

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 18, 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_MMC-UZTxQQeaf7Yk2K1bpA

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

MAYOR'S AWARD

1. Portsmouth High School Boys Alpine Ski Team Wins Second Straight Division I State Championship

VII. ACCEPTANCE OF MINUTES – JANUARY 6, 2025

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

First Reading of Ordinance:

- A. First Reading of Ordinance amending to Chapter 1, Administrative Code, Article IV – Commissions and Authorities, Section 1.413 – Sustainability Committee ***(Sample motion – move to pass first reading and schedule a public hearing and second reading for the March 3, 2025 City Council meeting)***

Public Hearing/Second Reading of Ordinance and Resolution:

- B. PUBLIC HEARING AND SECOND READING of Ordinance amending Chapter 1, Administrative Code, Article XVI – Adoption of Fees by Budget Resolution, Section 1.601 – Purpose, Section 1.1602 – Procedure, Section 1.1603 – Exclusion, Section 1.1604 – Default, of the Ordinances of the City of Portsmouth ***(Sample motion – move to pass second reading and hold third and final reading at the March 3, 2025 City Council meeting)***

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

C. PUBLIC HEARING AND ADOPTION of Resolution Authorizing Participation in the Clean Water State Revolving Fund (SRF) Loan Program of up to Twenty-Five Million One Hundred Twenty-Eight Thousand Dollars (\$25,128,000.00) for Costs Related to Pease Wastewater Treatment Facility Rehabilitation and Rescinding the amount of Twenty Million Dollars in Funds Authorized to be Borrowed for the same Purpose (***Sample motion – move to adopt the Resolution as presented***)

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

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Land Use Review Process for Project at 35 Sherburne Road (***Sample motion – move to adopt the process for land use review of the project at City property located at 35 Sherburne Road as recommended by the Legal Department***)

XII. CONSENT AGENDA

A. Request from Anna Saunders of Port Aesthetics, LLC to install a Projecting Sign at 175 Market Street Unit 103 (***Anticipated action – move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director’s Stipulations:

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

B. Letter from Jenna Raizes, Portsmouth Little League, requesting permission to install temporary signage at the Plains and Hislop Fields for the 2025 baseball season (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- C. Letter from Heidi Carrington Heath, New Hampshire Outright, requesting permission to hold the 11th Portsmouth PRIDE Celebration on Saturday, June 21, 2025 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting the following:
- Use of space in Prescott Park on Saturday, September 27th, 11:00 a.m. to 3:00 p.m., and Sunday, September 28th, 1:00 p.m. to 5:00 p.m.
 - Use of space in front of North Church
 - Motorcycle Parking Ban in Market Square on Sunday, September 28th during the festival performance times
- (Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Craig Welch, Executive Director, Portsmouth Housing Authority, requesting the City Council to waive all City permit fees for the Sherburne Property project

XIV. MAYOR McEACHERN

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

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BLALOCK

1. Recreation Board Sub-Committee Report on Ice Rink Construction

B. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the February 6, 2025 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the February 6, 2025 Parking & Traffic Safety Committee meeting***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Grant for Cate Street Bridge Replacement Funding Agreement with NHDOT (***Sample motion – move 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 the replacement of the Cate Street Bridge***)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Dismissal of McIntyre Lawsuit

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 6, 2025

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Moreau moved to continue the Non-Public Session after the close of the City Council meeting. Seconded by Assistant Mayor Kelley and voted.

III. CALL TO ORDER

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

IV. ROLL CALL

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

ABSENT: Councilor Denton

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silence.

VI. PLEDGE OF ALLEGIANCE

Luke and Grayson Beyer, winners of the Most Creative Holiday Lights Winner led in the Pledge of Allegiance to the Flag.

PROCLAMATION

1. Stalking Awareness Month

Councilor Cook read the Proclamation on behalf of Mayor McEachern declaring January as Stalking Awareness Month with a call on our citizens to come together to reaffirm our commitment to ending stalking and supporting survivors.

Mayor McEachern presented the Proclamation to Ryan Grogan of the Victim Advocate Program and Steve Gahan, the Police Prosecutor, accepted the Proclamation with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES – OCTOBER 21, 2024 AND NOVEMBER 18, 2024

Councilor Lombardi moved to accept and approve the minutes of the October 21, 2024 and November 18, 2024 City Council meetings. Seconded by Councilor Tabor and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Holiday Lights Contest Winners and Honorable Mentions

Mayor McEachern announced the winners of the Holiday Lights Contest and provided them with gift bags. He also expressed his thanks and appreciation to Colleen Ovecka, Co-Chair of the Citywide Neighborhood Committee for her work with the contest.

- Creative First Place: 580 FW Hartford Drive – the Beyer family
- Creative Honorable Mention: 87 Edmonds Avenue – the Noucas family
- Kids' Choice First Place: 625 Lincoln Avenue – Craig Steigerwalt
- Kids' Choice Honorable Mention: 545 FW Hartford Drive – the Buttermore family
- Traditional First Place: 32 Manning Street – Brent Guillot
- Traditional Honorable Mention: 114 Cabot Street – Donna Figler

2. Recognition of David Desfosses, Project Manager for Engineering and Operations

Mayor McEachern recognized Dave for his outstanding work with the city and his contributions to the community. He thanked Dave for being the City's "Ambassador of the Open Door."

Dave thanked Mayor McEachern, City Council, City Manager Conard and the Public Works Department for recognizing him and his work, it is appreciated.

IX. PUBLIC COMMENT SESSION

Roy Helsel asked why property owners taxes increased but commercial properties did not. He said his property increased 70% and he would like to know why there is such a disparity in the taxes.

Buzz Scherr spoke regarding the importance of the need for a new Police Facility. He would like the City Council to set a date certain for when the Blue Ribbon Committee process will begin. He said the Blue Ribbon Committee needs to operate without hesitation to get the job done.

Jim Hewitt said he has received no communication from the city on the request for reimbursement of his attorney fees. He said the City Council refusal to answer the question is cruel and it is an administrative decision. He stated he spent \$28,000.00 to keep his good name and the city found him not guilty of the charges against him.

Sue Polidura said the city should pay Mr. Hewitt the money he paid to have him represented by an attorney for charges against him. She said she would like to see the city put together a committee to work on the 250th Celebration of signing the Declaration of Independence.

Esther Kennedy asked the City Council to think about the residents of the city with the increase of taxes. She also spoke regarding infrastructure concerns and improvements needed in the city.

Julie Gallot spoke regarding the Blue Ribbon Committee on Municipal Buildings and asked that the Committee look at the elementary schools as well in the process of reviewing the Police Facility.

Jeff Thomson, Kittery, Maine, spoke regarding Governor Benning Wentworth's tomb. He said that there is a parking space right near the tomb and suggested that the parking space be eliminated with a historical marker put in its place to signify Governor Wentworth's burial location. Mr. Thomson said that he would pay for the installation and the marker if the city was not willing to put one in place.

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

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Planning Board Recommendation on Osprey Landing Open Space

Councilor Moreau moved to approve the acceptance, execution and recording of the terms of a restrictive covenant agreement as outlined in the agenda packet. Seconded by Councilor Blalock and voted.

2. Ratification of Water Line Agreement with CSX Railroad Crossing on Market Street Extension

City Manager Conard spoke regarding the water line improvements done on Market Street Extension.

Assistant Mayor Kelley moved to ratify the City Manager's execution of the Facility Encroachment Agreement with CSX Transportation, Inc., contained in the agenda packet. Seconded by Councilor Bagley and voted.

XII. CONSENT AGENDA

- A. Letter from Maria Stephanou, Director, requesting permission to hold the annual Seacoast Walk to End Alzheimer's on Sunday, October 26, 2025 (***Anticipated action – moved to refer to the City Manager with Authority to Act***)

Councilor Cook moved to adopt the Consent Agenda. Seconded by Councilor Lombardi and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Letter from Cortney Sawyer, McNabb Properties regarding Outdoor Dining & Chair Fee Policy

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

Mayor McEachern said the policy will be reviewed.

Councilor Cook said the Governance Committee will be looking at encumbrances and a way to clean up the ordinance.

Motion passed.

- C. Letter from Justin Chenette, Sweetser, requesting reimbursement of \$1,500.00 for providing mental health services to Portsmouth residents

Councilor Lombardi moved to refer to the Welfare and Legal Departments. Seconded by Councilor Blalock.

City Attorney Morrell said she will report back and work with the Welfare Department on this matter.

XIV. MAYOR McEACHERN

1. Municipal Building Blue Ribbon Committee Appointments
 - Cameron Horack
 - Mary Lou McElwain
 - Renee Plummer
 - John O'Leary
 - Peter G. Weeks
 - Rick Chellman, Planning Board Chair
 - Kate Coyle, Police Commissioner Chair
 - Mark Newport, Police Chief
 - Karen Conard, City Manager
 - John Tabor, City Councilor
 - Kate Cook, City Councilor

Councilor Moreau moved the appointments to the Municipal Building Blue Ribbon Committee as presented. Seconded by Councilor Blalock.

Mayor McEachern said there is no Chair, but the first act would be to elect a Chair for the Committee. He said the term for the Committee would be through the rest of this year and he would like to have information back before we adopt the Capital Improvement Plan.

Councilor Blalock thanked Mayor McEachern for appointing the Committee and looks forward to the work that will be accomplished.

Mayor McEachern stated that the meetings will be public.

Councilor Bagley said it might make sense to review the elementary schools.

Motion passed.

2. Appointments to be Considered

- Reappointment of Jeff Stern to the Board of Library Trustees
- Appointment of Bill Bowen to the Planning Board
- Reappointment of Anthony Coviello to the Planning Board
- Appointment of Ryann Wolf to the Planning Board
- Appointment of Frank Perier as an Alternate to the Planning Board
- Appointment of Frederick Calcinari to the Sustainability Committee
- Appointment of Rhianna Tallarico to the Sustainability Committee
- Reappointment of Thomas Watson to the Trustee of the Trust Funds

The City Council considered the appointments outlined above that will be voted upon at the January 21, 2025, City Council meeting.

3. Resignation – Jessica Dickey from the Arts & Cultural Commission

Councilor Blalock moved to accept the resignation effective immediately with regret and to send a letter of thanks for her service to the City. Seconded by Councilor Bagley and voted.

4. Establishment of City Manager Evaluation Committee

Councilor Tabor moved to form the City Manager Evaluation Committee composing of Assistant Mayor Kelley, Councilor Blalock, and Councilor Bagley. Seconded by Councilor Moreau and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

Councilor Cook moved to adopt the Policy, and the Handbook as presented. Seconded by Assistant Mayor Kelley and voted.

B. COUNCILOR BAGLEY

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

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

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Fire Department from Paul Gormley & Kimi Iguchi

Assistant Mayor Kelley moved to approve and accept the \$1,000.00 donation to the Fire Department to be used at their discretion. Seconded by Councilor Cook and voted.

- B. Acceptance of Grant to the Senior Activity Center

Councilor Blalock moved to approve and accept the grant as presented. Seconded by Councilor Bagley and voted.

- C. Acceptance of FEMA Public Assistance Disaster Grant from the Fire and Public Works Departments - \$9,703.48

Councilor Moreau moved to approve and accept the \$9,703.48 FEMA Public Assistance Disaster Grant for the Fire and Public Works Departments. Seconded by Councilor Blalock and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. City of Portsmouth Designated "SolSmart Bronze" for Solar Energy Leadership

City Manager Conard reported that the city was awarded a Bronze designation from the National SolSmart program for encouraging the growth of clean, affordable solar energy at the local level. She stated that the SolSmart designation aligns with the City's goal of enabling and promoting the

installation of local renewable energy systems in the recently adopted Climate Action Plan and advances the implementation of actions that will increase the supply of renewable energy into the electric grid and energy market serving the City of Portsmouth.

2. Municipal Complex Boiler Building Chimney Status Update

City Manager Conard advised the City Council that a recent inspection of the City Hall Complex Boiler Building chimney showed significant safety concerns related to its condition. She indicated that the inspection showed signs of brick spalling, mortar failure and cracking which could lead to pieces of the chimney falling into the parking area adjacent to the Boiler Building. City Manager Conard advised that the chimney is no longer in use and provides no current or foreseeable function to the City Hall heating system and restoration of the chimney is not recommended. She reported that the staff have barricaded the area around the chimney's base and have reached out to contractors to explore its demolition.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

XIX. ADJOURNMENT

At 8:10 p.m., Assistant Mayor Kelley moved to adjourn the meeting to continue the Non-Public Session in Conference Room A. Seconded by Councilor Cook and voted.

At 8:50 p.m., Councilor Moreau moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Bagley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

ORDINANCE#

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, ADMINISTRATIVE CODE, Article IV, COMMISSIONS AND AUTHORITIES, Section 1.413 - SUSTAINABILITY COMMITTEE, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IV: COMMISSIONS AND AUTHORITIES

Section 1.413: SUSTAINABILITY COMMITTEE

1. A. Membership and Term: The Sustainability Committee will **initially** consist of a City Councilor to be designated by the Mayor, a School Board member to be designated by the School Board, one member of city staff to be designated by the City Manager, **two one** students to be designated by the Portsmouth School District, and ~~all the other interested community members on the Blue Ribbon Committee on Sustainable Practices. The City Councilor will serve for the duration of their two-year City Council term, the designated students from the Portsmouth School District will rotate, and the community members from the Blue Ribbon Committee on Sustainable Practices will be appointed to three-year terms. After attrition causes the number of former Blue Ribbon Committee on Sustainable Practices community members to fall under nine, the Mayor with the approval of the City Council can appoint new community members to three-year staggered terms on the Sustainability Committee. Afterwards, the Sustainability Committee will have~~ between seven and eleven community members that have a demonstrated experience in or passion for sustainability, mitigating climate change, and protecting our eco-system **to be appointed by the Mayor and voted on by the City Council to three-year terms. At the first meeting of the Committee in January of each year, the committee shall elect one or two Chairs.**

- B. Powers and Duties: The Sustainability Committee shall provide advice and guidance to the City Council, the City Manager, and City Boards with respect to:
1. Implementation of the Climate Action Plan, achieving Portsmouth's Renewable Energy Policy, and additional recommendations on increasing energy efficiency, reducing greenhouse gas emissions, and taking measures to build resiliency against climate change.
 2. Increasing awareness of sustainable practices among residents, businesses, visitors, municipal staff, and other stakeholders to ensure that Portsmouth remains a leader as an Eco-municipality.
 3. Standing for environmental justice while protecting our eco-systems.

C. 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 ability of the Sustainability Committee Chair **or Co-Chairs** to appoint subcommittees or determine the format of how to best structure meetings.

~~D. Effective Date: This ordinance will take effect on January 1, 2024.~~

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.

ADOPTED BY COUNCIL:

APPROVED:

Kelli L. Barnaby, City Clerk

Deaglan McEachern, Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 18, 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 XVI – Adoption of Fees by Budget Resolution, Section 1.1601 – Purpose, Section 1.1602 – Procedure, Section 1.1603 – Exclusion, Section 1.1604 – Default, of the Ordinances of the City of Portsmouth. 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
2/7/25**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, ADMINISTRATIVE CODE, Article XVI – ADOPTION OF FEES BY BUDGET RESOLUTION, Section 1.1601 - PURPOSE, Section 1.1602 – PROCEDURE, Section 1.1603 – EXCLUSION, Section 1.1604 - DEFAULT, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE XVI: ADOPTION OF FEES ~~BY BUDGET RESOLUTION~~

~~Section 1.1601: PURPOSE~~

~~This ordinance is adopted for the purpose of creating a more efficient system for the City to adopt and adjust municipal fees.~~

Section 1.160~~2~~1**: PROCEDURE**

~~To the extent permitted by law and notwithstanding any ordinance previously adopted to the contrary, all Municipal fees, whether not otherwise established by other ordinance or law otherwise shall be adopted by the City Council and may be amended by resolution during the annual budget adoption process, or at such other times as the City Council may determine to be in the best interest of the City.~~

Section 1.160~~3~~2**: EXCLUSION**

~~This ordinance does not apply to penalties, fines or civil forfeitures or to fees established in Chapter 7, Article II – Taxi Cabs. Municipal fees do not include penalties, charges or costs negotiated or imposed pursuant to an administrative order, compliance agreement, or other resolution pertaining to an enforcement activity.~~

Section 1.1603: AUTHORITY TO CHARGE FOR PROGRAMMING

Department heads responsible for programming activities such as classes, trainings and special events may, without the approval of the City Council, but subject to the City Manager’s review and oversight, charge for participation in programmed activities.

Section 1.1604: DEFAULT

Any municipal fee which is not listed in the fee resolution adopted during the annual budget process, or any municipal fee which is determined to require a process other than adoption by annual budget resolution, shall remain at the level at which it was last validly adopted by the City.

~~It is further ordained that the City Clerk is hereby authorized to replace the fee provision in any appropriate ordinance, with a provision reading "Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. Such ordinances include, but are not limited to the following: (See list attached to ordinance as adopted).~~

~~(Article XVI adopted in its entirety 3/18/2002)~~

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

LEGAL NOTICE

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, February 18, 2025, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH on a proposed Resolution Authorizing Participation in the Clean Water State Revolving Fund (SRF) Loan Program of up to Twenty-Five Million One Hundred Twenty-Eight Thousand Dollars (\$25,128,000.00) for Costs Related to Pease Wastewater Treatment Facility Rehabilitation, and Rescinding the amount of Twenty Million Dollars in Funds Authorized to be Borrowed for the same Purpose. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

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

**CITY OF PORTSMOUTH
TWO THOUSAND TWENTY FIVE
PORTSMOUTH, NEW HAMPSHIRE**

RESOLUTION # XX – 2025

A RESOLUTION AUTHORIZING PARTICIPATION IN THE CLEAN WATER STATE REVOLVING FUND (SRF) LOAN PROGRAM OF UP TO TWENTY-FIVE MILLION ONE HUNDRED TWENTY-EIGHT THOUSAND DOLLARS (\$25,128,000) FOR COSTS RELATED TO PEASE WASTEWATER TREATMENT FACILITY REHABILITATION, AND RESCINDING THE AMOUNT OF TWENTY MILLION DOLLARS IN FUNDS AUTHORIZED TO BE BORROWED FOR THE SAME PURPOSE.

RESOLVED:

THAT, the sum of up to Twenty-Five Million One Hundred Twenty-Eight Thousand Dollars (\$25,128,000) is appropriated for rehabilitation of the Pease Wastewater Treatment facility, including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to **Twenty-Five Million One Hundred Twenty-Eight Thousand Dollars (\$25,128,000)** through the loan program offered through the State of New Hampshire Department of Environmental Services, identified as the Clean Water State Revolving Fund;

THAT, the expected useful life of the project is determined to be at least thirty (30) years;

THAT, Twenty Million Dollars (\$20,000,000) of the Thirty-Five Million Four Hundred Sixty-Five Thousand Dollars (\$35,465,000) authorized to be borrowed pursuant to Resolution 15-2024 for the same purpose, is hereby rescinded; and

THAT, this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, MMC/CNHMC
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: February 13, 2025

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager

Re: City Manager's Comments on City Council Agenda of February 18, 2025

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

A. First Reading of Ordinance Amending Chapter 1, Administrative Code, Article IV – Commissions and Authorities, Section 1.413 – Sustainability Committee:

For first reading are amendments to [Chapter 1, Administrative Code, Article IV – Commissions and Authorities, Section 1.413 – Sustainability Committee](#). These changes arise out of requested updates from the Sustainability Committee and will assist the Sustainability Committee in achieving quorum. At the February 3, 2025 City Council meeting, the City Council voted to bring this forward for first reading at this evening's meeting.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the March 3, 2025 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 1, Administrative Code, Article XVI – Adoption of Fees by Budget Resolution, Section 1.601 – Purpose, Section 1.1602 – Procedure, Section 1.1603 – Exclusion, Section 1.1604 – Default, of the Ordinances of the City of Portsmouth:

[Attached please find proposed amendments to Chapter 1](#) which have been reviewed and recommended by the Governance Committee for action.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the March 3, 2025 City Council meeting.

C. **Public Hearing and Adoption of Resolution Authorizing Participation in the Clean Water State Revolving Fund (SRF) Loan Program of Up to Twenty-Five Million One Hundred and Twenty-Eight Thousand Dollars (\$25,128,000) for Costs Related to Pease Wastewater Treatment Facility Rehabilitation and Rescinding the amount of Twenty Million Dollars in Funds Authorized to be Borrowed for the same purpose:**

The State of New Hampshire Department of Environmental Services (NHDES) approached the City with an opportunity to provide \$25,128,000 in CWSRF loan funding for the ongoing Pease Wastewater Treatment Facility (WWTF) Rehabilitation project. The funding is in excess of the previously approved authorization of \$20,000,000 in FY25 loan/borrowing.

This funding opportunity is advantageous to the City due to the combination of a below market interest rate (currently 2.65%), deferred repayment schedule, and principal forgiveness of 20%. City staff recommend rescinding the existing FY25 Pease WWTF Rehabilitation authorization of \$20,000,000 and [approving a new authorization of \\$25,128,000](#), for the Pease WWTF rehabilitation project.

I recommend that the City Council move to adopt the resolution as presented.

XI. City Manager's Items Which Require Action:

1. **Land Use Review Process for Project at 35 Sherburne Road:**

[Attached please find a memorandum from the City's Legal Department](#) regarding the land use review process for the project at 35 Sherburne Road.

I recommend that the City Council move to adopt the process for land use review of the project at City property located at 35 Sherburne Road as recommended by the Legal Department.

XII. Consent Agenda:

A. **Projecting Sign Application for 175 Market Street Unit 103:**

Permission is being sought to install a projecting sign at [175 Market Street Unit 103](#) that extends over the public right of way, as follows:

Sign dimensions: 38" diameter

Sign area: 7.87 sq. ft.

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

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

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

XVI. Approval of Grants/Donations:

A. Approval of Grant for Cate Street Bridge Replacement Project and Funding Agreement with NHDOT:

The Cate Street Bridge crossing Hodgdon Brook is currently on the NHDOT Municipal Red List and needs to be replaced. This bridge replacement project will become more important as traffic on Cate Street increases due to other planned projects, including a City and State project to remove the existing traffic signal at Route 1 Bypass and Cottage Street / Coakley Road.

The attached grant agreement with the New Hampshire Department of Transportation allows the City to utilize \$1,832,428.77 in State and Federal funds to complete this project. The City is responsible for a 20% cost-share that has been allocated in the FY26 Capital Improvement Plan (CIP.) The City seeks to take advantage of these available monies, with construction currently estimated to begin in 2028. NHDOT indicates there is availability of additional grant funding should project costs increase during the design phase.

I recommend that the City Council move 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 the replacement of the Cate Street Bridge.

XVII. City Manager's Informational Items:

1. Dismissal of McIntyre Lawsuit:

On February 10, 2025, the McIntyre lawsuits were formally dismissed with the approval of the Court (Delker, J.). A copy of the [Court approved Stipulation of Dismissal](#) is attached.



CITY OF PORTSMOUTH

City Hall, 1 Junkins Avenue
Portsmouth, New Hampshire 03801
sgmorrell@cityofportsmouth.com
(603) 610-7204

Susan G. Morrell
City Attorney

To: Karen S. Conard, City Manager
Suzanne M. Woodland, Deputy City Manager/Regulatory Counsel

From: Susan G. Morrell, City Attorney
Trevor P. McCourt, Deputy City Attorney

Re: Action Item for the City Council on February 18, 2025
Land Use Review Process for Project at 35 Sherburne Road

Date: February 11, 2025

Legal Framework

City property is generally exempt from review from all the provisions of the Zoning Ordinance except for Article 10, Environmental Protection Standards. However, Section 10.433 states “[n]evertheless, the City is urged to comply with all relevant land use controls whenever possible and feasible.”

35 Sherburne Road Project

The proposed project at 35 Sherburne Road differs from past projects on City land. While this project is for a public purpose, 35 Sherburne Road will be developed by a third-party, Portsmouth Housing Authority (PHA). PHA agrees that a public process is appropriate, but that defining the scope of such a review is incumbent upon the City. Therefore, although the City Council has empowered the City Manager to consummate the agreement with PHA, the scope of any review by any land use board should be defined, including the criteria by which land use boards review PHA’s proposed project.

Therefore, it is recommended that the City Council adopt the process described below for land use review of the project at 35 Sherburne Road.

Proposed Review Process

1) PHA shall submit its proposed project to the Technical Advisory Committee (TAC) and the Planning Board to review the project for compliance under the Site Plan Review Regulations, Subdivision Regulations (if applicable) and under requirements of the Highway Noise Overlay District (HNOD); and

2) TAC and the Planning Board will make recommendations to PHA and the City Manager.

Proposed Motion

I Move to adopt the above process for land use review of the project at the City's property at 35 Sherburne Road.

M E M O R A N D U M

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: February 3, 2025

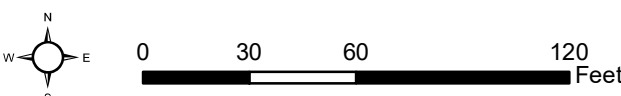
RE: City Council Referral – Projecting Sign
Address: 175 Market Street Unit 103
Business Name: Port Aesthetics, LLC
Business Owner: Anna Saunders

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

Sign dimensions: 38” diameter
Sign area: 7.87 sq. ft.

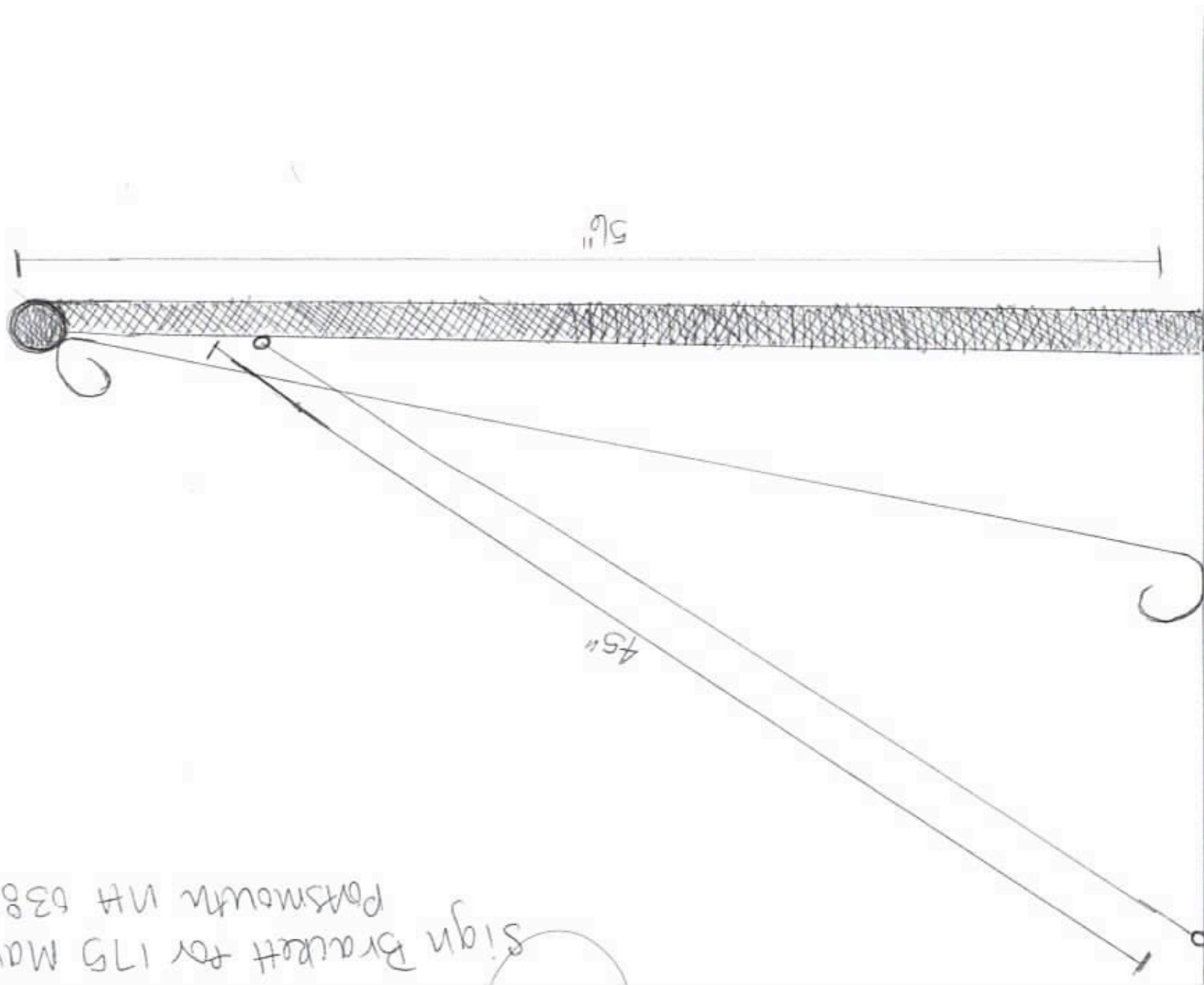
The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:

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

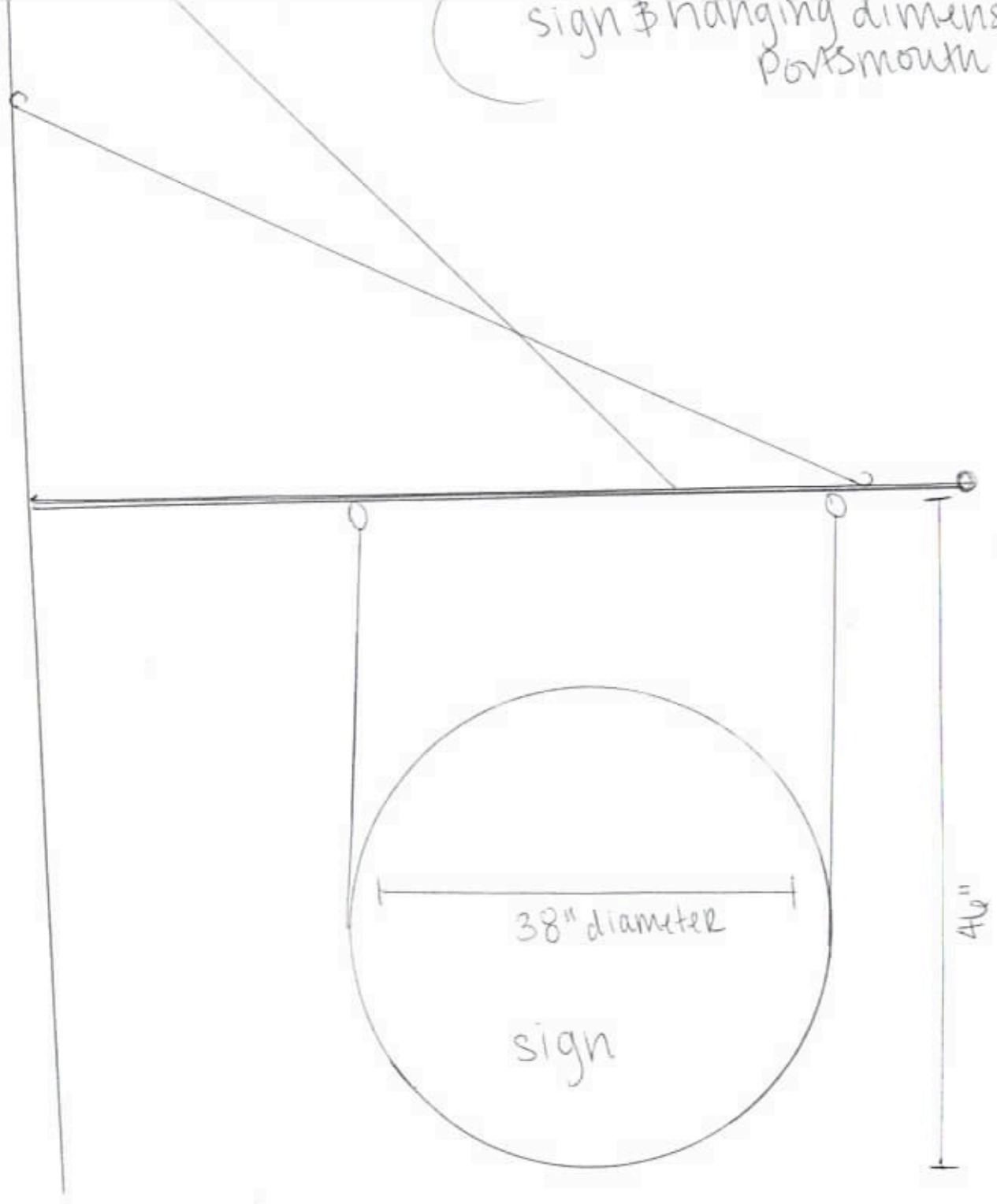


**Request for license
175 Market Street Unit 103**

Sign Bracket for 175 Market St. #1
Portsmouth NH 03801



sign & hanging dimensions 175 Market St. #1
Portsmouth NH 03801



175 Market St. #103
POV + Aesthetics Store Front



12'4"

Market St. sidewalk



loan Depot

Sign

THE GRANARY



PORTSMOUTH SOAP COMPANY



January 29, 2025

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

Dear Ms. Conard,

I am writing with Portsmouth Little League's annual request for permission to install temporary signage at the Plains and Hislop Fields for the 2025 baseball season.

The signage will be in the form of banners affixed to the outfield fence and the advertising face toward the infield. The banners are uniform in color with a forest green background and white letters.

Signage affixed to the rear of the Plains Scoreboard will remain the color consistent with the green background and white letters as with the banners.

Banners will be affixed starting on the evening of April 4 (Field Cleanup Weekend), and they will remain in place through October 2025.



Your feedback and/or approval to proceed is appreciated.

Sincerely,
Jenna Raizes, (603) 969-5515
PLL Volunteer, President | 2025



nh outright

February 10, 2025

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

Dear Mayor McEachern and Council Members:

I am writing on behalf of New Hampshire Outright (formerly Seacoast Outright), our Board of Directors, LGBTQ youth and allies, and residents of Portsmouth and surrounding towns, to thank the City for its ongoing support of our annual Portsmouth PRIDE Celebration. We are grateful for the efforts of the Council and staff to ensure a joyful (and safe) event each and every year.

This is our 11th year hosting this signature event, as we welcome thousands of folks to Portsmouth as a celebration of our community – adults, youth, families parade; our non-profit partners and local businesses gather and offer their services and wares; and of course, it is also our primary fundraising event. Last year's event was our best and biggest yet, filling both parking garages downtown before the parade even stepped off. Rain, or shine, Portsmouth is indeed the City of the Open Door on Pride and Fill-the-Hall weekend.

We have already begun planning, working with Strawberry Banke Museum, and can't wait to celebrate with our whole community on June 21, 2025. Thank you for all of your ongoing support, and we look forward to planning again with the city for another wonderful, joyous year.

Thank you,

Heidi Carrington Heath
Executive Director

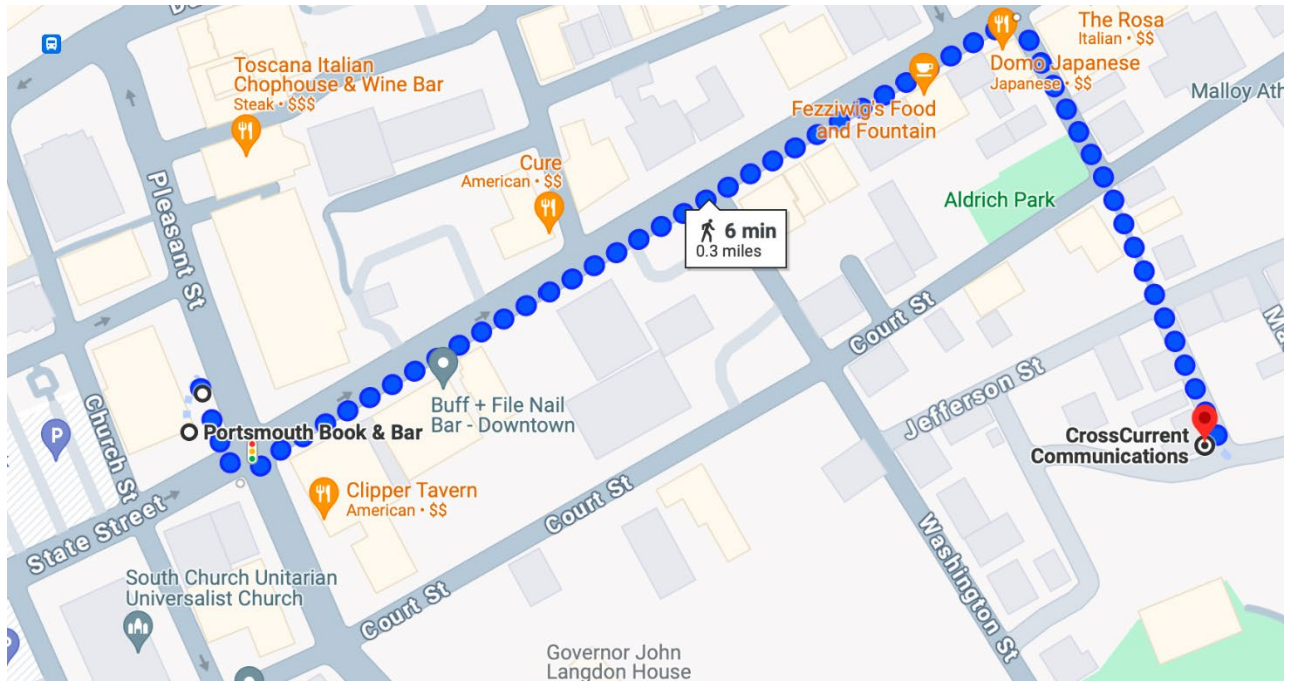
Executive Director: Rev. Heidi Carrington Heath

Board of Directors:

Michael Haley, Chair
Kelsey Boucher, Board Member
Sarah Buckley, Board Member

Christine Stilwell, Treasurer
Alissa Cannon, Board Member
Joyce Kemp, Board Member
Caitlin Thayer, Board Member

Sarah Buckley, Secretary
Linda Fishbaugh, Board Member
Lloyd Ziel, Board Member





Portsmouth Maritime Folk Festival
106 Langford Rd.
Raymond, NH 03077
+1.415.845.8202
info@pmffest.org
Monday 10 February 2025

City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Mr. Mayor and City Councilors,

Greetings from PMFF! Our 2024 festival was very successful, and our audience really liked the return to the Portsmouth waterfront. Thank you for your help with all of that.

We would like to repeat that winning formula for 2025, the 27th and 28th of September.

We are requesting the use of the space in Prescott Park, in the public forum area near Marcy St. and the power outlets, on Saturday the 27th, 11 to 3, and Sunday the 28th, 1 to 5. We plan to have amplified sound there.

The designation of the northern Prescott Park parking lot as handicap parking worked very well, and we would request that again.

We would also like to be in Market Square again, at the same times, in the space in front of the North Church that we used the last three years. We understand that amplification is not allowed there.

We again request a Sunday motorcycle parking ban in Market Square during the festival performance times.

We are partnering again with the Gundalow Company to use Sheafe Warehouse and the lawn in front of their dock under their auspices.

Respectfully,

Chris Maden
President, PMFF

City Council Emails – January 30, 2025 – February 12, 2025

Submitted on Sun, 02/02/2025 - 14:39

Submitted by: Anonymous

Submitted values are:

First Name

Hannah

Last Name

Burke

Email

classicbd@comcast.net

Address

161 South Street
Portsmouth, New Hampshire. 03801

Message

The City Council has failed as the voice of it's Portsmouth residents. That we are punitively taxed, based on a number determined to be the fair market value of our homes, is blatantly wrong. I am aware of at least two of my neighbors who are considering leaving Portsmouth as a result of the hardship we have been burdened with by this City. I am looking at taking social security early to solely offset this enormous tax burden. That is also blatantly wrong. I will remind you that my family has owned this property for 5 1/2 decades and my Mother was an extremely active member of the Portsmouth community in the 70's and 80's. She served on numerous city groups as Portsmouth blossomed and then became a State legislator. Our family has long loved and been proud of Portsmouth. This is a City that does NOT understand that it's value is directly related to it's residents, restaurateurs and merchants.

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

Yes

Submitted on Mon, 02/03/2025 - 14:04

Submitted by: Anonymous

Submitted values are:

First Name

David

Last Name

Meuse

Email

David.Meuse@leg.state.nh.us

Address

579 Sagamore Avenue, Unit 97
Portsmouth, New Hampshire. 03801

Message

On Wednesday at 11am, The NH House of Representatives Resources, Recreation and Development Committee will conduct a public hearing on HB 595, an act relative to coastal resiliency zones.

As we all know from recent experience, large swaths of our seacoast neighborhoods are increasingly vulnerable to severe storm damage and higher-than-normal flooding. Among other things, the bill enables municipalities to offer property owners who engage in flood resilience projects a property tax abatement or tax assessment freeze for a specified period of time. It also allows municipalities to assess a fee on properties in a flood resilience zone to be deposited into a non-lapsing flood resilience investment fund.

The bottom line is that with the number and price tag of disasters of all sorts increasing—and the future response of the federal government uncertain at best—ensuring coastal neighborhoods can survive means taking action locally. This bill would put more tools in Portsmouth’s toolbox to help the community and homeowners alike to take action to build resiliency.

You can sign in to support the bill and provide testimony here.

<https://gc.nh.gov/house/committees/remotetestimony/default.aspx>

You can read the full text of the bill here.

https://gc.nh.gov/bill_status/legacy/bs2016/billText.aspx?sy=2025&id=833&txtFormat=html

Please give it your support.

Rep. David Meuse

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, 02/05/2025 - 10:27

Submitted by: Anonymous

Submitted values are:

First Name

Mary

Last Name

Calhoun

Email

mcalhounnh@gmail.com

Address

280 Thaxter Rd
Portsmouth, New Hampshire. 03801

Message

Honorable Mayor and Members of the City Council,

I am writing to express my strong support for the full funding request submitted by the Portsmouth School District for the upcoming fiscal year. As a parent and resident of Portsmouth, I believe that fully funding our schools is a crucial investment in the future of our community.

I understand the City Council has requested budget adjustments, and I am deeply concerned about the potential impact of staff cuts proposed to meet those requests. The proposed reductions in staff, as reported, would be extremely detrimental to the quality of education our children receive. The Portsmouth School Board's proposed budget reflects the necessary resources to maintain and enhance the quality of education our students deserve, and this includes appropriate staffing levels.

Our schools play a vital role in shaping the lives of our children and preparing them for success. Cutting staff would directly impact our students by, increasing class sizes significantly, eliminating crucial support staff like counselors or librarians, reducing specialized instruction, and limiting extracurricular activities. These cuts would undermine the very foundation of our educational system and jeopardize our children's future. These cuts would ultimately harm our students and

weaken our community as a whole.

Investing in our schools is an investment in our future. A strong educational system, with adequate staffing, benefits everyone by creating a more educated workforce, a stronger economy, and a more vibrant community. I urge the City Council to reconsider its request for cuts that necessitate staff reductions and to instead approve the full funding request submitted by the Portsmouth District and School Board.

Thank you for your time and consideration.

Respectfully,
Mary Calhoun

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, 02/05/2025 - 11:55

Submitted by: Anonymous

Submitted values are:

First Name

John

Last Name

Logan

Email

john_logan@brown.edu

Address

130 Dennett St Unit 1
Portsmouth, New Hampshire. 03801

Message

Our schools are essential to our quality of life and the future of children who are raised in Portsmouth. I am distressed at the proposal to make multimillion dollar cuts in the school budget, which would necessarily translate into a reduced staff and -- in the end -- to a less robust educational program. I have noticed that the city budget is continually increased to improve staffing levels and services, and we seem to find funds for large capital items like the police station, which

is nice but unlikely to make any difference to the policing of the city. Education must be at the top of our priority list, and we should be cutting elsewhere first, and only reduce education funding if there are no alternatives.

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

Yes

Submitted on Mon, 02/10/2025 - 10:21

Submitted by: Anonymous

Submitted values are:

First Name

Andrew

Last Name

Cahill

Email

dcahill6@gmail.com

Address

276 Dennett St.

Portsmouth, New Hampshire. 03801

Message

Dear Councilors, I am writing to voice my opposition to school budget cuts. My wife and I are raising our two young daughters in the New Franklin district. New Franklin School has been fantastic so far; we can't say enough about the educators there. Quality education is the bedrock of a strong, thriving community and society. It is part of what makes Portsmouth great. I urge you to do everything in your power to preserve this vital asset. There must be other ways to balance our city's budget. I'm no fiscal expert, but I see expensive condos going up all over town, steady commercial space development, restaurants downtown not renewing leases because of the high cost of rent, and record real estate sales on the seacoast. I read about major, high-cost proposals for re-doing the police station being considered. Considering these realities, how are we in a position where we need to even consider cutting the school budget? Are we not asking landowners (commercial and residential) to pay a true fair share in property taxes? Are we not requiring developers to contribute enough to the community when they're allowed to do business here? I ask that you and the City Manager consider these choices carefully. We want a Portsmouth that is focused on providing the highest quality education for children of all socio-economic backgrounds. Not a Portsmouth that is geared towards being a comfortable landing pad for wealthy retirees and a hot spot for

Submitted on Tue, 10/15/2024 - 16:23

Submitted by: Anonymous

Submitted values are:

First Name

Abigail

Last Name

Mayrand

Email

abigail.mowery@gmail.com

Message

Hi! I'm a resident of Elwyn and have been awaiting sidewalks in our neighborhood for YEARS. Looking at the 2020-2025 CIP, these sidewalks were included but construction has yet to commence. Do you know when we can expect our neighborhood to be completed?

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

Yes



245 Middle Street, Portsmouth, NH 03801 | 603-436-4310 | www.porthousing.org

February 12, 2025

Mayor and City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor and Council:

Thank you for your trust in the PHA by awarding us the Sherburne School project. We are honored to be given this opportunity. The project is in good hands with the PHA.

We have completed the formal part of the community engagement requirements outlined in the RFP. This engagement will continue throughout the duration of the development and after occupancy. We are now moving forward with completing schematic designs before submitting these designs to TAC this spring.

The key to permanent affordability is cost. Containing costs while pursuing aspirational goals for energy efficiency and high-quality community space is a significant challenge. One easy, revenue-neutral way to help contain costs is by the City waiving permit fees for the project. While the PHA routinely pays permit fees for our various capital improvement projects, providing a one-time waiver of these City fees will help ensure a high-quality development at the Sherburne School.

There is precedent for this action. In 2019, the City Council authorized waiving fees for the Ruth Lewin Griffin Place project. By every measure, Ruth's Place was a triumph for the city, helped in part by the City's willingness to limit project cost.

Please accept this formal request to the City Council to waive all City permit fees for the Sherburne School project.

Thank you for considering this request.

Sincerely,

Craig W. Welch
Executive Director



TDD/TTY: 800-545-1833 ext. 825



FITNESS • ENRICHMENT • ARTS • ATHLETICS

PORTSMOUTH

RECREATION DEPARTMENT



MEMORANDUM

TO: Karen Conard, City Manager

FROM: Todd Henley, Recreation Director *TH*

DATE: 01/29/25

SUBJECT: Recreation Board Sub-Committee Report on Ice Rink Construction

In November 2024, the Recreation Board Chairman requested a small Sub-Committee of the Board to research and review information about the possible location and construction of an Ice Rink in the City and/or surrounding towns. Attached is the final report on Ice Rink Construction Possibilities that was presented to the Recreation Board at their 1/22/25 meeting. After discussion on the report, the Board did not make any formal recommendation based on this information and instead motioned and approved to move the report to the City Council via the Board's Council Representative, Rich Blalock for further Council review.

Portsmouth Ice Rink Sub-Committee: Jackie Cali-Pitts, Amy-Mae Court, Scott Chaudoin

Agenda:

- Sub-Committee Objective
- The Issue Portsmouth is looking to solve
- Our Summary
- Summary of What We Learned
- Next Steps

1. Sub-Committee Objective: Look into the work done previously (e.g. RFQs, Site Selection Committee, Local Municipal Rinks, Pease Development Authority) and put together an update/summary on an ice rink that can be reviewed by the Rec Board and sent on to the City Council.

2. What is the issue Portsmouth is looking to solve: What is the best approach to get the citizens of Portsmouth access to a year around ice rink in the City (or much closer than Exeter/Dover/Somersworth) that can be used for hockey and other recreation activities in a cost neutral way.

3. Summary:

There seem to be 4 somewhat viable options (each with 'pros' and 'cons') that need further investigation

A. The City of Portsmouth can build its own indoor rink

- it is very expensive, there are very few options for available land, the project would need to be placed in a the City budget years in the future

B. The City of Portsmouth can give land to sports complex developer

- for this option we'd have to fill in wetlands at community campus

C. The City of Portsmouth can give land to sports complex developer

- for this option we'd have to partner with Pease Development Authority and the Air National Guard

Step 1: to convert 5+ acres of unused concrete (the North Apron) at Pease back to a field that Portsmouth can use for outdoor sports

Step 2: Relocate 5 acres of athletic fields Portsmouth owns/uses (e.g. multi-purpose recreation fields at Community Campus) to Pease at the site of the North Apron.

Step 3: Partner with Edge Sports Group to build an indoor multisport complex at the site of the 'former' Portsmouth multi-purpose field.

D. A private developer builds an indoor ice rink

4. Summary of our Findings.

Topic	What We Learned	Comments
Community Campus wetlands	<p>Buildable areas that would require no wetlands permit are: .57 acres, 3 acres (which includes current pickleball courts) and 1.58 acres. These are not next to each other.</p> <p>There is land that could be buildable when you include the wetland buffer but would need approvals. 1.41 acres, 6.27 acres (which includes current pickleball courts), 2.4 acres, 4.66 acres.</p>	<p>We do not know the cost nor the approval process to possibly fill in wetlands.</p> <p>We know many will not support filling in wetlands.</p> <p>Note: A stand-alone sports complex would need 5 acres. If the Sports Complex shared parking with an office complex it could get by with 2 to 3 acres.</p>
Municipal rinks - outdoor	<p>Durham has an outdoor rink (Durham Landing) but we do not see this as a viable option for Portsmouth. The High School team playing/practicing outdoors does not seem it is worth pursuing.</p> <p>Note: the high school/other teams could practice on outdoor rink but not hold sanctioned games.</p>	<p>Where this rink might be placed is TBD given limited land owned by the City.</p> <p>We do not know the estimated cost.</p>
Municipal rinks -indoor	<p>We are not sure the cost to build one to two sheets of indoor ice.</p> <p>Per Marblehead online document from 2022: two sheets could cost \$7.7mm excluding land.</p> <p>In Rochester the annual operating costs have been positive in recent years FY23: +\$72k FY24: +\$48k</p>	<p>If the City wanted to pursue this, it would need to be vetted and put in the City budget 'years' in the future.</p> <p>We do not think the citizens would support this project.</p>
The Sports Facilities Company	<p>Made multiple attempts to contact them (Evan Eleff) to get an update on their thinking but never heard back.</p>	<p>We could reach out to them if we secured acres needed for them to bid on the project.</p>

Edge Sports Group	<p>Spoke to Chris Collins. He was enthusiastic and helpful.</p> <ul style="list-style-type: none"> - For the past 1.5 years they have been looking for private land but with no success so far (that we are aware of) <p><i>Note: if they go this route Portsmouth would have to pay market rates unless we could negotiate some favorable rates.....but what would our leverage be?</i></p> <ul style="list-style-type: none"> - they need 5 acres for enough parking. - if they were in an office complex they might get away with 2 to 3 acres dues to shared parking 	
Ice Rink Site Selection Committee	<p>The municipalities (Portsmouth, Rye, New Castle, Newington, Greenland and PDA) came to the conclusion there was no appetite for any town to give 5 acres for a sports complex. That includes not wanting to fill in wetlands at Community Campus.</p>	No next Steps.
Pease Development Authority	<p>Met with Paul Brean, Exec Dir.</p> <ul style="list-style-type: none"> - The only viable space is 43 acres (north apron) - The Air National Guard is interested/motivated to offer recreation/athletics options for their folks. The fields would be maintained by the Guard but used by the city - Any funding would come from the Guard applying to US Dept of Defense - The DOD would (with 99% likelihood?) NOT fund indoor rinks. - Paul thinks it is highly likely that the DOD would fund converting 'some/all' of the 43 acres to athletic fields. The process could take 36 months. - NOTE: since Great Bay CC is 'not for profit' in theory they could build a sports facility 	<p><i>Step 1:</i> to convert 5+ acres of unused concrete tarmac at Pease back to a field that Portsmouth can use for outdoor sports</p> <p><i>Step 2:</i> Relocate multi-purpose recreation fields at Community Campus to Pease newly developed fields.</p> <p><i>Step 3:</i> Partner with Edge Sports Group to build an indoor multisport complex at the site of the 'former' Portsmouth multi-purpose field.</p>
Community Grants	<ul style="list-style-type: none"> -Elise Annunziata is the City of Portsmouth Block grant guru. -The approval process involves the city and state. -The grants are designed to support low income projects and so we do not think an alternative to offset any ice rink costs the City of Portsmouth may incur. 	

5. Next Steps: ?

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – February 6, 2025
City Hall Conference Room A

PRESENT: Members: Chairman Andrew Bagley, Public Works Director Peter Rice, Deputy Police Chief Mike Maloney, Stephanie Casella Planning Department, Mark Syracuse, Erica Wygonik, Jane Mitchell-Pate, Dave Allen, Mary Lou McElwain

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

ACTION ITEMS FOR CITY COUNCIL

- Limited Hours Loading Zones. Voted to change loading zone hours for the Penhallow Street loading zone from 6 AM – 7 PM, to 6 AM - 3 PM, Mondays through Saturdays and 6:00 AM to 12:00 PM on Sundays.
- State Street, Voted to eliminate metered parking space at 487 State Street and add first two spaces on the south side of State Street west of Middle Street to Zone 1507.
- 2 Russell Street. Voted to renew approval of on-street parking and loading zone changes for the 2 Russell Street project contingent upon the execution of a Site Review Agreement. Changes to take effect when parking spaces and loading zones are ready for public use and the ordinance will be amended through the annual omnibus.

- **Roll Call**

- **Selection of Chair:** Voted to approve Councilor Andrew Bagley as Chair and Erica Wygonik as Vice Chair for 2025.
- **Financial Report:** Voted to accept and place on file Financial Report dated December 31st, 2024.
- **Public Comment Session:** There was one speaker: Tyler Garzo spoke regarding requesting of lower speed limit on Route 1 as part of the New Hampshire Department of Transportation's upcoming project on Route 1.
- **293 Maplewood Avenue, driveway permit request.** Voted to conduct site visit and place on March meeting agenda.
- **Chapter 7, Article VI, Section 7,601: Limited Hours Loading Zones. Request to change loading zone hours on Penhallow Street to allow public parking starting at 3 PM Mondays through Saturdays.** Voted to change loading zone hours for the Penhallow Street loading zone from 6 AM – 7 PM, to 6 AM - 3 PM, Mondays through Saturdays and 6:00 AM to 12:00 PM on Sundays.
- **Bow Street, request to remove parking space to allow for monument for Royal Governor Benning Wentworth tomb, by Portsmouth Historical Society.** Voted to conduct a site visit and place on the March meeting agenda.

- **State Street, request to eliminate parking space at 487 State Street:** Voted to eliminate metered parking space in front of 481 State Street, and to add the first two spaces on the opposite side of State Street west of Middle Street to Zone 1507.
- **Junkins Avenue at Pleasant Street, concerns regarding sight distance looking up Pleasant Street:** Voted to place on file
- **Broad Street, request for traffic calming measures, by residents.** Voted to add this item to the March 2025 PTS Agenda to give the neighborhood time to be notified and express their desired methods for traffic calming.
- **Union Street, report back on request for one way traffic between State Street and Austin Street.** Voted to place item on file.
- **2 Russell Street, extension of approval of on-street parking and loading zone changes, originally granted January 2024 as set forth in the amended plan in the packet.** Voted to renew approval of on-street parking and loading zone changes for the 2 Russell Street project contingent upon the execution of a Site Review Agreement. Changes to take effect when parking spaces and loading zones are ready for public use and the ordinance will be amended through the annual omnibus.
- **Police monthly accident report:** Informational; no action required.
- **Speed feedback sign City policy:** Informational; no action required.
- **Bicycle Passing Clearance signage:** Informational; no action required.
- **Parking Matrix:** Informational; no action required.

Respectfully submitted by: Eric Eby

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

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

Members of the public also had the opportunity to join the meeting via Zoom

8:30 AM

February 6th, 2025

MINUTES

I. CALL TO ORDER

Councilor Andrew Bagley called the meeting to order at 8:30 AM.

[00:04:58] Mark Syracuse nominated Andrew Bagley to serve as Committee Chair, and for Erica Wygonik to serve as Vice Committee Chair. Peter Rice seconded the nomination, and the nominations were approved unanimously.

II. ATTENDANCE

Members Present:

Chairman Andrew Bagley
Public Works Director Peter Rice
Deputy Police Chief Mike Maloney
Stephanie Casella, Planning Department
Erica Wygonik
Jane Mitchell-Pate
Mark Syracuse
Mary Lou McElwain
Dave Allen (alternate)

Members Absent:

Fire Chief William McQuillen

City Staff Present:

City Engineer Eric Eby
Parking Director Ben Fletcher
Associate Engineer Tyler Reese
Administrative Assistant Jefferson Lane

III. FINANCIAL REPORT

[00:06:01] Mary Lou McElwain moved to accept the financial report dated December 31st, 2024, seconded by Public Works Director Peter Rice. The motion passed unanimously.

IV. PUBLIC COMMENT (15 MINUTES)

[00:06:50] There was one speaker: Tyler Garzo spoke regarding the New Hampshire Department of Transportation's upcoming project on Route 1 and asked the committee to support a request of the State to lower the speed limit on Lafayette Road from 35 MPH to 30 MPH.

V. PRESENTATIONS

There were no presentations.

VI. NEW BUSINESS

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

- A. [00:08:28] 293 Maplewood Avenue, driveway permit request, by resident. Erica Wygonik moved to conduct site visit and place on March meeting agenda, seconded by Peter Rice. The motion passed unanimously.
- B. [00:08:54] Chapter 7, Article VI, Section 7,601: Limited Hours Loading Zones. Request to change loading zone hours on Penhallow Street to allow public parking starting at 3 PM Mondays through Saturdays, by Chairman Bagley. Peter Rice moved to change loading zone hours for the Penhallow Street loading zone from 6 AM – 7 PM, to 6 AM -3 PM, Mondays through Saturdays and 6:00 AM to 12:00 PM on Sundays, with Erica Wygonik seconding the motion. The motion passed unanimously.
- C. [00:11:49] Bow Street, request to remove parking space to allow for monument for Royal Governor Benning Wentworth tomb, by Portsmouth Historical Society. Erica Wygonik moved to conduct a site visit and place on the March meeting agenda, with Mary Lou McElwain seconding the motion. The motion passed unanimously.

VII. OLD BUSINESS

- A. [00:12:34] State Street, request to eliminate parking space at 481 State Street, by resident. Peter Rice moved to eliminate metered parking space in front of 481 State Street, and to add the first two spaces on the opposite side of State Street west of Middle Street to Zone 1507, seconded by Mary Lou McElwain. The motion passed 9-0.
- B. [00:18:10] Junkins Avenue at Pleasant Street, concerns regarding sight distance looking up Pleasant Street, by resident. Peter Rice moved to place the item on file, seconded by Erica Wygonik. The motion passed unanimously.
- C. [00:19:22] Broad Street, request for traffic calming measures, by residents. Peter Rice moved to place the item on file for discussion purposes, seconded by Dave Allen. There was discussion on residents' desire to slow vehicle speeds on Broad Street and methods of accomplishing that, and desire to inform the residents of Broad Street in proposing what methods of traffic calming they would like to see. Peter Rice rescinded his motion, and Erica Wygonik moved to add this item to the March 2025 PTS Agenda to give the neighborhood time to be notified and express their desired methods for traffic calming. Mary Lou McElwain seconded the motion, and the motion passed 8-1, with Peter Rice voting against the motion.

Committee Chair Andrew Bagley left the meeting at 8:53 AM. Vice Chair Erica Wygonik took over as acting chair at this time.

- D. [00:27:40] Union Street, report back on request for one way traffic between State Street and Austin Street. Peter Rice moved to place the item on file, seconded by Mary Lou McElwain. The motion passed unanimously.
- E. [00:29:36] 2 Russell Street, extension of approval of on-street parking and loading zone changes, originally granted January 2024 as set forth in the amended plan in the packet. Mary Lou McElwain moved to renew approval of on-street parking and loading zone changes for the 2 Russell Street project contingent upon the execution of a Site Review Agreement. Changes to take effect when parking spaces and loading zones are ready for public use and the ordinance will be amended through the annual omnibus. The motion was seconded by

Dave Allen and passed unanimously.

VIII. INFORMATIONAL

- A. [00:33:14] Police monthly accident report
- B. [00:34:01] Speed feedback sign draft City policy.
- C. [00:35:43] Bicycle Passing Clearance signage
- D. [00:37:15] Parking matrix

IX. MISCELLANEOUS

[00:43:46] Eric Eby announced that the Maplewood Avenue bridge would be closing again for construction in the spring of 2025 and would open to one-lane traffic inbound for a period following that closure. Mary Lou McElwain asked for any updates regarding a committee item from 2024 regarding the installation of a stop sign on Marston Avenue at South Street.

X. ADJOURNMENT

Vice Chair Erica Wygonik adjourned the meeting at 9:10 AM.

Respectfully submitted,
Tyler Reese
Associate Engineer, Department of Public Works

The Attorney General's Office has approved this template for use on August 25, 2021.

**STATE BRIDGE AID AND FEDERAL AID PROGRAMS
PROJECT AGREEMENT
FOR**

CITY OF PORTSMOUTH

STATE PROJECT #: 44386
FEDERAL PROJECT #: X-A005(466)
PROJECT SPONSOR UNIQUE ID #: _____
STATE VENDOR #: 177463

THIS AGREEMENT, is made and entered into this ____ day of _____, 2025, between the State of New Hampshire, acting through its Department of Transportation, hereinafter called the "DEPARTMENT", and the City of Portsmouth, hereinafter called the "PROJECT SPONSOR".

WHEREAS, the DEPARTMENT and the PROJECT SPONSOR have determined that a project to replace Cate Street bridge over Hodgson Brook (Br. #198/107) in the City of Portsmouth is an eligible project for funding under the State Bridge Aid Program and the Federal Municipal Owned Bridge Rehabilitation and Replacement (MOBRR) Program created under the Federal Bipartisan Infrastructure Law (BIL); and

WHEREAS, the DEPARTMENT has established Project #44386 (the "Project") for the aforesaid project, with the project funding and target ad year as represented in the table below; and

Programmed Year of Advertisement 2028	Participating Federal Share 80%	Participating State Share 80%	Participating Local Share 20%	Additional Non-Participating Funds	Total Budget
Preliminary Engineering & Right of Way Phase Costs	\$0.00	\$275,294.46	\$68,823.62	\$0.00	\$344,118.08
Construction and Construction Engineering Costs	\$1,557,134.31	\$0.00	\$389,283.58	\$0.00	\$1,946,417.89
	Federal	State	Local	Non-Participating	Grand Total
Sub Totals	\$1,557,134.31	\$275,294.46	\$458,107.20	\$0.00	*\$2,290,535.97

*The Total Budget shown is the latest approved estimate cost year of FY 2025, inflated at 3.7% per year for 2 years

Additional Administrative Documentation Information: If this information is not available at the time of the Agreement signing, documentation will be sent to the PROJECT SPONSOR by the DEPARTMENT as soon as the information is available:

FEDERAL FAIN #: Not yet available
CFDA # 20.205 and DESCRIPTION: Highway Planning and Construction
SUBAWARD Period of performance start date: Not yet available
SUBAWARD Period of performance end date: Not yet available
NHDOT Managed: Yes _____ No x _____
NHDOT Indirect Cost Rate: N/A x _____ 10% _____
Is award Research & Development: Yes _____ No x _____

WHEREAS, the PROJECT SPONSOR has previously submitted a State Bridge Aid Application to sponsor the Project (the "Application") and the DEPARTMENT has accepted the Application; and

WHEREAS, the Application, by reference, is hereby incorporated and made a part of this AGREEMENT; and

WHEREAS, the PROJECT SPONSOR desires to act as Sponsor and Manager of the Project; and

WHEREAS, the DEPARTMENT desires to cooperate with the PROJECT SPONSOR in accomplishing the Project;

NOW, THEREFORE, in consideration of the above premises and in further consideration of the agreement herein set forth by and between the parties hereto, it is mutually agreed as follows:

I. DUTIES AND RESPONSIBILITIES OF THE PROJECT SPONSOR:

- A. The PROJECT SPONSOR shall comply with all Federal and State of New Hampshire laws and rules, regulations, and policies as applicable under the Federal-aid Highway Program for Federal Aid Construction Contracts.
- B. The PROJECT SPONSOR shall manage the design, environmental study, right-of-way acquisition and construction of the Project. This management is described in the current version of the DEPARTMENT's document titled "Local Public Agency Manual for the Development of Projects", as it may be amended from time to time, and, by reference, is hereby made a part of this AGREEMENT.
- C. The PROJECT SPONSOR shall provide or cause to provide for both the maintenance of the Project during construction and subsequent maintenance of all Project elements together with the maintenance of sidewalks, which includes winter snow and ice removal in accordance with the requirements of 23 CFR 1.27 and 28 CFR 35.133, once the work under this AGREEMENT is completed. Should operational adjustments be necessary, the PROJECT SPONSOR agrees that no changes will be made without prior approval of the DEPARTMENT and the Federal Highway Administration.
- D. The PROJECT SPONSOR shall submit Preliminary Engineering and Right-of-Way invoices to the DEPARTMENT for reimbursement of its share of the amounts paid for preliminary engineering, environmental studies, right-of-way expenses, and bid phase services at the end of the design phase according to the DEPARTMENT's document titled "New Hampshire Department of Transportation Process for Municipally-Managed State Bridge Aid Program Projects", as it may be amended from time to time, and by reference is hereby incorporated and made a part of this AGREEMENT. The PROJECT SPONSOR shall submit monthly progress reports and invoices for the federally funded construction phase portion of the project to the DEPARTMENT for reimbursement of its share of the amounts paid to construction engineering and construction contractors for the performance of the work set forth in the Application or agreed upon at the scoping meeting. The invoice structure shall include details of work completed consistent with the Scope of Work as defined in the Application, as well as backup information to support the charges. The PROJECT SPONSOR shall certify that all invoices properly represent payment for work that has been completed and paid for by the PROJECT SPONSOR.
- E. The PROJECT SPONSOR is required to maintain all project and financial records pertinent to the development of the Project for three (3) years beyond the date of the

DEPARTMENT's final voucher. The DEPARTMENT will send a letter to the PROJECT SPONSOR with the date of this approval. If there is a failure to maintain this documentation, NHDOT and/or Federal Highway Administration could take an action up to and including requesting a refund of all reimbursed project costs. Any and all of these project and financial records must be made available to the DEPARTMENT and Federal Highway Administration at their request.

F. The PROJECT SPONSOR shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of the PROJECT SPONSOR or its subcontractors in the performance of this AGREEMENT. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State of New Hampshire or the DEPARTMENT, which immunity is hereby reserved. This covenant shall survive the termination of this AGREEMENT.

G. Non-Discrimination:

1. The PROJECT SPONSOR agrees, for itself, its assignees and successors in interest, that it will comply with Title VI of the Civil Rights Act of 1964, (referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21, (referred to as the "REGULATIONS"), the Federal-aid Highway Act of 1973, and other pertinent directives, to the end that no person shall on the grounds of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the PROJECT SPONSOR receives Federal financial assistance extended by the State of New Hampshire. The ACT and the REGULATIONS are herein incorporated by reference and made a part of this AGREEMENT. This AGREEMENT obligates the PROJECT SPONSOR for the period during which Federal financial assistance is extended.
2. The PROJECT SPONSOR hereby gives assurance as required by subsection 21.7(a)(1) of the REGULATIONS that it will promptly take any measures necessary to effectuate this AGREEMENT, including but not limited to the following specific assurances:
 - a. That each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the REGULATIONS will be conducted or operated in compliance with all requirements of the REGULATIONS.
 - b. That the PROJECT SPONSOR shall insert the following notification in all solicitations for negotiated agreements or bids for work or material made in connection with this Project: *The PROJECT SPONSOR hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in consideration for an award.*
 - c. That the PROJECT SPONSOR shall not discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in the award and performance of any DEPARTMENT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The PROJECT SPONSOR shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DEPARTMENT-assisted contracts. The DEPARTMENT's DBE program, as

required by 49 CFR part 26 and as approved by the United States Department of Transportation, is incorporated by reference in this AGREEMENT. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this AGREEMENT. Upon notification to the PROJECT SPONSOR of its failure to carry out its approved program, the DEPARTMENT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*)

- d. That the PROJECT SPONSOR shall include the following assurance in each contract signed with a contractor and each subcontract the prime contractor signs with a subcontractor: *The contractor or subcontractor shall not discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DEPARTMENT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy, as the recipient deems appropriate.*
3. The PROJECT SPONSOR shall insert a copy of the required provisions of Federally-assisted construction contracts in accordance with Executive Order 11246, Equal Employment Opportunity, and 41 CFR Part 60-4, Affirmative Action Requirements, in each contract entered into pursuant to this AGREEMENT. Required Federal contract provisions can be obtained through the DEPARTMENT's Labor Compliance Office (271-6612) or Online at: <http://www.nh.gov/dot/org/administration/ofc/documents.htm>
- H. The PROJECT SPONSOR certifies by entering into this Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from entering into this Agreement by any federal agency or by any department, agency or political subdivision of the State of New Hampshire. The term "principal" for purposes of this Agreement means an officer, director, key employee or other person with primary management or supervisory responsibilities, or a person who has critical influence on or substantive control over the operations of the PROJECT SPONSOR. The PROJECT SPONSOR also certifies that it will verify the state and federal suspension and debarment status for all parties (consultant/vendor/contractor, etc.) receiving funds under this Agreement as a sub-Agreement and shall be solely responsible for any recoupment, penalties or costs that might arise from use of a suspended or debarred party. The PROJECT SPONSOR shall immediately notify the Department if any sub-Agreement party is debarred or suspended, and shall, at the DEPARTMENT'S request, take all steps required by the State to terminate its sub-Agreement relationship with the party for work to be performed under this Agreement.
 - I. If the PROJECT SPONSOR defaults or fails to fulfill any part of this AGREEMENT, the PROJECT SPONSOR shall be required to reimburse the DEPARTMENT and/or the Federal Highway Trust Fund for all funds expended under this Project.

II. DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT:

- A. The DEPARTMENT shall review the Project engineering plans, environmental documents and contract documents applicable to the Federal Highway Administration and State of New Hampshire requirements for a Federally funded project and submit appropriate documentation to the Federal Highway Administration to receive Federal approval.
- B. The DEPARTMENT shall reimburse its share to the PROJECT SPONSOR after receipt and approval of properly documented invoices that have been certified by the PROJECT SPONSOR as properly representing work that has been completed and paid for by the PROJECT SPONSOR.
- C. The DEPARTMENT shall use its best efforts to obtain authorization of the Project from the Federal Highway Administration.

III. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE DEPARTMENT AND THE PROJECT SPONSOR:

- A. That the PROJECT SPONSOR will not incur any Project costs nor enter into any agreement with any third party, including but not limited to consultants, contractors, or engineers until such time that it receives a written notice to proceed from the DEPARTMENT to do so.
- B. That the maximum amount of funds available for this Project for reimbursement under this AGREEMENT from the DEPARTMENT shall be as set forth in the Table on page 1. As the scope of the Project is finalized, should the costs for the Project exceed the amount budgeted, the DEPARTMENT agrees to review Project costs for consideration of additional funding. Neither the DEPARTMENT nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the PROJECT SPONSOR under this AGREEMENT in excess of the above amounts unless the DEPARTMENT expressly authorizes additional funding prior to the work being performed.
- C. That the PROJECT SPONSOR shall invoice the DEPARTMENT for incurred Preliminary Engineering and Right-of-Way cost according to Paragraph ID noted above. The PROJECT SPONSOR shall invoice the DEPARTMENT for incurred Construction and Construction Engineering costs on a monthly basis. The DEPARTMENT will process all invoices for payment in an expeditious manner.
- D. That the PROJECT SPONSOR agrees to commence the PROJECT within 6 months of AGREEMENT execution date noted in the first paragraph of page 1. The PROJECT SPONSOR agrees to complete the Preliminary Engineering (PE) Phase of the PROJECT on or BEFORE December 31st of the Programmed Year of Advertisement date noted in the table on page 1, unless earlier terminated as provided herein. The PROJECT SPONSOR may apply to the DEPARTMENT for an extension to either the START or END date. Such application for extension must be made in writing, providing an explanation of the reasons for the delay, and proposing a revised schedule. Failure to meet any deadline without good cause or failure to submit an extension request may cause the DEPARTMENT to cancel its participation in this Project at its sole discretion, in which case any remaining funds will be forfeited. The PROJECT SPONSOR is responsible for informing and coordinating a new Project completion date that will need to be approved by the DEPARTMENT if any condition arises that may result in either deadline being unattainable.
- E. That the PROJECT SPONSOR will attend a meeting with the DEPARTMENT's representative after signing this AGREEMENT to discuss the Project's scope, budget and schedule. The PROJECT SPONSOR will subsequently provide a schedule showing project milestones with dates. Failure to meet these dates could delay funding for construction.

- F. This AGREEMENT may be amended to incorporate changes in project scope, schedule, and/or budget that may arise through the development and design stages of the project, pursuant to approval by the Governor and the Executive Council as Item No. 47 on March 23, 2022. Such amendments will be effective upon execution of an instrument in writing signed by both parties hereto. Otherwise, this AGREEMENT may be amended, waived or discharged only by an instrument in writing signed by the parties hereto, and only after approval of such amendment, waiver of discharge by the Governor and Executive Council of the State of New Hampshire unless no such approval is required under the circumstances pursuant to State law, rule or policy.

- G. That this AGREEMENT is contingent upon the appropriation of sufficient funds from the State of New Hampshire Legislature and/or the Federal Highway Administration. If sufficient funds are not appropriated, the DEPARTMENT may terminate this AGREEMENT upon thirty (30) days' written notice to the PROJECT SPONSOR. Such termination shall relieve the DEPARTMENT and the PROJECT SPONSOR from obligations under this AGREEMENT after the termination date.

- H. Pursuant to authorization by the Governor and Executive Council, as Item No. 47 on March 23, 2022, this AGREEMENT is effective upon the date shown on page one of this AGREEMENT. The DEPARTMENT will include this AGREEMENT in its annual report to the Governor and the Executive Council on the status of all active Federal Local Public Agency (LPA) projects.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT on the date first written above.

**NEW HAMPSHIRE DEPARTMENT
OF TRANSPORTATION**

CITY OF PORTSMOUTH

By: _____
 William J. Cass, PE
 Commissioner
 State of New Hampshire
 Department of Transportation

Signature: _____
 Name (typed): _____
 Title: _____

THE STATE OF NEW HAMPSHIRE

CM Info Item #1

HILLSBOROUGH, SS.
Northern District

SUPERIOR COURT
Business and Commercial Dispute Docket

Docket No. 218-2023-CV-00468
(consolidated with 218-2023-CV-00470)

City of Portsmouth

v.

SoBow Square, LLC

STIPULATION OF DISMISSAL

City of Portsmouth (“City”) and SoBow Square, LLC (“SoBow”), by and through undersigned counsel, hereby stipulate to the dismissal of this action, including all claims, counterclaims, and defenses asserted therein, with prejudice, and without costs or attorneys’ fees to any party.

Approved and So Ordered



Honorable N. William Delker

February 10, 2025

Dated: February 10, 2025

Respectfully submitted,

CITY OF PORTSMOUTH, NH

By its attorneys,

/s/ Kathleen M. Mahan

Michael J. Connolly, Esq. (#14371)

Owen R. Graham, Esq. (#266701)

Kathleen M. Mahan (#17124)

Hinckley, Allen & Snyder LLP

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Manchester, NH 03101

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Clerk's Notice of Decision
Document Sent to Parties
on 02/11/2025

AND

SOBOW SQUARE, LLC

By its attorneys,

Dated: February 10, 2025

/s/ Christopher T. Hilson
Christopher T. Hilson, Esq. (#17116)
Donahue, Tucker & Ciandella, PLLC
16 Acadia Lane, P.O. Box 630
Exeter, NH 03833-4936
Tel: 603-778-0686
chilson@dtc;awyers.com

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a true and accurate copy of the foregoing document upon all counsel of record through the Court's electronic filing system.

/s/ Kathleen M. Mahan
Kathleen M. Mahan, Esq.