permitted by the ordinance. She also indicated that the fees would be recommended by the Fee Study Committee. Senior Assistant City Attorney Ferrini said that the application will go live March 1<sup>st</sup>. She said the removal of materials is part of the ordinance and would need to be removed within 24 hours or we would store it for 48 hours at a fee. She indicated that standards would not be part of the ordinance but as a policy adopted by the City Council.

- **CITY COUNCIL QUESTIONS**

Councilor Cook said she would like to bring the design standards up at third reading. Senior Assistant City Attorney Ferrini said the ordinance would be passed with the design standards after that vote.

Planning and Sustainability Director Britz reviewed the design standards which are the best practices that are appropriate for downtown. He said tables and chairs shall be well maintained and no advertising on umbrellas.

Councilor Lombardi spoke to the lengthy process and review of this by the Economic Development Commission Working Group.

The City Council thanked the EDC Working Group for their work on this matter.

- **PUBLIC HEARING SPEAKERS**

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

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Councilor Tabor moved to pass second reading and hold third and final reading at the February 20, 2024 City Council meeting. Seconded by Councilor Moreau and voted.**

At 9:10 p.m., Mayor McEachern called for a brief recess. At 9:20 p.m., Mayor McEachern called the meeting back to order.

**Councilor Blalock moved to suspend the rules to bring forward Item XVII. 4. – MAC Metals Scrapyard Report Back. Seconded by Councilor Moreau and voted.**

## **XVII. CITY MANAGER’S INFORMATIONAL ITEMS**

### **4. MAC Metals Scrapyard Report Back**

Deputy City Attorney McCourt reported that we met regarding the upcoming construction season and discussed costs for the project, and the traffic from it. He stated that the fill will be trucked and placed at the Public Works Facility. He said there is still a large amount of fill to be removed from the site which will require truck traffic. He also spoke to the decibel readings that were taken on Sagamore Avenue.

Councilor Moreau asked how often the employee visited and took decibel readings. Deputy City Attorney McCourt said there were two readings that were taken after the complaint. He stated that by the time the readings were taken the trucks had left and there was no activity on the site. He also indicated that Zoning Enforcement Officer Page selected random times throughout the day to take the readings and we started at a baseline.

Mayor McEachern asked if we considered a sound monitoring device that could read for a two-week period. Deputy City Attorney McCourt said we do not have a device available to us. He suggested that we meet and come to a resolution on this matter.

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

#### **1. Request for Public Hearing on the Elderly & Disabled Exemptions**

**Assistant Mayor Kelley moved to schedule a public hearing at the February 20, 2024 City Council meeting regarding the consideration of the elderly and disabled exemptions. Seconded by Councilor Bagley and voted.**



2. Two-Month Lease Extension of Existing Franchise Agreement with Comcast

City Manager Conard reported that the contract is due to expire, and this is a two-month extension request.

**Councilor Cook moved to authorize the City Manager to finalize and execute the Extension Agreement as presented. Seconded by Councilor Blalock and voted.**

3. Temporary Construction License for Peirce Block

City Manager Conard said there have been delays with the project and work has not been completed.

**Councilor Lombardi moved to authorize the City Manager to execute and accept a temporary construction license extension to encumber the sidewalk and roadway along High and Ladd Streets and 6 parking spaces on High Street that abut the Peirce Block as requested. Seconded by Councilor Tabor and voted.**

4. Request for Public Hearing on ARPA Funding for Personal Protective Equipment Inventory

Health Director McNamara said she is looking for more funding to replenish PPE. She reported that the State is no longer providing this equipment at no charge, so it is our responsibility to have it on hand and purchase it.

**Councilor Blalock moved to schedule a public hearing at the February 20, 2024 City Council meeting regarding the use of ARPA funding for PPE inventory. Seconded by Assistant Mayor Kelley and voted.**

5. Adoption of Change to Hometown Program Loan Administration

City Manager Conard said in order to have a more robust participation by eligible applicants in the City's first-time homebuyer program the Community Development Staff is recommending a forgivable balloon loan to incentivize home sales to Home Town-eligible buyers.

**Councilor Bagley moved that the City Council affirm this recommended change in the City's Home Town Program administration as described in the memorandum and to allow disbursements from the Portsmouth Housing Endowment Fund Trust consistent with the program rules and requirements adopted by the Portsmouth Housing Endowment Fund Advisory Board. Seconded by Assistant Mayor Kelley.**

Councilor Moreau commended staff for coming up with this idea.

**Motion passed.**

6. Request for Public Necessity Hearing for Property Located on Maplewood Avenue

City Manager Conard said the area is part of ongoing work for a new drainage line on Maplewood Avenue.

**Councilor Moreau moved to schedule a public necessity hearing to begin at 5:00 p.m. on March 25, 2024 in Eileen Dondero Foley City Council Chambers. Seconded by Councilor Lombardi.**

Deputy City Attorney McCourt explained that this is similar to the domain hearing for the water line in Durham and we hope not to require the hearing.

**Motion passed.**

7. Report Back on Request to Remove Salter Street from Waterfront Business District

City Manager Conard stated that this would change Waterfront Business District to General Resident B District.

**Councilor Tabor moved to refer Marcia MacCormack's January 7, 2024 letter requesting Salter Street be rezoned from Waterfront Business to General Residence B to the Planning Board for its recommendation in a report back to City Council. Seconded by Councilor Cook and voted.**

8. Request to Establish Polling Hours for the Ward 1 State Representative Special Election on March 12, 2024

City Manager Conard said City Clerk Barnaby is requesting the polling hours for the Ward 1 State Representative Special Election on March 12, 2024 be established from 8:00 a.m. to 7:00 p.m.

**Assistant Mayor Kelley moved to establish polling hours for the Ward 1 State Representative Special Election on March 12, 2024 from 8:00 a.m. to 7:00 p.m. Seconded by Councilor Blalock and voted.**

## **XII. CONSENT AGENDA**

- A. Request from Raphael Roman, Roman Law Group/Fleet Street Title & Closing, to install a Projecting Sign at 51 Islington Street, Unit 1A (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

### **Planning Director's Stipulations:**

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

- B. Letter from Jodie Tsekrekas, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life for 2024 on Saturday, July 13, 2024 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Rich Clyborne, Gundalow Company, requesting permission to conduct the Round Island Regatta on Saturday, July 20, 2024 at the Peirce Island Boat Ramp from 10:00 a.m. to 12:45 p.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Ashley Healy, David Krempels Brain Injury Center, requesting permission to hold the 27<sup>th</sup> Annual Cisco Brewers Portsmouth Memorial Day 5K on Sunday, May 26, 2024 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)

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

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. Presentation Regarding Revaluation Process – Rosann Lentz, Certified Assessor

Finance Director Belanger stated that the State of New Hampshire's largest source of revenue is property taxes. She stated that the City Council adopted a total budget prior to supplemental appropriations of \$137,283,375.00 and reported total revenues of \$32,309,118.00 with a tax levy of \$104,974,257.00.

Assessor Lentz spoke to the 2024 Statistical Revaluation which reviews all taxable and nontaxable properties in a municipality, using existing property data, to arrive at full and true value as of April 1. She stated the overall median ratio of the municipality should fall between 0.90 and 1.10. She stated that the State of NH Assessing Standards Board adopted the IAAO Standard of Acceptable Appraisal Practices and utilizes these standards to determine acceptable ranges of a municipality's level of assessment and uniformity of assessment. Assessor Lentz said the city will monitor the 2024 Statistical Revaluation with help from Whitney Consulting to assure the above standards are adhered to. She addressed market value by stating that is the price a buyer of property, is willing but not obligated to buy, and a seller of property, willing but not obligated to sell, would agree on after taking into consideration all uses to which the property is adapted and might in reason be applied. She reviewed the tentative timeline.

- Sales Review, Commercial and Residential Analysis – March 2024 thru May 2024
- Feld Review – Starts April 2024
- Assessor Review of Values – Start May 2024
- Work Session with the City Council on Preliminary Assessments – July 2024
- Taxpayer Notice of Preliminary Assessments – August 2024
- Taxpayer Hearings – August 2024
- Final Notices if changes to Preliminary Values – September 2024
- MS-1 – City Valuation – October 2024
- Tax Rate Set – October 2024
- Tax Bills – November 2024 (Reflecting New Assessments)

In closing, Assessor Lentz explained the role of an assessor.

Mayor McEachern thanked Assessor Lentz and the office for their work and said it is incredibly hard work and said he appreciates her work and the work that will go on throughout the process.

- B. Letter from Warren Widener, Seacoast Lacrosse Club, requesting permission to exhibit temporary signage on the fences at the Portsmouth Recreation Athletic Field for the spring 2024 lacrosse season

**Councilor Tabor moved to refer to the City Manager with Authority to Act. Seconded by Councilor Blalock.**

Councilor Moreau said that sign must be clear what they are supporting.

**Motion passed.**

- C. Letter from Joe Caldarola regarding Community Based Power: Does Opting Up reduce CO2 emissions

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

- D. Memorandum from Public Art Review Committee (PARC) regarding Proposed Donation of Art Work from artist Carl Austin Hyatt

**Councilor Cook moved to accept and refer to the City Manager for placement. Seconded by Councilor Tabor.**

Councilor Cook passed around a picture of the artwork we would be receiving.

**Councilor Moreau moved to suspend the rules to hear from Chris Dwyer, Chair of the PARC to speak on the donation of Art Work from Carl Austin Hyatt. Seconded by Councilor Blalock and voted.**

Chair Dwyer said the donation is a wonderful piece and is of museum quality/value. She would like the City Council to invite Mr. Hyatt for a presentation and suggest a location for the work.

**Motion passed.**

- E. Email Correspondence

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

**Councilor Cook moved to suspend the rules and continue the meeting beyond 10:30 p.m., Seconded by Councilor Bagley and voted.**

#### **XIV. MAYOR McEACHERN**

1. Resignations
  - Elaine Apatang-Butts from the Citywide Neighborhood Committee
  - Kathleen Boduch from the Citywide Neighborhood Committee
  - Lori Soloway from the Citywide Neighborhood Committee
  - Paul Burke from the Public Art Review Committee
  - Robert White from the Public Art Review Committee

**Assistant Mayor Kelley moved to accept the resignations with regret and a letter of thanks be sent for their service to the city. Seconded by Councilor Tabor and voted.**

2. Appointments to be Voted:
  - Donald Brabant as a regular member of the Audit Committee
  - Jeff Abrams as a regular member of the Cable and Broadband Internet Commission
  - Gary Lowe as a regular member of the Cable and Broadband Internet Commission
  - Talia Sperduto as an alternate member of the Conservation Commission
  - Jody Record reappointment as an alternate member of the Zoning Board of Adjustment

**Councilor Blalock moved to appoint Donald Brabant as a regular member of the Audit Committee until November 15, 2026, appointments of Jeff Abrams and Gary Lowe as regular members to the Cable and Broadband Internet Commission until April 1, 2026, appointment of Talia Sperduto as an alternate member of the Conservation Commission until April 1, 2026, and reappointment of Jody Record as an alternate member of the Zoning Board of Adjustment until December 1, 2028. Seconded by Councilor Lombardi and voted.**

3. Appointments to be Considered:
  - Appointment of Jessica Dickey as an Alternate to the Arts & Cultural Commission
  - Appointment of Andrew Samonas as a regular member of the Planning Board
  - Appointment of Ernie (Ernestine) Greenslade to the Public Art Review Committee
  - Appointment of Robin Lurie-Meyerkopf to the Public Art Review Committee
  - Appointment of Megan Corsetti to the Housing Blue Ribbon Committee
  - Appointment of Tracy Kozak to the Housing Blue Ribbon Committee
  - Appointment of Mary Loane to the Housing Blue Ribbon Committee
  - Appointment of Byron Matto as the School Board Representative to the Housing Blue Ribbon Committee
  - Appointment of Dagan Migirditch to the Housing Blue Ribbon Committee
  - Appointment of Jen Stebbins Thomas to the Housing Blue Ribbon Committee

The City Council considered the appointments which will be voted upon at the February 20, 2024 City Council meeting.

#### 4. Council Goals

Mayor McEachern outlined the City Council Goals of 2024-2025.

- Enhance the supply of housing choices, especially the supply of below-market rate housing options.
- Integrate sustainability, resilience, and climate change mitigation actions throughout City government and community.
- Invite and engage the entire community, especially those traditionally unreached, to increase participation and transparency in government.
- Support the needs of residents, businesses, nonprofits, arts and cultural institutions by leveraging City and local resources.
- Explore opportunities to support all modes of transportation options.

**Assistant Mayor Kelley moved to accept the Council Goals as presented. Seconded by Councilor Blalock and voted.**

#### 5. Board and Commission Assignments for City Council

Mayor McEachern read the City Council Assignments to various Board and Commissions.

**African Burying Ground Stewardship Blue Ribbon Committee**

Assistant Mayor JoAnna Kelley

**Blue Ribbon Committee on Arts & Non-Profit**

Councilor Kate Cook

**Audit Committee**

Councilor John Tabor

Councilor Kate Cook

**Chamber of Commerce**

Councilor Andrew Bagley

**Citywide Neighborhood Steering Blue Ribbon Committee**

Councilor Rich Blalock

**Economic Development Commission**

Assistant Mayor JoAnna Kelley

Councilor Vincent Lombardi

**Blue Ribbon Energy Advisory Committee**

Councilor John Tabor

Councilor Kate Cook

**Ethics Board**

Councilor Josh Denton

**Fee Schedule Study Committee**

Councilor John Tabor  
Councilor Josh Denton  
Councilor Moreau

**Governance Committee**

Assistant Mayor JoAnna Kelley  
Councilor John Tabor  
Councilor Kate Cook  
Councilor Vincent Lombardi

**Historic District Commission**

Councilor Rich Blalock

**Housing Blue Ribbon Committee**

Assistant Mayor JoAnna Kelley  
Councilor John Tabor

**Legislative Sub-Committee**

Mayor Deaglan McEachern  
Assistant Mayor JoAnna Kelley  
Councilor John Tabor  
Councilor Kate Cook

**Parking and Traffic Safety Committee**

Councilor Andrew Bagley

**Pease Development Authority**

Councilor Vincent Lombardi

**Planning Board**

Councilor Beth Moreau

**Prescott Park Master Plan Implementation Committee**

Assistant Mayor JoAnna Kelley

**Public Access Financial Advisory Committee**

Councilor Vincent Lombardi

**Recreation Board**

Councilor Rich Blalock

**Rockingham Planning Commission**

Councilor Beth Moreau

**Safe Water Advisory Group Blue Ribbon Committee**

Councilor Rich Blalock  
Councilor Vincent Lombardi



**Sister City Blue Ribbon Committee**

Assistant Mayor JoAnna Kelley

**Skateboard Park Blue Ribbon Committee**

Councilor Rich Blalock

**Sustainable Practices Blue Ribbon Committee**

Councilor Kate Cook

Councilor Josh Denton

**Task Force on Portsmouth Historical Archives**

Councilor Vincent Lombardi

**Trees & Public Greenery Committee**

Assistant Mayor JoAnna Kelley

**Veterans Organization**

Councilor Josh Denton

**XV. CITY COUNCIL MEMBERS**

**A. COUNCILOR TABOR, COUNCILOR COOK AND COUNCILOR DENTON**

1. Green Building and Infrastructure Policy

**Councilor Cook moved to request updates on the exploration of the feasibility of incorporating electrical infrastructure & conduit pathways for EV charging stations and on the basic design and cost for solar array covered parking at the Portsmouth High School in accordance with the 2023 Green Building and Infrastructure Policy. Seconded by Councilor Tabor.**

Councilor Cook said she and Councilor Tabor are co-sponsoring with Councilor Denton on this motion. She spoke to the policy and said it is a great deal of work.

Councilor Blalock asked if we thought of looking at placing solar panels on existing buildings. Councilor Cook responded that they're looking at that.

**Motion passed.**

**B. COUNCILOR TABOR AND COUNCILOR LOMBARDI**

1. Council Budget Guidance for FY25 Budget

*As the elected body, it is the City Council's role to balance the staff needs with the taxpayer's ability to pay for them. If this target requires reductions in the current high level of services, the city manager and staff should advise the council during the all-day budget presentation, review and listening session.*

**Councilor Tabor moved that the Council adopt a range of 3.5% - 4.5% increase in total expenditures as guidance for the FY25 budget, with no additional headcount unless the positions are self-funded. Seconded by Councilor Lombardi.**

Councilor Tabor said he spoke with a number of City Councilors and thought he would put this forward for the City Council to consider. He stated our average increase was 3.5% - 4.5% for the last seven years. He said we do not know where values will fall if we add a 5.7% increase it would increase values on homes. Councilor Tabor said when values go up fast it is a major hit to the budget.

Councilor Lombardi said a meeting was held with Finance Director Belanger and Human Resources Director Harper. He stated going into the meeting he was thinking 3.5% but over the last several years we have increased the payroll significantly across the board and we need to keep it at 4.5% or less.

Councilor Blalock thanked Councilor Tabor and Councilor Lombardi for bringing the matter forward. He said we need to keep the budget below 4.5%.

Councilor Moreau said she would like it to stay no more than 4%. She said we need to keep the budget as tight as possible.

Councilor Cook said we need to keep the budget below 4.5%. She said we are asking to find efficiencies in areas.

Councilor Bagley said we are going to have to make cuts in the CIP and take a look at various projects.

Mayor McEachern said inflation has dropped and prices have increased, and we will have some sticker shock. He stated we cannot add more positions.

**Motion passed.**

**C. COUNCILOR COOK**

2. Charter Amendments

**Councilor Cook moved to request the Governance Committee review potential charter amendments to address legal interpretation in the case of perceived or actual conflicts between charter and state law. Seconded by Councilor Blalock.**

Councilor Cook said governance works best when residents and government can understand our charter.

Mayor McEachern said we faced this discrepancy with the recount, and this is for us to identify issues.

**Motion passed.**

**D. COUNCILOR BAGLEY**

1. **Action Item Needing Approval by City Council:**
  - Woodbury Avenue Speed Cushion Plan

**Councilor Bagley moved to refer the Woodbury Avenue Speed Cushion Plan back to the Parking & Traffic Safety Committee. Seconded by Councilor Moreau.**

Councilor Moreau said putting six speed cushions on Woodbury Avenue all at once sounds like a lot. She said you need to look at what you can do and keep the speed down on the road.

Councilor Cook would like to hear from Fire Chief McQuillen on this matter.

Fire Chief McQuillen said he was against this matter from the beginning. He said there are some conflicts with street classes on different streets with Parking & Traffic Safety. He stated the arterial roadway is a primary response road and the cushions would limit the department's ability to get to a location. He said Parking & Traffic Safety needs to flesh this out further.

**Motion passed.**

2. Parking & Traffic Safety Committee Action Sheet and Minutes of the November 29, 2023 meeting

**Councilor Bagley moved to approve and accept the action sheet and minutes of the November 29, 2023 Parking & Traffic Safety Committee meeting with the exception, of VII B. under Old Business – Woodbury Avenue Speed Cushion Plan. Seconded by Councilor Moreau and voted.**

3. Action Item Needing Approval by City Council:

- 2 Russell Street

**Councilor Bagley moved to approve requested changes to on-street parking on Deer Street and Russell Street as presented on approved site plans for project with modifications as proposed by DPW, with the inclusion of bicycle signage at locations as approved by the DPW Traffic Engineer, and the continuation of sharrows on Russell Street to Market Street. Seconded by Councilor Moreau.**

Councilor Moreau said that this is part of the development of the area.

Councilor Cook said when she saw the proposal it was without the bike lane, but the alternative route has a bike lane and will become the preferred route.

**Motion passed.**

- Parking Principles

**Councilor Bagley moved to approve proposed changes to City Parking Principles as recommended by DPW and Planning Department. Original 2012 Parking Principles and recommended revised Parking Principles attached for Council review and approval. Seconded by Assistant Mayor Kelley.**

Councilor Bagley reported that there are no real changes to the principles, however, there is a bigger emphasis on bike routes.

**Motion passed.**

4. Parking & Traffic Safety Committee Action Sheet and Minutes of the January 4, 2024 meeting

**Councilor Bagley moved to approve and accept the action sheet and minutes of the January 4, 2024 Parking & Traffic Safety Committee meeting. Seconded by Councilor Lombardi and voted.**

5. Schedule first reading to consolidate all city owned surface parking into Zone A

**Councilor Bagley moved to refer to the Legal Department to draft an ordinance for first reading at the City Council meeting in March. Seconded by Councilor Blalock and voted.**

**XVI. APPROVAL OF GRANTS/DONATIONS**

- A. Donation for the Police Department for EV Vehicle and Charging Station

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

**XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

1. Water Service Line Inventory

City Manager Conard said that a press release will go out tomorrow that all water suppliers create a water line inventory. She reported that 1,600 would need to be inventoried in the city that will require us to make a visit to the property.

2. Report Back on Request for Signage in Prescott Park Fence and Dock for Water Taxi

City Manager Conard said there are deed restrictions at Prescott Park, and we would need the Attorney General to read and review our deed restrictions.

**Councilor Bagley moved to have the Legal Department reach out to the Attorney General office for report back. Seconded by Councilor Tabor.**

Councilor Bagley said that this could be an exciting way for those unable to see the city from the water to be able to enjoy that view. He stated he looks forward to hearing from the Attorney General's office on this matter.

**Motion passed.**

3. Solar Panel Work Session

City Manager Conard reported that the Planning Board & Historic District Commission will be having a Joint Work Session on the installation of solar panels and the meeting is slated to take place on February 21<sup>st</sup> at 6:00 p.m. in the Levenson Room of the Library.

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Councilor Cook announced that PARC will be meeting to discuss possibilities and ideas related to the Peirce Island Project, on February 12<sup>th</sup> at Noon via Zoom and February 15<sup>th</sup> at 6:30 p.m. in the Levenson Room of the Library.

**XIX. ADJOURNMENT**

**At 11:25 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Blalock and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

**CITY OF PORTSMOUTH, NH**  
**Public Art Review Committee**

February 29, 2024

***Memorandum***

To: Honorable Mayor and City Council

From: Public Art Review Committee (PARC)

Subject: Recommendation of Public Art for Bohenko Gateway Park

PARC reviewed a proposed gift of original public art from the Portsmouth400 legacy committee designed to transform the aesthetics of the pavilion in Bohenko Gateway Park. At its meeting on February 28, 2024, PARC applied its review criteria to the proposed public artwork, encompassing the criteria in City Council Policy 2022-02 for Public Art Referral and Acquisition.

PARC unanimously recommends that the City accept the proposed plan for the artwork (see attached description and visuals), including support from the Department of Public Works for the painting (and preparation) of the ceiling/supports of the pavilion. The artwork is a school of swimming codfish suspended from the roof of the pavilion; blue lights shining onto the fish will create shadows on the concrete pad below the roof. The codfish will be carved from basswood then finished with epoxy and marine varnish.

**Background.** The Portsmouth400 legacy committee had received a small grant from the Rockingham County Commission for public art which they have combined with some remaining resources from the Portsmouth400 celebration to develop a proposal to add artwork to Bohenko Gateway Park. The committee has worked with local artist/landscape designer Terrence Parker to develop the proposed plan, working with the budget limitations of the available funds. Because Portsmouth400 has concluded and will officially come to a conclusion in June, PARC will take on the responsibility for reviewing and overseeing the project.

**Review.** PARC noted these particular items in its review:

- **In its current state, the pavilion is not inviting nor does its design align well with the aspirations for a gateway sculpture park with maritime themes.** The artwork will help to define and activate a space which is now somewhat confusing to the public because they don't understand its function. Once the site is transformed, people who drive or walk by will be drawn to the site by the play of light and shadow and then explore interpretative material that speaks to Portsmouth's maritime context and history. The artwork will give the pavilion "character."

- **The proposed artwork will transform the current structure aesthetically and add value to the site by bringing attention to relevant local history.** The story of codfish is central to the maritime history of New England. The school of fish harkens to the time when codfish were abundant; the relative sizes of fish speak to the changes that have occurred over time and through overfishing. The site adjacent to North Mill Pond was historically a boat building area.
- **The proposed artwork is innovative in its use of materials and the incorporation of shadows and lighting, creating both day and nighttime interest.** The fish will be constructed with materials related to boat building. Shadows created by the fish will create interest on the ground, doubling the impact of the school of fish.
- **The proposed artwork is accessible and is “self-explanatory” with the potential to be readily understood by a broad public.**
- **Safety considerations have been taken into account to safeguard against vandalism.** Fish will be hung so that they are 10’ above the ground at the lowest point (the height of a basketball hoop). The cables holding the fish will be able to support 390 lb. Each fish will have two cables, fixed so that the fish do not swing.
- **The artist has a proven track record with outdoor public art, including with municipal commissions.** Terrence Parker has created public art at the Foundry Garage, the Music Hall arch, the Kelp Wave sculpture, the Little Harbour Memorial, and the Ruth Blay History as Art mural among others. He has worked with other artists, architects, and artisans to create permanent works throughout the Seacoast.
- **The artwork will require minimal maintenance.** The main components will be treated for the harshness of wind and water, treated similarly to boats, and also protected somewhat by the roof of the pavilion. Light bulbs will need to be changed.

**Future Enhancements.** The proposed project is designed to fit within a limited budget. PARC discussed potential future enhancements as additional funds become available, including:

- Additional lighting to enhance the effects of the shadows.
- Signage at the Albacore with information about the Bohenko Gateway park sculptures.
- Interpretative signage to tell the story of codfish in Seacoast history.
- Potentially relocating the interpretive panels on the pavilion to another area to enhance the simplicity of the new design.



- Specially designed seating nearby so that the pavilion might be used for performances, talks.

## Cod Sculpture: Narrative

Terrence Parker

The oceans have always been perceived as a two-dimensional element: air and water, as mysterious as it is infinite. A resource believed to be endless. In reality, the ocean has always been a complex and dynamic ecosystem, it is always changing and not at all an infinite resource.

Portsmouth historian and retired UNH history professor, Jeffrey Bolster makes this point and more in his award-winning book, “The Mortal Sea”. Bolster documents, like other authors such as Mark Kurlansky in his book about Cod, the history of the ocean and the relentlessly human quest for fish and money and the resulting depletion of the ocean’s wildlife. **In understanding the story of Cod, a reader can see the history of New England and our own Seacoast.** Whether we know it or not we live in a region founded on the once bountiful global fishing economy.

The explorer John Smith mapped the coastline from Cape Cod to Canada in 1614 and noted the Isle of Shoals, then naming it ‘*Smythe’s Isles*’. The Isle of Shoals (a school of fish) was a seasonal fishery for drying and salting Cod for the European market. John Smith had promoted the immense commercial value of the abundant cod and other fish on our coastline, thus encouraging settlers to New England. At that time, Europe had depleted their own seas of such abundance, and the New England waters were now targeted for economic exploitation. Historian Dennis Robinson states that the early provincial seal of New Hampshire included a cod-like fish, a tree, and a quiver of arrows all representing aspects of the early colony.

Bolster states that in the mid 1600’s “*exports of dried and salted cod were on their way to becoming the lynchpin in the New England economy spurring the shipbuilding and shipping services at the heart of New England’s remarkable economic development*”.

It is from the above readings that the proposed Cod sculpture derives its meaning---the history of fishing for cod and other plentiful species was one of the key driving forces for the settlement of this region. Unfortunately, human shortsightedness and greed has reduced the cod population to near commercial irrelevance, although there is hope of a recovery, we have nearly exhausted the sea’s capacity of renewal.

**This sculpture proposes to change the character of the pavilion by drenching it with blue LED lights and hanging cod fish sculptures.** The numerous cod fish will be carved from wood and will represent an active school of fish ranging in size from 24” to 48”. Each cod fish will hang at about 10’ off the ground, so as to be out of reach of observers.

To further alter the feel of the pavilion and make the fish ‘abstract’, the fish will be painted as a bright metal, like a fishing lure, thus allowing these fish to speak for all fish.

The underside of the roof and its various wood and metal elements will be painted black to help the roof structure recede from the eye.

The LED lights will bath the bright concrete pavement in blue and cast the shadows of the fish on the ground plain, thus creating a three-dimensional experience. This designed effect will be viewed from the Sarah Long bridge and from both directions on Market Street.

**Proposed Design Elements:** painting of the underside of the roof in black, installation of LED lights, carved cod in three sizes, and hanging hardware for each fish.







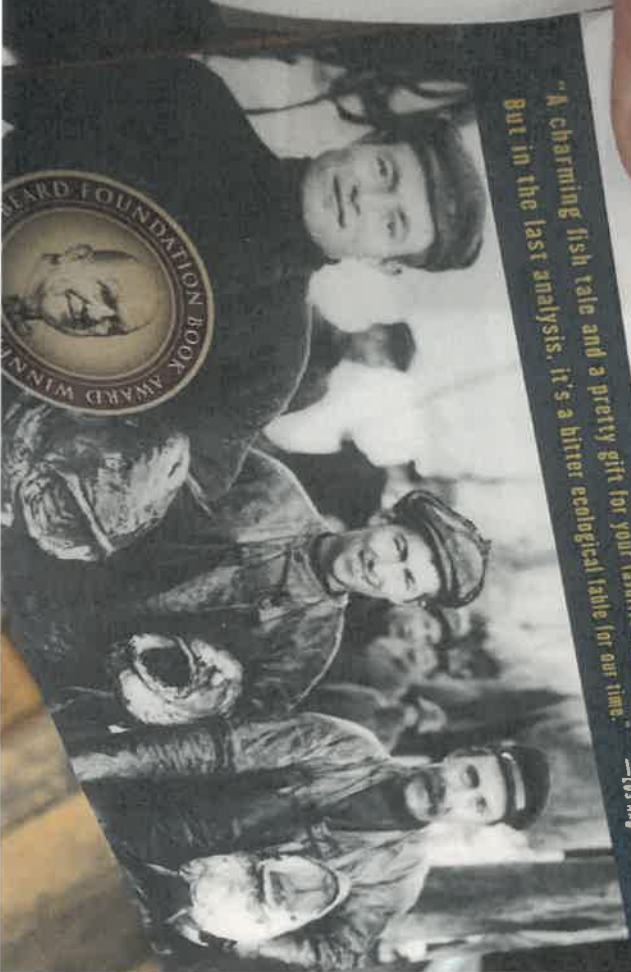
A BIOGRAPHY OF THE FISH THAT CHANGED THE WORLD



# cod

*mark kurlansky*  
author of *Salt*

"A charming fish tale and a pretty gift for your favorite seafood cook or fishing enthusiast. But in the last analysis, it's a bitter ecological fable for our time." —Los Angeles Times



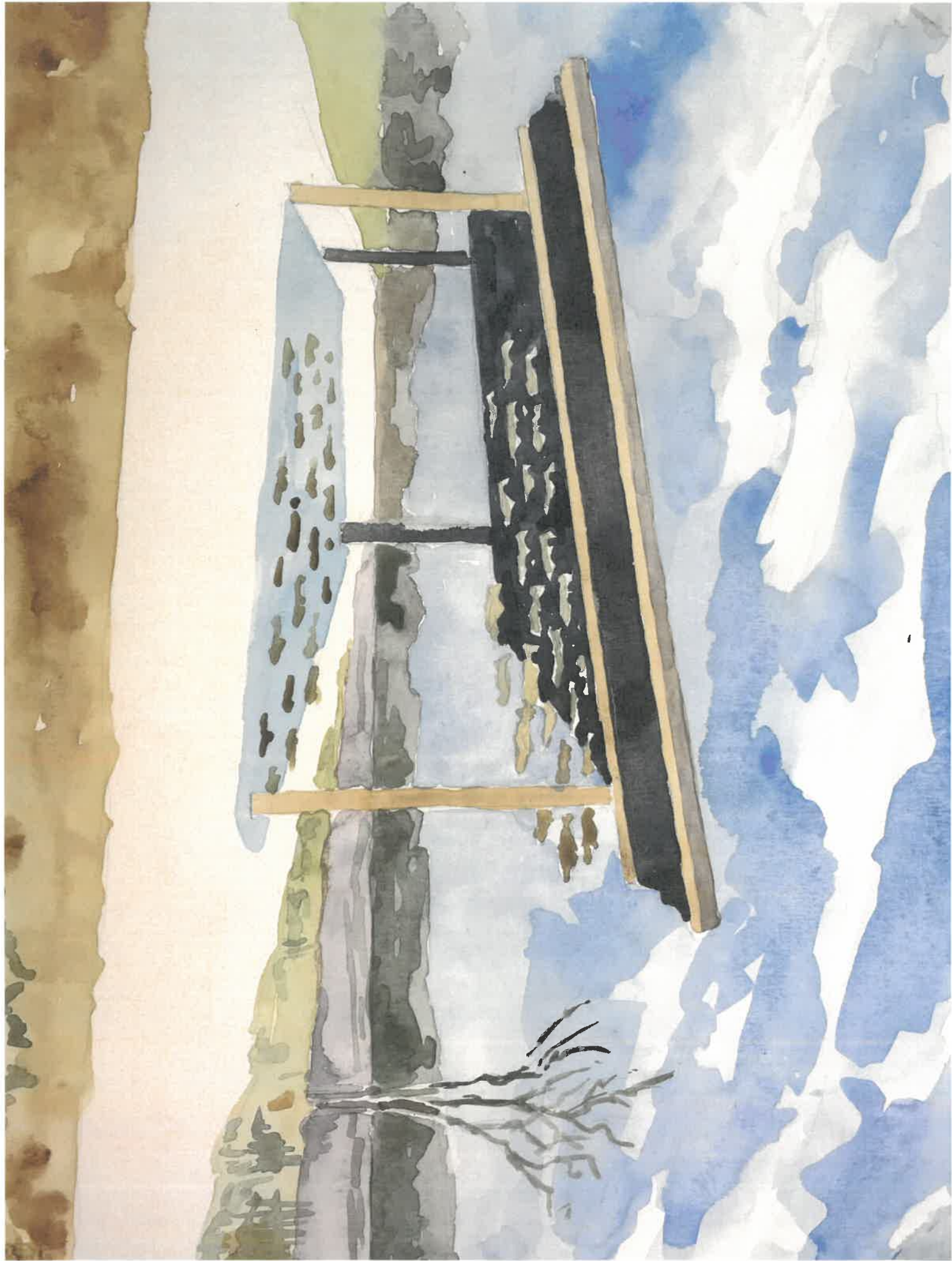
# THE MORTAL SEA

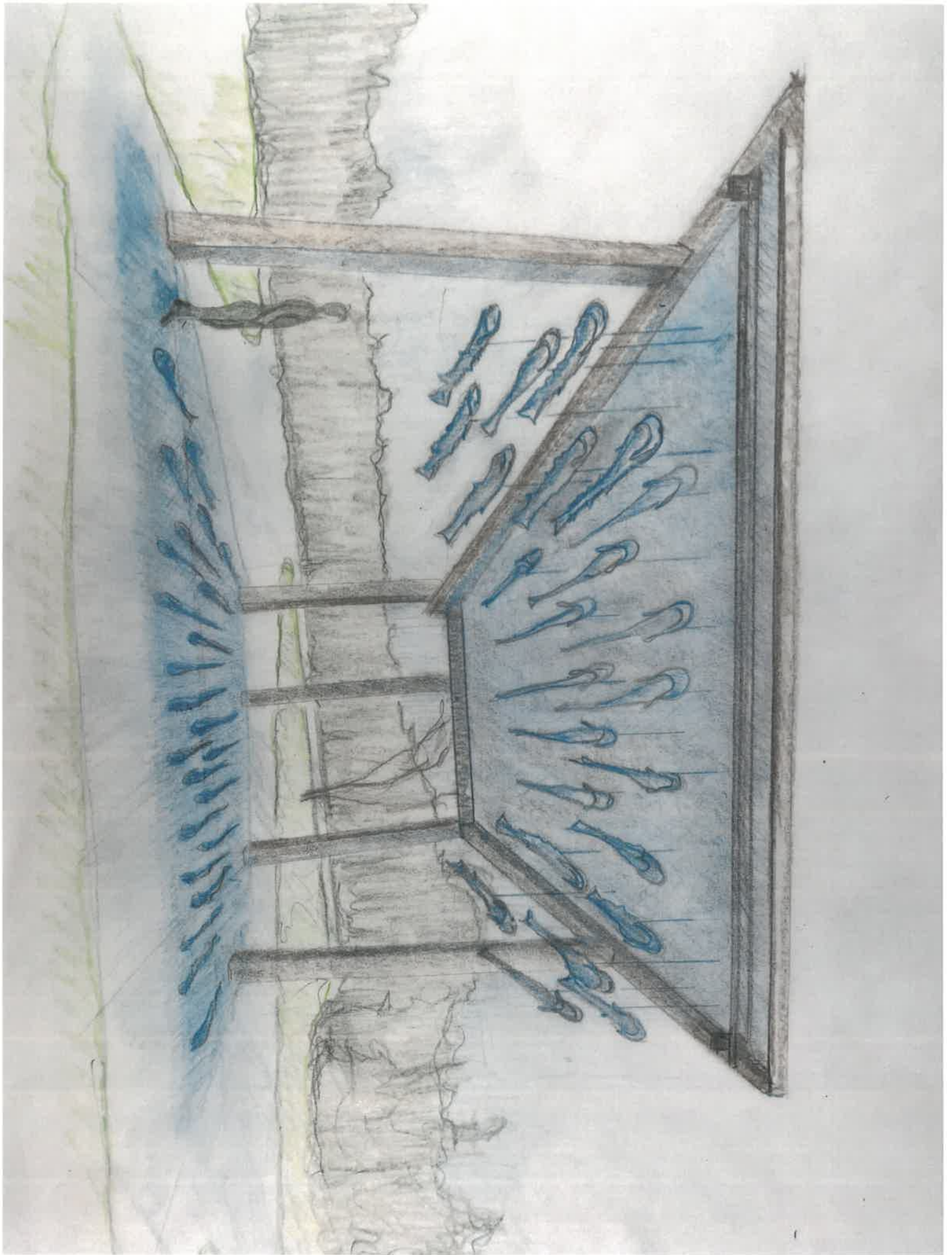


FISHING THE ATLANTIC  
IN THE AGE OF SAIL

W. JEFFREY BOLSTER











ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP of the Ordinances of the City of Portsmouth, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

That the Zoning Map be amended so that the following described parcels are rezoned from Office Research (OR) to **Gateway Neighborhood Business (G1)**:

**City Tax Map 267, Lot 4**  
**City Tax Map 267, Lot 5**  
**City Tax Map 267, Lot 6**  
**City Tax Map 267, Lot 7**  
**City Tax Map 267, Lot 8**  
**City Tax Map 252, Lot 1**  
**City Tax Map 252, Lot 1-7**  
**City Tax Map 234, Lot 3**  
**City Tax Map 234, Lot 7-7**  
**City Tax Map 234, Lot 2**

That the Zoning Map be amended so that the following described parcels are rezoned from Garden Apartment/Mobile Home Park (GA/MH) to **Gateway Neighborhood Business (G1)**:

**City Tax Map 291, Lot 1-1**  
**City Tax Map 285, Lot 1**

That the Zoning Map be amended so that the following described parcels are rezoned from General Business (GB) to **Gateway Neighborhood Business (G1)**:

**City Tax Map 234, Lot 7-6**  
**City Tax Map 234, Lot 5**  
**City Tax Map 234, Lot 6**  
**City Tax Map 234, Lot 51**  
**City Tax Map 174, Lot 12**  
**City Tax Map 174, Lot 13**  
**City Tax Map 175, Lot 11**  
**City Tax Map 175, Lot 4**  
**City Tax Map 175, Lot 5**

City Tax Map 236, Lot 35  
City Tax Map 236, Lot 34  
City Tax Map 236, Lot 33 (portion of)  
City Tax Map 236, Lot 36  
City Tax Map 236, Lot 39  
City Tax Map 237, Lot 56 (portion of)  
City Tax Map 237, Lot 57

That the Zoning Map be amended so that the following described parcels are rezoned from Single Residence B (SRB) to **Gateway Neighborhood Business (G1)**:

City Tax Map 243, Lot 66  
City Tax Map 229, Lot 6  
City Tax Map 229, Lot 6A  
City Tax Map 268, Lot 97

That the Zoning Map be amended so that the following described parcels are rezoned from Mixed Residential Business (MRB) to **Gateway Neighborhood Business (G1)**:

City Tax Map 217, Lot 1 (portion of)  
City Tax Map 217, Lot 2A (portion of)

That the Zoning Map be amended so that the following described parcels are rezoned from General Residence A (GRA) to **Gateway Neighborhood Business (G1)**:

City Tax Map 174, Lot 14;

That the Zoning Map be amended so that the following described parcels are rezoned from Industrial (I) to **Gateway Neighborhood Business (G1)**:

City Tax Map 273, Lot 5

That the Zoning Map be amended so that the following described parcels are rezoned from Industrial (I) and General Residence A (GRA) to **Gateway Neighborhood Business (G1)**:

City Tax Map 173, Lot 9

That the Zoning Map be amended so that the following described parcels are rezoned from Single Residence B (SRB) to **Gateway Neighborhood Mixed Use Center (G2)**:

**City Tax Map 246, Lot 1**

That the Zoning Map be amended so that the following described parcel is rezoned from Gateway Neighborhood Business (G1) and Office Research (OR) to **Garden Apartment/Mobile Home Park (GA/MH)**.

**City Tax Map 215, Lot 9**

The City of Portsmouth Zoning Map will be amended and reissued by the Planning Board to incorporate these amendments pursuant to Chapter 10, Article 4, ZONING AND DISTRICT USE REGULATIONS, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance.

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



City of Portsmouth  
Planning Department  
1 Junkins Ave, 3<sup>rd</sup> Floor  
Portsmouth, NH  
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, Planning Manager

Date: February 29, 2024

Re: Recommendations for the February 29, 2024 Planning Board Meeting

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**I. PUBLIC HEARINGS – NEW BUSINESS – CONTINUED FROM FEBRUARY 15<sup>th</sup> MEETING**

*The Board's action in these matters has been deemed to be quasi-judicial in nature.  
If any person believes any member of the Board has a conflict of interest,  
that issue should be raised at this point or it will be deemed waived.*

- A.** Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Business (G1) as follows: from Office Research (OR): Map 267 Lot 4, Map 267 Lot 5, Map 267 Lot 6, Map 267 Lot 7, Map 267 Lot 8, Map 252 Lot 1, Map 252 Lot 1-7, Map 233 Lot 145, Map 234 Lot 3, Map 234 Lot 7-7, Map 234 Lot 2; from Garden Apartment/Mobile Home Park (GA/MH): Map 291 Lot 1-1 and Map 285 Lot 1; from General Business (GB): Map 234 Lot 7-6, Map 234 Lot 5, Map 234 Lot 6, Map 234 Lot 51, Map 174 Lot 12, Map 174 Lot 13, Map 175 Lot 11, Map 175 Lot 4, Map 175 Lot 5, Map 236 Lot 35, Map 236 Lot 34, Map 236 Lot 33 (portion of), Map 236 Lot 36, Map 236 Lot 39, Map 237 Lot 56 (portion of) and Map 237 Lot 57; from Single Residence B (SRB): Map 243 Lot 66, Map 229 Lot 6, Map 229 Lot 6A, and Map 268 Lot 97; from Mixed Residential Business (MRB): Map 217 Lot 1 (portion of) and Map 217 Lot 2A (portion of); from General Residence A (GRA): Map 174 Lot 14; from Industrial (I): Map 273 Lot 5; from Industrial (I) and General Residence A (GRA): Map 173 Lot 9.

Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Mixed Use Center (G2) as follows: from Single Residence B (SRB): Map 246 Lot 1.

Amend the Zoning Map to change the zoning designation to Garden Apartment/Mobile Home Park (GA/MH) as follows: from Gateway Neighborhood Business (G1) and Office Research (OR): Map 215 Lot 9.

**Background**

The Land Use Committee (LUC) was created to look at diversifying Land Use Regulations within the City. It was established by the prior Council on February 7, 2022 to look at diversifying land use regulations within the City. The LUC was tasked with reviewing current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi-modal transportation. The Committee was charged with reporting back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City's Goals.

Over the past 2 years, amendments were made to building height standards, Accessory Dwelling unit regulations and workforce housing incentives in the Character Districts as initially recommended by the Committee. In the late summer and fall of 2023 the Committee looked at potential parcels to rezone to Gateway to create more opportunities for housing development.

The LUC reviewed the current Gateway zoning and identified parcels adjacent to existing Gateway parcels that could extend or connect the district. There was a broader discussion about eliminating some of the outdated districts such as OR and GB. The LUC identified close to 60 parcels for consideration and split the list into short-term and long-term, with the short-term list consisting of parcels the LUC came to a consensus on rezoning. The list of consensus parcels was presented to City Council on January 16, 2024 and referred to Planning Board for a recommendation back per the action below:

**31. Gateway Rezoning – Voted** to request that an ordinance amendment be drafted to change the zoning of the “consensus properties” as described in the memorandum and that the drafted ordinance amendment be sent to the Planning Board for its consideration and recommendation in February with the intention to bring back an ordinance amendment for first reading at the City Council meeting in March.

**Additional Background**

This section will provide additional background and supporting information from the Master Plan and the Land Use Committee.

Below are some excerpts from the results of the public outreach process for the current Master Plan that are relevant to the map amendment discussion:

Page 24 states the following:

*“The Study Circles described the need for diversity in the form of mixed-use neighborhood zoning, housing that meets the needs of all ages and incomes, and less reliance on tourism as an economic driver. Specific priorities included:*

- Equity throughout the community, with as much focus on the neighborhoods as downtown.*

- *A diverse supply of housing for all economic levels and types from young to old; single or families; abled or disabled;*
- *A diverse built environment, not just replicating the past, but authentic to Portsmouth, new and old;*
- *Diverse modes of transportation that is affordable, intermodal and regional; and*
- *A balanced local economy that includes opportunities for small businesses and entrepreneurship as well as tourism.*

Page 26 states the following:

*Participants responded to three potential strategies to increase the availability of housing in Portsmouth and marked on maps where each strategy should be used:*

- Redevelopment of gateway commercial areas;***
- Densification with second units or parcel splits;***
- Greenfield development on unbuilt parcels.***

*Residents overwhelmingly supported redevelopment of existing commercial areas over greenfield development or increasing density in existing neighborhoods. Some residents spoke in favor of in-law or accessory dwelling units as a strategy for both providing affordable housing and increasing income for residents with larger homes and fixed incomes.*

*During the corridor development meeting, participants consistently gave higher ratings to more activated streetscapes, with multistory buildings close to the streets, landscaping, and bicycle and pedestrian amenities (Page 27).*

*Every group chose to include a mix of residential and commercial uses on their site, and most designs were at least two stories tall and placed buildings closer to the street than existing development (Page 28).*

The Master Plan contains a section on Corridors on pages 121 – 133 which speaks to promoting more mixed-use development along the corridors. See link below to the Master Plan to review this section.

<https://view.publitas.com/city-of-portsmouth/portsmouth-master-plan-adopted-2-16-2017/page/1>

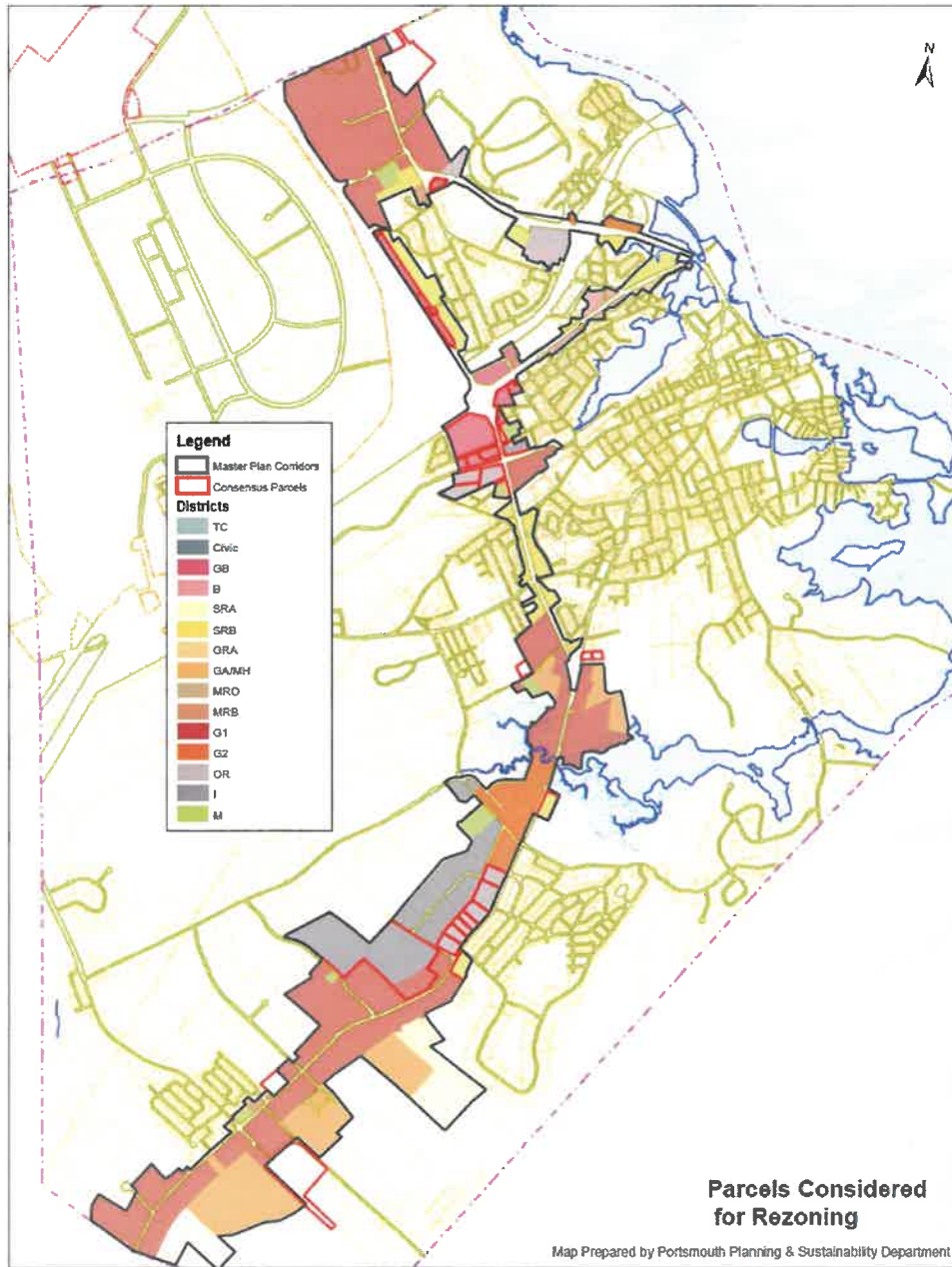
Among the goals in the Corridor section, Goal 1.2 below supports mixed-use development along the commercial corridors.

- *Goal 1.2 – Encourage walkable Mixed-use development along existing commercial corridors.*
  - *1.2.1 Encourage mixed-use development in existing commercial areas by adopting new and enhancing existing flexible zoning techniques such as Gateway Planned Development option.*



- 1.2.2 Promote redevelopment along the Route 1 Bypass north of the traffic circle that is compatible with adjoining neighborhoods.

The map below shows the subject parcels in relation to the corridors outlined in the Master Plan. The corridor boundary in the Master Plan is broad and not parcel specific. Most of the parcels fall entirely within the corridor areas, and several are located adjacent to the corridor areas. These proposed amendments are a continuation of the rezoning efforts the Board and Council have been engaged in the past few years which implement recommendations of the 2025 Master Plan, which also include corrections to the zoning map.





The table below includes the subject parcels with the current zoning, current use and address and approximate acreage. Those parcels that have split zoning just represent the acreage that is proposed to be rezoned. Attached to the memo is a comparison of permitted uses in each district.

MAPLOT	Curr_Zone	Prop_Zone	Comments	Phy Address	Acres
0173-0009-0000	I/GRA	G1	Car dealership	500 Route 1 Bypass	3.56
0174-0012-0000	GB	G1	Vacant/Storage	153 Boyd Rd	1.26
0174-0013-0000	GB	G1	Billboard parcel	No Address	0.07
0174-0014-0000	GRA	G1	Dental Office	185 Cottage Rd	0.91
0175-0004-0000	GB	G1	Hotel	300 Woodbury Ave	1.81
0175-0005-0000	GB	G1	Hotel parcel	304 Woodbury Ave	0.13
0175-0011-0000	GB	G1	Hotel/Restaurant	580 Route 1 Bypass	3.68
0215-0009-0000	G1/OR	GA/MH	Oriental Gardens	Oriental Gardens	20.61
0217-0001-0000	G1/MRB	G1	Rite Aide	1303 Woodbury Ave	1.51
0217-002A-0000	G1/MRB	G1	Rite Aide out parcel	Rite Aide parcel	0.14
0229-0006-0000	SRB	G1	Dental office	545 Lafayette Rd	0.97
0229-006A-0000	SRB	G1	Greek Church vacant lot	Off Ledgewood	1.00
0233-0145-0000	M	M	Municipal	Off Rt 1 Bypass	2.73
0234-0002-0000	OR	G1	Public Service Co	Off Borthwick Ave	4.77
0234-0003-0000	OR	G1	Public Service Co	Off Borthwick Ave & Rt. 1 Bypass	5.13
0234-0005-0000	GB	G1	Hotel	505 Rt 1 Bypass	2.58
0234-0006-0000	GB	G1	Granite Group	100 Coakley Rd	1.23
0234-0007-0006	GB	G1	Hotel	650 Borthwick Ave	2.97
0234-0007-0007	OR	G1	Public Service Co	Off Borthwick Ave	4.29
0234-0051-0000	GB	G1	Car dealership	549 Rt 1 Bypass	18.07
0236-0033-0000	GB	G1	Car dealership	120 Spaulding Tpke	2.90
0236-0034-0000	GB	G1	office w apartment	155-157 Farm Ln	0.42
0236-0035-0000	GB	G1	Commercial	150 Spaulding Tpke	0.22
0236-0036-0000	GB	G1	Strip of land	Off Spaulding Tpke	0.12
0236-0039-0000	GB	G1	Car dealership	180 Spaulding Tpke	1.25
0237-0056-0000	GB	G1	NE Marine	200 Spaulding Tpke	5.90
0237-0057-0000	GB	G1	4 Unit Apt.	201 Spaulding Tpke	0.35
0243-0066-0000	SRB	G1	Crossroads	200 Greenleaf Ave	1.94
0246-0001-0000	SRB	G2	Church	1035 Lafayette Rd	4.15
0252-0001-0000	OR	G1	Eversource	1700 Lafayette Rd	4.23
0252-0001-0007	OR	G1	US Army	Lafayette Rd	6.32
0267-0004-0000	OR	G1	Service Credit Union Bank	2032 Lafayette Rd	3.83
0267-0005-0000	OR	G1	Service Credit Union	2010 Lafayette Rd	2.91
0267-0006-0000	OR	G1	Employment Security	2000 Lafayette Rd	2.27
0267-0007-0000	OR	G1	Two office condos	1950 Lafayette Rd	2.14
0267-0008-0000	OR	G1	Medical Buildings	1900 Lafayette Rd	3.98
0268-0097-0000	SRB	G1	Westerly	2075 Lafayette Rd	4.15
0273-0005-0000	I/G1	G1	Water Country	2300 Lafayette Rd	74.27
0285-0001-0000	GA/MH	G1	Patriots Park front section	Freedom Circle	4.40
0291-0001-0001	GA/MH	G1	Service Credit rear lot	Off Lang Rd	26.69

The recommendation below removes a parcel that is owned by the City and was shown as being zoned OR, however per Section 10.421.20 below, the property has been changed to the Municipal district and is recommended to remain and not be changed to Gateway.

10.421.20 Any property owned or leased by the City of Portsmouth and not shown on the Zoning Map as being in the Municipal or Natural Resource Protection district shall be deemed to be in the Municipal district, and when so identified shall be placed in that district.

Four small parcels that were originally considered by the LUC were not included in the January list the Council referred to the Planning Board. These parcels were included in the notice and are called out in the recommendation below.

Three map and lot numbers from the January referral were corrected for the notice and are called out in the recommendation below.

---

**Planning Department Recommendation\***

- 1) *Vote to recommend to City Council the map amendments as follows:*
  - 1.1) *Remove Map 233 Lot 145 because it is municipally owned.*
  - 1.2) *Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.*
  - 1.3) *Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 7-1 and Map 268 Lot 97.*

---

***\*Motion was "to recommend approval to City Council as presented with the following..."***





## Parcels Considered for Rezoning

### Legend

Consensus Parcels

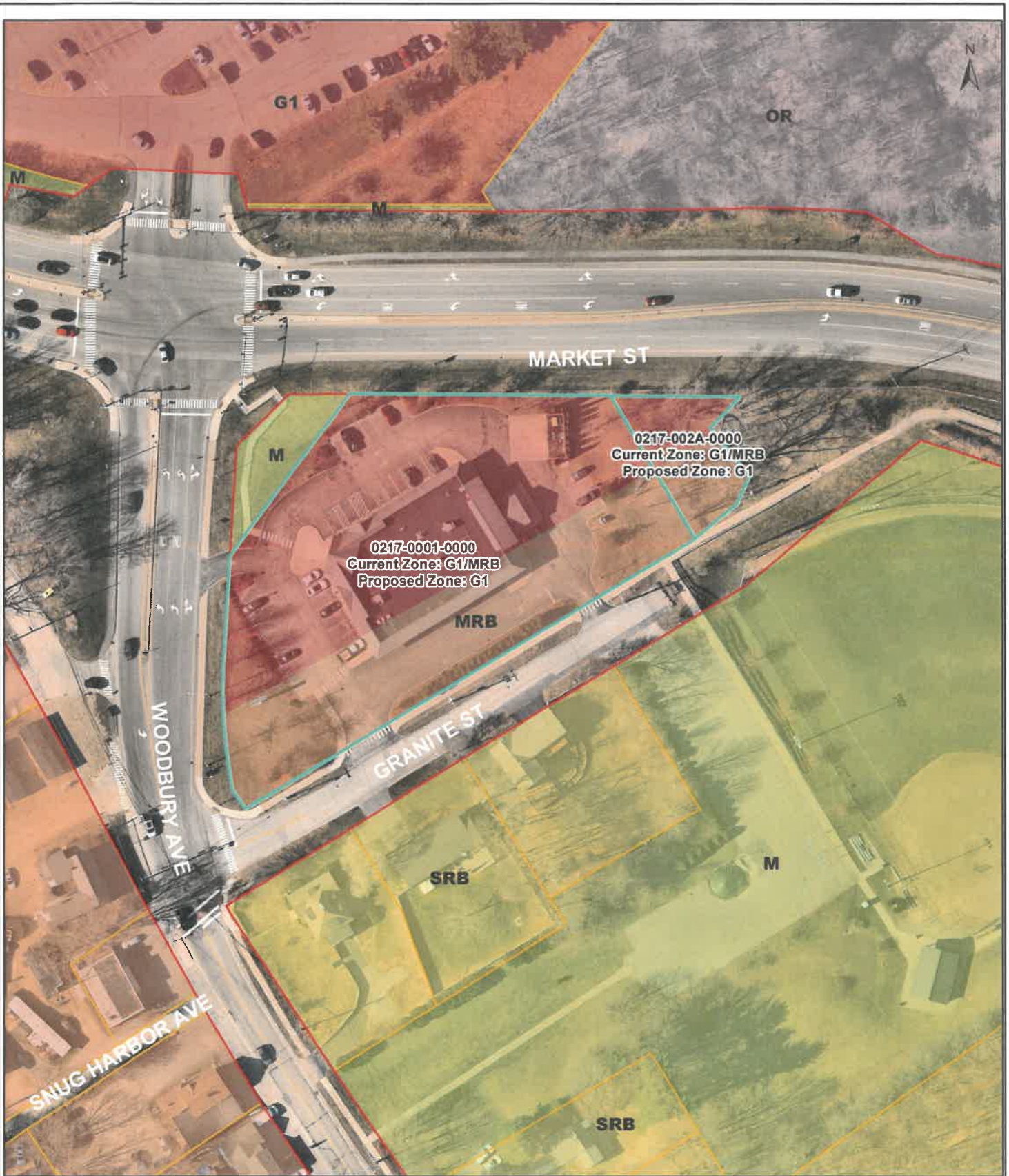
### Zoning

<span style="display: inline-block; width: 15px; height: 10px; background-color: #800000;"></span> CD4-W	<span style="display: inline-block; width: 15px; height: 10px; background-color: #404040;"></span> ABC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00;"></span> SRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #C08040;"></span> MRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span> M
<span style="display: inline-block; width: 15px; height: 10px; background-color: #800000;"></span> CD5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000;"></span> GB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000;"></span> G1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span> NRP
<span style="display: inline-block; width: 15px; height: 10px; background-color: #800000;"></span> CD4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000;"></span> B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000;"></span> G2	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #404040;"></span> Civic	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6;"></span> WB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> OR	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #800000;"></span> CD4-L1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6;"></span> AI	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span> R	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GA/MH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> I
<span style="display: inline-block; width: 15px; height: 10px; background-color: #800000;"></span> CD4-L2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> PI	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00;"></span> SRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #C08040;"></span> MRO	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> WI

0 50 100 200 300 400 Feet

1 inch = 194 feet





## Parcels Considered for Rezoning

### Legend

Consensus Parcels

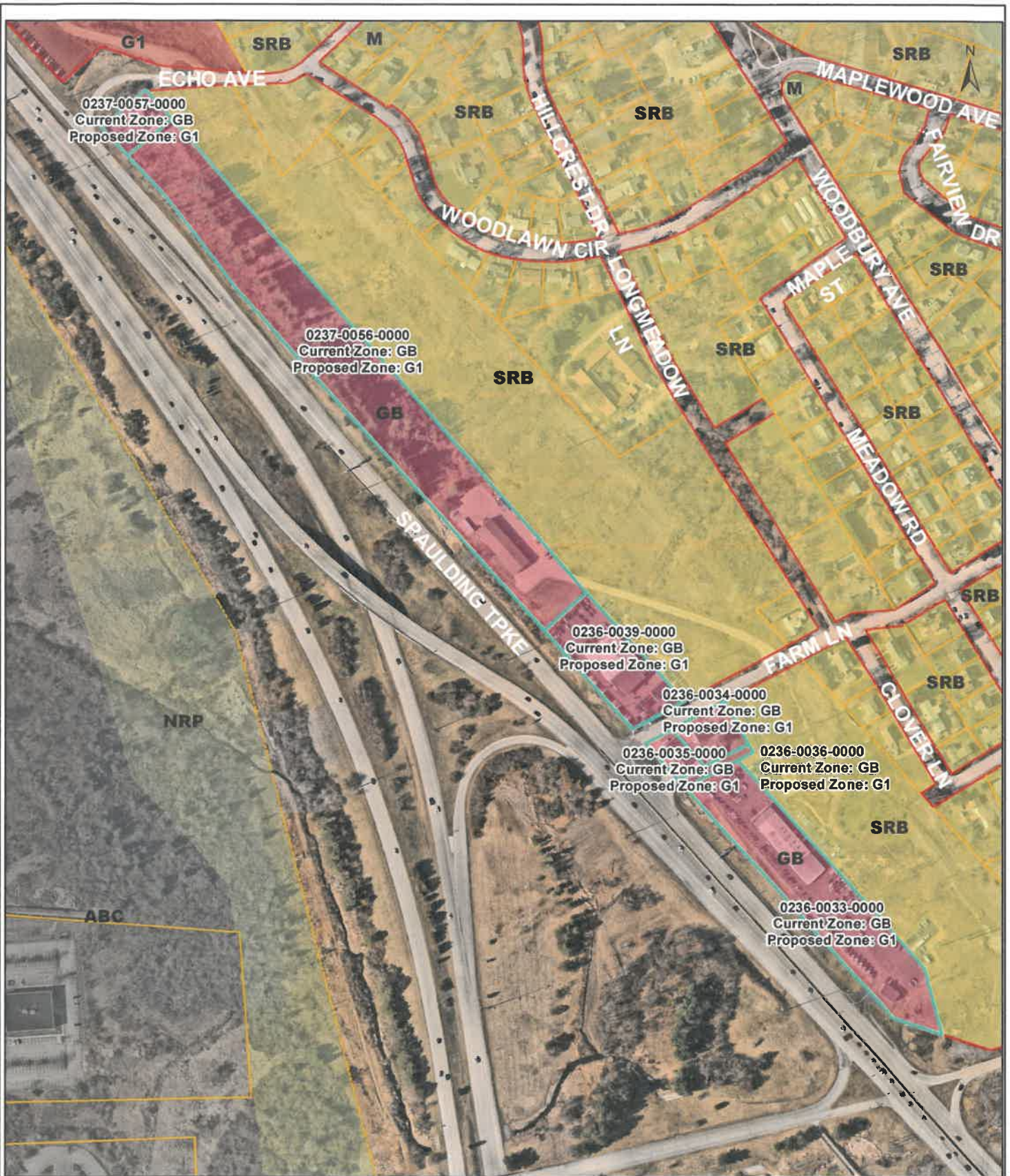
### Zoning

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<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513;"></span> CD5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #DC143C;"></span> GB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #DC143C;"></span> G1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #6B8E23;"></span> NRP
<span style="display: inline-block; width: 15px; height: 10px; background-color: #4682B4;"></span> TC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #F08080;"></span> B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00;"></span> G2	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #4682B4;"></span> Civic	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6;"></span> WB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9;"></span> OR	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #C08080;"></span> CD4-L1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span> R	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GA/MH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> I	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513;"></span> CD4-L2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9;"></span> PI	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00;"></span> SRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> WM	
		<span style="display: inline-block; width: 15px; height: 10px; background-color: #D2B48C;"></span> MRO		

0 20 40 80 120 160 Feet

1 Inch = 95 feet





## Parcels Considered for Rezoning

### Legend

Consensus Parcels

### Zoning

CD4-W	ABC	SRB	MRB	M
CD5	GB	GRA	G1	NRP
TC	B	GRB	G2	
Civic	WB	GRC	OR	
CD4-L1	AI	R	GA/MH	I
CD4-L2	PI	SRA	MRO	WM

0 85 170 340 510 680 Feet

1 inch = 333 feet





## Parcels Considered for Rezoning

### Legend

Consensus Parcels

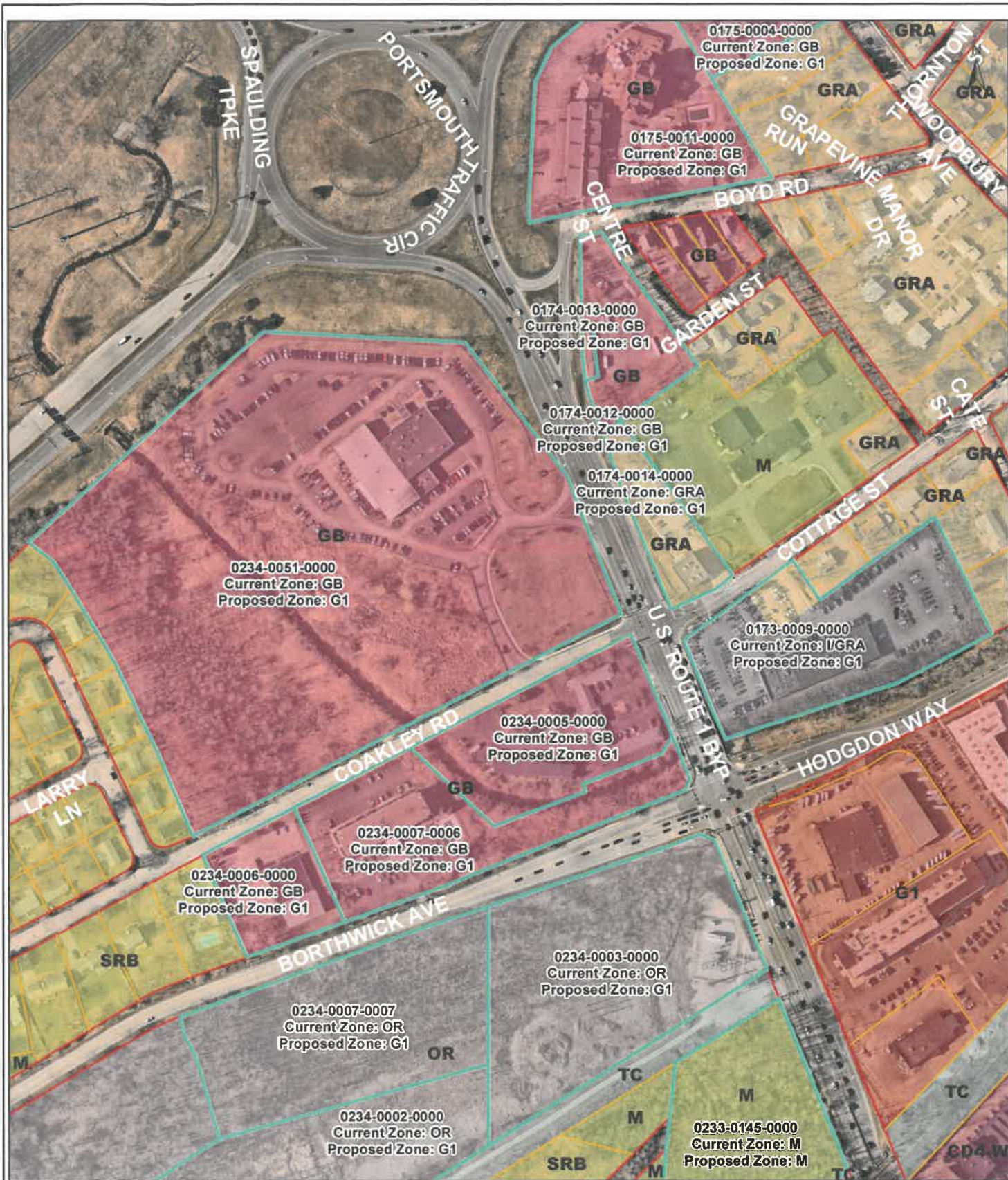
### Zoning

<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513;"></span> CD4-W	<span style="display: inline-block; width: 15px; height: 10px; background-color: #654321;"></span> ABC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00;"></span> SRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #D2691E;"></span> MRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #9ACD32;"></span> M
<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513;"></span> CD5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #DC143C;"></span> GB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B0000;"></span> G1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #6B8E23;"></span> NRP
<span style="display: inline-block; width: 15px; height: 10px; background-color: #4682B4;"></span> TC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #F08080;"></span> B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF4500;"></span> G2	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #2F4F4F;"></span> Civic	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6;"></span> WB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> OR	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #A0522D;"></span> CD4-L1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9;"></span> AI	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span> R	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GAMH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> I
<span style="display: inline-block; width: 15px; height: 10px; background-color: #654321;"></span> CD4-L2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> PI	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00;"></span> SRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A0522D;"></span> MRO	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> W

0 30 60 120 180 240 Feet

1 inch = 121 feet





## Parcels Considered for Rezoning

### Legend

Concensus Parcels

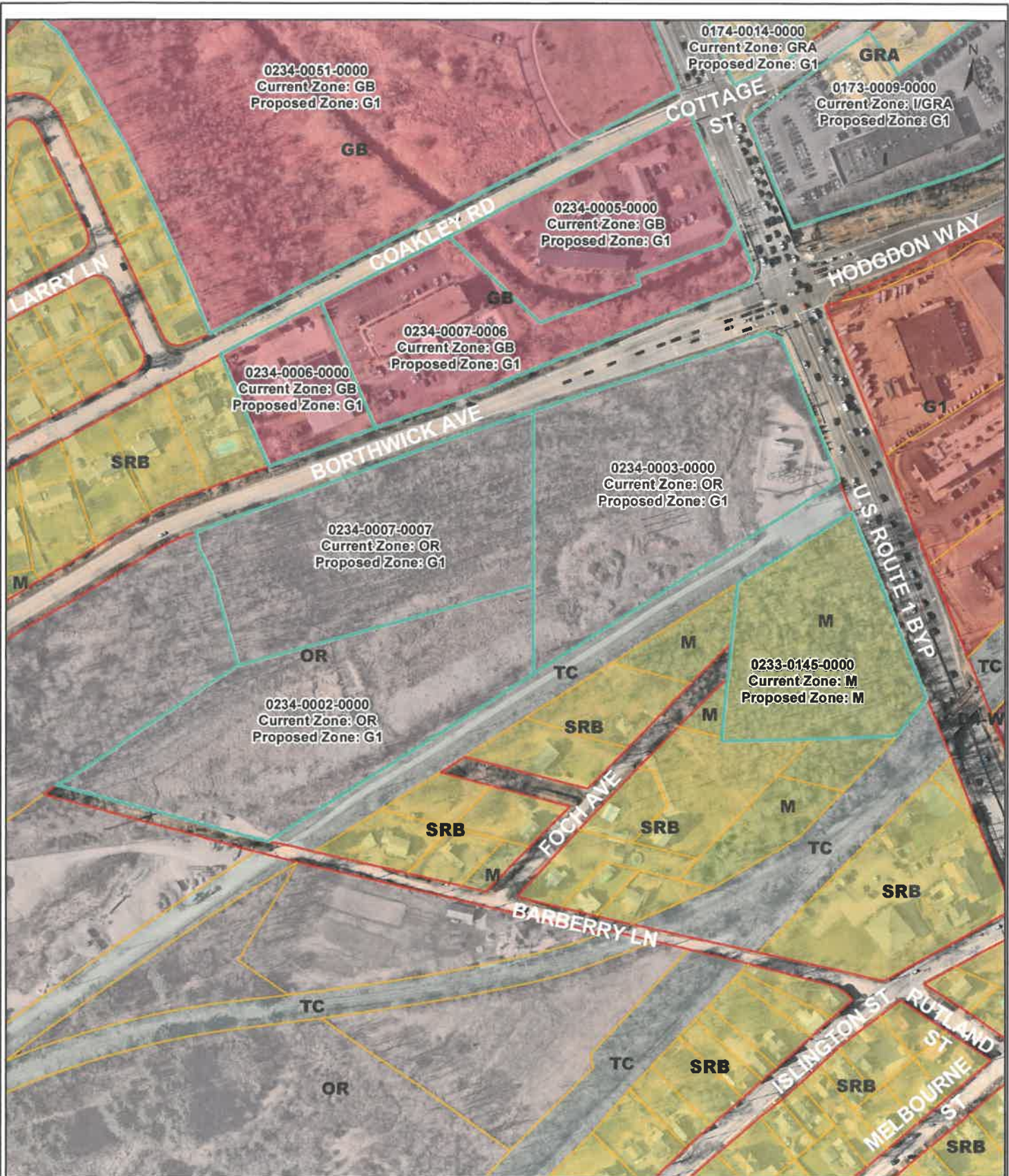
### Zoning

CD4-W	ABC	SRB	MRB	M
CD5	GB	GRA	G1	NRP
CD4	B	GRB	G2	
Civic	WB	GRC	OR	
CD4-L1	AI	GA/MH	I	
CD4-L2	PI	SRA	WM	
		MRO		

0 70 140 280 420 560 Feet

1 inch = 268 feet





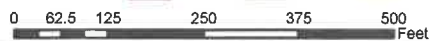
## Parcels Considered for Rezoning

### Legend

Consensus Parcels

### Zoning

<span style="display: inline-block; width: 15px; height: 10px; background-color: #800000;"></span> CD4-W	<span style="display: inline-block; width: 15px; height: 10px; background-color: #404040;"></span> ABC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00;"></span> SRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513;"></span> MRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span> M
<span style="display: inline-block; width: 15px; height: 10px; background-color: #654321;"></span> CD5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #DC143C;"></span> GB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF4500;"></span> G1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8FBC8F;"></span> NRP
<span style="display: inline-block; width: 15px; height: 10px; background-color: #2F4F4F;"></span> TC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4;"></span> B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00;"></span> G2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9;"></span> OR
<span style="display: inline-block; width: 15px; height: 10px; background-color: #2E8B57;"></span> Civic	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6;"></span> WB	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GRC	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080;"></span> I	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9;"></span> WI
<span style="display: inline-block; width: 15px; height: 10px; background-color: #A0522D;"></span> CD4-L1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9;"></span> AI	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90;"></span> R	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700;"></span> GAMH	
<span style="display: inline-block; width: 15px; height: 10px; background-color: #663366;"></span> CD4-L2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A9A9A9;"></span> PI	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00;"></span> SRA	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513;"></span> MRO	



1 inch = 243 feet





## Parcels Considered for Rezoning

### Legend

Consensus Parcels

### Zoning

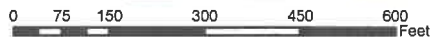
CD4-W  
CD5  
CD4  
Civic  
CD4-L1  
CD4-L2

ABC  
GB  
B  
WB  
R  
SRA  
PI

SRB  
GRA  
GRB  
GRC  
GA/MH  
MRO

MRB  
G1  
G2  
OR  
I  
WM

M  
NRP



1 inch = 290 feet





## Parcels Considered for Rezoning

### Legend

Consensus Parcels

### Zoning

#### Districts

TC  
Civic

CD4-L1  
CD4-L2

CD4-W  
CD5  
CD4

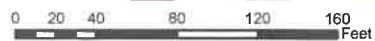
AIR  
AI  
PI

ABC  
GB  
B  
WB  
R  
SRA

SRB  
GRA  
GRB  
GRC  
GA/MH  
MRO

MRB  
G1  
G2  
OR  
I  
WI

M  
NRP



1 inch = 92 feet





## Parcels Considered for Rezoning

### Legend

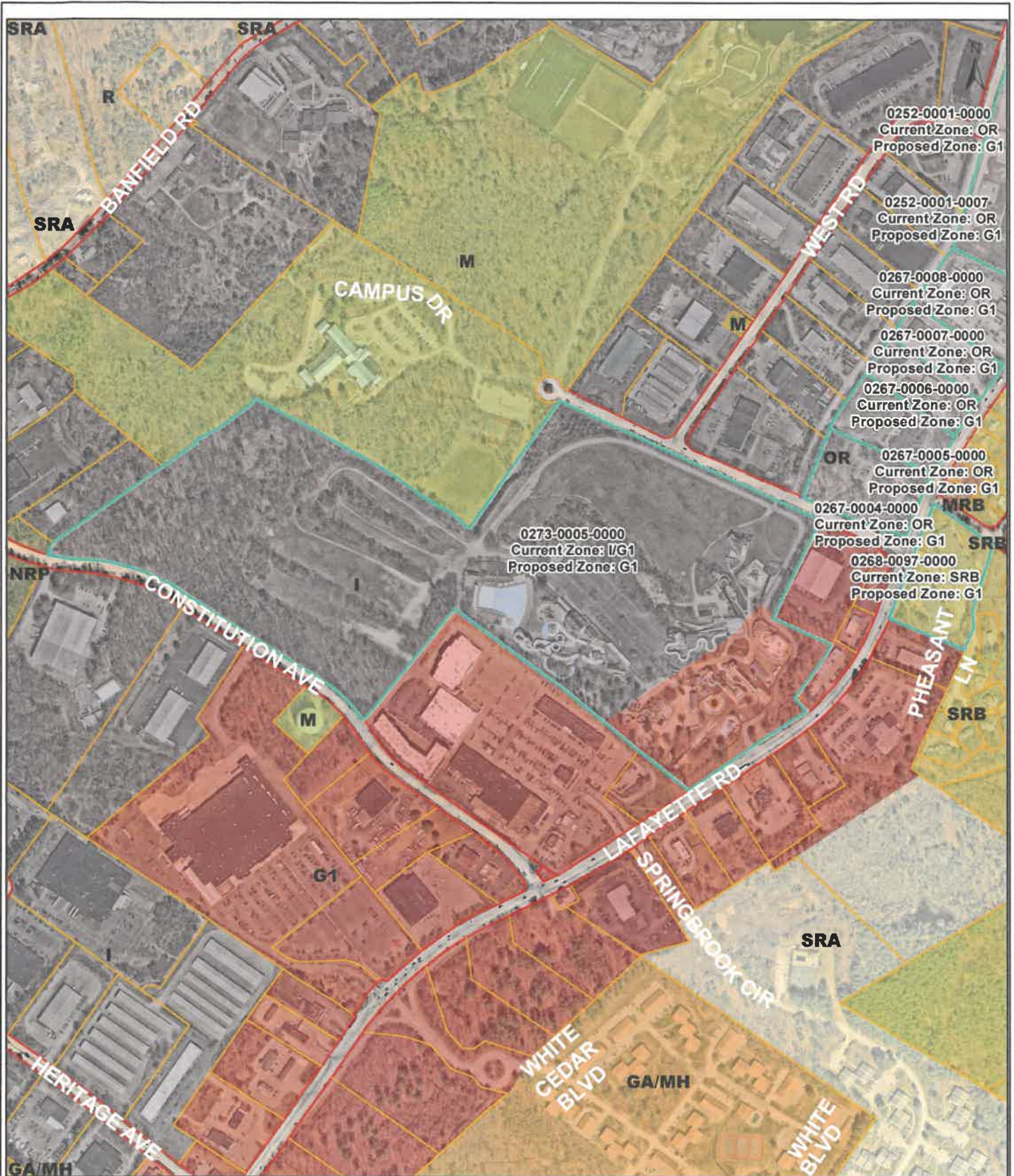
Concensus Parcels

### Zoning


0 65 130 260 390 520 Feet

1 inch = 256 feet





## Parcels Considered for Rezoning

### Legend

Consensus Parcels

### Zoning

CD4-W	ABC	SRB	MRB	M
CD5	GB	GRA	G1	NRP
TC	B	GRB	G2	
Civic	AIR	GRC	OR	
CD4-L1	AI	R	GA/MH	I
CD4-L2	PI	SRA	MRO	WI

0 150 300 600 900 1,200 Feet

1 inch = 583 feet





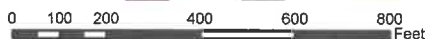
## Parcels Considered for Rezoning

### Legend

Consensus Parcels

### Zoning

CD4-W	ABC	SRB	MRB	M
CD5	GB	GRA	G1	NRP
CD4	B	GRB	G2	
Civic	AIR	GRC	OR	
CD4-L1	AI	GAMH	I	
CD4-L2	PI	SRA	WI	



1 inch = 391 feet

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, March 18, 2024 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIV-EN that a Public Hearing will be held by the Ports-mouth City Council on Mon-day, March 18, 2024 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY,  
MMC/CNHMC  
CITY CLERK



## ORDINANCE #

### THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102- Parking Meter Zones and Parking Meter Rates, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

#### **ARTICLE I: PARKING METERS**

##### **Section 7.101: DEFINITION**

The word "vehicle" as used herein shall mean any device by which any person or property may be transported upon a highway except those operated upon rails or tracks.

The word "meter" shall mean any device for buying parking time that displays the length of time for which a vehicle may remain legally parked in a parking space. Such devices include but are not limited to public meters such as a meter at an individual parking space or a central meter, or personal meters such as an in-vehicle meter, coupon or any other metering device including mobile phone applications as shall be approved from time to time by the City Council. The display of the parking time purchased may be on the meter itself, a paper receipt or by other duly authorized means of display.

##### **Section 7.102: ~~PARKING METER ZONES AND~~ PARKING METER RATES**

**The following parking rates shall apply for** ~~All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth and where parking meter rates apply:~~ **are designated as parking meter zones. The rate for such parking shall be:**

##### **~~A. ZONE A: DOWNTOWN HIGH OCCUPANCY ZONE~~**

**~~The following streets or parts of streets are within Zone A, the Downtown High Occupancy Zone:~~**

- ~~1. Daniel Street, starting at Bow Street through to Market Square~~
- ~~2. Bow Street, starting at Daniel Street through to Market Street~~
- ~~3. Congress Street, starting at Market Square through to Chestnut Street~~
- ~~4. Pleasant Street, starting from Court Street through to Market Square~~
- ~~5. Market Street, starting from Moffatt Ladd House through to Market Square~~
- ~~6. Deer Street, starting at Market Street through to Maplewood Avenue~~
- ~~7. Fleet Street, starting at Hanover Street through to State Street~~

- ~~8. Hanover Lot, at intersection with Market Street~~
- ~~9. Penhallow Street, starting at State Street through to Bow Street~~
- ~~10. Chapel Street, starting at Daniel Street through to State Street~~
- ~~11. Hanover Street from Maplewood Avenue to Market Street~~
- ~~12. Portwalk Place from Deer Street to Hanover Street~~
- ~~13. High Street from Deer Street to Hanover Street~~
- ~~14. State Street from Marcy Street to Middle Street~~
- ~~15. Ladd Street Lot at Hanover Garage~~

~~B. ZONE B: STANDARD OCCUPANCY ZONE~~

~~Any street outside the Downtown High Occupancy Zone is within the Standard Occupancy Zone, which includes the Bridge Street, Court Street, and Memorial Bridge Off-Street Parking Areas and the worth Lot, excluding these parking spaces subject to contractual agreement with the City.~~

~~C.A. NONRESIDENT PARKING RATES FOR DOWNTOWN HIGH OCCUPANCY ZONE A~~

Parking shall be at the following hourly rates for nonresidents **for all metered parking in Downtown High Occupancy Zone A** during the hours of enforcement Monday through Saturday, from 9:00 a.m. – 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:

Hours 1, 2 and 3	\$2.00 each hour
Hours 4 through 11	\$5.00 each hour

~~D.B. RESIDENT PARKING RATES FOR DOWNTOWN HIGH OCCUPANCY ZONE A~~

Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be charged reduced hourly parking rates **for all metered parking in the Downtown High Occupancy Zone A**. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator. Parking shall be at the following hourly rates for residents during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:

Hours 1, 2 and 3	\$1. <del>50</del> <b>25</b> each hour
Hours 4 through 11	\$2. <del>50</del> <b>25</b> each hour

~~E. NONRESIDENT PARKING RATES FOR STANDARD OCCUPANCY ZONE B~~

~~Parking shall be at the following hourly rates for nonresidents in Standard Occupancy Zone B during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m. and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:~~

<del>Hours 1, 2 and 3</del>	<del>\$1.50</del> each hour
<del>Hours 4 through 11</del>	<del>\$3.00</del> each hour



~~F. RESIDENT PARKING RATES FOR STANDARD OCCUPANCY ZONE B~~

~~Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be charged reduced hourly rates in the Standard Occupancy Zone B. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator. Parking shall be at the following hourly rates during the hours of enforcement Monday through Saturday, from 9:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. to 8:00 p.m., holidays excepted:~~

~~Hours 1, 2 and 3 \$1.00 each hour~~

~~Hours 4 through 11 \$2.00 each hour~~

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



## CITY OF PORTSMOUTH

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

Karen S. Conard  
City Manager

**Date:** March 14, 2024

**To:** Honorable Mayor McEachern and City Council Members

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

**Re:** City Manager's Comments on City Council Agenda of March 18, 2024

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

A. **First Reading of Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, to be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421.10 of the Zoning Ordinance:**

At the January 16, 2024 meeting, the City Council referred proposed zoning map amendments to the Planning Board for a report back and recommendation. Prior to the Planning Board's February 15th and February 29, 2024 public hearing on the zoning map amendments, Staff reviewed the parcel list referred by Council and made the corrections listed below. The ordinance presented tonight for first reading reflects those edits.

The Planning Board considered the map amendments at their February 29, 2024 meeting and voted to recommend to City Council the approval of the map amendments as presented with the following:

- Remove Map 233 Lot 145 because it is municipally owned.
- Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.
- Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 1-7 and Map 268 Lot 97.

The motion passed 6-3. [Attached is the staff memo](#) that was in the Planning Board packet with maps of the subject parcels.

The reason we have not requested second reading for April 1<sup>st</sup> is because we have 10 clean day notice requirements to publish this notice and as such we would not make the April 1<sup>st</sup> hearing.

*I would recommend the City Council move to pass first reading and schedule public hearing and second reading for April 15, 2024 City Council meeting for the proposed Zoning Map amendments.*

**B. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Vehicles, Traffic, and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates:**

For second reading is an ordinance [amending Chapter 7, Vehicles, Traffic and Parking, Article I - Parking Meters, Section 7.102 - Parking Meter Zones and Parking Meter Rates](#). The current ordinance established two different parking zones with two different rates. The first is Zone A, the Downtown High Occupancy Zone, which is defined in the ordinance by a list of streets in the downtown area. The second is Zone B, the Standard Occupancy Zone, which includes all on street parking on streets outside the Downtown High Occupancy Zone and metered off-street parking areas (Worth Lot, Bridge Street Lot and the Memorial Bridge Lot). Both of these zones provide for a resident discount hourly rate for residents using the ParkMobile App.

It is the intent of this ordinance amendment to create one parking rate for all metered parking in the City, including all off-street parking areas with metered parking (Worth Lot, Bridge Street Lot and Memorial Bridge Lots).

The amendment to Section 7.102 removes Zone B, the Standard Occupancy Zone, which currently charges nonresidents \$1.50 per hour for the first three hours and \$3.00 per hour for hours 4-11 and residents using the ParkMobile App \$1.00 per hour for the first three hours and \$2.00 per hour for hours 4-11. The parking rate proposed in this amendment is what is currently charged for Zone A, which for nonresidents is \$2.00 per hour for the first three hours and \$5.00 per hour for hours 4 - 11. The amendment also proposes an additional discount of \$.25 for residents using the ParkMobile App, reducing the parking rate for the first three hours from \$1.50 per hour to \$1.25 and reducing the rate for hours 4 -11 from \$2.50 per hour to \$2.25.

*I recommend that the City Council vote to pass second reading and schedule a third and final reading at the April 1, 2024 City Council meeting to amend Chapter 7, Vehicles, Traffic and Parking, Article I - Parking Meters, Section 7.102 - Parking Meter Zones and Parking Meter Rates, to remove the standard Occupancy Zone (Zone B) and increase the parking rate discount for residents using the ParkMobile App.*

***XI. City Manager’s Items Which Require Action:***

**1. Request for Work Session Regarding South Meeting House:**

I would like to request a work session on April 15<sup>th</sup> at 6:00 p.m. to discuss the South Meeting House property.

*I recommend that the City Council move to schedule a work session on April 15<sup>th</sup> at 6:00 p.m. regarding the South Meeting House property.*

2. **License Agreement for Seacoast Eat Local Farmers’ Market 2024:**

Attached please find a License Agreement between the City of Portsmouth and Seacoast Eat Local (SEL), manager of the Farmers’ Market in Portsmouth. 2024 will mark the 28<sup>th</sup> season of the Farmers’ Market’s operation in the City, and during that time the Market has become a highly anticipated and well-attended annual event for City residents.

*I recommend that the City Council move to authorize the City Manager to execute the License Agreement as presented, which is in substantially similar form as the License Agreement from 2023, allowing SEL to operate a Farmers’ Market at the Municipal Complex on Saturday mornings from May 4, 2024, through October 26, 2024, and that the City Manager is further authorized to negotiate and execute any amendment to the Agreement that she deems consistent with its purpose.*

3. **Authorization for Disbursement of \$2,350 from Trust for Administrative Costs for First Time Homebuyer Program:**

Please find attached a memorandum from Community Development Director Annunziata requesting the authorization for disbursement of \$2,350 from trust monies for administrative costs for the First Time Homebuyer Program.

*I recommend that the City Council move to authorize the City Manager to disburse \$2,350 from the Portsmouth Housing Endowment Fund to be expended in FY24 on Community Development staff salaries and benefits associated with administering the City’s first time homebuyer loan program.*

## ***XII. Consent Agenda:***

A. **Projecting Sign License – 24 Ladd Street:**

Permission is being sought to install a projecting sign at 24 Ladd Street that extends over the public right of way, as follows:

Sign dimensions: 36” x 36”

Sign area: 9 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. Approval of Victims of Crime Act Grant Award for the Police Department - \$24,739:**

Attached please find the Grant Agreement between the New Hampshire Department of Justice and the City of Portsmouth Police Department for the administration of the Victims of Crime Act Award (VOCA) funding the Legal Department's Victim Witness Advocate position in the amount of \$24,739.00.

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

### **B. Approval of Source Water Protection Grant Extension:**

On June 1, 2023, the City Council authorized the City into a Grant Agreement with the State of New Hampshire to accept a \$25,000 grant from the NH Department of Environmental Services Local Source Water Protection program (Resolution 20-2023). This grant is for performing due diligence activities such as boundary survey, environmental site assessment, and title research that is required for the purchase of a 45-acre conservation easement on a parcel of land that abuts the Bellamy Reservoir (Fernald Parcel).

Due to unanticipated delays in the easement purchasing process, the project is taking longer than anticipated. Thus, an extension to the grant completion date is being requested through Amendment No.1 (attached). The request is for the completion date to be extended by one year to May 31, 2025.

*I recommend that the City Council move to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$25,000 grant from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program by one year, to a completion date of May 31, 2025.*

## ***XVII. City Manager's Informational Items:***

### **1. Report Back on Salter Street Rezoning:**

At the February 5, 2024 meeting, the City Council referred the request from Marcia MacCormack to eliminate the Waterfront Business zoning along Salter Street to the Planning Board for a recommendation to consider changing to General Residence B (GRB).

The Planning Board considered this request at their February 29, 2024 meeting and voted unanimously to leave the existing zoning for Salter Street as Waterfront Business and to evaluate this and other waterfront designations through the Master Plan process.



## 2. Hanover Renovation Update – Hanover Street Entry/Exit Wait Times:

The High-Hanover Parking Facility is currently in year two of a major three-year renovation project. The project enhances the overall safety and longevity of the structure, and will improve traffic flow efficiencies and replace the traffic control equipment that governs entry and exit for the facility.

For safety purposes, any area being repaired requires that all areas directly beneath are structurally reinforced down to ground level, with corresponding parking spaces and travel lanes removed from use. Necessarily, this changes the traffic flow and available parking inventory daily.

The project's current phase includes work above the Hanover Street Entrance/Exit, which requires the temporary closure of the facility's primary entrance/exit. This phase of the project began on January 2nd and is presently on schedule to be completed by April 19th. Because of this, the facility is reduced to two vehicular entrance points and one exit, (High Street entrance only and Fleet Street entrance/exit) until this phase the project is completed. Additionally, pedestrian entrances/exits have been maintained during construction.

In an effort to mitigate parking demand, prior to the start of the project, the Parking Division offered incentives for Monthly Parking passholders to move to the Foundry Garage at dramatically reduced monthly rates. This reduced the number of monthly contracts at Hanover from 750 to roughly 400, helping to alleviate demand issues.

Further, the Division and the City continue to actively engage the public with press releases, static signage, and updates to the project's web page. As part of this messaging effort, we worked to ensure the public was aware that the Hanover entrance would be closed between January 2, 2024 and April 19, 2024 so that users might be encouraged to use the Foundry for their longer-term parking needs.

Presently, the main concern is the exit time being experienced by patrons, particularly when high-volume events let out. To mitigate wait times the Parking Division has done the following:

- Partnered with large performance venues to offer \$3 flat rate parking at the Foundry Garage;
- Capped the number of overall vehicles allowed into the Hanover facility to reduce the number that might seek to exit at one time (such as the end of a Music Hall event);
- Enhanced static signage at each entrance, encouraging the use of the Foundry facility as an alternative to long-term (and event) parking at Hanover; and
- Encouraged performance venue marketing departments to advertise the Foundry and its \$3 rate, as well as encourage event goers to spend time after the show on other activities, such as dining or shopping in Downtown Portsmouth rather than attempt to exit the facility en masse with the outbound event traffic.

Each of these measures has helped with mitigating exit demand while the Hanover Street exit/entrances is closed. Once the Hanover exit/entrance is reopened, customers will experience redesigned exit lanes, signage, and new, far-more advanced and effective revenue control equipment similar to what is employed at Foundry.

During construction, staff strive to manage traffic volume on Fleet Street to minimize impacts to a primary emergency vehicle route for the Portsmouth Fire Department.

Of additional note, the repair work on the Hanover entry/exit area will extend to the elevator area in the coming weeks. The anticipated schedule is as follows:

- March 25, 2024 – March 31, 2024: The elevator will not be accessible from level one.
- April 1, 2024 – April 15, 2024: The elevator will not be accessible from level two.

During these times, the elevator will be operational from each of the other levels. Temporary on-site signage will direct patrons to levels with elevator access. To accommodate patrons during this time we will ensure access and provide assistance as needed.

We understand that construction of this nature is very disruptive. The improvements presently underway will extend the useful life of the facility and enhance the overall experience for garage users.

3. **Green Building Policy:**

[Attached please find the approved Municipal Green Building and Infrastructure Policy.](#) This policy went into effect October 1, 2023.

After discussion and interest in supporting a green building policy a green building working group with members from the Sustainability Committee and others got together to discuss a policy that would support green building elements to all new municipal projects. The working group brought the policy back to the Sustainability Committee at their August 24th meeting and received their support. The draft policy went to the City Manager for her approval.

The policy requires all new building construction or renovations over \$2,000,000 to be LEED Silver or equivalent. In addition, the policy has several categories of green building systems to be considered when performing building upgrades such as: mechanical systems, envelope and glazing upgrades, appliance and fixture replacement as well as roofing systems. For infrastructure projects such as concrete and paving, specific recommendations are made to enhance the sustainability components of those projects.

4. **Update on “Skip the Stuff” Ordinance:**

City Attorney Susan Morrell will provide a verbal update on the “Skip the Stuff” Ordinance that was proposed by Councilor Cook at the February 5<sup>th</sup> City Council meeting.

5. **Pease Development Authority Update:**

Following the most recent PDA Board Meeting on March 14<sup>th</sup>, I will provide a verbal update on the topics discussed.

6. **Community Policing Facility Update:**

City staff will provide a verbal update regarding the proposed Community Policing Facility.

7. **FlashVote Survey Status Update:**

City staff will provide a verbal update regarding recent FlashVote survey efforts.

**LICENSE AGREEMENT**

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (hereinafter "City") and Seacoast Eat Local, a non-profit of individual vendors (hereinafter sometimes "Vendors" or "SEL") with a principal place of business and a mailing address at 4 Captain Smith Emerson Road, Lee, New Hampshire 03861, and hereby agree as follows:

1) Seacoast Eat Local ("SEL") is licensed by the Portsmouth City Council to operate a Farmers' Market on Saturday mornings between **May 4, 2024, through October 26, 2024**, pursuant to the conditions enumerated below.

2) Each individual Vendor of SEL, as well as SEL itself, jointly and severally agree to the following conditions relative to permission to use the designated locations by SEL as granted by the City.

**A. LOCATION:**

This Agreement addresses the **Upper Municipal Lot** at the Municipal Complex (the Lot), 1 Junkins Avenue, Portsmouth, New Hampshire, as shown in the attached **Exhibit A**.

**B. SITE CONDITIONS:**

1. The City Hall Municipal Lot will be reserved for use by SEL as shown in the attached **Exhibit A**. (The Market Area)
2. On each Friday before the Farmers' Market, the City will place signage in the City Hall Municipal Lot prohibiting parking in the Lot on the following Saturday from 6:00 a.m. to 1:00 p.m.
3. SEL is authorized to cover the existing handicap parking signs in the Market Area and to utilize the spaces otherwise designated as handicap spaces during the hours in which the Farmers' Market is authorized.
4. SEL shall immediately remove the coverings from the handicap parking space signs at the end of the authorized period.
5. There shall be no use by SEL of Lot B as shown on the attached **Exhibit A**.
6. Parking on grassy areas prohibited.
7. Market Area to be left in broom-clean condition one hour after closing.
8. The City shall place trash receptacles for use during the Farmers' Market in the type and number which it deems appropriate. The City shall remove and dispose of the trash from the receptacles at the close of each market.

9. All trash generated by the Farmers' Market shall be collected by SEL and placed in City trash receptacles upon closing of the Farmers' Market and the Market Area shall be maintained in a clean, neat condition at all times.
10. SEL shall provide for the collection and disposal of all compost generated by the Farmers' Market.
11. SEL shall implement any temporary marking of Vendor spaces which may be directed by the City.
12. SEL shall provide police coverage from 8:00 a.m. to 12:00 p.m. as may be directed by the Police Chief, at its own expense, to control traffic and monitor parking during the hours when the Farmers' Market is in operation.
13. SEL agrees to operate the Farmers' Market on a "CARRY IN – CARRY OUT" basis.
14. SEL agrees to operate the Farmers' Market under the Distribution of Single Use Disposables Ordinance, as shown on attached **Exhibit B**.
15. SEL shall reserve a stall at each market in a location agreeable to the City for City use as directed by the City Manager, including but not limited to municipal and Portsmouth Library utilization. The City will use its best efforts to inform any persons so directed of market policies, and to provide SEL in advance with the names and contact information of same.

**C. HOURS AND TIME OF MARKET:**

1. Hours of operation will be 8:00 a.m. until 12:00 p.m.
2. Set up and breakdown time will be two hours before and one hour after operation hours.

**D. SALE OF ITEMS:**

1. Products which may be sold at the Seacoast Eat Local Farmers' Market shall follow the guidelines and definitions outlined within the Farmers' Market Policies (a copy of which is attached hereto as **Exhibit C**).
2. Prior to the commencement of the market season, SEL shall provide the City with a list of approved market Vendors.
3. After the commencement of the season, new food vendors may only be added to the Farmers' Market on two dates to be predetermined by the Health Officer.



## **E. HEALTH REQUIREMENTS:**

The Health Officer will have the authority to shut down the entire market if any single Vendor fails to comply with any Health Officer's directive to cure any situation creating a public health concern. The Health Officer shall make reasonable efforts to notify the Executive Director of Seacoast Eat Local or their assignee(s) at the time a warning is issued. Specific health requirements include, but are not limited to the following:

1. Representatives of the Portsmouth Health Department will be on-site to check vendors in on three (3) separate days, the first will be on opening day, May 4, 2024, and the other two (2) days will be scheduled and noticed as needed.
  - a. Vendors must be checked in by the Portsmouth Health Department prior to transacting any business at the Farmers' Market. Vendors are only required to be checked in once.
2. Vendors shall be excepted from the general City requirement of obtaining a Hawkers & Peddlers License (\$250.00). The following license fee schedule payable to the City shall apply to Farmers' Market Vendors:
  - (a) Fruit and vegetable vendors at the Farmers' Market pay no fee.
  - (b) Non-produce/Non-food vendors at the Farmers' Market pay no fee.
  - (c) Prepared food vendors (anything other than non-prepared fruits and vegetables) and sellers of potentially hazardous agricultural products pay a seasonal fee of \$140.00 per season.
3. Non-recycled farm fresh eggs may be sold provided that they are stored at proper temperature (at or below forty-one (41) degrees Fahrenheit) during transport to and while displayed at the Farmers' Market.
4. Baked goods sold at the Farmers' Market must be individually or collectively wrapped while displayed and sold and baked in a licensed facility.
5. Any Vendor who sells Potentially Hazardous Foods[Time/Temperature Controlled for Safety (TCS)] (which includes any perishable food or food product which consists in whole or in part of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic microorganisms including, but not limited to, cream fillings and pies, cakes and pastries, custard products, meringue-topped baked goods or butter-cream type fillings in bakery products, meats and poultry) shall take appropriate measures to ensure that such products are transported, stored, and displayed in refrigerated or ice-cooled containers to maintain temperature of such products at 41 degrees Fahrenheit or below at all times to prevent spoilage or contamination. Any Vendor who sells cooked/hot TCS foods shall ensure that such products are cooked to required product temperatures as described in the Food Code or reheated to 165 degrees Fahrenheit for 15 seconds, and transported, stored and displayed in hot

holding units at 135 degrees Fahrenheit or above at all times to prevent spoilage or contamination.

6. All animals are prohibited within the Farmers' Market with the exception of hearing ear dogs, guide dogs and service dogs as they are defined in RSA 167-D:1.
7. SEL may install up to two signs indicating that dogs are prohibited at the Farmers' Market. SEL will install and remove signs during the set up and breakdown period of each Farmers' Market event. SEL may store signs on site with the large barricades that are placed up against the Connors Cottage senior housing building.
8. The above items do not eliminate or supersede other areas of compliance set by ordinance or regulations or within the grant of authority by the Portsmouth City Council.
9. In addition to the foregoing, each Vendor of Seacoast Eat Local shall comply with all applicable Federal, State and Municipal laws, regulations and ordinances.
10. No vendor shall provide fruit or vegetables to be sampled onsite unless a three bay sink is provided, to properly wash-rinse-sanitize all equipment and utensils used for sampling (knife, cutting board, colander, etc.). The colander is then used for washing fruits and vegetables to be sampled. A potable water source must be provided to wash fruits or vegetables prior to service.
11. On-site food preparation and equipment are limited to simple grilling, reheating/hot holding, dispensing and assembling of foods and beverages.
12. No combustion-powered electrical generators are to be used at the market.

**F. OTHER CONDITIONS:**

1. Seacoast Eat Local shall maintain and provide the City with a current list of board members including appropriate contact information.
2. Seacoast Eat Local agrees to indemnify and hold the City of Portsmouth harmless for any and all claims of liability, (including bodily injury or property damage) of any type or kind arising out of SEL's operation or use of this license agreement. This provision shall survive termination of this agreement.
3. Additionally, Seacoast Eat Local shall maintain general liability insurance in the amount of Two Million Dollars (\$2,000,000.00) naming the City of Portsmouth as an additional insured in a form approved by the City. A certificate demonstrating this insurance shall be kept on file with the City

Clerk of the City at all times relevant to the operation of SEL under this agreement.

4. The City hereby approves the sale and tastings as allowed by the New Hampshire State Liquor commission of the following alcohol products at the Farmers' Market by SEL members:

Auspicious Brew  
Throwback Brewery  
Cathedral Ledge Distillery (Spirits)

Further alcohol sales or possession is allowed as may be approved in writing by the City Manager.

There shall be no open containers or consumption of alcoholic beverages on municipal premises unless sampling has been approved by the State Liquor Commission for the specific vendor and is done in accordance with Commission rules and regulations. All alcoholic beverage sales must be conducted in strict accordance with state law and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with SEL may be revoked immediately and without cause if that action is determined to be appropriate by the City.

5. For the purpose of operating the Farmers' Market on the property of the City of Portsmouth it is understood that a Homestead License issued by the State of New Hampshire, a Home Food Processors License issued by the State of Maine, or a Residential/Wholesale Kitchen license issued by the State of Massachusetts are not recognized or confer any benefit to the Vendor.
6. SEL will display a banner (see **Exhibit D** attached hereto) at a location either to the left or the right of the 1 Junkins Avenue egress driveway as shown on the attached image of the proposed areas (**Exhibit E**) during times in which the Farmers' Market is in operation.
  - (a) SEL's banner to be used is 96" x 24" as shown on **Exhibit D**.
  - (b) SEL shall place the banner in one of the two locations to the right or left of the egress of 1 Junkins Avenue as shown on **Exhibit E**.
  - (c) SEL shall only place the banner from the hours of 7:00 AM to 1:00 PM on the day of the Farmers' Market during the 2024 season running from May 4, 2024, through October 26, 2024.
7. SEL will operate in accordance with its weather cancellation policy (see **Exhibit F** attached hereto).
8. This agreement may be terminated at the sole discretion of the City of Portsmouth in the event that:
  - (a) Seacoast Eat Local or any Vendor fails to abide by the terms of this agreement.

(b) It is determined that the City of Portsmouth has a paramount need for the area which would otherwise be utilized by Seacoast Eat Local.

9. The City reserves the right to modify any provision in this agreement in the event that such modification is made necessary by any change in state or federal law.

**CITY OF PORTSMOUTH**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Karen S. Conard, City Manager

**SEACOAST EAT LOCAL**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Shawn Menard, Executive Director

SOUTH MILL POND

EXHIBIT  
tabbles  
A

JUNKINS AVE

LINCOLN AVE

VENDOR DISPLAY  
A  
VENDOR DISPLAY  
POLICE VISITORS

CONNORS COTTAGE HOUSING

RESIDENTIAL AREA  
NO PARKING  
B

POLICE PARKING

FIRE-LANE & HANDICAP PARKING

CITY HALL AND POLICE STATION

POLICE PARKING

SEYBOLT BUILDING

SOCIAL SERVICES

C  
PUBLIC PARKING

D  
PUBLIC PARKING

E  
VENDOR PARKING

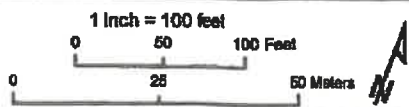
MT VERNON ST

BLOSSOM ST

SOUTH ST

Appendix 1: Farmer's Market  
Seacoast Growers Association 2019 Season

Map prepared by Portsmouth Department of Public Works, 25 February 2019  
Map document: U:\Projects\0042 Farmers Market\Farmers Market Parking\2018.mxd



**ARTICLE IX: DISTRIBUTION OF SINGLE-USE DISPOSABLES ON CITY PROPERTY (Adopted 10/07/2019; Effective 12/31/2020)**

**3.901: PURPOSE**

The City of Portsmouth recognizes that limiting the distribution of single-use disposables through source reduction is necessary to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper and integrated management of solid waste.

**3.902: DEFINITIONS**

For the purpose of this Section, the following definitions apply:

*Composting Facility:* any solid waste compost facility certified to properly perform that function by the Director of Public Works of the City of Portsmouth.

*Cost Pass-Through:* the cost which must be collected by retailers from their Customers when providing a Single-Use Carryout Bag or a Single-Use Cup.

*Customer:* any Person obtaining goods from a Store.

*Food Service Establishment:* any restaurant, take-out food establishment, or any other business that is required to obtain a valid food service license from the Public Health Department of the City of Portsmouth. Food Service Establishments do not include Nonprofit Food Establishments.

*Medical Facility:* a business or nonprofit that has a primary purpose of providing medical services.

*Nonprofit Charitable Reuser:* a charitable organization or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials. To be considered a Nonprofit Charitable Reuser, the entity must meet the terms of section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 501(c)(3)).

*Nonprofit Food Establishment:* a charitable entity that prepares or serves food directly to the Customer or otherwise provides food or meals for consumption by humans. The term includes central food banks, soup kitchens, and nonprofit food delivery services. To be considered a Nonprofit Food Establishment, the entity must meet the terms of section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 501(c)(3)).

*Operator:* the person in control of, or having the responsibility for, the operation of a Store, which may include, but not be limited to, the owner of the Store.



**Person:** any natural person, firm, corporation, partnership, or other organization or group however organized.

**Pharmacy:** any Store where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods, or vitamins are sold.

**Prepared Food:** foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

**Produce Bag:** any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items. A Produce Bag is not a form of Single-Use Plastic Bag.

**Retail Establishment:** any commercial establishment that sells perishable and nonperishable goods including but not limited to, clothing, food, and personal items directly to the Customer and is located within or doing business within the City. Retail Establishments do not include Food Service Establishments, Nonprofit Charitable Reusers, or Pharmacies.

**Reusable Plastic Bag:** a sewn woven or non-woven nylon, polypropylene, polyethylene-terephthalata, or Tyvek bag capable of being used one hundred (100) times, is machine washable, and has stitched or woven handles that are not fused. A Reusable Plastic Bag is a form of Reusable Bag.

**Reusable Bag:** a bag capable of being used one hundred (100) times, is machine washable, and has stitched or woven handles that are not fused. Usable Bags include Reusable Plastic Bags.

**Single-Use Carryout Bag:** a bag made of plastic, paper, or other material that is provided by a Store to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Store. Single-Use Carryout Bags include Single-Use Plastic Bags and Single-Use Recycled Paper Bags. Single-Use Carryout Bags do not include Produce bags, Reusable Bags, or bags without handles provided to the Customer to hold prescription medication dispensed from a Pharmacy.

**Single-Use Compostable Plastic Container:** a container that is composed of one hundred percent (100%) Polylactic Acid and distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Compostable Plastic Container is a form of a Single-Use Plastic Container.

**Single-Use Compostable Plastic Cup:** a cup composed of one hundred percent (100%) Polylactic Acid and is distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store. A Single-Use Compostable Plastic Cup is a form of a Single-Use Plastic Cup.

***Single-Use Compostable Plastic Straw:*** a disposable tube that is composed of one hundred percent (100%) Polylactic Acid and is distributed to transfer a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion. A Single-Use Compostable Plastic Straw is a form of a Single-Use Plastic Straw.

***Single-Use Container:*** a container that is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store.

***Single-Use Cup:*** a cup that is distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store.

***Single-Use Plastic Bag:*** a bag that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Store. A Single-Use Plastic Bag is a form of a Single-Use Carryout Bag.

***Single-Use Plastic Container:*** a container that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Plastic Container is a form of a Single-Use Container.

***Single-Use Plastic Cup:*** a cup that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store. A Single-Use Plastic Cup is a form of a Single-Use Cup.

***Single-Use Polystyrene Container:*** a container composed of synthetic aromatic hydrocarbon polymers that is made from the monomer styrene and distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Polystyrene Container is a form of a Single-Use Container.

***Single-Use Polystyrene Cup:*** a cup composed of synthetic aromatic hydrocarbon polymers that is made from the monomer styrene and distributed for the purpose of transporting a beverage on a single occasion inside or outside of a Store. A Single-Use Polystyrene Cup is a form of a Single-Use Cup.

***Single-Use Plastic Straw:*** a disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, that is distributed to transfer a beverage from a cup or container to the mouth of a person drinking the beverage. A Single-Use Plastic Straw is a form of a Single-Use Straw.

*Single-Use Recycled Paper Bag:* a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the word "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content. The Single-Use Recycled Paper Bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard Specification for Compostable Plastics D6400, as published in September 2004. A Single-Use Recycled Paper Bag is a form of a Single-Use Carryout Bag.

*Single-Use Straw:* a disposable tube that is distributed to transfer a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion. Single-Use Straws include a straw made from both plastic materials and non-plastic materials such as paper, pasta, sugar cane, wood, or bamboo.

*Store:* any Food Service Establishment, Pharmacy, or Retail Establishment located within the City. Stores do not include Medical Facilities.

### **3.903 CARRYOUT BAGS**

#### **A. Prohibited Carryout Bags:**

1. No Store on City property shall provide a Single-Use Carryout Bag to a Customer, at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the Store except as provided in this Section.
2. No Person shall distribute a Single-Use Carryout Bag at any City facility, City-managed concession, City-sponsored event, or City--permitted event unless a Store on City property is also otherwise allowed to in this Section.

#### **B. Permitted Carryout Bags:**

1. Stores on City property are allowed to distribute Single-Use Carryout Bags or Reusable Bags to Customers subject to the terms of this Section.
2. All Stores may distribute their remaining 2020 Single-Use Plastic Bag inventory.
3. Nothing in this Section prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the Store.

**C. Exemptions:**

1. Stores on City property are allowed to distribute only Single-Use Recycled Paper Bags or Reusable Bags to Customers for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Section.
2. Food Service Establishments on City property are allowed to distribute Single-Use Plastic Bags to Customers only for the purpose of safeguarding health and safety during the transportation of Prepared Foods, including take-out foods and liquids intended for consumption away from the food provider's premises, subject to the terms of this Section.
3. A Customer shall be charged a minimum of a ten cents (\$.10) Cost Pass-Through for each Single-Use Carryout Bag provided by the Store on City property. The sale of each bag shall be separately itemized on the sale receipt. The Cost Pass-Through will remain with the Operator of the Store.
4. A Store on City property may provide a Customer participating in *Special Supplement Nutrition Program for Women, Infants, and Children (WIC)* or *Supplemental Nutrition Assistance Program (SNAP)* with one (1) or more Single-Use Carryout Bag or Reusable Bags at no cost.
5. A Store on City property may provide a Customer with (1) Single-Use Recycled Paper Bag 6 inches across or less without handles at no cost.

**3.904 DISPOSABLE CUPS**

**A. Prohibited Disposable Cups:**

1. No Store on City property shall provide a Single-Use Plastic Cup to a Customer, at the check stand, cash register, point of sale, or any other location for the purpose of transporting a beverage that will be drank inside or outside of the Store except as provided in this Section.
2. No Store shall provide a Single-Use Polystyrene Cup to a Customer at the check stand, cash register, point of sale, or any other location for the purpose of transporting a beverage that will be drank inside or outside of the Store.
3. No Person shall distribute a Single-Use Plastic Cup or Single-Use Polystyrene Cup at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

**B. Permitted Disposable Cups:**

1. Stores on City property are allowed to distribute Single-Use Cups to Customers for the purpose of transporting a beverage that will be drank inside or outside of the Store, subject to the terms of this Section.

2. A Customer shall be charged a minimum of a ten cents (\$.10) Cost Pass-Through for each Single-Use Cup provided by the Store on City property. The sale of each Single-Use Cup shall be separately itemized on the sale receipt. The Cost Pass-Through will remain with the Operator of the Store.

3. All Stores may distribute their remaining 2020 Single-Use Cup inventory.

4. Nothing in this Section prohibits Customers from using cups of any type that they would otherwise be allowed to bring to the Store themselves under the Ordinances of the City of Portsmouth in lieu of using cups provided by the Store.

**C. Exemptions:**

1. The only Single-Use Plastic Cups that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Cups if the Store on City property provides customers the option to dispose of the Single-Use Compostable Plastic Cups in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

2. A Store may provide a Customer participating in the Special Supplement Nutrition Program for Women, Infants, and Children (WIC) or the Supplemental Nutrition Assistance Program (SNAP) with one (1) or more Single-Use Cup at no cost.

**3.905 DISPOSABLE CONTAINERS**

**A. Prohibited Disposable Containers:**

1. No Store on City property shall provide a Single-Use Plastic Container to a Customer, at the check stand, cash register, point of sale, or any other location for the purpose of transporting Prepared Food that will be consumed inside or outside of the Store except as provided in this Section.

2. No Store shall provide a Single-Use Polystyrene Container at the check stand, cash register, point of sale, or any other location for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store.

3. No Person shall distribute a Single-Use Plastic Container or a Single-Use Polystyrene Container at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

**B. Permitted Disposable Containers:**

1. Stores on City property are allowed to distribute Single-Use Containers to Customers for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store, subject to the terms of this Section.

2. All Stores may distribute their remaining 2020 Single-Use Container inventory.
3. Nothing in this Section prohibits Customers from using containers of any type that they would otherwise be allowed to bring under the Ordinances of the City of Portsmouth to the Store themselves in lieu of using containers provided by the Store.

C. Exemptions:

1. The only Single-Use Plastic Containers that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Containers if the Store provides customers the option to dispose of the Single-Use Compostable Plastic Containers in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

### **3.906 DISPOSABLE STRAWS**

A. Prohibited Disposable Straws:

1. No Store on City property shall provide a Single-Use Plastic Straw to a customer for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store, except as provided in this Section.
2. No Person shall distribute a Single-Use Plastic Straw at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

B. Permitted Disposable Straws:

1. Stores on City property are allowed to distribute Single-Use Straws to Customers for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store, subject to the terms of this Section.
2. All Stores may distribute their remaining 2020 Single-Use Straw inventory.
3. Nothing in this Section prohibits Customers from using straws of any type that they bring to the Store themselves in lieu of using containers provided by the Store.

C. Exemptions:

1. Stores on City property are only allowed to distribute Single-Use Straws at the explicit request of the customer for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store.



2. The only Single-Use Plastic Straws that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Straws if the Store provides customers the option to dispose of the Single-Use Compostable Plastic Straws in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

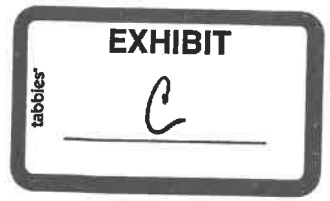
### **3.907 PENALTIES AND REMEDIES**

In addition to any other penalty or remedy permissible by law for violation of this Section, the following shall apply:

1. If the City determines that a violation of this Section has occurred, a written warning that includes the potential penalties for future violations will be issued to the Operator.
2. Upon a second or subsequent infraction of this Section, the City is authorized to issue citations to persons, firms, or corporations violating this Section in accordance with the ordinances of the City of Portsmouth. The amount of the fee that will accompany the citation will be determined by the Fee Schedule Study Committee of the City of Portsmouth.
3. The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this Section.

### **SEVERABILITY**

Any portion of this ordinance that is found to be void shall be unenforceable without invalidating the remainder of the ordinance.



SEACOAST EAT LOCAL  
2024 SUMMER FARMERS' MARKET POLICIES

Farmers, fisherman, food producers, and craftspeople are all welcome to submit applications for the Seacoast Eat Local (SEL) Summer Farmers' Markets. Priority is given to applicants operating out of Rockingham, Strafford, and York counties of New Hampshire and Maine. Review our [Business Definitions & Program Criteria](#) for more information on vendor eligibility.

Please review the following guidelines and policies to become a 2024 market vendor.

1. Application fees must be paid in full and the application must be complete to be considered for a spot at any SEL summer farmers' market.
2. All licensure and insurance must be up-to-date prior to attending the first market and the vendor must maintain these requirements for the duration of their time as a vendor.
3. All vendors are required to carry liability insurance (\$1,000,000 per incident and \$2,000,000 per aggregate) that lists Seacoast Eat Local as "additionally insured" at the address below. A city/town or market site holds the right to be additionally insured and vendors will be notified of any municipal requirements.

Seacoast Eat Local  
4 Captain Smith Emerson Rd.  
Lee, NH 03861

4. All products sold at the market must be listed on the vendor's application and approved by SEL. Vendor applications may be amended by calling or emailing no less than 72 hours prior to the market. All products are subject to approval. Products that have not been approved by SEL will not be allowed to be sold.
5. A vendor may sell items in primary and secondary categories as long as they are reported within the application and approved. The secondary products can make up no more than 20% of their entire product selection at the opening of the market. *Example: A fruit and vegetable grower who self-identifies as a farmer on the application but also wishes to sell honey can have up to 20% of their product selection consist of honey.* Vendors may not sell shirts or other branded items made from off-site materials.
6. SEL is committed to creating a diverse marketplace with the highest quality, locally grown and produced products. We are not bound to apply a particular set of selection criteria and reserve complete discretion to accept or refuse anyone as a market vendor using any number of factors when evaluating vendor applications. The following criteria will be considered: proximity to market venues, product variety, product availability, product quality, vendor history, ability to promote the market, customer service skills, booth presentation, ability to work with market staff and other vendors, adherence to food safety guidelines and other policies, and timely submission of application materials.
7. Vendors may be required to host a site inspection for the Market Coordinator prior to approval.
8. Standard booth spaces are 10 feet by 10 feet. In some circumstances, a booth may be

deeper than 10 feet but shall not exceed 10 feet of frontage. A double booth consists of two adjacent 10 foot booths for a total of 20 feet of frontage.

9. Vendors selling by weight must provide their own certified scales.
10. Prices for each product must be posted clearly. Vendors may not change posted prices during a market.
11. We require signage that clearly indicates your business name and location.
12. Products that are prepackaged must be labeled with the product name, weight, business name, and business location. (Example, bags of spinach will be labeled: Spinach, 6oz, Steve's Farm, Durham, NH).
13. Vendors must notify the Market Coordinator ahead of time if they will be unable to attend a market. Vendor attendance is of highest importance, and "no shows" will not be tolerated. We reserve the right to cancel your participation the remainder of the season for repeat offenses. If a 24 hour notice is not given, you will still be responsible for paying the stall fees for that date. This is important to us to maintain the integrity of our markets and keep customers coming back every week. Customers do not come if there are no vendors at the market.
14. Markets will operate rain or shine. We know there are many dedicated customers willing to come in all conditions and we intend to offer these markets as a permanent fixture in their weekly shopping routine. SEL reserves the right to cancel markets in extreme weather conditions. Please refer to the full [Weather Policy](#).
15. Vendors may arrive on site no earlier than two hours prior to market hours. Vendors who will not have a vehicle at their stall must have their vehicle removed 30 minutes prior to market hours. Once market starts, vendors must stay for the entire duration of and are not permitted to drive their vehicle through the market area until closing time.
16. Political campaigning is not permitted at the markets. Vendors should not engage in political activity at the markets, such as gathering signatures for petitions, representing a political party, or endorsing any candidate running for or currently serving in office.
17. Outreach and community engagement of the farmers' markets is an important part of the vendor partnership. Vendors are expected to help promote each market they are attending. There are many ways to contribute to promotion and publicity efforts, including emails, website or blog updates, social network posts, handing out flyers etc. The Market Coordinator is happy to advise vendors on helping with market promotion.
18. Vendors must provide their own means to wash or sanitize their hands such as a mobile hand washing station or hand sanitizer with a minimum alcohol content of 60%.
19. Vendors must clean up their stall after each market in ground sweep condition. No trash or debris will be left behind after a vendor leaves the site.
20. Vendors agree to abide by our [Vendor Code of Conduct](#), agreeing to conduct themselves in a professional manner that fosters a sense of market community and a spirit of cooperative involvement that promotes the market as a whole.
21. Vendors must abide by local, state, and federal food regulations, and acquire any licensing or certification required for products sold in New Hampshire. It is each vendor's responsibility to be aware of and comply with food safety, food labeling, marketing, and other relevant regulations for their specific products.
22. Vendors are responsible for following all public safety protocols put in place by the local government as well as SEL. SEL holds the right to issue an addendum to market policies in this instance.

23. Nonprofits, non-vending businesses, and sponsors are not considered market vendors and will be required to complete a different process for attendance approval.
24. PORTSMOUTH and EXETER: Both the City of Portsmouth and City of Exeter passed policies limiting the distribution of single use plastics at any event held on event property. More information can be found [here](#) for Portsmouth, and [here](#) for Exeter.

## Facilities/Accommodations

- A bathroom or porta-potty will be accessible to all vendors.
- Electricity will not be provided. Some exceptions may be made at an additional charge if available at a specific location (see fees below).
- All vendors must bring their own tent, tables, and display.
- Parking: Vendors will be able to park next to or behind their stall in Durham, Dover, and Exeter. Portsmouth parking depends on the booth (see stall fees section). Vendors with large vehicles may not be permitted to park next to their stall depending on the site. We reserve the right to require any vendor to move their vehicle during market hours.
- Vendors must have their vehicles turned off during the market if parked in the general market operating area, and no idling of vehicles should occur during market hours.

## Market Fees

### Application Fees

A non-refundable application fee of \$60.00 covers the cost to apply to all markets. This is the same fee regardless if the applicant is applying to one or all market locations. This fee will not be refunded if you are not accepted to any of the farmers' markets. Your application will not be considered if your application fee has not been paid.

If you are concerned or are a new vendor looking for clarification, reach out to: [marketmanager@seacoasteatlocal.org](mailto:marketmanager@seacoasteatlocal.org). For new vendors, we recommend filling out a New Vendor Inquiry form on the [Become A Vendor page on our website](#). Oftentimes, this helps SEL notify businesses that are not eligible to apply before they complete the application and pay the fee.

### Stall Fees

Stall fee dollar amounts are per market day, per stall and are subject to variances as it relates to stall size (double stalls will be charged double the stall fee). If all expected stall fees are paid ahead of the season with a check, a 10% discount, up to \$100, will be applied to the entire summer season's bill.

Durham: \$15.00/market day per stall

Dover: \$15.00/market day per stall

Exeter: \$20.00/market day per stall

Portsmouth: \$20.00 for an inside booth without your vehicle and \$25.00 on the outside perimeter of the market with your vehicle.

Stall fees are due at the end of every other month to be able to participate in markets the following month.

## Policies for Specific Vendor Categories

### Farmers/Fishermen

1. Vendors must grow, forage, catch, or raise 100% of what they sell at the farmers' market.
2. This category of vendor may grow on leased land as long as they are solely responsible for the food produced on said land.
3. Honey and Maple Syrup: Honey may be sold by the beekeeper from the hives the beekeeper maintains, or by the farm where the hives are located. If the honey is sold by the farm the honey must come exclusively from that farm and may not be mixed with other honey. Maple syrup may be sold by the sugar-maker from sap the sugar-maker boils or by the farm where the maple trees are located. If the syrup is sold by the farm the syrup must come exclusively from that farm and may not be boiled or mixed with sap from other locations.

### Relevant Paperwork that may be required:

- Milk license
- Portsmouth Health Department Application (\$140 fee paid to the city)-applicable for all food vendors and farmers who sell items that are perishable, frozen or refrigerated such as meats and eggs.
- Organic Certification
- Liquor license

### Prepared Foods

1. 75% or more of the products regularly available must feature local agricultural ingredients that are grown, produced, or harvested in New England. Ingredients that are not available locally must be produced sustainably.
2. Baked goods, jams, jellies, condiments and other prepared foods may be sold if said products are made by the vendor.
3. PORTSMOUTH: Vendors must not only meet all application requirements, they must also meet all requirements of the health department. You will be notified if you are approved to be a Portsmouth vendor at which point you will be invited to fill out your application to the City of Portsmouth Health Department.
4. Prepared food vendors shall be limited to 20% of vendors at the Portsmouth Farmers' Market per Portsmouth City regulations.

Relevant Paperwork that may be required:

- Liquor license and permit to be signed by site official
- Food service license
- Homestead license
- Commercial Kitchen license
- Portsmouth Health Department Application (\$140 fee paid to the city if accepted)
- Dover Health Permit (\$50 fee paid to the city of Dover health department)

Crafts

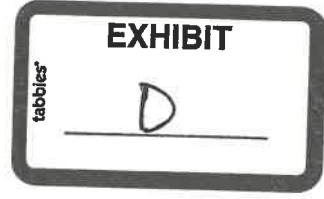
1. Preference will be given to crafts made of natural and local materials. Items offered for sale should reflect fine craftsmanship, personal vision, and attention to detail. The items should be in keeping with the spirit of the farmers market.
2. Craft vendors can only sell locally made crafts that are solely produced by the vendor.
3. Crafts must be made within York County (Maine), or in Rockingham or Strafford Counties (New Hampshire).
4. Applications in both craft and fine art will be judged on the basis of design, technical skill, originality, diversity (in regards to other market vendors) and imagination.
5. All work must be handmade and the original design of the artist. Participants must exhibit the type and quality of work shown to the jury. Not acceptable items are embellished or made from commercially available kits, plans or patterns; imports; factory made or other assembled items.
6. Craft applications for membership will be juried in March. Items to be juried will be brought to a determined location (or virtual video meeting) and will be presented to the craft jury panel. There will be up to three additional jury dates per year for members introducing craft products during the season.
7. The total of all non farm and food vendors (Crafters, Non-food Vendors, Service Providers, and Resale Vendors as defined in Business Definitions & Program Criteria document) shall be limited to 20%.
8. Personal care product policies: "The manufacturer is solely responsible for ensuring the safety of the product. The manufacturer is also required to ensure the product does not contain any [prohibited ingredients](#) and it is [properly labeled](#). Please note there are [color additives that are approved](#) for use in cosmetics and [color additives \(batches\) that are subject to certification](#). The latter additives must be [certified by the office of colors and cosmetics](#) prior to being used in a cosmetic. Also keep in mind that if your product contains an [active ingredient](#), or purports any claims it mitigates, treats or prevents a medical condition, it will be regulated by the [FDA Center for Drugs Evaluation and Research](#)." from Food and Drug Administration's (FDA) Food and Cosmetic Information Center (FCIC)/Technical Assistance Network (TAN)-[Maine Federation of Farmers' Markets](#).



# FARMERS' MARKET TODAY



seacoasteatlocal.org



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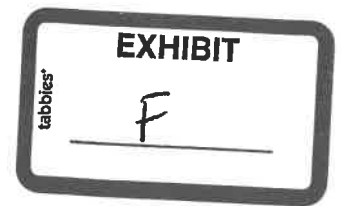


Portsm  
Farmers' M

Junkins Ave



## Seacoast Eat Local - Weather Policy



Seacoast Eat Local (SEL) farmers' markets take place rain or shine. We have made a commitment to our customers to be open the days and hours we have published, and our vendors have worked many long hours and traveled distances to serve their customers. Our loyal customers reciprocate by coming prepared with their raincoats, umbrellas, boots, and gloves to shop and enjoy the market!

If thunderstorms, damaging winds, severe and consistent rain, or heavy and quickly accumulating snow occur prior to the opening of the market and there is reason to believe the threat will persist through most of the market hours, market opening may be delayed or canceled.

**Outdoor markets:** If severe or unsafe weather conditions develop after the market has opened, customers, vendors and volunteers are expected to move to a safe place until the weather has passed. In most cases the safest place will be in their vehicles. Once the weather has passed, a determination will be made about resuming normal market operations for the remainder of the market day. In cases of extreme heat exceeding 100 degrees, our staff will communicate with vendors and make a determination for how to proceed with the market that day.

**Indoor markets:** Our host venues are responsible for snow removal and ensuring safe access to the market space. If it is snowing and the market is open, staff at the venue will ensure parking is accessible and walkways are clear.

**Notification:** In all cases, if the market were to close or be delayed, a notification would be posted on our website and social media pages. Customers should check one of these sources before leaving for the market if there is inclement weather in the forecast. Vendors will be directly notified by email and phone if the market is canceled or delayed due to inclement weather.

Our goal is to make a determination by 9AM for afternoon markets and by 5PM the night before for morning markets. In some cases that will not be possible due to rapidly changing conditions. Venues reserve the right to cancel the market without consent from Seacoast Eat Local or its vendors. If 75% or more of the scheduled vendors cancel by the determination times noted above, the market will be canceled. A minimum of three scheduled vendors must be present for a market to occur. SEL reserves the right to cancel a market at any time, or any reason. If a market is canceled any vendor who still goes to the venue, sets up, and sells is doing so under their own discretion and is not covered by SEL permits, agreements, or any other protections.

Last updated: 9/30/22


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**M E M O R A N D U M**

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**TO:** Karen Sawyer Conard, City Manager  
Suzanne Woodland, Deputy City Manager

**CC:** Robert Sullivan, Counsel; Andrew Purgiel, Deputy Finance Director; Sean Clancy, Assistant City Manager for Economic and Community Development

**FROM:** Elise Annunziata, Community Development Director 

**DATE:** March 12, 2024

**RE:** Authorization for Disbursement of \$2,350 from Trust for Administrative Costs for First Time Homebuyer Program

Pursuant to paragraphs 3 and 4 of the Portsmouth Housing Endowment Fund Trust dated March 11, 1993, I respectfully request the City Council's clear authority to expend Trust monies on staff salary costs to administer the City's mortgage assistance loan program for first time homebuyers (called the "Home Town Program"), which is funded by the Trust. A copy of the Trust is attached.

The Trust is directed to be used for mortgages lent by the Trust to qualified participants, and the overall loan program is administered by Community Development staff. In the past, the program's loan servicing was managed by an outside lending bank. However, for several years, the loan servicing has been brought in-house and managed by Community Development staff. The first-time homebuyer loan program administration includes loan application review, closing documents preparation, wire transfer requests, closing attendance, mortgage recording at the registry of deeds, follow up with closing paperwork, annual recertification of homeownership and primary residency requirement, monthly invoicing for loan repayments, and loan repayment tracking and processing.

Community Development staff is additionally responsible for administering Home Town Program mortgage loan subordinations and associated paperwork, as well as processing mortgage discharges for loan payoffs. Other administrative costs for the first-time homebuyer program include marketing and development of marketing materials and updated program guidelines.

Based on present Home Town program workload, staff recommends that for the remainder of FY 24, 1.25% of the Community Development Director and Community Development Administrative Assistant salaries be considered as an administrative charge, which amounts to \$2,350, be authorized from the Trust to cover Community Development staff time for administration. This administrative charge would be consistent with the Trust Document, and better track and acknowledge the costs of the program.



As has been discussed, authorization to spend a small amount from Trust each year to fund the administrative overhead costs of the Home Town program can and should be built into the annual budget process going forward.

*Sample Motion: Authorize \$2,350 from the Portsmouth Housing Endowment Fund to be expended in FY 24 on Community Development staff salaries and benefits associated with administering the City's first-time homebuyer loan program.*

Attachment

PORTSMOUTH HOUSING ENDOWMENT FUND TRUST

**WITNESSETH:**

WHEREAS, the City has established a program known as the Portsmouth Housing Endowment Fund (hereinafter PHEF); and

WHEREAS, the PHEF is a program designed to assist first time home buyers within the City of Portsmouth (hereinafter City); and

WHEREAS, the City is in receipt of approximately Seven Hundred and Five Thousand, Three Hundred and Fifty Dollars and Sixty Eight Cents (\$705,350.68) to fund this program;

WHEREAS, the Trustees of the Trust Fund (hereinafter Trustees) are charged by City Charter with investing and managing City trust funds;

**NOW THEREFORE:**

1. The City shall transfer the sum of \$705,350.68 on or about April 2, 1993 to the Trustees, which shall be known as the corpus of the Trust and may be added to from time to time as the City may determine;
2. The Trustees may hold said funds, together with all additions thereto, either in savings or special notice account or in such investments as allowed by the Laws of the State of New Hampshire; provided, nevertheless, that said funds shall not be collectively invested with other funds held by such Trustees;
3. The Trustees shall quarterly, or more frequently as required, make payments of the interest in amounts sufficient to cover current expenses of the program, to the servicing lender designated by the city;

4. Current expenses of the program are those associated directly with City mortgage assistance to qualified participants in the program, costs associated with advertising the availability of the program, and any bank fees that may be charged on the account by the servicing lender.

5. Any other expense may only be authorized by the City Council.

6. Any payment out of the Trust corpus shall be subject to approval by the Portsmouth City Council.

IN WITNESS WHEREOF the City has authorized the creation of this Trust this 11 day of March, 1993.

CITY OF PORTSMOUTH

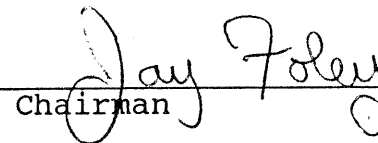
BY



Thaddeus J. Jankowski, Jr.  
Acting City Manager

TRUSTEES OF THE TRUST FUND

BY




Chairman

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# M E M O R A N D U M

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**TO:** Karen Conard, City Manager

**FROM:** Peter Britz, Planning & Sustainability Director 

**DATE:** February 28, 2024

**RE:** City Council Referral – Projecting Sign  
Address: 24 Ladd Street  
Business Name: LIIV  
Business Owner: Emily-Anne Boone

---

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

Sign dimensions: 36" x 36"  
Sign area: 9 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.







**GENERAL NOTES:**

- > QTY: 1 (DOUBLE-FACED)
- > .080 ALUMINUM FACES
- > 1"x1" ALUMINUM CHANNEL FRAME (KERF CUT)
- > SIGN FACES/RETURNS PAINTED PMS 4725c
- LOGO/TEXT/BORDER - DIE-CUT MATTE WHITE VINYL
- > POWDER COATED BLACK STEEL BRACKET
- BRACKET HUNG 165.5" AFF
- SIGN BOTTOM 128.5" AFF
- 1.5" OD EYE HOOKS (PAINT BLACK)
- BLACK JACK CHAIN

**POWER REQUIREMENTS:**

\* N/A (non-illuminated sign)

**SIGN CALCULATIONS:**

\* PROPOSED SIGNAGE: 9 sq.ft.

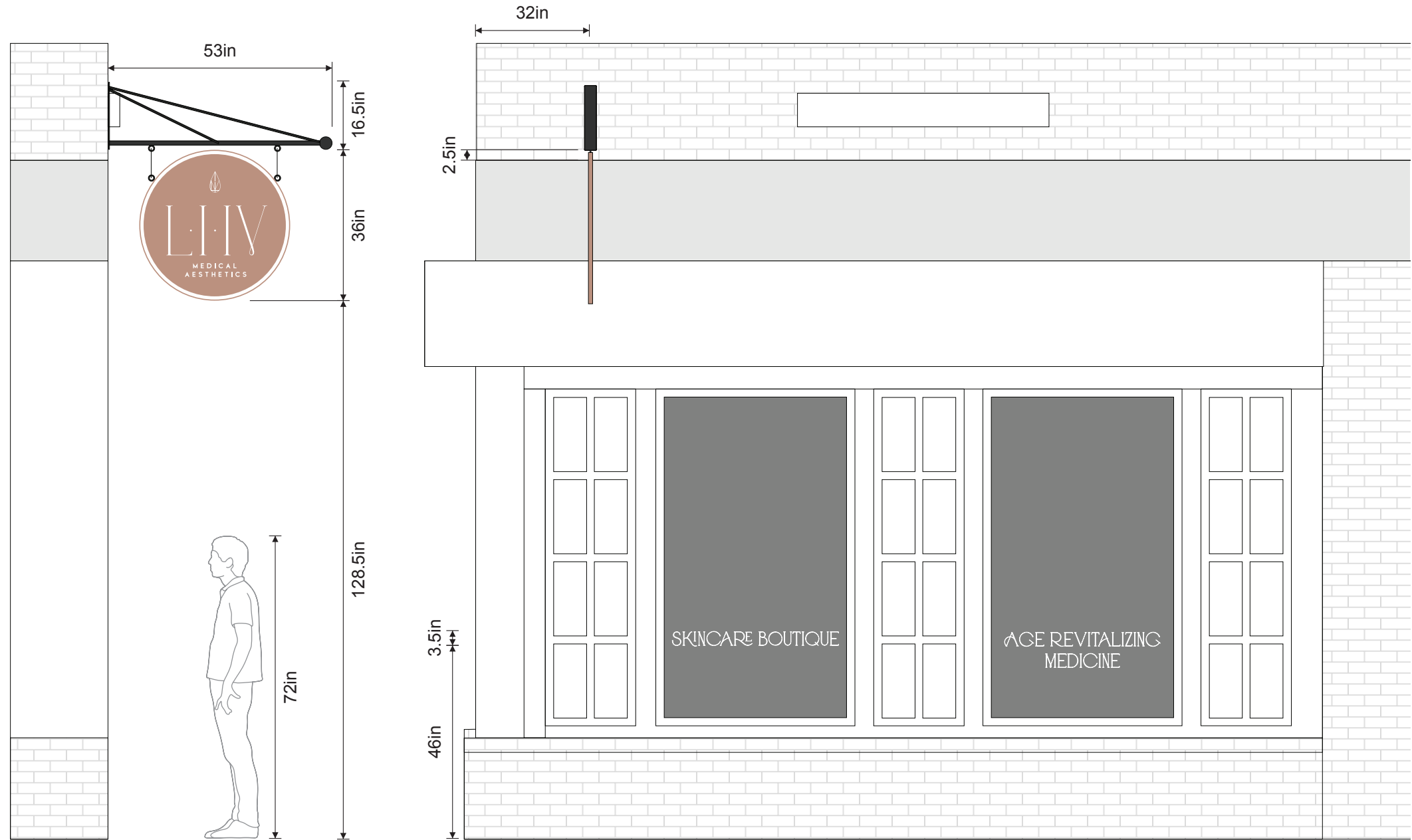
**ADDRESS:**

24 LADD STREET  
PORTSMOUTH, NH 03801

**COLORS:**

 PMS 4725C

# 75787 - LIIV 2024 SIGNAGE [SIGN PLACEMENT]



**GENERAL NOTES:**

SUBSTRATE: Die-cut White vinyl

SIZE: 3.5" high

QTY: 2 of each type

# 75787 - LIIV 2024 SIGNAGE [WINDOW VINYL]

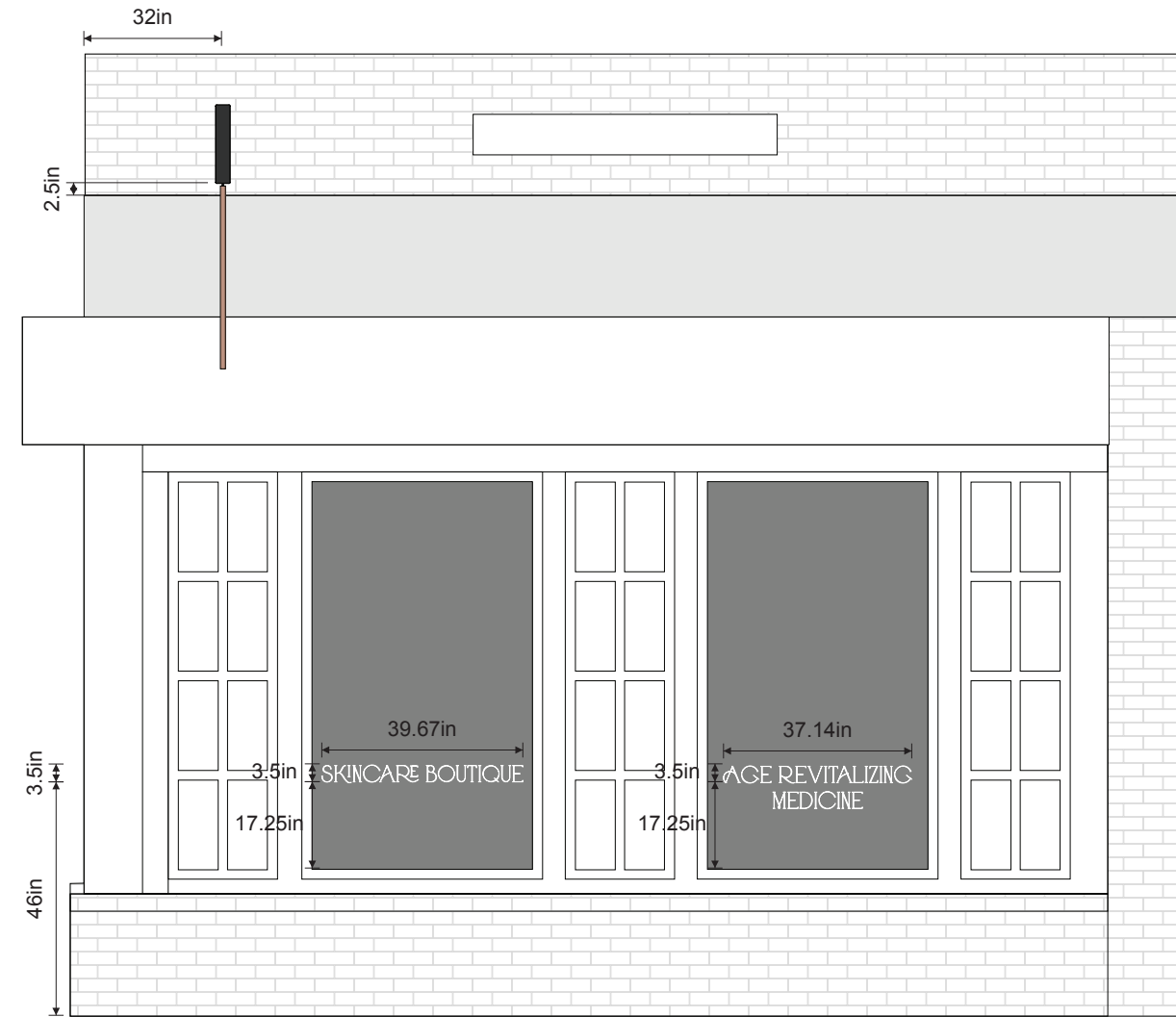
**PRODUCTION DETAILS:**

File: [75787 - LIIV 2024 Signage\\_Window Signage\\_40 x 14.5.eps](#)

- Die-cut matte white vinyl (applied second surface)



LEFT SIDE



RIGHT SIDE



**GENERAL NOTES:**

- > QTY: 1 (DOUBLE-FACED)
- > .080 ALUMINUM FACES
- > 1"x1" ALUMINUM CHANNEL FRAME (KERF CUT)
- > SIGN FACES/RETURNS PAINTED PMS 4725c
- LOGO/TEXT/BORDER - DIE-CUT MATTE WHITE VINYL
- > POWDER COATED BLACK STEEL BRACKET (PROVIDED BY OTHERS)
- 1.5" OD EYE HOOKS (PAINT BLACK)
- BLACK JACK CHAIN

**POWER REQUIREMENTS:**

\* N/A (non-illuminated sign)


**SIGN CALCULATIONS:**

\* PROPOSED SIGNAGE: 9 sq.ft.

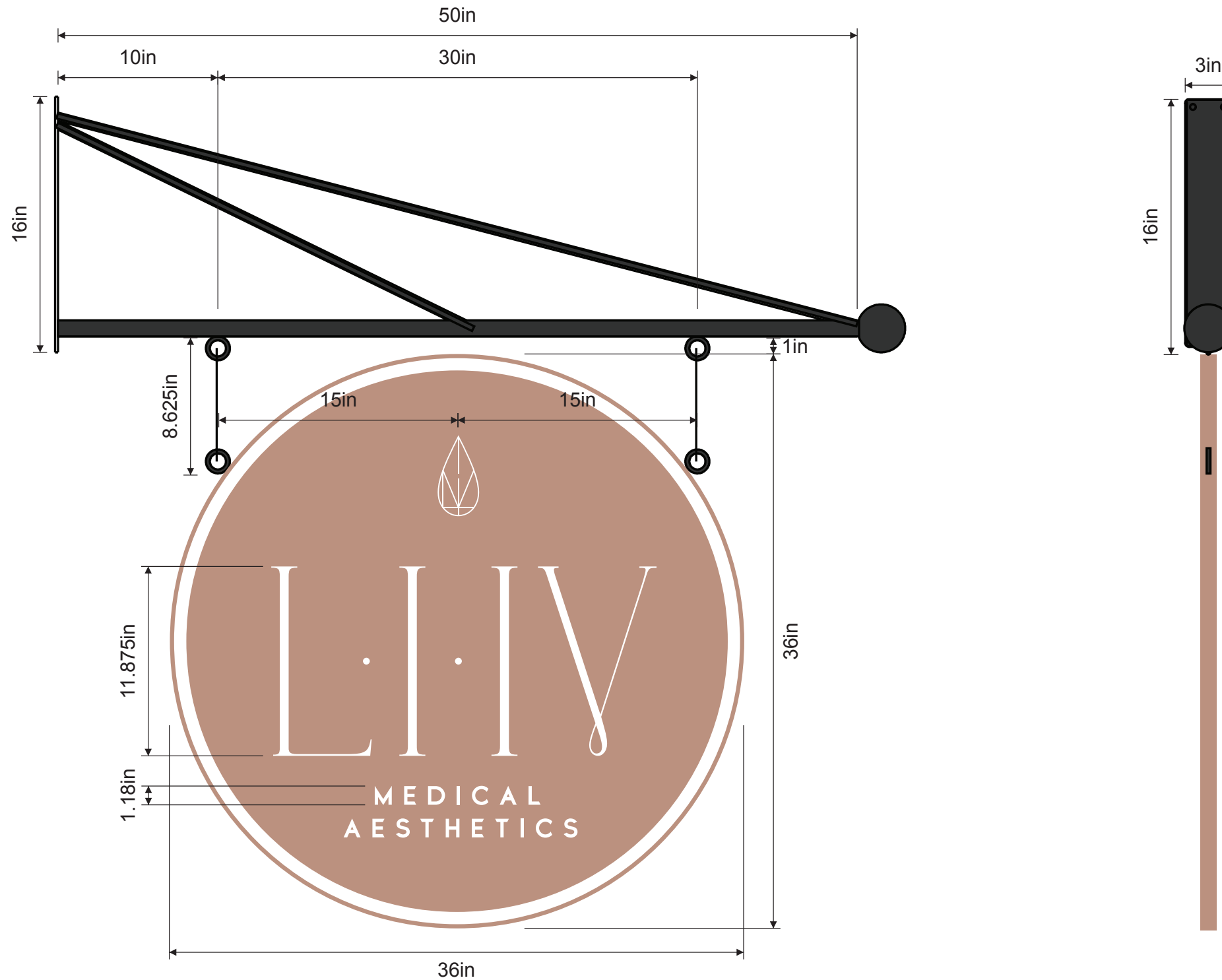
**ADDRESS:**

24 LADD STREET  
PORTSMOUTH, NH 03801

**COLORS:**

 PMS 4725C

# 75787 - LIIV 2024 SIGNAGE [SIGN FABRICATION]







213 Gates Street, #1  
Portsmouth, NH 03801  
[www.allianceforgreatergood.org](http://www.allianceforgreatergood.org)

February 22, 2024

Mayor and City Councilors  
Portsmouth City Hall  
One Junkins Avenue  
Portsmouth, NH 03801

RE: 2024 Lantern Festival Request

Dear Mayor McEachern and City Council Members,

We are asking the City of Portsmouth for approval to host a Lantern Festival at the South Mill Pond from 5:00 PM to 7:30 PM on Saturday, September 28, with a rain date of Sunday, September 29.

Similar to last year's Lantern Festival, it will be a family-friendly, community event and fundraiser where participants can listen to some good vibes with DJ Skooch, enjoy face painting with the kids, and have fun decorating lanterns to light and float on the South Mill Pond in Portsmouth at dusk. The Lantern Festival theme is "illuminating community kindness." There will be no charge to attend the festival. However, we plan to sell lanterns in advance and on the day of the festival to help raise money for the beneficiary of the 2024 Lantern Festival.

A couple of changes this year include:

- Exploring options to enhance the launching / floating of the lanterns. The weeds around the pond, coupled with the wind direction limited our launching options.
- Adding a few food trucks / food tents for attendees to enjoy.

We would like to work with the appropriate City departments on the items noted above, as well as work with City department representatives to ensure another successful and safe event. We are not requesting any road closures for this event. We have attached our proposed site map.

Last year, we raised \$22,000 for Seacoast Mental Health Center. This year the Alliance is focusing on the issue of homelessness for its signature fundraising event. After researching the issue and evaluating several non-profit organizations, the Alliance has selected Womenaid of Greater Portsmouth as the beneficiary of the 2024 Lantern Festival. Womenaid provides short term financial assistance to neighbors in need when they have

Page Two  
February 22, 2024  
Lantern Festival Request

nowhere else to turn. Oftentimes, this financial assistance keeps neighbors in their homes and prevents homeless-related issues such as loss of employment, health care, and self-worth. Through the generosity of community members, the Alliance's goal is to raise \$25,000+ for Womenaid of Greater Portsmouth.

Please let us know if you have any questions or if there is additional information you may need as you consider this event request.

Sincerely,

Julia (Julie) Johnson  
Co-founder and President of the Alliance for Greater Good  
603.777.2275  
[allianceforgreatergood.org](http://allianceforgreatergood.org)

Attachment: 2024 Lantern Festival Site Map

cc: Karen Conard, City Manager Jessica Griffin, Assistant to the City Manager



# Lantern Festival

September 28, 2024

5:00 – 7:30 PM

Rain date is Sep 29



## Key

- Decorating Tables
- Lighting /Launching Stations
- Music Tent
- Photo Booth Tent
- Registration
- Volunteer Table
- Face Painting
- Food Tents / Food Trucks
- Port-a-potties / Toilets
- Greeters
- Trash Receptables
- Dumpster

**Tuesday, March 3, 2024**

**To:** City of Portsmouth Mayor & City Council

**Subject:** Margarita Half Marathon & 5K Race Request



Dear City of Portsmouth Mayor & City Council,

We are seeking permission to conduct the **8<sup>th</sup> Annual Margarita Half Marathon & 5K** through a small section of the City of Portsmouth, approximately 2/10 of a mile along Greenland Road (Route 33). Please note, because of a course change, only the 5K will pass through Portsmouth in 2024. The event will be conducted in conjunction with Mercedes-Benz of Portsmouth and will be supporting the nonprofit, Gather New Hampshire.

Below are the specific details for the event.

**Race Date:** Sunday, May 12<sup>th</sup>, 2024

**5K Start Time:** 8:15 AM

**Insurance:** Ventures Endurance will provide a certificate of insurance to the City of Portsmouth listing them as additionally insured for the event prior to race day.

Runners will travel along Portsmouth Avenue and Greenland Road for approximately 10 minutes near the start of the race. Ventures Endurance will hire a state police officer like we have done in previous years for the intersection of Portsmouth Avenue and Greenland Road. Runners travelling on Route 33 will be restricted to a runner cone lane and the general flow of traffic will not be affected.

Attached to our race proposal is the 5K course map and half marathon course map. Please note, the half marathon course **will not** travel within the City of Portsmouth in 2024. There will be approximately 550 5K runners who will be clear of Portsmouth by 8:30 AM.

Thank you for your consideration of our event.

Best,

Evan Dolecki, Event Operations Manager – New England

**Loco Sports, LLC & Ventures Endurance**

51 Dynamic Drive, Unit #3 Scarborough, ME  
04074

**Email:** [edolecki@venturesendurance.com](mailto:edolecki@venturesendurance.com)

**Mobile Phone:** 860.921.6945





# 2024 MARGARITA 5K COURSE MAP



START: Lowe's Lot Loop  
Exit: Rear Lowe's Lot  
Right: Portsmouth Ave  
Right: Greenland Ave  
Right: Portsmouth Ave  
FINISH: Mercedes Benz of  
Portsmouth

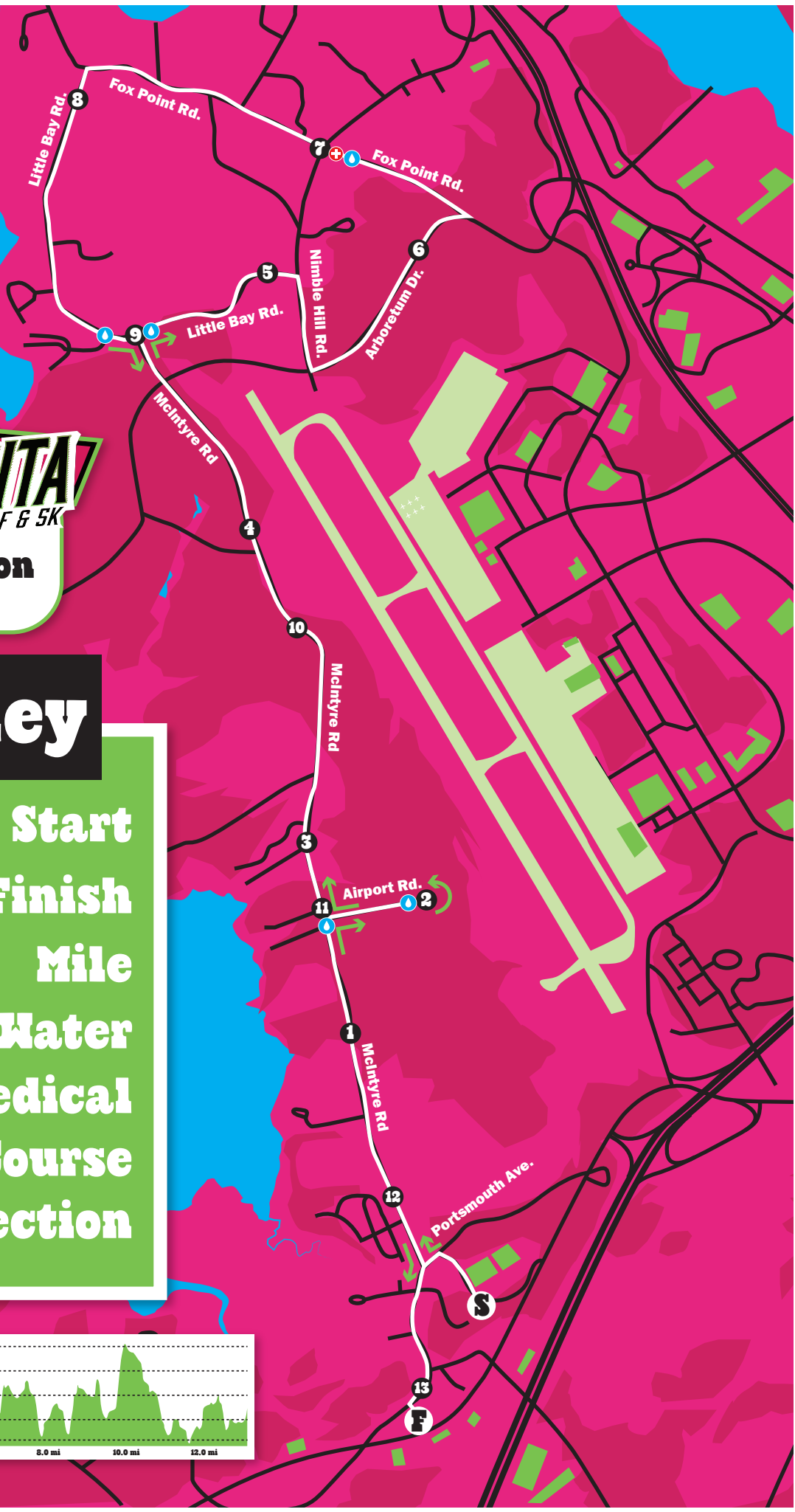
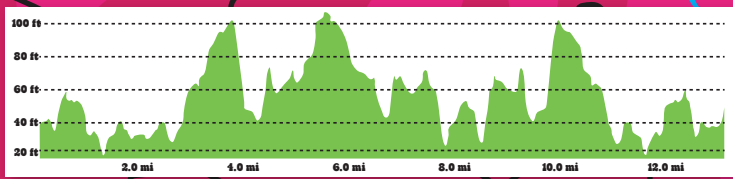




**MARGARITA**  
HALF & 5K  
**Half Marathon Map**

# Map Key

- S** ..... Start
- F** ..... Finish
- 1** ..... Mile
-  ..... Water
-  ..... Medical
-  ..... Course
-  ..... Direction



CITY COUNCIL E-MAILS

Received: March 4, 2024 (after 5:30 p.m.) – March 14, 2024 (before 9:00 a.m.)

March 18, 2024 Council Meeting

**Submitted on Mon, 03/04/2024 - 22:08**

**First Name**

Shiva

**Last Name**

Nanda

**Email**

[shiva@sakuntalallc.com](mailto:shiva@sakuntalallc.com)

**Address**

11 Meeting House Hill Road

**Message**

We live at 11 Meeting House Hill Road.

We object to VFW's proposal and would like the City to consider something more appropriate for the space aligned with the historic nature of the area, consideration of the residents and neighborhood, narrow streets, parking and traffic. We support repurposing the space as a residence for visiting artists to Strawberry Banke, Prescott Park, Players Ring, or similar use.

Thank you.

Shiva & Elizabeth Nanda

**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, 03/05/2024 - 14:30**

**First Name**

Joseph

**Last Name**

Kraus

**Email**

[jkraus@sau52.org](mailto:jkraus@sau52.org)

**Address**

56 Ruby Road

**Message**

Dear City Council,

Eight students from the Portsmouth High School debate team recently competed in Harvard's National Speech and Debate Tournament against thousands of students from across the country and internationally. These students faced an immense challenge, and they performed well against many prestigious schools. This was a once in a lifetime experience for these students. This opportunity was only made possible through a contribution from academic fund that was recently set up the school and the city of Portsmouth. As the coach of the debate team and on behalf of the team, we wanted to thank you for making those funds available to academic clubs. These students were able to attend this tournament without having to worry about their families having to fund it. This academic fund has enabled debate to provide wonderful opportunities on an equitable and inclusive basis. This trip and future trips will benefit these students in high school in, when applying to college, and after they are accepted. Thank for making this possible. The Portsmouth Herald reported on this event.

<https://www.seacoastonline.com/story/news/education/2024/02/27/portsmouth-high-school-debate-team-harvard/72745644007/>

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

---

**Submitted on Fri, 03/08/2024 - 09:47**

**First Name**

Judith

**Last Name**

Castle

**Email**

[judcastle@comcast.net](mailto:judcastle@comcast.net)

**Address**

229 Pleasant Street, Unit 1

**Message**

I was saddened by the City Council's decision not to take up the resolution calling for a cease-fire between Israel and Hamas. This is in marked contrast to the Town Council in Durham which voted 6 to 2 to approve a similar resolution and where the Town Administrator described the process as "the very best of an open, transparent and democratic process . . . where residents were able to express their strongly held views in a safe environment." Not so in Portsmouth! The Council was silenced. Debate by the Council on the resolution was totally cut off.

And, as is the pattern of several City Council meetings, an issue of interest to many local resolutions is shoved to the end of the agenda, presumably in the hope that people will give up and go home.

I find the Council's behavior, with the notable exception of Josh Denton and Kate Cook, shameful.

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

---

**Submitted on Fri, 03/08/2024 - 13:47**

**First Name**

Shiva

**Last Name**

Nanda

**Email**

[shiva@sakuntalallc.com](mailto:shiva@sakuntalallc.com)

**Address**

11 Meeting House Hill Road

**Message**

Few of us in the neighborhood are interested in leasing / purchasing the property to renovate, repurpose the property to be used by the community of Portsmouth in keeping with the heritage / history and neighborhood.

We are prepared to finance the renovation, once we agree on the best and most appropriate use of the property. This is a formal request to the Council and would like the opportunity to meet and discuss further.

Thank you.

Shiva Nanda

**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, 03/11/2024 - 13:15**

**First Name**

john

**Last Name**

robinson

**Email**

[robinsoncrow1@gmail.com](mailto:robinsoncrow1@gmail.com)

**Message**

Please go to [worldcouncilforhealth.org](http://worldcouncilforhealth.org) and click on the legal brief regarding preventing the abuse of public health emergencies.

This will inform everyone of their responsibility to the personal health and welfare of the citizens unlike the response in the recent debacle.

There will be no excuses of ignorance by my representatives in future.

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





Portsmouth Maritime Folk Festival  
106 Langford Rd.  
Raymond, NH 03077  
+1.415.845.8202  
[info@pmffest.org](mailto:info@pmffest.org)  
Saturday 9 March 2024

City of Portsmouth  
1 Junkins Ave.  
Portsmouth, NH 03801

Mr. Mayor and City Councilors,

Greetings from PMFF! Thank you once again for your help in making our 2023 festival a success, with visitors from at least four countries and two continents.

We are planning our 2024 festival for the 28<sup>th</sup> and 29<sup>th</sup> of September this year. We have a different plan for this year's festival, and accordingly, different requests from the City.

We are partnering with the Gundalow Company and Strawberry Banke Museum to re-center the festival along the Portsmouth waterfront.

From the City, we are requesting the use of spaces in Prescott Park on Saturday the 28<sup>th</sup>, 11 to 3, and Sunday the 29<sup>th</sup>, 1 to 5. If using the raised stage is an option, we'd like to use that, and one other space toward the other (north) side of the park far enough away not to be sonic competition.

We would also like to be in Market Square again, at the same times, in the space in front of the North Church that we used the last two years.

We again request a Sunday motorcycle parking ban in Market Square and some parking passes for our performers and volunteers.

With the cooperation of the Gundalow Company, we expect to use the space next to their dock and the Sheafe Warehouse; my understanding is that those spaces are under their control, but if not, then we request that same from the City.

Respectfully,

Chris Maden  
President, PMFF



**Portsmouth Music and Arts Center**  
 973 Islington Street  
 Portsmouth, NH 03801  
 603.431.4278  
[www.PMACOnline.org](http://www.PMACOnline.org)

**Board of Directors**

March 13, 2024

Lisa Shawney  
*Chair*

To: City Council of Portsmouth  
 1 Junkins Ave.  
 Portsmouth, NH 03801

Steve Viens  
*Vice Chair*

Honorable Mayor McEachern and City Councilors:

Stephanie Willette  
*Treasurer*

I am writing today on behalf of the Portsmouth Music and Arts Center (PMAC) to request permission to hold a one-time small parade for Jazz Appreciation Month, to take place on Friday, April 12 at 12:00pm. The parade will begin at Portsmouth’s African Burying Ground and proceed to the Vaughn Mall, using crosswalks and side streets. (See attached Map)

Danielle O’Neil  
*Secretary*

The New Orleans-style parade will cause minimal traffic interruption as it will involve only one group of approximately 30 student musicians leaving the African Burying Ground, crossing State Street at a crosswalk, moving to Chestnut Street, and past the front entrance of The Music Hall, crossing Congress Street at a crosswalk, and ending at the Vaughn Mall Stage.

Mark Anderson  
 Jim Buttrick  
 Mamadou Dembele  
 Bill Durling  
 Forrest Elliott  
 Chase Hagaman\*  
 Joe Keefe  
 Nancy Pearson  
 Stephen Ritchie  
 Charles Riopel  
 Cleo Villaflores  
 Jaime Yates

*\* indicates past chair*

The parade will be led by the New Orleans Jazz Orchestra, which will be in town for four days, from April 9 to 12, working with the Portsmouth High School Band and youth students at PMAC. These students will march in the parade alongside the 8-piece New Orleans Jazz Orchestra. The parade will take approximately ten minutes, with most of the time at the African Burying Ground at the start, and at the Vaughn Mall at the end. Each of the street crossings will take under 90 seconds.

**Leadership Staff**

Russ Grazier, Jr.  
 Chief Executive Officer

Volunteer chaperones will be present to help at street crossings, as will PMAC faculty and staff. Following the parade, the students will have lunch at Jimmy’s Jazz and Blues Club, where they will hear the New Orleans Jazz Orchestra prepare for their evening performance.

Katie Grazier  
 Chief Operating Officer

Michelle Shoemaker  
 Director of Education

Eli Kaynor  
 Director of Development

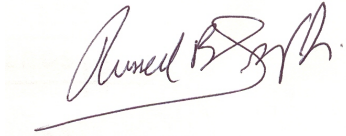
The program is free for all participants and is being funded by PMAC with generous support from local donors. The New Orleans style parade is the culminating event of a week of work with the students.

Melissa Schultz  
 Director of Marketing

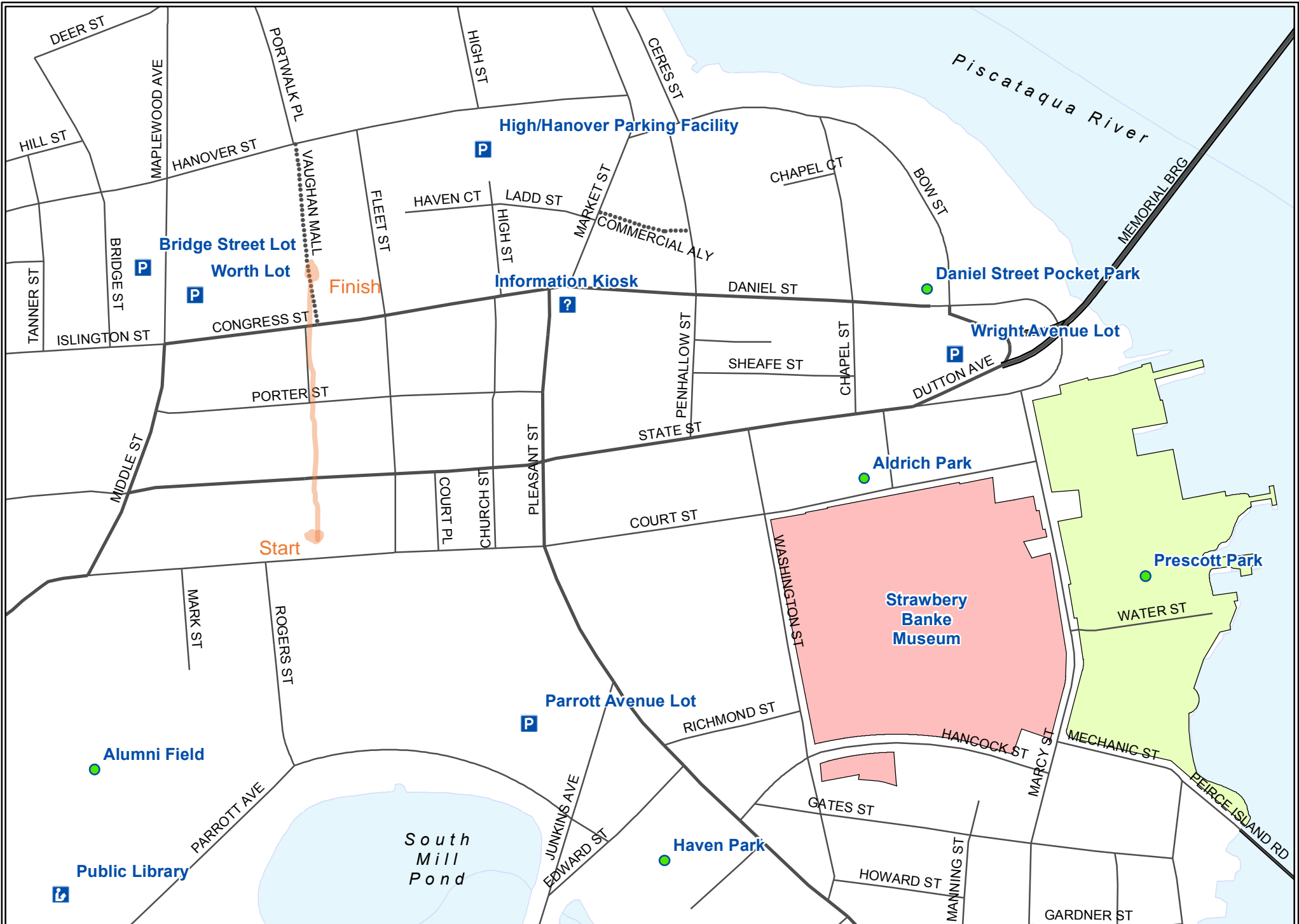
We will of course carry the insurance that is required. We are happy to work with the Police and Fire Departments as deemed necessary, to ensure a safe parade, and to whom we are grateful for all their guidance and support. We respectfully submit this request and are

available to address questions or concerns. We look forward to your response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Russ Grazier". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

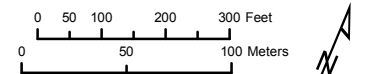
Russ Grazier, CEO



**Downtown Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 28 March 2016  
 Comments and corrections: [www.cityofportsmouth.com](http://www.cityofportsmouth.com)

[www.cityofportsmouth.com/maps](http://www.cityofportsmouth.com/maps)







THE PORTSMOUTH HOUSING AUTHORITY  
& PHA HOUSING DEVELOPMENT LTD.  
603-436-4310 | PORTHOUSING.ORG

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March 13, 2024

Mayor Deaglan McEachern and City Council  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Mayor and Council,

In anticipation of developing workforce housing at the Sherburne school property in partnership with the City, the PHA recommends requesting an allocation of Community Project Funding from one or more members of our congressional delegation to partially fund this project.

These requests are able to be submitted up to a March 22 deadline and, therefore, we ask that the Mayor and Council send a letter of support to accompany this request.

Thank you,

Craig W. Welch  
Executive Director  
Portsmouth Housing Authority





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

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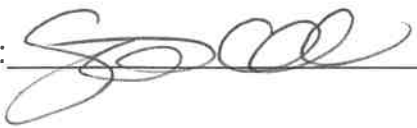
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Please list two character references not related to you or city staff members:  
*(Portsmouth references preferred)*

- 1) Barbara McMillan, Portsmouth 603-498-9290  
Name, address, telephone number
- 2) Jessica Blasko, Portsmouth 603-828-9203  
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 2/8/24

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 4-1-27

Annual Number of Meetings: 11 (2023) Number of Meetings Absent: 1

Date of Original Appointment: 6/19/2017 (Regular)

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



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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

Committee: Portsmouth Housing Authority

RECEIVED  
MAR 04 2024  
Renewing applicant  
By

Name: Kathleen Bergeron Telephone: 603-502-7803

Could you be contacted at work? YES  NO  If so, telephone # 603-436-3009

Street address: 199 Wibird Street, Portsmouth

Mailing address (if different ): \_\_\_\_\_

Email address (for clerk's office communication ): kathy@bergeronappraisal.com

How long have you been a resident of Portsmouth? 30 years

Occupational background:

Commercial Real Estate Appraiser - Bergeron Commercial Appraisal (Self Employed)

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

Reasons for wishing to continue serving: \_\_\_\_\_  
Because of my background in Real Estate Appraisal, and particularly my work with affordable housing developments throughout New Hampshire, I have been able to contribute to the PHA Board's mission. I hope to continue to collaborate with the other commissioners and PHA leadership to manage and develop affordable housing in the city of Portsmouth.

OVER  
➡



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

Citywide Neighborhood Committee - Past Chair

Seacoast Half Marathon - Organizing Committee

Please list two character references not related to you or city staff members:

*(Portsmouth references preferred)*

1) Cliff Lazenby - 603-978-4725

Name, address, telephone number

2) Christy Cardoso 603-513-3634

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Kathleen Bergeron Date: 2/26/24

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 09/01/2024

Annual Number of Meetings: 12 Number of Meetings Absent: 1

Date of Original Appointment: 3/7/2022

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

## QUALIFICATIONS OF KATHLEEN HOLDEN BERGERON, MAI

### PROFESSIONAL MEMBERSHIPS:

Appraisal Institute - MAI Designation  
New Hampshire Chapter of the Appraisal Institute

### STATE LICENSES:

New Hampshire State Certified General Appraiser - # 595

### EXPERIENCE:

2000 - Present	Bergeron Commercial Appraisal Commercial Appraiser
1999 – 2000	F & M Appraisal Group, Inc. Commercial Appraiser

### EDUCATION:

University of New Hampshire, Whittemore School of Business and Economics - BS, Business Administration

### APPRAISAL EDUCATION:

Appraisal Principles – Exam 110  
Appraisal Procedures – Exam 120  
Basic Income Capitalization - Exam 310  
Standards of Professional Practice A & B - Exams 410 & 420  
Advanced Income Capitalization - Exam 510  
Advanced Cost & Sales Comparison – Exam 530  
Report Writing and Valuation Analysis – Exam 540  
Advanced Applications – Exam 550  
Highest & Best Use Analysis – Exam 520  
Attacking and Defending Appraisals in Litigation – Ted Whitmer  
Business Practice and Ethics  
Apartment Appraisal Concepts and Applications  
*Marshall & Swift* Commercial Cost Analysis  
Subdivision Analysis  
Real Estate Finance, Statistics, and Valuation Modeling

### APPRAISAL ASSIGNMENTS:

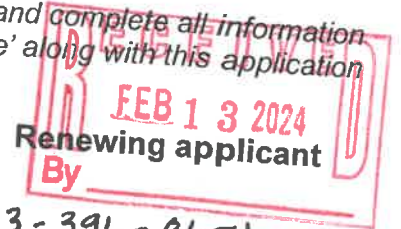
Real estate appraisal experience includes the following: commercial land and residential subdivisions; apartment complexes; retail properties, including neighborhood and community shopping centers; proposed construction; mixed-use properties; industrial properties; manufacturing facilities; office properties, and; special use assignments, including restaurants, going-concern values, feasibility analyses, auto dealerships and LIHTC affordable housing properties.



# CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

## APPOINTMENT APPLICATION

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



Committee: RECREATION BOARD

Name: KATHRYN LYNCH Telephone: 603-396-8651

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

Street address: 3 BOYAN PLACE PORTSMOUTH NH 03801

Mailing address (if different): N/A

Email address (for clerk's office communication): kathielynch@hotmail.com

How long have you been a resident of Portsmouth? 41 yrs

Occupational background:  
retired Registered Nurse

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

Reasons for wishing to continue serving: with recent leadership changes to the Board and several projects in process or pending I would like to continue to work for Portsmouth citizens and recreation facility users to continue to develop and upgrade recreation experiences in Portsmouth

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

Little League baseball  
Yarnold scholarship trustee

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

- 1) Vicki Decker 182 Richards Ave Portsmouth NH 603-433-8098  
Name, address, telephone number
- 2) Rick Becksted 1393 Islington St Portsmouth NH 603-817-1912  
Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

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

Signature: Kathryn Lynn Date: 2/14/24

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 4-1-2027  
Annual Number of Meetings: 7 (2023) Number of Meetings Absent: 1  
Date of Original Appointment: 04/17/2019

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



# PARKING and TRAFFIC SAFETY COMMITTEE ACTION SHEET

8:30 A.M. – March 7, 2024  
Conference Room A

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**PRESENT:**     **Members:** Acting Chairman Steve Pesci, Public Works Director Peter Rice; Erica Wygonik; Mary Lou McElwain; Stefanie Casella, Planning Department; Deputy Police Chief Mike Maloney; Dave Allen; Fire Chief Bill McQuillen

**City Staff:** City Engineer Eric Eby, Parking Director Ben Fletcher, Associate Engineer Tyler Reese

ACTION ITEMS FOR CITY COUNCIL
<ul style="list-style-type: none"><li>• Market Square bus bay parking, voted to change the two 15-minute spaces in the bus bay to Zone A spaces.</li></ul>

- Market Square bus bay parking, voted to change the two 15-minute spaces in the bus bay to Zone A spaces.

- **Roll Call**
- **Financial Report:** Voted to accept and place on file Financial Report dated January 31, 2023.
- **Public Comment Session:** There were three speakers: Sherry Brandsema, Lenore Weiss Bronson and Nancy Johnson (Z) spoke regarding Woodbury Avenue traffic calming.
- **Woodbury Avenue, request for reconsideration of speed cushions, by City Council:** Voted to refer to City Staff for further review and development of alternatives.
- **E-scooter and E-bikes, review of current City ordinances:** Voted to work with Legal to adjust the language in the City Traffic Ordinance, Section 7.301 H. to address electric bikes and scooters. Voted to have staff report back on State RSA changes regarding e-bikes and e-scooters.
- **Market Square bus bay parking, interim review of temporary parking spaces:** Voted to change the two 15-minute spaces in the bus bay to Zone A spaces.
- **Police monthly accident report:** Informational; no action required.
- **DOT Route 1 project update:** Informational; no action required.

*Respectfully submitted by:* Leila Birr

**PARKING and TRAFFIC SAFETY COMMITTEE**  
PORTSMOUTH, NEW HAMPSHIRE

**CONFERENCE ROOM A**  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also had the option to join the meeting over Zoom.*

**8:30 AM**

**March 7, 2024**

**MINUTES**

**I. CALL TO ORDER**

Acting Chairman Steve Pesci called the meeting to order at 8:30 AM.

**II. ATTENDANCE**

Members Present:

Acting Chairman Steve Pesci  
Public Works Director Peter Rice  
Stefanie Casella, Planning Department  
Deputy Police Chief Mike Maloney  
Erica Wygonik  
Dave Allen  
Fire Chief William McQuillen  
Mary Lou McElwain

Absent

Mark Syracuse  
Councilor Andrew Bagley

City Staff Present:

Parking Director Ben Fletcher  
City Engineer – Parking, Transportation and Planning Eric Eby  
Associate Engineer Tyler Reece

Selection of chairman was delayed due to Councilor Bagley's absence.

**III. FINANCIAL REPORT**

[00:06:33] Peter Rice moved to accept the financial report dated January 31, 2024, seconded by Mary Lou McElwain. Motion carried 8-0.

**IV. PUBLIC COMMENT**

[00:07:13] Sherry Bransima, Lenore Weiss Bronson and Nancy Johnson (Z) spoke regarding Woodbury Avenue traffic calming.

**V. PRESENTATIONS**

None

**VI. NEW BUSINESS**

*(No public comment during Committee discussion without Committee approval.)*

None

**VII. OLD BUSINESS**

A. [00:17:48] Woodbury Avenue, request for reconsideration of speed cushions, by City Council. Bill McQuillen moved to refer to City Staff for further review and development of alternatives, seconded by Peter Rice. Motion carried 8-0.

B. [00:23:10] E-scooters and E-bikes, review of current City ordinances. Peter Rice made a motion to work with Legal to adjust the language in the City Traffic Ordinance, Section 7.301 H. to address electric bikes and scooters. Seconded by Erica Wygonik. Motion passed 8-0.

[00:25:55] Peter Rice left the meeting early due to conflicting obligations.

Mary Lou McElwain made a motion for staff to report back on State RSA changes regarding e-bikes and e-scooters, seconded by Bill McQuillen. Motion carried 8-0

C. [00:30:13] Market Square bus bay parking, interim review of temporary parking spaces. Bill McQuillen made a motion to change the two 15-minute spaces in the bus bay to Zone A spaces, making all four spaces Zone A spaces. Seconded by Dave Allen. On a roll call vote, motion passed 4-1, with Steve Pesci and Erica Wygonik abstaining.

**VIII. INFORMATIONAL**

A. [00:38:37] Police monthly accident report

B. [00:39:21] DOT Route 1 project update

**IX. MISCELLANEOUS**

[00:44:35] Mary Lou McElwain requested an update on RV and camper overnight parking.

Mary Lou McElwain also noted that the crosswalk lights on State Street are still not in sync and that the pedestrian crosswalk lights at Pleasant Street and State Street are going on when there are no pedestrians. Erica Wygonik mentioned that the pedestrian lights at Pleasant and State Streets also appear turned, possibly due to the windstorms.

Erica Wygonik requested that the mobile crosswalk sign at Little Harbour Road be put back.

Steve Pesci asked that the center line marker and flashing beacon at Maplewood Avenue by the railroad crossing also be put back in place.

[00:47:21] Mary Lou McElwain addressed the letter from Elizabeth Bratter. Eric Eby noted that the City does not put up mirrors for traffic but that we may be able to add more paint to prevent use of the center area at the Bartlett and Cate Street intersection.

[00:48:36] There was discussion regarding the railroad overpass. City staff have submitted paperwork to the Federal Railroad Administration for obligation of the grant.

**X. ADJOURNMENT**

Erica Wygonik moved to adjourn the meeting at 9:14 a.m., seconded by Mary Lou McElwain. Meeting adjourned at 9:14 a.m.

Respectfully submitted,

Leila Birr  
Administrative Assistant  
Department of Public Works



GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby  
Mutually agree as follows:  
GENERAL PROVISIONS

1. Identification and Definitions.

<b>1.1. State Agency Name</b> New Hampshire Department of Justice		<b>1.2. State Agency Address</b> 1 Granite Place South, Concord, NH 03301	
<b>1.3. Grantee Name</b> Portsmouth Police Department		<b>1.4. Grantee Address</b> 3 Junkins Avenue, Portsmouth, NH 03801	
<b>1.5 Grantee Phone #</b> (603) 610-7416	<b>1.6. Account Number</b> 02-20-20-201510- 5021-072-500574	<b>1.7. Completion Date</b> 06/30/2025	<b>1.8. Grant Limitation</b> \$24,739
<b>1.9. Grant Officer for State Agency</b> Kathleen Carr		<b>1.10. State Agency Telephone Number</b> (603) 271-3658	
If Grantee is a municipality or village district: "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
<b>1.11. Grantee Signature 1</b>		<b>1.12. Name &amp; Title of Grantee Signor 1</b>	
Grantee Signature 2		Name & Title of Grantee Signor 2	
Grantee Signature 3		Name & Title of Grantee Signor 3	
<b>1.13 State Agency Signature(s)</b>		<b>1.14. Name &amp; Title of State Agency Signor(s)</b>	
<b>1.15. Approval by Attorney General (Form, Substance and Execution) (if G &amp; C approval required)</b>			
By: Assistant Attorney General,		On: / /	
<b>1.16. Approval by Governor and Council (if applicable)</b>			
By:		On: / /	

2. SCOPE OF WORK: In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as “the State”), the Grantee identified in block 1.3 (hereinafter referred to as “the Grantee”), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as “the Project”).

3. AREA COVERED. Except as otherwise specifically provided for herein, the Grantee shall perform the Project in, and with respect to, the State of New Hampshire.
4. EFFECTIVE DATE: COMPLETION OF PROJECT.
- 4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.16), or upon signature by the State Agency as shown in block 1.14 (“the Effective Date”).
- 4.2. Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.7 (hereinafter referred to as “the Completion Date”).
5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT.
- 5.1. The Grant Amount is identified and more particularly described in EXHIBIT C, attached hereto.
- 5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT C.
- 5.3. In accordance with the provisions set forth in EXHIBIT C, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Grantee the Grant Amount. The State shall withhold from the amount otherwise payable to the Grantee under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.
- 5.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Grantee for all expenses, of whatever nature, incurred by the Grantee in the performance hereof, and shall be the only, and the complete, compensation to the Grantee for the Project. The State shall have no liabilities to the Grantee other than the Grant Amount.
- 5.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.
6. COMPLIANCE BY GRANTEE WITH LAWS AND REGULATIONS. In connection with the performance of the Project, the Grantee shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Grantee, including the acquisition of any and all necessary permits and RSA 31-95-b.
7. RECORDS and ACCOUNTS.
- 7.1. Between the Effective Date and the date seven (7) years after the Completion Date, unless otherwise required by the grant terms or the Agency, the Grantee shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.
- 7.2. Between the Effective Date and the date seven (7) years after the Completion Date, unless otherwise required by the grant terms or the Agency pursuant to subparagraph 7.1, at any time during the Grantee’s normal business hours, and as often as the State shall demand, the Grantee shall make available to the State all records pertaining to matters covered by this Agreement. The Grantee shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, “Grantee” includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Grantee in block 1.3 of these provisions
8. PERSONNEL.
- 8.1. The Grantee shall, at its own expense, provide all personnel necessary to perform the Project. The Grantee warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.
- 8.2. The Grantee shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.
- 8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.
9. DATA: RETENTION OF DATA: ACCESS.
- 9.1. As used in this Agreement, the word “data” shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2. Between the Effective Date and the Completion Date the Grantee shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4. On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT. Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Grantee notice of such termination.
11. EVENT OF DEFAULT: REMEDIES.
- 11.1. Any one or more of the following acts or omissions of the Grantee shall constitute an event of default hereunder (hereinafter referred to as “Events of Default”):
- 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
- 11.1.2 Failure to submit any report required hereunder; or
- 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
- 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.
- 11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:
- 11.2.1 Give the Grantee a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Grantee notice of termination; and
- 11.2.2 Give the Grantee a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the Grantee during the period from the date of such notice until such time as the State determines that the Grantee has cured the Event of Default shall never be paid to the Grantee; and
- 11.2.3 Set off against any other obligation the State may owe to the Grantee any damages the State suffers by reason of any Event of Default; and
- 11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.
12. TERMINATION.
- 12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Grantee shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the “Termination Report”) describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Grantee to receive that portion of the Grant amount earned to and including the date of termination.
- 12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Grantee from any and all liability for damages sustained or incurred by the State as a result of the Grantee’s breach of its obligations hereunder.
- 12.3. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Grantee hereunder, the Grantee, may terminate this Agreement without cause upon thirty (30) days written notice.
- 12.4. CONFLICT OF INTEREST. No officer, member of employee of the Grantee, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or
- 13.

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
14. GRANTEE'S RELATION TO THE STATE. In the performance of this Agreement the Grantee, its employees, and any subcontractor or subgrantee of the Grantee are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Grantee nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
  15. ASSIGNMENT AND SUBCONTRACTS. The Grantee shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Grantee other than as set forth in Exhibit B without the prior written consent of the State.
  16. INDEMNIFICATION. The Grantee shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Grantee or subcontractor, or subgrantee or other agent of the Grantee. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.
  17. INSURANCE.
  - 17.1 The Grantee shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
    - 17.1.1 Statutory workers' compensation and employees liability insurance for all employees engaged in the performance of the Project, and
    - 17.1.2 General liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
  - 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Grantee shall furnish to the State, certificates of insurance for all renewal(s) of insurance required under this Agreement no later than ten (10) days prior to the expiration date of each insurance policy.
  18. WAIVER OF BREACH. No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Grantee.
  19. NOTICE. Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
  20. AMENDMENT. This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
  21. CONSTRUCTION OF AGREEMENT AND TERMS. This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intend of the parties hereto.
  22. THIRD PARTIES. The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
  23. ENTIRE AGREEMENT. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
  24. SPECIAL PROVISIONS. The additional or modifying provisions set forth in Exhibit A hereto are incorporated as part of this agreement.

**EXHIBIT A**

-SPECIAL PROVISIONS-

Portsmouth Police Department as the Grantee (hereinafter referred to as “Subrecipient”) shall be compliant at all times with the terms, conditions and specifications detailed below, which are subject to annual review.

- 1 The Subrecipient must certify that Limited English Proficiency persons have meaningful access to any services provided by this program. National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with these requirements. The guidance document can be accessed on the Internet at [www.lep.gov](http://www.lep.gov).
  
- 2 The Subrecipient assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination within the three years prior to the receipt of the federal financial assistance and after a due process hearing against the Subrecipient on the grounds of race, color, religion, national origin, sex, age, or disability, a copy of the finding will be submitted to the New Hampshire Department of Justice, Grants Management Unit and to the U.S. Department of Justice, Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, D.C. 20531. For additional information regarding your obligations under civil rights please reference the state website at <http://www.doj.nh.gov/grants-management/civil-rights.htm> and understand if you are awarded funding from this office, civil rights compliance will be monitored by this office, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.
  
- 3 The Subrecipient will comply (and will require any subrecipients or contractors to comply) with any applicable nondiscrimination provisions, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); the Victims of Crime Act (34 U.S.C. § 20110(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); the Violence Against Women Act (34 U.S.C. § 12291(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07). It will also comply with Ex. Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38.
  
- 4 Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace. The current consultant limit is \$650 per day or \$81.25 per hour. When the rate exceeds the limit for an 8-hour day, or a proportionate hourly rate (excluding travel and subsistence costs), a written prior approval is required. Prior approval requests require additional justification.
  
- 5 The Subrecipient agency agrees that, should they employ a former member of the NH Department of Justice, that employee or their relative shall not perform work on or be billed



## EXHIBIT A

to any federal or state subgrant or monetary award that the employee directly managed or supervised while at the DOJ for the life of the subgrant without the express approval of the DOJ.

- 6 The Subrecipient understands that grants are funded for the grant award period noted on the grant award document. No guarantee is given or implied of subsequent funding in future years.

7 **Requirements of the award; remedies for non-compliance or for materially false statements**

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

8 **Applicability of Part 200 Uniform Requirements**

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this subaward.

## EXHIBIT A

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this subaward.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

## **9 Compliance with DOJ Financial Guide**

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as

## EXHIBIT A

posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The subrecipient agrees to comply with the DOJ Grants Financial Guide.

### **10      Reclassification of various statutory provisions to a new Title 34 of the United States Code**

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

### **11      Requirements related to "de minimis" indirect cost rate**

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(1), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

### **12      Requirement to report actual or imminent breach of personally identifiable information (PII)**

Any "subrecipient" at any tier must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)--(1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130).

The subrecipient's breach procedures must include a requirement to report actual or imminent breach of PII to the New Hampshire Department of Justice, Grants Management Unit by the end of the business day in which the breach becomes known.

### **13      All subawards ("subgrants") must have specific federal authorization**

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

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The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

**14 Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000.**

The subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <http://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

**15 Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events.**

Any subrecipient (subgrantee) at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Post-award Requirements" in the "DOJ Grants Financial Guide").

**16 Requirement for data on performance and effectiveness under the award**

The subrecipient must collect and maintain data that measure the performance and effectiveness of activities under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

**17 OJP Training Guiding Principles**

Any training or training materials that any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subrecipient, available at



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<https://ojp.gov/funding/Implement/Training-Guiding-Principles-Grantees-and-Subgrantees>.

**18 Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 42**

Any subrecipient (“subgrantee”) at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

**19 Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 54**

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

**20 Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 C.F.R. Part 38**

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time) specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter I, Part 38, under e-CFR "current" data.

**21 Restrictions on “lobbying”**

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the subrecipient (“subgrantee”) at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits funds awarded by OJP from being used by any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of federal grant or cooperative agreement, subgrant, contract, subcontract, or loan with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law, including exception that

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applies to Indian tribes and tribal organizations.

Should any questions arise to whether a particular use of funds by a subrecipient would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

### **22 Compliance with general appropriations-law restrictions on the use of federal funds for this award**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at [https://ojp.gov/funding/Explore/FY22 AppropriationsRestrictions.htm](https://ojp.gov/funding/Explore/FY22_AppropriationsRestrictions.htm), and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

### **23 Reporting potential fraud, waste and abuse and similar misconduct.**

Any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave, NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

### **24 Restrictions and certifications regarding non-disclosure agreements and related matters.**

No subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award,

**EXHIBIT A**

to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the subrecipient—
  - i. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
  - ii. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
2. If the subrecipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--
  - i. it represents that— it has determined that no other entity that the subrecipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
  - ii. it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
  - iii. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

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**Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)**

The subrecipient at any tier must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The subrecipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this

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award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

### **26 Encouragement of policies to ban text messaging while driving**

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

### **27 Access to records**

The subrecipient (subgrantees) at any tier, must authorize the Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), the New Hampshire Department of Justice and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant.

### **28 VOCA Requirements**

Subrecipients assure they will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 34 U.S.C. 20103(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required.

Specifically, the subrecipient certifies that funds under this award will: (a) be awarded to eligible victim assistance organizations, 34 U.S.C. 20103(a)(2);  
b) not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 34 U.S.C. 20103(a)(2); c) and be allocated in accordance with program guidelines or regulations implementing 34 U.S.C. 20103(a)(2)(A) and 34 U.S.C. 20103(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

### **29 The subrecipient agrees to submit quarterly performance reports on the performance metrics identified by OVC, and in the manner required by OVC.**

This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.

### **30 Employment eligibility verification for hiring under the award**

1. The recipient (and any subrecipient at any tier) must—

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the any subrecipient properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with any subrecipient who are or will be involved in



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activities under this award of both--

1. this award requirement for verification of employment eligibility, and
2. the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form 1-9 record retention requirements, as well as records of all pertinent notifications and trainings.

### 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

### 4. Rules of construction

#### A. Staff involved in hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all subrecipient officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

#### B. Employment eligibility confirmation with E-verify

For purpose of satisfying the requirement of this condition regarding verification of employment eligibility, any subrecipient may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the subrecipient uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

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Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

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### **Unreasonable restrictions on competition under the award; association with federal government.**

SCOPE. A. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier). The subrecipient (at any tier), agent, otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

#### 1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no subrecipient, at any tier may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

#### 2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

#### 3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions

## EXHIBIT A

designed to ensure compliance with this condition.

### 4. Rules of construction

C. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant

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### **Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)**

Any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of any subrecipient.

The details of the subrecipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

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### **Determination of suitability to interact with participating minors**

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

Any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

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### **Publications**

Any publications (written, visual or sound), whether published through Federal grant funds or matching funds, shall contain the following statements: "This project was supported by (enter the federal grant # here) awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

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### **Requirement on use of volunteers**

## EXHIBIT A

The Subrecipient must utilize volunteers to assist the program unless extenuating circumstances justify the exclusion of volunteers, and a volunteer waiver is obtained from the DOJ. This requirement can not be waived without a written request from the subrecipient to DOJ and a written volunteer waiver approval from DOJ.

**36      The Subrecipient agrees to assist victims in applying for Victims Compensation benefits.**

Such assistance includes: identifying eligible victims; making reasonable efforts to notify eligible victims of the availability of compensation; making reasonable efforts to explain the program to victims; offering to assist victims with the application process when it is reasonable to do so.

**37      The Subrecipient understands that VOCA non-allowable personnel activities include:**

general administration, prevention, active investigation and prosecution of criminal activities, research and studies, lobbying, capital expenses, compensation for victims of crime and fundraising.

**38      The Subrecipient agrees that all services will be provided at no charge to victims unless a program income waiver is obtained from the DOJ.**

If permission to generate program income is granted, the Subrecipient agrees that there must be a sliding scale that starts at zero, and that all program income will be totally expended on grant allowable activities by the end of the funding cycle.

**39      Equipment purchased with VOCA funds shall be listed by the Subrecipient on the agency inventory.**

The inventory must include the item description, serial number, cost, percentage of federal VOCA funds, and location.

**40      The Subrecipient agrees that if a financial audit of the agency is performed, whether it be an audit under 2 CFR or not, the Subrecipient agrees to provide a copy of the audit and any associated management letters to the DOJ, Grants Management Unit.**

The Single Audit report must be submitted to the Grants Management Unit within 9 months after the subrecipient's year-end or one month after the issuance of the audit, whichever is sooner.

**41      The Subrecipient, if a non-profit organization, agrees to make its financial statements available online (either on the subrecipient's website, or the DOJ's, or another publicly available website).**

Organizations that have Federal 501 (c) 3 tax status are considered in compliance with this requirement, with no further action needed, to the extent that such organization files IRS Form 990 or similar tax document (e.g., 990-EZ), as several sources already provide searchable online databases of such financial statements.

**EXHIBIT B**

-SCOPE OF SERVICES-

1. The Subrecipient shall receive a subgrant from the New Hampshire Department of Justice as the State Agency (DOJ) for expenses incurred and services provided for direct victim services provided by the Victim/Witness Program to include expenses for personnel.
2. The Subrecipient shall be reimbursed by the DOJ based on budgeted expenditures described in EXHIBIT C. The Subrecipient shall submit incurred expenses for reimbursement on the state approved expenditure reporting form as provided. Expenditure reports shall be submitted on a quarterly basis, within fifteen (15) days following the end of the current quarterly activities. Expenditure reports submitted later than thirty (30) days following the end of the quarter will be considered late and out of compliance. *For example, with an award that begins on January 1, the first quarterly report is due on April 15<sup>th</sup> or 15 days after the close of the first quarter ending on March 31.*
3. Subrecipient is required to maintain supporting documentation for all grant expenses both state funds and match if provided and to produce those documents upon request of this office or any other state or federal audit authority. Grant project supporting documentation shall be maintained for at least seven (7) years after the close of the Federal Grant.
4. Subrecipient shall be subject to periodic desk audits and program reviews by DOJ. Such desk audits and program reviews shall be scheduled with Subrecipient and every attempt shall be made by Subrecipient to accommodate the schedule.
5. All correspondence and submittals shall be directed to:  
NH Department of Justice  
Grants Management Unit  
1 Granite Place South  
Concord, NH 03301  
603-271-7820 or Rhonda.J.Beauchemin@doj.nh.gov



**EXHIBIT C**

- PAYMENT TERMS-

1. The Subrecipient shall receive reimbursement in exchange for approved expenditure reports as described in EXHIBIT B.
2. The Subrecipient shall be reimbursed within thirty (30) days following the DOJ's approval of expenditures. Said payment shall be made to the Subrecipient's account receivables address per the Financial System of the State of New Hampshire.
3. The State's obligation to compensate the Subrecipient under this Agreement shall not exceed the price limitation set forth in form G-1 section 1.8.

3a. The Subrecipient shall be awarded an amount not to exceed \$24,739 of the total Grant Limitation upon Governor and Council approval or 07/01/2024, whichever is later, to 06/30/2025, with approved expenditure reports. This shall be contingent on continued federal funding and program performance.

3b. With sufficient reason and under limited circumstances, the Subrecipient may apply for an extension of the grant period for up to the end of the federal grant end date, not after. The Subrecipient must submit the request in writing. No extension is granted until approval is received by DOJ in writing.

**EXHIBIT D**

-EEO REPORTING, CIVIL RIGHTS COMPLIANCE AND STANDARD ASSURANCES-

I, \_\_\_\_\_ [*responsible official*], certify that

Portsmouth Police Department[*Subrecipient*] has completed the EEO reporting tool certification within the last two years at:

[https://ojp.gov/about/ocr/faq\\_eoop.htm](https://ojp.gov/about/ocr/faq_eoop.htm) on

\_\_\_\_\_ [*date*]

It is understood that subrecipients which are exempt from filing the EEO Utilization Report including non-profits and subrecipients with less than 50 employees must email a declaration claiming exemption at least once every two years with the Office for Justice Programs; Office of Civil Rights at the designated web address.

**EEO Training Requirements for Subrecipients**

\_\_\_\_\_ [*official that completed training*] has completed

the EEO training at <https://ojp.gov/about/ocr/ocr-training-videos/video-ocr-training.htm> on:

\_\_\_\_\_ [*date*]. The EEO training must be completed at least once every two years.

**DOJ Discrimination Complaint Process**

If individuals believe they may have been discriminated against by the NH Department of Justice or by an organization that receives federal funding from the NH Department of Justice based on their race, color, national origin, religion, sex, disability, age, sexual orientation or gender identity should print and complete a complaint form that can be found at: [Civil Rights | Grants Management Unit | NH Department of Justice](#)

**Subrecipient Discrimination Complaint Process**

I further certify that: The Subrecipient will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services and has a policy or written procedure in place for accepting discrimination based complaints from employees and program beneficiaries and that policy/procedure must be made publicly available to program beneficiaries or prospective beneficiaries.

## EXHIBIT D

### Certified Standard Assurances

On behalf of the Subrecipient, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Subrecipient. I understand that these representations will be relied upon as material in any Department decision to make an award to the Subrecipient based on its application.

(2) I certify that the Subrecipient has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application—

- a. the Subrecipient will comply with all award requirements and all federal statutes and regulations applicable to the award;
- b. the Subrecipient will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
- c. the Subrecipient will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Subrecipient understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—

- a. the Subrecipient understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Subrecipient understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

**EXHIBIT D**

- c. the Subrecipient understands that it must require any pass-through subrecipient to comply with all such applicable statutes (and associated regulations); and
- d. on behalf of the Subrecipient, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

(5) The Subrecipient also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Subrecipient will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Subrecipient will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) If this application is for an award from the National Institute of Justice or the Bureau of Justice Statistics pursuant to which award funds may be made available (whether by the award directly or by any subaward at any tier) to an institution of higher education (as defined at 34 U.S.C. § 10251(a)(17)), I assure that, if any award funds actually are made available to such an institution, the Subrecipient will require that, throughout the period of performance—

- a. each such institution comply with any requirements that are imposed on it by the First Amendment to the Constitution of the United States; and
- b. subject to par. a, each such institution comply with its own representations, if any, concerning academic freedom, freedom of inquiry and debate, research independence, and research integrity, at the institution, that are included in promotional materials, in official statements, in formal policies, in applications for grants (including this award application), for accreditation, or for licensing, or in submissions relating to such grants, accreditation, or licensing, or that otherwise are made or disseminated to students, to faculty, or to the general public.

(9) I assure that, if the Subrecipient is a governmental entity, with respect to the award (if any) made by the Department based on the application—

**EXHIBIT D**

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(10) If the Subrecipient applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law--including, but not limited to, the Indian Self-Determination and Education Assistance Act--seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

(11) If the Subrecipient applies for and receives a DOJ award under the STOP School Violence Act program, I assure as required by 34 U.S.C. § 10552(a)(3), that it will maintain and report such data, records, and information (programmatic and financial) as DOJ may reasonably require.

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Subrecipient to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

\_\_\_\_\_  
Name of Authorized Signor

\_\_\_\_\_  
Title of Authorized Signor

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**EXHIBIT E**

-NON-SUPPLANTING CERTIFICATION -

Supplanting defined

Federal funds must be used to supplement existing funds for program activities and must not replace those funds that have been appropriated for the same purpose. Supplanting shall be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is a potential presence of supplanting, the Subrecipient or grantee will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds. For certain programs, a written certification may be requested by the awarding agency or recipient agency stating that Federal funds will not be used to supplant State or local funds. See the OJP Financial Guide (Part II, Chapter 3)

<http://www.ojp.usdoj.gov/financialguide/part2/part2chap3.htm>.

Supplanting and job retention

A recipient or subrecipient may use federal funds to retain jobs that, without the use of the federal money, would be lost. If the grantee is planning on using federal funds to retain jobs, it must be able to substantiate that, without the funds, the jobs would be lost. Substantiation can be, but is not limited to, one of the following forms: an official memorandum, official minutes of a county or municipal board meeting or any documentation, that is usual and customarily produced when making determinations about employment. The documentation must describe the terminated positions and that the termination is because of lack of the availability of State or local funds.

---

Portsmouth Police Department (Subrecipient) certifies that any funds awarded through this federal award shall be used to supplement existing funds for program activities and will not replace (supplant) nonfederal funds that have been appropriated for the purposes and goals of the grant.

Portsmouth Police Department (Subrecipient) understands that supplanting violations may result in a range of penalties, including but not limited to suspension of future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

Printed Name and Title of Authorized Signor: \_\_\_\_\_

Signature: \_\_\_\_\_

**EXHIBIT F**

**NEW HAMPSHIRE DEPARTMENT OF JUSTICE**



**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Subrecipients should refer to the regulations cited below to determine the certification to which they are required to attest. Subrecipients should also review the instructions for certification included in the regulations before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice (“Department”) determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Subrecipient certifies and assures (to the extent applicable) the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If the Subrecipient’s request for Federal funds is in excess of \$100,000, and any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the Subrecipient shall complete and submit Standard Form - LLL, “Disclosure of Lobbying Activities” in accordance with its (and any DOJ awarding agency’s) instructions; and

(c) The Subrecipient shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

**EXHIBIT F**

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Subrecipient certifies, with respect to prospective participants in a primary tier “covered transaction,” as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals—

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction;

violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals’) present responsibility;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Subrecipient is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Subrecipient or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Subrecipient also must disclose such felony criminal conviction in writing to the Department (for OJP Subrecipients, to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov); for OVW Subrecipients, to OVW at [OVW.GFMD@usdoj.gov](mailto:OVW.GFMD@usdoj.gov); or for COPS Subrecipients, to COPS at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)), unless such disclosure has already been made.

**3. FEDERAL TAXES**

**A.** If the Subrecipient is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or

**EXHIBIT F**

(2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP

Subrecipients, to OJP at [Ojpcompliancereporting@usdoj.gov](mailto:Ojpcompliancereporting@usdoj.gov); for OVW Subrecipients, to OVW at [OVW.GFMD@usdoj.gov](mailto:OVW.GFMD@usdoj.gov); or for COPS Subrecipients, to COPS at [AskCOPSRC@usdoj.gov](mailto:AskCOPSRC@usdoj.gov)).

B. Where the Subrecipient is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

**4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Subrecipient certifies and assures that it will, or will continue to, provide a drug-free workplace by—

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The Subrecipient’s policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will —

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee’s conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

**EXHIBIT F**

(e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;  
For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

If you are unable to sign this certification, you must attach an explanation to this certification.

\_\_\_\_\_  
Name of Authorized Signor

\_\_\_\_\_  
Title of Authorized Signor

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Portsmouth Police Department 3 Junkins Avenue, Portsmouth, NH 03801

\_\_\_\_\_  
Name and Address of Agency



## EXHIBIT G

### Certification Regarding the Federal Funding Accountability and Transparency Act (FFATA) Compliance

The Federal Funding Accountability and Transparency Act (FFATA) requires Subrecipients of individual Federal grants equal to or greater than \$30,000 and awarded on or after October 1, 2010, to report on data related to executive compensation and associated first-tier sub-grants of \$30,000 or more. If the initial award is below \$30,000 but subsequent grant modifications result in a total award equal to or over \$30,000, the award is subject to the FFATA reporting requirements, as of the date of the award.

In accordance with 2 CFR Part 170 (*Reporting Subaward and Executive Compensation Information*), DOJ must report the following information for any grant award subject to the FFATA reporting requirements:

- 1) Name of entity
- 2) Amount of award
- 3) Funding agency
- 4) NAICS code for contracts / CFDA program number for grants
- 5) Program source
- 6) Award title descriptive of the purpose of the funding action
- 7) Location of the entity
- 8) Principle place of performance
- 9) Unique identifier of the entity (SAM #)
- 10) Total compensation and names of the top five executives if:
  - a. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25M annually and
  - b. Compensation information is not already available through reporting to the SEC.

Subrecipients must submit FFATA required data by the end of the month, plus 30 days, in which the award or award amendment is made.

The Subrecipient identified in Section 1.3 of the Grant Agreement agrees to comply with the provisions of the Federal Funding Accountability and Transparency Act, Public Law 109-282 and Public Law 110-252, and 2 CFR Part 170 (*Reporting Subaward and Executive Compensation Information*), and further agrees to have one of the Subrecipient's representative(s), as identified in Sections 1.11 of the Grant Agreement execute the following Certification:

The below named Subrecipient agrees to provide needed information as outlined above to DOJ and to comply with all applicable provisions of the Federal Financial Accountability and Transparency Act.

**EXHIBIT G**  
Certification

Name of Authorized Signor	Title of Authorized Signor
Signature	Date

As the Subrecipient identified in Section 1.3 of the Grant Agreement, I certify that the responses to the below listed questions are true and accurate.

1. The Unique Entity ID (SAM) number for your entity is: **XTL2C874AZN7**
  
2. In your business or organization's preceding completed fiscal year, did your business or organization receive (1) 80 percent or more of your annual gross revenue in U.S. federal contracts, subcontracts, loans, grants, sub-grants, and/or cooperative agreements; and (2) \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

NO  YES

**If the answer to #2 above is NO, stop here**

**If the answer to #2 above is YES, please answer the following:**

3. Does the public have access to information about the compensation of the executives in your business or organization through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

NO  YES

**If the answer to #3 above is YES, stop**

**If the answer to #3 above is NO, please answer the following:**

5. The names and compensation of the five most highly compensated officers in your business or organization are as follows:

**EXHIBIT G**  
Certification

Name: \_\_\_\_\_

Amount: \_\_\_\_\_

Name: \_\_\_\_\_

Amount: \_\_\_\_\_

Name: \_\_\_\_\_

Amount: \_\_\_\_\_

Name: \_\_\_\_\_

Amount: \_\_\_\_\_

Name: \_\_\_\_\_

Amount: \_\_\_\_\_



# PUBLIC WORKS DEPARTMENT

## CITY OF PORTSMOUTH

680 Peverly Hill Road  
Portsmouth, NH 03801  
(603) 427-1530

Melissa Macheras  
Source Protection Coordinator  
Drinking Water & Groundwater Bureau  
NH Department of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord, NH 03301

March 12, 2024

Ms. Macheras;

With this letter and the attached Amended Grant Agreement and associated documentation, the City of Portsmouth requests an extension of the Local Source Water Protection Grant (SWP-344) that was awarded to the City in June 2023. This Grant for \$25,000 is intended to assist with the costs for due diligence work associated with the purchase of a 45-acre conservation easement on property (Fernald Parcel) that abuts the Bellamy Reservoir, Portsmouth's primary water supply.

The Grant Agreement has a completion date of May 31, 2024. Due to delays with finalizing the purchase and sales agreement, and discussions regarding the easement boundaries, the project has taken longer than anticipated to proceed. Currently the boundary survey is being conducted, the environmental site assessment has been prepared, and the title opinion and deed review are underway.

The City requests the Grant Agreement to be modified to extend the completion date to May 31, 2025, to ensure sufficient time for the completion of this project.

Please contact me if you have any questions or concerns.

Thank you,

Sincerely,

Albert Pratt  
Water Resource Manager  
City of Portsmouth NH  
(603) 520-0622  
anpratt@cityofportsmouth.com

**Grant Agreement with the City of Portsmouth  
Local Source Water Protection Grant  
Amendment No. 1**

This Agreement (hereinafter referred to as the “Amendment”) dated this \_\_\_\_ day of \_\_\_\_\_, 2024, is by and between the State of New Hampshire, acting by and through its Department of Environmental Services (hereinafter referred to as the “State”) and the City of Portsmouth, acting by and through its City Manager, Karen S. Conard (hereinafter referred to as the “Grantee”).

WHEREAS, pursuant to an Agreement (hereinafter referred to as the “Agreement”) approved by the Governor and Council on May 31, 2023, the Grantee agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums as specified therein; and

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

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

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

(A) The Completion Date as set forth in sub-paragraph 1.6 of the Agreement shall be changed from May 31, 2024 to May 31, 2025.

2. Effective Date of Amendment: This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.

3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.



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

THE CITY OF PORTSMOUTH

By: \_\_\_\_\_  
Karen S. Conard, City Manager, City of Portsmouth

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before the undersigned officer, personally appeared \_\_\_\_\_ who acknowledged himself to be the person who executed the foregoing instrument for the purpose therein contained.

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

\_\_\_\_\_  
Notary Public/Justice of the Peace

My Commission Expires:


THE STATE OF NEW HAMPSHIRE  
Department of Environmental Services

By: \_\_\_\_\_  
Robert R. Scott, Commissioner

Approved by Attorney General this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, as to form, substance and execution.

OFFICE OF ATTORNEY GENERAL

By: \_\_\_\_\_  
\_\_\_\_\_, Assistant Attorney General

Last Reviewed: 8/18/2023 Effective: 10/1/2023 Primary Approver: City Manager 	City of <b>PORTSMOUTH</b> New Hampshire	Page: 1 of 3
TITLE: Green Building and Infrastructure Policy City Policy		

CITY OF PORTSMOUTH

MUNICIPAL GREEN BUILDINGS & INFRASTRUCTURE POLICY

The goals of the City of Portsmouth, as expressed in its 2025 Master Plan, include a strong desire for the City to be more proactive in reducing Greenhouse Gas Emissions and move towards a 'net zero' carbon emissions goal to help mitigate the impact of climate change for future generations:

The City Manager adopts this Green Buildings and Infrastructure Policy to move Portsmouth towards managing and owning buildings and infrastructure with lower carbon and environmental impacts in operations and construction. The following are the required Sustainable Design Criteria (SDCs) for all city municipal projects not vested as of the accepted date of this proposal, and to be upheld under this policy. This document is set to be reviewed on a 5 year basis from the adoption date to meet current goals and standards.

Criteria Name	Applications	Sustainable Design Criteria (SDC)
LEED	All new buildings & major remodels valued at over \$2 million	Achieve the equivalent of LEED Silver <sup>1</sup> including maximizing credits in the Energy & Atmosphere: Optimize Energy Performance category and achieving at least one credit in each of the following credit categories: <ul style="list-style-type: none"> <li>● Sustainable Sites: Rainwater Management</li> <li>● Materials &amp; Resources: Building Life-cycle Impact</li> </ul>

<sup>1</sup> Alternative green building rating and certification paths such as Passive House and Living Building may be proposed as an alternative to the LEED standard. The intent and incorporation of the focus areas outlined above must still be considered and respected in the design and construction of the building.

		<p>Reduction</p> <ul style="list-style-type: none"> <li>● Energy &amp; Atmosphere: Renewable Energy</li> <li>● Location &amp; transport: Electric Vehicles</li> </ul>
Mechanical Systems	All projects that include new or upgraded HVAC, water heating or electrical systems costing over \$250,000	<p>All new systems must:</p> <ul style="list-style-type: none"> <li>● be designed without the use of fossil fuels (with the exception of emergency backup systems)</li> <li>● follow refrigeration requirements as defined in the LEED Energy and Atmosphere: Fundamental Refrigerant Management credit</li> <li>● Ensure energy performance target is at least 20% more efficient than currently adopted ASHRAE standard</li> <li>● Use the highest efficiency mechanical systems that are life cycle cost-effective (considering a 40 year payback period and a social carbon cost as defined by the DOE)<sup>2</sup></li> </ul>
Envelope & Glazing Upgrades	All projects that include envelope improvements or new windows/door costing over \$250,000	All fenestrations and building envelope components must meet Prescriptive (R and U-value) or Total Building Performance Compliance as defined by most current International Energy Conservation Code.
Appliances & Water Fixtures	All projects replacing or installing new appliances or water fixtures	<p>All applicable appliances and water fixtures must:</p> <ul style="list-style-type: none"> <li>● meet WaterSense standards (or equivalent)</li> <li>● meet Energystar standards (or equivalent)</li> </ul>
Roofs	All projects that include new roofs or roof replacements valued at over \$250,000	<ul style="list-style-type: none"> <li>● Provide an average solar reflectance equivalent to the current LEED Sustainable Sites: Heat Island Reduction requirements</li> </ul>
Low Carbon Concrete	All projects using more than 10 cubic yards of concrete	<ul style="list-style-type: none"> <li>● Concrete used in building or site work must use low-carbon concrete mixes to achieve an average GWP minimum (by volume) of 10% better than current NRMCA Northeast Regional averages.</li> </ul>
Paving	All paving or repaving projects for municipal parking lots over 5000 sq ft or 20 spots	<p>Parking lot design must:</p> <ul style="list-style-type: none"> <li>● explore feasibility for low impact design and development techniques</li> <li>● provide infrastructure for parking bicycles,</li> </ul>

<sup>2</sup> Use 95th Percentile Discount Rate & Statistics: As of the date of this proposal (2023) equivalent to \$152 per ton of CO2 equivalent

		<p>scooters and alternative transportation methods</p> <ul style="list-style-type: none"> <li>● explore feasibility of incorporating electrical infrastructure &amp; conduit pathways for EV charging stations</li> <li>● explore and present basic design and cost for solar array covered parking</li> </ul>
CIP Applicability	All projects in the Buildings and Infrastructure and Transportation Management sections of the Capital Improvement Plan	<ul style="list-style-type: none"> <li>● Designate clearly in the Evaluation Criteria for each project if it triggers any sustainable design criteria under this Municipal Green Buildings and Infrastructure Policy</li> </ul>
Minimus projects	All projects not meeting the minimum criteria above	Sustainable design criteria above should still be explored and considered for projects of all sizes, as well as implementation of sustainable building practices in the spirit of this policy

Undue Burden Clause

In the case that the above requirements are deemed not feasible due to historical, structural, or undue financial burden to city taxpayers staff will prepare a memo for the file documenting why certain measures were not taken and explain why the approach being followed was selected.

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