

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 8, 2025 TIME: 7:00PM

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

https://us06web.zoom.us/webinar/register/WN_jNF17eXhSbu3zNnbwA12fw

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

AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting]
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. FTD Awareness Week in Portsmouth
2. Suicide Prevention Awareness Month

- VII. **ACCEPTANCE OF MINUTES – JULY 14, 2025** (*Sample motion – move to approve and accept the minutes of the July 14, 2025, City Council meeting*)

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Public Art Review Committee (PARC) Recommendation:
 - Proposed Gift of Original Artwork in Honor of Vernis Jackson(*Sample motion – move to refer to the School Board for placement of artwork at the Portsmouth Middle School for report back to City Council*)

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

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

First Reading of Ordinance:

- A. First Reading of Ordinance Amending Chapter 10, ZONING ORDINANCE, 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 (*Sample motion – move to pass first reading and schedule a public hearing and second reading at the September 24, 2025 City Council meeting*)

Public Hearing & Adoption of Resolution:

- B. PUBLIC HEARING & ADOPTION of Resolution Amending #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

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

(Sample motion – move to adopt the Resolution as presented)

Public Hearing & Second Reading of Ordinance:

- C. PUBLIC HEARING & SECOND READING of 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, Tax Map 125 Lot 16, 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; 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"

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

(Sample motion – move to pass second reading and schedule third and final reading at the September 24, 2025, City Council meeting)

Third and Final Reading of Ordinances:

- D. Third and Final Reading of 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
- (Sample motion – move to pass third and final reading of the Ordinance as presented)***
- E. Third and Final Reading of 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 ***(Sample motion – move to pass third and final reading of the Ordinance as presented)***

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. *Request to Establish Polling Hours for the Municipal Election
2. Request to schedule three public hearings on September 24, 2025, for the City Council to consider whether to place three ballot questions on the November 4, 2025, Municipal Ballot regarding: (1) Allowing Social Districts; (2) Prohibiting KENO; and (3) Prohibiting Games of Chance

XII. CONSENT AGENDA

- A. Request from Morten Steen-Jorgensen of Pepper Palace Inc., to install a Projecting Sign at 87 Congress Street ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability Director, and further, authorize the City Manager to execute the License Agreement for this request)***

Planning Director's Stipulations:

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

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

B. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:

- First Night Portsmouth 2026 – Wednesday, December 31, 2025
- Children’s Day – Sunday, May 3, 2026
- 49th Annual Market Square Day Festival & 10K Road Race – Saturday, June 13, 2026
- 23rd Annual Summer in the Street – Saturday evenings: July 4th, July 11th, July 18th, July 25th, and August 1st

In addition, Pro Portsmouth, Inc., requests the City joins as a sponsor in support of the fireworks’ display in the amount of \$3,000.00 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. E-mail Correspondence ***(Sample motion – move to accept and place on file)***

XIV. MAYOR McEACHERN

1. Appointments to be Considered:

- Reappointment of Robert Capone to the Cable & Broadband Internet Commission
- Reappointment of Katinka de Ruiter to the Board of Library Trustees
- Appointment of Jolanda Fannin to the Board of Library Trustees

2. Acceptance of Resignations:

- Charles Sullivan from the Sustainability Committee ***(Sample motion – move to accept with regret the resignation of Charles Sullivan from the Sustainability Committee and to send a letter of thanks and appreciation for his service to the city)***
- Alyssa Murphy from the Public Art Review Committee ***(Sample motion – move to accept with regret the resignation of Alyssa Murphy from the Public Art Review Committee and to send a letter of thanks and appreciation for her service to the city)***

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK, COUNCILOR BAGLEY & COUNCILOR MOREAU

1. *Resident Parking Access Program (RPAP) (***Sample motion – move to direct staff to develop a detailed implementation plan for a Resident Parking Access Program (RPAP), establishing a \$1 per hour fee for non-resident vehicles in neighborhoods that surround downtown that are currently unmetered, with enforcement by license plate. Staff shall return to Council with a proposed framework, cost estimates, and recommendations for pilot neighborhoods, with specific consideration of how the program can also support higher-density affordable housing developments without parking requirements***)

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Grant from the New Hampshire Department of Justice for the NH Internet Crimes Against Children Task Force - \$1,300.00 (***Sample motion - move to approve and accept the New Hampshire Department of Justice grant in the amount of \$1,300.00***)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Report Back on Status of Converting State Street to Two-Way Traffic
2. *Islington Sidewalks Report Back

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:** Portsmouth is home to individuals living with Frontotemporal Degeneration (FTD) and its debilitating impact on themselves, their families and those in the community of caregivers who surround them; and
- Whereas:** FTD is an underdiagnosed neurodegenerative disease that affects more than 60,000 people in the United States. FTD affects ages as young as 21 and old as 80 with the largest percentage of affected being under 65; and
- Whereas:** FTD can impact behavior, decision-making, personality, language, and/or movement and reduce life expectancy to just a dozen or fewer years with no known treatments to slow the progress of this disease; and
- Whereas:** Those with variants of FTD such as Primary Supranuclear Palsy (PSP) experience disruptions to balance, speech and fine motor abilities, are more at risk of falling and find such simple activities as dressing, eating, and expressing their thoughts increasingly difficult; and
- Whereas:** There is little known about the causes of FTD and there is no treatment or cure for PSP, although several hopeful clinical studies of drug interventions are now underway thanks to National Institutes of Health funding.

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 declare the week of September 21 to 28, 2025 as

FTD Awareness Week in Portsmouth

and call upon the community to learn more about FTD at TheAFTD.org and to support the advocacy of the Association for Frontotemporal Degeneration who seek to change the course of a disease that is largely misunderstood, misdiagnosed, and underfunded.



Given with my hand and the
Seal of the City of Portsmouth,
on this 8th day of September 2025.


Deaglan McEachern, Mayor of Portsmouth

The Council Chambers
City Hall
Portsmouth, New Hampshire

A Proclamation

- Whereas:** The national Substance Abuse and Mental Health Services Administration reminds us that we must all work together in seeking Strength, Dignity, Hope, and Purpose; and
- Whereas:** We know that suicide is preventable. Although it is complex and influenced by many interconnected factors, hope and resilience grow when people feel heard, especially in their darkest moments. A simple check-in, conversation, shared story, or helpful resource can make someone feel less alone; and
- Whereas:** Preventing suicide means combining knowledge, care and compassion -- understanding the risk, knowing the warning signs, accessing supportive care, and sharing hope to help people heal, build resilience and thrive after crisis; and
- Whereas:** Locally-tailored efforts are some of the best and most effective ways to address unique community needs. Small-group conversations with peers and professionals that focus on dignity, hope and purpose can help create a sense of connectedness and belonging. Those with lived experience can help reduce stigma and foster a sense of unity around the challenges of mental health and suicide; and
- Whereas:** Making resources accessible and visible in the community is crucial so that those in need of support can easily find care. When someone is having suicidal thoughts, connection, thorough planning, and dedicated follow-up care create a vital structure of safety and support; and
- Whereas:** Suicide prevention isn't about just one moment; it is about continued care over time because ongoing support builds trust, long-term healing and recovery. Working together on a safety plan gives people a sense of control and hope.

Now, therefore, I, Deaglan McEachern, Mayor, hereby proclaim September as

Suicide Prevention Awareness Month

and remind all members of the community that there are steps we all must take in looking out for our loved ones, the people in our community, and those who have been impacted by this leading cause of death.



Given with my hand and the
Seal of the City of Portsmouth
on this 8th day of September 2025

Deaglan McEachern, Mayor of Portsmouth

**The Council Chambers
City Hall
Portsmouth, New Hampshire
A Proclamation**

Whereas: People-to-people diplomacy is the heart of the Sister Cities International program and in our Sister City agreement with Nichinan, established 40 years ago; and

Whereas: On September 5, 1905 – 120 years ago tomorrow – at Portsmouth Naval Shipyard your statesman, Baron Komura signed a Treaty ending the Russo-Japanese War, and gave Portsmouth the honor of celebrating the roles of local citizens. That citizen diplomacy is a sterling example of what we mean when we say Portsmouth is “The City of the Open Door;” and

Whereas: We have the honor of regularly welcoming Japanese diplomats and dignitaries in the spirit of the Portsmouth Peace Treaty, as we do today as we also celebrate with you the 170th birthday of Baron Komura; and

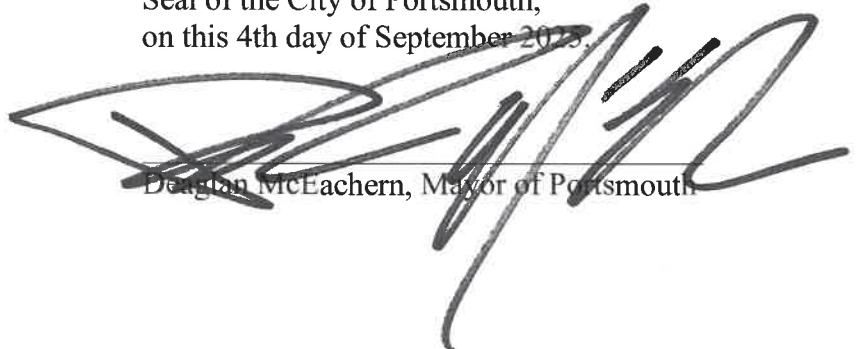
Whereas: Portsmouth, the active host in fostering the successful outcome, now leads commemorations around the state in celebrating Portsmouth Peace Treaty Day with bellringing at the moment the Treaty was signed.

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 4, 2025 as

Sister City of Nichinan Day in Portsmouth



Given with my hand and the
Seal of the City of Portsmouth,
on this 4th day of September 2025.


Deaglan McEachern, Mayor of Portsmouth

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JULY 14, 2025

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Moreau moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Lombardi and voted.

III. CALL TO ORDER

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

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silent prayer in memory of Cycling Coach Charles Ydoate who recently passed away.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES

(There are no minutes on for acceptance this evening)

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Public Art Review Committee (PARC) Recommendations:
 - Remembering Connie Bean Request

Ernie Greenslade, PARC spoke to a donation for display of Connie Bean that was reviewed by the Recreation Department, and the donation did not meet the guidelines under PARC recommended that the donation be considered under the City Council donation guidelines.

Assistant Mayor Kelley moved to refer the Connie Bean Display to the School Board with the recommendation for adoption by the City Council. Seconded by Councilor Bagley and voted.

- Nebi Sculpture for Bohenko Gateway Park

Ernie Greenslade, PARC spoke to the donation, and the goal was to expand public art in the park.

Councilor Cook moved to authorize PARC to raise approximately \$125,000.00 in private funds; expend resources from PARC funds to undertake soil testing necessary for planning the engineering for installation; work with the Legal Department to contract with Alemany, aligning payments to fundraising and development phases; and work with the Department of Public Works to locate and install the sculpture. Seconded by Councilor Blalock and voted.

Councilor Denton moved to suspend the rules to bring forward Item XVII. 1. – Public Safety Update – Police Chief Newport. Seconded by Councilor Blalock and voted.

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Public Safety Update – Police Chief Newport

Police Chief Newport provided a public safety update regarding recent investigations in the city by ICE (US Immigration and Customs Enforcement).

IX. PUBLIC COMMENT SESSION

Sophia Shay said that immigration individuals are not feeling safe working in restaurants. She would like cooperation by the Police Department on these matters.

Penelope Morrow said we need to protect immigrants and keep them safe.

Roy Helsel said the budget is outrageous and we are going to vote to give away 15 minutes of parking that will cost the city revenues.

Jon Hickok said he would like to know what kind of expectations we can demand and what the city would do to invest in a portal for reporting abuse of process, professionalism, and trust.

Reverend Kendra Ford said she would like the city to stretch beyond what is comfortable. She profoundly appreciates that we do not have an agreement with ICE. She said we need to make sure that the Police Department matches what is written down.

John Benford thanked the City Council and Police Department for the stances they have taken regarding immigration. He said he would like the city to find ways to stand up against these raids.

Peter Furst (via Zoom) spoke against the current immigration raids because people do not feel safe. He said the time to act is now against ICE, it needs to stop.

Marci Dionne spoke regarding adult education and immigrants are afraid to come to school or leave their homes.

Petra Huda asked if we have an affordable housing crisis or spending crisis. She said we are adding to the budget, and the population has not grown so why are her property taxes increasing so much. She also spoke about the increase in water and sewer rates.

Andrea Stein said what is happening in this country will affect all of us. She said it takes 20 years to get citizenship. She spoke to ICE causing people to leave the city to avoid being demonized. She said we need to come together and protect everyone.

Peter Somssich spoke to the respect he has for Police Chief Newport and the Police Department for how they protect the residents of Portsmouth. He would like the Police Department to provide guidelines on how to behave when confronted by an ICE agent.

Jen Scumaci said Portsmouth is the “City of the Open Door” and open to all. She said we need to provide protection for people regardless of immigration status.

Elizabeth Bratter said there is little affordable housing in the city. She spoke to the overlay district and incentives to height as a bonus could be lowered by 10 feet.

Katherine Harake she said that these are serious times, and we need to increase our sense of belonging for all.

Kline Dickens spoke against ICE and Strafford County for holding immigrants. She said that this is ethnic cleansing, and you need to show up for people and support them against these acts.

Mayor McEachern spoke regarding this being challenging work and the administration and City Attorney will sign on to the amicus brief that is moving through the first district. He spoke to being the “City of the Open Door”, and it is best to support one another. He said that the Police Department protects everyone in the city.

At 8:12 p.m., Mayor McEachern called for a brief recess. At 8:20 p.m. he called the meeting back to order

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

A. REOPEN PUBLIC HEARING – Highway Layout of Coakley Road Extension

Mayor McEachern reopened the Public Hearing calling for speakers.

Councilor Denton moved to approve the Resolution regarding public necessity to acquire property for the layout of the Coakley Road Extension as drafted. Seconded by Councilor Moreau.

Tyler Garzo this is to solve congestion, and you can provide bike/pedestrian without creating more roads.

Petra Huda asked if the State signed off on the plan.

After three calls and no further speakers, Mayor McEachern closed the Public Hearing.

Eric Eby, Parking & Traffic Engineer, said the project is a connector road between Borthwick Avenue and Coakley Road for a red listed bridge and the culvert needs to be replaced. He said we would close Coakley Road entirely and replace the culvert and provide sidewalks. He reported that we are getting a grant, and the signal would be removed with a connector put in place. He spoke to the goals to replace the bridge over Hodgdon Brook. He reported the traffic circle is on the 10-year construction plan and the roadway connector is not eligible for grant funding.

Discussion followed regarding the project. Councilor Cook asked if Coakley Road is closed would additional signage be provided. Parking & Traffic Engineer Eby said signage would be installed.

Mayor McEachern said he would support this because of the neighborhood, the impact of the wetlands and the needs to replace the bridge.

Councilor Cook moved to suspend the rules to reopen the public hearing. Seconded by Councilor Tabor and voted.

Elizabeth Bratter spoke concerning the connector road to the lights. She said in the morning there is a great deal of traffic coming out of the road and asked if a light could be put in place.

Parking & Traffic Engineer Eby said the connector road does not mean the light would be removed. He said the complete traffic study would look at whether the light would be added.

Kathryn Waldwick asked if we are trying to benefit the potential development of the Chevrolet lot for future development on the lot and would there be any way that they would be subsidized.

Mayor McEachern said that the project is currently in the Site Review phase. Parking & Traffic Engineer Eby said the project needs to work as the area currently exists.

Tyler Garzo spoke opposed to the connector road and project.

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

Councilor Cook said there is only one access point to the neighborhood, and we are just speaking about the connector road today and it provides connection to a multi-use path and connecting pedestrians and bicycles to the road. She said the property owners support the project moving forward and she would support it.

Deputy City Attorney McCourt stated that staff brought this forward because it is the most efficient way to preserve property rights.

Mayor McEachern thanked staff for their work and said he supports more opportunities to connect residents to a multi-use path.

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

- B. *(The Public Hearing on the below referenced Resolution will take place at the August 4, 2025 City Council meeting with the Resolutions for Projects to Begin in FY26)* Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Four Million One Hundred Fifty Thousand Dollars (\$4,150,000.00) For Costs Related To:
- School Facilities Capital Improvements
 - Elementary Schools Upgrade
 - Elementary Schools Playground Upgrade

Mayor McEachern announced that the Public Hearing will be held on August 4, 2025, City Council meeting.

- C. PUBLIC HEARING and Second Reading of Ordinance Amending Chapter 7, Vehicles, Traffic and Parking, Article III, Traffic Ordinance, Section 7.324: Time Limited Free Parking for Residents and Special Military License Plates, (A) Free Fifteen Minute Parking for Residents, and (B) Free Three Hour Parking for Special Military License Plates
- **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

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

Parking Director Ben Fletcher spoke about the revenue effects for loss with this ordinance and said that the Veterans Plates are already being done and provide for three free hours of parking.

Discussion occurred between Mayor McEachern and Parking Director Fletcher regarding the anticipated revenue loss. Parking Director Fletcher spoke about people's habits for parking at 15-minute locations.

Elizabeth Bratter spoke to military plates and how that would affect revenue and asked how many exist in the city.

Petra Huda said she has no problem with military plate exemptions. She said you need to think about the residents and what they are doing when it comes to parking.

Bill Lyons, said he supports the Chamber of Commerce and City but is concerned with adding 15-minute parking. He said that he is more of a big picture person. He said parking should be considered a key component, and parking would benefit from more public discussion.

Colin Scholler, said this is a great idea to encourage residents to go downtown. He said parking is limited and studies show we need another parking garage.

Tyler Garzo said this feels like a flawed plan and the cost figures ignore other vehicle travel. He stated the plan implies simple structure and will make bike/pedestrian travel better.

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

Councilor Denton moved to separate the questions and act on Item (B) prior to Item (A). Seconded by Councilor Bagley and voted.

City Attorney Morrell advised that item B would need to come back for a public hearing and second reading if item A failed to pass.

Chapter 7, Vehicles, Traffic and Parking, Article III, Traffic Ordinance, Section 7.324: Time Limited Free Parking for Residents and Special Military License Plates, (A) Free Fifteen Minute Parking for Residents

Mayor McEachern asked if there was further discussion on free three hour parking for special military license plates.

Councilor Blalock spoke in support of free three hour parking for special military license plates

Mayor McEachern said he supports this item. free three hour parking for special military license plates will need to come back for a public hearing and second reading with the division of the questions.

Councilor Moreau said she does not support free fifteen minute parking for residents She feels there will be monthly and behavioral issues.

Assistant Mayor Kelley said she would not support this in its current form. She does not feel we are where we need to be to pass this and it needs to be on a larger scale for a parking program city-wide.

Councilor Cook commented we need to keep working on ways to bring people downtown. She said we can find the right way to get where we need to be.

Councilor Lombardi said he does not feel this is ready to be voted on. He said that the Economic Development Commission and Sustainability Committee are opposed to the ordinance and feels it needs more work.

Councilor Blalock said he feels it is too complicated and will not support the motion.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he does not understand the math around this and how we will lose any money. He said he would like to see other innovative ways the app works. He stated the City Council needs to focus on residents. He said we need more people to think growth is a good thing in the city.

On a 3-6 voice vote, motion to pass second reading and hold third and final reading at the August 4, 2025, City Council meeting **failed** to pass. Mayor McEachern, Councilors Tabor, Bagley voted in favor. Councilors Cook, Denton, Blalock, Moreau, Lombardi, and Assistant Mayor Kelley voted opposed.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

Chapter 7, Vehicles, Traffic and Parking, Article III, Traffic Ordinance, Section 7.324: Time Limited Free Parking for Residents and Special Military License Plates, (B) Free Three-Hour Parking for Special Military License Plates

A public hearing and second reading will be taking place on the ordinance on August 4, 2025, City Council meeting.

- D. PUBLIC HEARING and 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"

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

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

Councilor Bagley recused from acting on this matter and stepped off the Dias.

Planning Manager Peter Stith provided a detailed review of the amendments from parcels CD5 to CD4, adjust boundaries of NEIOD and DOD and change building height from the Foundry. He said the change will follow the parcel that encompasses the Right-of-Way of the street this affects 181 Hill Street and 126 Bridge Street. He stated Hill Street would all be 2-3 stories and 40 feet with Bridge Street being set back 50 feet and then step up to a higher incentive. He said CD5 and CD4 are similar with CD5 being more intense. He also spoke to uses in the area.

Discussion followed regarding the existing project would create non-conforming lots.

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

Brad Gray said he feels that this is spot zoning, and the zoning will cause property to be revalued and he is adamantly opposed.

Attorney Matthew Cowan, Durbin Law Offices said the City Council supported tabling the amendment until the master plan. He said the change only affects his client's property.

Bruce Sommer said he wants to protect the scale of the city. He said this is spot zoning and there was a lack of notice on this matter. He asked the City Council to vote this down.

Kate Wallick said zoning is important and that the city could still build and protect the character of the city. She said it is hard to talk about housing, and she supports thoughtful zoning. She said that the neighborhood was forgotten. She said that this is better than what the neighborhood currently has. She asked the City Council to support the ordinance and rezoning effort.

Nicole LaPierre said that this is just about 361 Hanover Street, and she wants to be represented. She said her neighborhood was ignored and tossed aside. She feels like the City Council needs to fix this and not ignore it. She said CD4W was out as a neighborhood and this is not transitional zoning.

Robin Husslage spoke to the change from CD4 to CD5 has no impact and we need to scale down dwelling. She said the Planning Board considered CD4 to CD4W to offer more of a transitional zone. She stated the neighborhood is not a small residential area and this allows for 10 feet of additional space. She said the neighborhood is not downtown, the overlay will increase the problems to remove downtown overlay district.

Councilor Denton moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Moreau and voted. Assistant Mayor Kelley voted opposed.

Shane Forsley spoke against the zoning changes and what will be in front of the Planning Board in the future is the best plan for the site. He said changing the front portion of the site is inappropriate. He stated that this is spot zoning.

Elizabeth Bratter said it is important to realize the change has been in the making for seven years. She spoke about zoning changes and their impacts.

David Adams spoke opposed to the ordinance change and said everyone has a different opinion regarding this. He said the City Council should wait until this enters the master plan project.

Susan Gray said she has just received notice of this change. She said the neighborhood should not suffer from spot zoning. She said the building will sit 12 feet below where the building sits. She said they deserve the right to build a conforming use and CD5 is what they strongly fight for.

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

Councilor Blalock said that this is a tough one. He is sensitive to property owners of the area, and he would not support the change and feels there needs to be more discussion.

Councilor Cook said when listening to the comments no one is happy with the change for properties being CD4. She said we owe it to the residents to get this right. She likes the suggestion to have this go to the master plan process that will give residents more time.

Councilor Lombardi said we did speak about this going through the master planning process.

Councilor Denton said in 2013 he proposed the idea of parking garage and what is in front of the City Council is better than doing nothing.

Councilor Moreau said she respects the thoughts of going through the master plan process. She said this is a way to correct things of the past. She is torn whether to keep the conversation going and would rather vote on what is before us tonight.

Assistant Mayor Kelley asked about the letter from Attorney Durbin.

Deputy City Attorney McCourt advised the City Council Attorney Durbin's request does not meet the law and requires filing seven days in advance of the meeting. He said the other item referenced was the Charter and was not an initiative petition.

Mayor McEachern said overlooking the past and we are correcting an error. He said we are not going to be able to change zoning to create transitional zoning. He said he is not convinced that if we change out of CD5 it is a better transition. He said he would like to see 126 Bridge Street removed from the ordinance.

Councilor Moreau moved to pass second reading and hold third and final reading at August 4, 2025, City Council meeting. Seconded by Councilor Blalock.

Councilor Tabor moved to amend the motion to keep 126 Bridge Street lot 125-16. Seconded by Assistant Mayor Kelley.

Councilor Cook said she had questions about this lot. She said we are creating non-conforming and changing zoning uses. She is not sure CD4 is the right zoning.

Assistant Mayor Kelley said she has concerns surrounding this matter. She said she has concerns with the Ferguson building and the Foundry area. She said if this does not fail, we could move forward with changes.

Councilor Moreau recommended postponing second reading to work with the Planning Board and come back with an alternate proposal.

Councilor Cook asked if we could postpone until second reading in August.

Councilor Moreau moved to amend to postpone second reading until August 18, 2025, City Council meeting with a report back on August 4, 2025, City Council meeting under my name with possible updates and changes to the ordinance. Seconded by Councilor Blalock.

Councilor Tabor withdrew his motion.

Motion to amend passed.

Assistant Mayor Kelley moved to suspend the rules to take up Item XIII. A. – Presentation on South Mill Pond Playground Project Design from Ultiplay Parks & Playgrounds – Todd Henley, Recreation Director and Chris Martin, Ultiplay. Seconded by Councilor Blalock and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation on South Mill Pond Playground Project Design from Ultiplay Parks & Playgrounds – Todd Henley, Recreation Director and Chris Martin, Ultiplay

Chris Martin, Ultiplay, provided a detailed presentation on the South Mill Pond Playground Project Design. He reported that this will be an inclusive playground with rubber surfaces. He reported that the playground will reopen in mid-September.

Assistant Mayor Kelley asked if the picnic tables will be ADA compliant. Chris replied that two of the tables would be ADA compliant.

Mayor McEachern asked Recreation Director Henley and the Recreation Department to consider the possibility of dedicating benches in the park area.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Acceptance and Approval of Tentative Agreement with the Association of Portsmouth School Administrators

City Manager Conard advised the City Council that the contracts all would be retroactive back to July 1st.

Assistant Mayor Kelley moved to accept and approve the proposed agreement as presented. Seconded by Councilor Denton and voted.

2. Acceptance and Approval of Tentative Agreement with the Portsmouth Association of Clerical Employees

Councilor Lombardi moved to accept and approve the proposed agreement as presented. Seconded by Councilor Cook and voted.

3. Acceptance and Approval of Tentative Agreement with the Portsmouth Supervisory Management Alliance

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

XII. CONSENT AGENDA

- A. Letter from Ben VanCamp, The Chamber Collaborative of Greater Portsmouth, requesting the use of Bohenko Gateway Park for street.life! 2025 on Wednesday, August 13, 2025, with a rain date of Thursday, August 14, 2025, from 6:00 p.m. – 8:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Bryan Curley, Veterans Count, requesting permission to hold the “All-American Fair” on Friday, September 5, 2025, from 5:00 p.m. to 9:00 p.m. at the Portsmouth International Airport at Pease ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATION

- B. E-mail Correspondence

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

- C. Letter from Elizabeth Bratter regarding rezone request under public hearings

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

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
 - Reappointment of Larry Booz as an alternate to the Historic District Commission
 - Reappointment of Margot Doering to the Historic District Commission
 - Reappointment of Martin Ryan to the Historic District Commission
 - Reappointment of Reagan Ruedig to the Historic District Commission
 - Reappointment of Robin Pickering to the Portsmouth Housing Authority

Assistant Mayor Kelley moved to reappoint Larry Booz as an alternate and Margot Doering, Martin Ryan and Reagan Ruedig to the Historic District Commission and the reappointment of Robin Pickering to the Portsmouth Housing Authority. Seconded by Councilor Blalock and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR BAGLEY

1. Request for First Reading of the Annual Omnibus Ordinance

Councilor Bagley moved to schedule first reading of the Annual Omnibus Ordinance for the August 4, 2025, City Council meeting. Seconded by Councilor Blalock and voted.

2. 2026 Fireworks Display

Councilor Bagley withdrew this item because Mr. Teetzel, Wilcox Industries, has generously committed to sponsoring the 250th anniversary celebration to include fireworks in July 2026.

XVI. APPROVAL OF GRANTS/DONATIONS

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

2. Proposed Timeline for Fall 2025 CIP Process

City Manager Conard announced that the portal is open to accept citizen requests for the CIP. She stated that the CIP Kickoff Presentation will be held on August 18, 2025, City Council meeting and the Planning Board would be holding their CIP Kickoff Presentation on August 21, 2025. Also, the City Council will adopt the CIP in December.

Councilor Denton reported that the Sustainability Committee would like to make a presentation on their CIP recommendations at a future City Council meeting.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT

At 11:50 p.m., Councilor Moreau moved to adjourn. Seconded by Councilor Bagley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY OF PORTSMOUTH, NH
Public Art Review Committee

August 26, 2025

Memorandum

To: Honorable Mayor and City Council
From: Public Art Review Committee (PARC)
Subject: Recommendation of Donation

PARC reviewed a proposed gift of an original artwork given in honor of Vernis Jackson and her many contributions to Portsmouth as a lifelong educator, founder of the Seacoast African American Cultural Center (SAACC), nonprofit leader and active citizen. The artwork was presented by Chris Dwyer on behalf of friends of Vernis who worked with her on the African Burying Ground. Toni Morrison was a special favorite of Vernis Jackson.

At its meeting on July 30, 2025, PARC applied its review criteria to the proposed public artwork.

PARC recommends that the City accept the proposed artwork (see attached description and visuals below) and send to the School Board for review. The donors recommend placement in the Portsmouth Middle School given Vernis Jackson's connection to middle school students; she often arranged exhibits of student art work through art exhibits at SAACC. Middle school students were involved in creating art tiles for the African Burying Ground. We understand from Principal Phil Davis that the Portsmouth Middle School would be interested in displaying the painting.

Description. The artwork is an original acrylic painting on canvas which has been tinted by repeated baths of elixir, 44" x 35" unframed (intended to be unframed). The effect provides a parchment-like quality to the background.



The portrait of Toni Morrison is 1 of a series of 68 original works depicting prominent Black figures who played key roles in the struggle for Black rights.

The artist is **Romeo Mivekannin** (Benin, Ivory Coast and France), multidisciplinary artist trained in France who exhibits internationally across Europe, Africa, and the UAE.

The portrait is painted over excerpts from the classic 1903 W.E. B. DuBois book *The Souls of Black Folk*.

Review. PARC noted these particular items in its review:

- **The artist is well-known.** Romeo Mivekannin's work combines inherited tradition and the contemporary world. He experiments with a range of materials to break through boundaries between disciplines. Some of his work reinterprets art historical work through paintings and installations.
- **Aesthetics.** From an aesthetic point of view, PARC members commented on the power of the image and the conceptual design.
- **Presentation.** Mivekannin's work on canvas is represented in the Currier Museum's collection; they advise using a simple display method such as Velcro attached to the piece and connected to a wood block or something similar. At the Currier, his work on canvas is not framed.
- **Location.** PARC will leave it up to the School Board to determine location. While the donors recommend the middle school, some PARC members thought the artwork might be more appropriate for the high school.

Considerations

- Because the work is designed to be displayed without framing, it will need to be hung at a height or in a location that is not casually accessed.
- PARC suggests that the Interpretative signage include information about the contributions of Vernis Jackson to the City, specifically her decades-long connections to Portsmouth's students.

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, September 8, 2025, at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on 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. The complete Resolution is available for review in the Office of the Portsmouth City Clerk and Portsmouth Public Library, during regular business hours.

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

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

**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**

LEGAL NOTICE

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

LEGAL NOTICE
REVISED

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

8.28.25

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 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, Tax Map 125 Lot 16, 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; 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.

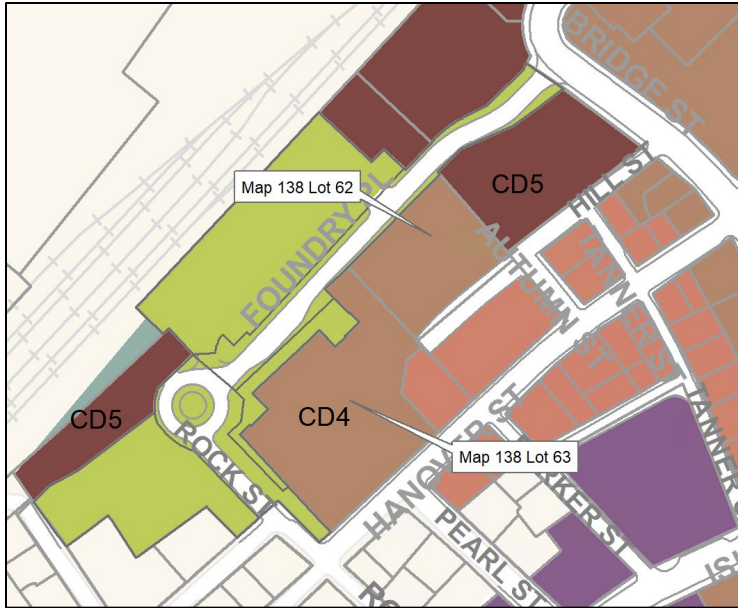
That the Zoning Maps be amended so that the following described parcels are rezoned from Character District 5 (CD5) to **Character District 4 (CD4)**:

City Tax Map 138, Lot 62

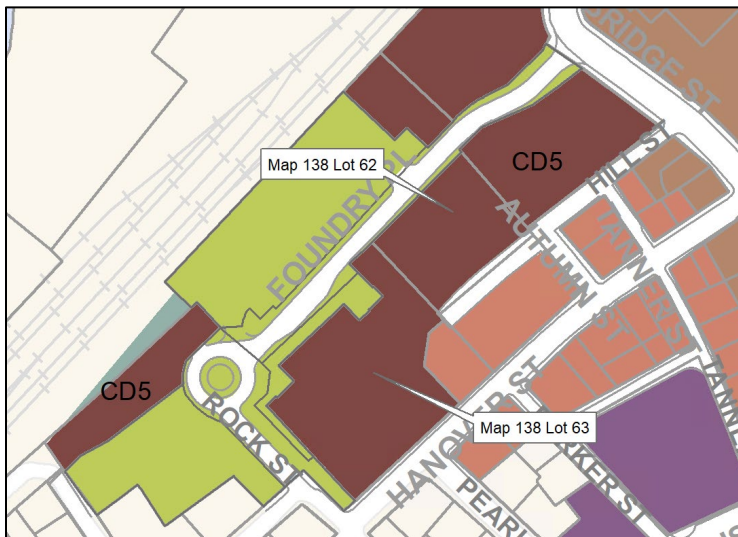
City Tax Map 138, Lot 63

Map 10.5A21A Character Districts and Civic Districts

Proposed



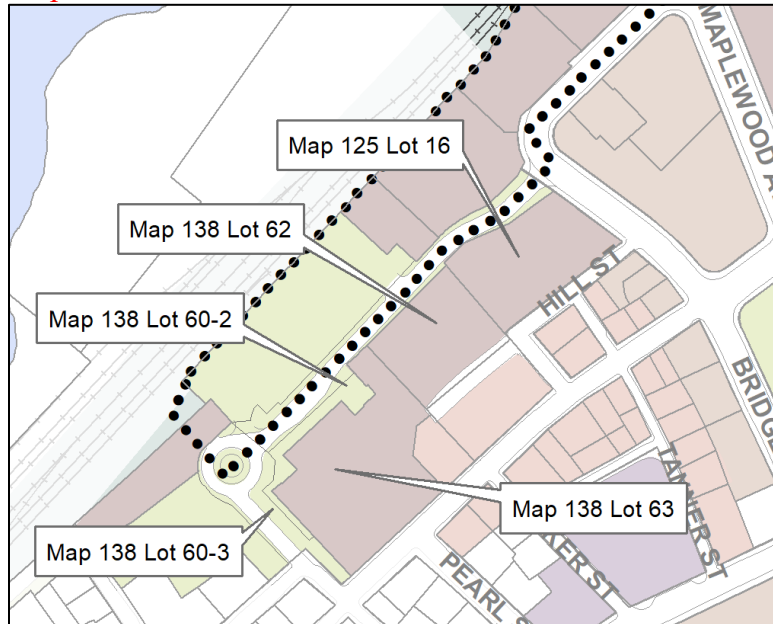
Map 10.5A21A Character Districts and Civic Districts Existing



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

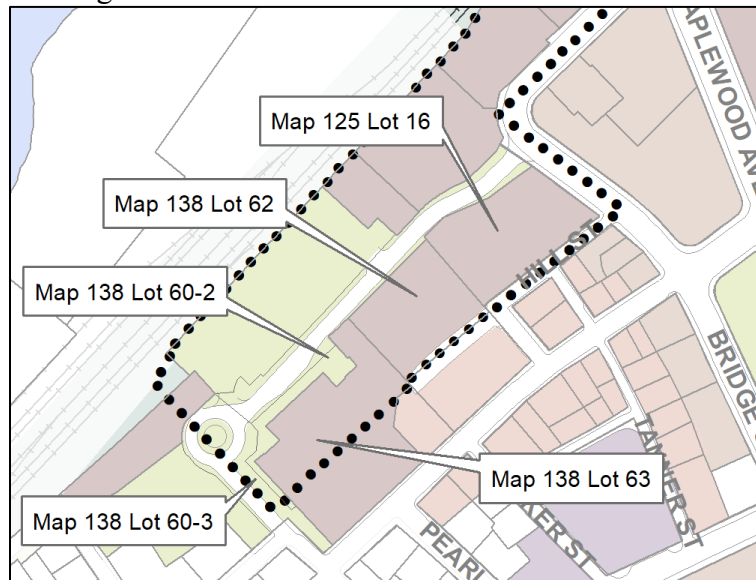
- City Tax Map 138 Lot 63**
- City Tax Map 138 Lot 60-2**
- City Tax Map 138 Lot 62**
- City Tax Map 125 Lot 16**
- City Tax Map 138 Lot 60-3 (portion of)**
- Map 10.5A21B Building Height Standards**

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

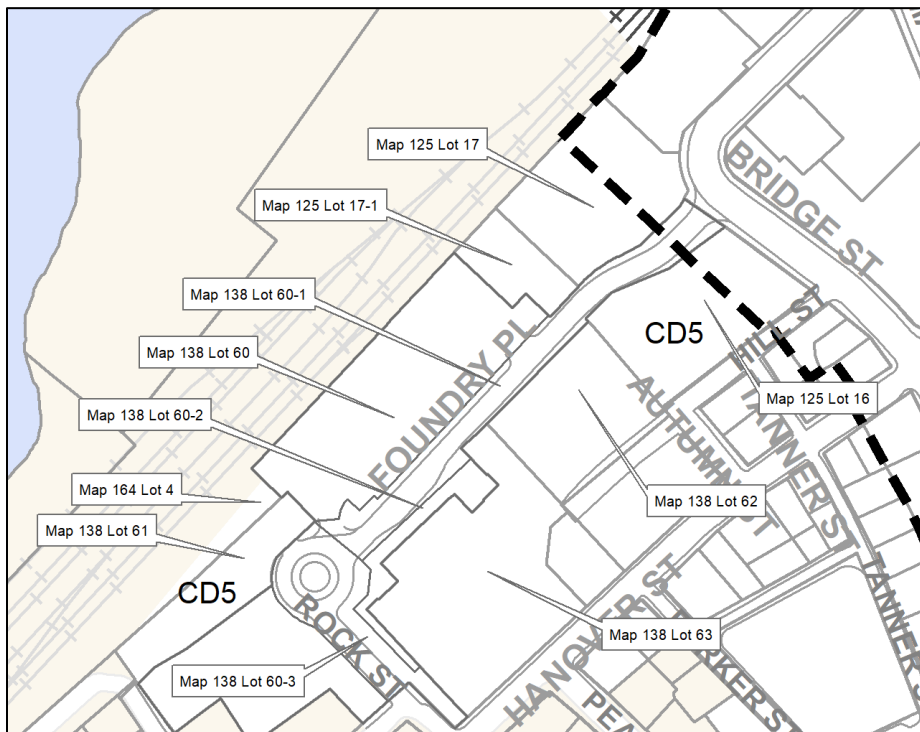
City Tax Map 138 Lot 60-3

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)

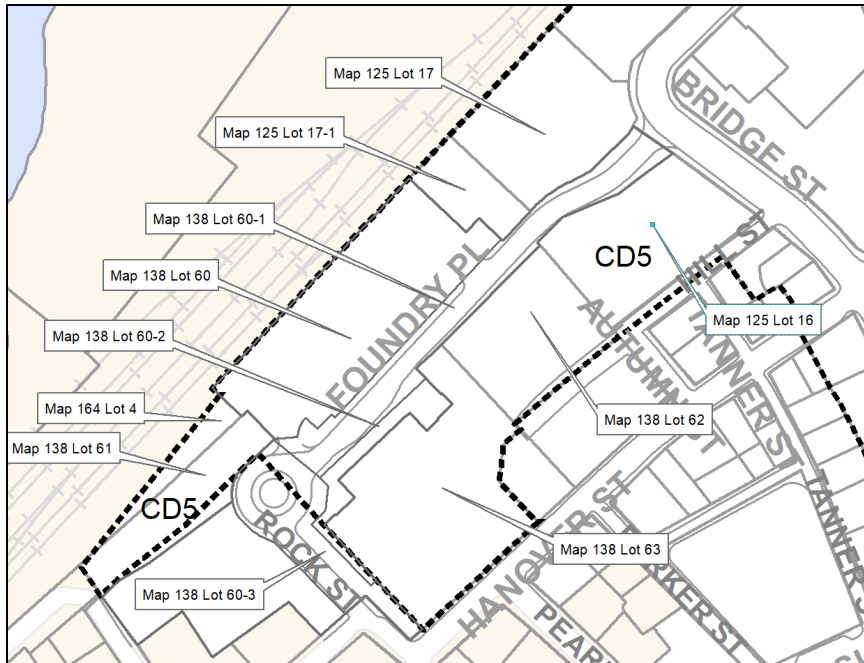
Map 10.5A21A Character Districts and Civic Districts

Proposed



Map 10.5A21A Character Districts and Civic Districts

Existing



That the Zoning Maps be amended to 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.

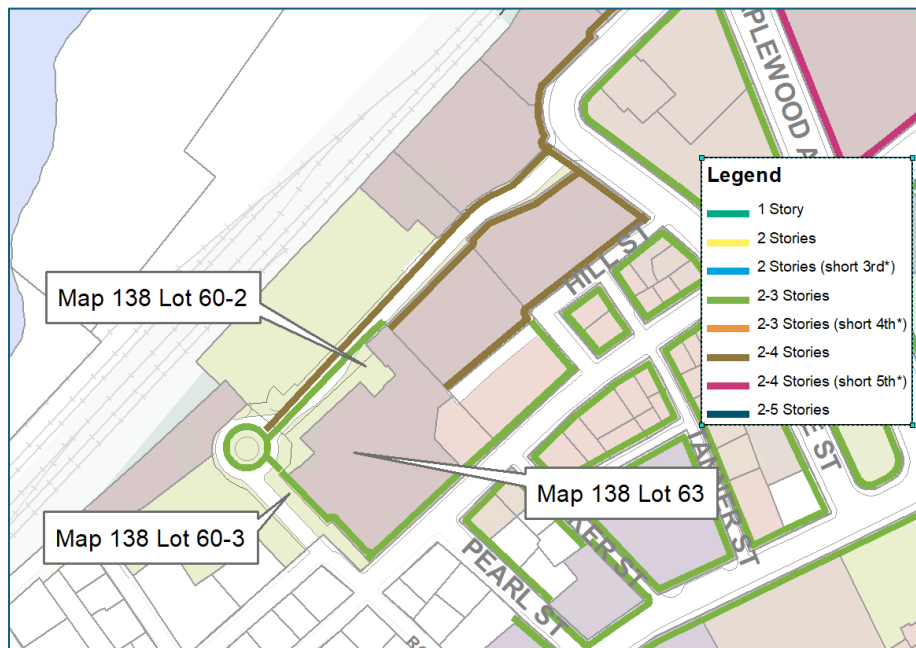
City Tax Map 138 Lot 63

City Tax Map 138 Lot 60-2

City Tax Map 138 Lot 60-3

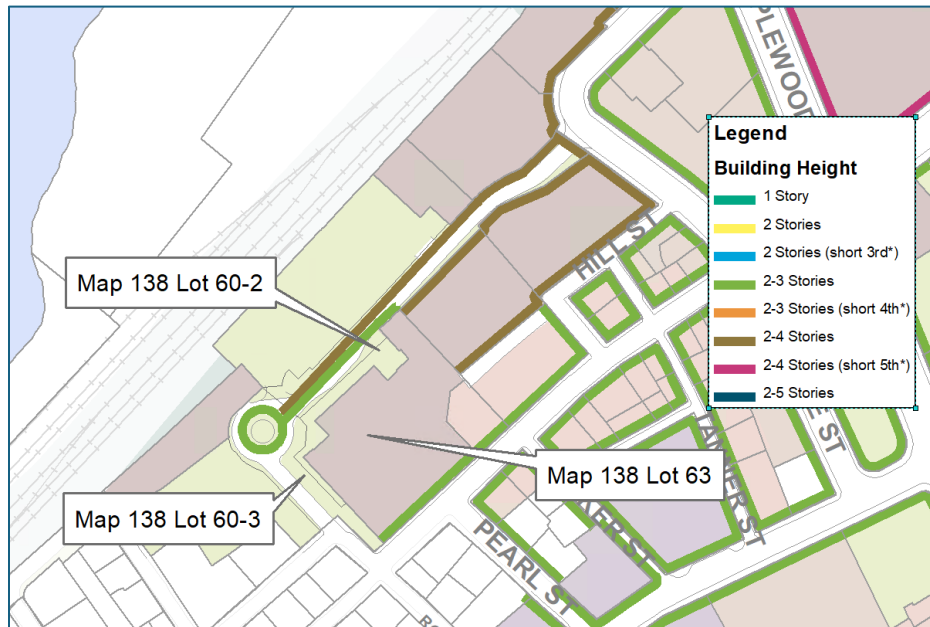
Map 10.5A21B Building Height Standards

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

THE CITY OF PORTSMOUTH ORDAINS 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, Review and Acquisition of Public Art	1.1700 - 1.1 707 709
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
Emergency Management	Negotiation
Finance	Planning and Sustainability
Health	Public Works
Human Resources and Negotiations	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 ~~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:

- A. The efficient operation of ~~his/her department in a manner consistent with all applicable laws and municipal policies. Each the~~ department ~~administration shall bear the following responsibilities;~~
- B. The ~~department administer shall be responsible for the~~ preparation and submission of that portion of the annual municipal budget which relates to ~~the his/her the~~ department ~~and for operating that;~~
- C. **The operation of the** department in compliance with the approved municipal budget;
- 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;
- 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;
- 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**
- 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.

- 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.**
- ~~**D. EMERGENCY MANAGEMENT** – The Emergency Management department shall be responsible for all Emergency Management functions and responsibilities mandated or authorized by state law full 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 107 C 8 as it may be amended from time to time and each other officials as may be appointed by the city manager~~
- D. FINANCE** – The ~~Department of 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 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 extends 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.~~ **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, ~~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 and ensure compliance with IT standards 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 Information Technology functions which by law or practice are unique and specific to the particular Charter Department~~ **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. In the 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.**
- H. INSPECTIONS** – ~~The Inspections~~ 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.**
- 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 ~~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.**

~~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 negotiations and administration of all collective bargaining agreements to which the City of Portsmouth is a party.~~

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 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 ~~engineering, sewer-highway, grounds, park and municipal cemetery maintenance, wastewater collection and treatment, water distribution, metering and treatment, building and grounds-maintenance facility maintenance, highway-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 ~~e~~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 ~~perimeters~~ parameters established by **the Charter and** this ordinance

1. To assign and reassign areas of specific responsibility within the various municipal departments; and

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

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Health	Public Works
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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.

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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.
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- 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 and ensure compliance with IT standards for cybersecurity, 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.
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and issuance of all permits related to these codes and any other permits assigned to the Inspection Department.

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- 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.
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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.

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.



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: September 5, 2025

To: Karen S. Conard, City Manager
Kelli Barnaby, City Clerk

From: Trevor P. McCourt, Deputy City Attorney

Re: Agenda Item – Third Reading of Amendments to Chapter 1, Administrative Code – Article 1

On August 18, 2025, the City Council voted to pass second reading of proposed amendments to Chapter 1 of the City's Administrative Code. The proposed amendments incorporated changes proposed by the Legal Department, and are included in the Council packet. Also included is a memorandum from City Attorney Morrell providing the legal authority and history for these proposed amendments.

At the suggestion of the Legal Department, minor changes were adopted by the City Council as part of second reading. These minor changes were made to improve the language and respond in part to concerns raised by the School Board.

Prior to second reading, the School Board voted to recommend alternative language which was not adopted by the City Council. Since that time, the School Board voted 5-4 to adopt a statement of opposition to the proposed amendments. The Police Commission Chair and the School Board Chair have signed the attached joint statement opposing the proposed amendments, attached.

I recommend that the City Council pass third and final reading.

Attachment

cc: Susan Morrell, City Attorney
Suzanne M. Woodland, Regulatory Counsel
Jessica S. Griffin, Assistant to the City Manager

Date: September 4, 2025

To: Portsmouth City Council

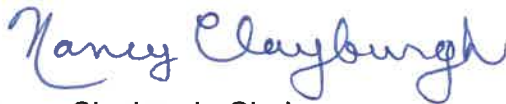
From: Portsmouth School Board and Portsmouth Police Commission

Subject: Proposed Amendments to Chapter 1 of the City Ordinance

The School Board and The Police Commission jointly oppose changing the Administrative Code to give Human Resources & Negotiation Department, the Information Technology Department and the finance Department veto power over functions unique to each of the charter departments. We believe that no evidence has been presented that a problem or problems exist that merit this dramatic a change in a practice that has worked collaboratively for years. We believe that coordination of functions common to the charter departments and the city departments can be managed well through mutually agreed upon standard operating protocols (SOPs) or memoranda of understanding (MOUs).

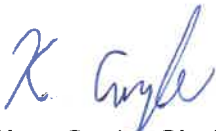
Respectfully submitted,

For the Portsmouth School Board



Nancy Clayburgh, Chair

For the Portsmouth Police Commission



Kate Coyle, Chair

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.



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: September 4, 2025

To: Honorable Mayor McEachern and City Council Members

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

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

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

A. First Reading of Ordinance Amending 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:

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 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 contains 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 Planning Board, at their July 17, 2025 meeting, voted to recommend the City Council hold first reading on the proposed amendments herein related to building footprints in the downtown.

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 August 18, 2025 City Council meeting, the Council voted to schedule first reading at the September 8, 2025 meeting. The Council also voted to request a report back from the Planning and Sustainability and Legal Departments on how many properties would be impacted by this change. This information will be included as part of the public hearing presentation by staff at the second reading.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the September 24, 2025 City Council meeting.

B. Public Hearing and Adoption of Resolution Amending #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:

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 adopt the Resolution as presented.

C. Public Hearing and Second Reading of 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, Tax Map 125 Lot 16, 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; 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 18, 2025 City Council meeting, Councilor Moreau presented 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), removing 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) and 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. By a vote of the Council, the proposed building height change along Hill Street was removed from the amendment. The Council voted to pass first reading, and schedule second reading and public hearing 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 24, 2025 City Council meeting.

D. Third and Final 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**

[Attached please find proposed ordinance amendments regarding Chapter 1 of the Administrative Code](#) along with [the original memorandum from City Attorney Morrell](#). A supplemental memorandum addressing the status of these amendments will be provided prior to this evening’s meeting.

E. Third and Final 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:

For third and final reading this evening is [the proposed deletion of Chapter 2, Article II, Section 2.201](#) in its entirety. The existing language in Section 2.201 is incorporated into the amendments to Chapter 1, thus it is appropriate to delete this section after passage of the Chapter 1 changes.

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

XI. City Manager's Items Which Require Action:

1. Request to Establish Polling Hours for the Municipal Election:

In accordance with RSA 659:4, the City Council shall determine the polling hours for elections. I would request that the polling hours for the November 4, 2025 Municipal Election be established from 8:00 a.m. to 7:00 p.m.

I recommend that the City Council move to establish polling hours for the November 4, 2025 Municipal Election from 8:00 a.m. to 7:00 p.m.

2. Request to Schedule Three Public Hearings on September 24, 2025 for the City Council to Consider whether to place three ballot questions on the November 4, 2025 Municipal Ballot regarding: (1) Allowing Social Districts; (2) Prohibiting KENO; and (3) Prohibiting Games of Chance:

The Legislature passed new enabling legislation that gives municipalities the local option to vote on whether to allow Social Districts, prohibit KENO and prohibit games of chance. The legislation requires that the City Council vote on whether to put these questions on November 4, 2025 Municipal Ballot. [Attached in your packet is a detailed memorandum from Senior Assistant City Attorney Ferrini that explains these new laws, the process of how the Council would place these questions on the Municipal Ballot and copies of the bills that create the new enabling legislation.](#) It is recommended that the Council's consideration of these ballot questions take place at three separate public hearings at the September 24, 2025 City Council meeting.

I recommend that the City Council move to schedule the public hearings on each ballot question as set forth below:

1. Allowing Social Districts Question on the Municipal Ballot

Proposed Motion: Move to schedule a public hearing on September 24, 2025 to consider whether to place the following question allowing Social Districts as a ballot question on the November 4, 2025 Municipal Ballot:

"Shall we allow the operation of social districts within the City of Portsmouth."

2. Prohibition of KENO Question on Municipal Ballot

Proposed Motion: Move to schedule a public hearing on September 24, 2025 to consider whether to place the following question prohibiting KENO as a ballot question on the November 4, 2025 Municipal Ballot:

"Shall we prohibit the operation of KENO games within the City of Portsmouth."

3. Prohibition of Games of Chance Question on Municipal Ballot

Proposed Motion: Move to schedule a public hearing on September 24, 2025 to consider whether to place the following question prohibiting games of chance as a ballot question on the November 4, 2025 Municipal Ballot:

“Shall we prohibit the operation of games of chance within the City of Portsmouth.”

XII. Consent Agenda:

A. Projecting Sign License for 87 Congress Street:

Permission is being sought to install a projecting sign at 87 Congress Street that extends over the public right of way, as follows:

Sign dimensions: 3’ x 3’

Sign area: 9 sq. ft.

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

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

XVI. Approval of Grants/Donations:

A. Acceptance of Grant from the New Hampshire Department of Justice for the NH Internet Crimes Against Children Task Force for the Police Department - \$1,300:

At the August 19, 2025 Police Commission meeting, the Board of Police Commissioners approved and accepted an ICAC Forensic Shield grant in the amount of \$1,300 from the New Hampshire Department of Justice for the NH Internet Crimes Against Children Task Force.

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

XVII. City Manager's Informational Items:

1. Report Back on Status of Converting State Street to Two-Way Traffic:

At the August 18, 2025 meeting, the City Council requested a report back on the efforts to investigate converting State Street to two-way traffic. As part of the FY26 - FY31 Capital Improvement Plan, \$50,000 was approved to evaluate the impacts and costs associated with converting the one-way portion of State Street to two-way traffic. Previous evaluations did not include impacts on non-vehicle modes of transit, emergency vehicles, and loading zones. In addition, the opinion of cost to complete the work did not include the impacts to sidewalks, curbing, and drainage.

Staff are working with BETA Group, Inc. to develop on a scope of work and budget to complete the work. In addition to the evaluation of roadway configuration, the scope of work will include public input and presentation of the findings to the City Council. The study is anticipated to be complete by the end of the calendar year.

2. Islington Street Sidewalks Report Back:

In August 2025, a resident petition was received requesting replacement of asphalt sidewalk along the north side of Islington Street from Barberry Lane to Essex Avenue. This request follows several efforts over the last couple of years to resolve the status of this section of sidewalk. In response to this request, staff plan to create a new capital improvement request for the Fiscal Year 2027 Capital Improvement Plan (CIP) to secure funding for design and construction of a new sidewalk.

In 2019, the City completed a comprehensive utility and road upgrade project on outer Islington Street. During the design effort for that project, the City reviewed the existing sidewalks and their relative safety and value as connections and determined that the portion of existing remnant asphalt sidewalks on the north side of Islington Street between Essex Avenue and Barberry Lane had pedestrian safety risks and encouraged crossings of Islington Street at locations that did not meet best safety practices for visibility and sight distances. Subsequently, the City as part of that design process, decided to reconstruct the sidewalk on the south side of the road only and that the sidewalk on the north side would be removed. However, at a public meeting residents asked the City to leave the sidewalk for local use to connect their homes and walkways to their driveways. The City consented with the stipulation that the sidewalk would not be maintained henceforth.

In October of 2023, the City received a petition from residents of Islington Street requesting sidewalk improvements for the same portion of existing remnant asphalt sidewalk on the north side of Islington Street between Essex Avenue and Barberry Lane. The petition requested that the City perform one of two options:

- Option #1: Repair the sidewalk.
- Option #2: Remove the sidewalk and replace it with lawn.

On March 14, 2024, City officials met with residents on site to discuss the petition. After that meeting, the Public Works Department prepared a feasibility study to evaluate the options presented by the residents.

The feasibility study included another look at traffic analysis regarding site distances, traffic counts, and vehicle speeds along the area requested in case any of the conditions leading to the original conclusion had changed. After reviewing the data, the City confirmed the prior conclusion that safety concerns with the existing asphalt sidewalk were still valid and that Option #2, removal of the sidewalk, should be acted upon. However, the study also identified the need for additional street crossings due to increased traffic to the new Rail Trail. The City has since constructed two new street crossings, one at Barberry Lane and one at the WBBX Road location. These new crosswalks provide enhanced pedestrian safety with rectangular rapid flashing beacons (RRFBs).

In November 2024, letters were sent to the property owners informing them that the City would be moving forward with Option #2, removal of the sidewalk along with installation of walkway access between the front door to the driveway at each affected residence. This letter resulted in a request that the City leave existing asphalt sidewalk with no improvements. Based on this additional feedback, the City agree to leave the asphalt sidewalks as-is per the request of the residents.

The August 2025 petition requests replacing the sidewalk in-kind. However, as previously discussed the current configuration and length does not address safety concerns. In addition, City Council Sidewalk Policy No. 2010 - 02 requires use of concrete and the width to be at least six feet. In response to this most recent request, staff will create a new capital improvement request for the Fiscal Year 2027 Capital Improvement Plan (CIP) to secure funding for design and construction of a new sidewalk. The final length and configuration will be determined as part of the project design.

CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: September 3, 2025

TO: KAREN CONARD, CITY MANAGER

FROM: JANE FERRINI, SENIOR ASSISTANT CITY ATTORNEY JF

RE: MEMORANDUM REGARDING CITY'S LOCAL OPTION TO VOTE FOR ALLOWING SOCIAL DISTRICTS AND PROHIBITING KENO AND GAMES OF CHANCE WITHIN THE CITY

SOCIAL DISTRICTS

The Legislature passed a bill (Chapter 158) effective September 5, 2025, that adds a new subdivision of RSA 178, Liquor Licenses and Fees, that creates a local option for municipalities to establish "social "districts" within the City. A social district is defined as an *"outdoor area in which a person may consume alcoholic beverages sold by a licensee. This term does not include the licensee's premises or an extended area of such premises allowed under RSA 178:24."* Social districts will only be permitted in a municipality that has voted to allow it as described in RSA 178:34 as summarized below:

Social districts may only be established if the question of whether to allow social districts to operate in a municipality is placed on an official ballot for any regular municipal election. For cities, the question may be placed on the ballot in one of two ways:

1. By the submission of a petition signed by 5% of the registered voters; or
2. By affirmative vote of the City Council to place the question on the official ballot.

If either of these two options occurs, the following question will appear on the ballot:

"Shall we allow the operation of social districts within the City of Portsmouth?"

A public hearing must be scheduled between 15 and 30 days before the ballot question is to be voted on. Notice of the public hearing shall be posted in 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the public hearing.

If the ballot question passes by majority vote at the municipal election, the municipality must establish social districts consistent with the requirements of the statute, which include but are not limited to the creation of defined boundaries and management and maintenance plans that protect the health and safety of the public. If social districts are created, the City will be required to comply with the rules and regulations of the New Hampshire Liquor Commission and the specific standards and criteria for the sale, possession and consumption of alcohol set forth in the statute. See final bill with amendments to the statute attached.

KENO

The City Council has been familiar with KENO being a ballot question since 2017. The law since 2017 has required the Council to vote to put the question of whether to allow KENO to operate within the City on the ballot. For several elections since 2017, KENO has become a ballot question because the Council received citizen petitions to place the question on the ballot. Simply described, the statute since 2017 required municipalities to affirmatively “*opt in*” to permit KENO. The new law, effective July 1, 2025, amends the current law (RSA 287-D) and repeals the “opt in” requirement and changes it to an “opt out” requirement. In other words, if a municipality does not affirmatively opt out by a majority vote on the KENO ballot question, KENO will be permitted within the municipality.

KENO will be permitted in the City if one of the following occurs:

1. The Council takes no vote on whether to put the prohibition of KENO as a ballot question;
2. The Council votes to not put the question of whether to prohibit KENO within the City on the ballot; or
3. The Council votes to put the prohibition of KENO question on the ballot or receives a petition from the requisite percentage of registered voters, and the majority of voters vote against the ballot question to prohibit KENO.

Conversely, **KENO will not be permitted** in the City if the following occurs:

The Council votes to put the prohibition of KENO question on the ballot or receives a petition from the requisite percentage of registered voters, and the majority of voters vote in favor of the ballot question to prohibit KENO.

If placed on the ballot, the question would be as follows:

“Shall we prohibit the operation of KENO games with the City of Portsmouth?”.

The same public hearing and notice requirements for those hearings as described above apply.

GAMES OF CHANCE

In the same bill that amends the KENO statute amends RSA 287-D by adding a local option for municipalities to prohibit “games of chance” within the municipality. Games of chance are defined as *“any game involving gambling as defined by RSA 647:2, II, or any lottery prohibited by RSA 647:1, but shall not include any game involving the use of a slot machine or any other device in the nature of a slot machine, 50/50 raffles as defined in RSA 287-A:1, III, or ice-out contests as defined in RSA 287-D:I, VI.”* RSA 287-D:1, III. In plain language, the only types of games of chance that would be prohibited by this local option are games licensed and permitted in casinos, Historic Horse Racing (HHR) terminals and Video Lottery Terminals (VLT). Lottery tickets, Lucky 7 and Bingo would still be permitted under this local option.

The way the question of prohibiting games of chance gets on the ballot is the same as described in paragraphs 1 and 2 for social districts above, by either a petition or vote of the City Council to place the question on the official ballot. If placed on the ballot, the question would be as follows:

“Shall we prohibit the operation of games of chance within the City of Portsmouth?”

The same public hearing and notice requirements for those hearings as described above apply.

SCHEDULE FOR PUBLIC HEARINGS

The Council must decide at the **September 24, 2025** meeting whether to put these three questions regarding ***allowing social districts, prohibiting KENO and prohibiting games of chance*** on the ballot. Although not required by statute, to ensure transparency and to give the public the opportunity to comment, it is recommended that the Council’s consideration of whether these questions should be placed on the ballot be done at public hearings on September 24, 2025. The statute requires public hearings on each approved ballot question between 15 and 30 days before the municipal election. Given that the election is November 4, 2025, public hearings on these ballot questions would be scheduled at the **October 6, 2025** City Council meeting.

CHAPTER 158
HB 467 - FINAL VERSION

26Mar2025... 1084h

2025 SESSION

25-0706
08/11

HOUSE BILL

467

AN ACT defining "social districts" and enabling municipalities to create social districts.

SPONSORS: Rep. B. Boyd, Hills. 12; Rep. Bordes, Belk. 5; Rep. Edwards, Rock. 31; Rep. Grill, Hills. 18; Rep. Moffett, Merr. 4; Rep. Nelson, Rock. 13; Rep. Osborne, Rock. 2; Sen. Murphy, Dist 16

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill defines "social districts" and enables municipalities to create social districts.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 158
HB 467 - FINAL VERSION

26Mar2025... 1084h

25-0706
08/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT defining "social districts" and enabling municipalities to create social districts.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 158:1 New Subdivision; Social Districts. Amend RSA 178 by inserting after section 32 the following
2 new subdivision:

3 Social Districts

4 178:33 Definitions.

5 I. "Licensee" means a person holding any of the following licenses:

6 (a) An on-premises beverage and wine license issued pursuant to RSA 178:20.

7 (b) An on-premises beverage and liquor license issued pursuant to RSA 178:21.

8 (c) An on-premises cigar, beverage, and liquor license issued pursuant to RSA 178:20-a.

9 (d) A brew pub license issued pursuant to RSA 178:13.

10 (e) An on-premises cocktail lounge license issued pursuant to RSA 178:22.

11 II. "Social district" means a defined outdoor area in which a person may consume alcoholic
12 beverages sold by a licensee. This term does not include the licensee's premises or an extended area of
13 such premises allowed under RSA 178:24.

14 178:34 Local Option.

15 I. Any town or city may allow the operation of social districts according to the provisions of this
16 subdivision, in the following manner:

17 (a) In a town, the question shall be placed on the warrant of an annual town meeting under
18 the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote
19 to place the question on the official ballot for any regular municipal election, or, in the alternative, shall
20 place the question on the official ballot for any regular municipal election upon submission to the
21 legislative body of a petition signed by 5 percent of the registered voters.

22 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question at
23 least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall
24 be posted in at least 2 public places in the municipality and published in a newspaper of general
25 circulation at least 7 days before the hearing.

26 (c) The wording of the question shall be substantially as follows: "Shall we allow the
27 operation of social districts within the town or city?"

28 II. If a majority of those voting on the question vote "Yes," social districts may be operated within
29 the town or city.

30 III. If the question is not approved, the question may later be voted upon according to the
31 provisions of paragraph I at the next annual town meeting or regular municipal election.

CHAPTER 158
HB 467 - FINAL VERSION
- Page 2 -

1 IV. A municipality that has voted to allow the operation of social districts may consider rescinding
2 its action in the manner described in paragraph I of this section.

3 IV-a. An unincorporated place may allow the operation of social districts by majority vote of the
4 county delegation, after a public hearing is held.

5 V. The liquor commission shall maintain a list of municipalities where social districts are
6 approved.

7 178:35 Requirements of a Social District. A social district shall:

8 I. Be clearly defined with signs posted in a conspicuous location indicating which area is included
9 in the social district, the days and hours during which alcoholic beverages may be consumed in the social
10 district, the telephone number for the New Hampshire liquor commission and the local law enforcement
11 agency with jurisdiction over the area comprising the social district and a clear statement that alcoholic
12 beverages purchased for consumption in the social district shall:

13 (a) Only be consumed in the social district; and

14 (b) Be disposed of before the person in possession of the alcoholic beverage exits the social
15 district unless the person is reentering the licensed premises where the alcoholic beverage was
16 purchased. The hours set by a city or town during which alcoholic beverages may be consumed in a
17 social district shall be in accordance with RSA 179:17.

18 II. The board of selectmen, town council, city council, or board of alderman shall establish
19 management and maintenance plans for the social district and post these plans, along with a rendering of
20 the boundaries of the social district, on the Internet website of the city or town. The social district shall be
21 maintained in a manner that protects the health and safety of the general public.

22 III. Before allowing consumption of alcoholic beverages in a social district, the city or town shall
23 submit to the liquor commission a detailed map of the social district with the boundaries of the social
24 district clearly marked and the days and hours during which alcoholic beverages may be consumed in the
25 social district.

26 178:36 Requirements for Sale of Alcoholic Beverages. A licensee located in or contiguous to a social
27 district may sell alcoholic beverages for consumption within the social district it is located in or contiguous
28 to in accordance with the following:

29 I. The licensee shall only sell and serve alcoholic beverages on its licensed premises.

30 II. The licensee shall only sell alcoholic beverages for consumption in the social district in a
31 container that meets the following requirements:

32 (a) The container clearly identifies the licensee from which the alcoholic beverage was
33 purchased.

34 (b) The container clearly displays a logo or some other mark that is unique to the social
35 district in which it will be consumed.

36 (c) The container is not made of glass.

37 (d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly --
38 Be 21."

39 (e) The container shall not hold more than 16 fluid ounces.

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HB 467 - FINAL VERSION
- Page 3 -

1 III. The licensee shall not allow a person to enter or reenter its licensed premises with an
2 alcoholic beverage not sold by the licensee.

3 178:37 Requirements for Possession and Consumption of Alcoholic Beverages. The possession and
4 consumption of an alcoholic beverage in a social district is subject to the following requirements:

5 I. Only alcoholic beverages purchased from a licensee located in or contiguous to the social
6 district may be possessed and consumed.

7 II. Alcoholic beverages shall only be in containers that meet the requirements set forth in RSA
8 178:36.

9 III. Alcoholic beverages shall only be possessed and consumed during the days and hours set by
10 the city or town in accordance with the RSA 178:35 of this section.

11 IV. Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic
12 beverages in excess of the limitations set in RSA 179:5.

13 V. A person shall dispose of any alcoholic beverage in the person's possession prior to exiting
14 the social district unless the person is reentering the licensed premises where the alcoholic beverage was
15 purchased.

16 178:38 Rulemaking. The commissioner may adopt rules under RSA 541-A to implement and enforce
17 this subdivision.

158:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 07, 2025
Effective Date: September 05, 2025

CHAPTER 288
HB 737-LOCAL - FINAL VERSION

20Mar2025... 0850h
05/01/2025 1638s
26Jun2025... 2810CofC
26Jun2025... 2924EBA

2025 SESSION

25-0742
02/11

HOUSE BILL

737-LOCAL

AN ACT

creating local options for games of chance, authorizing keno throughout the state, and changing charitable gaming license fees and reporting requirements.

SPONSORS:

Rep. B. Boyd, Hills. 12; Rep. Barton, Graf. 1; Rep. D. Paige, Carr. 1; Rep. Schamberg, Merr. 6; Rep. Spilsbury, Sull. 3; Rep. Stringham, Graf. 3; Rep. Turcotte, Straf. 4; Sen. Rochefort, Dist 1

COMMITTEE:

Ways and Means

AMENDED ANALYSIS

This bill:

I. Gives municipalities a local option to vote to prohibit the operation of games of chance within their boundaries.

II. Automatically permits keno unless a municipality votes to prohibit it, giving local governments the option to ban games of chance within their boundaries.

III. Makes changes to charitable gaming licensing fees and reporting requirements.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 288
HB 737-LOCAL - FINAL VERSION

20Mar2025... 0850h
05/01/2025 1638s
26Jun2025... 2810CofC
26Jun2025... 2924EBA

25-0742
02/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT creating local options for games of chance, authorizing keno throughout the state, and
 changing charitable gaming license fees and reporting requirements.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 288:1 New Section; Local Option; Games of Chance. Amend RSA 287-D by inserting after section
2 287-D:31 the following new section:

3 287-D:32 Local Option; Games of Chance.

4 I. The lottery commission shall not grant a game operator employer license to operate games of
5 chance in a municipality if that municipality has voted to prohibit games of chance to be held within its
6 boundaries, or if there is a pending question on the municipality's warrant or official ballot for the next
7 regular municipal election. Such vote shall be held in the following manner:

8 (a) In a town, the question shall be placed on the warrant of an annual town meeting under
9 the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote
10 to place the question on the official ballot for any regular municipal election, or, in the alternative, shall
11 place the question on the official ballot for any regular municipal election upon submission to the
12 legislative body of a petition signed by 5 percent of the registered voters.

13 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question at
14 least 15 days, but not more than 30 days before the question is to be voted on. Notice of the hearing shall
15 be posted in at least 2 public places in the municipality, on the website of the municipality, and by
16 publication in a newspaper of general circulation at least 14 days before the hearing.

17 (c) In municipalities where games of chance are not currently in operation, the wording of the
18 question shall be substantially as follows: "Shall we prohibit the operation of games of chance within the
19 town or city?"

20 (d) In municipalities where games of chance are currently operating, the wording of the
21 question shall be substantially as follows: "Shall we prohibit additional games of chance operations with a
22 physical facility within the town or city?"

23 II. If a majority of those voting on the question vote "Yes," new games of chance may not be
24 operated within the town or city.

25 III. If the question is not approved, the question may later be voted upon according to the
26 provisions of paragraph I as early as the next annual town meeting or regular municipal election.

27 IV. A city or town may rescind its disapproval for operation of games of chance under RSA 287-D
28 by following procedures in paragraph I in this section.

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HB 737-LOCAL - FINAL VERSION
- Page 2 -

1 V. An unincorporated place may disallow the operation of games of chance by majority vote of
2 the county delegation, after a public hearing is held, and may be rescinded in a similar fashion.

3 VI. The lottery commission shall maintain a list of municipalities where games of chance have
4 been prohibited pursuant to this section.

5 VII. If the town, city, or unincorporated place has voted within this section to prohibit games of
6 chance, that municipality may pass an ordinance allowing only a specified number of charitable gaming
7 events per year, or a certain number of dates per year to be determined by the town, hosted by local
8 charitable organizations pursuant to RSA 287-D:4, and specifying how the municipality shall determine
9 how charitable organizations register for a gaming event.

10 VIII. Notwithstanding any other provision of law, including paragraphs I and II, any vote by a
11 municipality to prohibit games of chance within its boundaries shall not apply to any games of chance
12 operator licensed by the lottery commission, or any applicant who has applied for a games of chance
13 operator license prior to the date of the petition in subparagraph I(a) or the notice date in subparagraph
14 I(b), except that any operator who ceases operation for a period exceeding 4 years, or an applicant who
15 fails to commence operation within 6 years of application approval, shall be subject to any intervening
16 vote by the municipality.

17 288:2 Keno; Administration and Enforcement. Amend RSA 284:42 to read as follows:

18 284:42 Administration and Enforcement. The lottery commission shall administer and enforce this
19 subdivision ~~[in any town or city that has voted to allow such gaming]~~.

20 288:3 Keno; License Applications. Amend RSA 284:45, VI(a)(10) and (b) to read as follows:

21 (10) A lottery retailer licensed pursuant to RSA 284:21-h, if the city, town or
22 unincorporated place where the retailer is located has *not* voted pursuant to RSA 284:51, to ~~[allow]~~
23 *prohibit* the sale of keno. Lottery retailers licensed to sell keno under this subparagraph shall not display
24 keno on an active screen at the retailer.

25 (b) Document that the keno games will only be operated in towns and cities that have *not*
26 voted to ~~[allow]~~ *prohibit* the operation of keno games pursuant to RSA 284:51.

27 288:4 Keno; Local Option. RSA 284:51 is repealed and reenacted to read as follows:

28 I. Any town or city may prohibit the operation of keno games according to the provisions of this
29 subdivision, in the following manner:

30 (a) In a town, the question shall be placed on the warrant of an annual town meeting under
31 the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote
32 to place the question on the official ballot for any regular municipal election, or, in the alternative, shall
33 place the question on the official ballot for any regular municipal election upon submission to the
34 legislative body of a petition signed by 5 percent of the registered voters.

35 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question at
36 least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall
37 be posted in at least 2 public places in the municipality and published in a newspaper of general
38 circulation at least 7 days before the hearing.

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HB 737-LOCAL - FINAL VERSION
- Page 3 -

(c) The wording of the question shall be substantially as follows: "Shall we prohibit the operation of keno games within the town or city?"

II. If a majority of those voting on the question vote "Yes," keno games shall not be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph II at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to prohibit the operation of keno games may consider rescinding its action in the manner described in paragraph II of this section.

V. An unincorporated place may prohibit the operation of keno games by majority vote of the county delegation, after a public hearing is held.

VI. The lottery commission shall maintain a list of municipalities where keno is prohibited.

288:5 New Section; Operation Permitted. Amend RSA 284 by inserting after section 51 the following new section:

284:51-a Operation Permitted. A licensee shall be permitted to operate keno games at its business pursuant to this subdivision, provided that no license shall be issued to an entity operating within a municipality which has voted to prohibit keno pursuant to RSA 284:51.

288:6 Facilities License Application; Specific Requirements. Amend RSA 287-D:7, III to read as follows:

III. Licenses shall expire 3 years after being issued~~[, provided that the licensee shall annually file with the commission a statement disclosing any changes to the information required in the license application no later than December 31 of each year]~~. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

288:7 Game Operator Employer License Application; Specific Requirements. Amend RSA 287-D:8, VI to read as follows:

VI. Licenses shall expire 3 years after being issued~~[, provided that the licensee shall annually file with the commission a statement disclosing any changes to the information required in the license application no later than December 31 of each year]~~. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

288:8 Primary Game Operator License Application; Specific Requirements. Amend RSA 287-D:9, VI to read as follows:

VI. The primary game operator license shall expire ~~[on the last day of the month of the licensee's birthday]~~ 3 years after it is issued~~[, provided that the licensee shall annually file with the commission a statement disclosing any changes to the information required in paragraph I with the commission no later than the last day of the month of licensee's birthday]~~. The licensee shall immediately notify the commission in the event the licensee is subject to arrest or conviction of any criminal offense.

288:9 Secondary Game Operator License Application; Specific Requirements. Amend RSA 287-D:10, III to read as follows:

III. A secondary game operator license shall expire ~~[on the last day of the month of the licensee's birthday]~~ 3 years after it is issued~~[, provided that the licensee shall annually file with the commission a~~

CHAPTER 288
HB 737-LOCAL - FINAL VERSION
- Page 4 -

1 statement disclosing any changes to the information required in paragraph II with the commission no later
2 than the last day of the month of the licensee's birthday]. The licensee shall immediately notify the
3 commission in the event the licensee is subject to arrest or conviction for any criminal offense.

4 288:10 License Fees. Amend RSA 287-D:13, II-V to read as follows:

5 II. A facility license shall be [~~\$250 per year~~] ***\$750 per 3-year license period.***

6 III. A game operator employer license shall be [~~\$750 per year~~] ***\$2,250 per 3-year license period.***

7 IV. A primary game operator license shall be [~~\$100 per year, to be paid with the application the~~
8 ~~first year and paid in the subsequent 2 years with the filing of the annual notice of changes form required~~
9 ~~under RSA 287-D:9, VI~~] ***\$300 per 3-year license period.***

10 V. A secondary game operator license shall be [~~\$30 per year, to be paid with the application the~~
11 ~~first year and paid in the subsequent 2 years with the filing of the annual notice of changes form required~~
12 ~~under RSA 287-D:10, III~~] ***\$90 per 3-year license period.***

13 288:11 Effective Date.

14 I. Sections 2, 3, and 5 of this act shall take effect June 1, 2027.

II. The remainder of this act shall take effect July 1, 2025.

Approved: August 01, 2025


Effective Date:

I. Sections 2,3 & 5 effective June 1, 2027

II. Remainder effective July 1, 2025

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: August 4, 2025

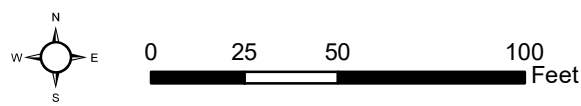
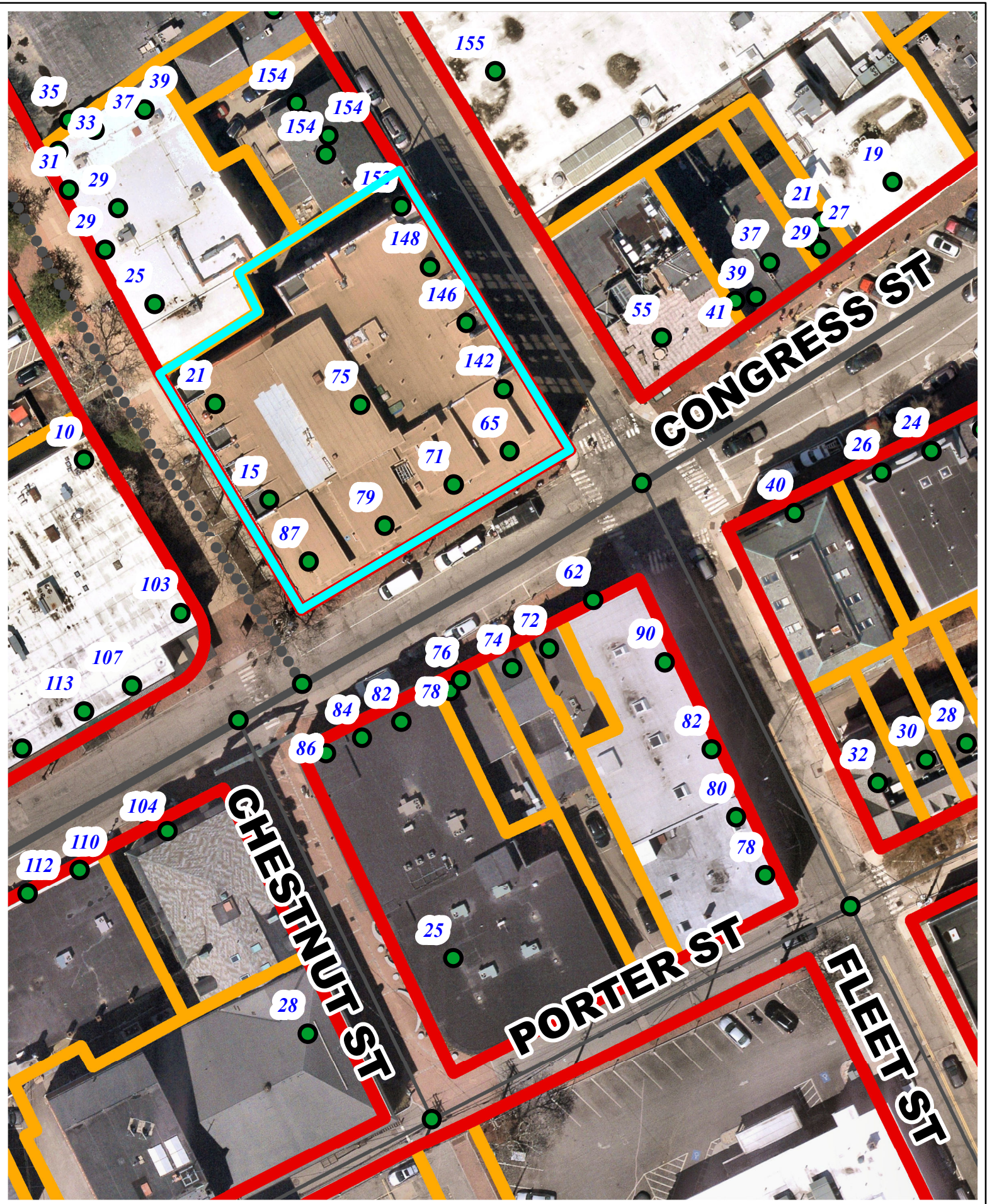
RE: City Council Referral – Projecting Signs
Address: 87 Congress Street
Business Name: Pepper Palace Inc.
Business Owners: Morten Steen-Jorgensen

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

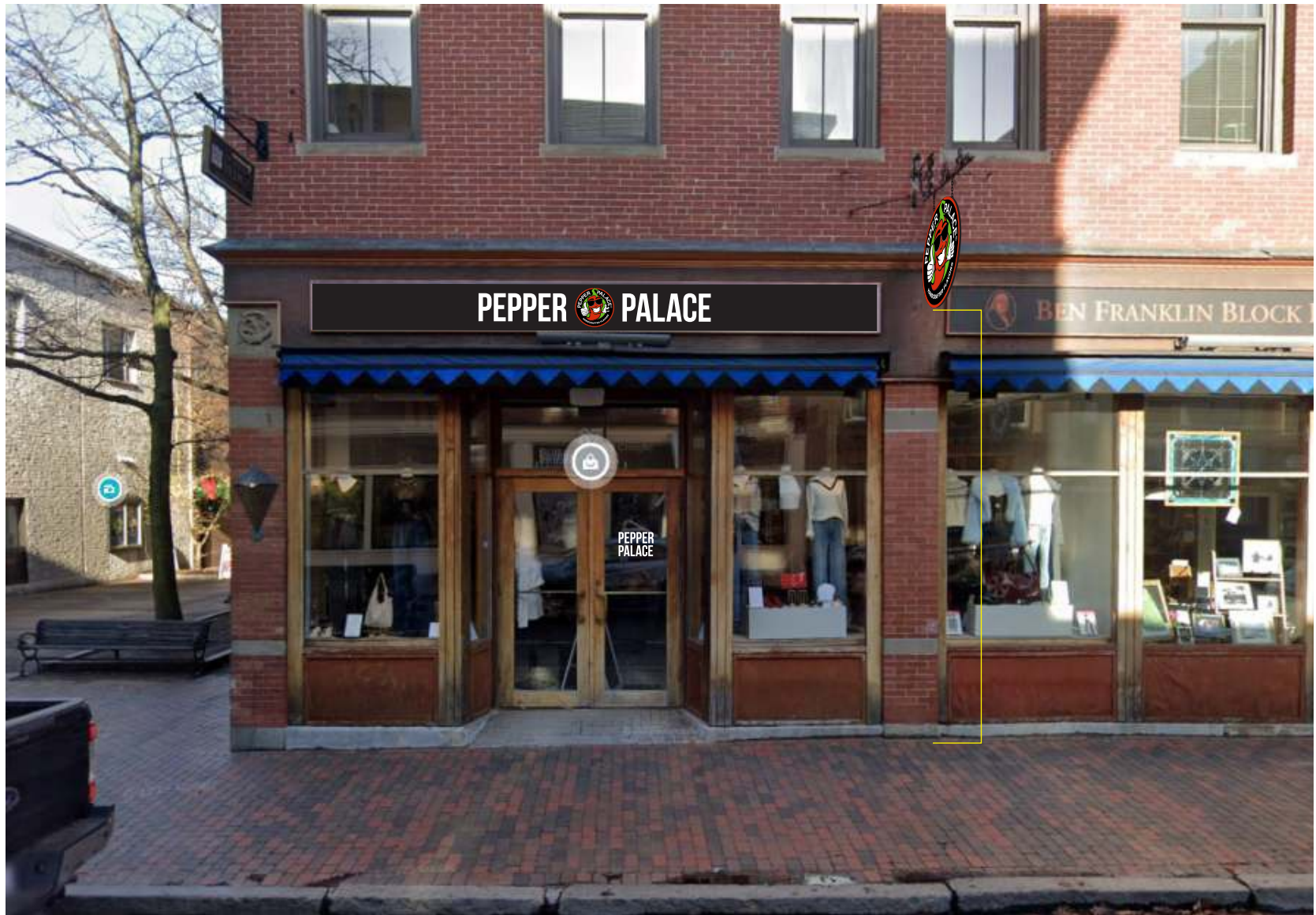
Sign dimensions: 3' x 3'
Sign area: 9 sq. ft.

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

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



**Request for license
87 Congress Street**



approx. 150" from sidewalk to bottom of sign



PANEL: Existing backer to remain & be repainted Black

GRAPHICS: Surface applied digitally printed die-cut vinyl to match colors shown

QUANTITY: (1) ONE REQUIRED

JOB NOTE: THIS IS WHAT THE LL WILL ONLY ALLOW

COLOR PALETTE

Black

Pantone 485 Red

Pantone 368 Green

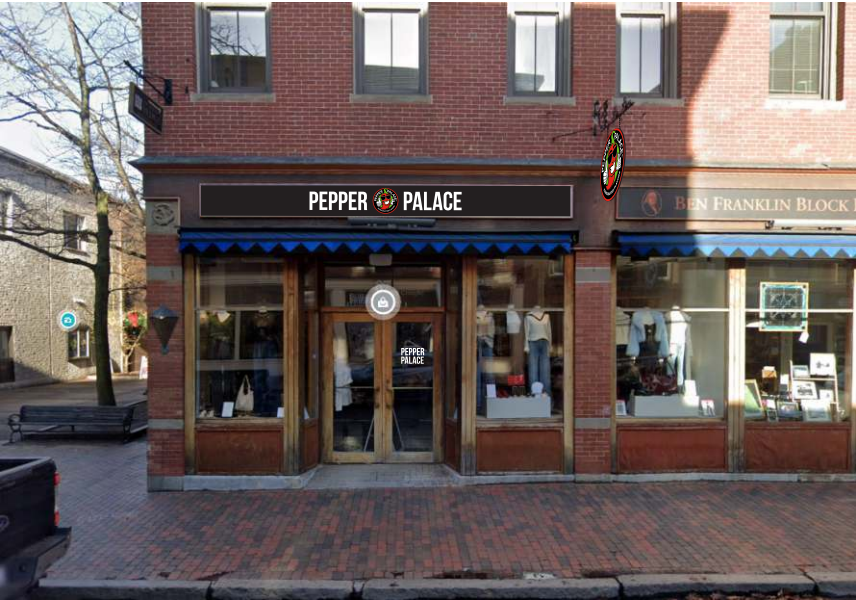
Pantone 7622 Dark Red

White
3M 7725-10 opaque white

Paint finish to be satin unless otherwise specified



Existing sign panel to remain;
Remove existing graphics as required;
Repaint panel black.



PROPOSED SIGNAGE
Scaled proportionally



SIDE A/B

GRAPHICS: 1" thick flat cut out Sintra painted black on faces and returns;
Logo to have surface applied digitally printed opaque vinyl

INSTALL: Reuse existing bracket & hang from chains & eye hooks as required

QUANTITY: (1) ONE REQUIRED

COLOR PALETTE

Black

Pantone 368 Green

White

Pantone 485 Red

Pantone 7622 Dark Red

Paint finish to be satin unless otherwise specified



Existing blade sign panel to be removed & replaced; Reuse existing bracket & hardware as required



PROPOSED SIGNAGE
Scaled proportionally



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/14/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Peoples First Insurance - Tennessee 800 S Gay St Ste 1505 Knoxville TN 37929	CONTACT NAME: Lisa Fleenor PHONE (A/C, No, Ext): 803-324-5262 E-MAIL ADDRESS: lfleenor@peoplesfirstinsurance.com	FAX (A/C, No): 803-329-5301
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Charter Oak Fire Ins Co		25615
INSURER B: Travelers Property Casualty Company Of America		25674
INSURER C: FARMINGTON CAS CO		41483
INSURER D: Coalition		
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** 2109745576 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	Y	Y-630-962J5086-COF-25	6/30/2025	6/30/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y	BA-3Y500682-25-14-G	6/30/2025	6/30/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	Y	Y	CUP-4Y040474-25-14	6/30/2025	6/30/2026	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input type="checkbox"/>	Y N / A	UB-6Y27948A-25-14-G	6/30/2025	6/30/2026	<input checked="" type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Cyber Liability			C4MJT009010CYBER2025	6/30/2025	6/30/2026	Cyber Liability \$5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Location: 75 Congress St, Ste 104, Portsmouth, NH 03801

The City of Portsmouth is named as an additional insured for a projecting sign located at, 75 Congress St., Suite 104, Portsmouth, NH 03801

CERTIFICATE HOLDER

CANCELLATION

The City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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September 2, 2025

Mayor McEachern and the City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth NH 03801

Dear Mayor McEachern and Council:

On behalf of Pro Portsmouth, Inc., I am requesting the City's permission to produce the following:

- **First Night Portsmouth 2026** Wednesday, December 31, 2025.
Activities:
Ice Sculpture – Market Square/North Church
Fireworks – South Mill Pond – Time: 7:30pm (Parrott Avenue plus various lot closures for fire safety zone)
Street closures – Church Street @ Congress Street – 1pm to 5pm (assembly of ice sculpture)
- **Children's Day**, Sunday, May 3, 2026; Noon – 4pm.
Street closure: 11am – 4:30pm – Pleasant Street: State Street to Market Square, no parking on Market Street – Bow Street to ISSCo. entrance (creates an extra pedestrian "lane.")
- **49th Annual Market Square Day Festival & 10K Road Race**,
Saturday, June 13, 2026; 9am – 4pm
Street closures – Downtown streets from 5am – 6pm.
Racecourse – 9:00am start
Roving closures along the course, with Marcy Street between Mechanic & Court Streets closed to traffic from 7:30am – 11am.
- **23rd Annual Summer in the Street**, Saturday evenings 5:30pm – 8:30pm
July 4, 11, 18, 25, August 1
Street Closures: 4pm (set up) – 9:00pm (clean up) – Pleasant Street – Porter Street to Market Square

P.O. Box 967
Portsmouth, NH 03802-0967
www.proportsmouth.org

First Night Sponsorship:

We respectfully request the City's financial support to defray the costs of the free elements of the event. The combined overall costs of outdoor activities (fireworks, ice sculpture) are once again projected to cost \$15,000 this year. Accordingly, we are requesting that, as was the case in prior years, the City joins us as a sponsor in support of the fireworks' display in the amount of \$3,000. We would acknowledge the City of Portsmouth as the official sponsor of the fireworks in all promotional materials.

Your consideration of this request is greatly appreciated, and your support will ensure that this event continues to draw thousands of visitors to the City, supporting our local performers, businesses and community as a whole.

I look forward to meeting with you to discuss the permitting process for all of our upcoming events.

Thank you in advance for your consideration.

Best regards,

A handwritten signature in black ink that reads "Barbara Massar". The signature is written in a cursive, flowing style.

Barbara Massar
Executive Director

cc: Karen Conard, City Manager

City Council Emails – August 14, 2025 – September 4, 2025

Submitted on Wed, 08/20/2025 - 14:33

Submitted by: Anonymous

Submitted values are:

First Name

Matthew

Last Name

Glenn

Email

matt.glenn@seacoastbikes.org

Address

34 Harrison Ave
Portsmouth, New Hampshire. 03801

Message

Dear Mayor and Councilors,

Thank you for unanimously adopting Portsmouth's new Bicycle and Pedestrian Network Plan. We appreciate the support, but are concerned that without a group of people meeting regularly to discuss implementation, there's a real risk it will sit on a shelf.

Many cities our size use volunteer Bike/Ped Advisory Committees to track progress, suggest improvements, and ensure low-cost opportunities (like adding bike lanes during paving) aren't missed. Our own past plans and League of American Bicyclists "report cards" recommend it.

We heard your hesitation at the Council meeting to create a new committee, and preference to work within the structure of the Parking & Traffic Safety Committee (PTSC). Over many years following PTSC, we've never once heard them refer to the Bike/Ped Plan when considering a street or intersection change. Their charter says nothing about plan implementation. While we do believe the Planning Department cares about Bike/Ped Network progress it is not discussed and reported on regularly or in a way that is open to the public. One update every five years is clearly not enough.

We propose a Bike/Ped Working Group to meet 3–4 times a year and report to PTSC through a committee member. If time is a concern, it could include just one member of the Planning and Sustainability Department and otherwise be made up of citizen volunteers. This group could:

- Review upcoming projects to ensure Bike/Ped recommendations are included
- Track progress on the Complete Streets policy and the new Bike/Ped Plan
- Perform bike, walk, and transit audits
- Partner with schools, transit, and accessibility groups
- Bring citizen energy and expertise into the process
- Work within the existing approval process of the PTSC

We'd welcome a meeting with the Mayor, Councilor Bagley, City Manager Conard, and Director Britz to discuss this. Let's make sure the effort put into this new plan leads to real improvements on the street.

Sincerely,
Matt Glenn
Co-signed by:
Gerry Duffy
Karen Jacoby
Bill Lyons
Kathy Oprea
Anne Poubeau
Doug Roberts
Jonathan Sandberg

Relevant examples from peer cities:

- South Portland, ME (pop. 27k) — 12-member Bike/Ped Committee advancing the Complete Streets policy. Includes residents, a Bicycle Coalition of Maine rep, Planning, Public Works, Police, and a City Councilor. Meets regularly and reports annually on progress.
- Bedford, MA (pop. 14k) — Separate Bicycle Advisory and Transportation Committees. The Bicycle Committee promotes cycling as part of community life, advises on all transportation projects, and ensures adherence to the town's Complete Streets and Pedestrian/Bike plans.
- Hanover, NH (pop. 12k) — Bike/Walk Committee advises the town on pedestrian and cyclist safety, road design, and policies supporting active transportation.
- Beaverton, OR (pop. 96k) — Bicycle Advisory Committee advises on infrastructure, safety, and promotion of bicycling citywide.

These cities are integrating volunteers, staff, and elected officials to ensure bike/ped plans are implemented—not shelved. Portsmouth can easily adapt one of these frameworks to fit our needs.

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

Yes

Submitted on Thu, 08/21/2025 - 05:54

Submitted by: Anonymous

Submitted values are:

First Name

David

Last Name

Ranta

Email

rantadave@gmail.com

Address

211 Pine Hill Rd
Cape Neddick, Maine. 03902

Message

Good morning,

I commute by bicycle to my job on West Road most weekdays from Kettery. As the year has gone by I have noticed the painted bicycle lane stencils have not been refreshed on Market, Islington, and State Streets. Also on Peverly Hill Road there are numerous potholes. Please continue to support bicycle travel in the city. Thanks for the wonderful bike path - please consider bringing it further into town.

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, 09/03/2025 - 14:39

Submitted by: Anonymous

Submitted values are:

First Name

Kathy

Last Name

Oprea

Email

kathleen.oprea@gmail.com

Address

1346 Islington St
Portsmouth, New Hampshire. 03801

Message

Please provide updates on the following City construction projects, and add to the upcoming City Council meeting if appropriate:

1. Peverly Hill Road Complete Streets project. Last update on the website states, "The right-of-way process is now underway can begin to obtain the necessary easements and land required to construct the project. Preparation of the Final Design plans is also ongoing at this time. It is expected that the right-of-way process and Final Design will take approximately a year, with construction possibly beginning as soon as 2026." Are negotiations underway for these easements?

2. South Mill Playground renovation. Will the results of the survey taken last fall or the minutes from the public meeting be shared? I'd like to see if any of the public comments addressed a water feature, and if this was taken into consideration by the City Council prior to approving the design. I have visited many playgrounds with unique and sustainable water features, which involve manual pumps so that children may build "creeks" and "dams" and use the manual pump to keep the water running. This is a great way to develop gross motor skills as well as logical reasoning skills. While the playground design that I've seen in Seacoastonline looks like it will have some imaginative features, it doesn't involve many gross motor or logical/team building challenges, and this is what

keeps things interesting for kids. Here are some examples of really unique ADA accessible playgrounds with the described water features and other environmentally sustainable features:

Carter Playground, Boston: <https://worldlandscapearchitect.com/wp-content/uploads/2021/06/Carter-Playground-6.jpg>

Glacken Playground, Cambridge: <https://maps.app.goo.gl/kAzoqYZGpRgjZmL49>

Squam Lake Natural Science Center pump/beaver dam exhibit

3. Seacoast Greenway connection to Community Campus. Currently, there is not a bike route to connect from the Seacoast Greenway to the Community Campus. If the Peverly Hill bike path is not completed, this leaves no safe bike route to get to the Community Campus. Has the city considered a path through the wooded areas off of Banfield Rd, which would require only a short time on Banfield before cutting over to the Community Campus?

Thank you for your time, and I look forward to working with you to make our city better. I've discussed all of these projects with a number of other citizens who are supportive and would like to help get things moving, including members of the Seacoast Area Bicycle Riders.

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

Yes



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Cable & Broadband Internet **Renewing applicant**

Name: Robert Capone Telephone: 603.380.8078 (cell)

Could you be contacted at work? YES/NO - If so, telephone # 603.431.4849 (try cell first)

Street address: 250 Elwyn Road, Portsmouth NH

Mailing address (if different): (same)

Email address (for clerk's office communication): rob.capone@werebor.com

How long have you been a resident of Portsmouth? 25 years

Occupational background:

IT: Technology Coordinator at Oak Point Associates for
25 years

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

Reasons for wishing to continue serving: I feel my technical experience
in IT, coupled with years on the Cable Commission
brings historical perspective and experience to the
current Commission. I also feel I mesh well with
the other members.

OVER
➔

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

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

(Portsmouth references preferred)

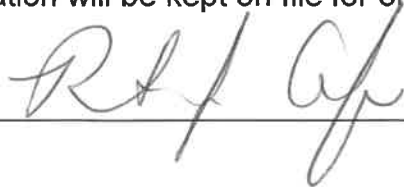
1) Lynne Langley, 84 Porpoise Way, Portsmouth NH, 603.431.4841(w)
Name, address, telephone number

2) Paul Ringuette, 308 Richards Ave, Portsmouth NH, 978.884.9193
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: _____



Date: _____

08/17/2025

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____

Date of Original Appointment: _____

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Board of Library Trustees **Renewing applicant**

Name: Katinka de Ruiter Telephone: 203-233-4645

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

Street address: 420 Lincoln Ave., Portsmouth NH 03801

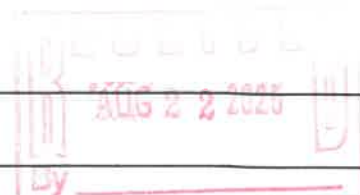
Mailing address (if different): _____

Email address (for clerk's office communication): Katinka.deruiter@gmail.com

How long have you been a resident of Portsmouth? 10 years

Occupational background:

graphic designer



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

Reasons for wishing to continue serving: I believe strongly in PPL's mission to engage, educate, empower & enrich our community. I love our library - my son and I are frequent patrons, and I sing its praises whenever I have the chance. Being a Board Member is my chance to give back to our community.



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

TEDx Portsmouth ; UNH Marine Docents ;
Portsmouth Women's City Club

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

- 1) Misa Erder 409 Lincoln Ave Portsmouth, NH 603-380-2668
Name, address, telephone number
- 2) Sage Clarke 582 Lincoln Ave Portsmouth, NH 603-205-9896
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: 08.18. 2025

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: _____

Annual Number of Meetings: _____ Number of Meetings Absent: _____

Date of Original Appointment: _____

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



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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

Committee: Library Trustee Initial applicant

Name: Jolande Fannin Telephone: 603-531-7233

Could you be contacted at work? YES ☒ NO ☐ If so, telephone# _____

Street address: 7 Brackett Lane Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): jfannin35@gmail.com

How long have you been a resident of Portsmouth? 17 years

Occupational background:

My background is in Information Technology
my most recent position is in Program
Management for FedPoint based on Pease.

Please list experience you have in respect to this Board/Commission:

I completed two terms as a Library
Trustee

➡ OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES ☒ NO ☐

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

Reasons for wishing to serve: I enjoy my previous terms
as a Library Trustee, the library is a wonderful
resource for Portsmouth and I look forward
to partnering with the management team.

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

Currently I participate in volunteer work
through the United Way.

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

1) Laura Ludes 124 State St. 603-498-4685
Name, address, telephone number

2) Margo Doering 300 Jones Ave 603-829-4477
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Jolande C. Janain Date: 8/9/25

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ☒ No ☐

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

JOLANDA ANNE FANNIN

EXPERIENCED PROGRAM AND OPERATIONS MANAGER

TECHNOLOGY | PROCESS IMPROVEMENT | PROJECT MANAGEMENT | STRATEGIC PLANNING
BUSINESS PROCESS ANALYSIS | SYSTEMS IMPLEMENTATION | CLIENT RELATIONSHIP MANAGEMENT

Experienced, goal-oriented operations executive with an MBA and PMP certification. Skilled at successfully handling every aspect of a project from detailed initial planning, contracting, analysis, scheduling, budgeting, risk management, resource allocation, relationship management through execution. Significant experience with large scale project management globally. Expertise in leading large projects in matrixed environment across countries and for cross-functional teams. Adept at crisis management, metrics/benchmarking, quality assurance, trouble shooting, cross-cultural management, and negotiating. Expertise in tech start-up management, emerging technology, and SaaS/PaaS. Flexible with ability to manage competing priorities. Drives a culture of continuous improvement by leading high performing teams, providing coaching and mentoring.

Experience

LTC Partners

2014 – Present

A third party benefits administrator specializing in federal government contracts.

Senior Project Manager

- Oversee all technical aspects of the Federal Long Term Care Program (FLTCIP) with 275,000 enrollees and client-facing teams across three locations, including sales, service, operations, institutional support, high net worth, and retention.
- Serve as a liaison between clients and internal technical groups to ensure delivery of projects on time, within budget, and to specification. Well versed in developing strategic plans for implementation and operation of business systems, enterprise project management, product support, and training.

IRISmaps Inc.

2011-2014

Developer of PaaS products based on Google Maps Engine (GME); originally part of Envista Corporation

Director of Professional Services and Support (2013-2014)

- Created business processes and managed professional services, including project management, account management, and support.
- Managed client expectations and ensures project delivery in conformance with company software development life cycle methodologies. Created new methodology for PaaS implementation.
- Implemented SaaS CRM and Support Systems.

Director of Professional Services and Support, Envista Corporation (2011 – 2013)

- Oversaw the planning, estimating, providing program oversight and day-to-day management, leadership, direction, and administration across a number of related projects over their full lifecycle. Successfully led programs spanning multiple departments and business units.
- Managed the implementation in major US and international cities.

Newmarket International

2004 – 2010

Delivers business solutions for sales and marketing automation, catering and events, workflow management, and service optimization.

Director of Strategic Consulting & Project Services, Portsmouth, NH (2007-2010)

- Led three teams, including Strategic Consulting, Enterprise Program Management, and Customer Solutions.
- Managed a \$2.5 Million world-wide software rollout to over 4600 locations providing program and project management, training, and consultation.
- Supervised a large global applications project; made project-level decisions and managed day-to-day team activities.

JOLANDA ANNE FANNIN

Director of Operations, London, UK (2005-2007)

- Led European office operations, including Systems Engineering, Office Management, and Project Management.
- Oversaw implementation projects ranging from 6-99 hotels and from \$250,000 to \$3.5 Million in revenue.

Implementation Services Manager, Portsmouth, NH (2004-2005)

- Managed five teams consisting of 37 trainers, consultants, project managers, and project office with revenue targets of \$3.2 Million.
- Led the implementation of projects ranging in size from 5-40 hotels and from \$200,000 to \$3 Million.

BDA Consulting, Sydney, Australia

2003 – 2004

An economics and environmental consulting firm.

Business Consultant

- Led projects, including business opportunity analysis, competitive intelligence research, technology project management and strategy formulation.

Micros Systems, Inc., Sydney, Australia

1995 – 2002

Acquired by Oracle; Manufactured and sold computer hardware, software, and services

Regional Director of Operations & Major Accounts – Asia Pacific –Hotel Systems (2000-2002)

- Led team of 26 multi-national staff based locally and throughout Asia.
- Managed regional product development, implementation teams, customer service, account management and product support with annual operating budget of \$2.5 Million.
- Managed the introduction of Oracle software products with a CRM focus to the Asia-Pacific region.

Regional Director, Major Accounts – Asia Pacific (1997-2000)

- Managed international, regional, and local major account relationships in Asia Pacific.
- Recruited, trained, and managed local and Asia-based account managers.

International Major Accounts Manager & Consultant – Germany (1995-1997)

Ayers Rock Resort Corporation, Australia

1992 – 1995

Located in Australia's heart with the expanse of the Outback.

Management Information Systems Manager

General Automation Hotel Systems, Australia

1991 – 1992

An electronic commerce company.

Installation and Training Project Manager

Education

MASTERS OF BUSINESS ADMINISTRATION

Macquarie University, Sydney, Australia

BACHELOR OF SCIENCE, Hotel Management

Purdue University, Indiana, USA

Certifications

PMP Certification, Project Management Institute

Certified Scrum Master

ITIL Foundation

Six Sigma Certification (pending)



Resignation Letter:
Portsmouth Sustainability
Committee

Dear Deaglan,

I am writing to formally resign from my position on the Portsmouth Sustainability Committee, effective immediately.

It has been an honor to serve and contribute to the important work the committee is advancing for our community. As the founder of a growing electric motorsports startup, I find myself increasingly pressed for time and unable to dedicate the presence and energy that this role deserves.

I want to ensure that my seat can be filled by someone who has the availability to participate more fully and continue driving positive impact for Portsmouth and beyond.

Thank you for the opportunity to serve. I remain passionate about the City's sustainability efforts and look forward to supporting them in other ways when possible.

Best regards,

Charles Sullivan,
CEO RadmotoUSA, LLC

Date: August 28, 2025

☎ (802) 870-6686

✉ Chas@radmotousa.com

📍 235 West Road, Unit 10
Portsmouth, NH 03801

September 2, 2025

Portsmouth City Council

Dear Councilors:

Thank you for placing your trust in me in early 2023, when I was appointed to the newly formed Public Art Review Committee. In the past three years the PARC has come a long way – defining specific criteria for public art, accepting and installing donated public art, and running a successful public engagement and request for proposal process – resulting in the recently installed sculpture on Pierce Island. We have also cataloged all of the existing public art in the city and engaged with several local artists and institutions that share the goal of enhancing our public life through art. The group has much to be proud of in its first several years.

I had intended to serve through my term to the end of 2025 but regret that I will have to resign, effectively immediately. I have been unable to attend monthly meetings for the past few months due to a variety of other obligations, and I don't feel comfortable continuing as a member without being able to give it my full attention.

The PARC is doing great work for the City of Portsmouth. I am proud to have been part of its genesis, and I look forward to enjoying the contributions of this group in the years to come.

Cordially,

Alyssa Murphy
334 Lincoln Avenue