

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 8, 2025 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_E3DTvnGIRqi89IGqeZTSSw

**6:00PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A
IN ACCORDANCE WITH RSA 91-A:3, II (a), (d) & (l)**

AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting]
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE
- VII. ACCEPTANCE OF MINUTES – OCTOBER 6, 2025 AND OCTOBER 20, 2025
(*Sample motion – move to accept and approve the minutes of the October 6th and October 20th City Council meetings*)
- 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 HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

Continued Public Hearing – Capital Improvement Plan (CIP) / Adoption of

CIP: (*Continued Public Hearing that was held open per action of the City Council at the November 17, 2025 meeting*)

A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2027-2032

- **PRESENTATION** (*Presentation was held at the November 12, 2025 Work Session*)
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(*Sample motion – move to adopt the Capital Improvement Plan (CIP) FY 2027-2032 as presented or as amended*)

Public Hearing and Second Reading of Ordinance:

- B. PUBLIC HEARING AND SECOND READING of Ordinance amending Chapter 1 – Administrative Code, Article IV – Commissions and Authorities, Section 1.414 – Establishing a Permanent Energy Advisory Committee
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- (Sample motion – move to pass second reading and hold third and final reading at the December 22, 2025, City Council meeting)*

Third and Final Reading of Ordinances:

- C. Third and Final Reading of Ordinance amending Chapter 6 – Licenses, Article I – General Provisions, by amending the title of Chapter 6 to Licenses and Encumbrances and replacing Article I in its entirety, with Article I - Encumbrance Permits and Licenses for Use of Public Property, Sections 6.101 – 6.110 *(Sample motion – move to pass third and final reading of the ordinance as presented)*
- D. Third and Final Reading of Ordinance amending Chapter 6 - Licenses, Article X – Theatricals, Parades, Open Air Meetings, Section 6.1001 – License Required, Section 6.1002 – License Form, Section 6.1003 – Fee, Section 6.1004 – Penalty for Failure to License be deleted in its entirety *(Sample motion – move to pass third and final reading of the ordinance as presented)*
- E. Third and Final Reading of Ordinance amending Chapter 7 – Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.114 – Construction Permit be deleted in its entirety *(Sample motion – move to pass third and final reading of the ordinance as presented)*
- F. Third and Final Reading of Ordinance amending Chapter 8 – Encumbrances and Injurious Practices in Streets, Article I - Encumbrances, Section 8.101 – Encumbrances, General, Section 8.105 – Digging up a Street, Section 8.106 – License to Obstruct Street, Section 8.114 – Awning and Signs, Section 8.120 – Displaying Merchandise on Sidewalk be deleted in its entirety *(Sample motion – move to pass third and final reading of the ordinance as presented)*
- G. Third and Final Reading of Ordinance amending Chapter 9, Article V – Public Way Obstructions, Placement & Registration, Sections 9.501 – 9.511 regarding public way obstructions be deleted in its entirety *(Sample motion – move to pass third and final reading of the ordinance as presented)*
- H. Third and Final Reading of Ordinance amending Chapter 11, Sidewalks, Sewers, Layout of Streets, Subdivision of Land, Article VI – Referrals to Planning Board, Section 11.602 A 1, Referral and Report be amended to delete the word *(Sample motion – move to pass third and final reading of the ordinance as presented)*

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Rescission of City Council Policy 2009 – 03 Projecting Sign Policy
2. Rescission of City Council Policy 2010 – 01 Policy regarding Flags Projecting Over City Property
3. *Request for a Water/Sewer Rate Model Study Work Session
4. Parking Lot Usage and Maintenance Agreement with St. John's Masonic Lodge
5. Friends of Lafayette House PILOT

XII. CONSENT AGENDA

- A. Letter from Mike Peabody, Millennium Running, requesting permission to hold the 2026 New Castle 10k on Sunday, April 26, 2026 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Letter from Jennie Halstead, My Breast Center Support, requesting permission to hold the Celebrate Pink 5k Walk & Run on Sunday, September 27, 2026 (***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. Installation of Marker in Prescott Park (***Sample motion – move to the City Manager to negotiate the terms and conditions of a license for the acceptance and placement of an historic marker***)

XIV. MAYOR McEACHERN

1. Acceptance of Resignations:
 - Max Ward from the Sustainability Committee (***Sample motion – move to accept with regret the resignation of Max Ward from the Sustainability Committee***)
 - Phyllis Eldridge from the Zoning Board of Adjustment (***Sample motion – move to accept with regret the resignation of Phyllis Eldridge from the Zoning Board of Adjustment effective January 1, 2026***)

2. Appointments to be Considered:
 - Appointment of Robert P. Sullivan as a Regular Member to the Zoning Board of Adjustment
 - Appointment of Mike Lucas as an Alternate Member to the Zoning Board of Adjustment
3. *Appointments to be Voted:
 - Appointment of James (Jim) Wilson to the Cable and Broadband Internet Commission
 - Appointment of Wendy Courteau-Clement to the Economic Development Commission
 - Appointment of Daniel Finan to the Safe Water Advisory Group
 - Reappointment of Thomas Nies to the Zoning Board of Adjustment

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY

1. End of Year Report of African Burying Ground Memorial Park Stewardship Committee

B. COUNCILOR COOK

1. *Adding Muslim Holy Days of Eid al-Fitr and Eid al-Adha to the City Calendar (***Sample motion – move to add the Muslim Holy Days of Eid al-Fitr and Eid al-Adha to the City Calendar, including not scheduling meetings the night before Eid al-Fitr during the breaking of the Ramadan fast***)

(For 2026, that would mean no City Council, commission, or committee meetings after sundown on March 19th, and no City Council, commission, or committee meetings all day on March 20th and May 27th. These holidays shift annually, so the dates will be different for 2027)

2. *Request for Work Session with School Board regarding School Buildings and Grounds Improvements (***Sample motion – move to request a work session with the School Board on School Buildings and Grounds Improvements that should be included in the CIP Budget in out years***)

C. COUNCILOR DENTON

1. Report Back regarding Sustainability Committee Recommendations for CIP Project BI-26-29
2. *Capital Improvement Plan Amendment (***Sample motion - move to add \$50,000.00 of General Funds to the CIP for FY28 and FY30 for Greenhouse Gas Inventories to be completed by contracted professionals***)

D. COUNCILOR BAGLEY

1. *Request Report Back on all Private Parking Space Contracts for all City-owned Parking ***(Sample motion – move to request a report back on all Private Parking Space Contracts for all City-owned parking or reasonably presumed City-owned spaces in the Worth Lot and adjacent surface lots / street area, including holders’ names, locations, term/expiration, and options to return these spaces to public use. Request that this list be published annually on the City website in a prominent location as long as such contracts are in force)***

E. COUNCILOR LOMBARDI

1. *Sunset Archive Committee ***(Sample motion – move to sunset the Mayor’s Blue Ribbon Task Force to Study the Establishment of a Private/Public partnership to Properly Archive Historical Documents relating to the City of Portsmouth) (Commonly known as the Archive Committee)***

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Homeland Security Grant Award to purchase ballistic helmets for the Seacoast Emergency Response Team - \$27,383 ***(Sample motion – move to approve and accept the Grant as presented)***
- B. Approval of Grant Agreement between the Granite United Way and the City of Portsmouth for the Opioid Abatement Community Grant Award - \$11,388 ***(Sample motion – move to approve and accept the Grant as presented)***
- C. *Approval of Moose License Plate Conservation Grant - \$9,929.95 ***(Sample motion – move to approve and accept the Grant as presented)***

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. *Report Back on Green Burials
2. Report Back on Resident Access Parking Program
3. *Pease Development Authority Board Meeting Update
4. *Update on Tax Bill Status

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report with no attachments*

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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 6, 2025

PORTSMOUTH, NH
TIME: 7:00PM

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

III. CALL TO ORDER

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

IV. ROLL CALL

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

ABSENT: Councilor Blalock

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silent prayer for the Duddy family who recently lost their son Richie.

VI. PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

1. Domestic Violence Awareness Month

Councilor Moreau read the Proclamation declaring October as Domestic Violence Awareness Month and called on citizens to come together to reaffirm our commitment to ending domestic violence and supporting survivors. Ryan Grogan and the Prosecution Team accepted the Proclamation with thanks and appreciation.

2. Children's Environmental Health Day

Mayor McEachern read the Proclamation declaring Thursday, October 9, 2025, as Children's Environmental Health Day in Portsmouth and urged all citizens to observe this day with awareness-raising and environmental health and stewardship activities to create a healthier environment for our children. Cynthia Nichols accepted the Proclamation with thanks and appreciation.

3. Fire Prevention Week in Portsmouth

Mayor McEachern read the Proclamation declaring October 5, 2025 through October 11, 2025 as Fire Prevention Week in Portsmouth and urged the entire Portsmouth community to use and dispose of lithium batteries carefully, safely and responsibly to avoid accidental fires and to support the many public safety activities and efforts of the Portsmouth Fire Department. Fire Chief McQuillen accepted the Proclamation with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES *(There are no minutes on for approval this evening)*

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Artist Live/Work Report of the Arts & Cultural Commission

Eli Kaynor and Emma Stratton of the Arts & Cultural Commission (ACC) outlined the detailed report of the Commission. Eli and Emma reported the goal is to keep Portsmouth a destination for artists by addressing rising costs and the shortage of affordable live/work housing were both identified as key threats to the city's cultural vitality. Local stakeholder engagement meetings were held with Preservation of Affordable Housing (POA), Portsmouth Housing Authority (PHA), and other cultural/community partners. They spoke to input received from local artists, housing advocates, and developers and they consulted with the Housing Committee. The Commission is requesting the City Council fund a Feasibility Study for Artist Live/Work Housing at a cost of \$65,000.00 in the Capital Improvement Plan. Also, the ACC recommends updating zoning to allow developers to satisfy affordable housing requirements through partnerships with local nonprofits. Eli and Emma said Portsmouth has the opportunity to be a leader in the arts and culture space, demonstrating how a small city can foster innovation, inclusivity, and economic vitality through strategic support of its artists.

Councilor Cook moved to send the Artist Live/Work Report of the Arts & Cultural Commission (ACC) to the Planning Board for incorporation into the Master Planning Process, namely the recommendation that zoning regulations be updated to include Artist Live/Work space in partnership with non-profits as part of an affordable housing incentive in our zoning code. Seconded by Councilor Moreau and voted.

IX. PUBLIC COMMENT SESSION

Jeffrey Cooper said we need to make it possible for artists to live and work in the community. He urged the City Council to read the report submitted by the Arts & Cultural Commission and to implement the items.

Karen Rosania said that she is a local artist and thanked the Arts & Cultural Commission for their report and listening to the needs of artists in the city. She stated that there is a critical need for artists to live and work here in the city.

Lennie Mullany stated that she is a local artist and looks at this from the standpoint of artists and the need for the city to work with the report submitted by the Arts & Cultural Commission. She spoke from a macro to a micro view and how the loss of grants from the federal government impacts artists. She stated that the City of the Open Door needs to open doors for artists to live and work and thrive in this community.

Anna Nuttal said there is a need to look at how budget cuts affect the residents.

Tyler Garzo (via zoom), spoke in support of making Congress Street two lanes. He said downtown should be a destination and not a conduit.

Emily Robichaud (via zoom), spoke on the New Franklin School PTO request for funding the replacement of the tennis courts. She said that New Franklin School has not received the same quantity of funding as Dondero and Little Harbour schools.

Councilor Bagley moved to suspend the rules to bring forward Item XIII. C. – Economic Development Commission Memorandum regarding Social Districts. Seconded by Councilor Cook and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

C. Economic Development Commission Memorandum regarding Social Districts

Tom Watson, Economic Development Commission (EDC) Chair, reported that the EDC believes that the concept of a social district, with thoughtful regulations put in place by the City Council, could potentially benefit the business community in downtown Portsmouth, the West End, and other areas of the City. He indicated that the EDC believes that social districts should be explored as a tool that could be used to enhance economic vitality and benefit the business community in Portsmouth.

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

Public Hearings on Ballot Questions:

- A. BALLOT QUESTIONS #1: - "SHALL WE ALLOW THE OPERATION OF SOCIAL DISTRICTS WITHIN THE CITY OF PORTSMOUTH?"
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

The City Council voted at the September 24, 2025, City Council meeting to place this question on the Municipal Election Ballot, therefore, no action is required this evening.

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

Assistant Senior City Attorney Ferrini explained that this public hearing is being held as required by enabling legislation. She said if this was to pass the City Council would need to create a management and maintenance plan.

Councilor Moreau asked if a business would have to be connected into a social district to operate. Assistant Senior City Attorney Ferrini said it would need to be in an area of the social district.

Assistant Mayor Kelley asked if the question failed what would be the next steps to bring the matter forward again. Assistant Senior City Attorney Ferrini said the same manner as before, through the next Municipal Election as a ballot question.

Amy Michaels expressed serious concerns regarding this ballot question. She said allowing alcohol to be out in open areas could be interpreted by our youth to be acceptable. She stated Portsmouth is a place to come and we need to protect the health and wellness of our community.

Patricia Bagley, (via zoom), stated there is confusion on how to vote on the question due to its wording. She said she looked to the Economic Development Commission (EDC) for guidance on how to proceed forward. She spoke to the impact this would have on our Department of Public Works and Police Department and said the question should read: "Shall we allow people to carry alcohol."

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

Councilor Cook stated she voted not to place this on the ballot because there are too many questions. She thanked the EDC for the work they have done on this matter. She said she feels we need guidance to put this in place, if it were to pass.

Councilor Tabor asked Assistant Senior City Attorney Ferrini if we must create a plan. Assistant Senior City Attorney Ferrini said a plan should be created.

Mayor McEachern thanked the EDC for their work on this as well as Assistant Senior City Attorney Ferrini. He said there are ways currently to enjoy those kind of activities currently through events held in the community.

- B. BALLOT QUESTION #2 – "SHALL WE PROHIBIT THE OPERATION OF KENO GAMES WITHIN THE CITY OF PORTSMOUTH?"
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

The City Council voted at the City Council meeting on September 24, 2025, to place this question on the Municipal Election Ballot, therefore, no action is required this evening.

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

Assistant Senior City Attorney Ferrini said this question has been on previous ballots but did not pass. She explained the question thoroughly.

Eli Sokorelis spoke in support of allowing KENO in Portsmouth. He said that this game has been in the State of New Hampshire for several years. He said the funds from KENO go to funding all-day kindergarten and said it is no more than an electronic bingo game.

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

- C. BALLOT QUESTION #3 – "SHALL WE PROHIBIT THE OPERATION OF GAMES OF CHANCE WITHIN THE CITY OF PORTSMOUTH?"
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

The City Council voted at the September 24, 2025, City Council meeting to place this question on the Municipal Election Ballot, therefore, no action is required this evening.

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

Assistant Senior City Attorney Ferrini explained that Games of Chance are table games and outlined what would be considered a game of chance under the question.

With no speakers, Mayor McEachern closed the public hearing.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for Public Hearing and Borrowing Authorization for a New Fire Apparatus

City Manager Conard said we are trying to raise awareness on the procurement of these types of vehicles. She reported that production time for this vehicle is taking 5 years to complete. She stated that we would like to get in line for the building of this vehicle and this vote allows us to procure the funding.

Assistant Mayor Kelley moved to schedule a public hearing and the authorization of a borrowing authorization of up to \$2,500,000 for the purchase of a new Fire Apparatus at the October 20, 2025, City Council meeting. to schedule a public hearing and the authorization of a borrowing authorization of up to \$2,500,000 for the purchase of a new Fire Apparatus at the October 20, 2025, City Council meeting. Seconded by Councilor Lombardi.

Councilor Cook said we would not receive the new truck until 2030.

Fire Chief McQuillen reported that this is a nationwide problem around this type of apparatus. He stated that 36 months ago we put in line a bumper truck and is now on the assembly line. He stated that this is the best solution we have to move forward.

Motion passed.

2. Amendment to Extend Term for License with Coast Guard Vessel to Dock at Prescott Park

City Manager Conard said that this would extend the license agreement with the Coast Guard to dock their vessel at Prescott Park.

Councilor Tabor moved that the City Manager be authorized to execute and accept this License Amendment in a form similar to the attachment in the Digital Packet and waive the dock fees except for electricity for a Coast Guard vessel to berth at the Prescott Park Dock. Seconded by Assistant Mayor Kelley.

Mayor McEachern said that they would be coming back next year and asked if this would impact any plans we have for the docks in the future. He also asked that the no wake zone be enforced.

Motion passed.

XII. CONSENT AGENDA

- A. Eversource Petition and Pole License Request:
- Installation of 85' of conduit and between pad mount 23/MH4T5 and pad mount 23/MH4T5-a to be located on Vaughan Mall
(Anticipated action – move to refer to the City Manager with Authority to Act)
- B. Letter from James Teetzel, Wilcox, requesting permission to hold events to honor all Veterans living in Portsmouth and surrounding Seacoast area on July 3, 2026 (alternate rain date of July 5, 2026) **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- C. Letter from Coureur Portsmouth, requesting permission to hold the Coureur Halloween Skate Jam on Saturday, November 1, 2025, from 12:00 p.m. – 3:00 p.m. at the Chris Rice Skateboard Park (alternate rain date November 2, 2025) **(Anticipated action – move to refer to the City Manager with Authority to Act)**
- D. Letter from Laurie Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout Portsmouth **(Anticipated action – move to refer to the City Manager with Authority to Act)**

Councilor Bagley moved to adopt the Consent Agenda. Seconded by Councilor Denton and voted.

Assistant Mayor Kelley thanked Laurie and all her volunteers in putting the scarecrows up.

At 8:45 p.m., Mayor McEachern declared a brief recess. At 8:53 p.m., Mayor McEachern called the meeting back to order.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Letter from The New Franklin School PTO regarding solutions for the tennis/basketball court repairs or replacement for a whole new court space

City Manager Conard explained that this would be a project in the CIP for design at the New Franklin School next year with construction in 2027.

Mayor McEachern asked if each of the playgrounds would be done. City Manager Conard explained that both the front and rear playgrounds would be done.

Councilor Bagley said he feels we should not wait and move the funding forward in order to get the playgrounds completed.

Councilor Cook said that this is the second time that we have received a request that the PTO was trying to raise funds for something that was not their responsibility. She asked how we could provide better information with more clarity. City Manager Conard said that this falls to staff because of liability and maintenance.

Deputy City Manager of Finance and Administration Lunney said that Superintendent McLaughlin and Facilities Manager Linchey should provide information on time and need. He said that we would work with them to get that to happen.

Mayor McEachern said that there should be a Memorandum of Agreement created and that there is a breakdown in communication.

No motion was required.

XIV. MAYOR McEACHERN

1. Acceptance of Resignations:
 - Herb Lloyd from the Portsmouth Energy Advisory Committee

Councilor Tabor moved to accept with regret the resignation of Herb Lloyd from the Portsmouth Energy Advisory Committee. Seconded by Councilor Denton and voted.

- Jim Hewitt from the Safe Water Advisory Group effective immediately

Councilor Lombardi moved to accept with regret the resignation of Jim Hewitt from the Safe Water Advisory Group. Seconded by Assistant Mayor Kelley and voted.

2. Appointments to be Considered:
 - Reappointment of Patricia Bagley to the Trees & Public Greenery

The City Council considered the reappointment of Patricia Bagley to the Trees & Public Greenery Committee with action to be taken at the October 20, 2025, City Council meeting.

3. Appointments to be Voted:
 - Reappointment of Sarah Lachance to the Economic Development Commission
 - Reappointment of Andrew Ward to the Economic Development Commission
 - Appointment of Brigid "Briggs" Brady to the Cemetery Committee
 - Appointment of Barbara Sadick as an alternate to the Parking & Traffic Safety Committee

Assistant Mayor Kelley moved the reappointment of Sarah Lachance and Andrew Ward to the Economic Development Commission until October 1, 2027; appointment of Brigid “Briggs” Brady to the Cemetery Committee filling the unexpired term of Susan Sterry until May 1, 2026; and the appointment of Barbara Sadick as an alternate to the Parking & Traffic Safety Committee filling the unexpired term of David Allen until August 4, 2026. Seconded by Councilor Bagley and voted.

4. Schedule Special City Council Meeting – Canvass of the Vote

Councilor Lombardi moved to schedule a Special City Council meeting for the Canvass of the Vote on Thursday, November 6, 2025, at 6:00 p.m. in the Eileen Dondero Foley City Council Chambers. Seconded by Assistant Mayor Kelley and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

1. Request to Schedule First Reading of the Draft License and Encumbrance Permit Ordinance

Councilor Cook moved to schedule first reading of the draft License and Encumbrance Permit Ordinance at the October 20, 2025, City Council meeting. Seconded by Councilor Moreau.

Councilor Cook said that this is being brought to the Council from the Governance Committee. She stated the new draft license and encumbrance permit would be made into one Chapter and that this is the first step in the process.

Motion passed.

B. COUNCILOR BLALOCK

1. Upcoming Visits by Students from our Sister Cities Santarcangelo and Nichinan

On behalf of Councilor Blalock, Councilor Denton reported that students and teachers arrived today from Santarcangelo, Italy and will be visiting until October 12th. On Thursday, October 9th there will be a dinner at the Portsmouth Public Library for our visiting friends, host families, Portsmouth High School staff, Mayor McEachern, and City Manager Conard. Councilor Denton announced that sixteen students from Nichinan will be arriving on Friday, October 10th and will be staying until Thursday, October 16th. He advised the City Council that there will be an assembly at Portsmouth High School on Tuesday, October 14th at 2:00 p.m. with Mayor McEachern and all city officials invited to attend.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Route 1 Bypass – Coakley Road and Cottage Street Improvement Project Grant - \$2,379,118.96

Assistant Mayor Kelley moved to authorize the City Manager to enter into a grant agreement and any future schedule modifications with the New Hampshire Department of Transportation to take advantage of State and Federal funding opportunities for improvements to the intersection of Route 1 Bypass, Coakley Road and Cottage Street. Seconded by Councilor Denton and voted.

- B. Acceptance of Violence Against Women Act (VAWA) Grant - \$25,025.00

Councilor Moreau moved to approve and accept the Grant as presented. Seconded by Councilor Cook and voted.

- C. Acceptance of Victims of Crime Act (VOCA) Grant - \$12,369.00

Councilor Denton moved to approve and accept the Grant as presented. Seconded by Councilor Lombardi and voted.

- D. Acceptance of Donation from FedPoint for the Portsmouth Police K-9 Unit - \$500.00

Councilor Lombardi moved to accept the donation as presented. Seconded by Councilor Denton and voted.

- E. Acceptance of Donation from Walmart for the Portsmouth Police Explorer Program - \$189.00

Councilor Bagley moved to accept the donation as presented. Seconded by Councilor Denton and voted.

- F. Acceptance of Donation from Vanessa Smiley for the Portsmouth Police Explorer Program - \$100.00

Councilor Tabor moved to accept the donation as presented. Seconded by Councilor Cook and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

Update on Insurance Review – City Manager Conard reported the City has entered into a contract with Borislow Insurance to conduct a comprehensive review of all insurance coverages. She stated over the next month, Borislow will issue a Request for Proposals (RFP) to more than ten carriers, specifically targeting ancillary plans such as long-term disability, short-term disability, and life insurance.

Report Back Regarding RSA 79-E – City Manager Conard reported at the September 24, 2005, meeting, the City Council directed the Legal Department to prepare an ordinance implementing RSA 79-E to support the development of below-market rate housing in Portsmouth. She stated after reviewing the statute, staff has concluded that further Council direction is needed before ordinance language could be drafted. RSA 79-E now authorizes municipalities to adopt any of five distinct incentive programs, each of which can be applied in different geographic areas:

- Community Revitalization Tax Relief Incentive – revitalization of downtown and village centers
- Coastal Resilience Incentive Zone – investment in structures to improve resilience to flooding and sea level rise
- Residential Property Revitalization Zone – rehabilitation of existing residential structures
- Housing Opportunity Zone – incentives for the development of below-market rate housing
- Office Conversion Zone – conversion of vacant office buildings to alternative uses, including housing

Each of these programs provides different tools and requires the City to decide: (1) which of five provisions to adopt, if any; and (2) where in Portsmouth the incentives should apply. City Manager Conard stated staff recommends that the Council either:

- Schedule a work session to discuss which zones and programs best align with Council priorities; or
- Refer the question to the Master Planning process, as contemplated by RSA 79-E, for integration into the City's broader land use strategy

Councilor Tabor moved that the City Council recommend to the Master Planning Advisory Group that they include RSA 79-E and the incentives it has for below market housing as part of the Master Plan and consideration for the future Council to have a work session around the Coastal Resilience piece of 79-E. Seconded by Councilor Moreau and voted.

Further Options to Investigate the Viability of Two-Way Traffic on State Street – City Manager Conard advised the City Council that City staff recommends that any study of two-way traffic on State Street be first considered as a temporary construction mitigation measure only if it reduces time or costs. Further, if interest remains in pursuing State Street as a permanent two-way street, a more comprehensive study could be undertaken in a future year.

Councilor Moreau moved the study of the State Street Two-Way Viability out one year and recommend staff incorporate this into the Congress Street Mitigation for construction. Seconded by Councilor Cook and voted.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Mayor McEachern announced that Michelle Sechser is the most successful rower by winning the World Championships in the lightweight Women's Single Sculls.

XIX. ADJOURNMENT

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

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 20, 2025

PORTSMOUTH, NH
TIME: 7:00PM

Assistant Mayor Kelley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Moreau 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, Denton, Blalock, Bagley, Moreau, and Lombardi

V. INVOCATION

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

VI. PLEDGE OF ALLEGIANCE

Student Mayor's Jacob Turk and David Flavin led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. Community Clean Up Day in Portsmouth – Jacob Turk, Student Mayor for a Day

Student Mayor for a Day Jacob Turk, read his Proclamation declaring Community Clean Up Day in Portsmouth and urged all members of the community to do their part everyday but especially on June 15th, the last day of school.

2. Good Neighbor Day in Portsmouth – David Flavin, Student Mayor for a Day

Student Mayor for a Day David Flavin, read his Proclamation declaring Good Neighbor Day in Portsmouth and called on every citizen able to volunteer their time, money, or expertise to find an organization in need and help their neighbors on October 20, 2025.

3. Halloween Parade

Mayor McEachern read the Proclamation declaring October 31st as Halloween Parade Day.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

Mayor McEachern recognized the Portsmouth High School Clipper Golf Team for winning the NHIAA Division II Golf State Championship at the Mount Washington Golf Course. He announced that this is the school's first state golf championship since 1962! He also recognized Junior Grey Gagnon who was the medalist and low scorer of the tournament for the second year in a row, with a score of 69 (Par 72)!

Coach Kyle Harrison thanked Mayor McEachern and City Council for this recognition and spoke to how coachable the kids are, and they genuinely care about each other and are a respectful group.

VII. ACCEPTANCE OF MINUTES – AUGUST 18, 2025

Councilor Moreau moved to approve and accept the minutes of the August 18, 2025, City Council meeting. Seconded by Assistant Mayor Kelley and voted.

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

Tyler Garzo, (via zoom) asked the City Council to look at the license plate scanners and to take a position on this matter.

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

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 6 – Licenses, Article I – General Provisions, by amending the title of Chapter 6 to Licenses and Encumbrances and replacing Article I in its entirety, with Article I - Encumbrance Permits and Licenses for Use of Public Property, Sections 6.101 – 6.110

Councilor Cook moved to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Cook said that there will be several ordinances on for first reading with various amendments along with a full presentation at the next City Council meeting. She said that outstanding work was done by the Legal Team and Senior Assistant City Attorney Ferrini and expressed her thanks and appreciation.

Motion passed.

- B. First Reading of Ordinance amending Chapter 6 - Licenses, Article X – Theatricals, Parades, Open Air Meetings, Section 6.1001 – License Required, Section 6.1002 – License Form, Section 6.1003 – Fee, Section 6.1004 – Penalty for Failure to License be deleted in its entirety

Councilor Tabor moved to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting. Seconded by Councilor Denton and voted.

- C. First Reading of Ordinance amending Chapter 7 – Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.114 – Construction Permit be deleted in its entirety

Councilor Bagley moved to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting. Seconded by Councilor Blalock and voted.

- D. First Reading of Ordinance amending Chapter 8 – Encumbrances and Injurious Practices in Streets, Article I - Encumbrances, Section 8.101 – Encumbrances, General, Section 8.105 – Digging up a Street, Section 8.106 – License to Obstruct Street, Section 8.114 – Awning and Signs, Section 8.120 – Displaying Merchandise on Sidewalk be deleted in its entirety

Assistant Mayor Kelley moved to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting. Seconded by Councilor Moreau and voted.

- E. First Reading of Ordinance amending Chapter 9, Article V – Public Way Obstructions, Placement & Registration including Sections 9.501 – 9.511 be deleted in its entirety

Councilor Lombardi moved to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting. Seconded by Councilor Cook and voted.

- F. First Reading of Ordinance amending Chapter 11, Sidewalks, Sewers, Layout of Streets, Subdivision of Land, Article VI – Referrals to Planning Board, Section 11.602 A 1, Referral and Report

Councilor Moreau moved to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting. Seconded by Councilor Bagley and voted.

- G. First Reading of Ordinance amendment to Chapter 10 – Zoning Ordinance – Zoning Map, Article 4, Zoning District and Use Regulations, Section 10.421 – District Location and Boundaries, Section 10.421.10, be amended to remove 109 Dennett Street, Tax Map 142, Lot 27 from the Historic District Overlay

Councilor Blalock moved to pass first reading and schedule a public hearing and second reading at the November 17, 2025, City Council meeting. Seconded by Councilor Lombardi.

Councilor Moreau reported that the Planning Board voted not to remove 109 Dennett Street from the Historic District Overlay. She said many years ago the owner was told she was in the Historic District. She stated that we should not go against the Historic District Commission and that this is not punitive in nature.

Councilor Lombardi said that this is an historic home that was built in the 1800's with a cape cod dormer. He spoke to the established process to appeal the HDC through the superior court. He stated that there was no permit applied for by the owner for this project.

Councilor Bagley said if anyone has strong feelings regarding this matter they should come to the public hearing at the next City Council meeting.

Councilor Cook said she understands the value of the historic district and understands the votes of the HDC and Planning Board. She stated that the City Council is not designed to review land use matters.

Mayor McEachern said he would like to understand the information given and the appeal process.

Councilor Moreau said both sides of the streets should be included in the historic district.

On a roll call vote 6-3, motion passed. Assistant Mayor Kelley, Councilors Tabor, Denton, Blalock, Bagley and Mayor McEachern voted in favor. Councilors Cook, Moreau and Lombardi voted opposed.

Public Hearing on Resolution and Adoption:

H. RESOLUTION APPROPRIATING TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) TO PURCHASE ONE FIRE APPARATUS AND AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) TO MEET THIS APPROPRIATION

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

Fire Chief McQuillen reminded the City Council that there is a situation where fire truck manufacturers have to have a great amount of lead time to produce and provide apparatus. He said three years ago he came before the City Council to move up the purchase of a fire truck and the department still has not received the truck. He reported that we expect the apparatus to arrive in approximately 60 months.

Councilor Bagley asked Chief McQuillen to speak to the type of truck we would be receiving. Fire Chief McQuillen said that it is a 100-foot aerial truck and is the industry's standard.

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

Tyler Garzo, (via zoom), said he would like to see the truck compatible and able to navigate speed cushions.

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

Chief McQuillen also informed the City Council that our apparatus takes longer to build.

Councilor Tabor moved to adopt the Resolution as presented. Seconded by Councilor Moreau.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Approval of Change to Authorized Representative for Education Coalition Communities
2.0 NH

City Manager Conard said that we work with communities in sharing services to not bring back the donor communities. She stated that the a board member of the Coalition passed unexpectedly and she would like to have Nathan D. Lunney, Deputy City Manager – Finance & Administration as the City's authorized representative to the Education Coalition Communities 2.0 NH.

Assistant Mayor Kelley moved to authorize Nathan D. Lunney, Deputy City Manager – Finance & Administration, as the City's authorized representative to the Education Coalition Communities 2.0 NH. Seconded by Councilor Denton.

Councilor Cook thanked Deputy City Manager – Finance & Administration Lunney for stepping forward to serve and share his experience with the Coalition.

Motion passed.

XII. CONSENT AGENDA

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

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

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
 - Appointment of Tara Rix to the Cemetery Committee

The City Council considered the appointment of Tara Rix to the Cemetery Committee and will be acted upon by the City Council at the November 17, 2025, meeting.

2. Appointment to be Voted:
 - Reappointment of Patricia Bagley to the Trees & Public Greenery Committee

Councilor Bagley moved the reappointment of Patricia Bagley to the Trees & Public Greenery Committee. Seconded by Assistant Mayor Kelley and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Request for First Reading of a new Ordinance to establish a permanent Energy Advisory Committee

Councilor Tabor moved to request the Legal Department draft an ordinance for first reading amending Chapter 1, Administrative Code, Article IV, Commissions and Authorities, Section 1.414 to establish a permanent Energy Advisory Committee for the November 17, 2025, City Council meeting. Seconded by Councilor Blalock.

Councilor Tabor explained the reasons for making this a permanent Energy Advisory Committee.

Councilor Cook said she has served the last two terms on the Committee and it has a high level of expertise and supports the motion.

Motion passed.

2. Audit Committee Update

Councilor Tabor provided a brief update regarding the Audit Committee. He reported that the committee voted to recommend to the City Council continue to work with CLA in 2026.

B. COUNCILOR COOK

1. Municipal Arts and Cultural Banner Program Policy for Review

Councilor Cook reported that the Municipal Arts and Cultural Banner Program Policy will come back for approval at the November 17, 2025, City Council meeting.

C. COUNCILOR BAGLEY

1. **Action Items Needing Approval by City Council:**

- Portwalk Place

Councilor Bagley moved to approve renewal of annual valet license agreement for Hampton Inn & Suites. Seconded by Councilor Denton and voted.

- Portwalk Place

Councilor Bagley moved to approve renewal of annual valet license agreement for Marriott Residence Inn. Seconded by Councilor Blalock and voted.

2. Parking & Traffic Safety Committee Action Sheet and Minutes of October 2, 2025

Councilor Bagley moved to approve and accept the action sheet and minutes of the October 2, 2025, Parking & Traffic Safety Committee meeting. Seconded by Councilor Lombardi.

A brief discussion among the City Council was held regarding E-bicycles and the concerns surrounding these types of bicycles.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no Grants or Donations on for Approval this evening)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Upcoming Visits with the City Manager at the Library

City Manager Conard announced with the 2025 Farmers' Market season coming to a close on Saturday, October 25th, she would welcome members of the public to visit with members of City staff and her on the following dates from 10:00 a.m. to Noon at the Library:

- November 8th
- December 20th
- January 10th
- February 14th
- March 14th
- April 11th

2. Food Permits

City Manager Conard reported that there are 284 Food Permits and 159 with Liquor Licenses and 125 are without Liquor Licenses. She also indicated that the total number of seats under the license for October 2025 is 31,271.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT

At 8:10 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Bagley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

BI-26-PW-54: New Parking Garage

Department(s)	Public Works Department – Parking Division
Project Location	TBD
Project Justification	Meet anticipated future parking demand
Project Website	N/A
Planning Documents/Studies	Parking Utilization Study

Project Description: Consistent with the findings of the 2024 10-year Parking and Zoning Study, this project will meet anticipated future demand for 650 spaces of Parking inventory. Assuming similar size and scope to the Foundry Place Parking Facility, the Division anticipates similar operating budget and staffing Requirements. The FY25 numbers are reflected herein. As to construction costs, industry standard expectation as of this publication is \$50,000 per constructed space, equating to \$32,500,000.



Impact on the Operating Budget	High (\$100,001 or more)
Personnel	4 FTE + 7 PTE
Non-Personnel Line-Items	\$2,000,000

Notes of Changes in Funding Plan from FY26-31 CIP:
\$3,000,000 in bonding added to FY27 by Planning Board on 11-20-25

Evaluation Criteria & Prioritization

Priority: A (needed within 0 to 3 years)

CORE FUNCTION	Responds to Federal or State Requirement	
	Addresses a Public Health or Safety Need	
	Alleviates Substandard Conditions or Deficiencies	Y
FINANCIAL BENEFIT	Eligible for Matching Funds with Limited Availability	
	Timing or Location Coordinate with Synergistic Project	
	Reduces Long-Term Operating Costs	
COMMUNITY PLAN OR IMPROVEMENT	Identified in Planning Document or Study	Y
	Improves Quality of or Provides Added Capacity to Existing Services	Y
	Provides Incentive for Economic Development	
	Responds to a Citywide Goal or Submitted Resident Request	Y

Project Funding		FY27	FY28	FY29	FY30	FY31	FY32	Totals 27-32
Capital Outlay (GF)	0%							\$0
Federal/State	0%							\$0
Bond/Lease (Parking)	95%	\$3,000,000						\$3,000,000
Other	0%							\$0
Revenues (Parking)	5%	\$150,000						\$150,000
PPP	0%							\$0
Totals		\$3,150,000	\$0	\$0	\$0	\$0	\$0	\$3,150,000

Policies Compliance

Percent for Art	
Cultural Plan	
Community Health Plan	
Complete Streets	
Climate Action Plan	
Green Building Policy	

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 8, 2025, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 1 – Administrative Code, Article IV – Commissions and Authorities, Section 1.414 – Establishing a Permanent Energy Advisory Committee. The complete Ordinance is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
PORTSMOUTH, NH CITY CLERK

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KELLI L. BARNABY,
MMC/CNHMC
PORTSMOUTH, NH CITY
CLERK

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, ADMINISTRATIVE CODE, Article IV – COMMISSIONS AND AUTHORITIES, Section 1.414, be added to establish a permanent Energy Advisory Committee, of the Ordinances of the City of Portsmouth, as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

A. Mission: The mission of the Energy Advisory Committee is to advocate for a lower cost, lower carbon energy future to our residents.

B. Membership and Term: The Energy Advisory Committee will consist of one City Councilor to be designated by the Mayor to serve for the two year term they serve on the Council, and seven community members, one of those community members shall have an affiliation with a public utility, to each serve three year terms, and one member of the Sustainability Committee. The seven community members who are current members of the existing Blue Ribbon Energy Advisory Committee shall continue as members, if willing, for three year terms. As attrition causes the number of community members to drop below seven, the Mayor will appoint, with Council approval, new members to three year staggered terms. Thereafter, the committee will have 5-7 community members.

C. Qualifications: Members will have demonstrated knowledge of electricity markets and regulation, and renewable energy and energy efficiency technologies that can benefit Portsmouth.

D. Powers and Duties: The Energy Advisory Committee shall provide advice and guidance to the City Council, the City Manager, and City Boards with respect to:

1. The operations of Portsmouth Community Power, to include the recommendations for local projects supported by The Community Power Coalition of New Hampshire Joint Powers Agreement to benefit residents.
2. Community Power related issues.
3. Ways to reduce municipal energy costs and greenhouse gas emissions.
4. Technical advice on city energy efficiency strategies and options.
5. City energy procurement
6. Education of the community on energy efficiency and carbon reduction strategies.
7. Technical advice on energy strategies, electrification, and local resource development.

E. Limitations: Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances. Nor shall anything herein limit the ability of the Energy Advisory Committee Chair or Co-Chairs to appoint subcommittees or determine the format of how to best structure meetings.

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 on January 1, 2026.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, LICENSES, Article I, GENERAL PROVISIONS, be amended by amending the title of Chapter 6 to LICENSES AND ENCUMBRANCES and replacing Article I in its entirety with Article I – ENCUMBRANCE PERMITS AND LICENSES FOR USE OF PUBLIC PROPERTY, Sections 6.101 – 6.110 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):

CHAPTER 6 LICENSES AND ENCUMBRANCES

ARTICLE I ENCUMBRANCE PERMITS AND LICENSES FOR USE OF PUBLIC PROPERTY

Section 6.101: STATEMENT OF PURPOSE

The purpose of this ordinance is to establish a comprehensive framework for the licensing and encumbering of public property within the City and aims to ensure the responsible use and management of public assets, create an efficient and transparent approval process and safeguard the interests of the community while promoting economic development. By regulating the use of public property, the City seeks to:

1. **Enhance Efficiency and Transparency:** Establish efficient and transparent procedures for issuing licenses and encumbrance permits for use of public property;
2. **Promote Fair Access:** Provide the public with equitable access to public property;
3. **Preserve Public Assets:** Maintain and preserve the integrity of public property;
4. **Facilitate Economic Development:** Support local businesses and economic activities by providing clear guidelines for the use of public property; and
5. **Maintain Public Safety:** Ensure that public property is used in a manner that protects the health, safety, and welfare of residents and visitors.
- 6.

Section 6.102: AUTHORITY

The City Council regulates the use of public property through the creation of ordinances and policies in its administration of municipal affairs. The City Manager carries out the policy decisions of the City Council and manages City property.

Public property includes but is not limited to public ways, roads, rights-of-way, streets, lanes, alleys, sidewalks, parking spaces, loading zones and other public spaces,

including intrusions into the airspace over sidewalks and streets ("Public Property"). Public forum areas are governed by a separate City Council policy and are excluded from the definition of Public Property in this Chapter.

The regulation of Public Property includes the issuance of permits and licenses for the temporary placement, installation, location or use of any obstruction on, in or over Public Property, including but not limited to structures, fixtures, objects, equipment or other encroachments ("Encumbrance").

No license or permit will be issued for an Encumbrance that endangers public safety, impedes the free path of travel for the public, including pedestrian and vehicular traffic, or impedes egress or access to driveways, entrances, hydrants, poles, utilities, traffic signs or other government use.

Permits and licenses for Encumbrances may be temporarily or permanently suspended in an emergency or if public interest requires such termination.

The City Manager is responsible for establishing and publishing rules, regulations, and the forms necessary for the issuance and management of encumbrance permits and licenses under this Chapter. All rules, regulations and procedures associated with these licenses and permits shall be published on the City's website.

The City Manager or designee has the authority to issue temporary encumbrance permits for the use of Public Property for a period not to exceed one year. The City Manager will submit written reports to the City Council on all temporary encumbrance permits issued each month. The City Council's acceptance of these reports shall constitute the City Council's acceptance and endorsement of the permits issued.

Section 6.103: TEMPORARY ENCUMBRANCE PERMITS FOR USE OF PUBLIC PROPERTY

Permits and Licenses may be issued by the City Manager or designee for the following Encumbrances that are in compliance with the provisions set forth above, the published rules, regulations and procedures for permits and licenses and the specific provisions set forth in this Chapter:

A. Projecting Signs and Awnings

A revocable permit may be issued for signs and awnings that are affixed to private property that project over the airspace of Public Property. Signs and awnings shall comply with the dimensional requirements for height, setbacks and dimensional standards set forth in the City's Zoning Ordinance when applied. In addition, a Certificate of Insurance naming the City as an additional insured is required. This Certificate must be maintained annually and future notices from the insurance company to the City of cancellation or loss of policy is required as a condition of the permit.

B. Flags

An annual permit may be issued for one flag per business over Public Property that does not exceed 12 square feet in area and has at least 7 feet of clearance above Public Property. A flag may be either an “open” flag or a flag that advertises the name of the business. The limitation of one flag per business does not apply to the American Flag or the New Hampshire State Flag. Flags defined in this Section are not considered signs under the City’s Zoning Ordinance.

C. A- Frame Signs

An annual permit may be issued for one A-Frame sign located in Public Property on the sidewalk within the frontage where a business entrance is located. The A-Frame sign may not exceed 8 square feet in area on each side. If a business does not have sufficient frontage to place an A-Frame sign, it may place one within the frontage of an abutting business with the express written permission of the abutter. If a business is located in an alley, a wayfinding A-Frame sign may be located within the frontage of another business with the express written permission of the other business owner.

D. Tables, Chairs and Benches

Annual permits may be issued for tables, chairs and benches for use by the general public on Public Property if, among other things, the number, size and location of the tables, chairs and benches do not impede the free path of travel for the public.

E. Planters

Annual permits may be issued for planters on Public Property if, among other things, the size and location of the planters do not impede the free path of travel for the public. Permits will be revoked if the plants in the planters are not maintained.

F. Mannequins and Clothing Racks

An annual permit may be issued for one mannequin and one clothing rack on Public Property in front of a business that sells clothing if, among other things, the size and location of the mannequin or clothing rack does not impede the free path of travel for the public. Permits will be revoked if the mannequin or clothing rack is placed in front of or impedes access to the Public Property in front of an abutter.

Section 6.104: SHORT-TERM CONSTRUCTION ENCUMBRANCE PERMITS

Encumbrances of Public Property may be permitted for construction projects through the issuance of short-term Encumbrance Permits. Permits may be granted for construction project Encumbrances that may include but not be limited to scaffolding, fencing and laydown areas for construction materials. Permits may also be issued for non-construction related Encumbrances related to the trades, that may include but not be limited to moving trucks, equipment and vehicles associated with window washing and landscaping. All other permits required for construction projects, such as Excavation, Flagging and Driveway Permits, are issued after administrative review by the Department of Public Works and are not subject to this ordinance.

A. Short-Term Construction Encumbrance Permits

Encumbrance Permits for up to 30 calendar days will be administered and issued by the Department of Public Works.

B. Short-Term Construction Encumbrance Permit Extensions

Short-Term Encumbrance Permits issued for 30 calendar days may be extended at the discretion of the Department of Public Works for up to an additional 30 calendar days (60 days total) after administrative review by the Department of Public Works. If there is a request for an additional 30 day extension (90 days total), an extension may only be granted by the City Manager for good cause. All extensions may require new conditions and fees. The City Manager's monthly report to the City Council will distinguish between the initial permit and each extension.

Section 6.105: LICENSES

Licenses are for long-term Encumbrances that require approval by the City Council that include the following:

A. Construction Licenses

Requests for construction-related Encumbrance Permits for use of Public Property over 90 calendar days will be granted only after approval by the City Council.

B. Revocable Licenses Requiring Recording

When the City identifies encroachments in the City right-of-way or other Public Property, the City Council may require the Owner to record a revocable License at the Rockingham County Registry of Deeds that sets forth the City and Owner's rights and responsibilities and memorializes the location of the Encumbrance. Revocable Licenses for recording may require Encumbrances for steps, walls, fences, pipes and underground monitoring wells.

C. Licenses for Public Utilities

City Council approval is required for all revocable Licenses for utility Encumbrances that include but are not limited to poles, wires and conduits that are in, on, over or within the City right-of-way or other Public Property.

D. Licenses for Use of Public Property

City Council approval is required for all Licenses for the use of Public Property as defined in this Chapter and licenses for the use of City Parks and Parking Lots. The issuance of these licenses does not limit or revoke the authority of the City Manager regarding Parking Lots and Parks as more fully set forth in City Ordinance Chapters 7 and 8.

E. Valet Agreements

Valet Agreements for the use of City parking spaces to drop off cars for valet services must be approved by the City Council after being reviewed and recommended by the Parking and Traffic Safety Committee.

Section 6.106: PERMITS AND LICENSES FOR COMMERCIAL USE OF PUBLIC PROPERTY

Under limited circumstances, some commercial use of Public Property is permitted and regulated by City Ordinance and Council Policy. These commercial uses include the following:

- A. Hawkers and Peddlers.** See Chapter 6 License, Article XIII, Hawkers and Peddlers, Section 6.1301-1306 and Hawkers and Peddlers Policy 2009-04.

Hawkers and Peddlers shall not encumber Public Property with carts, stand, nonmotorized vehicle or tables for the sale or display of food or goods without first obtaining a Hawkers and Peddlers permit pursuant to the ordinance and policy set forth above.

- B. Vendor Parking Space.** See Chapter 6 License, Article XIII, Hawkers and Peddlers, Section 6.1307.

- C. Outdoor Dining.** See Chapter 6, License, Article XVII, Outdoor Dining Encumbrance Permit, Sections 6.1701-1707.

- D. Taxis.** See Chapter 7, Vehicles, Traffic and Parking, Article II, Taxis, Section 7.201-217.

Section 6.107: SPECIAL EVENT PERMITS

The City has a strong commitment to foster support for local nonprofits and the arts and culture community through granting special event permits that allow these organizations to host diverse events on Public Property because they add vitality and support the economy of our community. Because these events take place on Public Property, they require significant municipal service support, that may include but not be limited to: Police details; inspections from Fire and Building Inspections Departments; street closure,

barriers and logistical support from the Department of Public Works; food vending review by the Health Department; and review of alcohol service, if applicable, by the City's Liquor Review Committee, which is a prerequisite for the issuance of a liquor license from the New Hampshire Liquor Commission. Use of municipal services for Special Event Permits requires timely application and payment of associated fees for other permits that may be required for the event, that include but are not limited to:

- A. Temporary Event Food Permit** (Health Department)
- B. Building Permit for Tents** (Inspections Department)
- C. Temporary Permit to Operate a Place of Assembly** (Fire Department)
- D. Liquor Review Committee Approval**
- E. New Hampshire Liquor Commission Liquor License**

City Council approval is required for the initial application for a Special Event Permit and the Council grants the City Manager authority to act on the application. The other permits associated with special events shall be issued by the appropriate City Departments.

Section 6.108: REQUIRED AND PROHIBITED CONDUCT OF APPLICANT

Every Applicant that is issued an encumbrance permit or license shall:

- A.** Agree to permit the City to conduct all reasonable inspections of the encumbrance area;
- B.** Comply with all applicable governing laws, codes, City ordinances, State statutes, and City rules, regulations and policies;
- C.** Maintain the encumbrance area in a safe, clean and appropriate manner and take all action necessary to protect public safety;
- D.** Refrain from damaging the encumbrance area and restore it to its original condition upon termination of the permit or license except as may be otherwise approved;
- E.** Refrain from occupying the encumbrance area after the expiration of the permit or license or at any time during periods of revocation or suspension;
- F.** Remove all structures, fixtures, object, equipment or other encroachments ("Encumbrances") from the encumbrance area after the term of the permit or license has expired. If not removed, the City may remove and store all Encumbrances and assess a \$250 removal and storage fee. If the fee is not paid, or the Encumbrances are not retrieved, ownership of the Encumbrances may be forfeited to the City; and

- G.** Comply with all terms, conditions and other additional requirements set forth in the encumbrance permit or license, when applicable, agree to indemnify the City, to name the City as an additional insured in the amount prescribed and to pay all permit and license fees and fees for extensions.

Section 6.109: DENIAL, SUSPENSION, REVOCATION AND PENALTIES

A. Denial and Temporary Suspension:

The City may deny or temporarily suspend any encumbrance permit or license if it interferes with special events or for any maintenance or construction which requires closure or encumbrance of any public road, right-of-way, sidewalk, parking space, loading zone or other Public Property.

B. Suspension and Revocation:

Encumbrance permits and licenses will be suspended or revoked for breach of the terms and conditions of the permit or license and for failure to comply with this Chapter. The encumbrance permit or license will be suspended 48 hours after receipt of written notice from the City. No 48 hours' notice is required if it is an emergency.

C. Penalties

Any person who violates this ordinance or the terms and conditions of the encumbrance permit or license issued pursuant to this Chapter, including those who fail to obtain permits and licenses, shall be subject to all penalties set forth in City Ordinance, Chapter 1, Article XIII and all other additional remedies permitted by law.

Section 6.110: APPEALS TO CITY COUNCIL

Any applicant denied a permit or license through the administrative review process may appeal to the City Council for a de novo review within 30 days of the denial. Such appeals shall be submitted to the City Clerk and shall state the date of the denial of the permit or license being appealed and a brief description of the basis for appeal. The City Clerk will docket the appeal and will put all timely filed appeals on the next available City Council Agenda.

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

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 6, LICENSES, Article X, THEATRICALS, PARADES, OPEN AIR MEETINGS, Section 6.1001 – License Required, Section 6.1002 – License Form, Section 6.1003 – Fee, Section 6.1004 – Penalty for Failure to License of the Ordinances of the City of Portsmouth be deleted in its entirety and be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~CHAPTER 6, ARTICLE X: THEATRICALS, PARADES, OPEN AIR MEETINGS~~

~~Section 6.1001: LICENSE REQUIRED No theatrical or dramatic presentation shall be performed or exhibited and no parade or procession upon any public street or way and no open air public meeting upon any ground abutting thereon shall be permitted unless a license therefor shall first be obtained from the City License Officer and endorsed by the Chief of Police.~~

~~Section 6.1002: LICENSE FORM Every such license shall be in writing and shall specify the day and hour of the permit to perform or exhibit such parade, procession or open air public meeting.~~

~~Section 6.1003: FEE Fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).~~

~~Section 6.1004: PENALTY FOR FAILURE TO LICENSE Any person who violates Section 6.1001 of this Ordinance shall be fined not exceeding \$100.00.~~

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

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC AND PARKING, Article I, PARKING METERS, Section 7.114 – **CONSTRUCTION PERMIT** of the Ordinances of the City of Portsmouth be deleted in its entirety and amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~Section 7.114: CONSTRUCTION PERMIT~~

~~The Department of Public Works may issue to a contractor or person actually engaged in construction and repair work, a temporary permit for exclusive use of a metered parking space for the parking of a vehicle or other equipment being used in construction or repair work. The issuance of such temporary permits shall be in accordance with the following terms and conditions:~~

- ~~A. The permittee shall be issued a “meter bag” for a fee to be determined in accordance with Chapter 1, Article XVI or similar wording~~
- ~~B. The permittee shall also pay a non-refundable fee to reimburse the City for the cost of the meter bag.~~
- ~~C. In the event that the permittee secures the use of the meter bag through misrepresentation, the permittee shall be subject to a fine of fifty dollars (\$50.00).~~
- ~~D. Any person using a meter bag other than at the times or in the manner specifically authorized by the Department of Public Works shall be subject to a fine of one hundred dollars (\$100.00) per day, per meter bag, of such unauthorized use.~~

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

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 8 INCUMBRANCES AND INJURIOUS PRACTICES IN STREETS, Article I: INCUMBRANCES, Sections 8.101: INCUMBRANCES, GENERAL, Section 8.105: **DIGGING UP A STREET**, Section 8.106: **LICENSE TO OBSTRUCT STREET**, Section 8.114 **AWNING AND SIGNS**, Section 8.120 **DISPLAYING MERCHANDISE ON SIDEWALK** of the Ordinances of the City of Portsmouth be deleted in its entirety and amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~Section 8.101: INCUMBRANCES, GENERAL~~

~~No person shall, without necessity, or license from the City Council, place or leave or cause to be placed or left, any team, carriage, cart, dray, automobile, truck or other like vehicle or thing in any street, lane, alley or public place that shall in any way encumber or impede the free passage thereon or therein.~~

~~Section 8.105: DIGGING UP A STREET~~

~~No person shall break or dig up the ground or stones in any street, lane or alley or any sidewalk or common in the City, or erect any staging for building, or place or deposit any stone, bricks, timber, or other materials thereon, or remove any building through any street or other public place without first having obtained a written license from the City Council, and complying in all respects with the conditions of said license.~~

~~Section 8.106: LICENSE TO OBSTRUCT STREET~~

~~The City Council may grant a license in writing to any person for the purpose of building or removing any building or for any other lawful purpose, to dig up, obstruct, or encumber so much and such parts of any street, lane, alley, sidewalk, or other public place in the City, as may be necessary for such purpose, and on such terms and conditions as they shall deem safe and proper.~~

~~A. Fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).~~

~~Section 8.114: AWNING AND SIGNS~~

~~No person shall place or establish any sign, awning or shade before his usual place of business or dwelling house, over any part of any street or sidewalk, unless the same be safety fixed and supported so as in no way to inconvenience pedestrians, and so that~~

~~the lowest part of such sign, awning or shade shall be at least 7 feet in height above the sidewalk.~~

~~**Section 8.120: DISPLAYING MERCHANDISE ON SIDEWALK**~~

~~No person shall sell, or expose for sale or place or cause to be placed in or over a space exceeding 24" (twenty-four inches) nearest the premises occupied by such person, on any sidewalk of any street, lane, or public place in this City, any article of any kind.~~

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

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 9 MISCELLANEOUS PUBLIC WELFARE, ARTICLE V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT & REGISTRATION, Sections 9.501 through 9.511 regarding public way obstructions of the Ordinances of the City of Portsmouth be deleted in its entirety and amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

~~ARTICLE V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT & REGISTRATION~~

~~Section 9.501: DEFINITIONS~~

~~As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:~~

- ~~A. "City": The City of Portsmouth.~~
- ~~B. "Newspaper or new periodical": a daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.~~
- ~~C. "Newsrack": Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.~~
- ~~D. "Public Way Obstruction": Any object which in any way obstructs the free passage of pedestrians, wheelchairs or vehicles on the streets, sidewalks or roadways.~~

~~Section 9.502: CERTAIN PUBLIC WAY OBSTRUCTIONS PROHIBITED~~

- ~~A. No person shall install, use, attach or maintain any public way obstruction which projects onto, into or over any part of the roadway of any public street.~~
- ~~B. No person shall install, use attach or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such public way obstruction unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.~~

~~Section 9.503: LICENSING OF LOCATION – NEWSRACK LIMITED EXCEPTION~~

~~A. No person shall install or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, except newsracks, without first applying for and being granted a license from the City Council. The license application shall include the following:~~

- ~~1. The physical dimensions of the public way obstruction.~~
- ~~2. The name, address and telephone number of the person or company responsible for the obstruction.~~
- ~~3. A diagram showing the location of the obstruction and the dimensions of the sidewalk upon which it is to be located.~~

~~Newsracks shall require the submission of license application, but the license shall be granted by the City Clerk on a ministerial basis without the requirement of City Council approval. Newsracks must comply with the remaining provisions of this ordinance.~~

~~Section 9.504: STANDARDS FOR INSTALLATION, MAINTENANCE & OPERATION~~

~~Any public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:~~

- ~~A. Public way obstructions must be licensed individually by location.~~
- ~~B. The City shall issue a proof of license in the form of a sticker or decal which must be attached to the obstruction at all times.~~
- ~~C. Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).~~
- ~~D. All licenses must be renewed annually prior to March 1st.~~
- ~~E. Unlicensed newsracks or public way obstructions will be considered abandoned and subject to removal without notice.~~
- ~~F. All licenses are non-transferable.~~

~~Section 9.506: HOLD HARMLESS AND INSURANCE~~

~~Every person or other entity which places or maintains a public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the City Clerk satisfactory to the City Attorney, whereby he/she, or it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City. A Certificate of Insurance in a form approved by the City Attorney indicating no less than one million dollars (\$1,000,000) in general liability insurance coverage and naming the City as an~~

~~additional insured shall be maintained on file with the City Clerk by each such person or entity.~~

~~Section 9.507: REMOVAL OF NEWSRACK OR PUBLIC WAY OBSTRUCTION~~

~~The City Manager or his/her designee shall remove any public way obstruction placed on any street, sidewalk, parkway or roadway in violation of this ordinance.~~

~~Section 9.508: SEVERABILITY~~

~~The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.~~

~~Section 9.509: INJUNCTION~~

~~Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City Attorney may apply to a Court of competent jurisdiction of an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.~~

~~Section 9.510: DAMAGE TO PUBLIC WAY OBSTRUCTIONS~~

~~Any damage to public way obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, will be at the sole expense of the owner.~~

~~Section 9.511: PENALTY~~

~~Any person, firm or corporation violating any provision of this ordinance shall be fined \$100.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

~~(Adopted Ordinance by deleting in it's entirety and replaced with new text 12/4/2000)~~

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:

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 11 SIDEWALKS, SEWERS, LAYOUT OF STREETS, SUBDIVISION OF LAND, ARTICLE VI: REFERRALS TO PLANNING BOARD, Section 11.602 A 1, **REFERRAL AND REPORT** of the Ordinances of the City of Portsmouth be amended to delete the word license as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**, remaining language unchanged from existing):

Section 11.602: REFERRAL AND REPORT

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
 - (1) Any acquisition or disposition of municipal real property, including fee transfers, ~~and~~ easements ~~and licenses~~;
 - (2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.
- B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.
- C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@portsmouthnh.gov
(603) 610-7201

Date: December 4, 2025

To: Honorable Mayor McEachern and City Council Members

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

Re: City Manager's Comments on City Council Agenda of December 8, 2025

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

A. Continued Public Hearing – Capital Improvement Plan (CIP)/Adoption of CIP:

At its Thursday, November 20, 2025 meeting, the Planning Board voted to recommend the Capital Improvement Plan (CIP) FY 2027-2032 to the City Council for adoption as amended by its members at that meeting.

Voted unanimously by the Planning Board, the sole amendment made to the CIP was to project "BI-26-PW-54: New Parking Garage." Under this amendment, the Planning Board voted to add \$3,000,000 in Bonding to Fiscal Year 2027 of the CIP. This long-term borrowing would be recognized in the Debt Schedule of the Parking Fund. As a result, it would not affect the General Fund Debt Schedule or the 10% policy on Net Debt Service vs. General Fund Appropriations, nor would it impact the City's FY2027 Non-Operating Budget.

The Finance Department has provided [an amended element sheet for project "BI-26-PW-54: New Parking Garage"](#) to reflect the changes recommended by the Planning Board.

I recommend that the City Council move to adopt the Capital Improvement Plan FY 2027-2032 as amended.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 1 – Administrative Code, Article IV – Commissions and Authorities, Section 1.414 – Establishing a Permanent Energy Advisory Committee:

Attached please find a proposed ordinance amending Chapter 1 – Administrative Code, Article IV – Commissions and Authorities, Section 1.414 – Establishing a Permanent Energy Advisory Committee.

I recommend that the City Council move to schedule a third and final reading of the proposed ordinance amendment at the December 22, 2025 City Council meeting.

- C. **Third and Final Reading of Ordinance amending Chapter 6 – Licenses, Article I – General Provisions, by amending the title of Chapter 6 to Licenses and Encumbrances and replacing Article I in its entirety, with Article I - Encumbrance Permits and Licenses for Use of Public Property, Sections 6.101 – 6.110:**

Attached please find the proposed ordinance amendment to Chapter 6, Article I, Sections 6.101 through 6.110. This amendment for Council's consideration for third and final reading this evening includes the Council's amendment to Chapter 6, Article I, Section 6.103A regarding projecting signs made at second reading on November 17, 2025.

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

- D. **Third and Final Reading of Ordinance amending Chapter 6 - Licenses, Article X – Theatricals, Parades, Open Air Meetings, Section 6.1001 – License Required, Section 6.1002 – License Form, Section 6.1003 – Fee, Section 6.1004 – Penalty for Failure to License be deleted in its entirety:**

This amendment deletes these sections because the subjects they address have been incorporated into the amendment to Chapter 6, Article 1, Sections 6.101 through 6.110.

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

- E. **Third and Final Reading of Ordinance amending Chapter 7 – Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.114 – Construction Permit be deleted in its entirety:**

This amendment deletes this section because the subject it addresses has been incorporated into the amendment to Chapter 6, Article 1, Sections 6.101 through 6.110.

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

- F. **Third and Final Reading of Ordinance amending Chapter 8 – Encumbrances and Injurious Practices in Streets, Article I - Encumbrances, Section 8.101 – Encumbrances, General, Section 8.105 – Digging up a Street, Section 8.106 – License to Obstruct Street, Section 8.114 – Awning and Signs, Section 8.120 – Displaying Merchandise on Sidewalk be deleted in its entirety:**

This amendment deletes these sections because the subjects they address have been incorporated into the amendment to Chapter 6, Article 1, Sections 6.101 through 6.110.

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

G. **Third and Final Reading of Ordinance amending Chapter 9, Miscellaneous Public Welfare, Article V – Public Way Obstructions, Placement & Registration, including Sections 9.501 – 9.511 regarding public way obstructions be deleted in its entirety:**

This amendment deletes these sections because the subjects they address have been incorporated into the amendment to Chapter 6, Article 1, Sections 6.101 through 6.110.

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

H. **Third and Final Reading of Ordinance amending Chapter 11, Sidewalks, Sewers, Layout of Streets, Subdivision of Land, Article VI – Referrals to Planning Board, Section 11.602 A 1, Referral and Report be amended to delete the word:**

This amendment deletes this section because it has not been the City's practice to refer licenses to the Planning Board.

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

XI. City Manager's Items Which Require Action:

1. **Rescission of City Council Policy 2009 – 03 Projecting Sign Policy:**

City Council Policy 2009 – 03 should be rescinded because the subjects it addresses have been incorporated into the amendment to Chapter 6, Article 1, Sections 6.101 through 6.110.

I recommend that the City Council rescind City Council Policy 2009-03.

2. **Rescission of City Council Policy 2010 – 01 Policy regarding Flags Projecting Over City Property:**

City Council Policy 2010 - 01 should be rescinded because the subjects it addresses have been incorporated into the amendment to Chapter 6, Article 1, Sections 6.101 through 6.110.

I recommend that the City Council rescind City Council Policy 2010-01.

3. **Request for a Water/Sewer Rate Model Study Work Session:**

I would like to request a work session regarding the Water/Sewer Rate Model Study on January 14th, along with the Budget Preview that same night.

I recommend that the City Council move to schedule a work session regarding the Water/Sewer Rate Model Study on January 14th at the previously scheduled time of 6:00 p.m.

4. **Parking Lot Usage and Maintenance Agreement with St. John's Masonic Lodge:**

St. John's Masonic Association, Inc. ("St. John's") owns a parking lot located at the corner of Miller Avenue and Middle Street at City Tax Map 136, Lot 19, commonly known as the St. John's Masonic Lodge Lot ("Lot"). St. John's has a Parking Lot Usage/Maintenance Agreement ("Agreement") with the City. The Council approved two (6) month extensions last year and the current extension expires on December 31, 2025.

During both extensions, the City and St. John's met several times to negotiate a long-term agreement for the City's use of the Lot. As the Council is aware, SLR Consulting has completed a Parking Utilization Study. In 2026, several new parking initiatives will be coming forward in response to the Study's recommendations. In order to give the City Council, St. John's and the City time to review and consider the new parking initiatives, the City and St. John's have agreed to enter into a one-year agreement under terms similar to the previous extensions, rather than a long-term agreement.

There has been an adjustment to the annual fee to \$40,000. As the Council is aware from its approval of the last extension, the City created fourteen (14) additional parking spaces in the Lot last year, of which 75 are reserved for the City and 14 for St. John's. St. John's also has the exclusive use of the Lot for St. John's events that occur several times during the year. Also, St. John's has use of thirty-one (31) spaces during regular meetings with its members on Monday and Wednesday evenings. The City will erect appropriate signage in the Lot to reflect the hours and location of the parking spaces reserved for both St. John's and the City.

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

5. **Friends of Lafayette House PILOT:**

[Attached please find a Memorandum from Assessor Rosann Maurice-Lentz](#) recommending the City Manager be authorized to enter a Payment in Lieu of Taxes (PILOT) agreement with Friends of Lafayette House in the amount of \$3,500 for FY 2026. The form of [the agreement](#) has been approved by the City Attorney.

I recommend that the City Manager be authorized to enter into a PILOT agreement with Friends of Lafayette House in the amount of \$3,500 for FY 2026.

XVI. Approval of Grants/Donations:

A. **Approval of Homeland Security Grant Award to purchase ballistic helmets for the Seacoast Emergency Response Team - \$27,383:**

At the November 24, 2025 Special Police Commission meeting, [the Board of Police Commissioners approved and accepted a Homeland Security grant award of \\$27,383 to purchase ballistic helmets for the Seacoast Emergency Response Team \(SERT\).](#)

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

B. Approval of Grant Agreement between the Granite United Way and the City of Portsmouth for the Opioid Abatement Community Grant - \$11,388:

Attached please find a [Grant Agreement between the Granite United Way and the City of Portsmouth for the Opioid Abatement Community Grant Award](#) in the amount of \$11,388. This grant will aid in funding workplace overdose response kits and grant writing certifications for City staff to assist with regional partners for harm reduction.

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

C. Approval of Moose License Plate Conservation Grant - \$9,929.95:

The Finance Department is pleased to announce that the City of Portsmouth has been awarded one of the FY2025/2026 Moose License Plate Conservation Grants from the New Hampshire State Library in the amount of \$9,929.95 for the conservation project Preservation, Microfilming and Digitalization of three Portsmouth taxation documents dated 1909-1912. These monies will help preserve legally required and historically significant documents held by the Finance Department that initially were intended to be financed through the City's Capital Improvement Program.

The New Hampshire State Library's (NHSL) FY2025/2026 Conservation License Plate Grant Program is designed to help municipalities, as well as other public organizations, preserve their historic documents. The NHSL Grant awards up to \$10,000 to applicants to conserve publicly owned documents. The program aims to aid in the preservation of New Hampshire's historic manuscripts and increase their availability to the public.

The Grant requires that these documents not only be professionally preserved but also scanned to preservation microfilm and digitized. This is the ninth Moose License Plate Conservation Grant that the City has been awarded, for a total of \$84,403.25.

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

XVII. City Manager's Informational Items:

1. Report Back on Green Burials:

As background, the City of Portsmouth does not currently own or manage any cemeteries with active burials. The City-owned and managed cemeteries are all historic in nature with no new internments available. The City is currently investigating possible locations for a new cemetery or other local options for the burial of Portsmouth residents.

Active burials currently take place at the following private locations:

- Harmony Grove Cemetery (one in the collection of small cemeteries at the corner of South Street and Sagamore Avenue, historically managed by the Griffin family);

- Calvary Cemetery along Route 33, operated by the Catholic Church which provides internment not only for Catholics but also for others who are in accord with their burial practices and monumentation standards; and
- The Jewish Cemetery on Banfield Road.

Green burials is a broad term encompassing a variety of means of internment; there are no local laws that prohibit green burials or prescribe a particular type of burial method. Staff recently met with John and Skye Maher as well as Lee Webster from the NH Funeral Resources and Education. They provided us with relevant information related to natural burial options, shared their efforts to develop a strategy for municipalities to use and protect private land for this purpose, and discussed efforts to organize a focus group in the Seacoast area for 2026.

Health Director Kim McNamara spoke with the NH Division of Vital Records Administration (NHDVRA) for general information regarding green burials, as they monitor burials and cemeteries. Green burial means different things to different people, so it seems it would be important to understand the range of burials that would be accepted into a green burial cemetery space. Caskets are buried at various depths, often depending on the presence of ledges and water tables. Typically though, bodies are in sturdy, possibly non-biodegradable materials, and surrounded by a concrete vault. These materials provide a more substantial barrier to the environment. The intent of a green burial ranges from doing no harm to the environment in the way of embalming and other chemicals, to fully returning to nature.

Some green burials have a step of decomposition (essentially composting) prior to burial, in which the compost is buried, or used to plant flowers/trees. This is often done off site. The burial itself may be in a biodegradable wooden casket with no vault, or a body simply wrapped in a shroud without any casket, which is common in Muslim and Native American cultures. If the grave is dug to 3.5' then a casket is placed in it, and soil placed on top, that would be a shallow burial, but that does not necessarily mean the grave will be disturbed. Regardless of burial type per se, NHDVRA does want to ensure clear and accurate records of the burial locations, as part of standard community cemetery practices. This could include stone markers, a dedicated, fenced off area where bodies are laid, or composted, indicating it is a burial site without headstones.

Below is a graphic comparing a green burial to a conventional burial:



As the [NH Funeral Resources & Education](#) is involved in the local discussion, this organization will be able to share standard green cemetery practices. The important thing to note is that the party responsible for the cemetery has the right to specify rules they want followed in the operation of cemeteries. Any concerns about depth, definitions of what a green burial cemetery will allow, etc., can be built into the parameters of operation.

2. **Report Back on Resident Access Parking Program:**

[Attached please find a report back on the Resident Access Parking Program \(RAPP\) Pilot.](#)

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

I will provide a verbal update on the November 18th Pease Development Authority Board Meeting.

4. **Update on Tax Bill Status:**

I will provide a verbal update on the status of Tax Year 2025 bills.



~~CITY OF PORTSMOUTH~~

~~CITY COUNCIL POLICY No. 2009-03~~ ~~Projecting Sign Policy~~

~~**WHEREAS**, the City of Portsmouth has an interest in regulating all use of City property at, above and below ground level; and~~

~~**WHEREAS**, it is common for individuals in the City to erect projecting signs over streets and sidewalks of the City; and~~

~~**WHEREAS**, the City Council desires to adopt a policy which both protects the municipal interest in the air space above its property and provides persons who wish to erect projecting signs in that air space a process by which municipal approval for those signs may be secured expeditiously;~~

~~**NOW THEN**, the Council of the City of Portsmouth hereby adopts the following projecting sign policy.~~

- ~~1. Requests for the construction of signs over City property shall be submitted in the first instance to the Planning Director;~~
- ~~2. The Planning Director shall then report its recommendation with respect to the sign to the City Council for approval or denial;~~
- ~~3. Upon approval of the City Council a revocable license in the form approved by the City's Legal Department may be issued including, but not limited to, the following terms and conditions:~~
 - ~~a. All costs related to the construction and/or removal of the sign shall be borne by the applicant.~~
 - ~~b. The License shall be for an indefinite term.~~

~~This policy shall take effect upon the passage of the City Council.~~

~~Adopted by the Portsmouth City Council on: **May 4, 2009.**~~
~~Ratified by the Portsmouth City Council on January 19, 2010.~~
~~Amended by the Portsmouth City Council on March 21, 2011.~~
~~Ratified by the Portsmouth City Council on January 17, 2012.~~
~~Ratified by the Portsmouth City Council on January 13, 2014.~~
~~Ratified by the Portsmouth City Council on January 11, 2016.~~
~~Ratified by the Portsmouth City Council on January 16, 2018.~~
~~Ratified by the Portsmouth City Council on January 8, 2020.~~
~~Ratified by the Portsmouth City Council on January 24, 2022.~~
~~Ratified by the Portsmouth City Council on January 16, 2024.~~



~~CITY OF PORTSMOUTH~~

~~CITY COUNCIL POLICY No. 2010-01~~

~~POLICY REGARDING FLAGS PROJECTING OVER CITY PROPERTY~~¹

~~WHEREAS~~, the City Council recognizes that there are safety and aesthetic concerns attendant to the placement of flags over the City's rights-of-way; and

~~WHEREAS~~, the City Council recognizes that there is an inherent inter-relationship between such flags and sandwich board signs placed on sidewalks in front of City businesses as well as projecting signs placed over municipal sidewalks by City businesses; and

~~WHEREAS~~, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into municipal airspace over streets and sidewalks; and

~~WHEREAS~~, the City Council desires to balance the signage needs of City businesses with aesthetics and the safety and convenience of the public at large.

~~NOW THEREFORE~~, the City Council adopts the following policy:

- A. ~~Neither a sandwich board sign nor a flag which is allowed by the City to project over a City sidewalk or right-of-way should be deemed to be a sign for zoning purposes. (This element of the policy should ultimately be formalized in an amendment to the Zoning Ordinance.)~~
- B. ~~A business should be allowed the option of either a flag projecting from the building in which the business is located over a City sidewalk or a sandwich board sign placed in front of the business on the City sidewalk, but not both.~~
- C. ~~Flags should not exceed 12 square feet in area, and should maintain at least 7 feet of clearance above the sidewalk at all times.~~
- D. ~~Sandwich board signs should not exceed 8 square feet in area on each side.~~
- E. ~~Sandwich board signs (as well as other sidewalk obstructions) should only be allowed where a continuous path of travel at least four (4) feet wide can be maintained.~~

- ~~F. The City Manager is requested to adopt procedures to streamline the approval process as much as possible consistent with prudent management in order to reduce waiting times for approvals of projecting signs, flags and sandwich board signs.~~
- ~~G. Permanent signs projecting over City rights-of-way should be authorized only through a revocable license determined by the City Council with prior administrative review by City staff.~~
- ~~H. Flags and sandwich board signs should be authorized through an annual permit process, including fees appropriate to represent the administrative cost of reviewing applications and issuing permits.~~
- ~~I. The City Council hereby delegates the authority to issue an initial license for a flag or sandwich board sign to the City Manager or his designee. Under the delegated authority, City officials should apply the above standards approved by the City Council to the initial license application for a flag or sandwich board sign and send copies of applications and licenses to the City Council. Thereafter, licenses should be presented to the City Council in an omnibus package for annual renewal.~~
- ~~J. No flag, sandwich board sign or projecting sign should be allowed by the City except in conformance with the foregoing.~~

~~⁴ The Legislative intent was to exempt "Branded Areas" i.e., Deer Street and State Street~~

~~This policy shall take effect upon the passage by the City Council.~~

~~Adopted by the Portsmouth City Council on **February 1, 2010**.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.
Ratified by the Portsmouth City Council on January 16, 2018.
Ratified by the Portsmouth City Council on January 8, 2020.
Ratified by the Portsmouth City Council on January 24, 2022.
Ratified by the Portsmouth City Council on January 16, 2024.~~

~~Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk~~

PARKING LOT USAGE/MAINTENANCE AGREEMENT

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

1. Term:

This Agreement shall commence in effect on January 1, 2026, and continue in effect until December 31, 2026.

2. License Area:

The City added fourteen (14) parking spaces to the Lot, which brings the number of parking spaces in the Lot to eighty-nine (89). The fourteen (14) parking spaces in the Lot along Miller Avenue will be reserved for the exclusive use of St. John's. The remaining seventy-five (75) spaces will be available at the direction of the City for the purpose of allowing members of the public to park or for other parking uses and programs as determined by the City, except for twenty (20) of the twenty-two (22) parking spaces that abut property owned by the Portsmouth Housing Authority and eleven (11) parking spaces to the right of the entrance. These thirty-one (31) spaces shall be reserved for the exclusive use of St. John's every Monday and Wednesday evening from 5:00 p.m. until 2:00 a.m. the following morning. At all other times, all of the twenty-two (22) parking spaces that abut the Portsmouth Housing Authority and the eleven (11) parking spaces to the right of the entrance will be available to the City.

3. City's Hours of Use Excluding St. John's Events:

The City's use of the parking spaces not reserved for St. John's under this Agreement shall be limited to 20 hours a day (from 6:00 a.m. through 1:59 a.m. the following morning, Monday through Sunday (hours exclude 2:00 a.m. through 5:59 a.m. each day). These hours do not apply when the Lot is used for snow-related use as more fully described below. Except, however, that by prior written notice, delivered to the City Manager not less than seventy-two (72) hours in advance, St. John's may have use of all the parking spaces in the Lot for specific events up to fifteen (15) times per calendar year. Such use of the spaces by St. John's beyond fifteen (15) times a year shall be at the discretion of the City.

4. Snow Emergencies:

St. John's agrees to permit the City to include parking spaces in the Lot as inventory for snow removal operations during declared Snow Emergencies, as

advertised in the City's website and other related communications. St. John's further agrees that overnight use of the Parking Spaces in the Lot is permitted during declared Snow Emergencies. St. John's reserved parking spaces will not be used for snow removal parking inventory.

5. Parking Enforcement:

The City shall have the authority to provide regular and consistent enforcement of its rules and regulations governing the use of the parking spaces during the times stated in this Agreement.

6. Signage:

The City shall post and maintain appropriate signage, in a manner to be approved by St. John's, to inform members of the public of the terms and conditions under which the City may use the parking spaces in the Lot and to specifically identify the parking spaces reserved for St. John's. The City shall also provide temporary signage for Lot closure for St. John's events described in paragraph 3.

7. Parking Lot Maintenance:

The City shall remove litter, plow snow, apply salt and sand, and remove snow as necessary from the Lot in accordance with its normal practices for City parking lots. In April, the City shall sweep the Lot and remove all accumulated sand and debris resulting from winter maintenance activity. Except as described in this Agreement, all other the use of the Lot shall be under the control of St. John's.

8. Indemnification:

The City agrees to indemnify and hold harmless St. John's with respect to claims caused solely by the City's negligence, and which are within the scope of the City's liability insurance, to the extent and under the terms and conditions under which the City itself is entitled to indemnification from the New Hampshire Public Risk Management Exchange, under the terms of its member agreement as it may be in effect from time to time.

9. Compensation:

In exchange for the foregoing, the City shall pay to St. John's total compensation of \$40,000.00, which shall be paid in two installments. The first installment of \$20,000 will be paid on or before January 10, 2026 and the second installment shall be paid on or before May 20, 2026. The fee will be prorated if this Agreement is terminated prior to the expiration of its term as set forth below.

10. Termination:

This Agreement may be terminated with cause by either party in the event that either party fails to maintain its obligations under this Agreement, after been given written notice of such failure and a thirty (30) day period to cure it. This Agreement may be terminated without cause by either party with forty-five (45) days written notice to the other party.

For the City of Portsmouth

Karen S. Conard, City Manager

Dated: _____

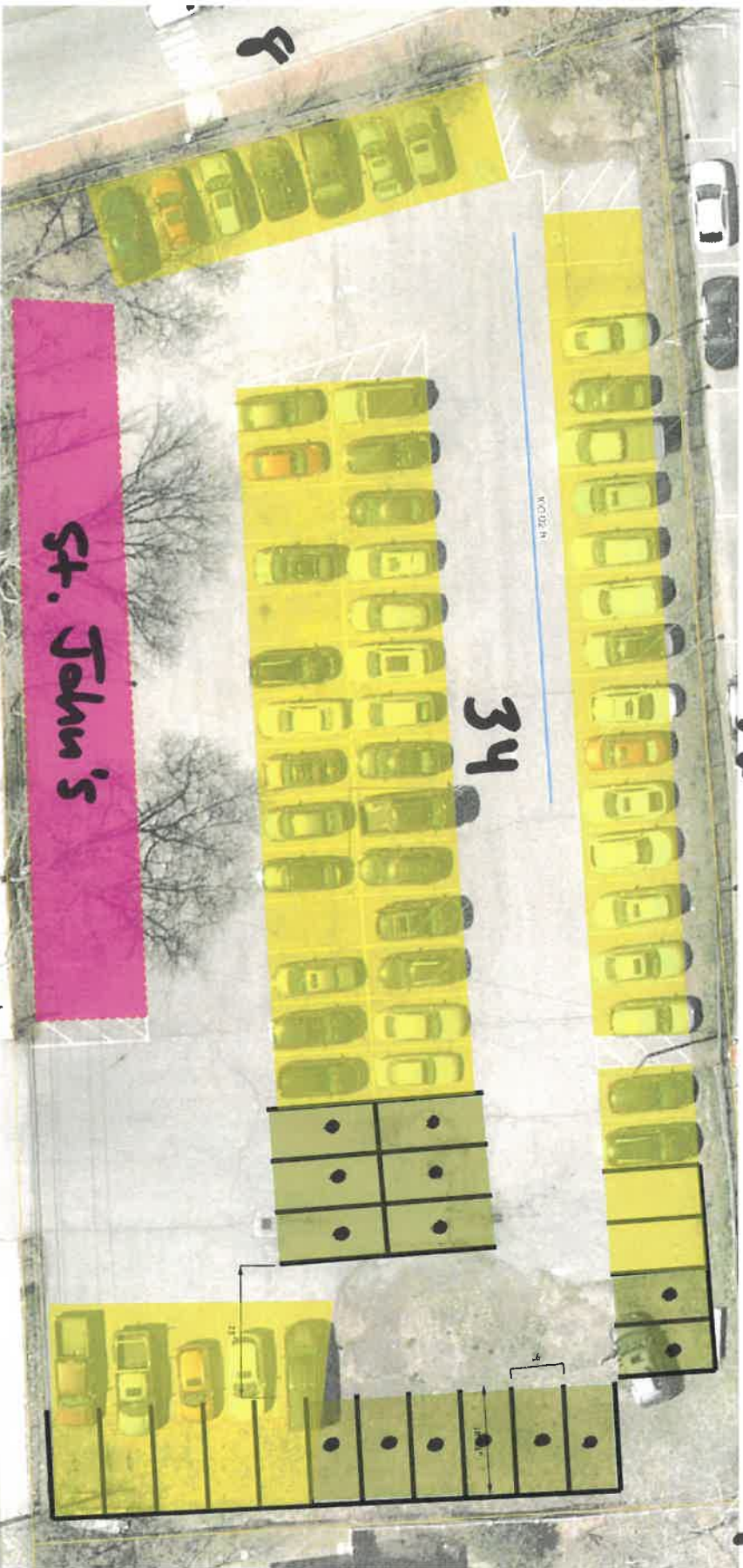
Pursuant to vote of the City Council
on _____.

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

Alan Ammann, Vice President

Dated: _____

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



• = 14 new spaces

11

22

34

St. John's

14

TOTAL 89

**City of Portsmouth
Assessor Office**

To: Karen Conard, City Manager
From: Rosann Maurice-Lentz, City Assessor
Cc: Susan Morrell, City Attorney
Date:
Re: Payment in Lieu of Tax Request – Friends of Lafayette House

The City Council has received a request from Rene Sullivan, Executive Director for Friends of Lafayette House asking for a payment in lieu of tax (PILOT) for Fiscal Year 2026. PILOT agreements between the city and otherwise exempt organizations are meant to help the municipality to defray the costs of municipal, non-utility, services.

Friends of Lafayette House is a group home facility for adults with developmental disabilities located at 413 Lafayette Road. The Assessor's Office has reviewed the Friends of Lafayette House charitable status and feels they meet the term "charitable" as set forth in RSA 72:23-l.

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

Friends of Lafayette House has requested a sum of \$3,500, in lieu of property taxes which is what they have negotiated with the City in the past, my recommendation would be to accept this agreement.

See attached agreement which has been reviewed by the City's legal department.

**PAYMENT IN LIEU OF PROPERTY TAX AGREEMENT BETWEEN
THE CITY OF PORTSMOUTH AND FRIENDS OF LAFAYETTE HOUSE**

This Agreement is made as of this _____ day of December, 2025, pursuant to NH RSA 72:23-k, by and between the Friends of Lafayette House, having a place of business at 413 Lafayette Road, Portsmouth, New Hampshire 03801, and the CITY OF PORTSMOUTH, a municipal corporation established under the laws of the State of New Hampshire (the “CITY”), having a place of business at 1 Junkins Ave., Portsmouth, New Hampshire 03801.

RECITALS

- A. FRIENDS OF LAFAYETTE HOUSE is a New Hampshire non-profit organization dedicated to supporting Lafayette House, a group home for the developmentally disabled, located at 413 Lafayette Road, Portsmouth, New Hampshire 03801 (the “Property”).
- B. Lafayette House is a group home for the developmentally disabled, with 12 residents, 13 bedrooms, 8 bathrooms, a kitchen, living room and dining room.
- C. Lafayette House is supported by FRIENDS OF LAFAYETTE HOUSE, a tax-exempt charitable non-profit under Section 501(c)(3) of the Internal Revenue Code. The income and profits of Friends of Lafayette House are used solely for community housing purposes.
- D. RSA 72:23-k defines the property to which the Charitable, Non-Profit Housing Project property tax exemption applies and is supplemented by N.H. Code of Administrative Rules Part Rev 423.
- E. The CITY recognizes that as presently constituted the LAFAYETTE HOUSE/the Property satisfies the requirements of these laws and is therefore entitled to a property tax exemption pursuant to RSA 72:23-k.

F. Pursuant to RSA 72:23-k, II, the FRIENDS OF LAFAYETTE HOUSE shall make a payment in lieu of taxes in the amount of \$3,500.

G. The CITY is willing to recognize and grant to THE FRIENDS OF LAFAYETTE HOUSE an exemption from taxation and accept a payment in lieu of taxes by THE FRIENDS OF LAFAYETTE HOUSE, as set forth in this Agreement based on the current ownership and current use of Property.

WHEREFORE, based upon the mutual covenants and promises contained herein, and for other good and valuable consideration which the parties acknowledge, THE FRIENDS OF LAFAYETTE HOUSE and the CITY agree as follows:

1. *Tax Exempt Status.* The CITY recognizes, agrees, and grants to THE FRIENDS OF LAFAYETTE HOUSE that the Property and all improvements located thereon, are currently exempt from taxation under the provisions of RSA 72:23-k based on the current ownership and current use of Property.
2. *Payment in Lieu of Taxes (PILOT).*
 - (a) Commencing on the execution of this agreement, THE FRIENDS OF LAFAYETTE HOUSE shall be obligated to pay the CITY, in lieu of taxes, \$3,500.
 - (b) The PILOT payment shall be payable no later than December 15, 2025.
 - (c) THE FRIENDS OF LAFAYETTE HOUSE shall provide the CITY annually, contemporaneously with payment of the PILOT, an accounting that indicates the detailed calculation of their annual profits and the payment in lieu of taxes.
 - (d) This agreement shall be effective from its date of commencement until and including payment due on December 15, 2025 as long as THE FRIENDS OF LAFAYETTE HOUSE remains exempt from payment of property taxes under RSA 72:23-k, I & II.

(e) Nothing in this Agreement shall prevent THE FRIENDS OF LAFAYETTE HOUSE from challenging the CITY's assessment of the real estate or the improvements in accordance with applicable law.

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

3. *Lease of Property by THE FRIENDS OF LAFAYETTE HOUSE to Nonexempt Person or Entity.* In the event that all or a portion of the Property is leased by THE FRIENDS OF LAFAYETTE HOUSE to a person or entity which is not exempt from taxation, such person or entity shall pay taxes on such portion determined by multiplying the tax derived from application of the full tax rate to the assessed value of the Property by a fraction, the numerator of which shall be total square footage of the building constructed on the property (including the tenant's portion of common areas, if any) leased to such person or entity, and the denominator of which shall be to the total square footage of the building constructed on the Property.
4. *Termination.* Either party may terminate or renegotiate this agreement after payment this year, prior to December 8, 2025. In the event the Property is sold or disposed of by THE FRIENDS OF LAFAYETTE HOUSE, then the terms and conditions of this Agreement shall terminate on the date of execution of such sale or disposition. In the event the Current Use of Property is altered and/or ceases, the CITY may terminate this Agreement at its discretion.
5. *Binding Effect.* This Agreement constitutes the binding agreement of the CITY and THE FRIENDS OF LAFAYETTE HOUSE, their respective successors and assigns. This Agreement cannot be modified except by an instrument in writing agreed to by the parties.

6. *Representation of Authority.*

(a) THE FRIENDS OF LAFAYETTE HOUSE represents and warrants that this Agreement is binding upon execution of this Agreement by its duly authorized member.

(b) The CITY represents and warrants that this Agreement is binding upon execution by the City Manager of the City after an authorizing vote of the Portsmouth City Council.

7. *Applicable Law.* This Agreement shall be construed and interpreted in accordance with the laws of the State of New Hampshire. The parties consent to the jurisdiction of the Rockingham County Superior Court to resolve any dispute hereunder.

8. *Entire Agreement.* This Agreement constitutes the entire agreement of the CITY and THE FRIENDS OF LAFAYETTE HOUSE regarding the tax-exempt status of THE FRIENDS OF LAFAYETTE HOUSE and payment in lieu of taxes regarding the property located at 413 Lafayette Road, Portsmouth, New Hampshire.

Authorization for the City Manager to enter into this Agreement was given by the City Council on December 8, 2025.

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

CITY OF PORTSMOUTH

Witness

By: _____
Karen S. Conard
City Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of December, 2025 by Karen S. Conard, City Manager for the City of Portsmouth, New Hampshire, on behalf of the City.

Notary Public
My Commission Expires

THE FRIENDS OF LAFAYETTE HOUSE

Witness

By: _____
Rene Sullivan
Duly Authorized

STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

The foregoing instrument was acknowledged before me this _____ day of December, 2025 by Rene Sullivan, Executive Director, on behalf of THE FRIENDS OF LAFAYETTE HOUSE.

Notary Public
My Commission Expires:

2026 Course Map



New Castle 10k Turn-By-Turn Direction and Timeline.

Mileage	Instruction	First Runner	Last Runner
0	START on Tabutt Memorial Way / Great Island Common	9:30 AM	9:33 AM
0.18	LEFT onto Wentworth Rd	9:30 AM	9:36 AM
2.08	RIGHT onto Sagamore Ave/ Rt 1A	9:40 AM	10:15 AM
3.15	RIGHT onto South St	9:45 AM	10:37 AM
3.57	RIGHT onto New Castle Ave	9:47 AM	10:45 AM
3.73	RIGHT to continue on New Castle Ave/ Rt 1B	9:48 AM	10:48 AM
4.28	Continue STRAIGHT onto Portsmouth Ave/ Rt 1B	9:51 AM	11:00 AM
5.16	Stay LEFT to continue onto Cranfield St/ Rt 1B	9:55 AM	11:18 AM
5.34	RIGHT to continue onto Main St/ Rt 1B	9:56 AM	11:21 AM
5.65	RIGHT onto Wentworth Rd/ Rt 1B	9:58 AM	11:28 AM
6.03	LEFT onto Tabutt Memorial Way / Great Island Common	10:00 AM	11:35 AM
6.2	FINISH	10:01 AM	11:39 AM



October 17, 2025

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

Dear Ms. Griffin,

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

I am writing this letter to ask the City Council consider approval of our 18th Annual race which we propose take place on Sunday, September 27th 2026. Registration for the race begins at 7.30 am and the race will commence at 9 AM from the Portsmouth Middle School, provided state guidelines allow. Thank you for your consideration, as well as the support you have provided for this event over the last 17 years.

In addition, I am requesting that we have an "as early as possible logistics meeting" - perhaps in Feb or March to review any changes we need to make to our event.

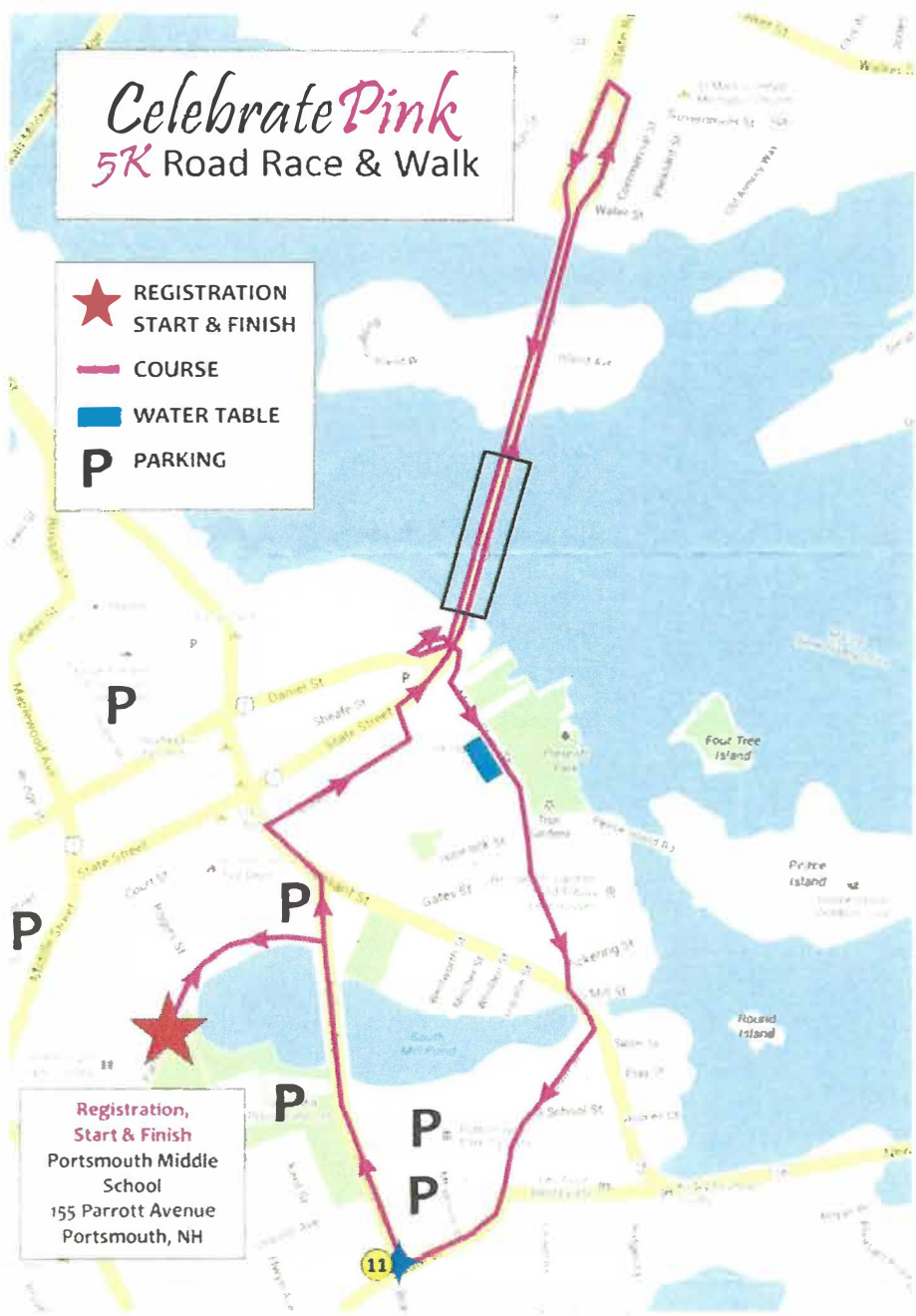
Our course map is attached.

Best Regards,

Jennie Halstead



Jennie Halstead
Executive Director, Survivor



City Council Emails – November 17, 2025 to December 3, 2025

Submitted on Fri, 11/21/2025 - 14:30

Submitted by: Anonymous

Submitted values are:

First Name

Kristen

Last Name

Crimmins

Email

kristencrimmins@gmail.com

Address

618 Dennett St
Portsmouth, New Hampshire. 03801

Message

Hello!

I would like to voice my support for the New Franklin School CIP, specifically phases 2 and 3. Having two children in the school and being very involved in the school as a volunteer and on the PTO, I have witnessed firsthand the inequity of space and shortage of space at NFS compared to the other elementary schools in town. I have witnessed children having intervention/support lessons in a doorway vestibule! It is a wonderful school community, but that should not be happening. The proposed renovations are long overdue and I would like the council to vote in support of the 3 phased plan so it becomes a reality.

Thank you!

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

Yes

Submitted on Wed, 12/03/2025 - 07:35

Submitted by: Anonymous

Submitted values are:

First Name

Lennie

Last Name

Mullaney

Email

lennie.mullaney@gmail.com

Address

579 Sagamore Ave unit 52
Portsmouth, New Hampshire. 03801

Message

I read in today's paper that Portsmouth is considering green burials. I am 100% committed to a green burial and support this idea. I have let my family know I am against embalment, as the chemicals, such as formaldehyde, are toxic to the environment. . Cremation pollutes the air (including release of mercury and particulates) and contributes to greenhouse gases. Green burials allow the body and casket to decompose naturally. Trappist monks bury their brothers wrapped only in a shroud and lay them into the earth. I have researched many sites. All are open fields that allow for a park like setting. Yet NH has very few. Why would I want to be buried hours away from where I live? Our bodies are but clay and should reunite with the earth after death. Green cemeteries have a GPS marker or some allow a flat footstone, no headstones, so they can be mowed or left as a natural field. I hope Portsmouth permits green burials and creates a memorial butterfly field for all to enjoy as open space.

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

Yes

Proposal to Commemorate the 250th Anniversary of Baron von Steuben's Arrival in Portsmouth, NH

Opening Statement

Portsmouth holds a unique place in the story of American independence. It was here, on December 1, 1777, that Baron Friedrich Wilhelm von Steuben first set foot on American soil—a moment that would profoundly shape the future of the Continental Army and the fight for liberty.

New Hampshire Sons of the American Revolution, in partnership with local historian Susan Polidura, the Descendants of Valley Forge, the NH250 Commission, the Portsmouth Historical Society and other state & national organizations, is in the early stages of organizing a commemoration of the 250th anniversary of Baron von Steuben's arrival in Portsmouth, New Hampshire, on December 1, 1777.

As we approach this milestone, we have an extraordinary opportunity to honor Portsmouth's role in the Revolution and celebrate the enduring legacy of one of America's most influential military leaders.

Background

On December 1, 1777, after a voyage of sixty-six days aboard *le Flamand*, Baron Friedrich Wilhelm von Steuben—a distinguished Prussian military officer—arrived in Portsmouth, New Hampshire. General John Langdon, commander of the local garrison, welcomed von Steuben and hosted him in his home. Just days later, on December 6, von Steuben wrote to the Continental Congress offering his services as a volunteer and expressing his desire to fight for the cause of liberty. He also sent a similar letter to General George Washington, indicating that he would remain in Boston awaiting a reply. Von Steuben remained in Portsmouth for about two weeks before departing for Boston.

Von Steuben's arrival in the colonies and his subsequent service to General Washington profoundly shaped the Continental Army and the fight for independence. His leadership and reforms transformed the army from an inexperienced militia into a disciplined, professional fighting force. His enduring legacy continues through his seminal work,

Regulations for the Order and Discipline of the Troops of the United States, commonly known as the “Blue Book.” This manual standardized military training and discipline, established the foundation of the modern non-commissioned officer corps, and introduced principles of organization and camp hygiene that remained in practice for more than a century. These contributions not only secured victory in the Revolution but also shaped the structure and traditions of the United States Army that endure to this day.

Purpose

To honor this historic event and its lasting impact on the United States, we propose the installation of a commemorative marker in Prescott Park. This marker will serve as a permanent reminder of Portsmouth’s role in the Revolution and von Steuben’s enduring legacy.

Significance

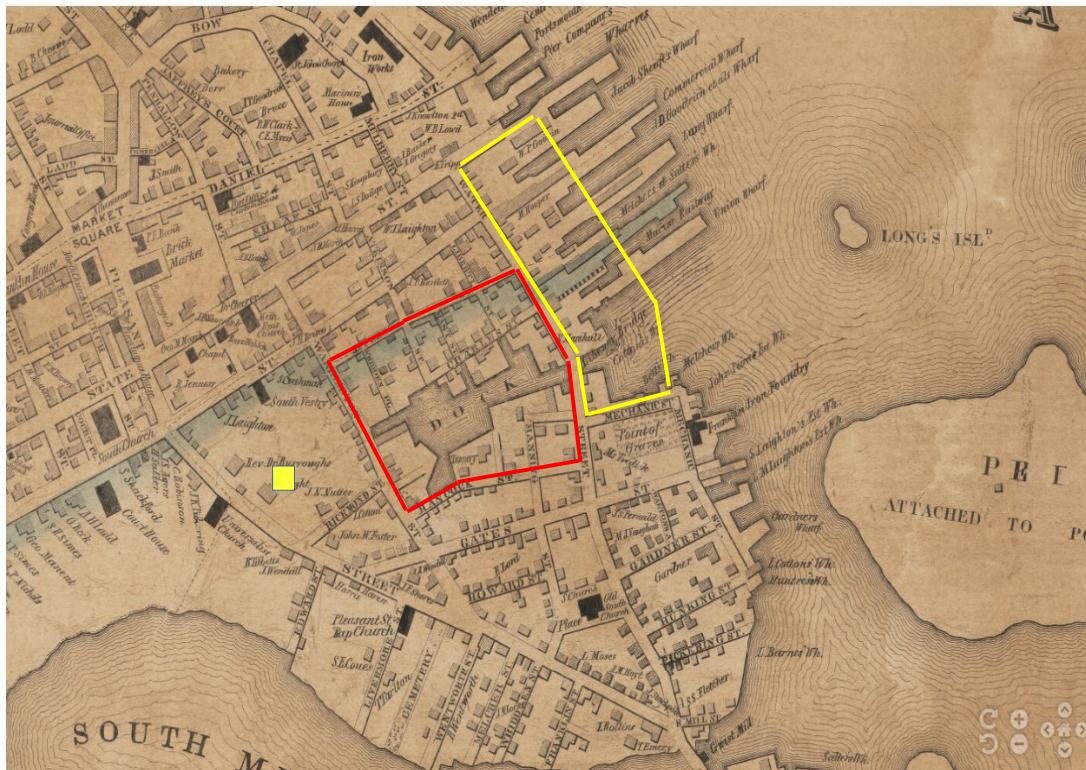
- **Historical Importance:** Von Steuben’s arrival in Portsmouth was the first step in his journey to Valley Forge, where his reforms changed the course of the war.
- **Educational Value:** The marker will provide residents and visitors with insight into Portsmouth’s Revolutionary War connections.
- **Community Engagement:** This initiative aligns with the city’s commitment to preserving history and fostering civic pride.

Proposed Location

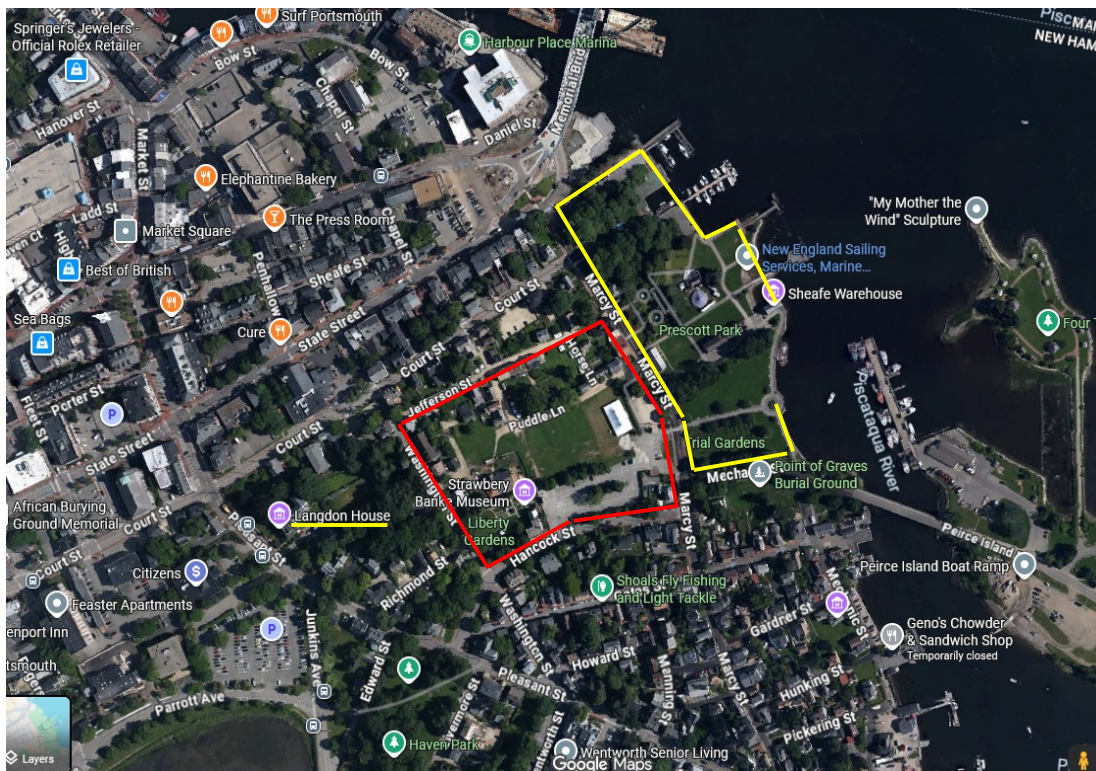
Prescott Park, a prominent and accessible public space along Portsmouth’s waterfront, offers an ideal setting for the commemorative marker. Historical evidence suggests that Baron von Steuben and General John Langdon likely came ashore at one of the original waterfront docks or the “Puddle Dock” area—locations that today fall within or adjacent to Prescott Park. This connection makes the park not only a scenic and highly visible site but also historically authentic, reinforcing its significance as the place where von Steuben first set foot on American soil.

(See maps next page for historic context)

Historic & Current Context Maps



Above: Historic Portsmouth waterfront – Dock and Puddle Dock Areas with Prescott Park (yellow), Strawberry Banke (red) and Landon House indicated. **Below:** Current Portsmouth waterfront.



Design Concept

We propose working in close collaboration with the Prescott Park Department to develop a design and select a location that harmonizes with the park's existing historical markers and informational plaques.

Mock-Up 1: Bronze Plaque on Granite Boulder



Features: Bronze plaque mounted on a granite boulder near the flagpole, with a granite bench for seating.

Mock-Up 2: New Hampshire Historic Marker Style



Features: Green historic marker sign consistent with New Hampshire's Historic Marker Program.

Mock-Up 3: Slanted Interpretive Panel



Features: Large, angled interpretive panel with full-color graphics and historical text consistent with Portsmouth's Historic Marker Project..

Estimated Timeline

- Approval to proceed with planning: December 2025
- Collaboration with Prescott Park/ DPW: January – March 2026
- Submission of comprehensive historic marker plan: April 2026
- Fabrication & Installation: TBD
- Dedication Ceremony: December 2027 (250th Anniversary)

Funding Sources

We anticipate support from the following sources:

- New Hampshire Sons of the American Revolution (NHSAR)
- Grant from George Washington Endowment Fund (NSSAR)
- Partnership organizations donations & sponsorship
- Community donations and sponsorship

While these sources are expected to contribute significantly, we do not anticipate that all necessary funding will come exclusively from these sources. Additional fundraising efforts and alternative funding opportunities may be required to fully achieve our goals.

Furthermore, we do not anticipate the need of any funding from the City of Portsmouth.

Partners



Next Steps

We respectfully request the City of Portsmouth's approval to collaborate with Prescott Park Division on the planning, design and placement of this commemorative marker. Upon completion of the this initial phase we will present a comprehensive historic marker plan to the City, including detailed design specification, cost estimates, funding campaign and a proposed dedication event plan for final approval.

November 14, 2025

Mayor McEachern,

I would like to formally resign from the Sustainability Committee. I simply can't make the commitment at this time.

Thank you for everything, and good luck!

Kind Regards,
Max Ward

Echo Hills

Portsmouth NH 03801

[LinkedIn](#) | maxwardart.com | [Instagram](#)

for commissions, email maxsonwardmedia@gmail.com

11/19/2025

Dear Mayor McEachern,

I'm writing to let you know that I am resigning from the Zoning Board of Adjustment. The December 2025 meeting will be my last. My schedule for the first half of 2026 will not allow me to commit to regular meetings.

The ZBA is not always an easy board, but I have enjoyed problem-solving with a group of good people.

I wish you well in your new term - And a happy Thanksgiving -

Sincerely,
Phyllis Elbridge



Receipt Date:

RECEIVED
NOV 10 2025
By _____

**City of Portsmouth, NH
Boards, Committees, and Commissions**

INITIAL APPLICATION

The application may be printed and hand-delivered, or electronically submitted to the Office of the City Clerk.

Initial Application

Committee: Zoning Board of Adjustment

Name: Robert P. Sullivan

Telephone: (603) 498-0714

If you do not receive the appointment you are requesting, would you be interested in serving on another board, committee or commission?

Yes X No _____

Have you contacted the Chair of the Board, Commission, or Committee to determine the time commitment involved? YES/NO

Can you be contacted at work? YES/NO If so, telephone number: _____

Street address: 280 Leslie Drive, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for communication from the Office of the City Clerk, and distribution of training materials):

RPSullivan.esq@yahoo.com

How long have you been a resident of Portsmouth? 40+ years

Occupational background:

City Attorney for 40+ years



City of Portsmouth, NH

Boards, Committees, and Commissions

INITIAL APPLICATION

The application may be printed and hand-delivered, or electronically submitted to the Office of the City Clerk.

Please list experience you have in respect to this Board, Committee, or Commission:

Please see attached.

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

Reasons for wishing to serve: I have extensive knowledge and expertise in local government.

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

Portsmouth Elks Lodge, Kittery Point Yacht Club and Sister Cities

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

1. John P. Bohenko, 500 FW Hartford Drive, Portsmouth, NH 03801 (603) 498-4180

Name, address, telephone number

2. Peter Loughlin, 336 Thaxter Road, Portsmouth, NH 03801 (603) 828-7871

Name, address, telephone number

By submitting this application you understand that:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission/Committee; 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. Your application will be kept on file for one year from date of receipt.
6. IF APPOINTED, YOU WILL BE REQUIRED TO REVIEW AND ACKNOWLEDGE THE BOARD, COMMISSION AND COMMITTEE HANDBOOK FOR VOLUNTEERS AND TO PARTICIPATE IN ALL TRAININGS.
7. Sign the Oath of Office book preserved with the Office of the City Clerk

Signature: _____

Date: 11/20/25

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

- I served as City Attorney for the City of Portsmouth for over 40 years.
- During that time, I directly advised the Zoning Board of Adjustment in all aspects of its work, including interpretation of the zoning ordinance, deliberations, and the drafting of decisions.
- I defended the Board's decisions in Superior Court and before the New Hampshire Supreme Court, giving me a deep understanding of how the Board's actions are viewed and upheld in judicial review.
- I participated in drafting and revising multiple versions of the City's Zoning Ordinance, giving me a unique understanding of its structure and underlying policy.
- My long professional experience has given me a detailed understanding of how zoning principles are applied in practice and how they affect residents and property owners.
- I have lived in Portsmouth for more than 40 years, which has given me a strong appreciation for the City's history, neighborhoods, and character.
- I hope to bring this experience and perspective to the Board's work in a new capacity as a volunteer member.

**Receipt Date:**

NOV 14 2025

**City of Portsmouth, NH
Boards, Committees, and Commissions****INITIAL APPLICATION**

The application may be printed and hand-delivered, or electronically submitted to the Office of the City Clerk.

Alternate

Initial ApplicationCommittee: ZONING BOARD OF ADJUSTMENTSName: MIKE LUCASTelephone: 612.501.0518

If you do not receive the appointment you are requesting, would you be interested in serving on another board, committee or commission?

Yes ☐ No ☒

Have you contacted the Chair of the Board, Commission, or Committee to determine the time commitment involved? ☒ YES ☐ NO

Can you be contacted at work? ☒ YES ☐ NO If so, telephone number: 612.501.0518

Street address: 45 COFFINS CT, PORTSMOUTH NH 03801

Mailing address (if different): _____

Email address (for communication from the Office of the City Clerk, and distribution of training materials):

mikellucas@yahoo.comHow long have you been a resident of Portsmouth? 3.5 years

Occupational background:

RETAIL EXECUTIVE - EXPERIENCE MANAGING AND LEADING
TEAMS - MULTI-BILLION DOLLAR P&L RESPONSIBILITY -
WORKED IN HIGHLY REGULATED INDUSTRIES SUCH AS
HEALTHCARE, PETS, AND ALCOHOL.



City of Portsmouth, NH

Boards, Committees, and Commissions

INITIAL APPLICATION

The application may be printed and hand-delivered, or electronically submitted to the Office of the City Clerk.

Please list experience you have in respect to this Board, Committee, or Commission:

CURRENT PROPERTY OWNER AND LANDLORD. PREVIOUSLY LICENSED GENERAL CONTRACTOR (STATE OF MN). LED COMMERCIAL REAL ESTATE DEVELOPMENT FOR A NATIONAL PET SERVICES COMPANY.

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

Reasons for wishing to serve: I WOULD LIKE TO SERVE OUT OF A DESIRE TO SHAPE OUR COMMUNITY'S FUTURE. AS A PROPERTY OWNER AND INVESTOR I VALUE THE OPPORTUNITY TO BETTER UNDERSTAND AND CONTRIBUTE TO REGULATIONS THAT AFFECT US. ABOVE ALL, I WANT TO HELP ENSURE OUR TOWN GROWS IN A

Please list any organizations, groups, or other committees you are involved in: BALANCED AND SUSTAINABLE WAY THAT REFLECTS OUR SHARED VALUES
NONE

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

1. JEFF MATTSON, PORTSMOUTH NH 603. 336. 3633
Name, address, telephone number
2. HERB LLOYD 5 RUTH ST, PORTSMOUTH NH 435. 640. 3786
Name, address, telephone number

By submitting this application you understand that:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission/Committee; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
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7. Sign the Oath of Office book preserved with the Office of the City Clerk

Signature: _____ Date: _____

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

African Burying Ground Memorial Park Stewardship Committee

Committee Recommendations

Adopted by the Committee – November 17, 2025

In January 2024, the City Council established the Mayor's Blue Ribbon African Burying Ground Memorial Park Stewardship Committee, (the "African Burying Ground Committee"). The current African Burying Ground Committee is a later iteration of the African Burying Ground Committee first established in 2004 following the discovery of the burial site on Chestnut Street.

Over the last 20 years, the purposes and work of the African Burying Ground Committee have evolved and changed depending on the tasks presented, e.g., memorial design, fund raising, construction and reinterment of remains etc. Looking forward, the African Burying Ground Committee has considered and discussed its mission and recommends the following to the incoming 2026-2027 City Council.

The descendant community decided in 2015 that they may want to learn more about the origins of those individuals buried on Chestnut Street and thus asked for a small sample of remains to be held in sacred trust in the hope that future technological innovation could yield additional research value. It is imperative to continue the important work of this Committee which is currently evaluating options to best steward the remains over the next 10 years or more.

Reestablish the African Burying Ground Committee in 2026 with a new name and reconsidered mission:

The Committee is dedicated to preserving and honoring the final resting places of peoples of African descent, enslaved, formerly enslaved and free. We strive to safeguard these sacred sites through respectful stewardship, community engagement, and educational initiatives. We recognize the profound historical and cultural significance of these hallowed grounds and will ensure they are protected for future generations. Given our shared and overlapping interest in maintaining, preserving and honoring the sites and the artistic and cultural elements within them, we anticipate close coordination with and benefit from the resources and expertise of the City's Department of Public Works, the Public Art Review Committee, and the Cemetery Committee.

One of the driving factors behind the proposed change to the mission is that there are multiple burial sites in Portsmouth with the remains of peoples of African descent. The African Burying Ground Committee has been receiving updates from City staff regarding

steps that will be taken to protect the African Burying Ground on Langdon Farm on Lafayette Road. Another factor is the robustness of the Public Art Review Committee and the Cemetery Committee. Chris Dwyer of the Public Art Review Committee, Susan Sterry of the Cemetery Committee and Corin Hallowell of the Public Works Department worked diligently to provide guidance on the maintenance of the art elements at Memorial Park on Chestnut Street. The African Burying Ground Committee's efforts do not need to be narrowly focused on maintaining the Memorial Park given these other resources.

Considering the recommended updates to the mission, a slight change to the African Burying Ground Committee's name is in order. The proposed "African Burying Grounds Preservation Committee" is close enough to the prior committee's name to flag it as a successor committee but encompasses the broader mission.

The African Burying Ground Committee recommends that membership continue in the same form. The current membership structure brings the necessary, valuable voices of the descendant community to the table as members regardless of Portsmouth residency. The current makeup of the committee includes a representative from each of the following organizations:

- Black Heritage Trail of New Hampshire Representative

- Seacoast African American Cultural Center Representative

- NAACP Representative

- Black Lives Matter Seacoast Representative A representative of the Cemetery Committee

- 2 Portsmouth Residents – Ron Baisden is currently serving, and we hope he will continue to serve. There is one vacancy.

**Sustainability Committee Recommendations to Portsmouth City Council
for CIP Project BI-26-29
November 25, 2025**

- 1. Broaden focus and revise title to “Study of Opportunities to Expand Use of Public Transit.”**
 - Within Portsmouth and connecting to the larger Seacoast.
- 2. Approach public transit within a complex “eco-system.”**
 - Consider connections between the multimodal system and land use, economic development, social fairness, energy efficiency, and environmental quality.
- 3. Support implementation of [Climate Action Plan](#) strategies to Expand Public Transit (DTS-3), Microtransit Study (DTS-4), and Implementation of Bicycle/Pedestrian Study (DTS-1).**
 - Transportation is dominant source of Portsmouth Greenhouse Gas emissions at 60%.
 - It is essential to provide attractive low carbon travel alternatives to reduce fossil fuel vehicle trips -- only 1% of trips are by public transit.
- 4. Focus on additional Portsmouth priorities by exploring a broad range of potential co-benefits and beneficiaries of expanded and innovative public transit.** For example:
 - Reduce mobility costs for affordable housing; access to jobs; availability of workers; “car-free tourism;” reduced traffic and parking infrastructure burden; accessibility to health care, shopping, and downtown for seniors and others unable or preferring not to drive.
- 5. Consider relevant city plans, including the EDC Microtransit presentation and Parking Strategy Plan, which have a more specific scope and call for further study of modal connections.**
 - Bicycle and Pedestrian Plan, Housing Dialogue, Market Square Vision, Master Plan, and Blue-Ribbon Transportation Policy Report.
- 6. Move forward with a small task force while pursuing federal and state funding, including a potential NHDOT 2026 planning grant with 20% local match.**
 - Explore questions, opportunities, interested partners, and funding options, including contributions from potential beneficiaries, and parking revenue.
 - Proposed membership: staff with Sustainability Committee, other interested Committees (e.g., Traffic and Parking and EDC), COAST, Rockingham Planning Commission, C&J, UNH Wildcat, hospitality industry and other employers and businesses, developers, Portsmouth Housing Authority, and School Department.
- 7. Explore potential options and develop input for the RFP.** Options could include:
 - Increased frequency and direct connections of COAST routes.
 - Shuttle loop (e.g., frequent direct service on Route 1/Lafayette Road to downtown, parking garages and lots, the West End, hospital, PHA properties, and C&J).
 - Microtransit: flexible route, schedule, on-demand.
 - Improved connectivity to walking, biking, regional bus routes, and affordable housing.

PORTSMOUTH POLICE COMMISSION

MEMORANDUM

DATE: NOVEMBER 25, 2025
TO: KAREN CONARD, CITY MANAGER
FROM: KATE COYLE, PORTSMOUTH POLICE COMMISSION CHAIR
MARK D. NEWPORT, CHIEF OF POLICE
RE: GRANT

At the November 24th, 2025 Special Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

- a. A Homeland Security grant award of \$27,383 to purchase ballistic helmets for the Seacoast Emergency Response Team (SERT).**

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their December 8th, 2025 meeting. We respectfully request this item be placed on the City Council meeting agenda.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jacqueline D. Burnett". The signature is written in a cursive, flowing style.

Jacqueline D. Burnett
Office of the Chief

copies: Board of Police Commissioners
Business Asst. Patti Smallwood
Business Ops. Mgr. Karen Senecal

Package Details Update

Due Date - Nov 26, 2025

City of Portsmouth (Grants) (4486890 - Agency)
1 Junkins Ave
Portsmouth NH 03801

Opioid Responsive Grant (1) Acceptance 2025

*** Agency Name:**

City of Portsmouth

The purpose of this Acceptance Form is to define and formalize a memorandum of agreement between Granite United Way and the agency awarded funds through the Opioid Abatement Community Grant Program (OACGP). The agency referenced above agrees to adhere to the following terms associated with accepting these grant funds.

1. Acknowledgment of Funding Source and Use of Funds

The Agency certifies its understanding that the source of these funds is the New Hampshire Opioid Abatement Trust Fund. As such, all funds must be expended as outlined in the Agency's original proposal and as approved by Granite United Way. The Agency agrees to deliver the work as described in its grant application. The Agency acknowledges that funding is not transferable to other programs or entities without prior written approval from Granite United Way.

☐ * Select checkbox to acknowledge grant funding term #1

2. Return of Unspent Funds

The Agency agrees that any and all unspent funds at the conclusion of the grant period must be returned to Granite United Way within 30 days of the grant period end date.

☐ * Select checkbox to acknowledge grant funding term #2

3. Programmatic and Operational Changes

During the grant period (December 2025 - November 2026), the Agency will inform Granite United Way in a timely manner of all significant budgetary, operational, or leadership changes

that may affect completion of the activities or services funded by this grant.

☐ * Select checkbox to acknowledge grant funding term #3

4. Reporting Requirements

The Agency agrees to submit a project completion report to Granite United Way upon conclusion of grant-funded activities. This report will include outcomes and expenditures aligned with the Agency's original proposal, accompanied by all necessary supporting documentation.

☐ * Select checkbox to acknowledge grant funding term #4

5. Payment Method

Organization agrees to receive payments via EFT.

☐ * Select checkbox to acknowledge grant funding term #5

*** Select "Yes" if
an up-to-date EFT
form has been
provided to GUW
previously. Select
"No" if an EFT
form has not been
previously
provided to GUW
or is not up-to-
date.**

6. Regulatory Compliance and Investigations

The Agency agrees to report in writing and in a timely manner to the CEO of Granite United Way any investigation by a police agency, government treasury department, or any other regulatory body. This includes, but is not limited to, allegations of financial or managerial misconduct or criminal misconduct by the agency or any member of its board or staff. The Agency further agrees that Granite United Way will be advised of any adverse accountant or auditor reports or remedial financial recommendations.

☐ * Select checkbox to acknowledge grant funding term #6

7. Federal Funding

This award is made with the understanding that all opioid abatement funds must be managed separately from federal dollars and used only for allowable purposes under state law (RSA 126-A:83?86). Recipients are required to maintain clear accounting records, ensure no overlap with federal funding, and comply with all reporting and audit requirements. Failure to meet these standards may result in repayment of funds and ineligibility for future awards. Please review and sign the attached Grantee Acceptance Form to confirm your organization's agreement with these requirements.

☐ * Select checkbox to acknowledge grant funding term #7

The Agency's acceptance of this agreement indicates full compliance with the terms stated above. Failure to comply with the provisions of this agreement may result in the rescission of the grant award and/or loss of eligibility for future funding.

Please approve this acceptance form by November 26, 2025. Once this form is received, Granite United Way will disburse the approved grant funds on or around December 2025.

*** By typing in your name below, you certify that you are an authorized signatory for your agency and agree to the terms outlined in this Grant Acceptance Form.**

Carl Weber

*** Title:**

Deputy City Manager

*** Please enter today's date:**



11/24/2025

Items marked with an asterisk(*) are required




City of Portsmouth

Deputy City Manager

MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: Carl E. Weber, Deputy City Manager 
Benjamin M. Fletcher, Director - Parking and Transportation
Mike Casad, Parking General Foreman

DATE: November 26, 2025

SUBJECT: Resident Access Parking Program (RAPP) Pilot - 2026

Resident Access Parking Program (RAPP) Pilot – 2026

In response to a City Council request for a report back, staff from the City's Parking Division are recommending a one-year Resident Access Parking Program (RAPP) Pilot to improve public parking management in areas other than the metered downtown business district. The RAPP Pilot 2026 prioritizes residents by providing free parking based on their Portsmouth registered vehicle license plates enrolled in the existing resident parking program while monetizing parking for non-residents.

The Pilot program is a proof-of-concept test to help determine whether monetizing non-resident parking results in increased parking availability for residents. By testing high-volume lots, adjacent roadways, and encouraging additional residents to register their Portsmouth vehicle license plates in the existing resident parking program, the City will be better equipped to develop future expansion into neighborhoods based on lessons learned and data gathered from this Pilot.

A Different Approach for RAPP Pilot 2026

The RAPP Pilot 2026 would charge non-resident vehicles \$1 per hour to park in designated areas, using vehicle license plate enforcement. Before the program begins on March 1, 2026, an outreach campaign will share details about the pilot and encourage residents to register their Portsmouth vehicle license plates through the

Parking Office or the Tax Collector's Office. This campaign will include flyers in the RAPP areas, FAQs, promotion on the website, social media, and the City Newsletter.

While the RAPP Areas may be adjusted during the term of the Pilot with City Council approval, the RAPP Areas will initially include the following public lots and roads:

- Rockland Street lot (adjacent to Leary Field)
- Middle School lot (off-school hours)
- Library lot
- Connie Bean Community Center lot*
- Parrott Avenue **(roadway only)**
- Hanover Street (from Bridge Street to Brewster Street)
- Pearl Street
- Gates Street
- Hancock Street
- South Mill Pond lot*
- Peirce Island (Excluding boat launch)*
- Chris Rice Skateboard Park lot*

**Pending Recreation Board Review*

The entire plan will be presented to the Parking & Traffic Safety Committee and the Recreation Board for any additional consideration prior to implementation.

City staff met with the Library and Middle School to introduce the RAPP concept and how to best manage employees and staff, as well as improve signage to include designated parking areas for Middle School parents while visiting the school.

Residents who have already registered their Portsmouth vehicle license plates in the Parking Office or Tax Collector's Office for resident parking are able to park in the RAPP Areas without taking any further action. Residents can easily register their plates with either office.

Note: The Tax Collector's Office cannot automatically share resident license plate information with the Parking Division; residents must initiate this action.

Once registered, residents do not need to use a cellphone or app to participate in the RAPP Pilot 2026 program. Only non-residents or those residents who have not registered their Portsmouth license plates would need to initiate a session with the ParkMobile App.

The goal is to make this RAPP Pilot 2026 as easy as possible for residents to park once they are registered in the parking system.

Additional user types and attributes – Middle school teachers, coaches, recreation and library staff will be added to the parking system in conjunction with the RAPP Pilot 2026 to allow for enforcement of non-residents while accounting for staff that may occupy adjacent lots or streets during working hours, recreation or after-school events.

Lessons Learned from Previous Pilot Program

The Islington Creek Neighborhood Parking Program (NPP) Pilot in 2019 used parking permits and designated parking areas. The pilot included Hanover (Bridge to Brewster), Tanner, Tanner Court, Rock, Sudbury, Brewster, Langdon, McDonough, Cornwall, Rockingham, Cabot, Salem, and Dover Streets. Managing and tracking the permit program was difficult, especially for rental units with multiple occupants. The RAPP Pilot 2026 solves this problem by utilizing a simpler approach with Portsmouth vehicle license plate enforcement, and it is proposed to begin just over a year after the City began connecting current vehicle registrations to designate resident status.

RAPP Pilot 2026 Financial Analysis

The RAPP Pilot 2026 as outlined would result in 74 additional weekly hours of enforcement for the 551 spaces for an estimated \$4,215.25 per month cost. The estimated monthly revenue for non-resident parking is \$18,630.21, for an anticipated net gain of \$14,414.96 per month.

Thus, this RAPP Pilot 2026 is estimated to cover the costs associated with this program. In the future, any surplus revenue could be applied to cover costs associated with proposed neighborhood parking expansion. (See *Resident Access Parking Program – Cost and Revenue Estimates* dated 11/21/2025 for additional details.)

Timeline/Plan for Implementation

- Order signs: 4-6 weeks
- Conduct neighborhood Counts: 4-6 weeks
- Create zones in the ParkMobile App: 4-6 weeks
- Conduct outreach (Flyers on cars, website, and social media): 1-2 weeks
- Start with Friendly Warning Citations: Beginning day one to help educate for the first few weeks and emphasize registering Portsmouth license plates
- Provide data driven analysis-report back: Quarterly

Proposed Implementation Steps

December 22, 2025 - RAPP Policy to City Council for Adoption

January 20, 2026 - First Reading RAPP Ordinance

February 2, 2026 - Second Reading RAPP Ordinance

February 22, 2026 - Third Reading/Adoption of RAPP Ordinance

March 1, 2026 - RAPP Pilot begins

Future Steps

Staff will collect parking utilization data and monitor adjacent neighborhoods to evaluate changes in parking patterns to prioritize which neighborhoods the RAPP Pilot 2026 effort could expand into first. The Pilot program will test whether monetizing non-resident parking provides increased availability to residents. If true, this approach, when expanded to neighborhoods, may support higher density affordable housing developments in the future. Staff will provide financial analysis for any proposed expansion to include proposed neighborhoods, implementation phases, enforcement costs, revenue assumptions, and anticipated parking sessions to establish the net gain or loss associated with the recommendations.

City Council will receive a quarterly report on the RAPP Pilot 2026 with additional recommendations and possible adjustments to the RAPP program.

Future Enhancements to the ParkMobile App

- **Downtown Workforce Parking Program** - Staff is working with ParkMobile to develop an app-driven solution to expand this program beyond a garage.
- Staff will regularly engage with ParkMobile to explore new enhancements that will continue to improve the parking experience for residents.

Attachments

Resident Access Parking Program

Cost and Revenue Estimates - Nov. 21, 2025

Enforcement

Mon-Sat	66	Monday - Saturday hours
Sunday	8	Sunday hours
Total	74	hours of coverage required weekly

Surface Lots Only

	Annual Cost	Monthly Cost
PTE Enforcement	25,291.50	2,107.63
PTE Enforcement	25,291.50	2,107.63
Total Enforcement		4,215.25

Revenue Assumptions

Combined Lot Inventory 551 spaces

Low Observed Residency Usage

Average Length of Stay (LOS) downtown: 2.25 hours

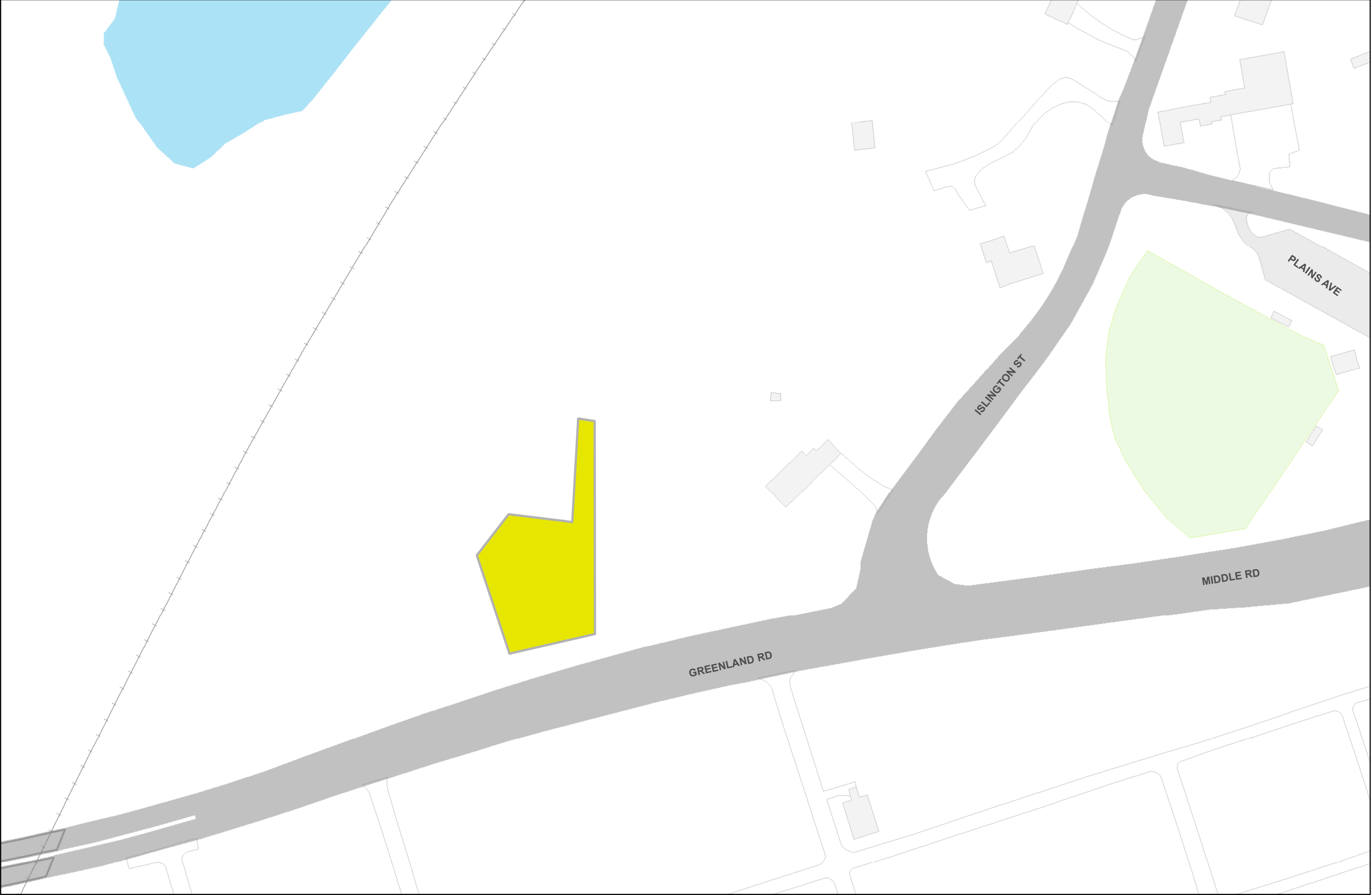
Anticipated Sessions	Rate	LOS (hours)	Revenue/Session	
175	\$ 1.00	3.5	\$ 3.50	Anticipated Monthly Revenue

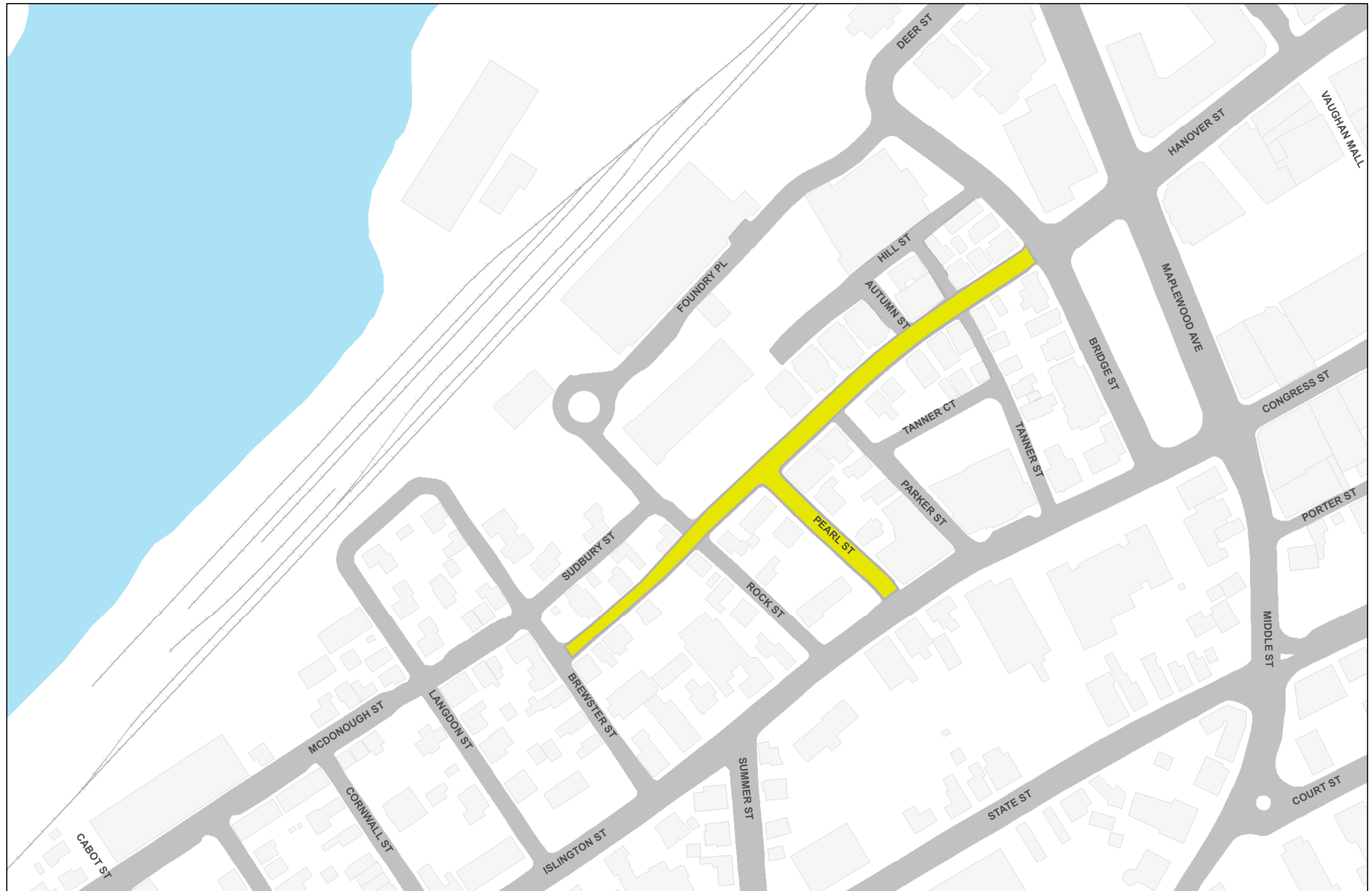
\$ 14,414.96 Anticipated net gain (loss)

Inventory

35	Hanover Street - Bridge to Brewster
10	Pearl Street
28	Hancock Street
21	Gates Street
90	S Mill
15	Rockland
90	Parrot Avenue
75	Library/PMS
52	4 Tree Island - Paved Lot
22	4 Tree Street Inventory
55	Peirce Island Pool Lot
58	Skate Park
551	







RESIDENT ACCESS PARKING PROGRAM PILOT – 2026

Purpose

Over the last decade, the City has implemented several pilots for Resident Neighborhood Parking Programs to address concerns of reduced parking availability for residents of neighborhoods located near the Downtown Business District.

Neighborhoods in proximity to the Downtown Business District are not metered.

Residents have experienced that nonresidents park in their neighborhood because parking spaces are unmetered, which creates a shortage of parking spaces for residents.

Prior pilots have been unsuccessful because they were difficult to manage and enforce.

A new Resident Access Parking Program (RAPP) Pilot- 2026 (“Program”) has been created to address residents’ concerns and improve the operation and enforcement of the Program.

The goals of the Program are to:

- Increase parking availability for residents by charging nonresidents for parking in designated locations outside the downtown business district;
- Provide free parking for residents as well as School, Recreation, and Library employees who have registered their license plates with the City’s Parking Office;
- Simplify management and enforcement of the Program by using vehicle license plate enforcement; and
- Provide parking management data from the Program to the City Council to help inform future resident parking programs and parking availability in neighborhoods in proximity to the Downtown Business District.

Policy

The Program will charge nonresidents \$1.00 per hour and provide free parking for residents and School, Recreation and Library employees with vehicle license plates registered through the City’s Parking Office in designated locations outside the metered Downtown Business District in RAPP Zones.

RAPP Zones include the following streets and City-owned parking lots listed below and set forth in the attached map:

- a. Rockland Street Lot (adjacent to Leary Field);
- b. The three parking areas in the Lot that serve the Middle School, Public Library and the Connie Bean Community Center off Parrott Avenue;
- c. Parrott Avenue, both sides;
- d. Hanover Street (from Bridge Street to Brewster Street), both sides;
- e. Pearl Street, both sides;
- f. Gates Street, both sides;
- g. Hancock Street, both sides;
- h. South Mill Pond Lot;
- i. Peirce Island (excluding boat launch); and
- j. Chris Rice Skateboard Park Lot

Parking Rates and hours of enforcement for the Program are set forth in Chapter 7, Article I, section 7.102 (C).

Effective date

The Program is a pilot and is effective from March 1, 2026 through February 28, 2027.

Adopted by the Portsmouth City Council on _____.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk