

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH

DATE: MONDAY, APRIL 1, 2024

TIME: 7:00PM

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

https://us06web.zoom.us/webinar/register/WN_s5mLw65UT7u9LY_N2peWgQ

6:15PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A

1. COLLECTIVE BARGAINING AGREEMENT IN ACCORDANCE WITH RSA 91-A:3 II (a)

6:30PM – Reception Celebrating 23 Years of Service by Carl Diemer to the Recreation Board

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**

Portsmouth High School Student Government Day Participants

Heather Wheeler & Michelle Wheeler – Portsmouth High School Teacher's



Sofia Mohedano, Mayor
Evy Douglas, Assistant Mayor
Ryen Harrison, Councilor
Gabe Weinrieb, Councilor

Owen Coffey, Councilor
Nathan Delaney, Councilor
Caden Tapscott, Councilor
Maria Akalonu, Councilor

Lauren Ramirez, Councilor

Abby Paull, City Manager

Tatum Hebert, City Attorney

Norah Blakey, City Clerk

“Without volunteers, we’d be a nation without a soul.”

Rosalynn Carter

PROCLAMATIONS

1. *Sexual Assault Awareness Month
2. *National Library Week
3. *National Community Development Month

MAYOR'S AWARD

1. Carl Diemer – Celebrating 23 Years of Service to the Recreation Board

VII. ACCEPTANCE OF MINUTES

(There are no minutes on for acceptance this evening)

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

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

X. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Request for First Reading Regarding Electric Vehicle Charging Station Ordinance Amendments
2. FY24 Bond Rescinding Resolution
3. Disposition of Real Estate: Tax Deeded Properties

XII. CONSENT AGENDA

- A. Letter from JerriAnne Boggis, Black Heritage Trail, requesting permission to use the African Burying Ground Memorial for the Juneteenth celebration on Wednesday, June 19, 2024 from 10:30 a.m. – 1:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Latrice Smith, National Multiple Sclerosis Society, requesting permission to hold the 2024 MS Walk on Saturday, June 1, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Ken La Valley, Out of the Darkness Portsmouth Chapter, requesting permission to hold Out of the Darkness Walk on Saturday, September 28, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- D. Letter from Crystal Cronin, Portsmouth Babe Ruth, requesting approval for temporary signage at Leary Field for the 2024 baseball season May 1st through the end of October ***(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)***

XIV. MAYOR McEACHERN

1. Acceptance of Resignations:
 - *Jayne Begala from the Planning Board
 - Herb Lloyd from the Sustainability Committee
 - Steve DeTrolio from the Sustainability Committee
2. *Appointments to be Voted:
 - 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. Single-Use Service-ware Policy ***(Sample motion – move to send the draft Single-Use Food Service-ware or “Skip the Stuff” Policy to the Sustainability Committee for report back to the City Council in May 2024, and to the student participants at Student Government Day for their consideration on April 12, 2024)***

B. COUNCILOR BAGLEY

1. *Establish a Renters’ Resource Page on the City Website ***(Sample motion – move to create a dedicated webpage on the Portsmouth City website, designed specifically for renters. This page will feature a comprehensive collection of helpful links and resources, including but not limited to state and city housing ordinances, guidelines, and regulations. Additionally, the page will offer valuable information for first-time homebuyers and other relevant topics deemed beneficial by the city, catering to the needs and interests of our renting community)***

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Approval of Wellness Reward for Wellness Coordinators Initiatives - \$2,000.00 ***(Sample motion – move to approve and accept the Wellness Award in the amount of \$2,000.00 as presented)***
- B. Acceptance of Donation to the Fire Department for EMS Improvements in Memory of Edward Markiewicz - \$500.00 ***(Sample motion – move to approve and accept the donation for the Fire Department as presented)***

- C. ARPA Funded Grant Amendment No. 1 for Mechanic Street Pump Station Improvements ***(Sample motion – move to authorize the City Manager to enter into Amendment No. 1 of the ARPA Grant Agreement with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Mechanic Street Pump Station Improvements Project by six months to a completion date of January 21, 2025)***

- D. ARPA Funded Grant Amendment No. 1 for Sewer Rehabilitation Project ***(Sample motion – move to authorize the City Manager to enter into Amendment No. 1 of the ARPA Grant Agreement with the State of New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Sewer Rehabilitation Project by six months, to a completion date of March 31, 2025)***

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. *Update on Community Policing Facility
- 2. Report of Donations
- 3. Upcoming April Environmental Events
- 4. *DPW Fuel Station Replacement 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**



FITNESS • ENRICHMENT • ARTS • ATHLETICS

PORTSMOUTH

RECREATION DEPARTMENT

You're Invited

*to celebrate 23 years of service
to the City of Portsmouth
Recreation Board by*

Carl Diemer

Recipient of the

Mayor's Award

MONDAY, APRIL 1, 2024

6:30 PM

PORTSMOUTH CITY HALL

*Immediately following the reception,
please join us in the
Eileen Dondero Foley Council Chambers
for the formal presentation of the
Mayor's Award by
Mayor Deaglan McEachern*



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: March 28, 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 April 1, 2024

XI. City Manager's Items Which Require Action:

1. Request for First Reading Regarding Electric Vehicle Charging Station Ordinance Amendments:

At its May 2, 2022 meeting, the City Council referred draft zoning ordinance amendments submitted by Councilor Denton relative to electric vehicle charging stations to the Planning Board for review and recommendation.

Currently, an electric vehicle charging station, as a principal use, is allowed by special exception in the GB, G1, B, CD4-W and I zones under the motor vehicle service station classification. An EV charging station is currently allowed as an accessory use to any permitted principal use on any Citywide lot.

The Planning Board began discussion of these amendments in November 2023 and has been working on revisions since then. The original referral included adding specific charging levels (1, 2 & 3) to the use tables in the Ordinance. With the speed of change in the industry, having broad definitions that will not become obsolete is the best approach. For example, when the Board began discussion of this topic there were Level 1, 2 and 3 chargers and now there are level 4 chargers, fully automated battery exchange stations and soon there may be wireless charging for EVs. The Planning Board took a broad approach during the course of its work on these amendments so the Ordinance would not be quickly outdated once adopted. The proposed amendments capture EV charging and infrastructure that should remain relevant with the future technology anticipated.

At its February 29, 2024 meeting, the Planning Board voted to schedule a public hearing on the amendments after legal review. Legal reviewed the draft with staff and the Chair and made edits to simplify and condense [the attached amendments](#).

The Planning Board held a public hearing at their March 21, 2024 meeting and considered the revised amendments. The Board voted to recommend the City Council hold first reading on the zoning amendments dated 3/14/24 with the following edits:

- To change EV fueling space 1 and 2 to EV fueling space A and B; and
- To change Use 19.70 EV fueling space B as an accessory use from Permitted to Conditional Use Permit in the G1, G2, B, and CD4-W districts.

The motion passed unanimously.

I recommend that the City Council move to hold first reading of the proposed Zoning Ordinance amendments related to electric vehicle charging stations at the April 15, 2024 City Council meeting.

2. **FY24 Bond Rescinding Resolution:**

I seek approval to rescind the unissued borrowing authority from the Bond Authorization approved on April 6, 2020 related to the acquisition of a Fire Apparatus, as the project has been completed with an unused balance in the amount of \$58,635. This resolution requires a majority vote of the City Council.

An unissued loan authorization remains on the City books indefinitely and is used in the State's debt limit calculation according to RSA 33, until such time that they are borrowed or rescinded. As part of financial housekeeping, the unissued General Fund Authorization should be rescinded. *I recommend that the City Council move to approve rescinding the remaining borrowing authority with regards to the following Resolution: Resolution #5-2020 for \$1,400,000 – Rescind amount \$58,635.*

3. **Disposition of Real Estate; Tax Deeded Properties:**

[Attached please find a memorandum from Deputy City Attorney McCourt regarding three deeded properties:](#) 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street.

I recommend that the City Council refer the matter of appropriate disposal options for 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street to the Planning Board for a recommendation at its April 18, 2024 regular meeting.

XVI. Approval of Grants/Donations:

A. Approval of Wellness Reward for Wellness Coordinator Initiatives - \$2,000:

The City of Portsmouth has received a total of \$2,000 from HealthTrust to be used by the City's Wellness Coordinators for various wellness initiatives.

The goal of the HealthTrust Wellness program, Slice of Life, is to reduce health risk factors and promote a healthier lifestyle for our employees. To realize this goal, the City, through its Wellness program, will provide health and safety initiatives, as well as education to its employees to improve the quality of their lives.

I recommend that the City Council move to approve and accept the Wellness Award in the amount of \$2,000 as presented.

B. Acceptance of Donation to the Fire Department for EMS Improvements in Memory of Edward Merkiewicz - \$500:

Attached please find [a donation form from the Fire Department in the amount of \\$500](#).

I recommend that the City Council move to approve and accept the donation for the Fire Department as presented.

C. ARPA Funded Grant Amendment No. 1 for Mechanic Street Pump Station Improvements:

On March 21, 2022 the City Council authorized the City to enter into a Grant Agreement with the State of New Hampshire to accept a \$600,000 ARPA grant from the State of New Hampshire Department of Environmental Services. These funds are authorized for Mechanic Street Pump Station Improvements.

The City is requesting a modification of the anticipated project substantial completion date for the project. The proposed modification extends the completion date by six months from June 30, 2024 to January 21, 2025. This extension is requested as a result of a change in scope upon the discovery of additional needs at the pump station.

The [attached authorization](#) is requested from the City Council to authorize the City Manager to amend the current ARPA Grant Agreement for the Mechanic Street Pump Station Improvements Contract (CW-334106-05).

I recommend that the City Council authorize the City Manager to enter into Amendment No. 1 of the ARPA Grant Agreement with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Mechanic Street Pump Station Improvements Project by six months to a completion date of January 21, 2025.

D. ARPA Funded Grant Amendment No. 1 for Sewer Rehabilitation Project:

On March 21, 2022 the City Council authorized the City to enter into a Grant Agreement with the State of New Hampshire to accept a \$220,500 ARPA grant from the New Hampshire Department of Environmental Services. These funds are authorized for the Sewer Rehabilitation Project in the areas of Middle Road, Greenleaf Avenue, Portsmouth Boulevard, and various sewer lines that are not under paved roads/surfaces.

The City is requesting a modification to the anticipated project substantial completion date. The proposed modification extends the completion date by six months from September 30, 2024 to March 31, 2025. This extension is requested to accommodate unanticipated schedule delays, wetland permit delays and access agreement delays.

The [attached authorization](#) is requested from the City Council to authorize the City Manager to amend the current ARPA Grant Agreement for the Sewer Rehabilitation Contract (CW-334106-05).

I reccommend that the City Council authorize the City Manager to enter into Amendment No.1 of the ARPA Grant Agreement with the State of New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Sewer Rehabilitation Project by six months, to a completion date of March 31, 2025.

XVII. City Manager's Informational Items:

1. Update on Community Policing Facility:

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

2. Report of Donations:

Please find [attached a memorandum from Deputy City Manager/Regulatory Counsel Woodland regarding donations.](#)

3. Upcoming April Environmental Events:

In recognition of Earth Day celebrations, the City has planned various sustainability events in April which are [outlined for the City Council and the public as an attachment.](#)

4. DPW Fuel Station Replacement Update:

The City is replacing the fuel station located at the Department of Public Works and therefore during construction, City vehicles will not be able to use the station to fuel. Temporary fueling measures needed to be taken in order to continue operations. The City is using WEX, a fleet fueling system that allows for the use of various commercial fueling stations.

Construction is anticipated to take three to four months. During that time City staff will be seen fueling their vehicles at commercial gas stations throughout Portsmouth.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, Article 4, Section 10.440, Article 8, Sections 10.810 and 10.843, Article 11, Section 10.1112.32, and Article 15, Section 10.1530, 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 4: Zoning Districts and Use Regulations

Section 10.440: Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

ARTICLE 8: Supplemental Use Standards

Section 10.810: Residential and Institutional Residence or Care Uses

Section 10.843 Motor Vehicle, Marine Craft and Equipment Sales, Service and Related Uses

ARTICLE 11: Site Development Standards

Section 10.1112.32 Parking Requirements for Nonresidential Uses

and

ARTICLE 15: Site Development Standards

Section 10.1530 Terms of General Applicability

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
11. Motor Vehicle-Related Uses																		
11.20 Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	N	N	N	N	N	N	N	N	N	S CU	S CU	N CU	S CU	N	N	S CU	N	10.581 (lot area) 10.592 (location) 10.843 (motor vehicle related uses)
11.21 Car wash	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	N	N	CU	N	
19. Accessory Uses																		
19.60 EV fueling space A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10.811 (Accessory uses to permitted residential uses)
19.70 EV fueling space B	N	N	N	N	N	CU	N	N	N	P	CU	CU	CU	N	N	P	N	10.843 (motor vehicle related uses)

Section 10.810 Residential and Institutional Residence or Care Uses

10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following **uses** are permitted as **accessory uses** to permitted residential **uses**, in addition to those **accessory uses** listed in Section 10.440:

- (a) The keeping of dogs and cats and other **household pets**, but not including **kennels**.
- (b) **Yard sale**.
- (b) The **outdoor storage** of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.
- (c) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:
 - (1) Such stand or display area shall not cover more than 150 square feet of **gross floor area** or ground area.
 - (2) Such stand or display area shall be located at least 30 feet from the **street** right-of-way.
 - (3) Adequate **off-street parking** shall be provided and arranged in such a way that vehicles will not back into the **street**.
- (d) **EV fueling space A**.

10.843 Motor Vehicle, Marine Craft and Equipment Sales, Service and Related Uses

Motor Vehicle Service Stations

All repairs and service work shall take place within an enclosed **building**.

Repaired or rebuilt vehicles shall not be sold upon the premises.

10.843.34 Except for **EV fueling space A**, all above ground **EV** charging support equipment (including, but not limited to, generators and transformers) shall be set back 10 feet from all **lot lines**.

All pump islands shall be set back at least 40 feet from all **lot lines**.

10.843.35 Sale of **convenience goods 1** and **2** as an **accessory use**

Article 11 Site Development Standards

10.1112.32 *Parking Requirements for Nonresidential Uses*

10.1112.321 The required minimum number of **off-street parking** spaces for **uses** other than 1.10 through 1.90 shall be based on the following table.

Table of Minimum Off-Street Parking Requirements for Nonresidential Uses

Use No.	Use	Requirement
11. Motor Vehicle-Related Uses		
11.20	Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	2 + 1 per 400 sf GFA EV fueling spaces A and B may count towards minimum parking requirements

Article 15 Definitions

Section 10.1530 Terms of General Applicability

EV (Electric Vehicle)

An **EV** is a motor vehicle that derives some or all of its primary motive power from an electric motor that draws electricity from a battery and is charged from an external source.

EV fueling space A

A public or private parking space with adjacent above ground charging support equipment that uses customary residential electric service for charging **EVs**.

EV fueling space B

A public or private parking space with adjacent above ground charging support equipment that uses greater than customary residential electric service for charging **EVs**.

Motor vehicle service station

An **establishment** that sells fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) to ~~individual~~ **EVs and motor vehicles**. A **motor vehicle service station** may include:

- **motor vehicle repair;**
- **convenience goods 1 and 2;**
- retail sale of propane and kerosene;
- retail sale of motor vehicle and **EV maintenance products**; ~~required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items;~~
- ~~minor automotive maintenance such as the addition of fluids, replacement of wiper blades and similar activities;~~ and
- ~~retail sale of over the counter consumer merchandise.~~
- **EV fueling spaces A and B;**
- the sale and exchange of **EV batteries**; and
- electric charging facilities for electric mobility devices

A **Motor vehicle service station** shall not include any of the following:

- **motor vehicle painting or body work;**
- motor vehicle sales, leasing or rental; and
- **outdoor storage** or display of motor vehicles, boats, motor vehicle parts or other merchandise, except for:
 - (a) small sample displays of motor vehicle accessory items; or
 - (b) batteries or tires located **adjacent** to the **principal building** or on islands or designated areas that support fueling infrastructure

~~Motor vehicle service station 1~~

~~A **motor vehicle service station** that includes not more than 12 square feet of display area for the retail sale of consumer merchandise, and that does not include any of the following:~~

- ~~▪ **motor vehicle repair;**~~
- ~~▪ **motor vehicle painting or body work;**~~
- ~~▪ **motor vehicle sales, leasing or rental;**~~

~~*—outdoor storage or display of vehicles, boats, automobile parts or other merchandise, except for (a) small sample displays of automotive accessory items or (b) batteries or tires located adjacent to the principal building or on the pump islands.~~

~~**Motor vehicle service station 2**~~

~~A motor vehicle service station that include the activities and limitations of motor vehicle service station 1 and also includes motor vehicle repair.~~

~~**Motor vehicle service station 3**~~

~~A motor vehicle service station that includes the activities and limitations of motor vehicle service station 1 and also includes sale of convenience goods 1 or 2.~~

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
TWO THOUSAND TWENTY-FOUR
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # – 2024

**RESCINDING CERTAIN BORROWING AUTHORITY
A TOTAL OF FIFTY-EIGHT THOUSAND SIX HUNDRED THIRTY-FIVE DOLLARS
(\$58,635)**

RESOLVED: By the City Council of the City of Portsmouth, New Hampshire assembled, that for the reasons given, that portion of the authority granted by the following resolutions to authorize the borrowing of money is hereby discharged and rescinded:

1. Resolution #5-2020 adopted by the City Council on April 06, 2020, authorized borrowing by the City of up to One Million Four Hundred Thousand Dollars (\$1,400,000) for the cost related to acquisition of one Fire Apparatus. The City has completed the acquisition of one Fire Apparatus leaving an unused balance of borrowing authority in the amount of **Fifty-Eight Thousand Six Hundred Thirty-Five Dollars (\$58,635)** which is hereby discharged and rescinded.
2. The total amount to be rescinded by this resolution will be **Fifty-Eight Thousand Six Hundred Thirty-Five Dollars (\$58,635)**

THAT, the foregoing borrowing authorization is hereby discharged and rescinded as described above and that the City Manager is authorized to issue any notices and take any and all other actions required to effectuate the purpose of this resolution.

APPROVED:

DEAGLAN MCEAHERN, MAYOR

ADOPTED BY CITY COUNCIL

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



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@cityofportsmouth.com
(603) 610-7234

Trevor P. McCourt
Deputy City Attorney

Date: March 25, 2024

To: Karen S. Conard, City Manager

From: Trevor P. McCourt, Deputy City Attorney

Re: 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street
Disposition of Real Estate

As you know, the City Tax Collector issued tax deeds for three properties last fall: 508 Richards Avenue; 150 Bartlett Street; and, 323 Islington Street. Since that time the City has, through a management company, managed these three properties as a property owner. Now the City Council must decide how the City will dispose of these properties given the legal landscape relevant to tax deeded properties. What follows is a description of how the City came to own these three properties, a brief description of each property and various options moving forward.

Background on Tax Deeding

For the City to take ownership of a property by tax deed, a considerable amount of process and notice must occur. For this reason, tax deeding in Portsmouth is rare. A property owner must fail to pay property taxes to the City for at least three years prior to tax deeding. After the first year of unpaid taxes, the Tax Collector must place a tax lien on the property and provide notice to both the property owner and all mortgage holders. Any time up until the actual deeding of the property, that is the conveyance of the property to the City by deed, any person or entity with a legal interest in the property may redeem the property by paying off all unpaid tax bills. Repayment plans are also available.

Although the City regularly places tax liens on properties for failure to pay taxes in any given year, City staff engage in regular outreach to property owners to ensure they are aware of the process and potential consequences for continued failure to make required property tax payments. This includes sending letters by certified mail, searching local and state public databases for contact information for owners, physically visiting the properties, and other outreach methods as appropriate.

For the past several decades this approach has been largely successful and has helped keep the City out of the tax deeding process. However, despite best efforts in the case of three properties in particular, last year the City Tax Collector deeded three properties for failure to pay three years of accrued property taxes.

Ongoing Litigation

The City is subject to ongoing litigation regarding the tax deeding of these three properties. An entity known as Appledore Associates LLC claims to be the former property management company for the three properties, and it claims that the City violated state law when the Tax Collector did not accept payment from the property management company prior to

tax deeding. The City maintains that RSA 80:69 mandates that property subject to a tax lien can only be redeemed, or have the tax lien extinguished, by an individual or entity with a legal interest in the property. More detail regarding this process and the current status of the ongoing litigation can be provided upon request.

Description of the Properties

508 Richards Avenue – This property is a two-family residential structure, which has been used as a rental property for some time. For the past two years the Seacoast Repertory Theater has rented this property as housing for some of its actors. As of April 1, 2023, the City assessed the value of this property at \$647,000.

150 Bartlett Street - This five-unit apartment building has been largely vacant for some time. One unit is currently occupied, and the City has continued to honor this tenant's lease. As of April 1, 2023, the City's assessed value of this property was \$497,000.

323 Islington Street – This two-unit commercial building was most recently used for storage by the previous owner. It is currently unoccupied. As of April 1, 2023, the City's assessed value of this property was \$576,000.

City Ownership

While the City owns these three properties, it acts as landlord for tenants and steward of the properties. To that end, acting through a property management company the City has conducted some minor repairs and improvements to the structures to ensure the occupied buildings are safe for human occupation and to ensure that the buildings are marketable.

In order to avoid an unconstitutional taking without just compensation, the City is required to return the equity in the properties, above what the City is owed, to the previous owners. The City is entitled to recover any unpaid taxes, water and sewer fees plus statutory interest. In addition, the City is required to collect a penalty in an amount of 10% of the assessed value of each property, any costs reasonably incurred in the management of the properties, and any attorney's fees and costs associated with the acquisition, management and disposition of the properties. For those reasons the City has hired a management company for the day-to-day operations of the properties and plans to engage a law firm which specializes in the disposition of tax deeded properties for the purpose of auctioning the properties and handling all post-disposition matters.

As described below, the City is required to dispose of the properties by public auction, receipt of sealed bids, or through negotiation with the previous property owners.

Options for Disposition

There are several options available for the City in terms of disposition of the three parcels. However, it is important to note at the outset that the New Hampshire Constitution limits the extent the City may permanently take an interest in any private property. Part 1, Article 11 of the New Hampshire Constitution states in part “[n]o part of a man's property shall be taken from him, or applied to public uses, without his own consent”. Although the unpaid taxes and penalties amount to a substantial sum, as indicated above the owners maintain significant equity in the properties. Therefore, the City has a constitutional duty to return this equity to the former owners, despite the fact they have not paid their property tax bills for the past several years.

Option 1 contemplates selling the properties to the highest bidders at auction, options 2, 3, and 4 contemplate the City retaining ownership of the properties, and option 5 is provided because it is specifically provided by statute.

Option 1 – Public Auction

The standard method for disposing of tax deeded property is to hold an auction and sell the properties to the highest bidders. The City would then recover the total amount of the lien, along with statutory interest, penalties, and all of its costs expended in the management of the property during the period of ownership, attorney's fees and costs. The proceeds above that amount would be returned to each previous owner. This method protects the taxpayers' investment in the property, ensures all back-taxes are paid, and protects the former owners' right to their equity in the property.

Option 2 – Appraisal and Offer by the City

The second option for the City would be to obtain an appraisal of the fair market value of the parcels and to offer the difference between what the City is owed and the appraised value to the previous property owners. If accepted, City staff would then negotiate an appropriate agreement with the previous owners and return to the City Council for an appropriation of funds.

Option 3 – Auction Property and Bid by the City

This option envisions the City placing the properties up for sale at a public auction, with the City Council authorizing the City Manager to bid on one or any combination of the properties up to a pre-specified limit. The authorization by the City Council could be discussed and approved within a non-public session. Then, in the event the City is the successful bidder on one or any combination of properties, the City Council could then appropriate the funds and unseal the non-public meeting minutes.

This option would require careful drafting in advance of the terms of the auction and the purchase and sale agreement to be entered into by the successful bidder.

Option 4 – Identify Bidder and Purchase Option

This option requires the City to identify a private member of the community who would be willing to bid on the project and sell to the City an option to buy the private bidder out of any one or combination of properties in the event the private bidder is also the successful bidder. This option may not be realistic as City staff do not currently know of any private bidders interested in selling the City an option agreement of this nature.

Option 5 – Deed Restriction

This final option is not recommended by the legal department due to concerns regarding constitutionality but is offered because it is specifically provided for by statute. It entails crafting a deed restriction for the properties which would restrict its future use, for example by compelling any future owner to rent the properties as affordable housing as set by the City. This option is not recommended because it gives rise to a potential unconstitutional taking without just compensation. This is because by placing a deed restriction on the properties the City would be lowering their potential fair market value, and therefore depriving the previous owners of the full amount of their equity in the properties. That said, no New Hampshire Court has ruled on the constitutionality of this kind of deed restriction.

At this time, I would recommend the City Council refer the question of disposition of these three properties to the Planning Board for a recommendation pursuant to Ordinance Section 10.152. The City Council could provide some direction or commentary to the Planning Board and/or to staff as it deems appropriate. Once the issue returns to the City Council with appropriate recommendations the City Council would have the opportunity to make a final decision.

Proposed Motion: Refer the question of how the City should dispose of 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street to the Planning Board for a recommendation back at its next available meeting.

cc: Suzanne Woodland, Deputy City Manager
Susan Morrell, City Attorney



Ms. Karen Conard, City Manager
Portsmouth City Hall
1 Junkins Ave
Portsmouth, NH 03801

March 6, 2024

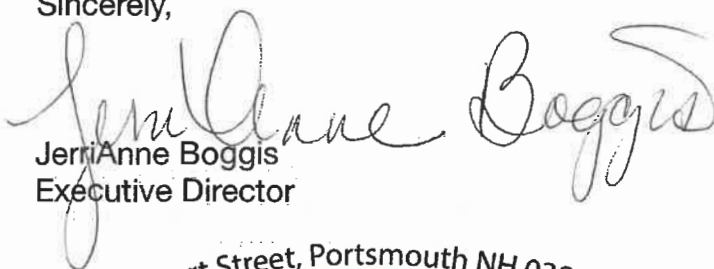
Dear Ms. Conard,

Our 2024 Black Heritage Trail Juneteenth celebration, which will take place on June 7, 8, 15, and 19 will focus on the complex representation of Black men in our country. We are writing the city to ask permission to use the African Burying Ground Memorial for one of these events.

African Burying Ground Memorial (also streaming live) Wednesday, June 19, 10:30 AM -1PM A TIME TO PRAISE, A TIME TO HONOR, A TIME TO HEAL: This commemorative event, is a celebration of Black Joy that pays homage to the ancestors. The healing beat of the drums provided by **Akwaaba Ensemble**, an African drumming and dance group and a ceremony by **Rev. Robert Thompson** will honor the ancestors who survived upon these shores. This year, we will begin the event with a drumming workshop for children.

We believe that utilizing these spaces enhances the experience of Juneteenth for the Portsmouth community, and brings greater public attention to the meaning of this federal holiday and we thank you for your consideration.

Sincerely,



JerriAnne Boggis
Executive Director

222 Court Street, Portsmouth NH 03801 | 603-570-8469 | www.blackheritagetrailnh.org



**National
Multiple Sclerosis
Society**

March 19, 2024

Attn: Deaglan McEachern & Portsmouth City Council

On behalf of the National MS Society, Greater New England Market, I would like to extend our gratitude for the continuous support and cooperation the City of Portsmouth has shown for our annual Walk MS event. The funds raised from this event will continue to be used to advance our support of national research and to support local programming for the more than 27,000 people within Greater New England who are affected by multiple sclerosis.

The 2024 Walk MS: Portsmouth event has a 1-mile and 3-mile walking route and is scheduled to take place on Saturday, June 1, 2024. We anticipate that we will have around 300 participants for this event that will start and finish at Great Bay Community College. The event opens at 9:00 a.m. and the walk will start promptly at 10 a.m. I have included written walking directions for your review.

We respectfully provide notice to the city of Portsmouth of the 1-mile and 3-mile Walk MS: Portsmouth event taking place in its Portsmouth. Please provide confirmation of receipt of this notice, by replying to the email stating as such. If there are any other additional steps, permits or permissions I must take to ensure approval for this event outside of the college, please let me know.

We thank you in advance for your support and please feel free to contact me with any questions or concerns.

Sincerely,

Latrice Smith

Latrice Smith
Specialist, Event Production
(781) 693-5146
Latrice.smith@nmss.org









Walk MS: Portsmouth 1mi Route



- A. Water Stop
- B. Hydration Station
- C. Finish - Great Bay Community College



Walk MS: Portsmouth 1mi Route

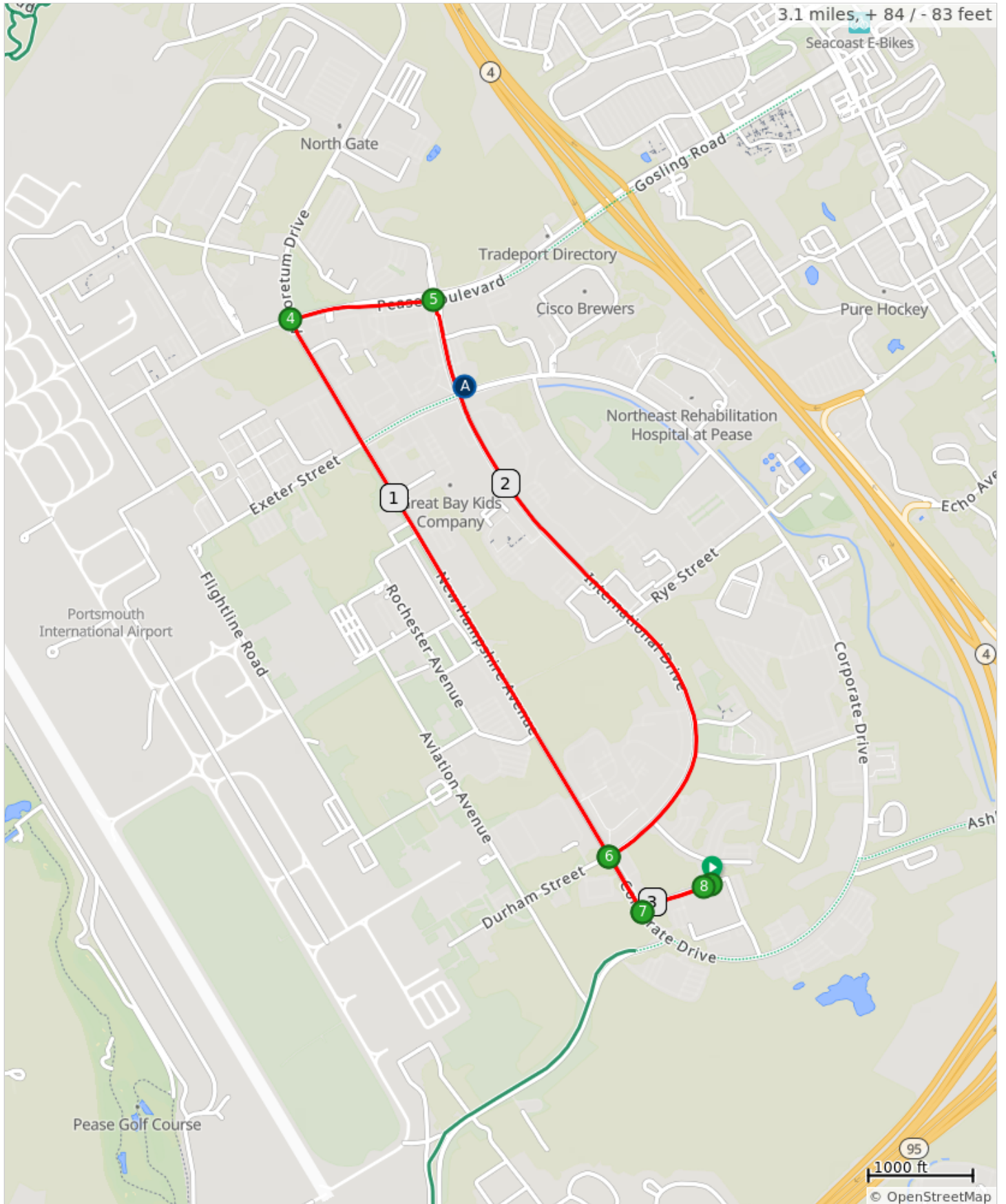
Num	Type	Note
1.		Start of route
2.		R onto Corporate Dr
3.		R onto International Dr
4.		Hydration Station - Tradeport Counseling Associates
5.		1-mile Turn Around
6.		L onto Corporate Dr
7.		L into Great Bay Community College
8.		End of route

0.9 miles. +8/-7 feet

Walk MS: Portsmouth 2024 3mi Route



A. Water Stop



Walk MS: Portsmouth 2024 3mi Route

Num	Type	Note
1.	📍	Start of route
2.	➡	R onto Corporate Dr
3.	⬆	Continue onto New Hampshire Ave
4.	➡	R onto Newington St
5.	➡	R onto International Dr
6.	⬅	L onto Corporate Dr
7.	⬅	L
8.	📍	End of route

3.1 miles. +84/-83 feet



March 22, 2024

City of Portsmouth
Mayor's Office
1 Junkins Avenue
Portsmouth, NH 03801

Dear Honorable Mayor McEachern and City Council Members,

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 600 walkers annually. We would like to continue the tradition and success of this program and are asking for permission to again host an in-person Out of the Darkness Community Walk in the City of Portsmouth.

The proposed date and time are as follows;

Date: September 28, 2024 (Saturday)

Registration Begins: 8:30am

Walk Duration: 10am – 1pm

We would like to again request use of Pierce Island as the event location and walk starting point again this year. We would like to request access to electricity (Extension cord) as in past years as well.

We would like to thank you for your consideration and look forward to your decision.

Respectfully,

Ken La Valley, Chair
OOTD Walk Committee
603-556-0823
66 Hunter Lane
Barrington, NH 03825

Portsmouth, New Hampshire

Babe Ruth Baseball

March 20, 2024

Karen Conrad
City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RECEIVED

MAR 25 REC'D

CITY MANAGER
PORTSMOUTH, NH

Dear Ms. Conrad

Portsmouth Babe Ruth is respectfully requesting approval for temporary signage to be located at Leary Field during the 2024 baseball season.

We are requesting permission to affix signage in the form of banners to be attached to fences surrounding the outfield and foul lines of Leary Field as well as the outside of the concession stands following the established color guidelines. The signage represents advertising for local business that have donated to and support the league. We are requesting permission to affix the banners to the fences from May 1st through the end of October and our registration banner March 1st through May 1st. Signage provides the league with a continued revenue stream that helps us meet our goals each year.

The success of our program is indicative of the support we receive from organizations in our City. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. We appreciate the opportunity to show our supporters they are valued in our community.

I can be reached at crystalcronin79@gmail.com or 603.828.8348 for any questions. I look forward to hearing from you for confirmation of this request.

Sincerely,



Crystal Cronin
Fundraising Coordinator
Portsmouth Babe Ruth

Portsmouth Babe Ruth

215 FW Hartford Drive
Portsmouth, NH 03801

CITY COUNCIL E-MAILS

Received: March 18, 2024 (after 5:30 p.m.) – March 28, 2024 (before 9:00 a.m.)

April 1, 2024 Council Meeting

Submitted on Tue, 03/19/2024 - 17:06

First Name

Elizabeth

Last Name

Mooney

Email

elizabethmooney@hotmail.com

Address

176 Woodlawn Circle

Message

Dear Mayor and City Councilors:

Below is my best effort to copy and paste the e-mail I just received about this.

Web Link. <https://mailchi.mp/bbe51bb9bec2/local-workgroup-meeting?e=30c28b99c1>

The Rockingham County Conservation District (RCCD), along with the U.S. Department of Agriculture's Natural Resources Conservation Service(NRCS), will hold a Local Working Group meeting in person on April 3, from 3:00 to 5:00 pm. The meeting will be held in person at the Brentwood Community Center, located at 190 Route 1 25, Brentwood, and is open to all who wish to attend. This building is fully accessible to all.

Local working groups allow the community to discuss and come to a consensus on conservation initiatives important in our area, and it will be facilitated discussion. Recommendations then assist the RCCD with their priorities and are also forwarded to the State Technical Committee, which works together with the NRCS to provide guidance on matters important to the citizens of the Granite State. Your voice can make an impact on both funding and allocation decisions for New Hampshire NRCS programs available for Rockingham County for 2025.

Please email the CCD at rccd@rockinghamced.org or call(603)679-2790x56 to indicate you would like to attend the meeting.

Refreshments will be served, and an RSVP is appreciated by April 1,2024.

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

Submitted on Wed, 03/27/2024 - 12:34

First Name

Gerald

Last Name

Duffy

Email

gduffy44@gmail.com

Address

428 Pleasant St., Unit 3

Message

Dear Mayor and Council:

I'm following the meetings of the newly reconstituted Housing Committee with great interest and appreciation. It is an impressive body of representative residents, council planning staff, and councilors. It has lots of promise.

As you all appreciate from the Portsmouth Listens Housing Dialogue presentations, participants struck a couple of themes, primarily the need for action instead of more reports and a sense of urgency. Even when projects are designed and approved it currently can take years before the U-Haul trucks of future residents can show up and upload their belongings.

It is already clear that the only major step preventing the kick-off of an impressive affordable housing cluster at the site of the former Sherburne School is the absence of a memorandum of understanding or agreement between the City and the Portsmouth Housing Authority. As PHA Board Chair and former mayor Tom Ferrini said at the last Housing Committee meeting, they need a green light from the City before they have the security and confidence to commit the several \$100,000 (of their money) to begin the planning process and get the project out of the starting blocks.

I fully sympathize with the Pannaway Manor residents who quite understandably felt like they had been "sandbagged" by the first public presentation of a PHA affordable housing project proposed for the school site. I also completely respect the neighborhood's insistence on maintaining the quality of neighborhood life. It's a small gem of a community.

That said, from a citywide perspective -- and housing is a citywide problem, not tied to any single neighborhoods -- it is quite reasonable to ask for their support for this project. Objectively, every resident of Portsmouth owns a piece of this site. In addition, it is a full 1/4 mile from the old school to Colonial Drive. Pannaway Manor residents couldn't be NIMBRs even if they wanted to be. Sitting between the school and

the neighborhood is an 8-lane interstate highway with wide median and side strips, together with thick barriers of trees on both sides fo the highway. Any project will have to go through the land use permitting process and there will be multiple opportunity for any citizens to attend meetings and air their views and concerns. Finally, a traffic study based on a proposed 111-unit project anticipates on a very minimal traffic impact. The study can be found here. <https://tinyurl.com/y5ed3zzc>

The residents of Portsmouth in general who re-elected you in large part to address our housing needs will greet the launch of this project with much appreciation, and see it as a good beginning. I have no doubt most of the participants of the Portsmouth Listens Housing Dialogue will feel that all their hard work counts for something and that you have not only listened and agreed, but that you've also committed to action, starting in the short term.

To I ask you to please consider asking City staff to report to you about the requirements and implications of such a memorandum, of understanding/agreement with PHA so that, barring unseen impediments, they can proceed quickly with a project that will emulate the success of Ruth Lewin Place.

Sincerely,

Gerald Duffy

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

Herb Lloyd
5 Ruth Street
Portsmouth, NH 03801
435-640-3786

3/24/2024

City of Portsmouth (City Mayor, Council and Mayor)

Dear Deaglan McEachern, City Councilors and Karen Conard,

I am writing to tender my resignation from the Portsmouth Sustainability Committee, effective 3/24/2024. After careful consideration, I have decided to step down from my role as committee member.

It has been an honor and privilege to serve on the Portsmouth Sustainability Committee, working alongside individuals who share a passion for environmental stewardship and sustainable development. I am grateful for the opportunity to contribute to the committee's initiatives and efforts to promote sustainability practices within our community.

Although I am stepping down from my current role, I remain committed to supporting the mission and objectives of the Portsmouth Sustainability Committee in any capacity possible.

I would like to express my sincere appreciation to Deaglan McEachern, the esteemed members of the City Council, and Karen Conarde for their support and encouragement throughout my past 2 years of membership on the committee. I am grateful for the opportunity to have served the City of Portsmouth in this capacity.

Sincerely,

Herb Lloyd

A handwritten signature in black ink, appearing to read 'Herb Lloyd', with a large, stylized flourish at the end.

cc: Bert Cohen, Peter Britz, Kate Homet

March 25, 2024

Mayor McEachern,

Although my commitment to sustainability in Portsmouth remains steadfast, I currently find myself unable to afford the Sustainability Committee the time and energy which it deserves. Therefore, I will be giving up my seat on the Committee.

I do look forward to working on issues of sustainability in the future when I can commit myself more fully. And I will be excited to see the finalized Climate Action Plan come before the Council.

Please give my regards to the Committee. I thank all of you for your efforts to make Portsmouth a more sustainable city. I'm grateful I was able to spend the last few years working with such a great group of people committed to such a good cause.

Thanks,

Steve DeTrolio

CITY COUNCIL POLICY NO. _____

Single-Use Food Service-ware Reduction or “Skip the Stuff” Policy

1. Objective and Purpose

The purpose of this policy is to reduce the distribution of single-use food service-ware so that customers may order food and beverages without receiving unnecessary and unrequested single-use food service-ware. This policy will also support waste reduction efforts, which is goal of the State of New Hampshire 2024 Climate Action Plan, and the forthcoming Portsmouth Climate Action Plan. This policy encourages businesses to only distribute single-use food service-ware upon request.

2. Scope

2.1 This policy applies to all food service providers in the City of Portsmouth, and all consumers purchasing food or beverages in the City of Portsmouth.

2.2 Definitions

For the purpose of this policy, the following terms will be defined in the following manner:

- a. Consumer: a person purchasing food or beverages.
- b. Food Service Provider: any store, establishment, provider, government entity, non-profit vendor, or business, operating within the [Insert Name of City/County/State] that sells or provides food or beverages for human consumption to consumers directly or indirectly through a delivery or takeout service, regardless of whether such food is consumed on or off the premises. “Food service provider” includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, retail sales outlets, grocery stores, delicatessens serving the public, mobile or temporary food providers, vehicles or carts, or roadside stands.
- c. Single-Use Food Service-ware: all types of items provided by food service providers in relation to the consumption and enjoyment of food or beverages, including, but not limited to, forks, spoons, knives, napkins, straws, stirrers, cocktail sticks, splash sticks, toothpicks, wet-wipes, cup lids, cup sleeves, beverage trays, and unfilled cups, plates, and take-out containers that are designed for single-use.
- d. Single-Use Condiment: relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after

preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes or other similar items that are designed for single-use.

- e. Single-Use: a product that is designed to be used once and then discarded, and not designed for repeated use and sanitizing.
- f. Third-Party Food Delivery Platform: a business engaged in the service of online food ordering and/or delivery of food or beverages from a food service provider to a consumer.

3. Single-Use Food Service-ware Upon Request Guidance

The City Council encourages food service providers to provide single-use food service-ware or single-use condiments only upon request by a customer. Additionally, single-use food service-ware and single-use condiments provided by food service providers for use by consumers should not be bundled or packaged in a manner that prohibits a consumer from taking only the type of single-use food service-ware or single-use condiment desired without also having to take a different type of single-use food service-ware or single-use condiment. Food service providers should also display information for consumers about this program at their place of business, including a notice that consumers must specifically request to receive single-use food service-ware.

4. Guidance for Third-Party Delivery Platforms

Food service providers should contact their third-party food delivery platforms, and request that they provide consumers with the option to request single-use food service-ware and single-use condiments from food service providers. Likewise, the food service provider should request that a third-party food delivery platform shall customize its menu with a list of available single-use food service-ware and single-use condiments, and only those single-use food service-ware and single-use condiments selected by the consumer shall be provided by the food service provider or the third-party food delivery platform. If a consumer does not select any single-use food service-ware or single-use condiments, no single-use food service-ware or single-use condiments shall be provided by the food service provider or the third-party delivery platform.

5. Education and Outreach

The City Manager will leverage City resources to conduct education and outreach to consumers, food service providers, and third-party food delivery platforms regarding the requirements and purpose of this policy.

- a. The education and outreach may include:

- 1) Information regarding the environmental and public health harms associated with single-use food service-ware;
 - 2) The environmental, economic, and social benefits of reusable food service-ware;
 - 3) Information regarding the environmental and public health concerns associated with landfilling and incinerating waste;
 - 4) How food service providers and third-party delivery platforms can comply with this policy and the benefits of compliance.
- b. The education and outreach should utilize multiple forms of media, including, but not limited to print and web-based media to produce information directly to consumers, food service providers, and third-party food delivery platforms, and shall be provided in multiple languages, if necessary.

6. Acknowledgements

Participating food service providers shall be recognized by being allowed to display an acknowledgement of their compliance with sections 3 and 4 of this policy at their business, and shall be listed as a participating provider on the City of Portsmouth website. The City Manager will develop a method to acknowledge participating food service providers.

This policy shall take effect 120 after the passage by the City Council. Adopted by the Portsmouth City Council on _____.

Kelli L. Barnaby,
MMC/CNHMC City Clerk

Gift and Donation Submission Form

Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	03.19.2024
Department/ Contact Person:	Portsmouth Fire Department Fire Chief William McQuillen
Donation Amount:	\$500.00

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Yes. Portsmouth Fire Department

Is there a particular purpose intended with this donation:

Yes, for EMS improvements within the Fire Department.

Other Information/Special Conditions:

Donation received in memory of Edward Markiewicz

Donor Information

First & Last Name:	Suzanne Gwiazdowski on behalf of she and her siblings
Business Name:	
Address*:	2110 SW 23 rd Court, Cape Coral, FL 33991
Phone*:	
Email*:	

Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk () indicates it will not be publicly distributed.*

City of
Portsmouth
Department of Public Works



Request for inclusion on a City Council Agenda

TO: Karen Conard, City Manager

FROM: Erich Fiedler, City Engineer
Ronnieann Rakoski, Project Manager

CC: Peter H. Rice, Director of Public Works

DATE: March 20, 2024

AGENDA ITEM: ARPA Funded Grant CW-334106-03, Amendment No. 1
Mechanic Street Pump Station Improvements

REQUESTED MEETING DATE: April 1, 2024

RECOMMENDED BY: Peter H. Rice, Director of Public Works

DEADLINE FOR ACTION: April 1, 2024

STAFF RECOMMENDATION:

On March 21, 2022 the City Council authorized the City to enter into a Grant Agreement with the State of New Hampshire to accept a \$600,000 ARPA grant from the State of New Hampshire Department of Environmental Services. These funds are authorized for Mechanic Street Pump Station Improvements.

The City is requesting a modification of the anticipated project substantial completion date for the project. The proposed modification extends the completion date by six months from June 30, 2024 to January 31, 2025. This extension is requested as a result of a change in scope upon the discovery of additional needs at the pump station.

The attached authorization is requested from the City Council to authorize the City Manager to amend the current ARPA Grant Agreement for the Mechanic Street Pump Station Improvements Contract (CW-334106-05).

SUGGESTED ACTION:

Authorize the City Manager to enter into Amendment No.1 of the ARPA Grant Agreement with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Mechanic Street Pump Station Improvements Project by six months to a completion date of January 31, 2025.

Grant Agreement with the City of Portsmouth
ARPA Grant CW-334106-03
Amendment No. 1

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

WHEREAS, pursuant to an Agreement (hereinafter called the Agreement) approved by the Governor and Council on November 22, 2022, the Grantee agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums as specified therein; and

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

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

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

(A) The Completion Date as set forth in sub-paragraph 1.7 of the Agreement shall be changed from June 30, 2024 to January 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.

City of Portsmouth

By _____
City Manager, Karen Conard

STATE OF NEW HAMPSHIRE
COUNTY OF _____

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

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

My Commission Expires:

THE STATE OF NEW HAMPSHIRE
Department of Environmental Services

By: _____
Robert R. Scott, Commissioner

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

OFFICE OF ATTORNEY GENERAL

City of Portsmouth

Department of Public Works



Request for inclusion on a City Council Agenda

TO: Karen Conard, City Manager

FROM: Erich Fiedler, City Engineer
Ronnieann Rakoski, Project Manager

CC: Peter H. Rice, Director of Public Works

DATE: March 20, 2024

AGENDA ITEM: ARPA Funded Grant CW-334106-05, Amendment No. 1
Sewer Rehabilitation Project

REQUESTED MEETING DATE: April 1, 2024

RECOMMENDED BY: Peter H. Rice, Director of Public Works

DEADLINE FOR ACTION: April 1, 2024

STAFF RECOMMENDATION:

On March 21, 2022 the City Council authorized the City to enter into a Grant Agreement with the State of New Hampshire to accept a \$220,500 ARPA grant from the New Hampshire Department of Environmental Services. These funds are authorized for the Sewer Rehabilitation Project in the areas of Middle Road, Greenleaf Avenue, Portsmouth Blvd., and various cross country sewers.

The City is requesting a modification to the anticipated project substantial completion date. The proposed modification extends the completion date by six months from September 30, 2024 to March 31, 2025. This extension is requested to accommodate unanticipated schedule delays, wetland permit delays and access agreement delays.

The attached authorization is requested from the City Council to authorize the City Manager to amend the current ARPA Grant Agreement for the Sewer Rehabilitation Contract (CW-334106-05).

SUGGESTED ACTION:

Authorize the City Manager to enter into Amendment No.1 of the ARPA Grant Agreement with the State of New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Sewer Rehabilitation Project by six months, to a completion date of March 31, 2025.

Grant Agreement with the City of Portsmouth
ARPA Grant CW-334106-05
Amendment No. 1

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

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

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

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

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

(A) The Completion Date as set forth in sub-paragraph 1.7 of the Agreement shall be changed from September 30, 2024, to March 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.

City of Portsmouth

By _____
City Manager, Karen Conard

STATE OF NEW HAMPSHIRE
COUNTY OF _____

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

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

My Commission Expires:

THE STATE OF NEW HAMPSHIRE
Department of Environmental Services

By: _____
Robert R. Scott, Commissioner

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

OFFICE OF ATTORNEY GENERAL



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
 Portsmouth, New Hampshire 03801
 smwoodland@cityofportsmouth.com
 (603) 610-7240

Suzanne M. Woodland
 Deputy City Manager / Regulatory Counsel

Date: March 25, 2024

To: Karen S. Conard, City Manager

From: Suzanne M. Woodland, Deputy City Manager / Regulatory Counsel

Re: Report of Donations to City Council

Pursuant to paragraph 3.2 of the City Council's Donation Policy the City Manager's Office reports to the City Council that the following donations were received and accepted for the period indicated below. These donations were identified for the maintenance of the City's historic cemeteries.

Donations to Cemeteries through Invoice Cloud 1-1-24 through 3-25-24			
Transaction Date	Invoice Type	Customer	Pmt Amount
3/10/2024 17:15	Donate to the Cemeteries	Elizabeth Dinan	20.00
3/10/2024 19:48	Donate to the Cemeteries	Calvin Couch	100.00
3/13/2024 10:07	Donate to the Cemeteries	Cynthia Bensley	25.00
3/14/2024 16:46	Donate to the Cemeteries	Patricia Miller	25.00
Totals			170.00

Cc: Susan Sterry, Co-Chair Cemetery Committee
 Corin Hollowell, Parks and Greeneries Foreman
 Andrew Purgiel, Deputy Finance Director
 Judy Renaud, Controller

City Manager Info Item

“Environmental Events in April”

for April 1, 2024 City Council Meeting

Household Hazardous Waste Collection Day – On Saturday, April 13, 2024 between 8 am and 12 noon the Department of Public Works will hold its biannual Household Hazardous Waste Collection Day at the Public Works facility at 680 Peverly Hill Road. Residents of Portsmouth, Greenland, and Newington are encouraged to bring household chemicals for safe disposal. Household hazardous waste collection helps safely dispose of items that can harm residents' health, the environment, and drinking water supplies. Proof of residency is required. For details of what items are accepted and which are not, visit: <https://portsnh.co/hazwaste>.

Sustainability Fair – On Sunday, April 14, 2024 from 12 to 3 pm the Portsmouth Public Library and more than 30 other local organizations will present the Second Annual Sustainability Fair at the Connie Bean Center, 155 Parrott Avenue. The DPW Water/Stormwater/Wastewater Division plans to feature a number of “Think Blue! What can you do?” initiatives, including the return of its popular low-flush toilet demonstration. In addition, the Planning & Sustainability Department will have information about the Climate Action Plan and members of the Conservation Commission will highlight the work of land conservation and sustainable land practices in Portsmouth. Admission is free, this event is open to the public. For more information, visit: portsnh.co/sustainfair24.

“Water Has a Memory” Exhibit – Late April also marks the opening of the enhanced “Water Has a Memory” exhibit at Strawberry Banke Museum. The exhibit highlights the partnership between the City, Strawberry Banke and the UNH Earth Systems Research Center and features a live groundwater monitoring station. For more information, visit: strawberrybanke.org/water-has-a-memory.

Arbor Day – On Friday, April 26, 2024 at 8:30 am the DPW Parks and Greenery Division hosts its annual celebration of Arbor Day with tree planting and reading of the Mayor’s Arbor Day Proclamation. The Arbor Day Foundation has honored the City of Portsmouth with its Tree City Award for more than 20 consecutive years and also recognized its support of the urban forest with a Tree Growth Award. That award recognizes Portsmouth for demonstrating environmental improvement and a higher level of tree care. For more information, visit: portsnh.co/PortsmouthTrees.

Earth Week – Looking ahead, the Portsmouth High School Eco-Club is planning to celebrate Earth Week from May 5 to May 11, 2024. They conclude the week with the Third Annual Seacoast Spring Market on Saturday, May 11 at Portsmouth High School at 50 Andrew Jarvis Drive, from 10 am - 2 pm.