

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, AUGUST 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_XtV8lqd_REyb5s6vZ1LKhw

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

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

PROCLAMATION

- 1. National Service Dog Month

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- 1. Portsmouth Sustainability Committee Update

- 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 Amending Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP be amended as follows: rezone parcels described on the City Tax Map 138 Lot 62 and Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to change the boundary of the North End Incentive Overlay District (NEIOD) by removing City Tax Map 138 Lot 60-2, Tax Map 138 Lot 62 and Tax Map 125 Lot 16, and Tax Map 138 Lot 63 and a portion of Tax Map 138 Lot 60-3; and to amend the boundary of the Downtown Overlay District (DOD) by removing City Tax Map 138 Lot 60, a portion of Tax Map 138 Lot 60-1, Tax Map 138 Lot 60-2, Tax Map 138 Lot 60-3, Tax Map 138 Lot 61, Tax Map 138 Lot 62, Tax Map 138 Lot 63, Tax Map 164 Lot 4, Tax Map 125 Lot 17-1 and a portion of Tax Map 125 Lot 16 and Tax Map 125 Lot 17 from the DOD; to

amend the building height map from 2-4 stories (50 feet) to 2-3 stories (short 4th, 45 feet) for parcels along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 and to add a building height standard of 2-3 stories (40 feet) along Rock Street to the cul-de-sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), collectively the "Zoning Maps". ***(Sample motion – move to pass first reading and to schedule a public hearing and second reading at the September 8, 2025, City Council meeting)***

Second Reading of Ordinance:

- B. Second Reading of Ordinance regarding Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map be amended as follows: Rezone Parcels Described on the City Tax Map 125 Lot 16; Tax Map 138 Lot 61; Tax Map 138 Lot 62; and a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to Rezone a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District L1 (CD4-L1); to change the Boundary of the North End Incentive Overlay District (NEIOD) to remove City Tax Map 138 Lot 61, Tax Map 138 Lot 60-3, and Tax Map 164 Lot 4 from the NEIOD and to Amend the Boundary of the Downtown Overlay District (DOD) to align with the amended NEIOD by removing City Tax Map 164 Lot 4, Tax Map 138 Lot 61, Tax Map 138 Lot 60-3 and a portion of Tax Map 138 Lot 63 from the DOD; to amend the Building Height Map from 2-4 stories (50 Feet) to 2-3 stories (40 feet) for parcels along Bridge Street to Foundry Place and along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 and to add a Building Height Standard of 2-3 stories (40 feet) along Rock Street to the Cul-De-Sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based Zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), Collectively the "Zoning Maps"
(Sample motion – move to pass second reading and schedule a third and final reading at the September 8, 2025, City Council meeting)

Public Hearing & Second Reading of Ordinances:

- C. PUBLIC HEARING and Second Reading of Chapter 1, Administrative Code – Article I, Administrative Code Ordinance Amendments:
- Section 1.102 – Administrative Organization
 - Section 1.103 – Organizational Chart
 - Section 1.105 – General Powers and Duties of the Department Administrators
 - Section 1.106 – Specific Duties, Functions and Responsibilities of Departments
 - Section 1.107 – Authority of City Manager
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- (Sample motion – 1) move to amend the proposed changes to Chapter 1, Section 1.106(G) to reflect the changes proposed by the Legal Department, 2) move to pass second reading as amended and schedule third and final reading at the September 8, 2025, City Council meeting)*
- D. PUBLIC HEARING and Second Reading of Chapter 2, Seal, Deeds and Elections – Article II, Deeds, Section 2.201 – Execution to be amended by deleting the section in its entirety
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- (Sample motion – move to pass second reading of the proposed changes to Chapter 2 and schedule a third and final reading at the September 8, 2025, City Council meeting)*
- E. PUBLIC HEARING and Second Reading of Omnibus Vehicles, Traffic and Parking Ordinance Amendments:
- Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes – Hanover Street and State Street
 - Chapter 7, Article III, Section 7.330 – No Parking – State Street and Sagamore Avenue
 - Chapter 7, Article IVA, Section 7A.408 – Taxi Stands Designated – Pleasant Street
 - Chapter 7, Article VI – Limited Hours Loading Zones – Penhallow Street

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

(Sample motion – move to pass second reading and schedule a third and final reading at the September 8, 2025, City Council meeting)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Report Back from the Planning Board Regarding Frenchman's Lane
2. Request for Public Hearing Regarding Amendment to Resolution #6-2022 Regarding Funding Scope for the Police Station and Municipal Complex Feasibility Study and Design
3. Approval of School Superintendent McLaughlin's Employment Contract
4. *Reschedule City Council Meeting of September 22, 2025
5. 1 Raynes Avenue Access Easement for Water Services
6. Report Back from the Planning Board Regarding Proposed Amendments to Building Footprints in the Downtown

XII. CONSENT AGENDA

- A. Letter from Terrence Hyland, Jr., Krempels Brain Injury Center, requesting permission to hold the Doc King Adaptive Tour (DKAT) on Sunday, October 19, 2025, at 10:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the Seacoast Turkey Trot 5k on Thursday, November 27, 2025, at 7:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Capital Improvement Plan Kickoff
- B. E-mail Correspondence ***(Sample motion – move to accept and place on file)***

- C. Letter from Attorney John Bosen, Donahue, Tucker & Ciandella, PLLC, requesting the City Council authorize the execution of the Consent to Non-Industrial Use for property located at 45 Coach Road
- D. Petition by Residents along Islington Street requesting Sidewalk Restoration (***Sample motion – move request for report back from the Department of Public Works***)
- E. Letter from Mike Daigle, Friends of Italian Americans, requesting permission to use public space to hold an Italian Festa Celebration on Monday, October 13, 2025, from Noon to 4:00 p.m.

XIV. MAYOR McEACHERN

- 1. *Appointment to be Voted:
 - Appointment of Anna Howard as a regular member of the Economic Development Commission filling an unexpired term until October 1, 2026 (***Sample motion – move to appoint Anna Howard as a regular member of the Economic Development Commission filling an unexpired term until October 1, 2026***)
- 2. Acceptance of Resignation of Kelly Delekta from the Board of Library Trustees (***Sample motion – move to accept with regret the resignation of Kelly Delekta from the Board of Library Trustees and to send a letter of thanks and appreciation for her service to the city***)
- 3. *Providing After-School Child Care in Portsmouth (***Sample motion – move to authorize the City Manager to enter into an agreement with the Granite YMCA to provide after school childcare services to families of the city***)

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BAGLEY

- 1. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 7, 2025, meeting (***Councilor Bagley move to approve and accept the action sheet and minutes of the August 7, 2025, Parking & Traffic Safety Committee meeting***)

B. COUNCILOR MOREAU

- 1. *Requesting Report Back on the status of turning State Street into a two-way street

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation of Memorial Bench in Honor of Danielle Marie French to be Installed at Maple Haven Park ***(Sample motion - move to accept a memorial bench from Candace French and family in memory of Danielle Marie French to be installed at Maple Haven Park)***
- B. *Acceptance of New Hampshire Highway Safety Grant to support highway safety initiatives, including enforcement patrols and Community Outreach & Betterment Presentations - \$24,100.00 ***(Sample motion – move to approve and accept the Highway Safety Grant in the amount of \$24,100.00)***
- C. Acceptance of an In-kind Donation of 21 Bicycle Helmets from the Brain Injury Association of New Hampshire to Support the Portsmouth Police Department's E-Bike Safety Initiative ***(Sample motion – move to accept an in-kind donation of 21 bicycle helmets from the Brain Injury Association)***

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Household Hazardous Waste Collection Day – September 6, 2025

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**

The Council Chambers
City Hall
Portsmouth, New Hampshire
A Proclamation

Whereas: September is National Service Dog Month, created to raise awareness and show appreciation for the extraordinary work carefully trained and certified service dogs do every day for the people in their care, to honor the dedicated individuals who train and care for these remarkable animals, and to celebrate the profound bond between service dogs and the individuals they serve; and

Whereas: Service dogs are specially trained to perform specific tasks for people with disabilities as defined by the Americans with Disabilities Act. They can be trained to retrieve objects, assist with balance, give seizure or diabetic alerts, or assist those with psychiatric disabilities. They also serve veterans suffering from conditions including Post-Traumatic Stress and Traumatic Brain Injury allowing their humans to better manage their disabilities and live fuller lives; and

Whereas: These special dogs exemplify the amazing healing power of the human-animal bond. In addition to their skills, research shows that canine companions can provide physical benefits by increasing physical activity to improve cardiovascular health, lower cholesterol and decrease blood pressure while offering support and a sense of calm to balance the emotional and psychological stresses of daily life; and

Whereas: There are more than half a million service dogs in America working on behalf of their companions and their communities while more than 12 percent of the entire US population and more than 10 percent of our Portsmouth residents cope with some type of disability on a daily basis; and

Whereas: The City of Portsmouth recognizes the profound impact that service dogs have on the lives of adults and children with disabilities thanks to their unique ability to enhance the independence, mobility, and overall quality of life, opening doors for those they serve.

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council and the citizens of Portsmouth, do hereby proclaim September as

National Service Dog Month in Portsmouth

and call upon our residents and businesses to recognize and respect the important job they do in helping us live up to our motto of The City of the Open Door.



Given with my hand and the
Seal of the City of Portsmouth,
on this 18th day of August 2023.

Deaglan McEachern, Mayor of Portsmouth

A large, stylized handwritten signature in black ink, which appears to read "Deaglan McEachern", is written over the printed name of the Mayor.



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801

City of Portsmouth Sustainability Committee

Renewable Solar Energy Proposals: Portsmouth Middle School

Dear Mr. Rose, Ms. Stonerook, and 8th grade students,

As co-chairs of the City of Portsmouth's Sustainability Committee we would like to thank you for your effort, thoroughness, and thoughtfulness in your Solar Energy Solution projects last Spring.

As you know, the Jones Avenue site—which some of you recommended for its solar energy potential—is now being considered by the City for a solar array. There are many in Portsmouth who also strongly support this plan as you do. If you are interested, please keep in touch and share all you learned in your projects to make sure we as a community move forward with this.

Your hard work has inspired some of the next actions the committee will be taking. We are submitting four requests for the capital budget for the years ahead. One request is for an inventory of all the City-owned properties that could accommodate solar and an evaluation of the potential for solar generation for each site. That includes places like the middle school, the Hanover parking garage roof, and the Community Campus—places you identified in your solar projects.

Finally, we are grateful to know members of the Portsmouth community of all ages care about our planet. We appreciate your research on ways to take better care of the planet and to address climate change through solar energy.

As you progress to high school, we hope you stay committed to your efforts. A potential way is to attend our monthly sustainability committee meetings, to which all are welcome. In fact, the committee has a designated seat for a student as a voting member. We hope you will consider this!

If you have any questions or additional information you would like to share, please reach out at any time.

Again, thank you for all your efforts,

A handwritten signature in cursive script that reads "Jessica Blasko".

Jessica Blasko (jesspblasko@gmail.com)

Effie Malley (effie.malley@gmail.com)

Co-Chairs, City of Portsmouth Sustainability Committee

CC: Portsmouth City Council



Portsmouth Sustainability Committee Update

Presentation to City Council
August 18, 2025

1



Roles of the Sustainability Committee

The Portsmouth ordinance establishes the Sustainability Committee as a standing committee to

1. Advise and guide about the implementation of the Climate Action Plan* (CAP) and renewable energy policy
2. Provide information about sustainable practices
3. Support environmental justice and protect eco-system

* Portsmouth's Climate Future at
https://files.cityofportsmouth.com/sustainability/Climate/CAP_November_Update.pdf

2




Committee accomplishments

The Committee has

- Prioritized actions from Portsmouth CAP for follow-up.
- Supported the Sustainability Fair with estimated 1,000 attendees.
- Provided feedback on NH State Climate Action Plan and participated in work groups. State chose Portsmouth as a model for climate action.
- Started this year to cosponsor Community Climate Conversations with Seacoast Climate Action Now and the Portsmouth Public Library.

3



CAP criteria - Actions for Committee follow-up

- Carbon reduction or resilience impact
- Feasibility
- Partnerships potential
- Possibility of alignment and leverage with City priorities
- Potential for co-benefits

Most importantly, the actions that Committee members personally value or have experience with

4

Initial Committee actions from CAP

- Research about electrification of school bus fleet
- Support for public transit, implementation of updated bike/ped plan, and shuttle loop
- Advocacy for City developing EV charging plan that considers low-income areas of the City and multi-family housing. (Funds are in current CIP).
- Work with Planning Department on SolSmart recommendations for zoning amendments to promote private solar development
- Follow-up discussions with City staff about single-use plastic policy
- Committee representation on the Master Plan Advisory Committee

5

Proposals for CIP from the Climate Action Plan

- Create inventory of all City sites that are potential locations for solar installations (rooftops of public buildings and schools, parking lots, transfer station, community campus, etc.) and evaluate sites including estimated capacity. (RE-6)
- Develop an electrification plan for the City fleet (DTS-7)
- Update the greenhouse gas inventory as soon as possible and then every three years (GHG-1)
- Fund feasibility study for expansion of public transit using microtransit, shuttle, or hybrid (This was in current CIP as BI-26-PL-24A; however, funding was eliminated, calling for resubmission.) (DTS-4)

In addition, funds are in existing capital budget for a citywide EV charging plan; issuance of an RFP is needed.

6



What's ahead for the Sustainability Committee

- Submit requests for the capital improvement plan
- Advise and guide on Master Plan issues related to the CAP and renewable energy
- Continue work on strategies from the CAP
- Further inform the community about sustainable practices and co-benefits

Sustainability Comm. – Portsmouth Capital Requests and Master Plan Issues

August 18, 2025

CAP Action Description	CAP Action	Committee Potential Roles/Actions
Site inventory as initial step to build solar arrays w capacity to power municipal buildings	RE-6	CIP request, GF \$75K Capital budget proposal to inventory all City sites that are potential location for solar installations (rooftops of public buildings and schools, parking lots, transfer station, community campus, etc.) and evaluate capacity. This is tied to City Council goal of net zero emissions for government activities by 2040 in CAP.
Conduct microtransit/shuttle loop feasibility study	DTS-3, DTS-4	CIP request, GF and potential other funding \$100K. Fund feasibility study for expansion of public transit using microtransit, shuttle, or hybrid. (This was in current CIP as BI-26-PL-24A; however, funding was eliminated.)
Electrification of City fleet – Develop plan	DTS-7	Resubmit CIP request, GF \$75K This is tied to City Council goal of net zero emissions for government activities by 2040 in CAP. Funds are for plan.
Update the greenhouse gas inventory regularly	GHG 3.1	CIP request, \$100K. Recommendations for frequency: C40 every two years, EPA every year or two, Global Covenant of Mayors every four years, with more frequent updates. Portsmouth has GHG inventories for 2006, 2012, 2018, 2021. Committee recommends every three years.
Create EV charging plan	DTS-2	Funds are in CIP; need City to do RFP to get EV charging plan. Incentives to get chargers on new building sites, multi-family housing, and lower income areas. Check on zoning parameters to ensure that current ordinances don't present obstacles. See CIP BI-20-PW-46: Electric Vehicle (EV) Charging Stations

Expansion of public transportation	DTS-3	Master Plan issue. Master Plan issue; coordination with Rockingham Planning Comm. and NHDOT. Federal planning and operations funds may be available to Portsmouth for a shuttle loop of public transit expansion.
Electrification of school bus fleet	DTS-9	Master plan issue. Support for this in NH Statewide CAP and perhaps funding in clean diesel grants. See how other municipalities phased in electrification of school buses.
Enterprise fund for stormwater and flood resilience fees	FR-5	Master Plan issue. Litigation at state level, re-evaluate in 2026.
Creation of a zero waste plan	WM-1	Master Plan issue. Research what other cities and towns have done. Re-evaluate in 2026.
Additional Master Plan issues		
<ul style="list-style-type: none"> • Tax incentives for multi-family and commercial build'gs • Regulatory incentives for renewables • Building energy and emissions perf. standards and codes • Support for weatherization • Add carbon and energy criteria to budget criteria 	BE-2 RE-3 BE-3, 4 BE-1	Efficiency and renewable energy Renewable energy development Multi-family and commercial. Net zero codes. Promote citywide weatherization measures City reduction of greenhouse gases.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP be amended as follows: rezone parcels described on the City Tax Map 138 Lot 62 and Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to change the boundary of the North End Incentive Overlay District (NEIOD) by removing City Tax Map 138 Lot 60-2, Tax Map 138 Lot 62 and Tax Map 125 Lot 16, and Tax Map 138 Lot 63 and a portion of Tax Map 138 Lot 60-3; and to amend the boundary of the Downtown Overlay District (DOD) by removing City Tax Map 138 Lot 60, a portion of Tax Map 138 Lot 60-1, Tax Map 138 Lot 60-2, Tax Map 138 Lot 60-3, Tax Map 138 Lot 61, Tax Map 138 Lot 62, Tax Map 138 Lot 63, Tax Map 164 Lot 4, Tax Map 125 Lot 17-1 and a portion of Tax Map 125 Lot 16 and Tax Map 125 Lot 17 from the DOD; to amend the building height map from 2-4 stories (50 feet) to 2-3 stories (short 4th, 45 feet) for parcels along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 and to add a building height standard of 2-3 stories (40 feet) along Rock Street to the cul-de-sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), collectively the "Zoning Maps".

Deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing with appropriate bold and colors.

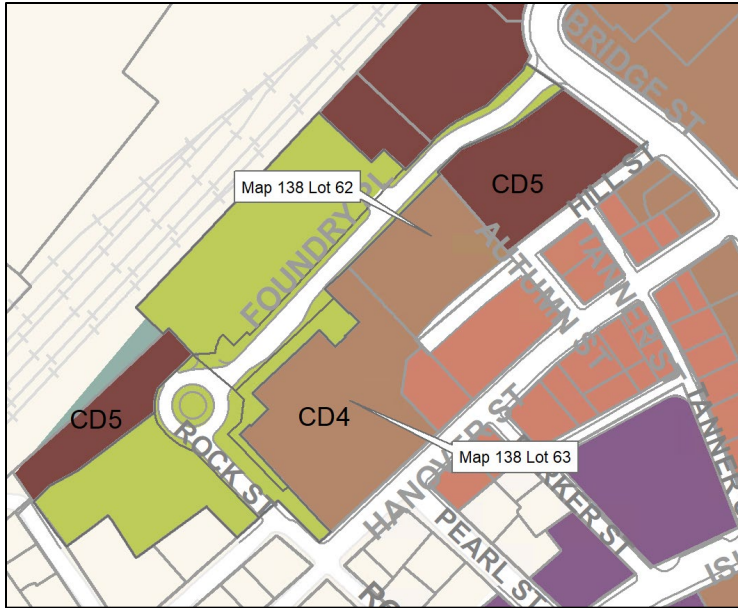
That the Zoning Maps be amended so that the following described parcels are rezoned from Character District 5 (CD5) to **Character District 4 (CD4)**:

City Tax Map 138, Lot 62

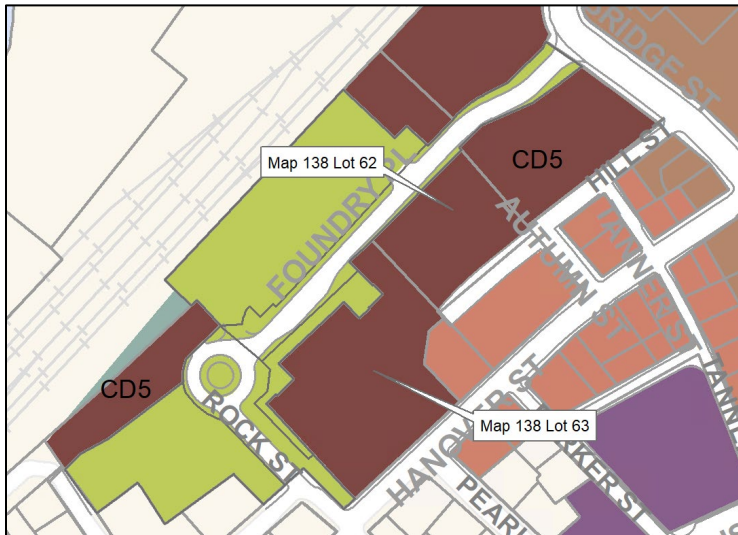
City Tax Map 138, Lot 63

Map 10.5A21A Character Districts and Civic Districts

Proposed



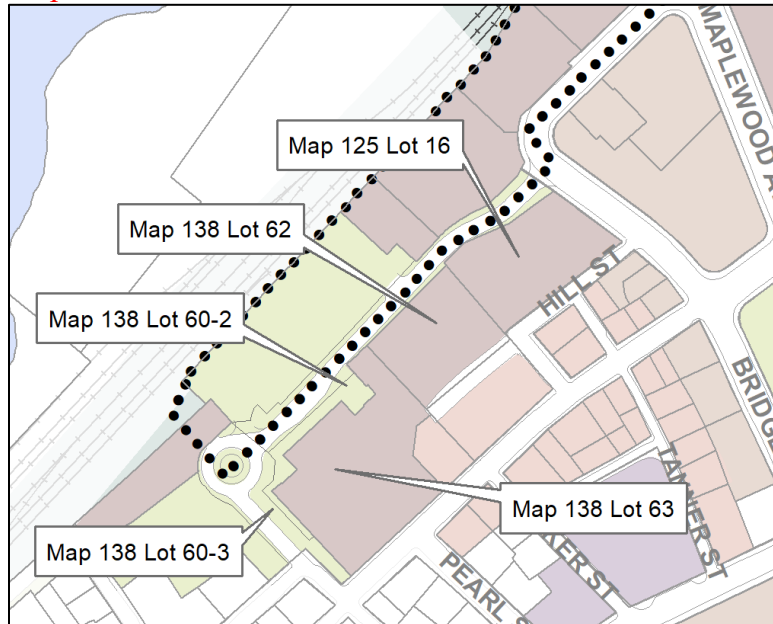
Map 10.5A21A Character Districts and Civic Districts Existing



That the Zoning Maps be amended to change the boundary of the North End Incentive Overlay District (NEIOD) to remove the following parcels from the NEIOD as depicted in the map below:

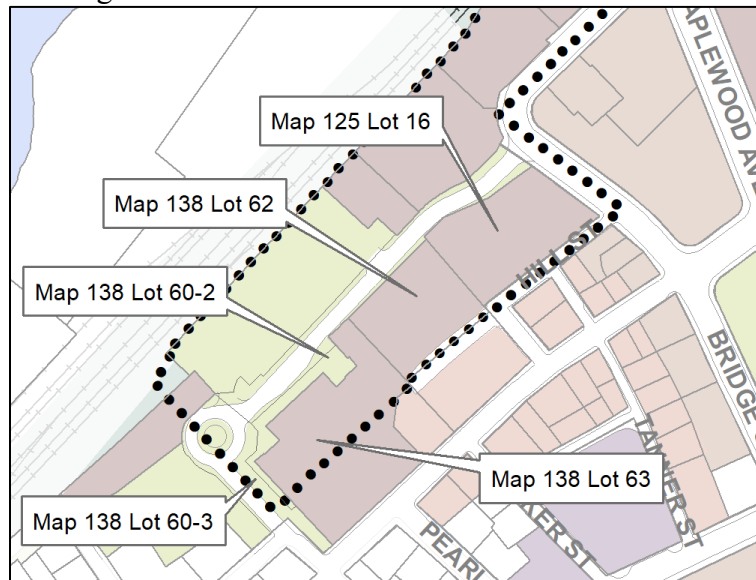
- City Tax Map 138 Lot 63**
- City Tax Map 138 Lot 60-2**
- City Tax Map 138 Lot 62**
- City Tax Map 125 Lot 16**
- City Tax Map 138 Lot 60-3 (portion of)**
- Map 10.5A21B Building Height Standards**

Proposed



Map 10.5A21B Building Height Standards

Existing



That the Zoning Maps be amended to move the boundary of the Downtown Overlay District (DOD) to align with the boundary of the North End Incentive Overlay District (NEIOD) for the parcels below as described above and as depicted in the map below.

Remove from the DOD:

City Tax Map 138 Lot 61

City Tax Map 138 Lot 63

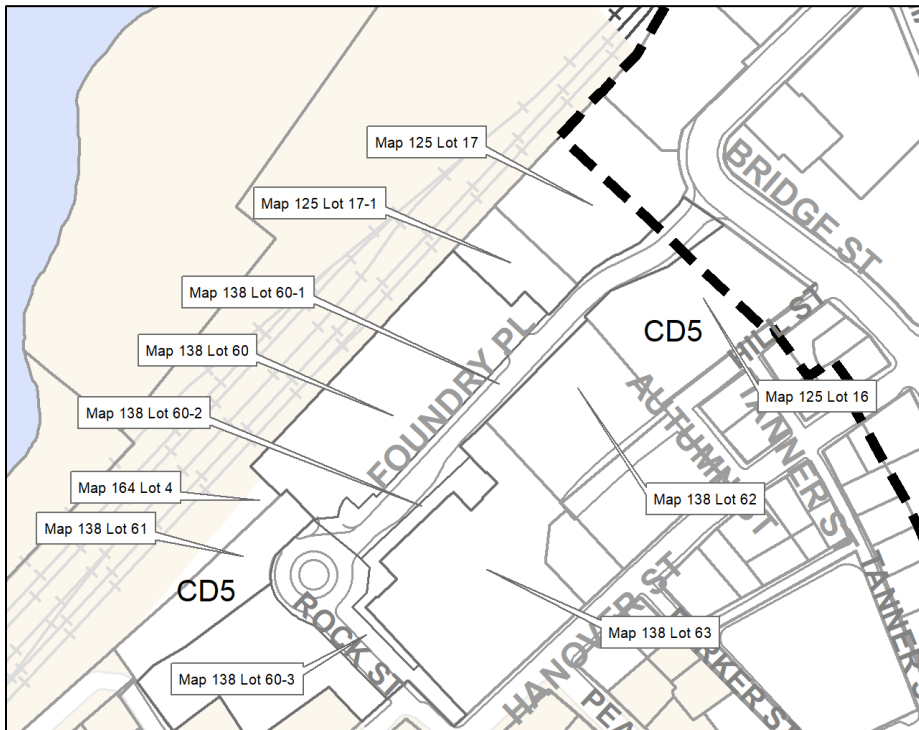
City Tax Map 138 Lot 60-3

City Tax Map 138 Lot 60-2

City Tax Map 138 Lot 60
City Tax Map 164 Lot 4
City Tax Map 138 Lot 62
City Tax Map 125 Lot 17-1
City Tax Map 138 Lot 60-1 (portion of)
City Tax Map 125 Lot 17 (portion of)
City Tax Map 125 Lot 16 (portion of)

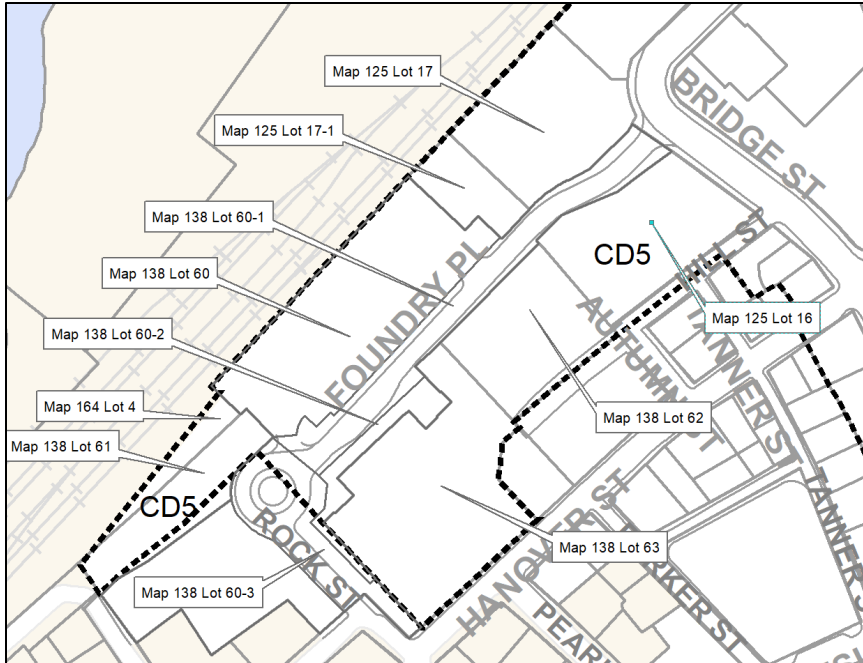
Map 10.5A21A Character Districts and Civic Districts

Proposed



Map 10.5A21A Character Districts and Civic Districts

Existing



That the Zoning Maps be amended to change the building heights from 2-4 stories (50 feet) to 2-3 stories, short 4th (45) feet for the following described parcels and as depicted in the map below.

City Tax Map 125 Lot 14

City Tax Map 125, Lot 16

City Tax Map 138, Lot 62

That the Zoning Maps be amended to add a building height requirement of 2-3 stories (40) feet for the following described parcels along Rock Street to the cul-de-sac at Foundry Place as depicted in the map below.

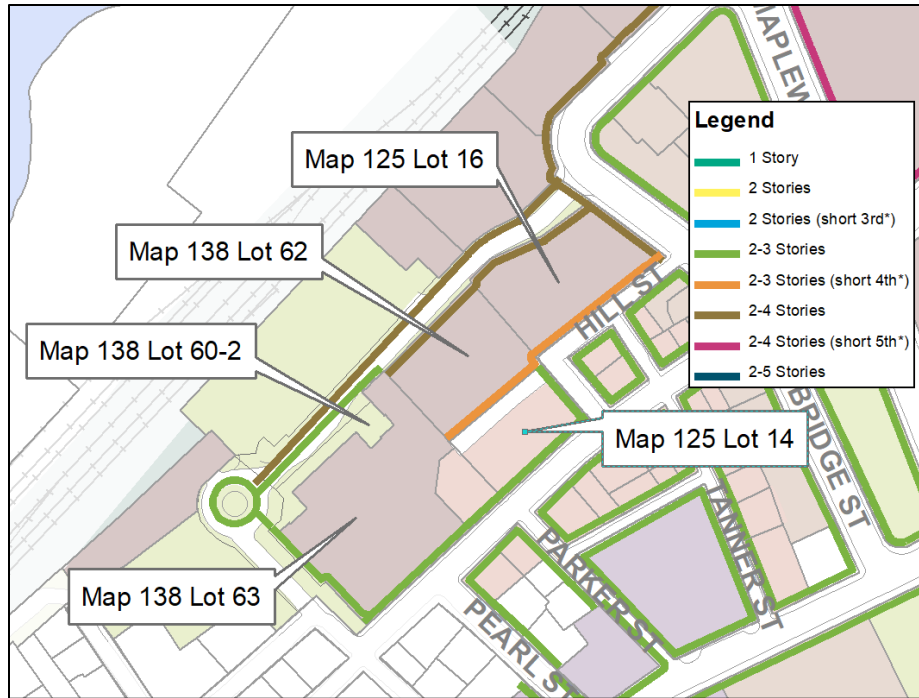
City Tax Map 138 Lot 63

City Tax Map 138 Lot 60-2

City Tax Map 138 Lot 60-3

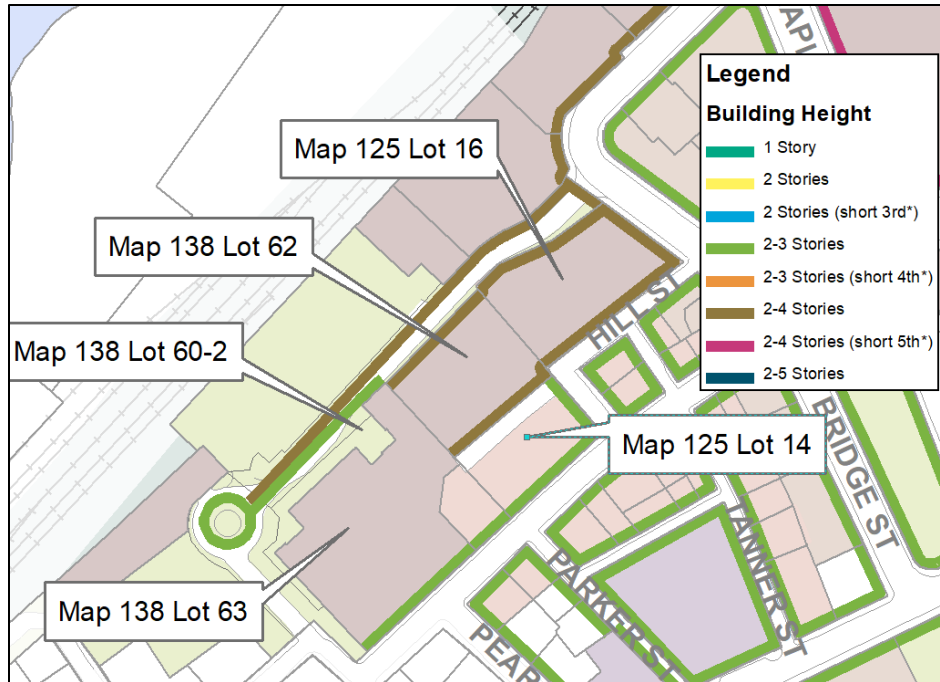
Map 10.5A21B Building Height Standards

Proposed



Map 10.5A21B Building Height Standards

Existing



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 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP be amended as follows: rezone parcels described on the City Tax Map 125 Lot 16; Tax Map 138 Lot 61; Tax Map 138 Lot 62; and a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to rezone a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District L1 (CD4-L1); to change the boundary of the North End Incentive Overlay District (NEIOD) to remove City Tax Map 138 Lot 61, Tax Map 138 Lot 60-3, and Tax Map 164 Lot 4 from the NEIOD and to amend the boundary of the Downtown Overlay District (DOD) to align with the amended NEIOD by removing City Tax Map 164 Lot 4, Tax Map 138 Lot 61, Tax Map 138 Lot 60-3 and a portion of Tax Map 138 Lot 63 from the DOD; to amend the building height map from 2-4 stories (50 feet) to 2-3 stories (40 feet) for parcels along Bridge Street to Foundry Place and along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 and to add a building height standard of 2-3 stories (40 feet) along Rock Street to the cul-de-sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), collectively the "Zoning Maps".

Deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing with appropriate bold and colors.

That the Zoning Maps be amended so that the following described parcels are rezoned from Character District 5 (CD5) to **Character District 4 (CD4)**:

City Tax Map 125, Lot 16

City Tax Map 138, Lot 61

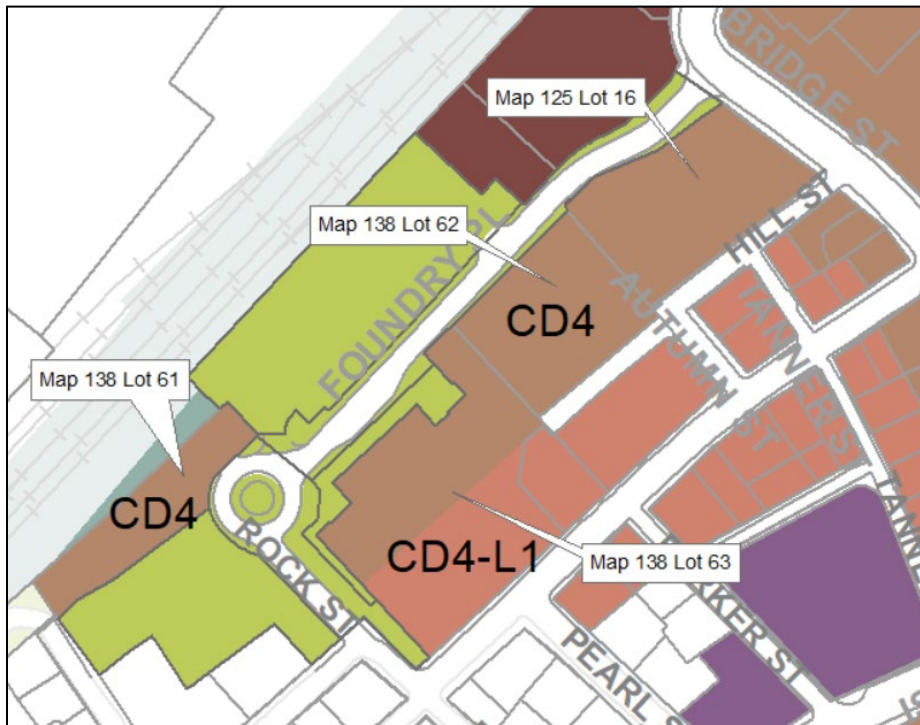
City Tax Map 138, Lot 62

City Tax Map 138, Lot 63 (portion of)

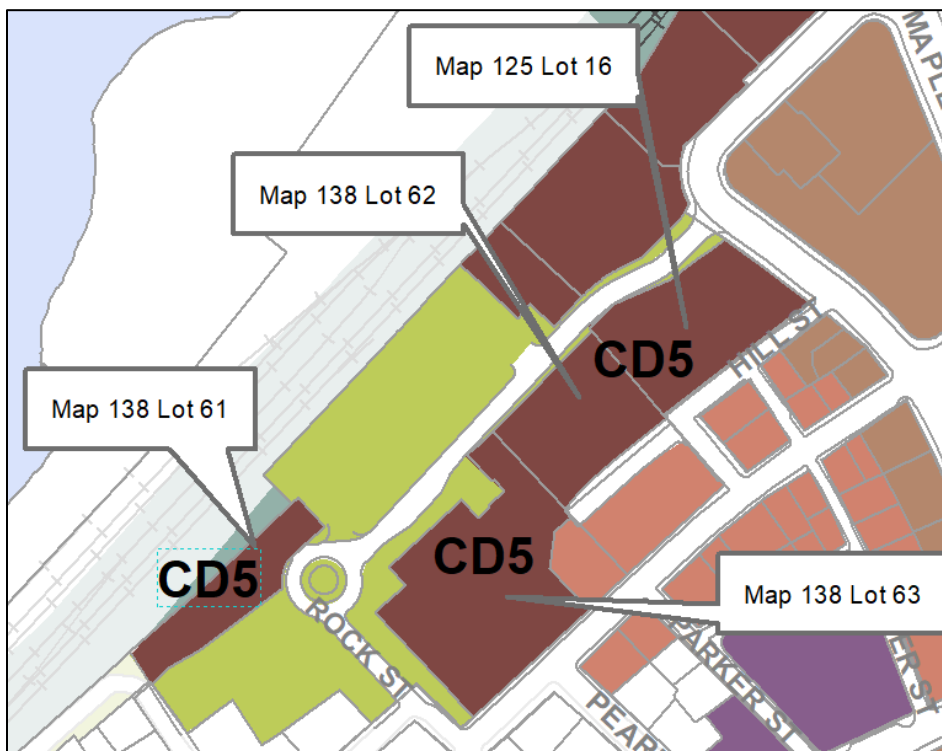
That the Zoning Maps be amended so that the following described parcel is rezoned from Character District 5 (CD5) to **Character District L1 (CD4-L1)**:

City Tax Map 138, Lot 63 (portion of)

Map 10.5A21A Character Districts and Civic Districts
Proposed



Map 10.5A21A Character Districts and Civic Districts
Existing



That the Zoning Maps be amended to change the boundary of the North End Incentive Overlay District (NEIOD) to remove the following parcels from the NEIOD as depicted in the map below:

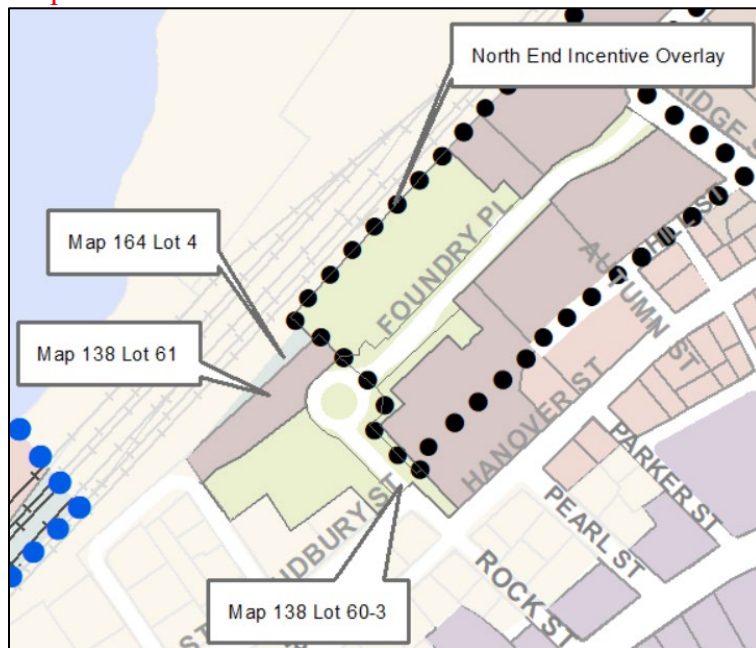
City Tax Map 138 Lot 61

City Tax Map 138 Lot 60-3

City Tax Map 164 Lot 4

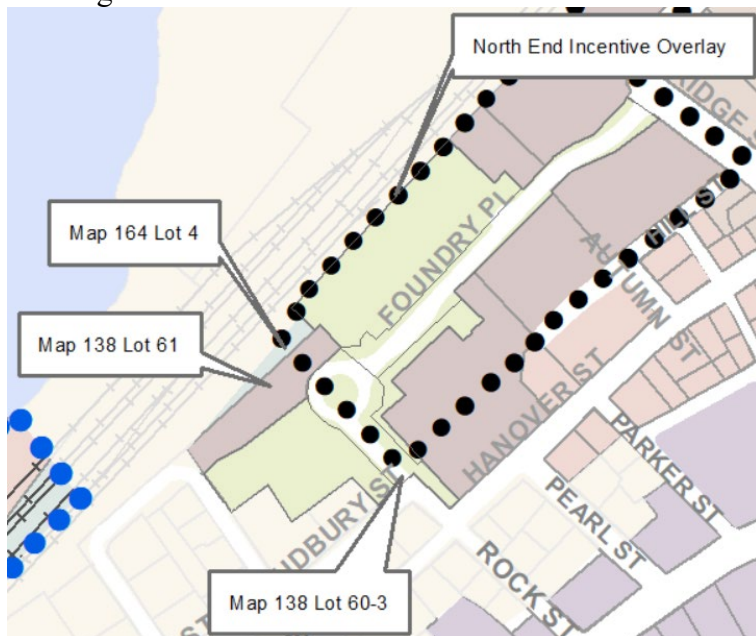
Map 10.5A21B Building Height Standards

Proposed



Map 10.5A21B Building Height Standards

Existing



That the Zoning Maps be amended to move the boundary of the Downtown Overlay District (DOD) to align with the boundary of the North End Incentive Overlay District (NEIOD) for the parcels below as described above and as depicted in the map below.

Remove from the DOD:

City Tax Map 138 Lot 61

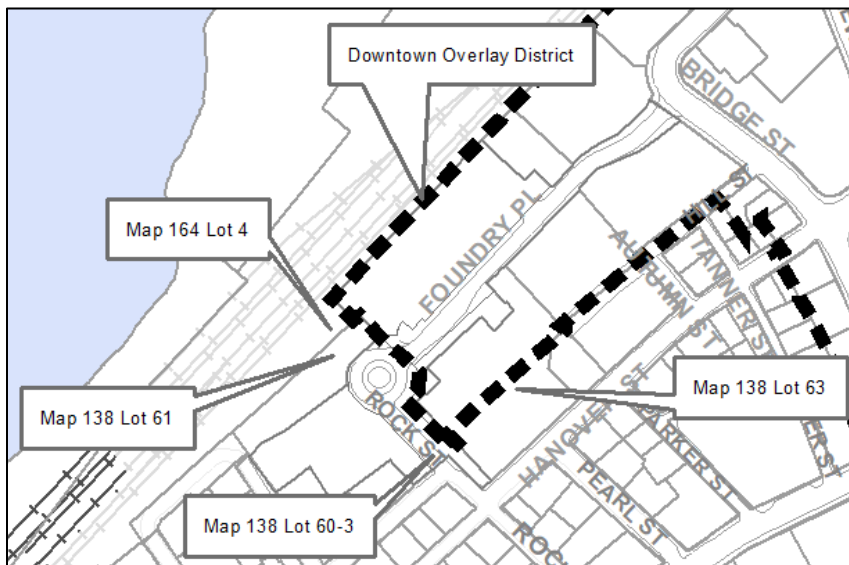
City Tax Map 138 Lot 63 (portion of)

City Tax Map 138 Lot 60-3

City Tax Map 164 Lot 4

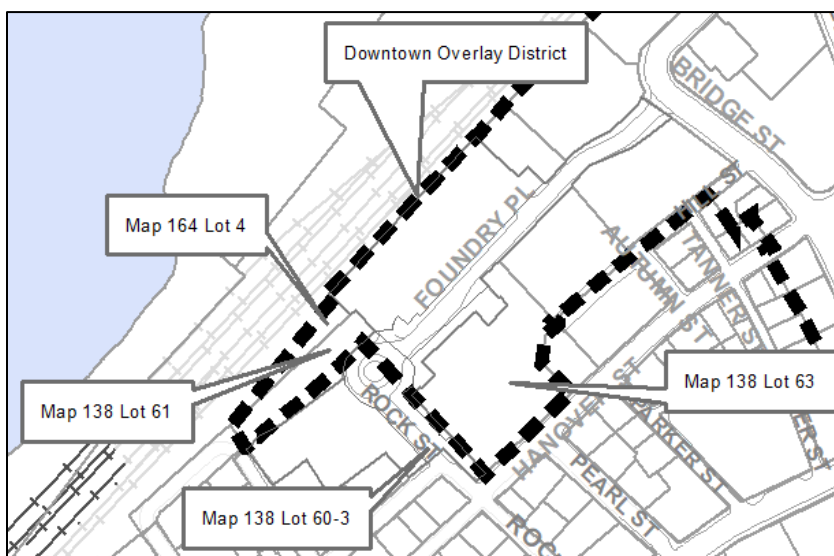
Map 10.5A21A Character Districts and Civic Districts

Proposed



Map 10.5A21A Character Districts and Civic Districts

Existing



That the Zoning Maps be amended to change the building heights from 2-4 stories (50 feet) to 2-3 stories (40) feet for the following described parcels and as depicted in the map below.

City Tax Map 125 Lot 14

City Tax Map 125, Lot 16

City Tax Map 138, Lot 62

That the Zoning Maps be amended to add a building height requirement of 2-3 stories (40) feet for the following described parcels along Rock Street to the cul-de-sac at Foundry Place as depicted in the map below.

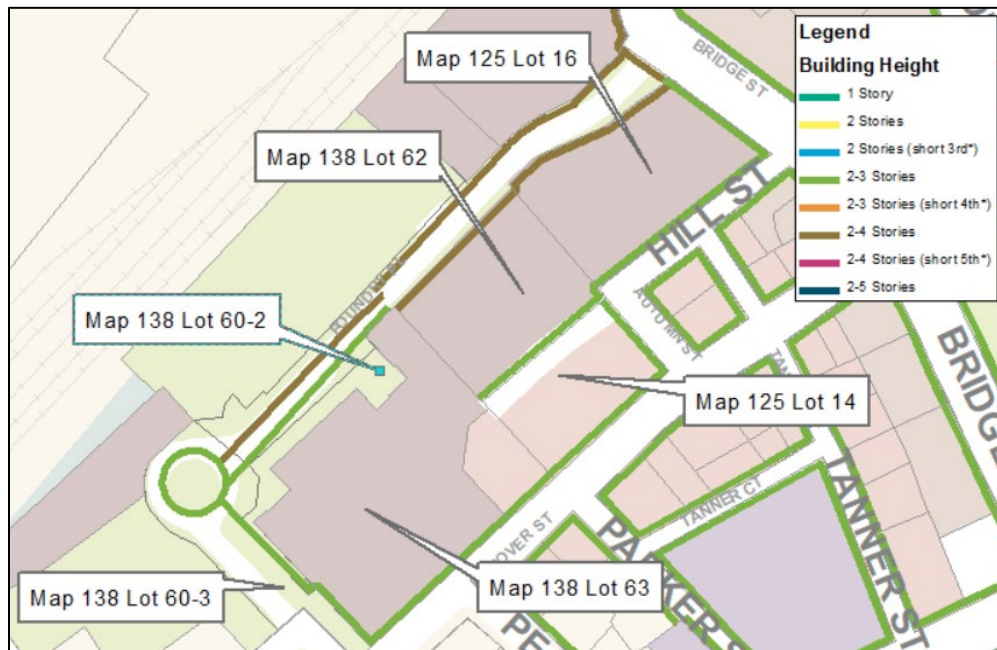
City Tax Map 138 Lot 63

City Tax Map 138 Lot 60-2

City Tax Map 138 Lot 60-3

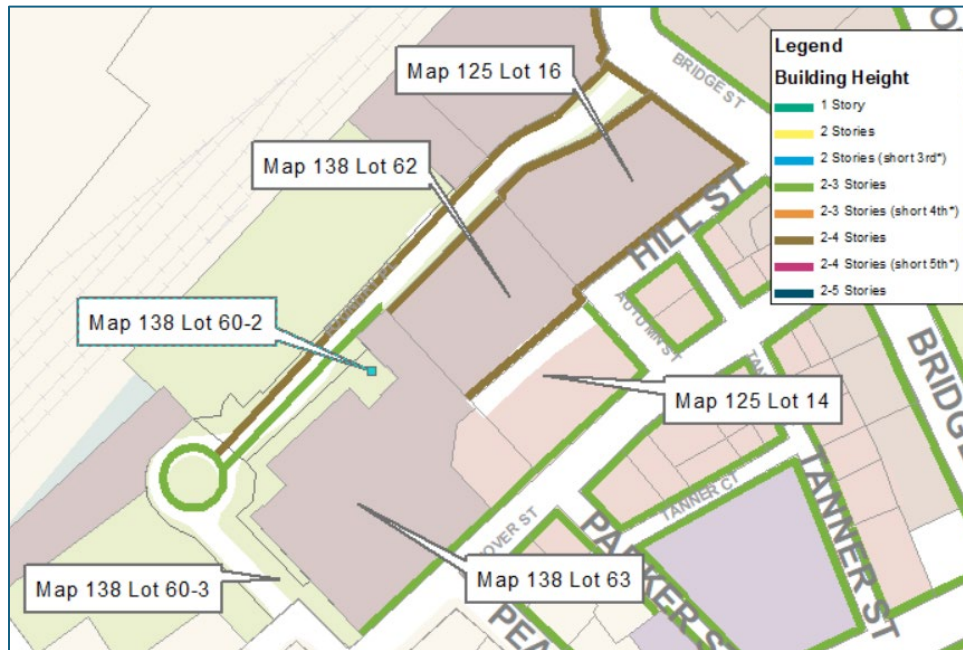
Map 10.5A21B Building Height Standards

Proposed



Map 10.5A21B Building Height Standards

Existing



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

MEMORANDUM

TO: Karen Conard, City Manager
FROM: Peter Stith, Planning Manager
DATE: April 30, 2025
RE: Planning Board Report Back Hanover/Hill Street Zoning

Background

The City Council voted on August 5, 2024 to refer the letter from the Islington Creek neighborhood to the Planning Board for a report back on possible zoning changes that were originally presented to the Planning Board in 2020. Below is the action from the City Council:

18. Letter from residents of Islington Creek regarding zoning of 361 Hanover Street – **Voted** to refer to the Planning Board for review and recommendation for the consideration of a zoning change.

Since the referral, the Planning Board has held 4 work sessions where this was discussed, September 26, 2024, October 24, 2024, February 27, 2025 and March 27, 2025. At the March 27th meeting, the Board reviewed options for rezoning several parcels along Hill, Hanover and Rock Street and changing the building height requirement along Bridge and Hill Street. In addition, the Board looked at modifying the boundary of the North End Incentive Overlay (NEIOD) and Downtown Overlay Districts (DOD). The Board placed the changes on their April 17, 2025 agenda for more discussion and a recommendation back to Council.

Staff provided the recommendation from January 2020 depicted in the map below where the front of 361 Hanover would change from CD5 to CD4-L1 and the back half and two other lots on Hill Street would change from CD5 to CD4. In addition, 66 Rock Street would change from CD5 to CD4. The main differences between CD4 and CD5 are the dimensional standards of the lot occupation by structures as provided in the table below. CD5 allows more coverage and a larger building footprint and less open space requirement where CD4 requires more open space, a slightly smaller footprint and less building coverage. There is no density (lot area per dwelling) requirement in CD4 or CD5 and the permitted uses in both districts are the same. CD4-L1 is less intense, with a max building footprint of 2,500 square feet, a density requirement of 3,000 square feet per dwelling and fewer permitted nonresidential uses. The Board considered and had general consensus on changing the zoning to CD4-W, which provides a step above CD4-L1, but not as intense as CD4 or CD5, as provided in the tables below. CD-W zoned parcels are only located in the west end and nowhere else in the City.

Dimensional Requirements

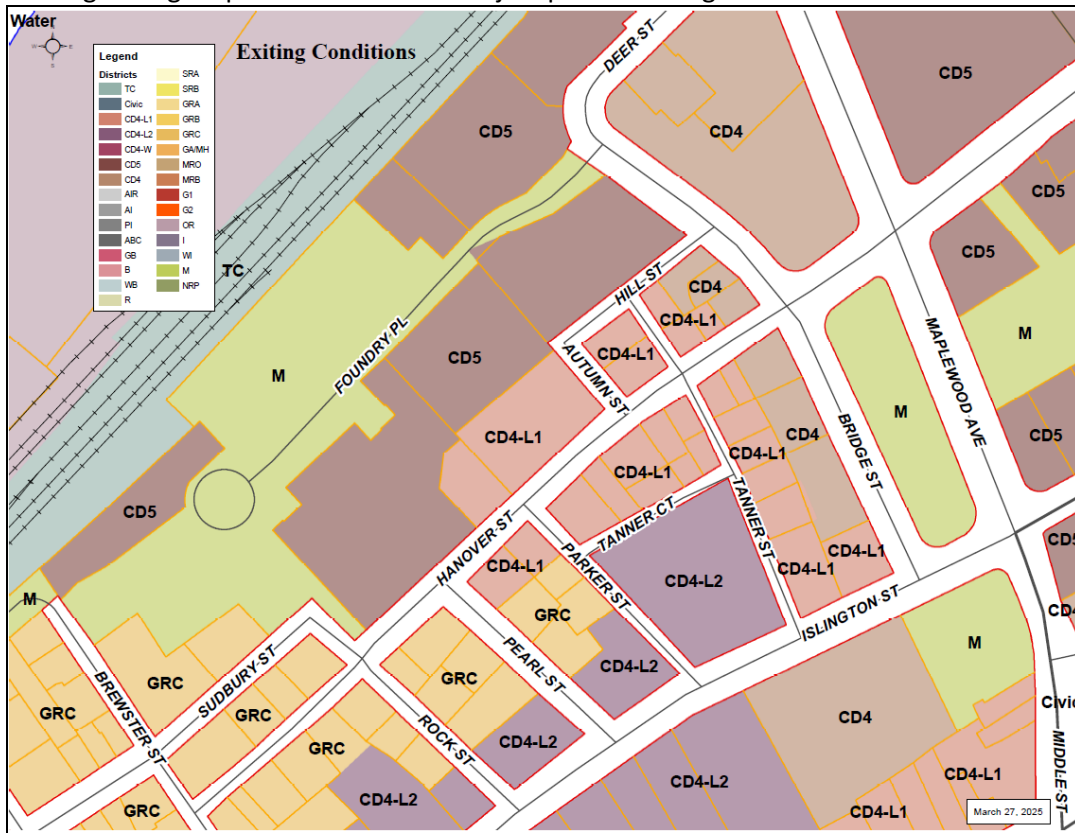
	CD5	CD4	CD4-L1	CD4-W
Yards (max.)	5'	5'-15'	5'-15'	10'-15'
Front Lot Line Buildout (min.)	80%	50%	60%-80%	50%
Building Coverage	95%	90%	60%	60%
Building Footprint	20,000 s.f.	15,000 s.f.	2,500 s.f.	15,000 s.f.
Building Block Length	225'	200'	80'	200'
Open Space (min.)	5%	10%	25%	15%
Lot area per dwelling unit	NR	NR	3,000 s.f.	2,500 s.f.

Use Categories

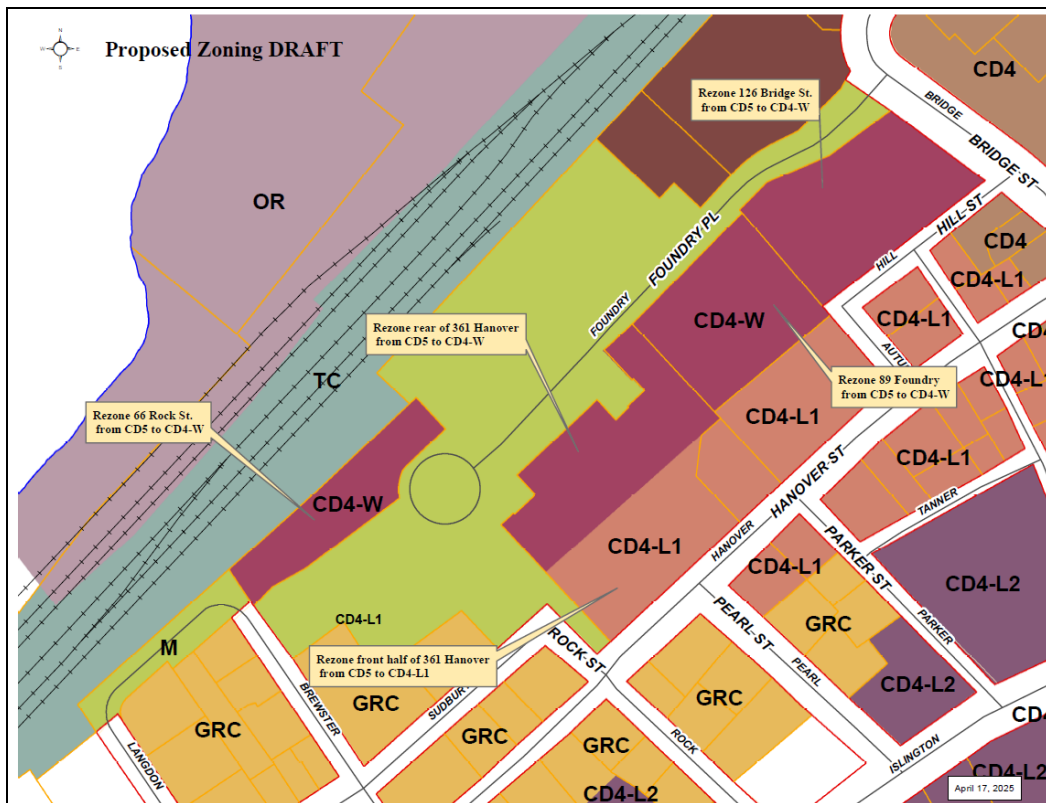
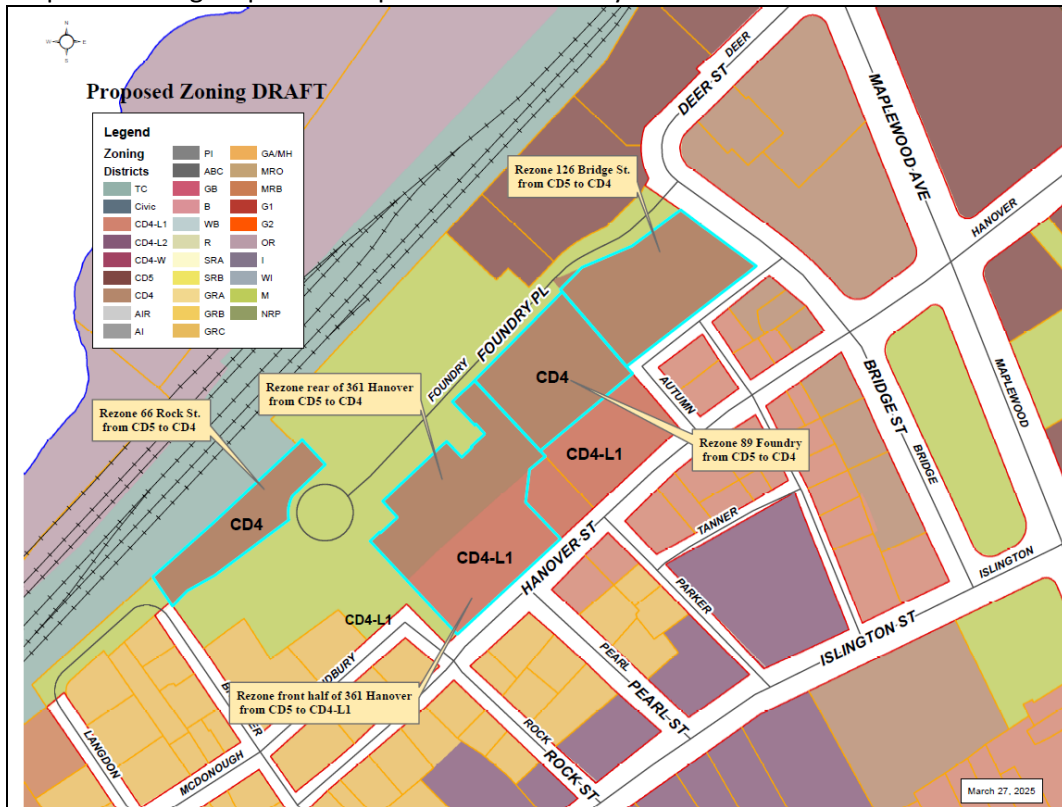
	CD5/CD4	CD4-L1	CD4-W
Residential (up to 8 units)	P	P	P
Residential (8+ units)	P	N	P
Assisted Living Center	P	N	P
Performance Facility	P/S	N	S/N
Cinema or other indoor amusement use	P	N	P
Health club/related use	P/S	S/N	P/S
Office	P	P	P
Retail bank	P	N	P
Outpatient clinic	P	S	P
Personal/consumer services	P	N	P
Laundry / dry cleaning	P/S	N	P
Retail	P	N	P/S
Eating/drinking places	P(500)/S(500+)	N	P(50)/S(250)

P = Permitted, S = Special Exception, N = Not Permitted. Numbers represent occupancy maximums.

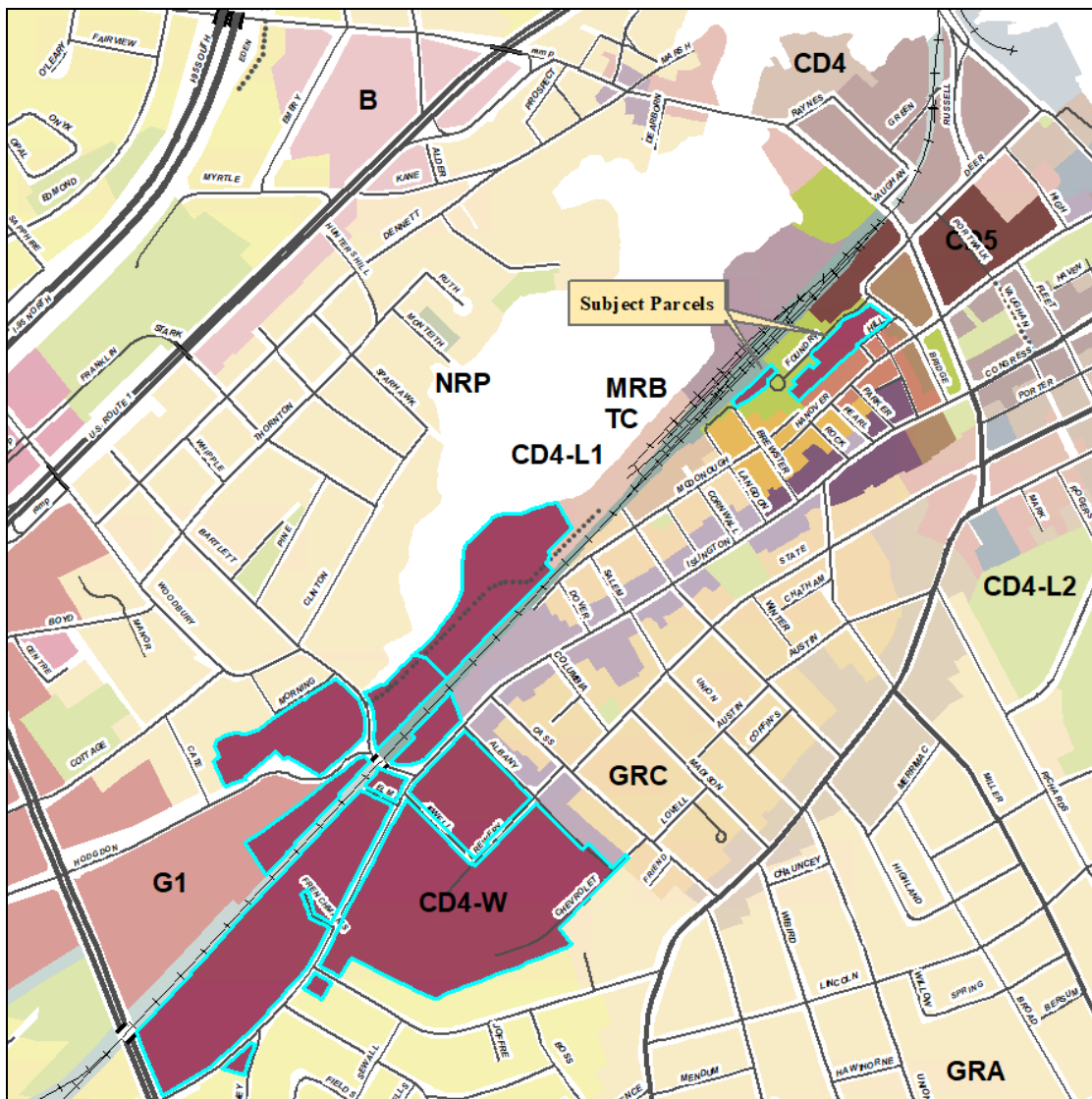
Existing zoning map below shows the subject parcels zoning CD5.



Proposed zoning map that was presented in January 2020 with the addition of 66 Rock Street.

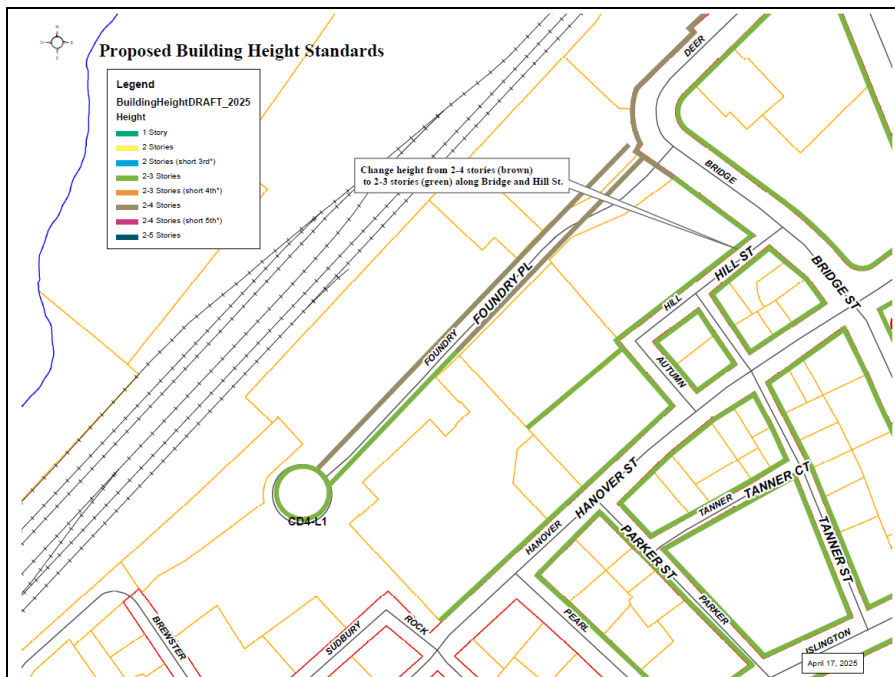
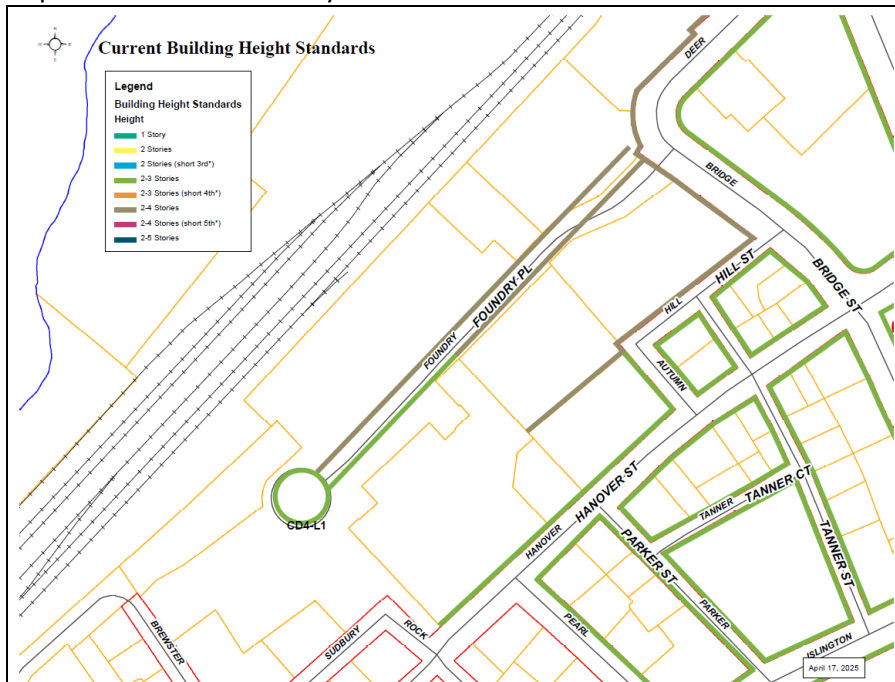


The map above represents the consensus the Board had at the March 27, 2025 work session and was presented at their April 17, 2025 meeting which changes the subject parcels to CD4-W with the exception of the front of 361 Hanover, which would change to CD4-L1. The only area zoned CD4-W is the West End. The map below shows the current CD4-W zone and includes the subject parcels on Hanover and Hill Street if they were changed to CD4-W. While staff can agree with some of the logic for choosing this district, downzoning some of these parcels will make them nonconforming. For example, 89 Foundry contains a building with a footprint of over 16,000 square foot and 55 apartments on a 22,538 square foot lot. The current zoning allows for this footprint and density. Changing to CD4-W, the building footprint, coverage, open space and lot area per dwelling would all be nonconforming. The project at 361 Hanover will also be nonconforming for lot area per dwelling and building footprint if downzoned to CD4-W. **Staff would recommend the original proposal that was presented in 2020 with the additional change to 66 Rock Street.**



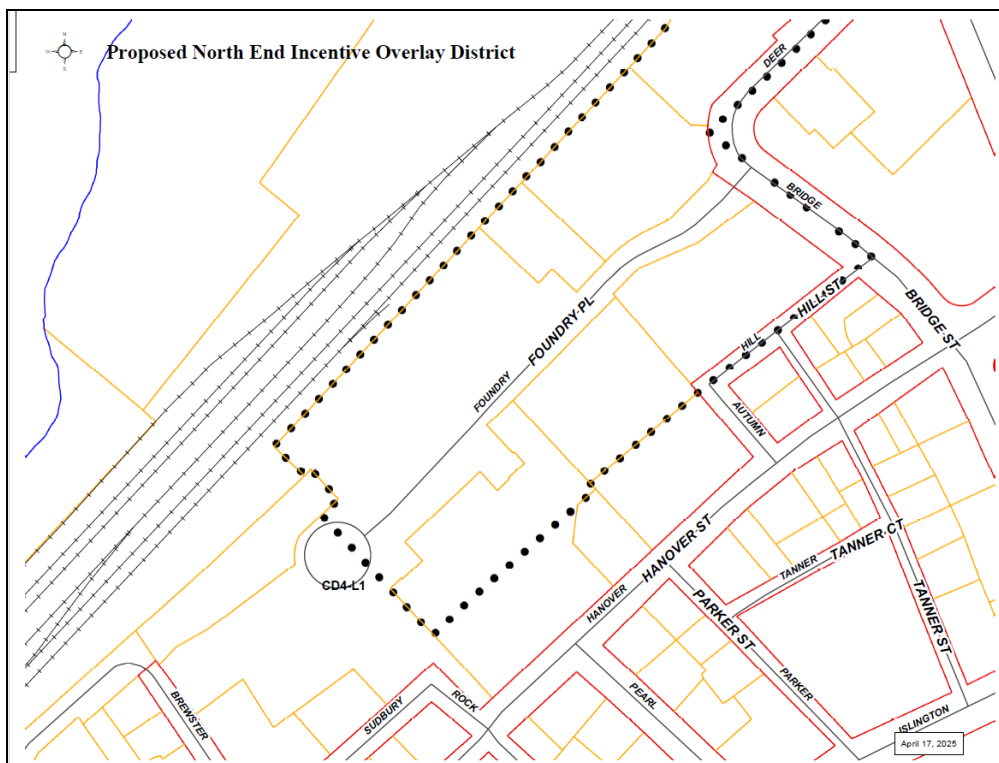
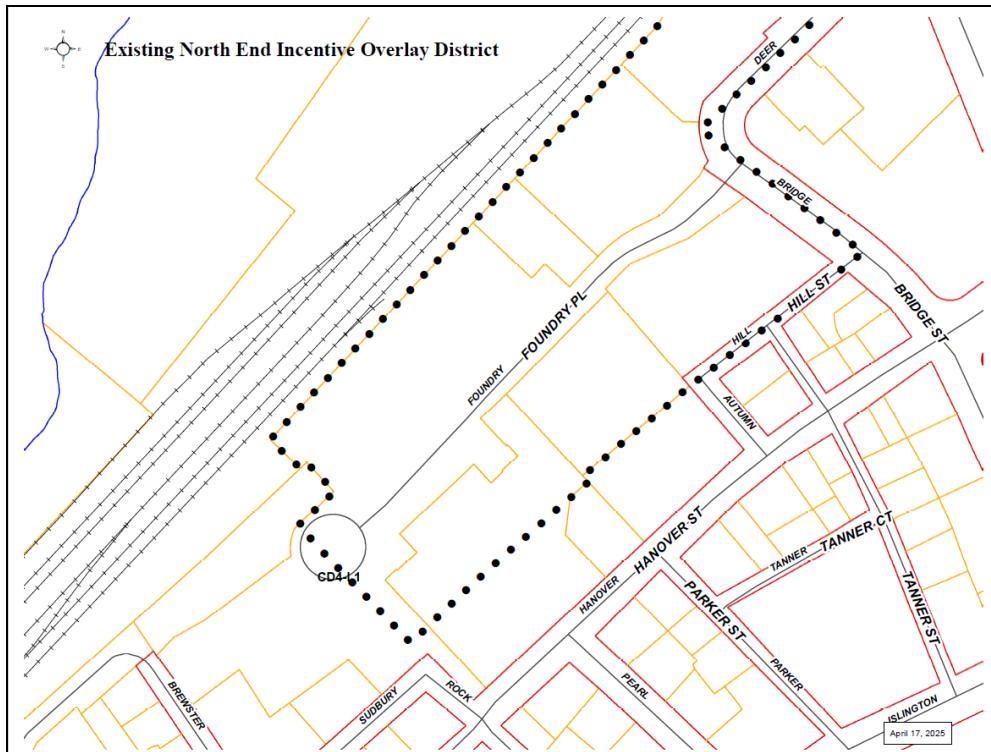
Building Height

The map below shows the current building height standards which allow 2-4 stories (50') along the south side of Bridge Street and down Hill Street. The Planning Board agreed at their March 27, 2025 work session to change the designation to 2-3 stories (40'), which is indicated by the green line. The properties that are located in the North End Incentive Overlay District would still be able to increase the building height by 10' or 1-story about the maximum, subject to the requirements of the overlay district.



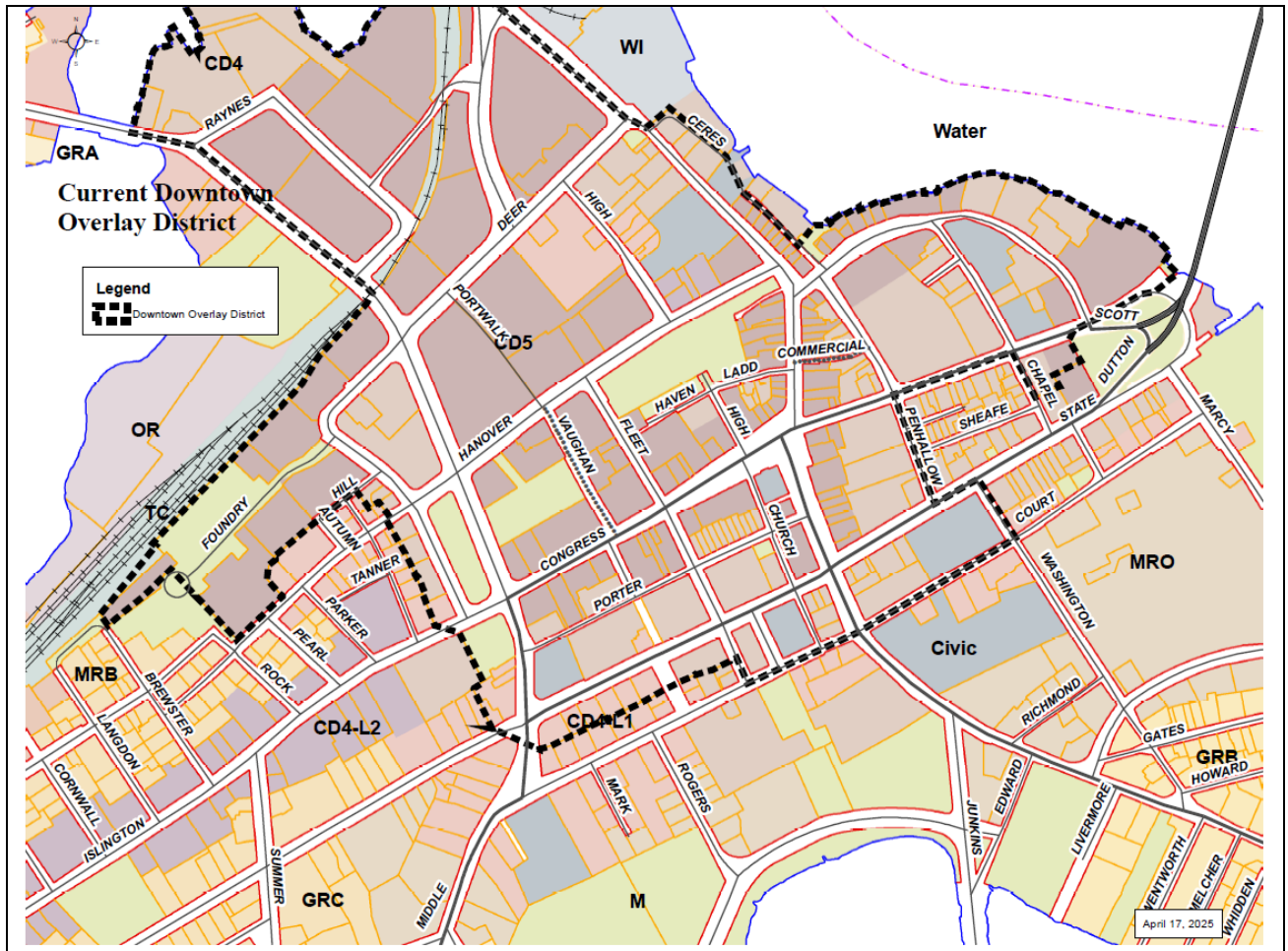
North End Incentive Overlay District (NEIOD)

Minor changes are proposed to the boundary of the NEIOD to better align with lot lines along 361 Hanover Street and 66 Rock Street.



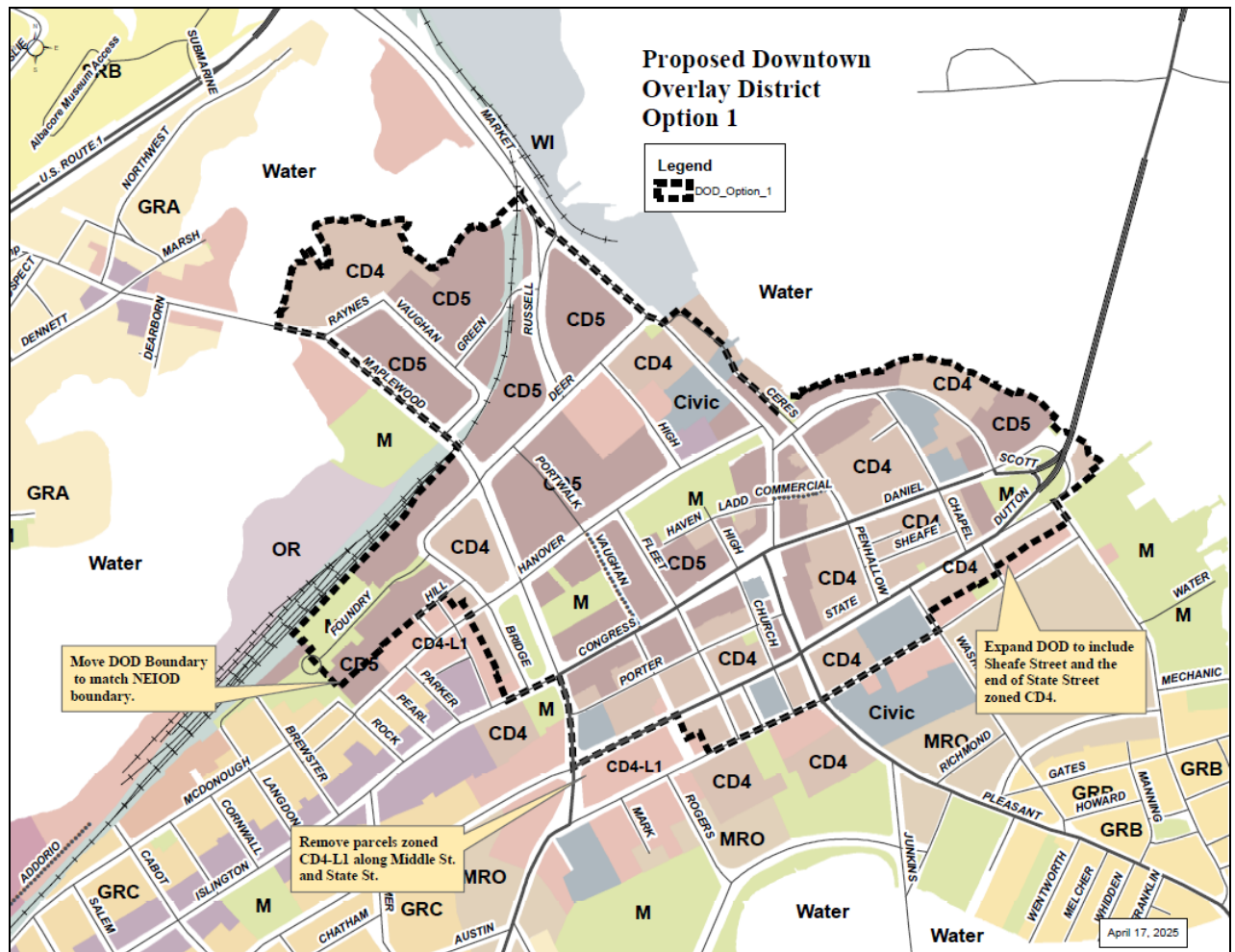
Downtown Overlay District

While the Board has been discussing zoning changes along Hill and Hanover Street, this included revising the boundary of the Downtown Overlay District (DOD) to follow the North End Incentive Overlay District. Below shows the current DOD boundary for reference when reviewing the two options that were discussed at the work session. The Board considered modifying the DOD boundary in other areas and below are 2 options the Board requested to see following the work session.



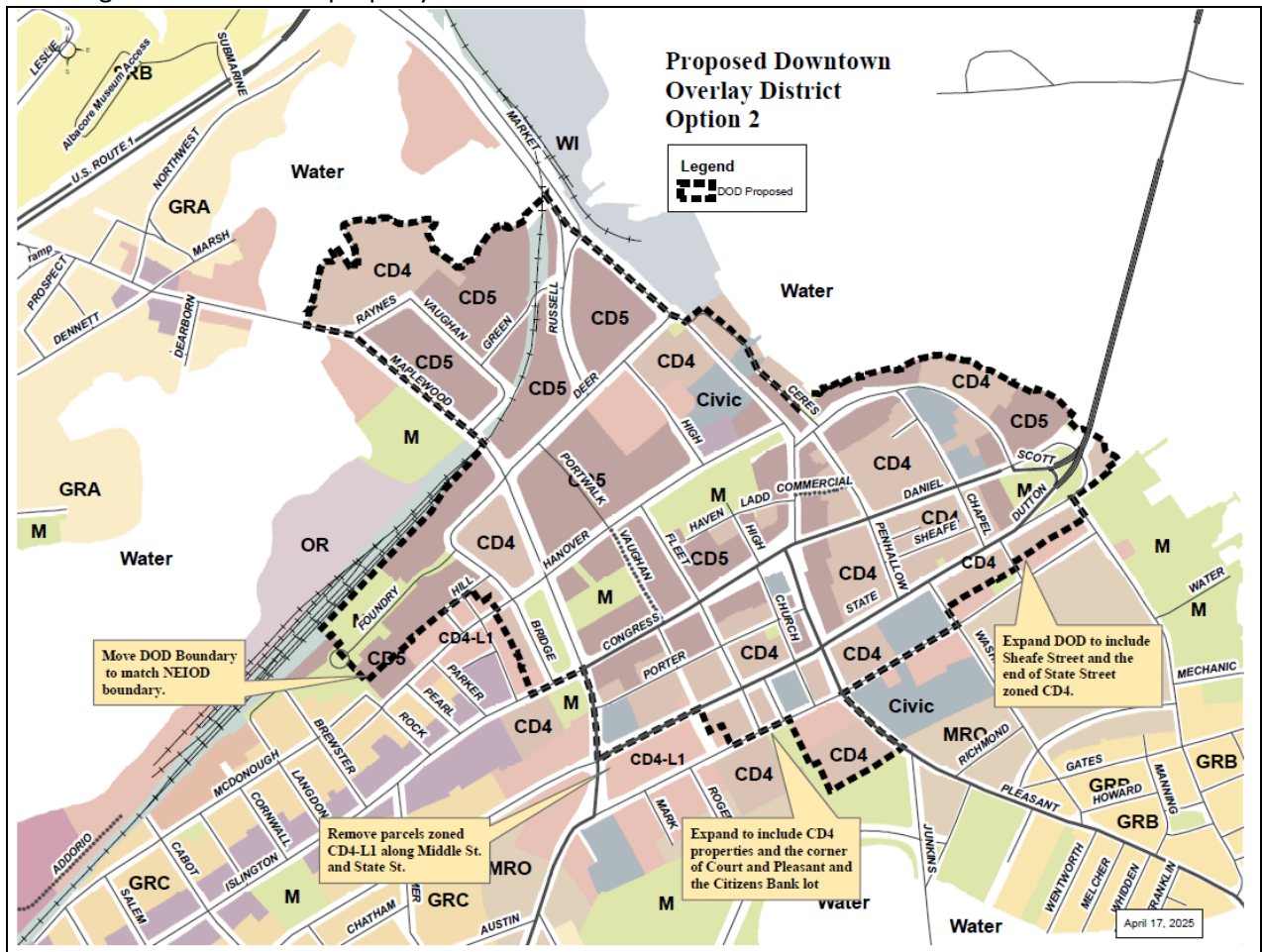
Option 1

Option 1 is outlined in the map below and moves the DOD boundary on 361 Hanover to match the North End Incentive boundary that bisects that parcel. Option 1 includes removing parcels zoned CD4-L1 along Middle Street and State Street and incorporating 2 parcels and a portion of a parcel on Court Street that are zoned CD4. The largest adjustment to the DOD includes moving the boundary to include Sheafe Street and the parcels fronting on State Street that are zoned CD4.



Option 2 is outlined in the map below and incorporates all of the changes outlined in The Option 1 map above with the addition of capturing the corner of Court Street and Pleasant Street including the Citizens Bank property.

Option 2 is outlined in the map below and incorporates all of the changes outlined in The Option 1 map above with the addition of capturing the corner of Court Street and Pleasant Street including the Citizens Bank property.



At the April 17th meeting, the Board voted to hold off on recommending any changes and to incorporate this into the Master Plan. The motion passed 8-1 with Councilor Moreau voting in opposition.

Recommendation:

I would recommend the City Council put the letter on file and addressed during the Master Plan process.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 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 I, Administrative Code Ordinance Amendments:

- Section 1.102 – Administrative Organization
- Section 1.103 – Organizational Chart
- Section 1.105 – General Powers and Duties of the Department Administrators
- Section 1.106 – Specific Duties, Functions and Responsibilities of Departments
- Section 1.107 – Authority of City Manager

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 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 I, Administrative Code Ordinance Amendments:

- Section 1.102 – Administrative Organization
- Section 1.103 – Organizational Chart
- Section 1.105 – General Powers and Duties of the Department Administrators
- Section 1.106 – Specific Duties, Functions and Responsibilities of Departments
- Section 1.107 – Authority of City Manager

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

LEGAL MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FR: SUSAN G. MORRELL, CITY ATTORNEY

RE: PROPOSED CHAPTER 1, ADMINISTRATIVE CODE AMENDMENTS

DATE: JULY 29, 2025

On June 23, 2025, the Governance Committee voted to recommend several proposed amendments to Chapter 1 of the City's Administrative Code to the City Council for consideration, along with a legal opinion regarding their compliance with our Charter and State law. The proposed amendments will be on the City Council's August 4, 2025, agenda for First Reading. This memorandum informs the Council of the need for these amendments, the process the Governance Committee engaged in, and a brief review of the legal authority underpinning these amendments and their related 2000 Charter Amendments.

Need: The proposed ordinance amendments were created to ensure that Chapter 1 reflects the current organizational structure of the City's departments, which is required by state law. RSA 49-C:21 states in part, "the elected body by ordinance may create, consolidate or abolish departments, divisions and bureaus and define the functions and duties of each. The compilation of such ordinances shall be known as the 'Administrative Code.'" This law is reflected in and mirrored in Section 3.9 of the City Charter which mandates that the City's Administrative Code "define the duties, functions, and responsibilities of every department, division, and agency, which it creates."

Most of the proposed amendments were minor updates reflecting current department titles and responsibilities; however, more substantial updates were made to allow for the anticipated evolution of the responsibilities of certain departments. New language was proposed for the Human Resources and Negotiations Department ("HR") and the Information Technology Department ("IT") to bring Chapter 1 into compliance with the 2000 Charter Amendments that re-defined the HR and IT Departments.

Process: The Governance Committee received regular input from members of the City Manager's Office as well as the Finance, Legal, IT, HR, Police, Fire, and School Departments. The Governance Committee received input and provided guidance and feedback during meetings on January 13, February 10, February 24, March 31, May 12, June 2, and June 23, 2025. These meetings also provided an opportunity for Public Comment.

Concerns were raised by the Police Department and the Police Commission, and by the Superintendent, challenging the legal authority of the City Council to require a new level of collaboration and oversight of their departments by HR, IT, and Finance as proposed by the amendments. The Governance Committee requested a legal memorandum to address those concerns.

Charter Description of HR and IT Departments:

The 2000 Charter Commission proposed amendments to the Charter that were adopted at the November, 2000, general election. Amendment F expanded the duties of the HR Department, and Section 7.23, established an IT department.

Amendment F states in part, “the Administrative Code shall provide for a municipal department which shall be responsible for the performance of those human resource functions of the City which are common to all departments. The Human Resource Department shall perform those functions for all City departments, *including Charter Departments.*” *Emphasis added.*

Section 7.23 states in part, “The Administrative Code shall provide that a single municipal department shall direct acquisition, maintenance and coordination of Information Management Technology for all elements of City government, *including Charter Departments.*” *Emphasis added.*

The 2000 Charter Amendments intended to eliminate redundancies and create efficiencies between and among City departments, including the Charter Departments. See, 2000 Charter Amendment Memorandum, dated May 26, 2000, attached. The proposed amendments to the Administrative Code reflect these objectives.

Chapter 1 Amendments:

The proposed Ordinance amendments are attached in their entirety to this memorandum, in a red line and clean version. The amendments to the HR and IT Departments generated the most discussion and center on the following changes.

Human Resources and Negotiations (HR)-The amendments to the description of the HR Department’s responsibilities - to provide support for hiring, training, development, and retention for all departments - adds, **including the Charter Departments.**

Information Technology (IT)-The amendment to the description of the IT department adds that “[t]he CIO has authority to establish IT standards for cybersecurity, compliance, system resilience, and operational efficiency” for all departments, **including the Charter Departments. The amendment also provides that all technology acquisitions must receive prior approval from the IT and Finance Department.**

Legal authority:

In New Hampshire, local governments are enabled by state legislative authority and can only engage in activity authorized by state statute. Our “Home-Rule” authority has evolved over time, and is now codified in RSA 49-B. “Under the Home Rule-Municipal Charters legislation, the only limit on the type of provisions that can be adopted is that the **provisions must relate to the governmental process of the city and cannot be inconsistent with the constitution or existing general legislation.**” *Loughlin*, Vol. 13, Chapter 6-11, section 119. The 2000 Charter amendments comply with the provisions of RSA 49-B in that they are limited to the governmental process of the City and are not inconsistent with the NH Constitution or State law. The 2000 Charter Amendments enable the proposed changes to the City’s Administrative Code.

School Department:

The Superintendent raised questions regarding the City’s legal authority to supersede several state statutes regulating the operations of School Districts, specifically, RSA 194. However, Portsmouth is not a “School District”, but rather a properly authorized integrated “School Department”. The legislative authority to establish Portsmouth’s School Department was enacted in 1905, authorizing the establishment of a Board of Instruction. The NH Supreme Court specifically recognized the legitimacy of this legislative action when it wrote that “the Nashua, Portsmouth and Rochester school departments were created by special legislative act.” *City of Manchester School District v. City of Manchester*, 150 N.H. 664, 672 (2004). In that case the Court found that unlike Portsmouth, Nashua and Rochester, the City of Manchester did not have explicit legislative approval to merge the Manchester School District with the city government.

Earlier this year, the NH Supreme Court described the legal nature of Nashua’s integrated School Department which applies equally to Portsmouth’s School Department. The Court wrote, “Nashua as one of several cities in which, through an act of the legislature, the school district had lost their independent corporate existence and had become a dependent part of their municipalities” and the “Nashua school district and the city are coterminous and constitute a single corporation.” *Johnson v. City of Nashua*, 2025 WL 754019 (2025) (citations omitted).

Concerns were raised that the oversight by the CIO and Finance Department of the School Department’s IT purchases conflicts with the state law on Student and Teacher Information Protection and Privacy, RSA 189:65, or would otherwise usurp the School Board’s authority regarding the operations of the schools. These concerns are unwarranted. The CIO focuses on IT infrastructure and cybersecurity, staff training and leadership, and looks for

appropriate opportunities across the organization to collaborate and leverage buying power. It is anticipated that existing School Department IT staff will continue to focus on the school's specific data privacy policies and practices and instructional IT equipment. The Finance Department's focus will be on the upcoming implementation of the City's new enterprise resource planning solution for finance and human resources (ERP). The new solution is intended to provide better integration and management tools across the organization and better overall interdepartmental communications.

Finally, concerns were expressed that the 2000 Charter Amendments for HR and IT conflict with the authority of the School Board set forth in Section 6.3 of the Charter. Section 6.3, C provides: "The school board shall have the authority to retain such professional and non-professional officers and employees, as the Board deems necessary for the proper operation of the school system. The School Board shall establish the terms and conditions of employment of such individuals, ***subject to the remaining provisions of this charter.***" *Emphasis added.* This highlighted section of the Charter anticipated that other provisions of the Charter, such as the 2000 Charter Amendments, would provide additional guidance for the integration of the school department with the municipal corporation. The two provisions are not in conflict.

Police Department:

The Portsmouth Police Commission was established in 1993, by Amendment E to the City's Charter. Relative to the Police Commission duties the City Charter provides the Commission with all administrative responsibilities which would otherwise be vested in the City Manager under the Charter relating to the administration of the Department. However, all their authority is, **subject to the approval of the City Council.**

The Charter Amendments adopted by the voters in November of 2000 are changes to the Charter that were approved by the City Council and intended to modify the authority of the Police Commission as set forth in the then existing Charter. Like the provisions regarding the School Department, the 2000 Amendments further informed the relationship between the Charter Departments and the IT and HR Departments of the City.

Conclusion:

The proposed amendments to the City's Administrative Code, Chapter 1, are consistent with the City's Charter provisions, State Law, and the NH Constitution.

DATE: MAY 26, 2000

TO: HONORABLE MAYOR EVELYN SIRRELL AND CITY COUNCIL

FROM: CHARTER ADVISORY COMMITTEE MEMBERS
ALEX HANSON, CHAIRMAN ROBERT GALLO
JOANNE GRASSO, CO-CHAIRPERSON LOUISE MCGEE
NOELE CLEWS, ASST. MAYOR TYLENE JOUSSE
BEA MARCONI PETER BRESCIANO
KEVIN LAFOND

RE: FINAL REPORT

On January 10, 2000 the City Council charged this Committee with the following mission:

To consider the issues of Charter Revision Commission and/or charter amendments, and to offer its recommendations in a report back to the City Council no later than the first City Council meeting in June 2000.

To accomplish that task, the Committee necessarily began its deliberation with the question presented by section 1.8 of the Municipal Charter, to wit:

"Shall a Charter Commission be created to review and make recommendations concerning the provisions of the Charter of the City of Portsmouth?"

The Committee held meetings on the following dates January 18, 2000, February 3, 2000, March 2, 2000, April 6, 2000, May 2, 2000 and May 23, 2000. The meetings were televised with the exception of the January 18th and the May 23rd meetings. In all but the final meeting, testimony was received from any members of the public wishing to offer it. It should be noted, however, that there was actually limited public input at the meetings and that most of the testimony was offered by persons having some identifiable connection with the City government. Detailed minutes illustrating this point are on file in the office of the City Clerk and the Public Library.

Subsequent to those meetings and after deliberation, the Committee took a vote on the Section 1.8 Charter question on May 2, 2000. The result of that vote was that the Committee members unanimously determined:

“That this Committee recommend that the City Council NOT create a Charter Revision Committee”.

However, the Committee believes that even if the City Council accepts its recommendation that a Charter Revision Committee not be formed, there are still a number of relatively minor “housekeeping” changes which would be advisable to be made to the City Charter. Each of these changes could be made by way of the charter amendment process which was discussed in detail in the memorandum from the City Attorney dated December 28, 1999 and distributed to the City Council (review copy attached).

In reviewing the following list of possible Charter amendments, the City Council should be aware that state law appears to contemplate that relatively few charter amendments would be made at any given election. However, a few amendments can be offered by referendum at each succeeding election so that numerous amendments could be made over time. The City Attorney has recommended to this Committee that no more than perhaps four charter amendments be put on referendum ballot by the City Council at any given election.

With the foregoing in mind, the Committee specifically recommends that the City Council consider the following proposed charter amendments. These proposed amendments are considered priority amendments by the Committee.

1. Amendment A - Fire Commission: Eliminate term limits, so that the Fire Commission will be the same as the Police Commission in this regard.
2. Amendment E - Police Department (Police Commission): Reduce quorum requirements from three members to two members, so that the Police Commission will be the same as the Fire Commission in this regard.
3. Addition of Human Resources - A Charter provision could be created which would centralize the Human Resource general functions of all branches of City government into one Human Resource Department. This provision would operate in parallel fashion to the Charter provision, which currently mandates a single City Negotiator. The adoption of a provision of this nature would eliminate duplication of effort between the various City Departments. With the advent of technology, these redundancies are unnecessary i.e. four (4) different systems for the same City. It would also encourage consistency in the way in which municipal employment policies are enforced on a department to department basis.

4. Addition of Information Technology - A provision could be drafted into the City Charter which consolidated all responsibility and authority for the purchase, maintenance and operation of Information Technology in a single City department to be mandated by that provision. The obvious advantages of this action would be to ensure that all City computer hardware, software and related technology would be fully integrated and that the acquisition, maintenance and replacement of those items would be performed in a planned and logical manner on a Citywide basis.
5. Amendment E - Police Department (Police Commission): Insert language that would disqualify individuals from running for the Police Commission who have a felony conviction.
6. Section 4.10 – Procedure to Fix Salaries: A nominal amendment which we propose in connection with the Human Resource general function would be to eliminate that Charter provision which requires salary ordinances to pass three separate readings at three separate Council meetings, each by two-thirds majority vote. This seems to be a completely outdated provision. The purpose of which is entirely superceded by collective bargaining provisions (98% of the employees are covered by a collective bargaining contract).
7. Section 1.8 – Future Charter Commission Questions: Change the date to an odd numbered year after the new Council has taken office, so that future City Councils will operate as a Council for a year before being required to address the Charter issue.
8. Section 7.15-C – Budget Control (establishing a procedure for the Council to increase appropriations where there is unanticipated revenue): This be deleted as it is already provided for in Section 7.14.
9. Change the Charter to be gender neutral throughout.
10. To review the Charter regarding the duties of the Police and Fire Commissioners as to change the duties of these Commissioners from an essentially administrative function to a policy making function, similar to that of the City Council and School Board.
11. Review the Police Commission and the Fire Commission to enlarge from 3 to no less than 5 members. *(NOTE: This will require corollary amendments such as adjusting quorums and election dates, et cetera.)*

In addition to the above recommended charter amendments, the Committee attaches hereto a synopsis of all recommendations made by members of the public, City officials and City staff during the Committee hearing process for independent review by the City Council.

Copies of this memorandum and its attachments, as well as the detailed minutes of each meeting of the Charter Advisory Committee shall be kept on file in the office of the City Clerk, at the Public Library and in the Legal Department for review by members of the public.

attachment

cc:	John P. Bohenko, City Manager	
	Suzanne Schrader, Ph.D. Superintendent of Schools	School Board
	Bradley J. Russ, Chief of Police	Police Commission
	Rick Plummer, Fire Chief	Fire Commission

That CHAPTER 1, ADMINISTRATIVE CODE, Article I, Administrative Code, Sections 1.102, Administrative Organization; Section 1.103, Organizational Chart, Section 1.105, General Powers and Duties of the Department Administrators, Section 1.106, Specific Duties, Functions and Responsibilities of Departments, Section 1.107, Authority of City Manager, be amended by updating Table of Contents and Titles of each department in Section 1.102; amend language relative to the inclusion of the Organizational Chart in the annual budget in Section 1.103; amend language to include reference to term department head and edit language generally regarding department head duties in Section 1.105; update names of departments and descriptions of their specific duties, functions and responsibilities to comply with the City Charter in Section 1.106; to add language regarding the City Manager's role as Chief Executive and Administrative Officer and local director for emergency management functions and to more fully describe City Manager's authority in these roles and under the Charter in Section 1.107, to be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Article I	Administrative Code	1.101 - 1.107
Article II	<i>Reserved For Future Use</i>	
Article III	Boards	1.301 - 1.309
Article IV	Commissions/Authorities	1.401 - 1.414
Article V	Purchasing Procedures	1.500 - 1.504
Article VI	<i>Reserved For Future Use</i>	
Article VII	Validity/Adoption	1.701 - 1.702
Article VIII	Code of Ethics	1.801 - 1.807
Article IX	Conflict of Interest/Mandatory Financial Disclosure	1.901 - 1.902
Article X	City Communications System	1.1001 - 1.1002
Article XI	Budget Preparation Date	1.1101
Article XII	Prohibited Practices in Public Buildings	1.1201
Article XIII	Municipal Enforcement Procedures (Citation Ordinance)	1.1301 - 1.1308
Article XIV	Municipal Fund Balance	1.1401 - 1.1405
Article XV	Leave at Termination Fund	1.1501 - 1.1505
Article XVI	Adoption of Fees by Budget Resolution	1.1601 - 1.1604
Article XVII	Funding, Review and Acquisition of Public Art	1.1700 - 1.1709
Article XVIII	Payment by Credit Card	1.1801 - 1.1802

ARTICLE I: ADMINISTRATIVE CODE

Section 1.101: PREAMBLE

This Administrative Code is adopted pursuant to Section 3.9 of the Revised Charter of the City of Portsmouth to outline the operation of the municipal government, exclusive of the School, Fire and Police departments. It shall be applied and interpreted to further the spirit and intent of the Council/Manager form of Government in general and as specifically created by the Charter.

Section 1.102 ADMINISTRATIVE ORGANIZATION

The administrative service of the City shall consist of a City Manager and the following subordinate departments, each of which shall be administered by a department administrator, **also known as a department head**, appointed by the City Manager.

Finance
Health
Human Resources **and Negotiation**
Information Technology
Inspection
Legal

Library
Planning and Sustainability
Public Works
Recreation
Welfare/Outside Social Services

Section 1.103: ORGANIZATIONAL CHART

The organizational relationship of the administrative departments of the City to each other and to the electorate, the Mayor and City Council, and the various municipal boards and commissions shall be included as part of the annually adopted budget.

Section 1.104: SELECTION, QUALIFICATION, AND TERMS OF OFFICE OF DEPARTMENT ADMINISTRATORS

A principal administrator of each municipal department shall be selected and appointed by the City Manager. All such individuals shall serve under such terms and conditions as deemed appropriate by the City Manager.

Section 1.105: GENERAL POWERS AND DUTIES OF DEPARTMENT ADMINISTRATORS

Each department administrator, also known as a department head, shall be responsible for:

- A. The efficient operation of the department;
- B. The preparation and submission of that portion of the annual municipal budget which relates to the department;
- C. The operation of the department in compliance with the approved municipal budget;
- D. The oversight of all personnel and property resources of the department to maintain the highest practical level of productivity;
- E. The preparation, maintenance, and preservation of all records required by law or otherwise for the operation of the department;
- F. The adoption of such rules, regulations, and policies as are necessary for the proper administration of the department; and
- G. Keeping the City Manager informed of the operating status of the department and of any matters requiring the involvement of the City Manager or the City Council for resolution.

Section 1.106 SPECIFIC DUTIES, FUNCTIONS AND RESPONSIBILITIES OF DEPARTMENTS

- A. **CITY MANAGER** – City Manager shall be the chief executive officer of the municipal government, with all the powers and duties inherent in that position and as further set forth in the Charter and these ordinances. The City Manager is responsible for ensuring effective communication between the City government and the public, and oversees the dissemination of information to ensure transparency and foster community engagement.
- B. **CITY CLERK** – The department administered by the City Clerk shall be responsible for all duties prescribed by state law and municipal ordinance for that office, including the

collection and maintenance of official City records and vital statistics; preparation and maintenance of records of the City Council; and the administration of any licenses or permits delegated to that office by the operation of law and elections.

- C. **ECONOMIC AND COMMUNITY DEVELOPMENT** – The Economic and Community Development Department shall be responsible for the complete administration of any municipal programs involving the receipt and expenditure of funds generated by the federal government for community or economic development purposes. Economic development purposes include promoting and maintaining high-quality commercial development, providing assistance services related to business expansion, retention and relocation, supporting the local creative economy and cultural community, and promoting public/private partnerships aimed at fostering economic development that compliments Portsmouth's quality of life.
- D. **FINANCE** – The Finance Department shall be responsible for the provision of all accounting, tax and revenue collection, assessment, procurement, payroll, debt service, water/sewer billing, audit, cash management, and budget services of the municipal government, and other related duties as may be assigned from time-to-time by the City Manager or allocated by the municipal budget. To the extent the tax collector duties described by State statute remain under the oversight and control of the head of the Finance Department, no special audit shall be required as described in NH RSA 41:36 upon change in the tax collector.
- E. **HEALTH DEPARTMENT** – The Health Department shall be responsible for providing all public health services required by state law or municipal ordinance.
- F. **HUMAN RESOURCES AND NEGOTIATIONS** – The Human Resources and Negotiations Department is responsible for functions that support the hiring, training, development and retention of a skilled and effective workforce. These functions include recruitment, employee relations and records, benefits administration, and compliance with labor laws and regulations. Some departments have unique environments and needs, requiring close cooperation and coordination to ensure both respect for those specific needs and adherence to best human resources practices and legal requirements. Additionally, the department represents the City Manager, School Board, Fire Commission, and Police Commission in negotiating and administering all collective bargaining agreements involving the City of Portsmouth. All technology acquisitions affecting human resources functions must receive prior approval from the Human Resources Department in addition to the Finance Department.
- G. **INFORMATION TECHNOLOGY** – The Information Technology Department shall be responsible for the acquisition, maintenance, coordination, security and regulatory compliance of all City information technology for all elements of the municipal government. The CIO has authority to establish IT standards for cybersecurity, compliance, system resilience, and operational efficiency. All departments shall comply with these standards including those maintaining systems unique to their operational environments. In emergency situations, the CIO has the authority to take immediate protective action. Nothing in this section shall be deemed to limit any authority vested in the City Council and City Manager under the Charter. All technology acquisitions must receive prior approval from the Information Technology Department, in addition to the Finance Department.

- H. **INSPECTION** – The Inspection Department shall be responsible for all matters related to adoption, application and enforcement of the New Hampshire State Building Code, including all codes adopted by reference, and all New Hampshire Building Code Amendments. The Inspection Department shall also be responsible for the administration and issuance of all permits related to these codes and any other permits assigned to the Inspection Department.
- I. **LEGAL** – The Legal Department shall provide all necessary legal services to the municipal government, including those of an advisory as well as a representational nature.
- J. **LIBRARY** – The Library Department shall be responsible for providing library services, managing library resources, programming events, and operating all public library facilities, including technology services and maintenance of the facilities in partnership with the Information Technology Department and the Department of Public Works.
- K. **PLANNING AND SUSTAINABILITY**– The Planning and Sustainability Department shall be responsible for all land use regulatory functions required by state law and municipal ordinance, including zoning, subdivision review and site plan review. The Planning and Sustainability Department also provides support to the planning board, zoning board of adjustment, historic district commission, conservation commission, technical advisory committee and housing committee. The Planning and Sustainability Department also provides support to the Sustainability Committee and works to implement the City’s sustainability goals. It also seeks to strengthen the City’s resilience given climate change impacts and support the implementation of the Climate Action Plan.
- L. **PUBLIC WORKS** – The Public Works Department shall be responsible for all highway, grounds, park and municipal cemetery maintenance, wastewater collection and treatment, water distribution, metering and treatment, building and facility maintenance, stormwater management and maintenance of infrastructure, and parking and transportation services of the municipal government. These responsibilities include all engineering, permitting, budgeting and oversight necessary to accomplish the work and meet regulatory compliance.
- M. **RECREATION** – The Recreation Department shall be responsible for developing and implementing recreational programs for the citizens of the City including youth and seniors, and for operating the facilities in which those programs are provided in partnership with the Information Technology Department and the Department of Public Works.
- N. **WELFARE/OUTSIDE SOCIAL SERVICES** – The Welfare Department shall be responsible for providing all welfare services mandated by the State of New Hampshire or otherwise provided by the municipal government. In addition to providing client services, the Welfare/Outside Social Services Department provides client referrals by maintaining relationships with community organizations, businesses and outside social service agencies.

Section 1.107

AUTHORITY OF THE CITY MANAGER

- A.** The City Manager, as Chief Executive and Administrative Officer of the City, shall have the authority, within the general parameters established by the Charter and this ordinance
- 1. T**o assign and reassign areas of specific responsibility within the various municipal departments;
 - 2.** To execute on behalf of the City Council all deeds, leases, indentures, declarations or conveyances of the City as may be authorized by the City Council. This grant of authority shall not diminish or restrict the power of the City Manager or designee to execute such licenses, agreements, contracts and other instruments as may authorized by the Charter, these ordinances and state law to properly administer and manage the organization and implement the policies of the City Council.
- B.** The City Manager shall serve as the local director for emergency management functions and have direct responsibility for the organization, administration and operation of the City's emergency management operation in accord with RSA 29-P:39. The City Manager shall have all emergency management functions and responsibilities mandated or authorized by State, local or federal law and may appoint such other officials as may be required or appropriate to carry out the purpose of emergency management operations.

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

CHAPTER 1

ADMINISTRATIVE CODE

Article I	Administrative Code	1.101 - 1.107
Article II	<i>Reserved For Future Use</i>	
Article III	Boards	1.301 - 1.309
Article IV	Commissions/Authorities	1.401 - 1.414
Article V	Purchasing Procedures	1.500 - 1.504
Article VI	<i>Reserved For Future Use</i>	
Article VII	Validity/Adoption	1.701 - 1.702
Article VIII	Code of Ethics	1.801 - 1.807
Article IX	Conflict of Interest/Mandatory Financial Disclosure	1.901 - 1.902
Article X	City Communications System	1.1001 - 1.1002
Article XI	Budget Preparation Date	1.1101
Article XII	Prohibited Practices in Public Buildings	1.1201
Article XIII	Municipal Enforcement Procedures (Citation Ordinance)	1.1301 - 1.1308
Article XIV	Municipal Fund Balance	1.1401 - 1.1405
Article XV	Leave at Termination Fund	1.1501 - 1.1505
Article XVI	Adoption of Fees by Budget Resolution	1.1601 - 1.1604
Article XVII	Funding, Review and Acquisition of Public Art	1.1700 - 1.1709
Article XVIII	Payment by Credit Card	1.1801 - 1.1802

ARTICLE I: ADMINISTRATIVE CODE

Section 1.101: PREAMBLE

This Administrative Code is adopted pursuant to Section 3.9 of the Revised Charter of the City of Portsmouth to outline the operation of the municipal government, exclusive of the School, Fire and Police departments. It shall be applied and interpreted to further the spirit and intent of the Council/Manager form of Government in general and as specifically created by the Charter.

Section 1.102 ADMINISTRATIVE ORGANIZATION

The administrative service of the City shall consist of a City Manager and the following subordinate departments, each of which shall be administered by a department administrator, also known as a department head, appointed by the City Manager.

City Clerk	Legal
Economic and Community Development	Library
Finance	Planning and Sustainability
Health	Public Works
Human Resources and Negotiation	Recreation
Information Technology	Welfare/Outside Social Services
Inspection	

Section 1.103: ORGANIZATIONAL CHART

The organizational relationship of the administrative departments of the City to each other and to the electorate, the Mayor and City Council, and the various municipal boards and commissions shall be included as part of the annually adopted budget.

Section 1.104: SELECTION, QUALIFICATION, AND TERMS OF OFFICE OF DEPARTMENT ADMINISTRATORS

A principal administrator of each municipal department shall be selected and appointed by the City Manager. All such individuals shall serve under such terms and conditions as deemed appropriate by the City Manager.

Section 1.105: GENERAL POWERS AND DUTIES OF DEPARTMENT ADMINISTRATORS

Each department administrator, also known as a department head, shall be responsible for:

- A. The efficient operation of the department;
- B. The preparation and submission of that portion of the annual municipal budget which relates to the department;
- C. The operation of the department in compliance with the approved municipal budget;
- D. The oversight of all personnel and property resources of the department to maintain the highest practical level of productivity;
- E. The preparation, maintenance, and preservation of all records required by law or otherwise for the operation of the department;
- F. The adoption of such rules, regulations, and policies as are necessary for the proper administration of the department; and
- G. Keeping the City Manager informed of the operating status of the department and of any matters requiring the involvement of the City Manager or the City Council for resolution.

Section 1.106 SPECIFIC DUTIES, FUNCTIONS AND RESPONSIBILITIES OF DEPARTMENTS

- A. **CITY MANAGER** – City Manager shall be the chief executive officer of the municipal government, with all the powers and duties inherent in that position and as further set forth in the Charter and these ordinances. The City Manager is responsible for ensuring effective communication between the City government and the public, and oversees the dissemination of information to ensure transparency and foster community engagement.
- B. **CITY CLERK** – The department administered by the City Clerk shall be responsible for all duties prescribed by state law and municipal ordinance for that office, including the collection and maintenance of official City records and vital statistics; preparation and maintenance of records of the City Council; and the administration of any licenses or permits delegated to that office by the operation of law and elections.

- C. **ECONOMIC AND COMMUNITY DEVELOPMENT** – The Economic and Community Development Department shall be responsible for the complete administration of any municipal programs involving the receipt and expenditure of funds generated by the federal government for community or economic development purposes. Economic development purposes include promoting and maintaining high-quality commercial development, providing assistance services related to business expansion, retention and relocation, supporting the local creative economy and cultural community, and promoting public/private partnerships aimed at fostering economic development that compliments Portsmouth’s quality of life.
- D. **FINANCE** – The Finance Department shall be responsible for the provision of all accounting, tax and revenue collection, assessment, procurement, payroll, debt service, water/sewer billing, audit, cash management, and budget services of the municipal government, and other related duties as may be assigned from time-to-time by the City Manager or allocated by the municipal budget. To the extent the tax collector duties described by State statute remain under the oversight and control of the head of the Finance Department, no special audit shall be required as described in NH RSA 41:36 upon change in the tax collector.
- E. **HEALTH DEPARTMENT** – The Health Department shall be responsible for providing all public health services required by state law or municipal ordinance.
- F. **HUMAN RESOURCES AND NEGOTIATIONS** – The Human Resources and Negotiations Department is responsible for functions that support the hiring, training, development and retention of a skilled and effective workforce. These functions include recruitment, employee relations and records, benefits administration, and compliance with labor laws and regulations. Some departments have unique environments and needs, requiring close cooperation and coordination to ensure both respect for those specific needs and adherence to best human resources practices and legal requirements. Additionally, the department represents the City Manager, School Board, Fire Commission, and Police Commission in negotiating and administering all collective bargaining agreements involving the City of Portsmouth. All technology acquisitions affecting human resources functions must receive prior approval from the Human Resources Department in addition to the Finance Department.
- G. **INFORMATION TECHNOLOGY** – The Information Technology Department shall be responsible for the acquisition, maintenance, coordination, security and regulatory compliance of all City information technology for all elements of the municipal government. The CIO has authority to establish IT standards for cybersecurity, compliance, system resilience, and operational efficiency. All departments shall comply with these standards including those maintaining systems unique to their operational environments. In emergency situations, the CIO has the authority to take immediate protective action. Nothing in this section shall be deemed to limit any authority vested in the City Council and City Manager under the Charter. All technology acquisitions must receive prior approval from the Information Technology Department, in addition to the Finance Department.
- H. **INSPECTION** – The Inspection Department shall be responsible for all matters related to adoption, application and enforcement of the New Hampshire State Building Code, including all codes adopted by reference, and all New Hampshire Building Code

Amendments. The Inspection Department shall also be responsible for the administration and issuance of all permits related to these codes and any other permits assigned to the Inspection Department.

- I. **LEGAL** – The Legal Department shall provide all necessary legal services to the municipal government, including those of an advisory as well as a representational nature.
- J. **LIBRARY** – The Library Department shall be responsible for providing library services, managing library resources, programming events, and operating all public library facilities, including technology services and maintenance of the facilities in partnership with the Information Technology Department and the Department of Public Works.
- K. **PLANNING AND SUSTAINABILITY**– The Planning and Sustainability Department shall be responsible for all land use regulatory functions required by state law and municipal ordinance, including zoning, subdivision review and site plan review. The Planning and Sustainability Department also provides support to the planning board, zoning board of adjustment, historic district commission, conservation commission, technical advisory committee and housing committee. The Planning and Sustainability Department also provides support to the Sustainability Committee and works to implement the City’s sustainability goals. It also seeks to strengthen the City’s resilience given climate change impacts and support the implementation of the Climate Action Plan.
- L. **PUBLIC WORKS** – The Public Works Department shall be responsible for all highway, grounds, park and municipal cemetery maintenance, wastewater collection and treatment, water distribution, metering and treatment, building and facility maintenance, stormwater management and maintenance of infrastructure, and parking and transportation services of the municipal government. These responsibilities include all engineering, permitting, budgeting and oversight necessary to accomplish the work and meet regulatory compliance.
- M. **RECREATION** – The Recreation Department shall be responsible for developing and implementing recreational programs for the citizens of the City including youth and seniors, and for operating the facilities in which those programs are provided in partnership with the Information Technology Department and the Department of Public Works.
- N. **WELFARE/OUTSIDE SOCIAL SERVICES** – The Welfare Department shall be responsible for providing all welfare services mandated by the State of New Hampshire or otherwise provided by the municipal government. In addition to providing client services, the Welfare/Outside Social Services Department provides client referrals by maintaining relationships with community organizations, businesses and outside social service agencies.

Section 1.107 AUTHORITY OF THE CITY MANAGER

- A. The City Manager, as Chief Executive and Administrative Officer of the City, shall have the authority, within the general parameters established by the Charter and this ordinance:

1. To assign and reassign areas of specific responsibility within the various municipal departments;
 2. To execute on behalf of the City Council all deeds, leases, indentures, declarations or conveyances of the City as may be authorized by the City Council. This grant of authority shall not diminish or restrict the power of the City Manager or designee to execute such licenses, agreements, contracts and other instruments as may authorized by the Charter, these ordinances and state law to properly administer and manage the organization and implement the policies of the City Council.
- B. The City Manager shall serve as the local director for emergency management functions and have direct responsibility for the organization, administration and operation of the City's emergency management operation in accord with RSA 29-P:39. The City Manager shall have all emergency management functions and responsibilities mandated or authorized by State, local or federal law and may appoint such other officials as may be required or appropriate to carry out the purpose of emergency management operations.

Revised Version of Chapter 1

That CHAPTER 1, ADMINISTRATIVE CODE, Article I, Administrative Code, Sections 1.102, Administrative Organization; Section 1.103, Organizational Chart, Section 1.105, General Powers and Duties of the Department Administrators, Section 1.106, Specific Duties, Functions and Responsibilities of Departments, Section 1.107, Authority of City Manager, be amended by updating Table of Contents and Titles of each department in Section 1.102; amend language relative to the inclusion of the Organizational Chart in the annual budget in Section 1.103; amend language to include reference to term department head and edit language generally regarding department head duties in Section 1.105; update names of departments and descriptions of their specific duties, functions and responsibilities to comply with the City Charter in Section 1.106; to add language regarding the City Manager's role as Chief Executive and Administrative Officer and local director for emergency management functions and to more fully describe City Manager's authority in these roles and under the Charter in Section 1.107, to be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Article I	Administrative Code	1.101 - 1.107
Article II	<i>Reserved For Future Use</i>	
Article III	Boards	1.301 - 1. 312 309
Article IV	Commissions/Authorities	1.401 - 1.414
Article V	Purchasing Procedures	1.500 - 1. 505 504
Article VI	<i>Reserved For Future Use</i>	
Article VII	Validity/Adoption	1.701 - 1.702
Article VIII	Code of Ethics	1.801 - 1. 805 807
Article IX	Conflict of Interest/Mandatory Financial Disclosure	1.901 — 1.902
Article X	City Communications System	1.1001- 1.1002
Article XI	Budget Preparation Date	1.1101
Article XII	Prohibited Practices in Public Buildings	1.1201
Article XIII	Municipal Enforcement Procedures (Citation Ordinance)	1.1301- 1.1308
Article XIV	Municipal Fund Balance	1.1401- 1.1405
Article XV	Leave at Termination Fund	1.1501 - 1.1505
Article XVI	Adoption of Fees by Budget Resolution	1.1601 – 1.1604
Article XVII	Funding, <u>Review and Acquisition</u> of Public Art	1.1700 - 1. 1707 1709
Article XVIII	Payment by Credit Card	1.1801-1.1802

ARTICLE I: ADMINISTRATIVE CODE

Section 1.101: PREAMBLE

This Administrative Code is adopted pursuant to Section 3.9 of the Revised Charter of the City of Portsmouth to outline the operation of the municipal government, exclusive of the School, Fire and Police departments. It shall be applied and interpreted to further the spirit and intent of the Council/Manager form of Government in general and as specifically created by the Charter.

Section 1.102 ADMINISTRATIVE ORGANIZATION

The administrative service of the City shall consist of a City Manager and the following subordinate departments, each of which shall be administered by a department administrator, **also known as a department head**, appointed by the City Manager.

City Clerk
Economic and Community Development
Emergency Management
 Finance
 Health
 Human Resources and Negotiation
Information Technology
 Inspection

Legal
 Library
Negotiation
Planning and Sustainability
 Public Works
 Recreation
 Welfare/Outside Social Services

Section 1.103: ORGANIZATIONAL CHART

The organizational relationship of the administrative departments of the City to each other and to the electorate, the Mayor and City Council, and the various municipal boards and commissions shall be included as ~~shown in part of~~ the ~~following chart:~~ annually adopted budget.

Section 1.104: SELECTION, QUALIFICATION, AND TERMS OF OFFICE OF DEPARTMENT ADMINISTRATORS

A principal administrator of each municipal department shall be selected and appointed by the City Manager. All such individuals shall serve under such terms and conditions as deemed appropriate by the City Manager.

Section 1.105: GENERAL POWERS AND DUTIES OF DEPARTMENT ADMINISTRATORS

Each department administrator, also known as a department head, shall be responsible for ~~the~~:

- A. The efficient operation of ~~his/her department in a manner consistent with all applicable laws and municipal policies. Each the~~ department administrator shall bear the following responsibilities:
 - B. ~~The department administrator shall be responsible for the~~ The preparation and submission of that portion of the annual municipal budget which relates to ~~his/her the~~ department ~~and for operating that~~;
 - ~~B-C.~~ The operation of the department in compliance with the approved municipal budget;
 - ~~C-D.~~ Each department administrator shall be responsible for the The oversight of all human personnel and property resources of the department to maintain the highest practical level of productivity;
 - ~~D-E.~~ Each department administrator shall prepare, maintain The preparation, maintenance, and preserve/preservation of all records required by law or otherwise for the operation of ~~his/her the~~ department;

~~E.F.~~ ~~Each department administrator, with the approval of the City Manager, shall adopt~~ The adoption of such rules, regulations, and policies as are necessary for the proper administration of ~~his/her~~the department; ~~and~~

~~E.G.~~ ~~Each department administrator shall keep~~ Keeping the City Manager informed of the operating status of ~~his/her~~the department and of any matters requiring the involvement of the City Manager or the City Council for resolution.

Section 1.106

~~————~~ SPECIFIC DUTIES, FUNCTIONS AND RESPONSIBILITIES OF DEPARTMENTS

- A. **CITY MANAGER** – City Manager shall be the chief executive officer of the municipal government, with all the powers and duties inherent in that position and as further set forth in the Charter and these ordinances. The City Manager is responsible for ensuring effective communication between the City government and the public, and oversees the dissemination of information to ensure transparency and foster community engagement.
- B. **CITY CLERK** – The department administered by the City Clerk shall be responsible for all duties ~~mandated~~prescribed by ~~the state law or local and municipal~~ ordinance for that office, including the collection and maintenance of official City records and vital statistics; preparation and maintenance of records of the City Council; and the administration of any licenses or permits delegated to that office by the operation of law and elections.
- C. **ECONOMIC AND COMMUNITY DEVELOPMENT** – The Economic and Community Development Department shall be responsible for the complete administration of any municipal programs involving the receipt and expenditure of funds generated by the federal government for community or economic development purposes. Economic development purposes include promoting and maintaining high-quality commercial development, providing assistance services related to business expansion, retention and relocation, supporting the local creative economy and cultural community, and promoting public/private partnerships aimed at fostering economic development that compliments Portsmouth's quality of life.

EMERGENCY MANAGEMENT

~~D. **FINANCE** – The Emergency Management~~ Finance Department shall be responsible for all emergency management functions and responsibilities ~~mandated or authorized by State, Local or Federal law, including the New Hampshire Emergency Management Act, and other regulations as determined by the Director of Emergency Management. The Emergency Management Department shall consist of the City Manager who shall serve as the Emergency Management Director required by RSA 107-C:8, as it may be amended from time to time, and such other officials as may be appointed by the City Manager.~~

~~E.D.~~ **FINANCE** ~~The Department of Finance shall be responsible for the provision of all accounting, tax~~ and revenue collection, assessment, procurement, payroll, debt service, water/sewer billing, audit, cash management, and budget services of the municipal government, and other related duties as may be assigned from time ~~to time~~ by the City Manager or allocated by the municipal budget. ~~(Amended 3/19/2001)~~ To the extent the tax collector duties described by State statute remain under the oversight and

control of the head of the Finance Department, no special audit shall be required as described in NH RSA 41:36 upon change in the tax collector.

F.E. **HEALTH DEPARTMENT** – The Health Department shall be responsible for providing all public health services required by state law or municipal ordinance.

~~G. **HUMAN RESOURCES** – The Human Resource Department shall be responsible for the development and administration of all programs and policies of the municipal government relating to the employment of the individuals who perform the work of the City. This responsibility shall extend to the Charter Departments with respect to those human resource functions common to all departments. The Charter Departments shall retain those human resource functions which by law or practice are unique and specific to the particular Charter Department. (Amended 3/19/2001)~~

F. **HUMAN RESOURCES AND NEGOTIATIONS** – The Human Resources and Negotiations Department is responsible for functions that support the hiring, training, development and retention of a skilled and effective workforce. These functions include recruitment, employee relations and records, benefits administration, and compliance with labor laws and regulations. Some departments have unique environments and needs, requiring close cooperation and coordination to ensure both respect for those specific needs and adherence to best human resources practices and legal requirements. Additionally, the department represents the City Manager, School Board, Fire Commission, and Police Commission in negotiating and administering all collective bargaining agreements involving the City of Portsmouth. All technology acquisitions affecting human resources functions must receive prior approval from the Human Resources Department in addition to the Finance Department.

H.G. **INFORMATION TECHNOLOGY** – The Information Technology Department shall be responsible for the acquisition, maintenance and, coordination, security and regulatory compliance of all ~~computer hardware, software and related~~ City information technology for all elements of the municipal government. The CIO has authority to establish IT standards and ensure compliance for cybersecurity, system resilience, and operational efficiency. All departments shall comply with these standards including the Charter Departments, except that the Charter Departments shall retain those those maintaining systems unique to their operational environments. In emergency situations, the CIO has the authority to take immediate protective action. Nothing in this section shall be deemed to limit any authority vested in the City Council and City Manager under the Charter. Information Technology functions which by law or practice are unique and specific to the particular Charter Department. In its exercise of this authority, the Information Technology Department, or a Charter Department as appropriate, shall secure prior approval from the Finance Department for all technology acquisitions. (Adopted 3/19/2001).

I.H. ~~INSPECTIONS~~**INSPECTION** – The ~~Inspections~~**Inspection** Department shall be responsible for all matters related to adoption, application and enforcement of the ~~plumbing, electrical and building codes.~~ New Hampshire State Building Code, including all codes adopted by reference, and all New Hampshire Building Code Amendments. The Inspection Department shall also be responsible for the administration and issuance of all permits related to these codes and any other permits assigned to the Inspection Department.

J.I. LEGAL – The Legal Department shall provide all necessary legal services to the municipal government, including those of an advisory as well as a representational nature.

K.J. LIBRARY – The Library Department shall be responsible for ~~every aspect of the operation and maintenance of providing library services, managing library resources, programming events, and operating~~ all public library facilities, including ~~technological~~ technology services ~~required to adequately provide information to and maintenance of the facilities in partnership with the public~~ Information Technology Department and the Department of Public Works.

~~L. NEGOTIATIONS~~ – The Negotiations Department shall represent the City Manager, the School Board, the Fire Commission or the Police Commission as appropriate with respect to the negotiation and administration of all collective bargaining agreements to which the City of Portsmouth is a party.

M.K. PLANNING AND SUSTAINABILITY – The Planning and Sustainability Department shall be responsible for all land use regulatory functions required by state law and ~~local~~ municipal ordinance, including zoning, subdivision review, and site plan review. ~~The Planning and Sustainability Department also provides support to the planning board, zoning board of adjustment, historic district commission, conservation commission and, technical advisory committee services and housing committee. The Planning and Sustainability Department also provides support to the Sustainability Committee and works to implement the City's sustainability goals. It also seeks to strengthen the City's resilience given climate change impacts and support the implementation of the Climate Action Plan.~~

N.L. PUBLIC WORKS – The Public Works Department shall be responsible for all ~~engineering, sewer~~ highway, grounds, park and municipal cemetery maintenance, wastewater collection and treatment, water distribution, ~~water~~ metering and treatment, building and ~~grounds maintenance, vehicle~~ facility maintenance, ~~highway stormwater management and~~ maintenance, ~~wastewater treatment and water metering services of infrastructure,~~ and parking and transportation services of the municipal government. ~~These responsibilities include all engineering, permitting, budgeting and oversight necessary to accomplish the work and meet regulatory compliance.~~

O.M. RECREATION – The Recreation Department shall be responsible for developing and implementing recreational programs for the citizens of the ~~city~~ City ~~including youth and seniors,~~ and for operating the facilities in which those programs are provided ~~in partnership with the Information Technology Department and the Department of Public Works.~~

P.N. WELFARE/OUTSIDE SOCIAL SERVICES – The Welfare Department shall be responsible for providing all welfare services mandated by the State of New Hampshire or otherwise provided by the municipal government. ~~In addition to providing client services, the Welfare/Outside Social Services Department provides client referrals by maintaining relationships with community organizations, businesses and outside social service agencies.~~

Section 1.107

AUTHORITY OF THE CITY MANAGER

A. The City Manager, as Chief Executive and Administrative Officer of the City, shall have the authority, within the general ~~perimeters~~parameters established by the Charter and this ordinance,~~to~~

1. ~~To assign and reassign areas of specific responsibility within the various municipal departments. (Adopted 12/20/1999);~~

2. To execute on behalf of the City Council all deeds, leases, indentures, declarations or conveyances of the City as may be authorized by the City Council. This grant of authority shall not diminish or restrict the power of the City Manager or designee to execute such licenses, agreements, contracts and other instruments as may authorized by the Charter, these ordinances and state law to properly administer and manage the organization and implement the policies of the City Council.

B. The City Manager shall serve as the local director for emergency management functions and have direct responsibility for the organization, administration and operation of the City's emergency management operation in accord with RSA 29-P:39. The City Manager shall have all emergency management functions and responsibilities mandated or authorized by State, local or federal law and may appoint such other officials as may be required or appropriate to carry out the purpose of emergency management operations.

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

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 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 2, Seal, Deeds and Elections – Article II, Deeds, Section 2.201 – Execution to be amended by deleting the section in its entirety. 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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, August 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 2, Seal, Deeds and Elections – Article II, Deeds, Section 2.201 – Execution to be amended by deleting the section in its entirety. 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

That CHAPTER 2, SEAL, DEEDS AND ELECTIONS, Article II, DEEDS, Sections 2.201, Execution, be amended by deleting the section in its entirety as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 2 SEAL, DEEDS AND ELECTIONS

~~Article II: — DEEDS~~

~~Section 2.201: — EXECUTION~~

~~All deeds, leases, indentures, or conveyances under seal, that may be given or required to be executed by authority of the City Council, shall be signed by the City Manager and sealed with the seal of the City.~~

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 MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FR: SUSAN G. MORRELL, CITY ATTORNEY

RE: PROPOSED CHAPTER 1, ADMINISTRATIVE CODE AMENDMENTS

DATE: JULY 29, 2025

On June 23, 2025, the Governance Committee voted to recommend several proposed amendments to Chapter 1 of the City's Administrative Code to the City Council for consideration, along with a legal opinion regarding their compliance with our Charter and State law. The proposed amendments will be on the City Council's August 4, 2025, agenda for First Reading. This memorandum informs the Council of the need for these amendments, the process the Governance Committee engaged in, and a brief review of the legal authority underpinning these amendments and their related 2000 Charter Amendments.

Need: The proposed ordinance amendments were created to ensure that Chapter 1 reflects the current organizational structure of the City's departments, which is required by state law. RSA 49-C:21 states in part, "the elected body by ordinance may create, consolidate or abolish departments, divisions and bureaus and define the functions and duties of each. The compilation of such ordinances shall be known as the 'Administrative Code.'" This law is reflected in and mirrored in Section 3.9 of the City Charter which mandates that the City's Administrative Code "define the duties, functions, and responsibilities of every department, division, and agency, which it creates."

Most of the proposed amendments were minor updates reflecting current department titles and responsibilities; however, more substantial updates were made to allow for the anticipated evolution of the responsibilities of certain departments. New language was proposed for the Human Resources and Negotiations Department ("HR") and the Information Technology Department ("IT") to bring Chapter 1 into compliance with the 2000 Charter Amendments that re-defined the HR and IT Departments.

Process: The Governance Committee received regular input from members of the City Manager's Office as well as the Finance, Legal, IT, HR, Police, Fire, and School Departments. The Governance Committee received input and provided guidance and feedback during meetings on January 13, February 10, February 24, March 31, May 12, June 2, and June 23, 2025. These meetings also provided an opportunity for Public Comment.

Concerns were raised by the Police Department and the Police Commission, and by the Superintendent, challenging the legal authority of the City Council to require a new level of collaboration and oversight of their departments by HR, IT, and Finance as proposed by the amendments. The Governance Committee requested a legal memorandum to address those concerns.

Charter Description of HR and IT Departments:

The 2000 Charter Commission proposed amendments to the Charter that were adopted at the November, 2000, general election. Amendment F expanded the duties of the HR Department, and Section 7.23, established an IT department.

Amendment F states in part, “the Administrative Code shall provide for a municipal department which shall be responsible for the performance of those human resource functions of the City which are common to all departments. The Human Resource Department shall perform those functions for all City departments, *including Charter Departments.*” *Emphasis added.*

Section 7.23 states in part, “The Administrative Code shall provide that a single municipal department shall direct acquisition, maintenance and coordination of Information Management Technology for all elements of City government, *including Charter Departments.*” *Emphasis added.*

The 2000 Charter Amendments intended to eliminate redundancies and create efficiencies between and among City departments, including the Charter Departments. See, 2000 Charter Amendment Memorandum, dated May 26, 2000, attached. The proposed amendments to the Administrative Code reflect these objectives.

Chapter 1 Amendments:

The proposed Ordinance amendments are attached in their entirety to this memorandum, in a red line and clean version. The amendments to the HR and IT Departments generated the most discussion and center on the following changes.

Human Resources and Negotiations (HR)-The amendments to the description of the HR Department’s responsibilities - to provide support for hiring, training, development, and retention for all departments - adds, **including the Charter Departments.**

Information Technology (IT)-The amendment to the description of the IT department adds that “[t]he CIO has authority to establish IT standards for cybersecurity, compliance, system resilience, and operational efficiency” for all departments, **including the Charter Departments. The amendment also provides that all technology acquisitions must receive prior approval from the IT and Finance Department.**

Legal authority:

In New Hampshire, local governments are enabled by state legislative authority and can only engage in activity authorized by state statute. Our “Home-Rule” authority has evolved over time, and is now codified in RSA 49-B. “Under the Home Rule-Municipal Charters legislation, the only limit on the type of provisions that can be adopted is that the **provisions must relate to the governmental process of the city and cannot be inconsistent with the constitution or existing general legislation.**” *Loughlin*, Vol. 13, Chapter 6-11, section 119. The 2000 Charter amendments comply with the provisions of RSA 49-B in that they are limited to the governmental process of the City and are not inconsistent with the NH Constitution or State law. The 2000 Charter Amendments enable the proposed changes to the City’s Administrative Code.

School Department:

The Superintendent raised questions regarding the City’s legal authority to supersede several state statutes regulating the operations of School Districts, specifically, RSA 194. However, Portsmouth is not a “School District”, but rather a properly authorized integrated “School Department”. The legislative authority to establish Portsmouth’s School Department was enacted in 1905, authorizing the establishment of a Board of Instruction. The NH Supreme Court specifically recognized the legitimacy of this legislative action when it wrote that “the Nashua, Portsmouth and Rochester school departments were created by special legislative act.” *City of Manchester School District v. City of Manchester*, 150 N.H. 664, 672 (2004). In that case the Court found that unlike Portsmouth, Nashua and Rochester, the City of Manchester did not have explicit legislative approval to merge the Manchester School District with the city government.

Earlier this year, the NH Supreme Court described the legal nature of Nashua’s integrated School Department which applies equally to Portsmouth’s School Department. The Court wrote, “Nashua as one of several cities in which, through an act of the legislature, the school district had lost their independent corporate existence and had become a dependent part of their municipalities” and the “Nashua school district and the city are coterminous and constitute a single corporation.” *Johnson v. City of Nashua*, 2025 WL 754019 (2025) (citations omitted).

Concerns were raised that the oversight by the CIO and Finance Department of the School Department’s IT purchases conflicts with the state law on Student and Teacher Information Protection and Privacy, RSA 189:65, or would otherwise usurp the School Board’s authority regarding the operations of the schools. These concerns are unwarranted. The CIO focuses on IT infrastructure and cybersecurity, staff training and leadership, and looks for

appropriate opportunities across the organization to collaborate and leverage buying power. It is anticipated that existing School Department IT staff will continue to focus on the school's specific data privacy policies and practices and instructional IT equipment. The Finance Department's focus will be on the upcoming implementation of the City's new enterprise resource planning solution for finance and human resources (ERP). The new solution is intended to provide better integration and management tools across the organization and better overall interdepartmental communications.

Finally, concerns were expressed that the 2000 Charter Amendments for HR and IT conflict with the authority of the School Board set forth in Section 6.3 of the Charter. Section 6.3, C provides: "The school board shall have the authority to retain such professional and non-professional officers and employees, as the Board deems necessary for the proper operation of the school system. The School Board shall establish the terms and conditions of employment of such individuals, ***subject to the remaining provisions of this charter.***" *Emphasis added.* This highlighted section of the Charter anticipated that other provisions of the Charter, such as the 2000 Charter Amendments, would provide additional guidance for the integration of the school department with the municipal corporation. The two provisions are not in conflict.

Police Department:

The Portsmouth Police Commission was established in 1993, by Amendment E to the City's Charter. Relative to the Police Commission duties the City Charter provides the Commission with all administrative responsibilities which would otherwise be vested in the City Manager under the Charter relating to the administration of the Department. However, all their authority is, **subject to the approval of the City Council.**

The Charter Amendments adopted by the voters in November of 2000 are changes to the Charter that were approved by the City Council and intended to modify the authority of the Police Commission as set forth in the then existing Charter. Like the provisions regarding the School Department, the 2000 Amendments further informed the relationship between the Charter Departments and the IT and HR Departments of the City.

Conclusion:

The proposed amendments to the City's Administrative Code, Chapter 1, are consistent with the City's Charter provisions, State Law, and the NH Constitution.

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCES, Section 7.326, Limited Parking - Fifteen Minutes and Section 7.330 A, No Parking; Article IVA, BUS STOPS AND TAXICAB STANDS, Section 7A.408, Taxi Stands Designated; and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones 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):

[Explanatory note not part of ordinance. The following amendments to the parking ordinance were either implemented by the Parking and Traffic Safety Committee on a trial basis last year or are part of ongoing improvements to the parking ordinance and are forwarded to the City Council for approval. Each ordinance change is shown on diagrams attached hereto.]

A.-Amend: Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III – TRAFFIC ORDINANCE, Section 7.326: Limited Parking-15 Minutes

Section 7.326: LIMITED PARKING – 15 MINUTES

- A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and 8:00 p.m., Monday through Saturday, and between 12:00 p.m. and 8:00 p.m. Sunday, Holidays not included, on the following streets and locations:
- 6. Hanover Street:
 - a. northerly side, first five spaces east from High Street
 - b. southerly side, first ~~two~~ spaces east from Maplewood Avenue
 - c. **southerly side, first space east from Vaughan Mall**
 - 12. State Street:
 - a. southerly side, first two metered spaces east from **Washington** ~~Atkinson~~ Street.

B. Amend: Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III – TRAFFIC ORDINANCE, Section 7.330, No Parking.

Section 7.330: NO PARKING

A: Unless otherwise designated by ordinance, parking shall be prohibited at all times in the following described streets and locations:

124. State Street:

h. northerly side, beginning at the west curbline of Middle Street, running 100 feet westerly.

114. Sagamore Avenue: both sides, from Shaw Road to Wentworth House Road.

C. Amend: Chapter 7, VEHICLES, TRAFFIC and PARKING, Article IVA – BUS STOPS AND TAXICAB STANDS, Section 7A.408: Taxi Stands Designated

Section 7A.408: TAXI STANDS DESIGNATED (Amended 01/23/2023)

The following areas are hereby designated as Taxi stands:

A. Pleasant Street: easterly side, first parallel parking space north of State Street.

In the event that there are no Taxi Licenses and Medallions issued by the City, any designated Taxi stands shall revert to metered parking spaces until such time as the City issues Taxi Licenses and Medallions.

D. Amend: Chapter 7, VEHICLES, TRAFFIC and PARKING, Article VI – LOADING ZONES, Section 7.601: Limited Hours Loading Zones

Section 7.601: LIMITED HOURS LOADING ZONES

The following locations are established as "Limited Hours Loading Zones" during "Loading Zone Hours" which are defined as Mondays through Saturdays between the hours of 6:00 a.m. and 7:00 p.m. or as otherwise described below. During Loading Zone Hours only

licensed commercial vehicles, vehicles marked for commercial purposes and unmarked noncommercial vehicles with Loading Zone Permits may utilize Limited Hours Loading Zones for up to 30 consecutive minutes if actively engaged in loading or unloading product, merchandise or equipment. At all other times these Loading Zones shall be open parking for all vehicles.

9. Penhallow Street: westerly side, beginning at Commercial Alley and running northerly for a distance of 45 feet, **from 6:00 AM to 3:00 PM Monday through Saturday, and on Sunday from 6:00 AM to 12:00 PM.** ~~In addition to Monday through Saturday, this location shall also be a loading zone from 6:00 AM to 12:00 PM. on Sunday.~~
-

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

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

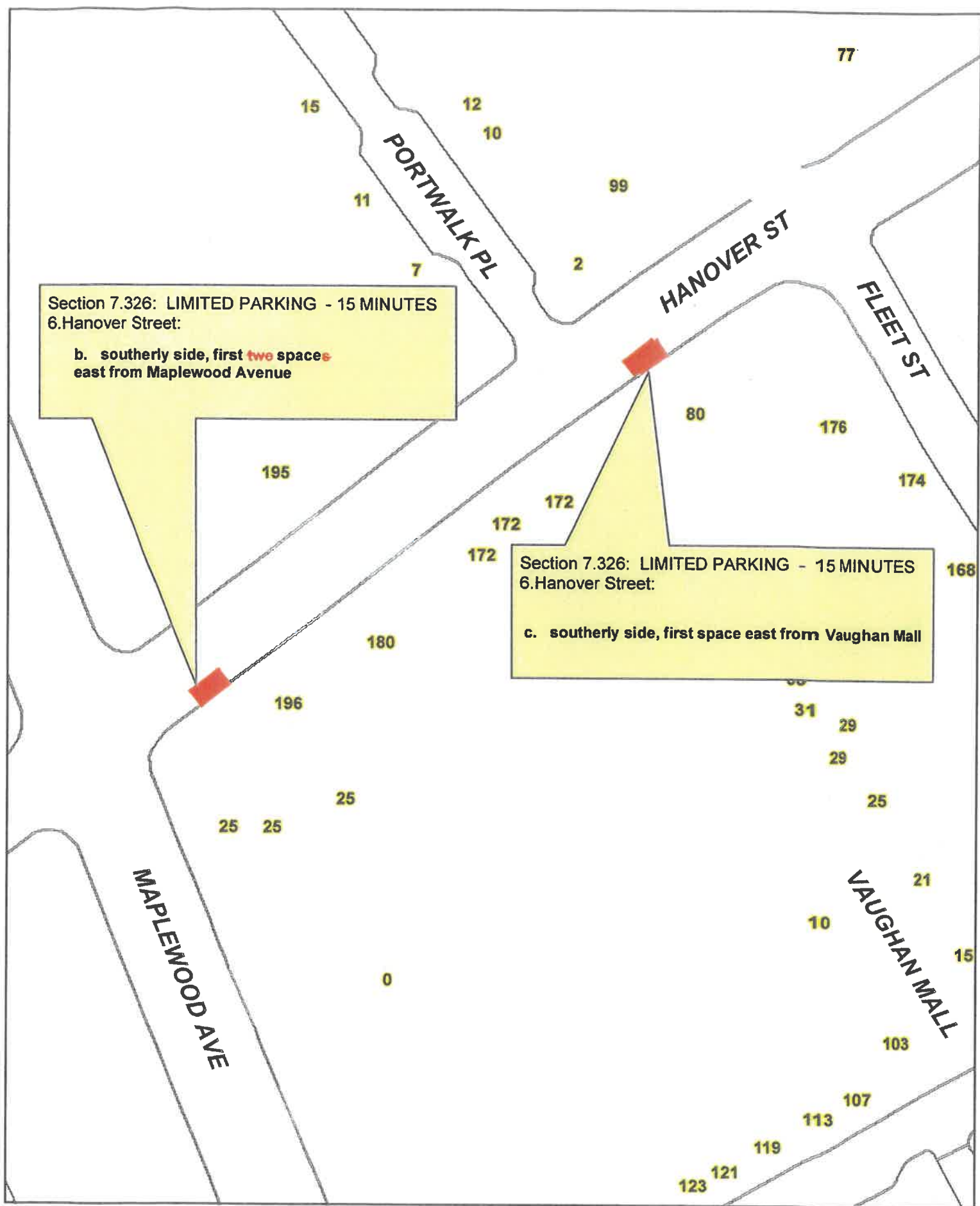
This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL

Kelli L. Barnaby, City Clerk

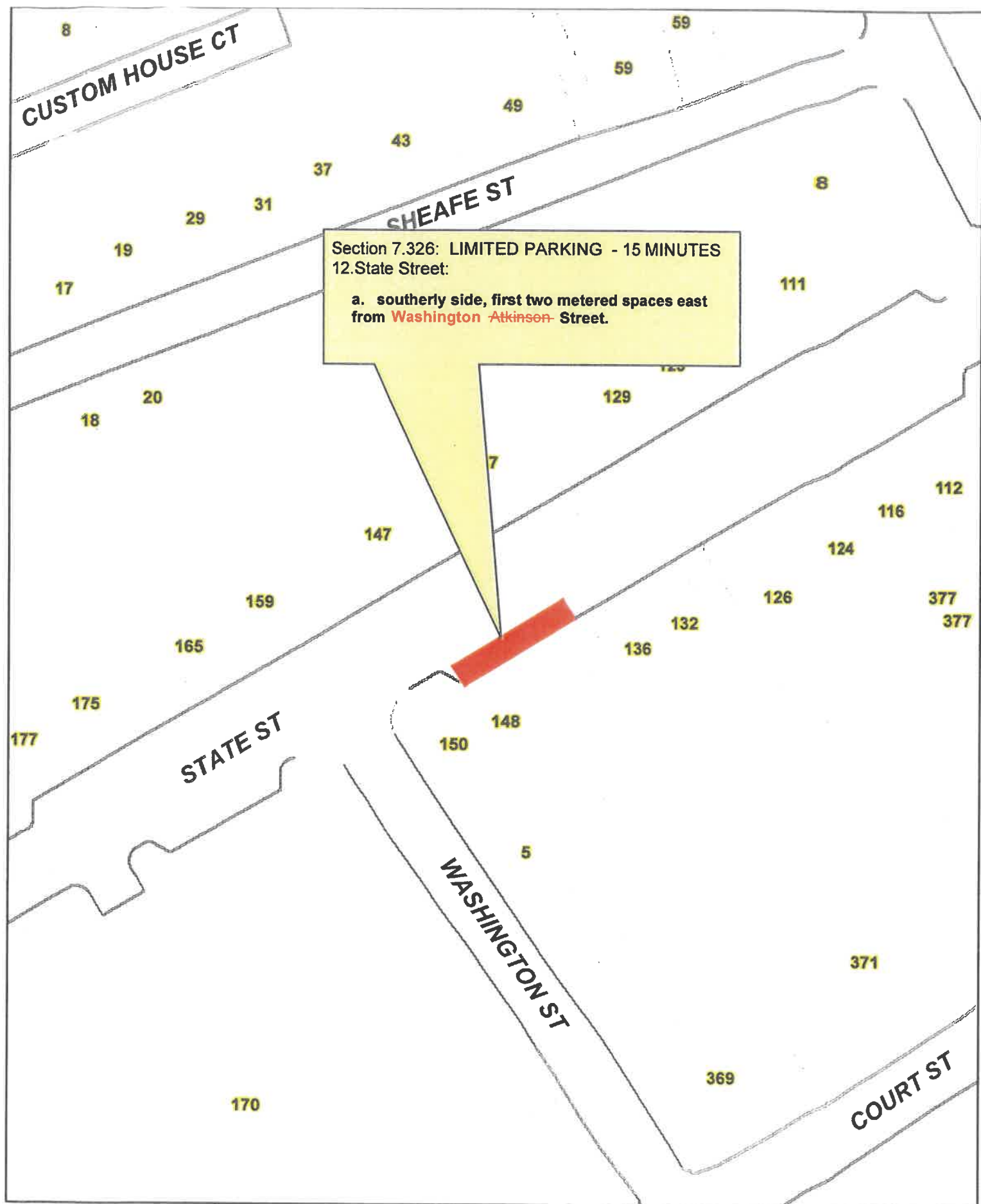


**15 Minutes Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 18 June 2025
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2025

0 20 40 80 Feet

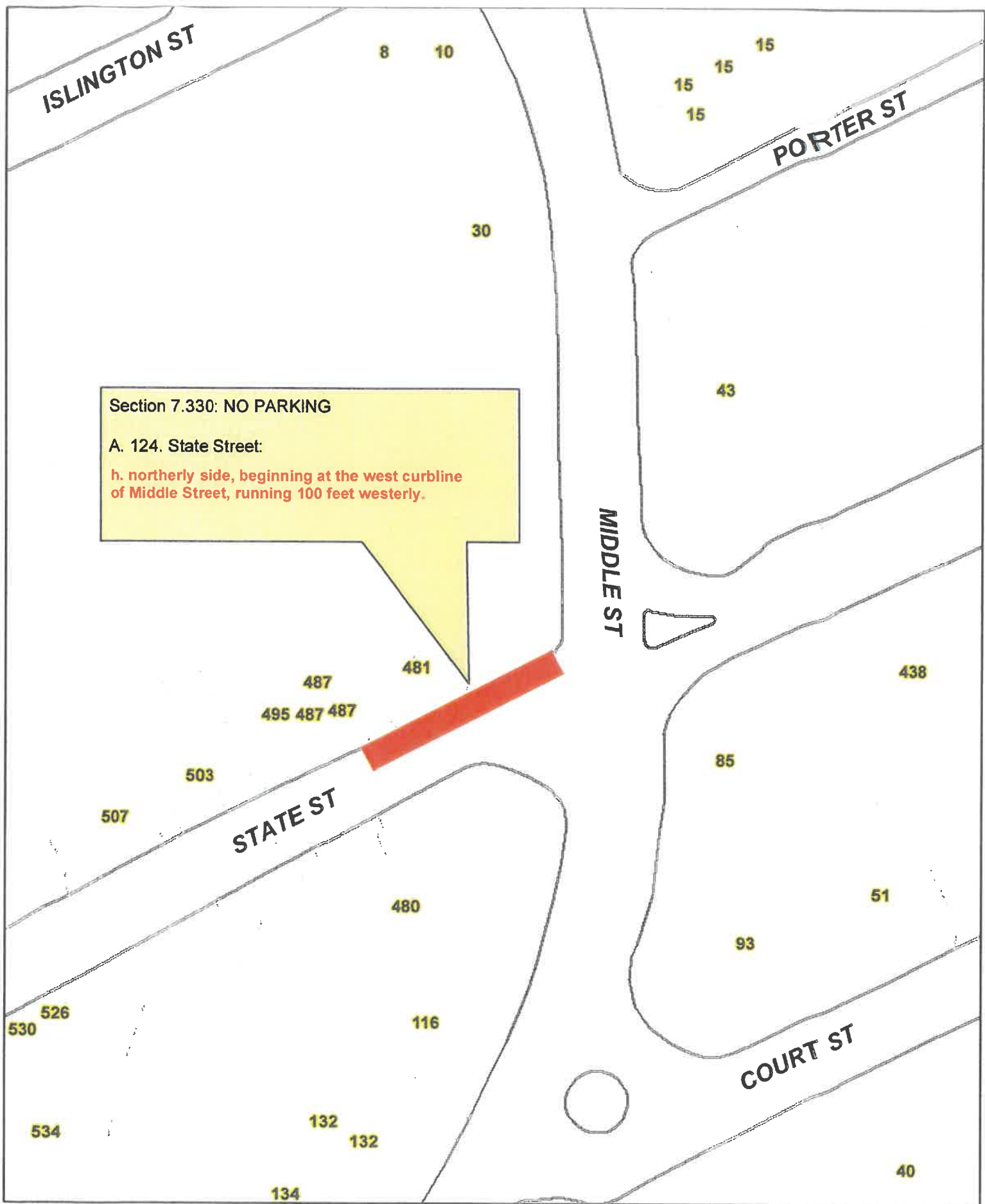




**15 Minutes Parking
Portsmouth, New Hampshire**

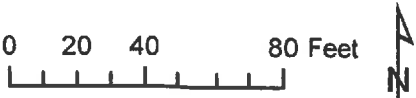
Map prepared by Portsmouth Department of Public Works, 18 June 2025
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2025

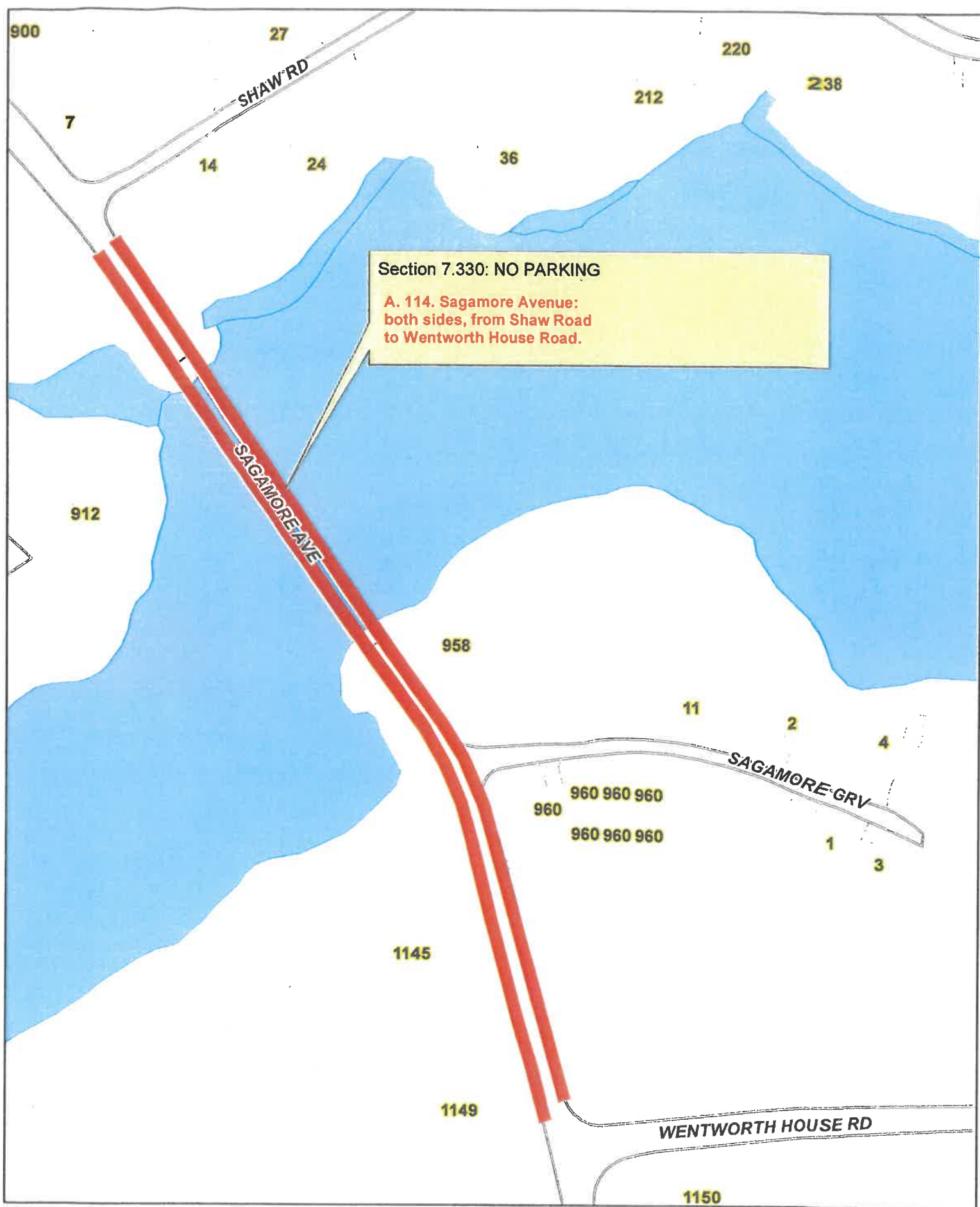




**No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 3 June 2025
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2025



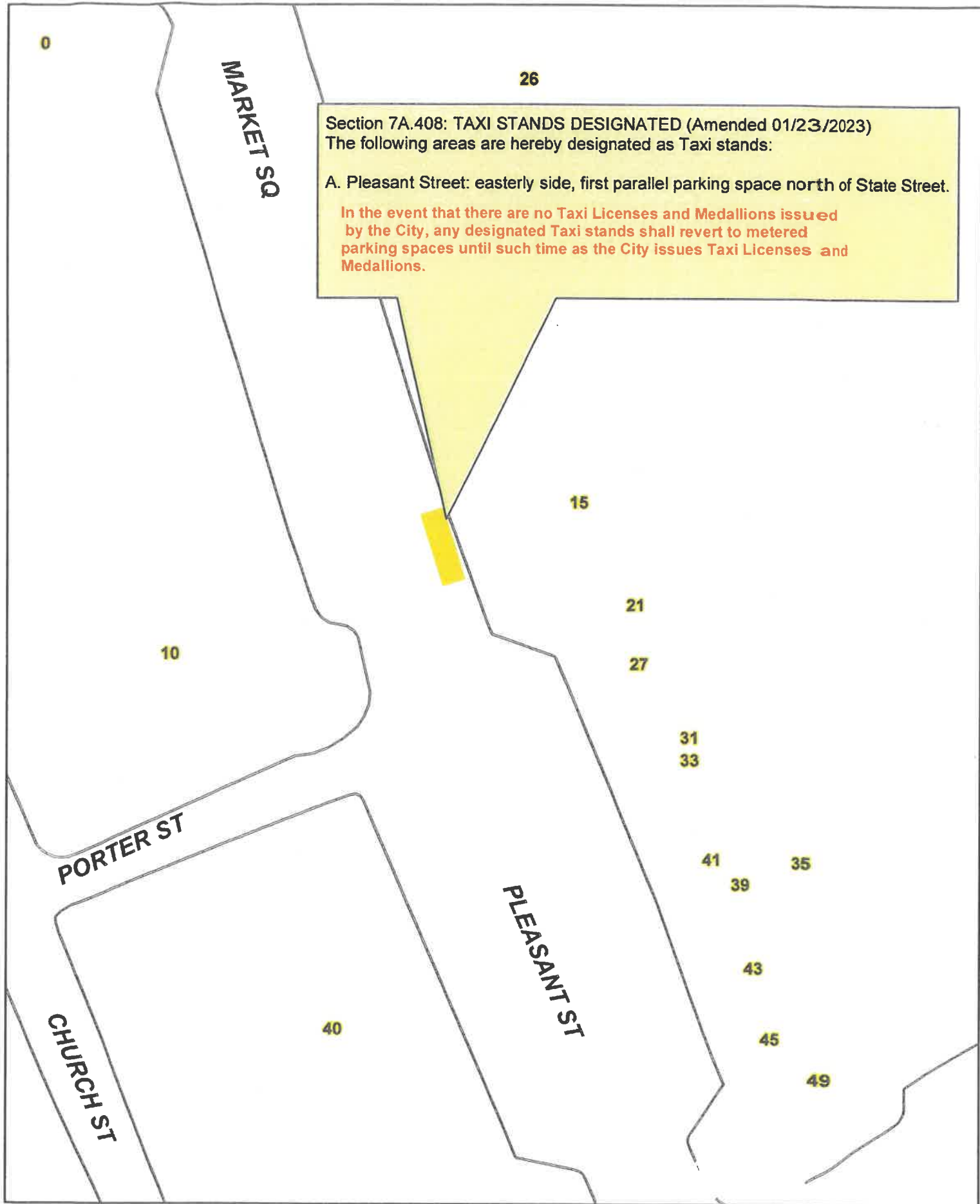


**No Parking
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 3 June 2025
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2025

0 45 90 180 Feet





TAXI STANDS
Portsmouth, New Hampshire

Map prepared by Portsmouth Department of Public Works, 3 June 2025
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2025

0 10 20 40 Feet



Section 7.601: LIMITED HOURS LOADING ZONES
9. Penhallow Street: westerly side, beginning at Commercial Alley and running northerly for a distance of 45 feet,
from 6:00 AM to 3:00 PM Monday through Saturday,
and on Sunday from 6:00 AM to 12:00 PM.
~~In addition to Monday through Saturday, this location shall also
be a loading zone from 6:00 AM to 12:00 PM. on Sunday.~~

114

112

110

108

106

11

13

10

98

96

88

COMMERCIAL ALY
PENHALLOW ST

**Limited Hours Loading Zone
Portsmouth, New Hampshire**

Map prepared by Portsmouth Department of Public Works, 3 June 2025
Map document: U:\Projects\0263 Parking Traffic & Safety\Traffic and Parking Ordinance Changes\2025

0 5 10 20 Feet
| | | | |





Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: August 14, 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 August 18, 2025

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

- A. **First Reading of Ordinance Amending Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP be amended as follows: rezone parcels described on the City Tax Map 138 Lot 62 and Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to change the boundary of the North End Incentive Overlay District (NEIOD) by removing City Tax Map 138 Lot 60-2, Tax Map 138 Lot 62 and Tax Map 125 Lot 16, and Tax Map 138 Lot 63 and a portion of Tax Map 138 Lot 60-3; and to amend the boundary of the Downtown Overlay District (DOD) by removing City Tax Map 138 Lot 60, a portion of Tax Map 138 Lot 60-1, Tax Map 138 Lot 60-2, Tax Map 138 Lot 60-3, Tax Map 138 Lot 61, Tax Map 138 Lot 62, Tax Map 138 Lot 63, Tax Map 164 Lot 4, Tax Map 125 Lot 17-1 and a portion of Tax Map 125 Lot 16 and Tax Map 125 Lot 17 from the DOD; to amend the building height map from 2-4 stories (50 feet) to 2-3 stories (short 4th, 45 feet) for parcels along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 and to add a building height standard of 2-3 stories (40 feet) along Rock Street to the cul-de-sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), collectively the "Zoning Maps":**

At the August 4, 2025 City Council meeting, Councilor Moreau discussed bringing forward a new zoning amendment that would change the zoning to various lots around Bridge Street, Foundry Place, Rock Street, and Hanover Street. These amendments described above and in [the draft zoning ordinance in your packet](#) would change two lots from Character District 5 (CD5) to Character 4 (CD4), remove lots from the boundary of the North End Incentive Overlay District (NEIOD), and move the boundary of the Downtown Overlay District (DOD) to align with the boundary of the North End Incentive Overlay District (NEIOD).

It would also reduce the building height of three lots located on Hill Street and add building height requirements to parcels along Rock Street to the cul-de-sac at Foundry Place.

I recommend that the City Council move to pass first reading and to schedule a public hearing and second reading at the September 8, 2025 City Council Meeting.

- B. **Second Reading of Ordinance Regarding Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map be amended as follows: Rezone Parcels Described on the City Tax Map 125 Lot 16; Tax Map 138 Lot 61; Tax Map 138 Lot 62; and a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District 4 (CD4); to Rezone a portion of Tax Map 138 Lot 63 from Character District 5 (CD5) to Character District L1 (CD4-L1); to change the Boundary of the North End Incentive Overlay District (NEIOD) to remove City Tax Map 138 Lot 61, Tax Map 138 Lot 60-3, and Tax Map 164 Lot 4 from the NEIOD and to Amend the Boundary of the Downtown Overlay District (DOD) to align with the amended NEIOD by removing City Tax Map 164 Lot 4, Tax Map 138 Lot 61, Tax Map 138 Lot 60-3 and a portion of Tax Map 138 Lot 63 from the DOD; to amend the Building Height Map from 2-4 stories (50 Feet) to 2-3 stories (40 feet) for parcels along Bridge Street to Foundry Place and along Hill Street for City Tax Map 125 Lot 16, Tax Map 138 Lot 62 and Tax Map 125 Lot 14 and to add a Building Height Standard of 2-3 stories (40 feet) along Rock Street to the Cul-De-Sac at Foundry Place for City Tax Map 138 Lot 63, Tax Map 138 Lot 60-2, and Tax Map 138 Lot 60-3. The Zoning Maps to be amended are referenced in the City's Zoning Ordinance at Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 and Chapter 10, Article 5A, Character Based Zoning, Section 10.5A21.10, Content of Regulation Plan, Map 10.5A21A (Character Districts and Civic Districts) and Map 10.5A21B (Building Height Standards), Collectively the "Zoning Maps":**

The City Council held first reading on proposed changes to the Zoning Map, Building Height Map, and align the North End Incentive Overlay District and Downtown Overlay District boundaries at the May 19, 2025 City Council meeting. A second reading was also held on June 9th and July 14th. Another second reading is being presented at this evening's meeting.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the September 8, 2025 City Council meeting.

C. Public Hearing and Second Reading of Chapter 1, Administrative Code – Article I, Administrative Code Ordinance Amendments:

- **Section 1.102 – Administrative Organization**
- **Section 1.103 – Organizational Chart**
- **Section 1.105 – General Powers and Duties of the Department Administrators**
- **Section 1.106 – Specific Duties, Functions and Responsibilities of Departments**
- **Section 1.107 – Authority of City Manager**

The Governance Committee voted to recommend several proposed amendments to Chapter 1 of the City’s Administrative Code to the City Council on June 23, 2025. [Please find attached a memorandum from City Attorney Morrell addressing the legal authority of the proposed amendments. The proposed amendments are attached in both a red line and a clean version of the Ordinance.](#)

At their August 12, 2025 meeting, the School Board unanimously voted to request that the City Council amend this proposed ordinance to include the following language:

- “Nothing herein shall be construed to infringe upon the authority of the Portsmouth School Board under RSA189 or Section 6.3 of the City Charter, including, but not limited to, its authority over line-item appropriations, contracting, staffing, and the administration and operation of the public schools.”

The amendment proposed by the School Board is not recommended. The Legal Department, in consultation with the Deputy City Manager for Finance and Administration and Chief Information Officer, recommends the following improvements to the proposed Chapter 1, Section 1.106 (G) language relative to the responsibilities of the Information Technology Department:

- Delete the last sentence which reads “All technology acquisitions must receive prior approval from the Information Technology Department, in addition to the Finance Department.”
- Replace the second sentence of the proposed new language with the following: “The CIO has authority to establish and ensure compliance with IT standards for cybersecurity, system resilience, and operational efficiency.”

[Attached is a revised version of the Chapter 1](#) changes should the City Council elect to support these minor changes. The Superintendent of Schools has been advised of this recommendation.

Staff will be available to answer questions at this evening’s meeting.

I recommend that the City Council move to amend the proposed changes to Chapter 1, Section 1.106(G) to reflect the changes proposed by the Legal Department.

I recommend that the City Council move to pass second reading as amended and schedule a third and final reading at the September 8, 2025 City Council meeting.

D. Public Hearing and Second Reading of Chapter 2, Seal, Deeds and Elections – Article II, Deeds, Section 2.201 – Execution to be amended by deleting the section in its entirety:

The Governance Committee voted to recommend proposed amendments to Chapter 2 of the City's Administrative Code to the City Council on June 23, 2025. [Please find attached a memorandum from City Attorney Morrell with background information on this proposal. The proposed amendments are attached.](#)

I recommend that the City Council move to pass second reading of the proposed changes to Chapter 2 and schedule a third and final reading at the September 8, 2025 City Council meeting.

E. Public Hearing and Second Reading of Omnibus Vehicles, Traffic and Parking Ordinance Amendments:

- **Chapter 7, Article III, Section 7.326 – Limited Parking – 15 Minutes – Hanover Street and State Street**
- **Chapter 7, Article III, Section 7.330 – No Parking – State Street and Sagamore Avenue**
- **Chapter 7, Article IVA, Section 7A.408 – Taxi Stands Designated – Pleasant Street**
- **Chapter 7, Article VI – Limited Hours Loading Zones – Penhallow Street**

[Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee](#) to be presented to the City Council. This year's omnibus changes are detailed on [the attached sheets](#), and address amendments to the parking ordinance regarding 15-minute parking, no parking, taxi stands, and limited hours loading zones.

I recommend that the City Council move to pass second reading and schedule a third and final reading at the September 8, 2025 City Council meeting.

XI. City Manager's Items Which Require Action:

1. Report Back from the Planning Board Regarding Frenchman's Lane:

[A letter from Attorney Alec McEachern to the City Council requesting the City release a portion of Frenchman's Lane from the State to the City](#) was included in the April 21, 2025 Council meeting packet, and the City Council voted to refer this matter to the Planning Board, Planning Department, Public Works, and Legal Department for a report back. [Deputy City Attorney McCourt prepared a memorandum to the Planning Board](#) providing more information and two potential options for a recommendation back to the City Council.

At the July 17, 2025 meeting, the Planning Board voted to recommend that the City Council obtain the rights to both sections of Frenchman's Lane by whatever means required.

I recommend the City Council direct the City Manager and Legal Department to negotiate, execute, and record documents necessary for the rights to both sections of Frenchman's Lane. Any cost to the transaction shall be borne by the owners of 833 Islington Street.

2. **Request for Public Hearing Regarding Amendment to Resolution #6-2022 Regarding Funding Scope for the Police Station and Municipal Complex Feasibility Study and Design:**

At the recommendation of Bond Counsel, I request that the City Council authorize the amendment of Resolution 6-2022, originally approved on April 4, 2022, which authorized the borrowing of funds for the feasibility study and design of a new police facility and/or rehabilitation of the existing facility. The proposed amendment would expand the permitted use of these funds to include feasibility and design expenses for the entire municipal complex.

This amendment will provide the flexibility to evaluate and plan for the long-term needs of all municipal operations within the complex, with a coordinated and cost-effective approach.

I recommend that the City Council move to schedule a public hearing on September 8, 2025 regarding the amendment to Resolution.

3. **Approval of School Superintendent McLaughlin's Employment Contract:**

Attached please find a memorandum from Labor Negotiator Tom Closson regarding the School Superintendent's Employment Contract. Projected costing of the proposed agreement is also attached.

I recommend that the City Council move to approve the employment contract for the School Superintendent.

4. **Reschedule City Council Meeting of September 22, 2025:**

I request that the City Council reschedule the September 22, 2025 City Council meeting to Wednesday, September 24, 2025. In order to cancel and reschedule a regular City Council meeting, City Council should suspend the rules and vote to cancel and reschedule the meeting.

I recommend that the City Council move to suspend the rules to reschedule the September 22nd City Council meeting to September 24th at 7:00 p.m.

I recommend that the City Council move to reschedule the September 22nd City Council meeting to September 24th at 7:00 p.m.

5. **1 Raynes Avenue Access Easement for Water Services:**

On December 16, 2021, the Planning Board granted site plan approval, a wetlands conditional use permit, and a conditional use permit for parking to One Raynes Ave, LLC for the construction of a 5-story mixed use building including commercial and residential uses, a 5-story, 124-room hotel, associated site work and the demolition of the existing structures. On June 9, 2025, the City Council voted to authorize the City Manager to accept several easements for community space and drainage at this location. As a part of final compliance review by the Planning Department, an Access Easement for Water Services in favor of the City was noted on the plan set that the Planning Board approved. This easement will permit City staff to access the property for the purpose of leak detection and to turn valves in the case of an emergency.

The applicants have provided [the attached deed](#) which conforms with the City's ordinary form for water service access easements. The Legal and Planning and Sustainability Departments have reviewed this document for form and recommend acceptance.

I recommend that the City Council move to authorize the City Manager to accept and record an Access Easement for Water Services in substantially similar form to the deed contained in the agenda packet.

6. **Report Back from the Planning Board Regrading Proposed Amendments to Building Footprints in the Downtown:**

The Planning Board discussed amending the zoning ordinance regarding building footprints in the downtown at its July 17, 2025 meeting. The Board discussed that the built environment in the core of downtown contains blocks of connected buildings that would constitute a single building footprint per the current definition below:

“Building footprint - The total area of a building at or above 18 inches in elevation as measured from the outside walls at the grade plane of a detached building, or of two or more buildings separated only by fire walls, common walls or property lines.

Uncovered community space located immediately above a building's story below the grade plane shall not constitute building footprint, provided it is not more than 10 feet above the adjacent street grade.”

This condition is unique to downtown and not anywhere else in the City and becomes problematic because any addition or expansion within these blocks would likely exceed the allowable footprint and would trigger the need for a Conditional Use Permit, which requires workforce housing and community space or a variance. The scale and modulation of building facades, the spacing of building entrances downtown and more historic parts of the City have been and are important to preserve and enhance the character and pedestrian-oriented nature of these areas. Most of the land in these areas contain existing buildings, some of which are and were historically connected behind their façades. Connections of this sort are in keeping with the character and history of these areas of the City, notwithstanding the overall resulting footprint of some of these assemblies of buildings.

The amendments will allow for additions up to 10,000 square feet behind existing buildings in the CD4 and CD5 districts within the Downtown Overlay, without a building footprint restriction. In addition, the Planning Board recommends deleting the second paragraph of the building footprint definition related to uncovered community space.

At the July 17, 2025 meeting, the Planning Board voted to recommend the City Council hold first reading on [the proposed amendments related to building footprints in the downtown by amending Chapter 10, ZONING, Article 5A, Character-Based Zoning, Section 105A43.45, Special Building Footprint Provisions and Section 105A43.46, Redevelopment of Existing Buildings and Article 15, Definitions, Building footprint](#). The Legal Department will review the ordinance and may make minor edits when the ordinance is scheduled for first reading.

I recommend that the City Council move to schedule a first reading at the September 8, 2025 City Council meeting.

XIII. Presentations and Written Communications:

A. Capital Improvement Plan Kickoff:

Deputy City Manager – Finance and Administration Nathan Lunney will provide a [presentation regarding the FY27 CIP](#) at this evening's meeting.

XVI. Approval of Grants/Donations:

A. Acceptance of Donation of Memorial Bench in Honor of Danielle Marie French to be Installed at Maple Haven Park:

[Attached is a request from Candace French and her family](#) to donate a granite bench in memory of Danielle Marie French. A mutually agreed-upon location within Maple Haven Park has been identified for placement.

I recommend that the City Council move to accept a memorial bench from Candace French and family in memory of Danielle Marie French to be installed at Maple Haven Park.

B. Acceptance of New Hampshire Highway Safety Grant for Enforcement Patrols and Community Outreach & Betterman Presentations - \$24,100:

At the July 15, 2025 Police Commission meeting, the Board of Police Commissioners approved and accepted a grant from the New Hampshire Department of Highway Safety in the amount of \$24,100 to support highway safety initiatives, including enforcement patrols and Community Outreach & Betterment (COB) presentations. COB funding will support educational efforts targeting driver age groups historically at high risk for serious and fatal crashes (ages 15-40 and 65+).

I recommend that the City Council move to approve and accept the Highway Safety Grant in the amount of \$24,100.

C. **Acceptance of an In-Kind Donation of 21 Bicycle Helmets from the Brain Injury Association of New Hampshire to Support the Portsmouth Police Department's E-Bike Safety Initiative:**

At the July 15, 2025 Police Commission meeting, the Board of Police Commissioners approved and accepted an in-kind donation of 21 bicycle helmets from the Brain Injury Association of New Hampshire to support the Portsmouth Police Department's E-bike safety initiative.

I recommend that the City Council move to accept an in-kind donation of 21 bicycle helmets from the Brain Injury Association.

XVII. City Manager's Informational Items:

1. **Household Hazardous Waste Collection Day – September 6, 2025:**

Attached please find a press release announcing Household Hazardous Waste Collection Day on September 6th.

HOEFLE, PHOENIX, GORMLEY & ROBER

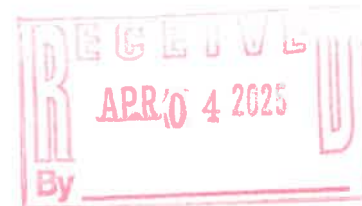
ATTORNEYS AT LAW

CM Action Item #1

127 Parrott Avenue | Portsmouth, NH, 03801

Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 31, 2025



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

Re: Request of Black Oak Realty, LLC that City Request Transfer of Portion of Frenchman's Lane from the State of New Hampshire

Dear Mayor McEachern and Council:

On behalf of Black Oak Realty, LLC ("Black Oak"), owner of 833 Islington Street (City Tax Map 165, Lot 6), I respectfully ask that the City request that the State transfer to the City that portion of Frenchman's Lane shown on the attached Exhibit A as "Section of Frenchman's Lane Under State of New Hampshire Control."

The reason for this request is that Black Oak intends to redevelop its property and approached the State of New Hampshire to discuss the potential acquisition and/or utilization of the State's land on Frenchman's Lane. In response to Black Oak's request, the State advised it could not transfer any interest in its property to Black Oak, but it would consider the transfer of its land to the City so that Black Oak could then discuss its needs with the City.

The State has advised that to proceed further with a transfer to the City, the City must now formally request that the State transfer its portion of Frenchman's Lane to the City. Black Oak believes it is in the City's best interest to acquire the State's property as it would connect Islington Street to the City's currently owned portion of Frenchman's Lane, which lies to the rear of Black Oak's property, and would hopefully also result in the redevelopment of Black Oak's property which would both increase the City's property tax base and add to the vitality of the City's West End.

Thank you for your consideration of Black Oak's request.

DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS 2007-2023
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

Page 2
Portsmouth City Council
March 31, 2025

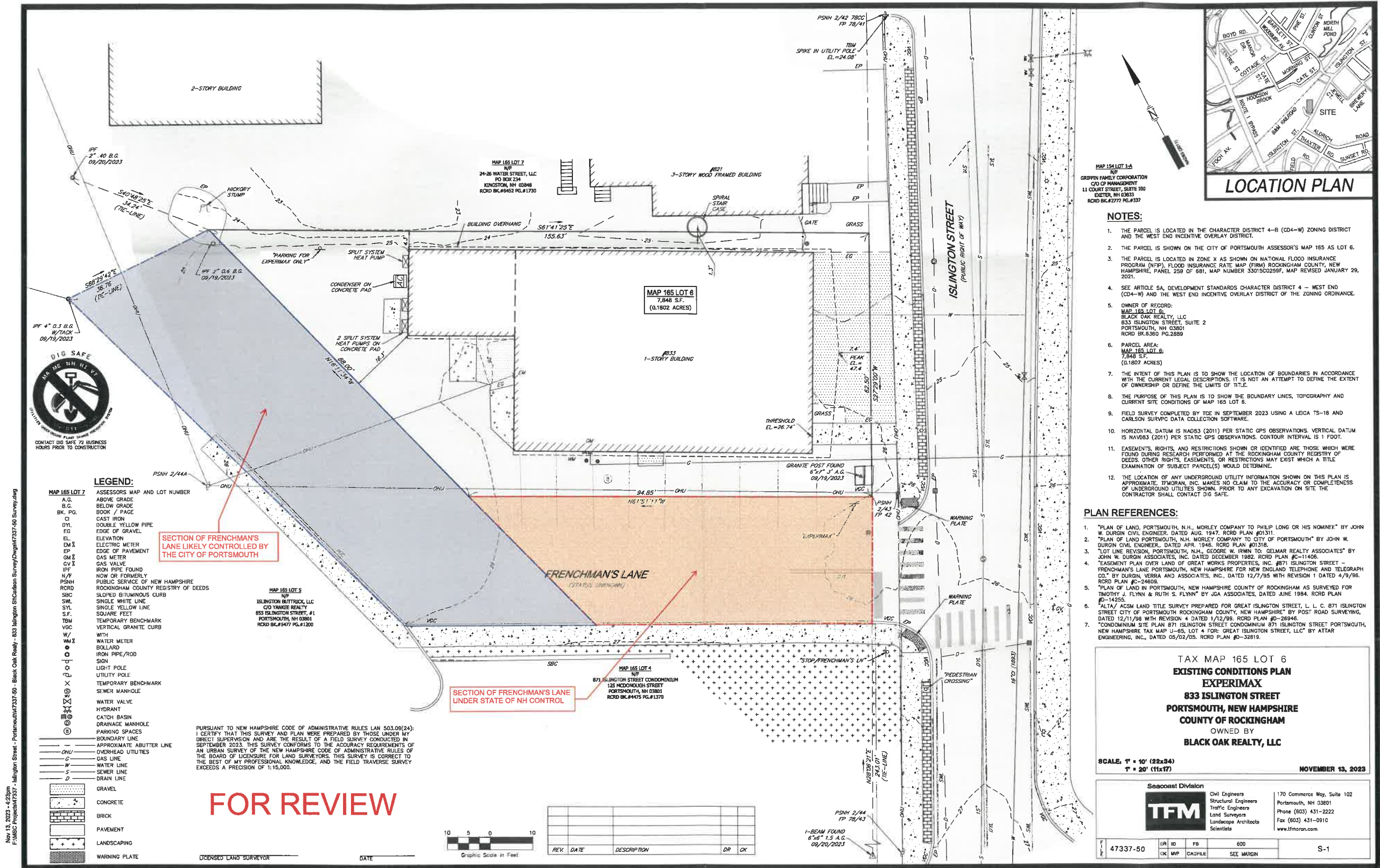
Sincerely,

A handwritten signature in blue ink, appearing to read 'Alec L. McEachern', is written over the word 'Sincerely,'.

Alec L. McEachern

Enclosure

Cc: Karen Conard, City Manager
Trevor P. McCourt, Esq., Deputy City Attorney
Alan D. Rosco, P.E., TF Moran, Inc.
Louis Halle, Manager, Black Oak Realty, LLC





Trevor P. McCourt
Deputy City Attorney

CITY OF PORTSMOUTH

Legal Department
Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@portsmouthnh.gov
(603) 610-7234

Date: July 10, 2025

To: Peter Stith, Principal Planner

From: Trevor P. McCourt, Deputy City Attorney

Re: Frenchman's Lane
City Council Referral

Black Oak Realty, LLC, owners of property located at 833 Islington Street (Tax Map 165, Lot 6) (the "Property Owners"), by way of letter dated March 31, 2025, requested that the City Council request that the State of New Hampshire convey the right of way interest to that portion of Frenchman's Lane which is owned by the State. At the regularly scheduled City Council meeting on April 21, 2025, the City Council voted to refer the request, which is attached to this memorandum, to the Planning Board and to City Staff for a report back.

Frenchman's Lane, as it now exists, is used to access three parking spaces on 871 Islington Street and all the off-street parking located at 833 Islington Street. As shown on the attached satellite image from the City's GIS system, it appears that a portion of the spaces used by 833 Islington Street are within Frenchman's Lane. Additionally, Frenchman's Lane provides access to Islington Street for the Button Factory Building located at 855 Islington Street.

Therefore, Frenchman's Lane provides access to multiple properties addressed on Islington Street. It is the opinion of Planning staff that this access should be preserved.

TF Moran has opined that a portion of Frenchman's Lane is owned by the State of New Hampshire. TF Moran also identifies a portion of Frenchman's Lane as "likely controlled by the City of Portsmouth". There is no indication that the City has title to this section, therefore it is the opinion of the Legal Department that if the City accepts Frenchman's Lane as a public right of way, both portions of land must be accounted for.

Following a meeting between Planning, Public Works and Legal staff, two potential resolutions were identified:

1. Accept the entirety of Frenchman's Lane as a City street. This would contemplate the City accepting maintenance and liability responsibilities for this right of way. It should

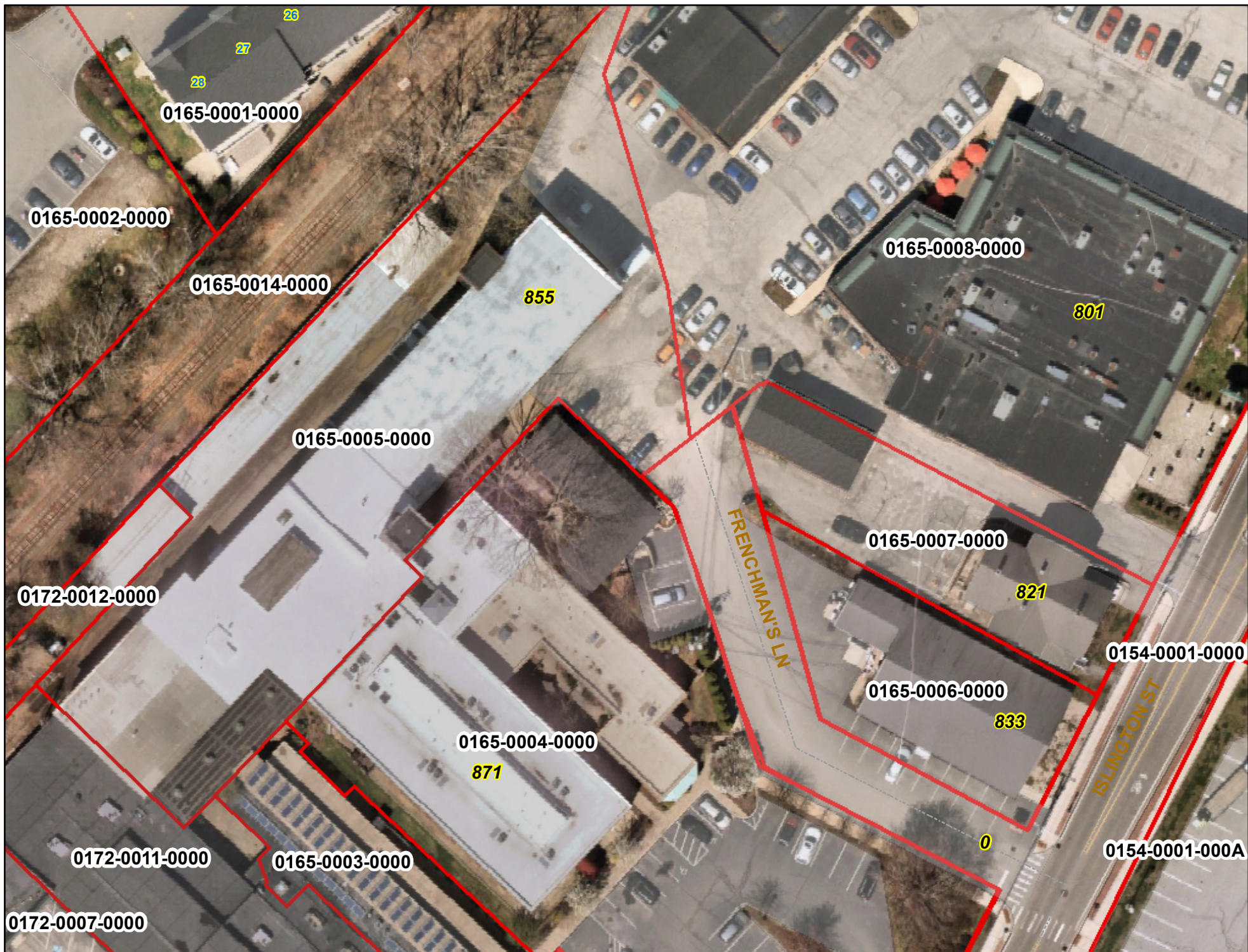
also be conditioned on the successful resolution of a quiet title action vesting title in the rear portion of Frenchman's Lane in the City.

2. Accept the portion of Frenchman's Lane adjacent to Islington Street from the State, and then convey that area to the owners of 833 Islington Street. The City and the property owners should seek consent of the State. This option should also be conditioned on the provision of an access easement to 871 and 855 Islington Street which would define maintenance and liability responsibilities.

The Department of Public Works recommends pursuing option 2.

Attachment (1)

cc: Peter Rice, Director of Public Works



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

RESOLUTION # XX - 2025

A RESOLUTION AUTHORIZING THE AMENDMENT OF RESOLUTION # 6 - 2022, ADOPTED APRIL 4, 2022, WHICH AUTHORIZED A BOND ISSUE AND/OR NOTES FOR COSTS RELATED TO THE FEASIBILITY AND DESIGN OF A NEW POLICE FACILITY AND OR REHABILITATION OF THE EXISTING FACILITY, TO INCLUDE COSTS FOR THE ENTIRE MUNICIPAL COMPLEX.

RESOLVED:

- 1) THAT the sum of One Million Four Hundred Thousand Dollars (\$1,400,000) be and is hereby appropriated for costs related to the feasibility and design of a new police facility and or rehabilitation of the existing facility to include the entire municipal complex.**
- 2) THAT in order to meet said appropriation the City Treasurer, with approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to One Million Four Hundred Thousand Dollars (\$1,400,000) through the issue of bonds and/or notes of the City under the Municipal Finance Act.**
- 3) THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager.**
- 4) THAT the expected useful life of the new municipal complex is determined to be at least 30 years.**
- 5) THAT this resolution shall take effect upon its passage.**

APPROVED BY:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

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

THOMAS M. CLOSSON
ATTORNEY AT LAW, PLLC

To: City Manager Conard, Mayor McEachern, Members of the
Portsmouth City Council, School Board Chairperson Nancy
Clayburgh, and Members of the Portsmouth School Board
From: Tom Closson
Re: Employment Agreement with School Superintendent McLaughlin
Date: August 11, 2025

Attached for your consideration is a three (3) year Employment Agreement with School Superintendent McLaughlin. Superintendent McLaughlin has agreed to this proposed Employment Agreement. The Employment Agreement includes the following material terms:

- On July 1, 2025, July 1, 2026, and July 1, 2027, a COLA based on the rolling 10-year average CPI-U, 2.0% to 5.0%;
- Increases in the employee's percentage of health insurance premium cost sharing (1.0% on July 1, 2025, 1.0% on July 1, 2026, and 1.0% on July 1, 2027);
- A vehicle stipend of three hundred dollars (\$300.00) per month; and
- Clearer language related to evaluations and communication between the School Board and the Superintendent.

The School Board and the Superintendent have also agreed to the attached MOA which, in material part, provides the Superintendent with retroactive compensation to July 1, 2025.

Employment Agreement

Superintendent of Schools

This Employment Agreement ("Agreement") is entered into by the School Board of School Administrative Unit 52, Portsmouth, New Hampshire (the "Board") and Dr. Zachary McLaughlin (the "Superintendent").

Section 1. Term.

- A. The Board agrees to continue to employ the Superintendent, and the Superintendent agrees to accept continued employment in the position of Superintendent for a three (3) year term commencing on July 1, 2025, and ending on June 30, 2028. The Board and the Superintendent acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on weekends. The Superintendent agrees to devote his professional efforts to the successful fulfillment of his responsibilities to the Board and the Portsmouth School District.
- B. The Superintendent will notify the Board after September 15, 2027, that this Agreement is scheduled to terminate on June 30, 2028. After receipt of such notice, if the Board does not thereafter notify the Superintendent prior to December 15, 2027 of its intent to negotiate a successor agreement, this Agreement will automatically expire under its terms and conditions on June 30, 2028, and the Superintendent will not be entitled to the Severance Benefits provided in Section 12 below. If the Board notifies the Superintendent of its intent to negotiate a successor agreement, the negotiations will commence within thirty (30) days of the date of that notification. The terms of this Agreement will remain in effect while the parties are engaged in good faith negotiations for a successor agreement. If the parties begin good faith negotiations toward a successor agreement but are unable to negotiate a successor agreement prior to July 1, 2028, this Agreement will terminate on July 1, 2028, and the Superintendent will be entitled to the Severance Benefits provided in Section 12 below.

Section 2. Authority and Responsibility.

The Superintendent agrees to administer and supervise the schools of the Portsmouth School District in accordance with the laws of the State of New Hampshire, as well as the rules and regulations of the State Board of Education and the Portsmouth School District. In addition,

the Superintendent will have the authority, subject to limitations in law, collective bargaining agreements, and Board policies and procedures, to organize, reorganize, and arrange the administrative and supervisory staff of the Portsmouth School District in such a way as in the Superintendent's judgment best serves the Portsmouth School District. The Superintendent will be responsible for the nomination, placement, and transfer of personnel. The Superintendent will also be responsible for conducting annual performance evaluations of his direct reports.

Section 3. Compensation.

- A. Commencing on July 1, 2025, the Superintendent will be paid an annual base salary of One Hundred Eighty-Six Thousand Eight Hundred Seventeen dollars (\$186,817). This base salary will be paid in accordance with the Portsmouth School District's regular payroll practices and will be subject to such deductions as may be authorized by the Superintendent or as may be required by law.
- B. COLA: Effective July 1, 2026, and July 1, 2027, a COLA adjustment percentage increase to this base salary will be computed, which will not be less than 2% nor more than 5%. The COLA adjustment percentage will be determined by taking the 10-year average of the CPI-U for the Boston-Cambridge-Newton all items index as computed by the Bureau of Labor Statistics of the US Department of Labor for the most recent 10 calendar years preceding the July 1 adjustment. BLS's calendar year for this index is November through November; it is not published on a December-to-December basis. The reference base 1982-1983 equals 100 until BLS updates the reference base, at which time the parties agree to adopt the official reference base as used by BLS.

Section 4. Health, Life, Dental, and Disability Insurance Benefits.

- A. The Superintendent will receive the Yellow Open Access with Choice Fund Consumer-Driven Health Plan, offered through SchoolCare ("the CDHP"). Family coverage under the plan includes a two thousand five hundred dollar (\$2,500) deductible, with two thousand dollars (\$2,000) covered by the employer HRA. Family coverage under the plan includes a four thousand dollar (\$4,000) out-of-pocket maximum.
 - a. Effective July 1, 2025, the Board will pay 93% of the premium cost for single, two-person, or family coverage, and the Superintendent will pay 7% of the premium cost.

- b. Effective July 1, 2026, the Board will pay 92% of the premium cost for single, two-person, or family coverage, and the Superintendent will pay 8% of the premium cost.
 - c. Effective July 1, 2027, the Board will pay 91% of the premium cost for single, two-person, or family coverage, and the Superintendents will pay 9% of the premium cost.
- B. The Superintendent will receive group life insurance with a benefit equal to two (2) times base salary, with the Board paying the entire premium cost.
- C. The Superintendent will receive long-term disability insurance which provides a benefit of two-thirds (2/3) of base salary, to a maximum benefit of four hundred thousand dollars (\$400,000), with coverage beginning on the ninety-first (91st) day of disability, with the Board paying the entire premium cost.
- D. The Superintendent will receive family coverage under the SchoolCare/Cigna plan, with the employer paying one hundred percent (100%) of the premium cost. The plan is described as "Total Cigna DPPO" with a one thousand five hundred dollar (\$1,500) per person annual maximum.

Section 5. Vacation, Sick Leave, Personal Days, and Holidays.

- A. The Superintendent will receive twenty-five (25) days of paid vacation per contract year, non-accumulating. The Superintendent will be permitted to cash out up to ten (10) accrued but unused vacation days per contract year, calculated at a per diem rate of the Superintendent's then-current base salary divided by two hundred and sixty (260).
- B. The Superintendent will receive fifteen (15) days of paid sick leave per contract year, accumulating to a total maximum of one hundred and fifty (150) days. Accrued but unused sick leave is not paid out upon the Superintendent's separation from employment.
- C. The Superintendent will receive three (3) days of paid personal leave per contract year, non-accumulating.
- D. The parties recognize that the Superintendent is a non-exempt, salaried employee. As such, it is ultimately up to the Superintendent's discretion to determine how he manages his schedule to fulfill his job responsibilities. Nevertheless, it is the parties' mutual understanding and expectation that the Superintendent will typically take off

the same holidays as senior City of Portsmouth staff, without any loss of pay or benefits. The Superintendent will not receive any additional holiday pay.

Section 6. Vehicle.

During the term of this Agreement, the Board agrees to provide the Superintendent with a vehicle stipend of three hundred dollars (\$300) per month.

Section 7. Tax Sheltered Annuity.

Each year of this Agreement, the Board will make the following employer contributions into a tax-sheltered retirement savings plan for the Superintendent, pursuant to Section 403(b) of the Internal Revenue Code of 1986, as amended;

- In each year of this Agreement, the Board will make an employer contribution equal to four percent (4%) of the Superintendent's annual base salary;

All payments for the retirement savings plan will be made at least annually by the SAU to a provider of the Superintendent's choice, which may be changed from time to time by the Superintendent through written notice to the Board. This benefit, along with all other benefits under this Agreement, terminates with the termination of the Superintendent's employment for any reason. Taxes and New Hampshire retirement system contributions will be withheld from these contributions only to the extent, if any, required by applicable law. This Section only will be subject to renegotiations by the parties in the event of a material change in the current provisions of the Internal Revenue Code and/or the regulations pursuant thereto governing such annuities.

Section 8. General Business Expenses.

- A. The Board will pay annual dues/membership fees for the Superintendent's membership in the following professional organizations, within budgets approved by the Board: the American Association of School Administrators; the New England Association of School Superintendents; and the New Hampshire School Administrators Association.
- B. The Board will pay annual course reimbursement for the Superintendent equal to the cost of four (4) credit hours from the University of New Hampshire.
- C. The Superintendent is encouraged to engage in ongoing professional learning and national-level collaboration. Accordingly, the Board will pay all reasonable and

necessary expenses for the Superintendent to attend the annual AASA National Conference on Education, including but not limited to: registration fees, travel and transportation expenses, lodging, meals and incidentals, and any other related conference expenses in accordance with applicable Portsmouth School District travel and reimbursement policies. Attendance at the AASA National Conference will be considered official school district business, and time spent at the conference will not be deducted from the Superintendent's vacation or personal leave. The Superintendent will provide appropriate documentation of expenses as required for reimbursement or direct payment Portsmouth School District.

- D. The Board will pay necessary expenses incurred by the Superintendent while attending other appropriate professional conferences, within budgets approved by the Board.

Section 9. Communication.

As soon as mutually practicable after the start of the 2025-2026 school year, the Board and the Superintendent will meet to discuss their current communication practices and agree on any necessary changes to enhance their communications. At least annually thereafter, the Board and the Superintendent will meet to discuss their communication practices and agree on any additional changes needed to improve their communications.

The Board, both individually and collectively, will strive to bring to the Superintendent's attention any material complaints, concerns, and suggestions related to the operation of the Portsmouth School District and/or the Superintendent's performance.

Section 10. Certification.

The Superintendent will be required to continue to hold, for the life of this Agreement, a valid certificate for Superintendent of Schools, properly registered and issued by the State of New Hampshire.

Section 11. Termination.

- A. This Agreement may be terminated by the Board at any time for cause, i.e., failure on the part of the Superintendent to comply with any term or condition of this Agreement, the laws of the State of New Hampshire, or the rules and regulations of the State Board of Education, the Board, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the office of the Superintendent of Schools as specified in the Municipal Charter of the

City of Portsmouth or as directed by the Board. In the event of a conflict, the rules and regulations established by the Board will take precedence.

- B. Termination for Cause will take place only following written notification specifying all the reasons for the proposed termination and which provides the Superintendent with twenty (20) calendar days to cure any stated reasons for the proposed Termination for Cause. If the Superintendent cures the stated reasons for the proposed Termination for Cause by or before the twenty (20) calendar day cure period has concluded, the proposed Termination for Cause will be withdrawn. Unless the Superintendent submits to the Board, within twenty-five (25) calendar days of receipt of such notification and after the twenty (20) calendar day cure period has elapsed without the Superintendent curing the reasons provided for Termination with Cause, a written request for a hearing before the Board, the Agreement will be considered terminated as of the date which falls thirty (30) calendar days after the Superintendent's receipt of notification. If the Superintendent requests a hearing, the Board will hold it within twenty (20) calendar days after receiving such a request. The Board will render a written decision to the Superintendent within ten (10) calendar days of the hearing. In the event of a Termination for Cause, the Superintendent will receive no severance and no further compensation beyond his last day worked.
- C. The Board may at any time, and in its sole discretion, without cause and without prior notice, relieve the Superintendent of his duties under this Agreement. If this occurs, the employee will be entitled to the severance benefits in Section 12.

Section 12. Severance.

- A. If the Superintendent is terminated without cause, the Board will provide the Superintendent with a payment equal to twelve (12) months' base salary at the Superintendent's then current rate of pay. This payment will be paid in a lump sum or as salary continuation, at the Superintendent's option.
- B. If the Superintendent is terminated without cause, for a period of twelve (12) months following termination, the Board will pay the cost to continue health insurance for the Superintendent and all covered dependents, after which time, the Superintendent will be provided access to health insurance continuation pursuant to the provisions of the Consolidated Omnibus Budget Reconciliation Act ("COBRA").
- C. The acceptance by the Superintendent of the Severance Benefits provided for in this Agreement will constitute a full and complete release of any other rights, claims, or causes of action whether in law, equity or otherwise, that the Superintendent may have

against the city, including all of its employees, elected or appointed officials, officers, agents, representatives and attorneys.

Section 13. Resignation.

- A. This Agreement may be terminated at any time by mutual consent of the Board and the Superintendent or by the voluntary resignation of the Superintendent. In the event the Superintendent voluntarily resigns before the expiration of the term of this Agreement, the Superintendent will give the Board sixty (60) days written notice in advance of such resignation. In the event of voluntary resignation, the Superintendent will not be eligible for severance benefits pursuant to Section 12 of this Agreement.

Section 14. Performance Evaluation.

- A. A subcommittee of the Board will review and evaluate the Superintendent's performance annually during the month of June, or such other month as may be mutually agreed upon, commencing in 2026. This review and evaluation will be in accordance with specific criteria developed jointly by the entire Board in consultation with the Superintendent. These criteria may be added to or deleted as the Board determines, in consultation with the Superintendent, from time to time. Upon completing the review and evaluation, the subcommittee will consult with the entire Board to provide the Superintendent with a written summary statement of the findings and to offer an adequate opportunity for the Superintendent to discuss the review and evaluation with the entire Board.
- B. The Board and the Superintendent will annually define performance objectives as they may determine necessary for the proper operation of the Portsmouth School District and in the attainment of the Board's policy objectives, and will further establish a relative priority among those various objectives, these objectives to be documented in writing. The objectives should be attainable within the time limit.

Section 15. Indemnification.

The Board will defend, hold harmless, and indemnify the Superintendent from any and all claims made against the Superintendent, either individually or in his official capacity, arising out of the performance of his duties as Superintendent, provided the Superintendent was acting within the scope of his duties. This provision shall not apply to any activities by the Superintendent that result in criminal charges and/or that constitute gross negligence.

For the School Board:

Superintendent:

Date: _____

Date: _____

For the Portsmouth City Council:

Date: _____

**Memorandum of Agreement
Between the Portsmouth School Board and the Superintendent**

This Memorandum of Agreement ("MOA") is entered into on this 24th day of June, 2025, by and between the School Board of School Administrative Unit 52, Portsmouth, New Hampshire (hereinafter, "the Board") and Dr. Zachary McLaughlin (hereinafter, "the Superintendent").

Whereas, the Superintendent's current employment agreement is set to expire on June 30, 2025; and

Whereas, the Board and the Superintendent have reached consensus on the terms of a successor employment agreement, subject to final approval by the Portsmouth City Council in accordance with governing procedures; and

Whereas, the City Council's approval process will include an initial non-public session followed by a formal vote at a subsequent meeting; and

Whereas, both parties desire to maintain continuity of leadership and avoid disruption to the operation of the Portsmouth School District during this interim period;

Now, therefore, the parties agree as follows:

1. Interim Employment Conditions:

The Superintendent agrees to continue to fulfill the duties and responsibilities of the office of Superintendent under the terms and conditions of the expiring contract dated July 1, 2022 through June 30, 2025, until such time as the successor agreement is fully approved by the City Council.

2. Assumption of Good Faith Finalization:

The Board and the Superintendent mutually acknowledge and agree, in good faith, that the terms of the successor agreement will be finalized following the City Council's completion of its two-step process: (1) review in non-public session, and (2) approval vote at the next scheduled meeting.

3. Retroactive Compensation:

Upon final approval of the successor agreement by the City Council, the Board agrees to issue a one-time retroactive payment to the Superintendent in the form of a single make-up check reflecting any salary and benefit increases applicable to the effective date of the new contract.

4. Contingency for Non-Approval:

In the event that the City Council does not approve the successor agreement by August 18, 2025, the parties agree to meet immediately to determine next steps. At that time, the Superintendent may, at his discretion, either (a) continue employment under the terms of the expiring contract for a limited extension period to be mutually agreed upon, or (b) terminate employment with no obligation to provide further notice beyond that date. The Board agrees to provide compensation for all days worked under the expiring contract terms, including any applicable benefits, up to the date of termination or mutual extension.

5. No Waiver of Rights:

This MOA is not intended to amend or supersede any term of the expiring or successor employment agreement, and nothing herein shall be construed to limit either party's rights or obligations under applicable law.

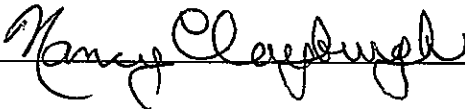
6. Binding Nature:

This MOA shall be binding upon the parties and shall remain in effect until the successor contract is formally approved and executed, or until either party terminates the arrangement in accordance with Section 4 above.

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

For the Portsmouth School Board:

Nancy Clayburgh, Chair:




Date:

6/24/25

For the Superintendent:

Dr. Zachary McLaughlin:



Date:

6/24/25



CITY OF PORTSMOUTH

Finance Department

One Junkins Avenue | Portsmouth, New Hampshire 03801
ndlunney@cityofportsmouth.com | (603) 610-7223

DATE: August 13, 2025
TO: City Manager Conard, Mayor McEachern, City Councilors
FROM: Nathan Lunney, Deputy City Manager – Finance & Administration
RE: Costing of Proposed School Superintendent Employment Agreement

The table below provides projected costs for Year 1 (2025-26) of the proposed Employment Agreement with the School Superintendent. The actual costs for the prior year (2024-25) are provided for comparison.

Superintendent (ZM)	ZM	ZM
	<u>2025-2026</u>	<u>2024-2025</u>
Base Salary	\$ 186,817.00	\$ 181,658.10
Vehicle Stipend	<u>3,600.00</u>	<u>-</u>
Total Earnings	190,417.00	181,658.10
Social Security	11,805.85	10,455.42
Medicare	2,761.05	2,612.70
401(a) Retirement Contributions (NHRS)	24,278.17	24,578.32
403(b) Retirement Contributions	7,472.68	7,266.32
Life Insurance	403.52	324.00
LTD Insurance	<u>672.54</u>	<u>653.97</u>
Total Pay Related	47,393.82	45,890.73
Total School Cost	\$ 237,810.82	\$ 227,548.83

Note: In the category of Benefits (not included here), the Superintendent will contribute an additional 1% of the monthly premium for health coverage in FY26.

ACCESS EASEMENT FOR WATER SERVICES

KNOW ALL MEN BY THESE PRESENTS, that [North Mill Pond Holdings LLC], a Delaware limited liability company, with a mailing address of c/o XSS Hotels LLC, 1359 Hooksett Road, Hooksett, NH 03106, for consideration received, grants to the City of Portsmouth, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, with **QUITCLAIM COVENANTS** an easement over, below, along, and across the premises described herein, located at [Maplewood and Raynes Avenue, County of Rockingham, State of New Hampshire, (Tax Assessor's Map No. [123], Lot [10]), and being more particularly described as follows:

A certain tract or parcel of land with the buildings therein situated on – ***PROVIDE DESCRIPTION – by reference to a recorded plan or metes and bonds description as may be appropriate.***

Meaning and intending to convey an easement over the premises conveyed to the within grantor by Deed of _____, dated _____ and recorded in the Rockingham County Registry of Deeds at Book _____, Page _____.

Purpose and Rights: The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purpose of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

Retained Rights: Grantor retains the right to freely use and enjoy its interest in the easement area insofar as the exercise thereof does not interfere with the purpose of this instrument.

Easement To Run With Land: All rights and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

This is an exempt transfer per R.S.A. 78-B:2(I).
IN WITNESS WHEREOF, the parties have executed this document on the day of
_____, 20__.

[NORTH MILL POND HOLDINGS LLC]

Witness: _____

By: _____

Name: _____

Title: _____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared the above-named _____, in ***his/her*** capacity of
_____ of [North Mill Pond Holdings LLC] and acknowledged the foregoing
instrument to be ***his/her*** free act and deed executed for the purposes contained therein on behalf of
[North Mill Pond Holdings LLC].

Notary Public/Justice of the Peace
My commission expires: _____

ORDINANCE #0_-25
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, ZONING ORDINANCE, Article 5A Character-Based Zoning, Section 10.5A43.45, Special Building Footprint Provisions; Section 10.5A43.46, Redevelopment of Existing Buildings; and Article 15, Definitions, Building footprint, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Article 5A Character-Based Zoning

10.5A43.45 Special Building Footprint Provisions

To allow more flexible redevelopment of existing buildings and proposed buildings in these areas, the special **building footprint** exclusion provisions in this section shall apply. These areas are hereby defined to include: the Downtown Overlay District; Character District CD4; and, Character District CD5. For areas outside the above Districts, the provisions of this section shall not apply.

10.5A43.46 Redevelopment of Existing Buildings

The renovation or redevelopment of any buildings existing at the time of the passage of this section (Existing Buildings) shall be permitted without a **building footprint** restriction, provided that the proposal complies with all of the following:

- 1) The proposal conforms with, or exceeds the requirements for maximum **entrance spacing**, maximum building **façade** modulation length. “Exceeds” in this case shall be interpreted to mean that the proposal either maintains or increases any of those maximum criteria of the Existing Buildings;
- 2) No privately-owned **public places** are covered or closed by **buildings** by the proposal;
- 3) New **buildings** attached to Existing Buildings that create entrance and **façade** modulations conforming with the requirements of the Zoning Ordinance or which attach behind Existing Buildings and otherwise conform with the requirements of this section shall be allowed, provided that any such addition not exceed a **building footprint** of 10,000 square feet. “Behind” in this case shall be interpreted to mean connections that do not front on a **street**;
- 4) In the event of the destruction of Existing Buildings by natural or other disaster, or approved demolition (“Removal”), the reconstruction rebuilds buildings no larger in **footprint** than those before the Removal and otherwise conforms with the requirements of this section; and
- 5) The other applicable provisions of the Zoning Ordinance are complied with.

Article 15 - Definitions

Building footprint

The total area of a **building** at or above 18 inches in elevation as measured from the outside walls at the **grade plane** of a detached **building**, or of two or more **buildings** separated only by fire walls, common walls or property lines.

~~Uncovered **community space** located immediately above a **building's story** below the **grade plane** shall not constitute **building footprint**, provided it is not more than 10 feet above the adjacent **street grade**.~~

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



7/30/2025

Mayor Deaglan McEachern
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor McEachern/City Council,

In its 16th year, Krempels is excited to move the Doc King Adaptive tour from our previous host site in Stratham to our home based here on the Community Campus, and we look forward to your approval to hold the event. This year's race is scheduled for Sunday, October 19, 2025, at 10:30am. The Doc King Adaptive Tour (DKAT) is a decades old collaboration between Krempels and Northeast Passage to offer an accessible and safe opportunity for Krempels' members to ride adaptive three wheeled pedal or hand cycles in a structured and supported loop.

Formerly a part of Krempels' larger King Challenge cycling fundraiser, the DKAT (named for former member Dr. Ted King) has been a cherished part of the annual event offering the disabled community we support the opportunity to participate in the cycling sport. In addition to the change of venue, this 16th year of the event also marks the dissolution of the King Challenge as it has been and works to transition the DKAT into the primary event. This change also means that the DKAT will be open not only to Krempels' members, but also to anybody who wants to ride in the adaptive heats of the day with Northeast Passage offering fitted adaptive cycles to those registrants that do not have their own.

We look forward to your support and we're very excited about a safe and successful shift to Portsmouth this year. Please consider granting us your permission to conduct this important event. As always, we will work closely with the police department to effectively manage traffic and property access when the heats are on as no cyclists will be out of view of a course monitor in any area of the course.

Thank you for your time and consideration.

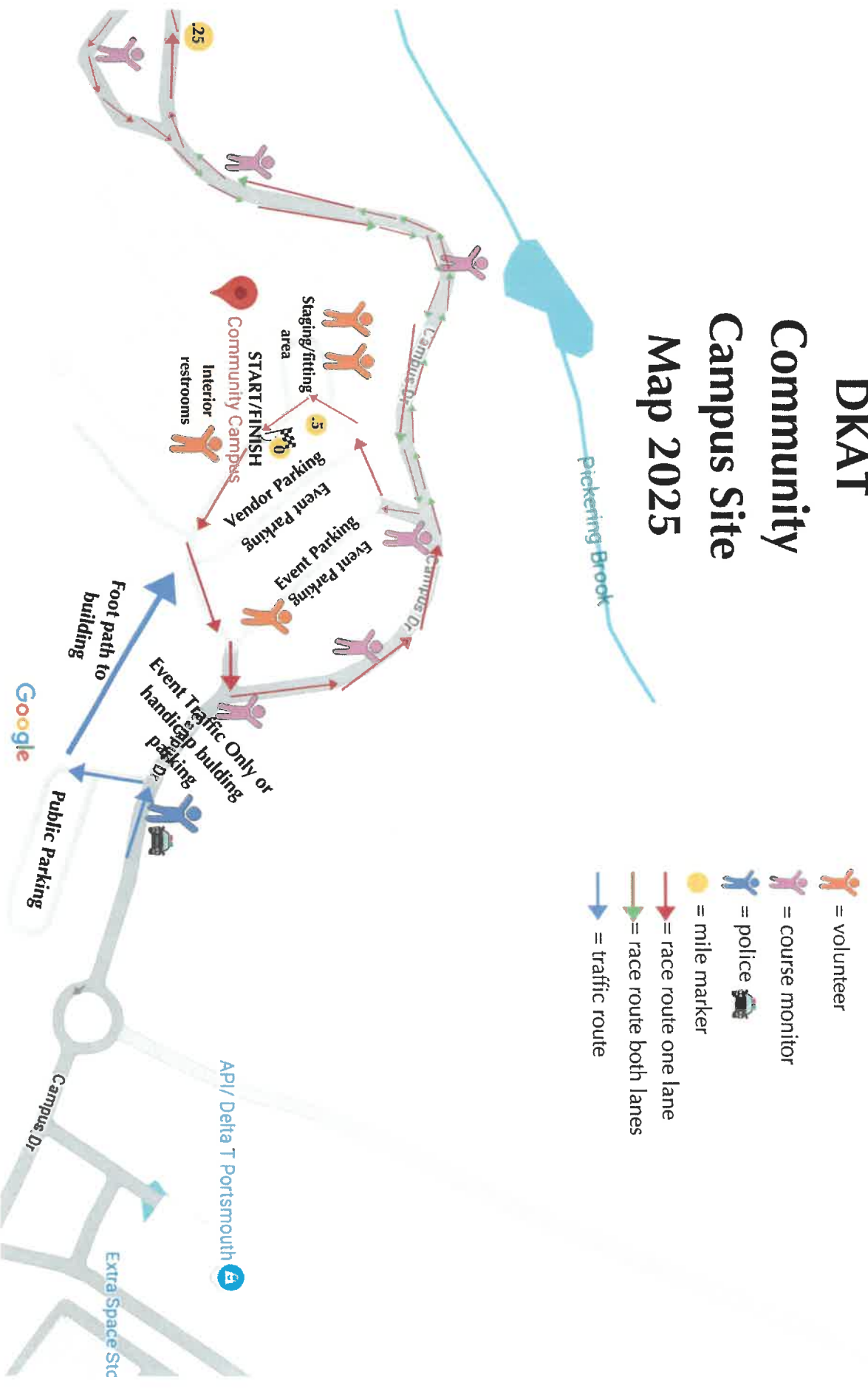
With Gratitude,

Terrence Hyland Jr

Terrence Hyland Jr
Development and Community Relations Officer
Krempels Brain Injury Center
terry@KBICenter.org

cc: Karen Conard, City Manager

DKAT Community Campus Site Map 2025





12 August 2025

Portsmouth NH City Council
c/o City Clerk's Office
1 Junkins Ave
Portsmouth NH 03801

Dear City Council,

My name is Matt Junkin. I am the Race Director of the Seacoast Rotary Turkey Trot 5k.

I am writing this letter to ask the City Council to consider approval of our 17th Annual race which will take place on Thanksgiving November 27th, 2025. Registration for the race begins at 7am and the race will commence at 8:30 AM on Peirce Island, and finish at Strawberry Banke.

Thank you for your consideration as well as the support you have provided for this event over the last 16 years.

Kind Regards,

A handwritten signature in black ink, appearing to be "Matt Junkin".

Matt Junkin

Past President, Seacoast Rotary

mriunkin@gmail.com

603-591-0083

Capital Improvement Plan (CIP) FY2027 – FY2032 Kickoff Presentation

Monday, August 18th, 2025

- Overview
- Preliminary priorities
- Financial limitations
- Considerations

portsnh.co/cip



What is the CIP and why do we have one?

Identify Capital Needs



A plan that communicates to the City's residents about needed capital improvements and allows for input from the residents on capital needs

Plan for Funding Allocation



A plan that helps in the creation of the City's Annual Budget which guides the allocation of fiscal resources and aids in forecasting future funding needs

Maintain City Infrastructure



A plan that ensures the maintenance and accessibility of City infrastructure within the City's fiscal capacity

What qualifies as a CIP project?

- ✓ Construction/expansion of public facility, street, utility, or infrastructure
- ✓ Rehabilitation of a public facility or public infrastructure - costing \$50,000+
- ✓ Design work or planning study related to a capital project or implementation of the Master Plan
- ✓ Item or equipment, non-vehicular, costing \$50,000+ with a life expectancy of 5+ years
- ✓ Replacement and purchase of vehicles that require a bonding authorization with a life expectancy of 10+ years
- ✓ Land acquisition



How are projects evaluated and prioritized ?

1. CORE FUNCTION



Responds to a Federal or State Requirement



Addresses Public Health or Safety Need

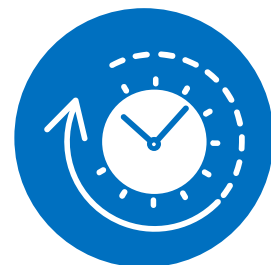


Alleviates Substandard Conditions or Deficiencies

2. FINANCIAL BENEFIT



Eligible for Matching Funds with Limited Availability



Timing or Location Coordinates with Synergistic Project



Reduces Long-Term Operating Costs

3. COMMUNITY PLAN or IMPROVEMENT



Identified in a Planning Document or Study



Improves Quality of or Provides Added Capacity to Existing Services



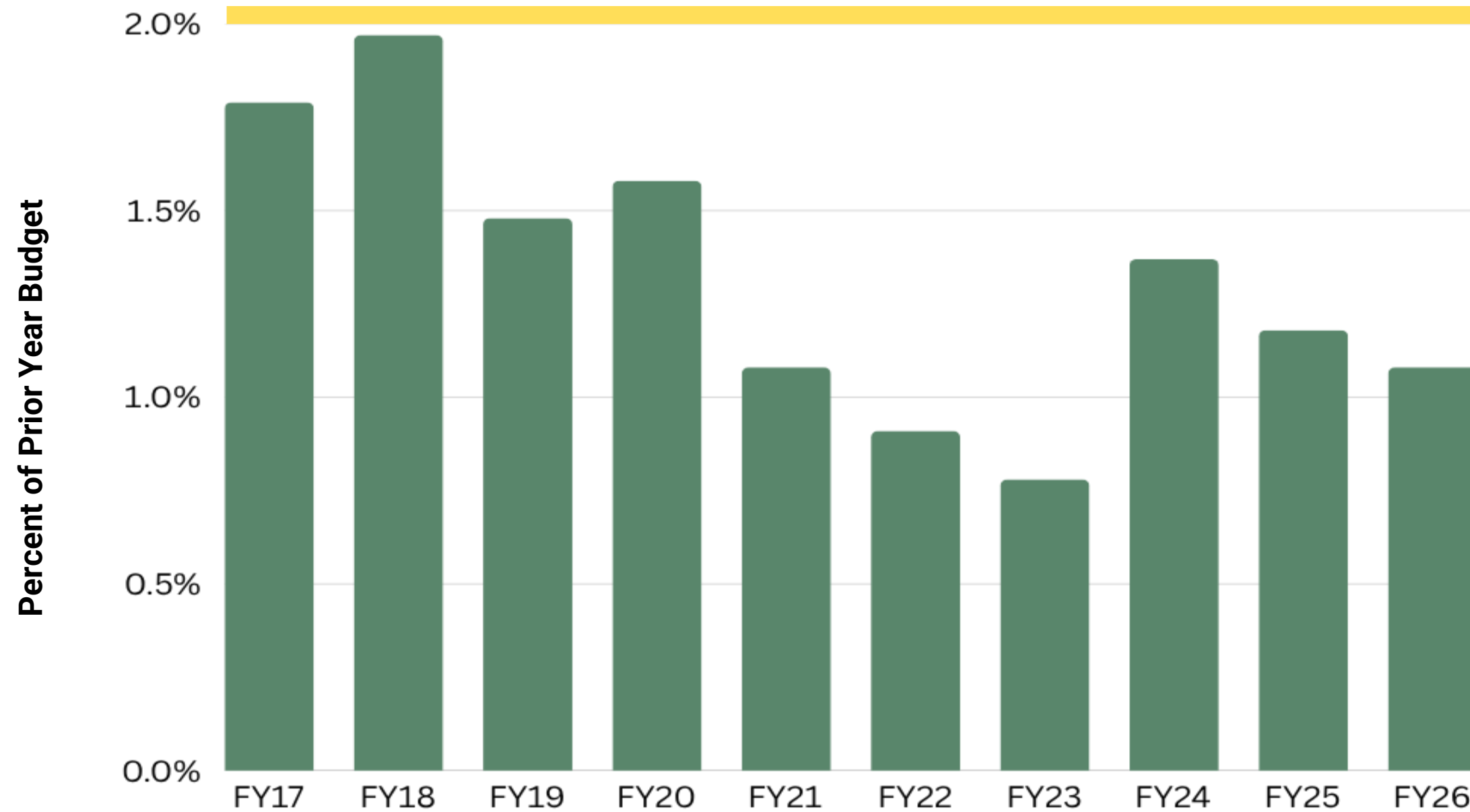
Provides Incentive to Economic Development



Responds to a Citywide Goal or Submitted Resident Request

Funding Options

Capital Outlay



- Pay-as-you-go
- The City's annual goal for the Capital Outlay funding is **not more than 2%** of the Prior Year Budget

1.08%

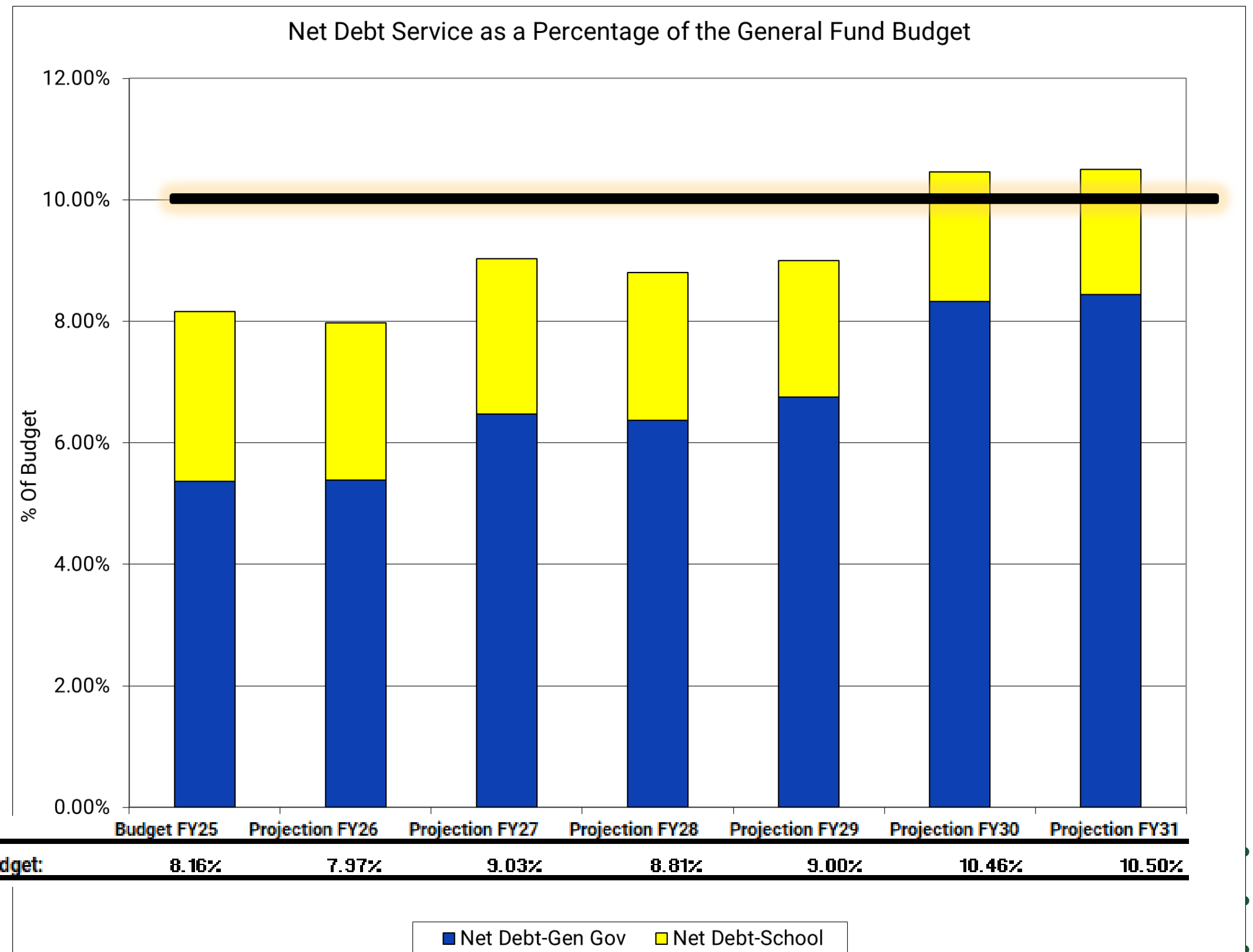
FY26 Capital Outlay

Funding Options

Net Debt Service

- Bonding (borrowing) with multi-year repayment
- The City's goal for Net Debt Service is to remain below 10% of the Budget

7.97%
FY26 Net Debt Service



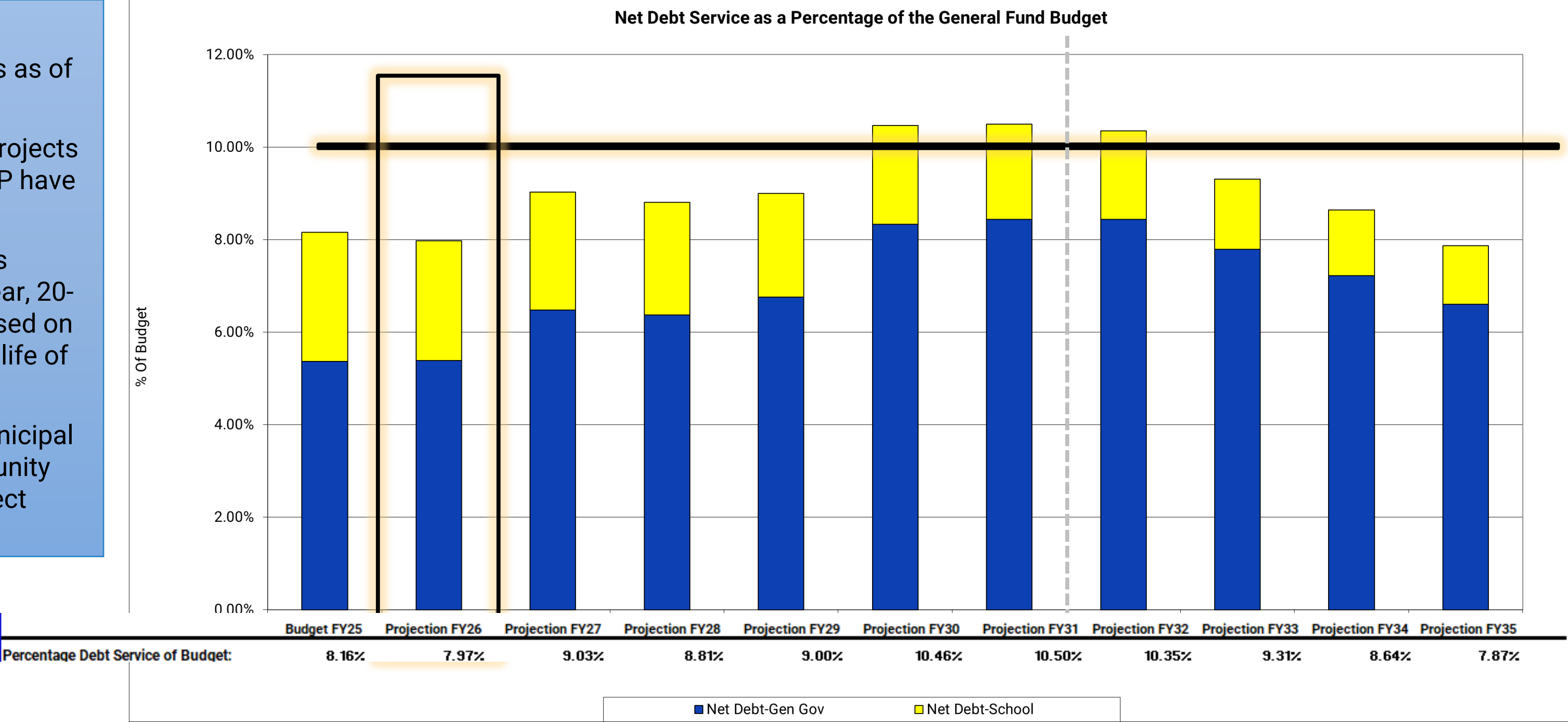
10-Year Outlook

Financial Limitations

Capital Improvement Plan FY26-FY31

Projection FY32–FY35

- Notes:
- Project information is as of June 30, 2025
 - No new or updated projects for the FY27-FY32 CIP have been added
 - Mix of bond timelines utilized (5-year, 10-year, 20-year, and 30-year, based on the estimated useful life of each project)
 - Includes debt for Municipal Complex and Community Policing Facility project (total: \$42.2M)



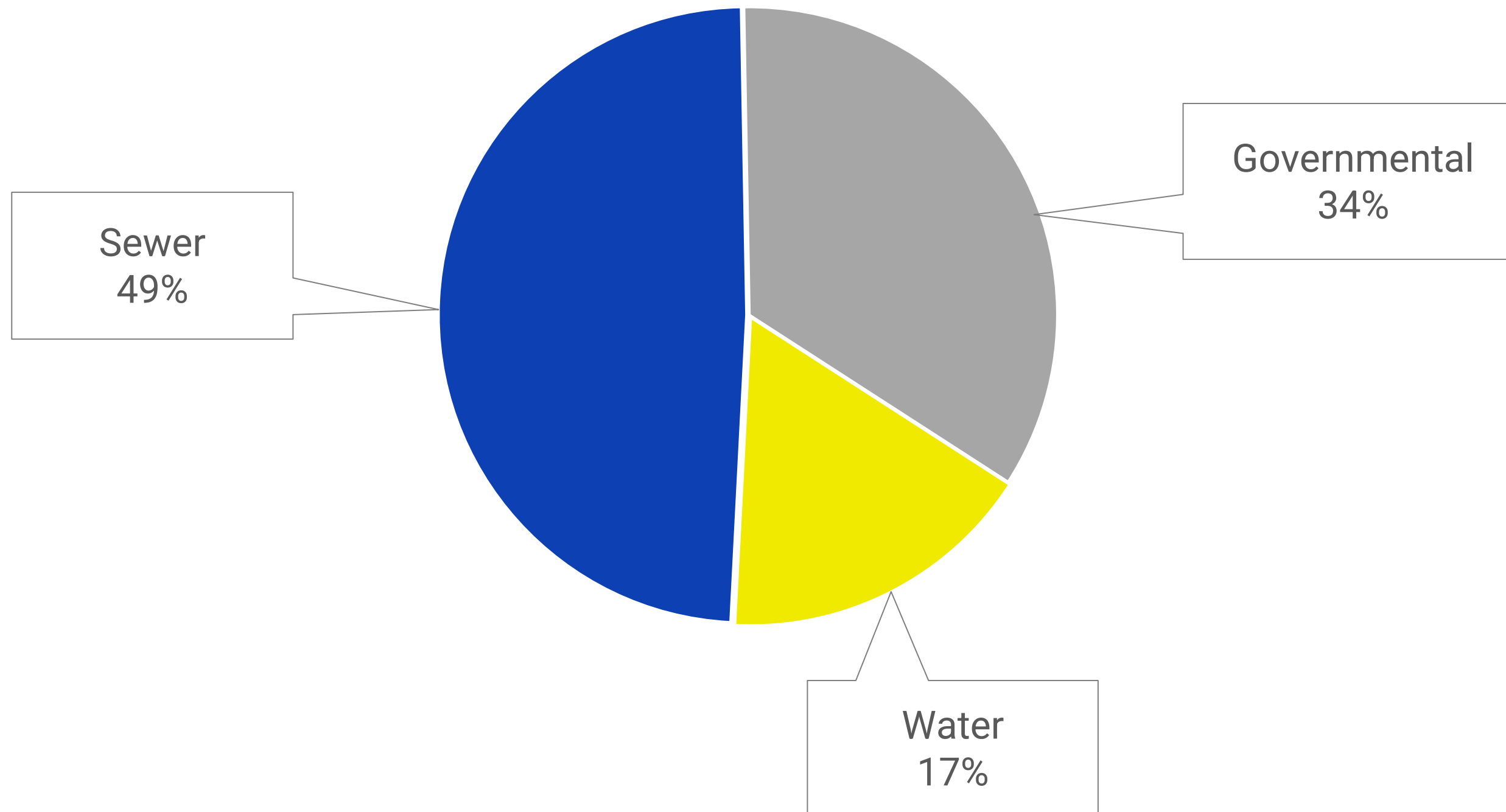
City of Portsmouth Capital Projects

Financial Limitations

Completed and In Progress FY20-FY24

503 Projects

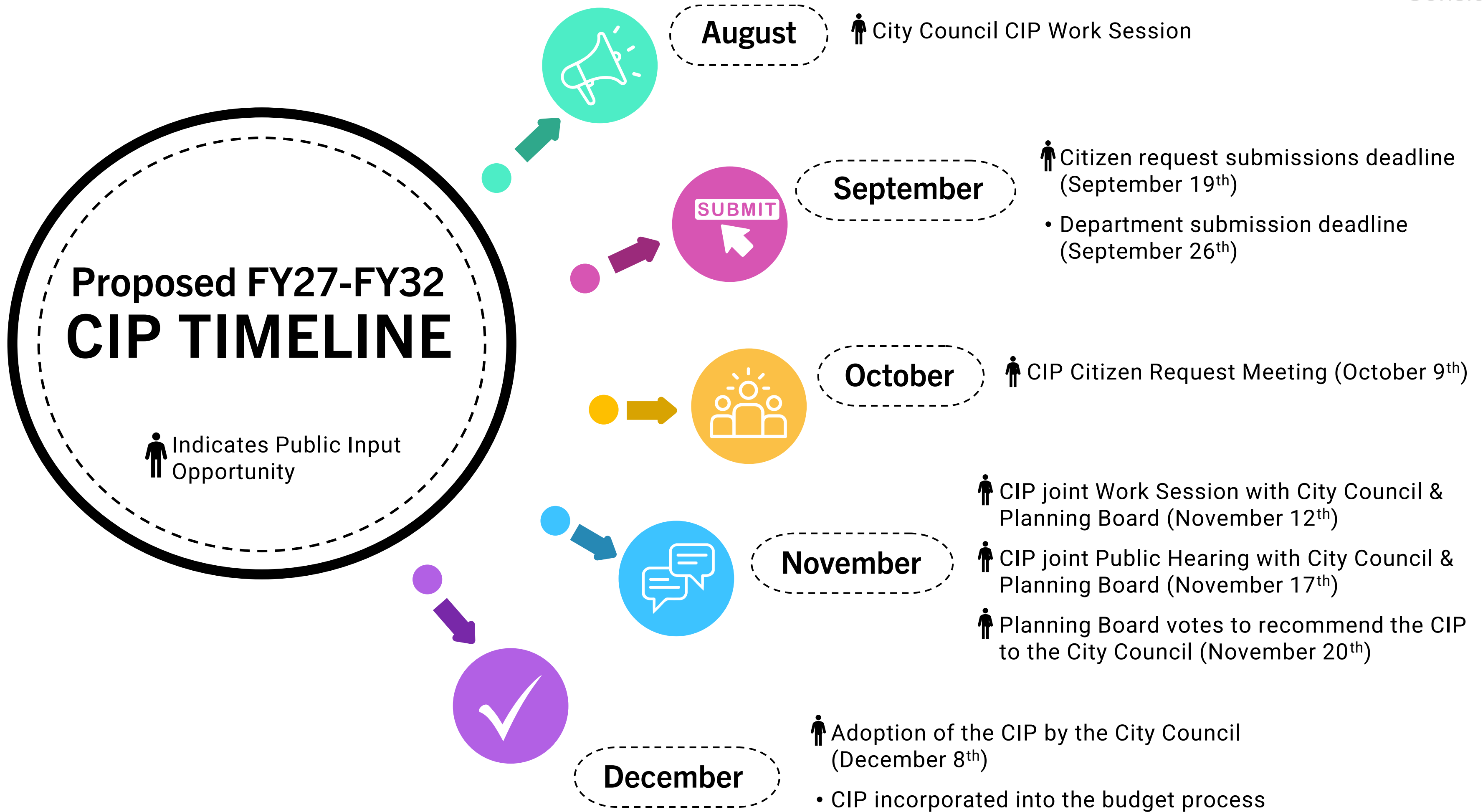
\$255.4 Million



Global CIP Thoughts



- The CIP is a plan and does not commit any funding, even after adoption.
- The plan forecasts future fiscal resource allocation needs to better inform the City Council and staff.
- The adopted CIP is used to develop the City's annual budget.
- The CIP will contain both existing project requests that remain in the plan for FY27-FY32 as well as new project submissions.
- Any new or identified projects would be subject to the same funding resources/limitations.
- The movement or addition of one project may affect the timeline or ability to complete another.
- Management will develop and present recommendations for project movement and/or removal.
- Capital Project Approval is a three-step process for the City Council:
 - 1 – Reviewed as a part of the six-year CIP plan;
 - 2 – Reviewed as a part of the annual budget process; and
 - 3 – Reviewed when bonding authorization is approved.



Submitting a Citizen Request Project?



- All Citizen Request submissions are done through the City's Viewpoint Cloud System – this can be accessed through the link below or through the Planning Department Page on the City's Website – **Deadline is September 19th**
- All submissions will be reviewed by staff and categorized:
 - CIP Eligible Project
 - Already Existing Project
 - Not Eligible as a CIP Project
 - Better Served Through Another Process
- All submissions will receive a response from City Staff
- Eligible submissions will be reviewed by the Citizen Request Subcommittee on **Thursday, October 9th at 6:00pm** to determine if they should appear as a project in the FY27 – FY32 Capital Improvement Plan
- All submissions are listed in the final CIP in Appendix I

<https://portsnh.co/cipcitizen>

City Council Emails – August 1, 2025 – August 13, 2025

Submitted on Mon, 08/04/2025 - 15:55

Submitted by: Anonymous

Submitted values are:

First Name

David

Last Name

Meuse

Email

David.Meuse@gc.nh.gov

Address

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

Message

One of the most disturbing aspects of what now passes for immigration enforcement in our country is the absence of due process for many of our immigrant neighbors accused of being in the country illegally. This has resulted not only in immigrants being wrongfully deported from our country, but also people here legally—including American citizens.

Both the 5th and 14th amendments to the Constitution clearly and unambiguously guarantee that no person in this country shall be deprived of life, liberty, or property, without due process of law. Yet we see news reports of this happening every day. Most recently, the Trump administration has tossed gasoline onto the fire by firing dozens of immigration judges.

The bottom line is that a federal government that denies a basic right to one group will have no hesitation denying basic rights to the next group it decides to hate on.

I am fully aware that resolutions alone don't have the power to stop a federal government intent on ignoring the Constitution. But by taking this step together, the resolution can raise awareness that rights denied to some of us can someday morph into rights denied to all of us.

Many thanks to Councilors Bagley and Cook for their attempt to put Portsmouth onto the record reiterating our support as a community for a fundamental right that should never be compromised or abridged.

I ask the full council to vote to support this important resolution.

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, 08/04/2025 - 15:56

Submitted by: Anonymous

Submitted values are:

First Name

Susan

Last Name

Curry

Email

susanacurry5@gmail.com

Address

275 Thornton St.
PORTSMOUTH, New Hampshire. 03801

Message

Dear Portsmouth City Councilors,

Please vote in favor of adopting Resolution #13-2025.

As a community, we have a responsibility to all individuals living and working in this community. That responsibility includes making sure all those living and working in Portsmouth have the rights of due process regardless of citizenship status.

Please vote in favor of protecting this constitutional right for all individuals, but especially for those now rendered most vulnerable by federal efforts to deny these individuals due process.

No individual should be disappeared from our community and/or denied the rights of due process.

Thank you for your time and consideration.

Sincerely,

Susan A. Curry

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, 08/04/2025 - 16:10

Submitted by: Anonymous

Submitted values are:

First Name

William

Last Name

Lyons

Email

wm.lyons@comcast.net

Address

62 Mendum Avenue
Portsmouth, New Hampshire. 03801

Message

Mayor and Councilors:

As a member of the advisory groups for the original and updated Bicycle and Pedestrian Plans and Sustainability Committee, I thank you for your continuing support for this critical component of our multimodal transportation network. I request that you consider establishing an advisory group to move forward with consistency and coherence on the excellent recommendations in the update. This will ensure that walking and biking are approached as a dynamic future element in how Portsmouth residents, workers and visitors travel, including first mile/last mile connections to COAST, UNH Wildcat, and C&J. An advisory group can ensure that walking and biking support the new Climate Action Plan's strategy to reduce vehicle trips and miles to meet greenhouse gas reduction goals and provide safe and affordable access, including to affordable housing and other developments, as recommended in the Housing Dialogue.

Longer term, I suggest the Council, staff, and committees consider establishing a Sustainable Transportation Committee to approach transportation as a multimodal city system within the Seacoast region. This would entail considering driving, parking, walking, biking, and public transit as a connected system rather than in a fragmented fashion. Both Dover and Portland provide excellent examples of such a committee.

For example, to encourage residents to come downtown, a new committee could develop a balanced approach that includes those who either can't or prefer not to drive. This campaign could combine parking discounts and revenues to support safe bike routes downtown and more attractive public transit, for example, through completing the feasibility study for innovative microtransit or a shuttle loop as recommended in the CAP and included in the CIP with a possible pilot to follow.

Thank you for your consideration.

William Lyons

Portsmouth

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

Yes

Submitted on Tue, 08/05/2025 - 08:01

Submitted by: Anonymous

Submitted values are:

First Name

Patricia

Last Name

Bagley

Email

patbagley@aol.com

Address

213 Pleasant St
Portsmouth, New Hampshire. 03801

Message

Thank you for bravely proposing and passing the ICE resolution. We all understand the risk of poking the bear, but it is essential that we stand for humanity. Gratefully,
Patricia Bagley

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

Yes

Submitted on Tue, 08/05/2025 - 09:44

Submitted by: Anonymous

Submitted values are:

First Name

Ethan

Last Name

Underhill

Email

ethan.underhill93@gmail.com

Address

55 Ocean Rd, Unit 17
Portsmouth, New Hampshire. 03801

Message

Dear Councilors,

Please accept my sincere thanks for your unanimous vote in favor of the resolution affirming due process rights for all residents and clarifying the limits of our city's cooperation with Immigration and Customs Enforcement.

Though I wasn't able to attend last night's meeting in person, I was grateful to listen virtually and to see my community -- and the officials I voted for -- take a principled and proactive stand for safety, fairness, and constitutional values.

With the federal deportation agenda unfolding right here on the Seacoast -- just yesterday the Boston Globe reported that ICE is deputizing local New Hampshire officers under the 287(g) program and recruiting them to become full-time federal agents with cash bonuses -- this resolution sends a critical message. In Portsmouth, we welcome people, we uphold their dignity, and we expect our public institutions to get it right -- however imperfectly, and however persistently that work must continue.

I'm especially grateful to Councilors Cook and Bagley for bringing this forward. You affirmed not only important

legal protections, but also the trust and civic values that make our community stronger.

Best,
Ethan Underhill

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

Yes

Submitted on Tue, 08/05/2025 - 13:33

Submitted by: Anonymous

Submitted values are:

First Name

Richard

Last Name

DiPentima

Email

rdipentima@gmail.com

Address

16 Dunlin Way,
Portsmouth, New Hampshire, New Hampshire. 03801

Message

The letter to the Editor I sent in today. thank you!

Congratulations and thank you to the Portsmouth City Council for unanimously approving a resolution to protect residents' constitutional due process rights. The Council upheld their oath to uphold the United States and New Hampshire Constitutions. Specifically, the 5th Amendment to the U.S. constitution which states that "no person be deprived of life, liberty or property, without due process of law." The constitution does not provide any exceptions or conditions, if you are a person, then you must be afforded due process under the law.

Some have opposed this resolution based on the fact that the federal government has the sole power and authority with regard to immigration and that the City Council should not engage in this matter. The fact is that no one disputed that the federal government has the sole jurisdiction over immigration law. The resolution that the Council passed had nothing to do with the power of the federal government to enforce immigration law. The resolution does not in any way dispute that some immigrants may deserve to be deported or face other consequences if they have violated the law. The resolution only supports the constitutional obligation of the federal government to follow due process when enforcing the law with regard to Portsmouth residents.

I Am proud of our City Council for having the courage to uphold their oath to the Constitution, to reject fear, and to be on the right side of history. Unfortunately, it seems that too many people in government who take the same oath have put their politics and their loyalty to an individual ahead of their loyalty to their oath.

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

Yes

Submitted on Tue, 08/05/2025 - 14:18

Submitted by: Anonymous

Submitted values are:

First Name

Erin

Last Name

Proulx

Email

erin@proulxrealestate.com

Address

118 Pleasant Street and 99 Marne Avenue
Portsmouth, New Hampshire. 03801-5520

Message

Dear Members of the Planning Board, HDC & City Council:

I'm writing to share my initial concerns regarding the proposed new commercial and co-living development at 134 Pleasant Street. I understand this is an early-stage work session and that many details are yet to be finalized, but as someone who owns a building immediately abutting this property and operates a small business from it, I felt it was important to express my thoughts early in the process.

Livability and Use Considerations

The proposed co-living space has 34–43 units with as many as 12 bedrooms sharing a single kitchen and no interior communal space. This raises concerns about how the building will function in day-to-day life. Without an indoor lounge, the rooftop deck will likely become the primary gathering space. This is very close to neighboring residential and commercial properties and will likely increase noise, light spill, and privacy impacts—especially during evenings.

Additionally, it's unclear how the property would be staffed or managed, which makes it difficult to assess how issues would be addressed if they arise. While co-living is an emerging housing model in some cities, it is untested in Portsmouth, and we don't yet know how this type of housing will impact neighbors living in close proximity when the subject property has such limited outdoor space.

If the city does pursue co-living models in the future, I believe it would be more appropriate to begin with a location where there are no immediate abutters or residential properties within feet of the proposed units. And I hope any such project would include clear operational and safety oversight protocols from the outset.

Parking Impact

One of my strongest concerns relates to the parking strain this project would introduce. My business currently has

7 off-street parking spaces, and we rotate their use between staff members while others must rely on public parking. We already face frequent challenges with staff, clients, and visitors unable to find reasonably close spaces—especially since the nearby 72-hour lot fills quickly.

The proposed project would house 34 to 43 residents, yet only 10 on-site parking spaces are being allocated. This imbalance will absolutely result in increased pressure on already-limited public spaces during business hours. As a company that operates primarily between 8:30 AM and 4:30 PM, we will be directly affected by the influx of new residents competing for the same limited street parking.

There is an explicit CUP Criterion (10.243.23) requiring that a project demonstrate that “traffic and parking generated by the development will not have an adverse impact on adjacent streets or public parking.” I do not see how this proposal could meet that standard—not on its own, and especially not in conjunction with the already-approved developments at the Treadwell and JJ Newbury sites.

I’m already facing challenges that disrupt closings, client meetings, and daily operations due to parking scarcity. This project would make those problems significantly worse.

Design and Historic Character Concerns

In addition to functional concerns, the proposed building’s size, design, and materials are out of character with the architectural rhythm of Pleasant Street.

The design features large, flat walls and modern materials that sharply contrast with the surrounding historic buildings.

Unlike the existing structure, which is set well back from the street and allows for natural light and green space, this proposal brings the building forward, creating a dense and imposing façade that would alter the pedestrian experience and diminish the open feel that defines the area.

We have seen the long-term regret that came from the removal of the Langdon Parsonage House and the construction of the First National Stores. While the existing Citizens Bank building may not be ideal, it at least maintains a modest scale and does not dominate the streetscape.

Personal Impact as a Local Business and Property Owner

As a small local business owner, I want to share that this proposal has left me deeply anxious. My husband and I purchased our building for its charm, light, and location, and we’ve worked hard to care for it. We’ve completed masonry repairs, addressed wood rot, updated paint, and continue to maintain the green yard space that we and our clients enjoy.

We use our yard for small team and client gatherings, and it plays an important role in how we operate. The proposed development would create a looming presence directly on our lot line, threatening to block natural light and privacy and compromising a space that is central to our business culture.

As a qualified real estate professional, I can also attest to the fact that this project, as proposed, would have a significantly detrimental impact on the value of properties in the immediate neighborhood. Light, open space, historic architecture, and the quiet nature of this stretch of Pleasant Street are all direct contributors to property value. Each of these elements would be substantially and negatively affected by the scale, design, and function of the proposed building.

I don’t have the legal resources to hire representation like some developers do. I can only hope that the voices of local property and business owners like myself will be given equal consideration in determining the future of this street and neighborhood.

Past Precedent

I also feel it's worth recalling the Hearth Food Garden project, which was similarly presented as a community asset. Despite strong early enthusiasm, the model shifted quickly: guests were discouraged from lingering, and ultimately the space closed and remains vacant today. I don't share this to criticize, but to illustrate why early promises must be accompanied by practical, enforceable plans for long-term success.

Closing Thoughts

I understand that some of these concerns may fall outside the scope of this initial work session, but I wanted to ensure my full set of initial reactions and concerns were submitted as soon as I learned of the proposal.

I also want to make clear that my intention is not to oppose development for the sake of it, nor to speak against any individual. I appreciate the investment Mr. McNabb has made in Portsmouth and understand that development plays an important role in our city's growth. My hope is that this project can be reconsidered—or significantly refined—in a way that truly benefits both new and existing members of our community.

Thank you for your time and thoughtful consideration.

Erin Proulx
Proulx Real Estate
118 Pleasant Street

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, 08/06/2025 - 09:00

Submitted by: Anonymous

Submitted values are:

First Name

Daniel

Last Name

Whitehead

Email

daniel.whitehead@hilton.com

Address

Portsmouth , New Hampshire. 03801

Message

Dear City Council,

I am the director of sales at the new Homewood Suites by Hilton at 165 Deer Street downtown. We are opening Aug 7 softly, and look forward to scheduling a ribbon cutting and grand opening later in the fall. I will be your primary

point of contact at the hotel if you require anything from us. I want to invite the entire city council to tour our facility... If you are interested, you may reach out to me to schedule a time, or if you are available today (pre-opening), please feel free to stop by the hotel for a tour before we open our doors tomorrow. I will be here until 430 PM today.... If not, lets schedule some time! Please reach out anytime.

With Regards in Hospitality,
Daniel Whitehead
Daniel.whitehead@hilton.com
603-812-2000 x612
978-401-1209 - Cell

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

Yes

Submitted on Sat, 08/09/2025 - 19:00

Submitted by: Anonymous

Submitted values are:

First Name

Matthew

Last Name

Glenn

Email

matthglenn@gmail.com

Address

34 Harrison Ave
Portsmouth, New Hampshire. 03801

Message

Dear Mayor and Councilors,

I'm writing once again to support sidewalks in Elwyn Park approaching Dondero Elementary, and to add to your conversation at last week's council meeting. I know that my neighbor Tyler Garzo voiced his support for a narrower roadway, which I share. I've asked planners if roads could be narrowed from their recommended 28 feet down to 24 or less. Even 22' would allow the free flow of traffic and "yield flow" where cars are parked, which would help with traffic calming. Wilson is already 24' (and also a busy entrance to the neighborhood), and Coolidge is 23 to 25'.

I also brought up road widths at a public meeting several years ago before many streets were repaved, but was told they would remain the same as before. Several streets are 30 to as much as 40 feet wide. Narrower streets slow drivers, produce less run-off and drainage problems, improve property values, and naturally cost less. Reduced width should be a consideration at every re-paving.

You also discussed that there may not be perfect consensus around sidewalks, and the newspaper also made much of this idea. This project has been discussed and recommended for over 15 years, and now most of the public meetings and planning are 5 years back. In 2020 a neighborhood survey with 200 responses found 67% in

support of sidewalks, 13% in support of select sidewalks but with further questions, and 20% against them. Traffic calming measures also received similar support, and the top concern of the neighborhood (77%) was motor vehicle speeds. Not consensus, but rather broad support.

The project was finally re-started with a public meeting this past January 29, and while there were questions at that meeting there was really no strong opposition to the big-picture— sidewalks to Dondero, and traffic calming in the neighborhood.

My understanding now is that Elwyn Road (explicitly stated not to be a part of this project previously) has been added to it as drainage pipes there are desperately in need of replacement, and perhaps that may begin this year? And that due to cost the project has been split in half with Van Buren to happen first, perhaps next Spring? I would like to know the updated timeline for all phases of the project and for future meetings. I also want to be sure that the traffic calming elements (raised crosswalks, T-ed up intersections, and speed tables) are not left out.

If Greenleaf sidewalks can go from an idea to design and completion in 18 months there is no excuse for the continued delay near one of our schools.

Thank you for supporting this.

Matt Glenn

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

Yes

Submitted on Sun, 08/10/2025 - 10:59

Submitted by: Anonymous

Submitted values are:

First Name

Barbara

Last Name

Jenny

Email

workingstiff@comcast.net

Address

94 Pleasant St

Portsmouth, New Hampshire. 03801

Message

As an owner member of Working Stiff Properties, I am very concerned with preserving the historic beauty and integrity of the Pleasant / State /Church block—a vital part of the Portsmouth Downtown Historic District on the National Register of Historic Places.

We have gone to great lengths—personal expense and labor—to restore our townhouse at 92-94 Pleasant St (on the corner of Court St), from commissioning knives to cut historically accurate exterior trim and mouldings, to

engaging an historic mason to repair the brick foundation, matching brick and grout even at layers unseen on the surface.

The developers for State and Pleasant have already demonstrated their lack of priority in this area given the demolition by neglect of the historic Times Building. The City has ignored the strategy of “oops, now we need to demolish” taken by some developers recently. The ZBA has approved additional height beyond what is allowed at 84 Pleasant, despite the fact that the developer and members of the ZBA verbally acknowledged, on the record, that the extra height was not actually necessary. (see transcript and video of the March and April 2025 meetings.)

We recently asked the HDC to consider the unnecessary height in context of historic preservation of the townhouses at 84-94 Pleasant, the Court and Pleasant block, and the downtown historic district overall, but they approved the plans as presented, citing all the work already done in work sessions, and because “it is definitely better than what is there now.”

I submit these comments here as I believe the development could in fact be much better, and because the public has not been adequately informed of the new massive blank wall approved by city boards in the downtown historic district, or the fact that the original rear façade of the “Louie’s building” is fully intact behind the current 1950s CMU cinderblock addition.

The City’s Major Projects website has not been updated in 6 years, with the last entry for the Floros project being 2019. If a person goes to that page, they would very reasonably think that nothing is happening with the project, that it is still stalled. This amounts to dissemination of disinformation on the part of the City which can contribute to the lack of engagement in responsible and concerned public oversight of this development. I have been requesting the page be updated—or even deleted—through unanswered emails and voicemails (except for a first ever voicemail last week from Peter Britz telling me they’re working on website updates), for over a year. (It would take 5 seconds to turn off the page to avoid spreading disinformation.)

I have also been asking for years for regular snail-mailed or emailed abutter notices of board meetings. The City only sends (expensive) certified mail which we never—and that is not hyperbole—receive. In order to get these notices, I have to drive out to the only Portsmouth Post Office, to the far side of town—a valid question of accessibility that the City Manager and this Council should be addressing.*

Most importantly, the developers have not once informed any City board of the existence of the extant original rear façade of the 84 Pleasant St townhouse. The original clapboarded façade—including windows, historic trim and mouldings—remains, and was ‘discovered’ when firefighters, during the 2017 State Street Saloon fire, removed a section of plywood that was covering the gap between the original façade and the CMU addition. (A photo from the Atheneum from 1950 shows the then-newly erected CMU addition with an actual window from Court St into that gap which would have elucidated and actually lighted the original façade.

<https://atheneum.pastperfectonline.com/photo/0CB00E96-E82F-4722-BBCF-198092320124>

Perhaps even those 1950 developers and/or the City had some sort of respect for the original façade at that time, and made a decision to preserve it.) If you read the transcripts or any Floros proposals, or watch video of the work sessions, you will not find one reference to the existing historic façade by the developer or HDC members.

It is hard not to wonder if the developer has used a strategy of requesting multiple HDC work sessions specifically to avoid the opportunity for public input—which we would have given earlier, as we have known of the existence of the original façade—if we were allowed public comment at work sessions.

Subsequently, the HDC felt they had put sufficient time and consideration into the project before any public comment was allowed—and HDC members pointedly said that they had “already fully considered the plans” at their August 6th meeting.

If the HDC had known about the extent façade from the get-go, might they have taken the same approach as they have taken with the Times Building? A great insistence on the preservation and now, post-demolition, reconstruction of a historic building? The ZBA and HDC have been focusing so much on the reconstructed facsimile of the Times Building, yet have completely ignored the fact that the original historic structure of the 84 Pleasant townhouse is there, ready to be unobstructed by the horrid old CMU addition. Instead, the ZBA and HDC

have approved that the giant blank wall get EVEN BIGGER, and that the original existing rear façade swallowed up inside be demolished.

The public should be notified—as per City Ordinance—that the historic structure—the entire rear façade of the 84 Pleasant townhouse is going to be demolished. And if that demolition is to proceed, the City should required photo documentation of the façade before demolition, as the City has done many times before.

The public should also know that the extra height at the rear of the “Louie’s Building” that has been passed by the ZBA and the HDC, will create a massive blank wall hovering over Church St, Court St., and our historically restored townhouse at the corner of Pleasant and Court.

~For context, the City and its planning boards were very eager to say goodbye to the former “whale wall” by Vaughn Mall, citing it’s overwhelming mass.~

The extra height that has been approved at 84 Pleasant St will allow the creation of an even more overwhelming, out of character, and definitely not historic façade. There have been thoughtful and historic restorations not just of our property, but at the “Pumpkin House,” the Black Heritage Trail house, and the Treadwell mansion—direct abutters to 84 Lincoln. In addition, the new “whale of a wall” behind 84 Pleasant would be in view from the Langdon House, as well as the painstakingly restored mansion at Pleasant and Junkins.

This City should ask—before demolition of the existing historic façade, and erection of the 50 foot solid CMU wall**: does this allowed historic demolition and new approved whale-of-a-wall meet the standards of the National Registry Downtown Historic District?

I invite the Council and any concerned residents to inspect the extant rear façade of the original townhouse at 84 Pleasant. If the developer does not allow it, then from our el roof at 92 Pleasant St. I recommend that you see for yourselves how much of the original, preserved façade still exists, and consider urging the Floros group to devise a new plan which preserves and truly honors the original 1850s row of townhouses and the surrounding historic neighborhood.

We have submitted existing conditions photos and photoshopped photos of the proposed massive wall via email to Izak Gilbo, with a point of view from the street and sidewalk to better convey how the “whale of a wall” would look and feel in real space.

We ask that the City Council review our submitted images, come see the original façade, and consider if there is a mechanism for reversing the ZBA and HDC approvals, or otherwise work with the developer to reconsider further historic demolition /degradation on that block.

**The developer has specified a brick veneer for the entire heightened CMU wall. They have also specified that they will not be demolishing the existing 1950 CMU wall. Both cannot be true as the veneer would encroach onto our property at 92-94 Pleasant St. In order to build the project as approved, they will have to demolish the existing CMU wall, and build the new whale-of-a-wall—with brick veneer—within their property line. So if they have to demolish the wall anyway, exposing the original townhouse façade, perhaps the developer will reconsider maintaining the original historic townhouse façade in the new development....

*(The same concern goes for the requirement of in-person registration for making a Public Comment at City Council meetings; there are many for whom that is unviable—elderly, disabled.... The Council also recently expressed concern about ICE grabbing local employees on their way to work...do you believe every individual who has something to say can comfortably make it in person to City Hall to register to make a comment?)

cc. City Manager, Portsmouth, Atheneum, Portsmouth Historical Society, Black Heritage Trail

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, 08/11/2025 - 10:55

Submitted by: Anonymous

Submitted values are:

First Name

Lillian

Last Name

Seitz

Email

liliem@comcast.net

Address

20 Taylor Ln
Portsmouth, New Hampshire. 03801-5754

Message

I am extremely disappointed that Mayor McEachern and other city councilors have “voted” to direct our police force not to cooperate with ICE authorities who are in the process of deporting illegal aliens. What gives you the right to defy state and federal laws. You are now breaking the law. Why do we have a two-tiered justice system? This is a treasonous act. President Trump has ordered ICE to dismantle elite child and drug trafficking networks in our state and across the country. Under the Biden regime millions of illegals were herded into our country with no documentation. President Trump is sending all illegals back to their country of origin, and they may apply for legal entry and to be vetted properly. This is the only way to achieve a civil society. American citizens and legal immigrants are welcome into our city of the open door! I am also requesting that everyone who voted not to cooperate with ICE should RESIGN immediately! If you cannot uphold laws, you do not deserve to be in city government or any other form of government!

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

Yes

Submitted on Tue, 08/12/2025 - 19:46

Submitted by: Anonymous

Submitted values are:

First Name

Dixie

Last Name

Tarbell

Email

dixiemcleantarbell@gmail.com

Address

25 Driftwood Lane
Portsmouth, New Hampshire. 03801

Message

As inflation is happening, the longer we wait to attain as much affordable housing as possible, the more unaffordable it will be to build. Consequentially we'll have fewer highly qualifying persons available for our community-supportive workforce in our schools, the fire department, public works, police force, small businesses and more.

Personally, as a resident born in Portsmouth and continuously residing here since 1975, I'd like to live out my life in my current house, where I've been since 1979. But if I end up needing to sell, I'd like to at least be able to move into an affordable home in my home town.

Please, yes, let's speed up the process!

Thank you for all the work done so far!

Dixie McLean Tarbell

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

Yes



CELEBRATING 40 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
JOHN K. BOSEN
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRANDON A. LATHAM
JONATHAN D. SEEM

OF COUNSEL
MOLLY C. FERRARA
SCOTT S. ANDERS
COURTNEY P. VAUGHAN: MA only

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
JOHN J. RATIGAN
DENISE A. POULOS
NICHOLAS R. AESCHLIMAN

July 10, 2025

The Honorable Deaglan McEachern
Mayor of City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801

Re: 45 Coach Road/Lebel
Lot 2 Plan D-12848

Dear Mayor McEachern,

This office represents the Trustees of the Robert R. Level Revocable Trust and the Mary Ann Lebel Revocable Trust in connection with their sale of real estate at 45 Coach Road in Portsmouth. The property is depicted as lot 2 on Plan D-12848, a copy of which is attached hereto.

By deed dated 8/15/1993 and recorded at the Rockingham County Registry of Deeds at Book 2208, Page 1844, the Industrial Development Authority conveyed Lot 2 on Plan D-4186 to the Maxam Company, Inc. There were conditions in the deed that required written approval of the development of any non-industrial development.

This condition was released by the Business Finance Authority but because the City of Portsmouth now owns the other lots shown on the Plan, our title insurance company is requiring a consent from the City in order to convey marketable title.

Attached please find a consent that I have drafted with Attorney Trevor McCourt. On behalf of the property owner, I respectfully ask that the City Council authorize the execution of the attached consent.

Very truly yours,



John K. Bosen, Esquire

Cc: Trevor McCourt, Esq
FX Bruton, Esq.
Robert Lebel

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

CONSENT TO NON-INDUSTRIAL USE

WHEREBY, Mary Ann Lebel, Trustee of The Mary Ann Lebel Revocable Trust – 1998 and Robert R. Lebel, Trustee of The Robert R. Lebel Revocable Trust – 1998 (collectively, the “Lebels”), currently own real property depicted as Lot 2 on a plan entitled “Coach Park, Portsmouth, N.H.” prepared by Kimball Chase Company, Inc., dated June 13, 1984, and recorded at the Rockingham County Registry of Deeds as Plan D-12848 (the “Plan”), which property is currently located at and known as 45 Coach Road in Portsmouth, New Hampshire (the “Property”); and

WHEREAS, the Lebels acquired the Property subject to a condition that the Property not be developed for non-industrial use without a release from the Business Finance Authority of New Hampshire (successor-in-interest to the Industrial Development Authority of the State of New Hampshire); and

WHEREAS, the other lots on the Plan were sold/purchased under a common scheme; and

WHEREAS, Lots 3 and 4 as shown on the Plan are currently owned by the City of Portsmouth and, as an abutter, acquired the said Lot 3 and 4 under a “common scheme”; and

WHEREAS, the Lebels are selling the property to a buyer who plans to develop the property for non-industrial uses, but seeks its abutters, including the City of Portsmouth to consent to such non-industrial use of the Property; and

WHEREAS, the Business Finance Authority of New Hampshire has issued a written release or approval dated _____, 2025 with respect to the Property; and

WHEREAS, the Lebels have requested the City acknowledge the effect of the Business Finance Authority of New Hampshire’s release under a theory of common plan of development, to support clear title and confirm that the City asserts no right to object to the release of the restriction as applied to the Property.

AGREEMENT

NOW THEREFORE, the City of Portsmouth, a municipal body with a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801 states and agrees as follows:

1. **Acknowledgment of Release.** The City acknowledges that the Business Finance Authority of New Hampshire has released or approved the development of the Released Parcels for non-industrial uses, to the extent the Business Finance Authority of New Hampshire has authority to conduct such a release.
2. **Common Plan.** To the extent that any restriction or condition imposed as part of the original subdivision approval is construed to arise from a common scheme or plan affecting all parcels within the Subdivision Plan, the City agrees that it has no objection to the effect of the Agency's release as applied to the Released Parcels.
3. **No Covenant or Representation.** This Agreement shall not be construed to create any covenant running with the land, nor shall it be deemed to represent or warrant that the City has legal authority to enforce or waive any private land use restrictions. The City does not intend by this Agreement to alter the status of any parcel other than the Released Parcels or to offer any opinion on the applicability of any restriction to parcels other than its own.
4. **No Waiver of Regulatory Authority.** Nothing in this Agreement shall be construed to waive, limit, or otherwise abrogate the City's authority to enforce any applicable zoning ordinance, land use regulation, site plan requirement, or other local, state or federal code or regulatory provision affecting the use or development of the Released Parcels or any other property.

The City of Portsmouth has caused this Consent to Non-Industrial Use to be signed on this _____ day of _____, 2025.

City of Portsmouth

Witness

By: _____
Printed Name: Karen S. Conard, City Manager

Pursuant to vote of City Council on: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me by _____,
the duly authorized _____ of the City of Portsmouth.

Notary Public
My Commission Expires:

1984

D. 12848

ZONE, INDUSTRIAL

JANUEL TAMPONI ET AL

JOHN & MARY

JANUEL TAMPONI

CITY OF PORTSMOUTH

JULIUS & MARY

ADJUTERS WESTERLY SIDE
OF KILLBROOK
CITY OF PORTSMOUTH
100 DANIELS ST, PORTSMOUTH, NH
FOR THE CITY OF PORTSMOUTH
100 DANIELS ST, PORTSMOUTH, NH



SITE SCALE

22.96 AC.

④

RIVER

SEP 24

Portsmouth County

To: The City Council of the City of Portsmouth, NH

Re: A Petition by Residents to request Sidewalk Restoration

We are writing on behalf of the residents of nine homes along Islington Street (1191, 1205/1207, 1223, 1231, 1239, 1253, 1273, 1281, and 1299) regarding the condition of the existing sidewalk that fronts our homes.

In 2023 a discussion started with the City, the result of which was an offer to remove the side walk and reseed the sidewalk area. As stated in previous correspondence to Karen Conard, none of the residents support removal of the sidewalk.

While we recognize the City's broader priorities and the move to wider, concrete sidewalks where feasible, we continue to believe this existing sidewalk serves an important public function. It provides critical pedestrian access to the crosswalk at the end of the block, which remains the only safe route across Islington Street, particularly for children accessing the school bus stop. It also ensures that residents, including children and seniors, have a safe place to walk along this stretch of road.

Although this sidewalk may not be connected to a continuous network, that does not diminish its value to our neighborhood. Allowing it to deteriorate, or removing it outright, limits pedestrian access and presents ongoing safety and accessibility concerns for both current and future residents.

To demonstrate our commitment to resolving this issue, we have obtained a professional estimate for full removal and restoration of the sidewalk with asphalt. This includes necessary grading, compaction, and traffic control. The total estimate across all nine properties is \$13,500. We have attached the proposal for your review.

We understand that municipal budgets are limited and priorities must be balanced. Nonetheless, we respectfully request that the City Councilors consider repaving this sidewalk as a public investment in neighborhood safety and connectivity. If full public funding is not feasible, we would welcome a discussion about cost-sharing or other collaborative approaches that do not place the full responsibility for public infrastructure on private homeowners.

We are hopeful the Councilors will work with us to identify a reasonable and equitable path forward.

Thank you for your time as we seek resolution of a long-standing issue.

Sincerely,

Riah Zaremba & Nancy Yarmac

On behalf of the residents of:

1191, 1205/1207, 1223, 1231, 1239, 1253, 1273, 1281, and 1299 Islington Street.

Attachments:

Proposal for paving project from MWS Paving

Pictures of the sidewalk

Petition signed by all homeowners

Petition to Portsmouth City Council

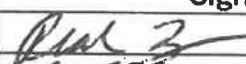




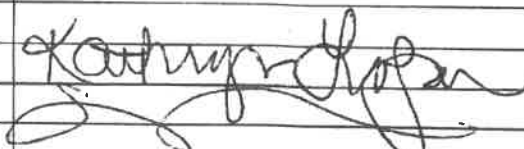
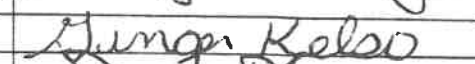
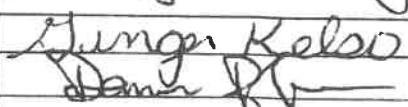


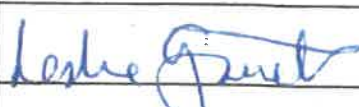

Date: July 21, 2025

Petition Organizer(s): Riah Zaremba and Nancy Yarmac

Address(s): 1223 and 1207 Islington Street

Telephone number(s): 603-781-305 and 505-639-2929

We, the undersigned, petition the Portsmouth City Council to – see attached letter

Name	Address	Signature
Riah Zaremba	1223 Islington St	
Chris Zaremba		
Jenaya Paradis	1191 Islington Street	
Nancy E. Yarmac rev. Trust	1207 Islington	
Nancy E Yarmac Trustee	48 Willow Trace Ct Se Rio Rancho, NM 87124 Seasonally in NH	
Rowe Family rev. Trust of 2015	1231 Islington	
Bryan Rowe	46 Sherburne Ave	
Johanna Rowe	46 Sherburne Ave	
^{REN} Maurine Durgin	1239 Islington	
Kathryn Logan	1239 Islington St.	
Sarah Revels	1253 Islington	
Ginger B. Kelso	1273 Islington	
Damien Bolger		
John Chapin	1281 Islington	
Chelsea Chapin		
Christopher H. Garrett rev. Trust	1299 Islington	
Christopher H Garrett Trustee	11 Barbary Lane	

Numbers of signatures on page

13

MWS Paving LLC
56 Esker Road
Hampton, NH 03842
603-395-6797

~~603-395-6797~~

ESTIMATE

June 19, 2025

Nancy E. Yarmac

Islington Street

Portsmouth, NH 03801

505-639-2929

nyarmac@outlook.com



Scope of Work:

Sidewalk Section Two- House Numbers 1191, 1205/1207, 1223, 1231, 1239, 1253, 1273, 1281, 1299

- Remove the existing paved sidewalk and haul away
- Remove any of the soft materials and haul away
- Add a new gravel bed, then grade and compact
- Saw cut at road, sidewalks and driveways (or as needed) so new pavement matches flush
- Lay 3" of new asphalt, then compact
- Police detail (which is required on Islington Street)

Job Total: \$13,500.00

MWS Paving LLC
56 Esker Road
Hampton, NH 03842
603-395-6797
www.mwspaving.com

ALL WORKMANSHIP GUARANTEED FOR ONE YEAR

NO GUARANTEED FOR SMALL PUDDLES, GAS & OIL SPILLS, GRASS AND TIRE MARKS

Balance due upon completion of work

Quote is good for 60 days from date of invoice

Any alterations or deviations from the above specifications including extra cost will be executed only upon written orders and will become an extra charge over and above the estimate.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date _____

Signature _____



This is the current condition of the sidewalk from Barbery Lane to Essex avenue. Note the bottom left picture – at the new crosswalk at Barbery Lane, the workers put about 10 feet of asphalt where the new concrete sidewalk intersected with the existing asphalt.

August 13, 2025

TO: Mayor MacEachern, City Council Members and City Manager Karen Conard

RE: Friends of Italian Americans
Italian Festa Celebration
October 13, 2025

The Friends of Italian Americans, a NH non-profit organization, would like to request permission to use the public space, including the adjacent walkways, between the previous Hearth eatery and the Toscana Chop House for an Italian Festa. This is in the early planning stages, and specific details are subject to change, however the overall parameters are as follows:

- Date: Monday, October 13, 2025
- Time: 12 noon – 4PM
- Free admission but possible sale of wine and some food items
- Description of Event:

The Friends of Italian Americans would like to have a Festa to honor the Italian American community in Portsmouth, NH. The event is scheduled to include a small band with possibly six – eight musicians, around five food vendors, including Massimo's Ristorante, kid's activities, like face painting, maybe a bubble machine, cotton candy machine, etc., along with some type of educational activities for children. If this is allowed, we are contemplating having the small band walk around the block a few times as well. We are considering having a red, green and white balloon archway along the Penhollow entrance to the public space and maybe another entrance walkway with a table to greet visitors, etc. We also will have two porta potties, or we will obtain permission from the Hearth owners to use their bathrooms. This is a rain or shine event, and it is expected that either a framed standing tent or pop-up canopy covers at each food station will be set up.

Details are still being formulated and, if approved by the City Council, we will work with the City to handle all concerns and ensure all City requirements are met.

Thank you for the consideration of this and please advise me of next steps.

Very truly yours:

Mike Daigle
President
Friends of Italian Americans
603-661-5040

August 12, 2025

Kelli Barnaby
City Clerk
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Kelli,

I am writing to let you know that I am resigning from the Board of Trustees of the Portsmouth Public Library effective immediately. I have relocated outside of Portsmouth, and my understanding is that Library Trustees must be Portsmouth residents.

It has been a great pleasure to serve as a Trustee, and I remain enormously grateful for the Library and all it offers the community.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Delekta", with a stylized, flowing script.

Kelly Delekta
PO Box 58
Portsmouth, NH 03802
kellydelekta@gmail.com

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – August 7, 2025
City Hall Conference Room A

PRESENT: Members: Public Works Director Peter Rice, Fire Chief William McQuillen, Deputy Police Chief Mike Maloney, Stefanie Casella Planning Department, Mark Syracuse, Erica Wygonik, Jane Mitchell-Pate, Mary Lou McElwain

City Staff: City Engineer Eric Eby, Parking Director Ben Fletcher, Project Manager Tyler Reese, Project Manager Dave Desfosses, Administrative Assistant Jefferson Lane

ACTION ITEMS FOR CITY COUNCIL
<ul style="list-style-type: none">None

- Roll Call
- Financial Report: **Voted** to accept the financial reports dated May 31st, 2025, and June 30th, 2025.
- Public Comment Session: Bob Gigliotti (Lang Road speed concerns)
- Congress Street, proposal to eliminate 15-minute restriction on two parking spaces between Fleet Street and Chestnut Street. **Voted** to refer to City staff for review and report back at a future meeting.
- Hanover Street, request to eliminate the 15-minute restriction on parking spaces between High Street and Market Street. **Voted** to refer to City staff for review and report back at a future meeting.
- Islington Street, discussion of possible measures to address recent crashes at Jewell Court intersection. **Voted** to refer to City staff for review and report back at a future meeting after speaking with adjacent properties.
- Islington Street, request for Rectangular Rapid Flashing Beacon for pedestrian crossing, in area from Langdon Street to Summer Street, by resident. **Voted** to place the item on file.
- Congress Street, report back on redesign project between Chestnut Street and Maplewood Avenue, by DPW. **Voted** to approve final design of Congress Street, with removal of one lane of traffic, implementation of two 11-foot travel lanes delineated by fog lines, future planned flexible parking, and sharrow markings as staff deems appropriate.

- **Porter Street, report back on request to consider closing the section between Church Street and Pleasant Street to vehicular traffic, by resident and adjacent property owner.** Voted to place the item on file.
- **Police monthly accident report:** Informational; no action required.

Respectfully submitted by: Jefferson Lane

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

August 7th, 2025

MINUTES

I. CALL TO ORDER

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

II. ATTENDANCE

Members Present:

Public Works Director Peter Rice
Fire Chief William McQuillen (arrived at 8:45a)
Deputy Police Chief Mike Maloney
Stefanie Casella, Planning Department
Chairman Andrew Bagley
Vice Chairwoman Erica Wygonik
Jane Mitchell-Pate
Mark Syracuse
Mary Lou McElwain

Members Absent:

None

City Staff Present:

Eric Eby, City Engineer
Ben Fletcher, Parking Director
Tyler Reese, Project Manager
Dave Desfosses, Project Manager
Jefferson Lane, DPW Administrative Assistant

III. FINANCIAL REPORT

[00:04:29] Mary Lou McElwain moved to accept the financial reports dated May 31st, 2025, and June 30th, 2025. The motion was seconded by Peter Rice. The motion passed unanimously.

IV. PUBLIC COMMENT (15 MINUTES)

[00:05:36] There was one speaker in the public comment period: Bob Gigliotti, 292 Lang Road, expressed concern regarding continued speeding on Lang Road and requested the committee explore traffic calming measures, such as speed tables.

V. PRESENTATIONS

There were no presentations.

VI. NEW BUSINESS

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

- A.** [00:13:28] Congress Street, proposal to eliminate 15-minute restriction on two parking spaces between Fleet Street and Chestnut Street. Erica Wygonik moved to refer to City staff for review and report back at a future meeting, seconded by Mary Lou McElwain. The motion passed unanimously.
- B.** [00:13:51] Hanover Street, request to eliminate the 15-minute restriction on parking spaces between High Street and Market Street. Erica Wygonik moved to refer to City staff for review and report back at a future meeting, seconded by Mary Lou McElwain. The motion passed unanimously.
- C.** [00:14:10] Islington Street, discussion of possible measures to address recent crashes at Jewell Court intersection. City Engineer Eric Eby specified how attempts to turn left onto Jewell Court via Islington Street require cutting across an on-coming through lane and turning lane, resulting in vehicle accidents. He proposed adding flex barriers in the center of Islington, blocking left-hand turns onto Jewell Court. Discussion ensued, identifying potential traffic and access concerns. Mark Syracuse began a motion to implement a pilot program, but then rescinded the motion. Erica Wygonik moved to refer to City staff for review and report back at a future meeting after speaking with adjacent properties, seconded by Mark Syracuse. The motion passed unanimously.
- D.** [00:28:33] Islington Street, request for Rectangular Rapid Flashing Beacon for pedestrian crossing, in area from Langdon Street to Summer Street, by resident. Mary Lou McElwain moved to place the item on file, seconded by Mark Syracuse. Committee discussion suggested to re-evaluate pedestrian traffic in the area following construction completion on Islington Street. The motion to place the item on file passed unanimously.

VII. OLD BUSINESS

- A.** [00:32:06] Congress Street, report back on redesign project between Chestnut Street and Maplewood Avenue, by DPW. Peter Rice moved to approve final design of Congress Street, with removal of one lane of traffic, seconded by Mary Lou McElwain. For discussion, Project Manager Dave Desfosses was available to answer committee questions regarding design details. From that discussion, Erica Wygonik proposed a friendly amendment to the motion, moving to approve final design of Congress Street, with removal of one lane of traffic, implementation of two 11-foot travel lanes delineated by fog lines, future planned flexible parking, and sharrows markings as staff deems appropriate. The motion passed unanimously.
- B.** [00:46:25] Porter Street, report back on request to consider closing the section between Church Street and Pleasant Street to vehicular traffic, by resident and adjacent property owner. Peter Rice moved to place the item on file, seconded by Mary Lou McElwain. Following discussion of closure feasibility, the committee unanimously voted to place the item on file.

VIII. INFORMATIONAL

- A.** [00:47:37] Police monthly accident report and follow-up on E-Bike safety

IX. MISCELLANEOUS

- A.** [00:54:28] Erica Wygonik reiterated the general concern around E-Bikes in Portsmouth, noting an uptick in members of the public raising well-being concerns of riders, as well as safety of pedestrians.
- B.** [00:56:00] Chairman Andrew Bagley inquired on the status of crosswalk implementation on Broad Street.

X. ADJOURNMENT

[00:56:51] Erika Wygonik moved to adjourn, seconded by Mark Syracuse. The motion passed unanimously. Chairman Andrew Bagley adjourned the meeting at 9:26 AM.

Respectfully submitted,
Jefferson Lane
Administrative Assistant II, Department of Public Works

July 24, 2025

Candace French
29 Suzanne Drive
Portsmouth, NH 03801

To the Portsmouth City Council,

My name is Candace French. I live at 29 Suzanne Drive in Portsmouth. I am submitting a transmittal letter to request that a memorial park bench be installed in Maple Haven Park as a donation from my family to commemorate the upcoming five-year anniversary of my younger sister's tragic passing. My family is a multi-generation Portsmouth family and my sister and I grew up in the Maple Haven neighborhood in Portsmouth where I currently reside again in a house of my own. Please see below for an excerpt from Danielle Marie French's obituary published by Remick & Gendron Funeral Home in Hampton, NH (<https://www.remickgendron.com/obituaries/Danielle-French-3/#!/Obituary>):

Danielle Marie French, 23, of Portsmouth, passed away on February 26, 2021 at her home. She was born on May 4, 1997 to parents James and Heidi (Bohley) French. She attended Portsmouth schools. As an athlete, she played soccer and ran track and graduated from Portsmouth High School with the Class of 2015.

In May of 2019, Danielle graduated with honors from the University of New Hampshire with a Bachelor of Science in Business Administration: Accounting and Entrepreneurial Studies from the Peter T. Paul College of Business and Economics. She was a member of the business fraternity Alpha Kappa Psi. After graduation she moved to Portland, ME to start a position as a Staff Auditor with the firm BerryDunn.

In December of 2019, Danielle was diagnosed with a cancerous brain tumor. She battled with courage, dignity, and determination for fifteen months and had some beautiful victories along the way.

Danielle was tenacious and fiery. She had a great sense of humor and was a hard worker. She was passionate about fashion and shopping. She loved decorating, dressing up, social events, and organizing with her to-do lists.

Thank you in advance for your time and consideration of the memorial park bench donation.

Sincerely,



Candace French



CITY OF PORTSMOUTH
MEMORIAL PARK BENCH REQUEST FORM

Thank you for your interest in donating a Memorial Park bench to the City of Portsmouth. All memorial requests and donations of funds must be approved and accepted by the Portsmouth City Council. This form outlines the process for considering requests and the information needed to begin the process. Each request will be considered by the Portsmouth City Council at an upcoming City Council meeting¹.

The cost for each Memorial Park bench is: \$2,200.

Please submit this completed form with your check in the amount of \$2,200 (payable to: City of Portsmouth), and a transmittal letter to: Portsmouth City Council c/o City Manager's Office 1 Junkins Avenue Portsmouth, NH 03801.

Name(s): JAMES, Heidi + Candace French
Address: 9 Nathaniel Drive + 29 Suzanne Drive, Portsmouth, NH 03801
Phone: 603-247-2127 Email: candace.french2012@gmail.com

Please be sure to complete and enclose the following:

- ☒ A transmittal letter to the Portsmouth City Council referencing this request.
- ☒ A check made payable to the City of Portsmouth.

Please check one of the following:

- ☒ I would like to request that a memorial park bench be installed in the following location: Maple Haven Park
- ☐ I do not have a preference for the location of the bench I would like the City of Portsmouth to install this park bench in accordance with current improvement and beautification efforts.

I would like to request the following content be included in a plaque that will be affixed to the Memorial bench (Please do not include more than 80 characters with spaces):

Forever in our Hearts
Danielle Marie French
5/4/1997 - 2/26/2021

¹ Prior to submitting a Memorial Park Donation request, please take note of the following: the City of Portsmouth will move forward with your request in accordance with the action taken by the City Council. Not all locations requested by residents are feasible given site constraints, future improvement plans or other reasons. Staff members will work with you to identify an alternative suitable location if necessary.

Gift and Donation Submission Form

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

Date:	8-13-25
Department/ Contact Person:	Police Department/Chief Newport & Jackie Burnett
Donation Amount:	21 bicycle helmets

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

E-bike safety initiative

Is there a particular purpose intended with this donation:

The Brain Injury Association of NH has donated 21 bike helmets to PPD to support the department's E-bike safety initiative.

Other Information/Special Conditions:

--

Donor Information

First & Last Name:	Renee Fistere (Admin. Assist)
Business Name:	Brain Injury Association of New Hampshire
Address*:	52 Pleasant Street, Concord, NH 03301
Phone*:	603-225-8400
Email*:	renee@bianh.org

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

CITY OF PORTSMOUTH NH



August 11, 2025

Portsmouth NH Department of Public Works Hosts Household Hazardous Waste Collection Day on September 6, 2025

Portsmouth, New Hampshire – The City of Portsmouth Department of Public Works will hold the next semiannual Household Hazardous Waste Collection Day on Saturday, September 6, 2025 at the Public Works facility at 680 Peverly Hill Road. Residents of Portsmouth, Greenland, and Newington are encouraged to bring household chemicals for safe disposal between 8 am and 12 noon.

Collection Day is organized as a drive-through service. Residents remain in their vehicles and pull through the Public Works garage, where staff will remove disposable items from car trunks. Residents will be asked to show proof of residency for survey purposes, in compliance with EPA requirements.

Household hazardous waste collection helps safely dispose of items that can harm residents' health, the environment, and drinking water supplies.

Items that qualify for collection include the following:

- **From the yard:** fertilizer with pesticides or fungicides, insect spray, lighter fluid, pest strips/traps, pesticides, poisons, and pool chemicals
- **From the garage:** acids, car waxes/polish, creosote, driveway sealer/tar, flea powder, gasoline, radiator fluid, and roofing tar
- **From the house:** bathroom cleaner, disinfectants, furniture polish, metal polish, mothballs, oven cleaner, photo chemicals, rug cleaner, and wood strippers
- **From the workbench:** brush cleaner, corrosives, lead and oil-based paint/stain/finish, rust preventive solvents, thinner/turpentine, and wood preservatives

Items that do not qualify include empty containers for household items which may be disposed of in the regular trash collection, explosives, asbestos, medical waste, or latex paint. To prepare latex paint for regular disposal at the Recycling Center, solidify the paint by adding kitty litter, sawdust, SpeediDri, or open the can to allow the liquid to dry out completely before disposal.

For more information on Household Hazardous Waste Collection Day, visit: portsnh.co/hazwaste.

###