

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 2, 2023 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_raqRHkV-QHex4XH51RwRaw

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- I. WORK SESSION – THERE IS NO WORK SESSION THIS EVENING
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

PROCLAMATION

1. FIRE PREVENTION WEEK – OCTOBER 8TH – OCTOBER 14TH
- VII. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*
- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
- IX. PUBLIC COMMENT SESSION *(This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)*
- X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinances:

- A. First Reading of Ordinance amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure ***(Sample motion – move to pass first reading and schedule public hearing and second reading at the October 16, 2023 City Council meeting)***
- B. First Reading of Ordinance amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee ***(Sample motion – move to pass first reading and schedule public hearing and second reading at the October 16, 2023 City Council meeting)***

Public Hearing of Ordinance:

- C. PUBLIC HEARING/SECOND READING of Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X, Towing, Section 7.1002 – Snow Removal Operations

- PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS
- (Sample motion – move to pass second reading and hold third and final reading at the October 16, 2023 City Council meeting)*

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Temporary Construction License for 238 Deer Street

XII. CONSENT AGENDA

(Proper Motion for Adoption of Consent Agenda – move to adopt the Consent Agenda)

- A. Request from Justin Perry, Loan Depot, to install a Projecting Sign at 175 Market Street, Unit 104 *(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning 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, for any reason, shall be done at 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, 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. Request from Joe Faro, Napoletana Pizzeria & Bar, to install a Projecting Sign at 14 Market Square *(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning 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, for any reason, shall be done at 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, 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*

- C. Letter from Laurie Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown area ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Chris Carragher, Seacoast Paddleboard Club (SPC), requesting permission to hold the 6th Annual Seacoast Paddleboard event on Sunday, October 29, 2023 from 10:00 a.m. to Noon at the Peirce Island Boat Ramp ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation from Portsmouth Elks Lodge 97 Regarding Recreation Department Grant - \$3,000.00 ***(Sample motion – move to approve and accept the grant as presented)***
- B. Email Correspondence ***(Sample motion – move to accept and place on file)***
- C. Letter from Eric Gold, requesting for exhibition of artwork at City Hall “Growing Up Portsmouth” ***(Sample motion – move to refer to the City Manager with Authority to Act)***
- D. Letter from Phil von Hemert, Sail Portsmouth, requesting the city split the cost of the Police Department invoice in the amount of \$2,619.95 for their traffic detail

XIV. MAYOR McEACHERN

1. *McIntyre Update
2. Reappointment to be Considered – Kelly Delekta to the Board of Library Trustees

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. *Council Work Session on Proposed Police Facility ***(Sample motion – move to hold a work session with the Police Commission and Community Policing Facility design team on November 13th prior to the Council meeting)***
2. *FY23 Year End Financial Update ***(Sample motion – move to request a report back to include parking revenue)***

B. COUNCILOR BAGLEY

1. **Action Items Needing Approval by City Council:**
 - Portwalk Place, request for renewal of parking licenses, by business owner ***(Sample Motion #1 - move to approve a renewal of valet license agreement for Portwalk, HI, LLC for a term of 1 year) (Sample Motion #2 – move to approve renewal of valet license agreement for Parade Residence Hotel, LLC for a term of 1 year)***
 - Mechanic Street, request for additional parking restrictions between Pickering Street and Hunking Street, by residents ***(Sample motion - move to prohibit parking on the land side of Mechanic Street between Hunking Street and Pickering Street)***
 - Snow Emergency parking ban, request for ordinance updates, by DPW ***(Sample motion - move to approve recommended changes to Chapter 7 as presented)***

- Sagamore Avenue, request for bicycle lanes and No Parking from Shaw Road to Wentworth House Road (***Sample motion - move to prohibit parking along both sides of Sagamore Avenue between Shaw Road and Wentworth House Road, contingent on no issue with businesses in this location***)
- 2. Parking & Traffic Safety Committee Action Sheet and Minutes of the September 7, 2023 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the September 7, 2023 Parking & Traffic Safety Committee meeting***)

C. COUNCILOR BLALOCK

1. *Recreation Board Update

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Senior Activity Center for the Luncheon Fund - \$500.00 (***Sample motion – move to approve and accept the donation as presented***)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Consolidated Rail Infrastructure & Safety Improvements (CRISI) Grant Announcement
2. *Pease Development Authority Update
3. *Outdoor Dining Update
4. Report Back on the Dock Request of Paul and Alison Dunne
5. Survey Results from the Cable and Broadband Internet Commission
6. Municipal Alliance for Adaptive Management Update

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

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

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

- Whereas:** Portsmouth suffered major fires in 1802, 1806 and 1813 that together destroyed 500 buildings and transformed the downtown streetscape from wood to brick while establishing a proud legacy of firefighting among the men and women of today's Portsmouth Fire Department; and
- Whereas:** As demonstrated as recently as the State Street Saloon fire of 2017, the threat of catastrophic fire in Portsmouth remains very real; and
- Whereas:** The National Fire Protection Association was founded in 1896 for fire protection education and to create what today are known as Life Safety Codes that mandate fire safety construction techniques, sprinklers and smoke detectors; and
- Whereas:** Sadly, despite ongoing fire prevention and fire safety efforts and education, in 2021 home fires killed more than 2,800 people in the United States and fire departments in the United States responded to 338,000 home fires; and
- Whereas:** Cooking is the leading cause of home fires in the United States, with fire departments responding to more than 166,000 each year, where two of every five home fires started in the kitchen and a third of those fires resulting from unattended cooking; and
- Whereas:** Last year we issued a Mayor's Award to two young residents in recognition of their bravery and quick thinking when they confronted a fire emergency at their home. We said, "By remaining calm, knowing the right steps to take to keep the fire from spreading, and calling 911, you were a model fire prevention citizen and are an example to the community."; and
- Whereas:** The 2023 Fire Prevention Week theme is "Cooking safety starts with YOU. Pay attention to fire prevention," to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

Now, therefore, I, Deaglan McEachern, Mayor of the City of Portsmouth, on behalf of the members of the City Council, the Portsmouth Fire Department and the citizens of Portsmouth, do hereby proclaim October 8-14, 2023

Fire Prevention Week in Portsmouth

And call upon our community to observe this month by thanking our Portsmouth Fire Department for their selfless dedication to fire safety, prevention, education and emergency response.

Given with my hand and the
Seal of the City of Portsmouth,
on this 2nd day of October 2023.

Deaglan McEachern, Mayor of Portsmouth



ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IX – CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE, Section 1.902, ELECTION CANDIDATE FINANCIAL DISCLOSURE, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE (Adopted Section 1.902 in its Entirety 6/4/2007; amended 07/10/2017; amended 04/16/2018 pursuant to referendum vote of the City of Portsmouth on November 7, 2017)

- A. Required Disclosure: Each candidate for City Council, School Board, Police or Fire Commissions, and every Political Action Committee shall report contributions and election related expenditures.
 - 1. Political Action Committee: The term “Political Action Committee” (PAC) is any person or group of people raising and spending money to elect or defeat candidates for City Council, School Board, Police and Fire Commissions or pass or defeat Charter Amendments, Ballot Questions or Referenda.
- B. The report of expenditures shall specify the cumulative total, need not be itemized, and shall be required only if the candidate’s or Political Action Committee’s expenditures since the last municipal election equal or exceed a cumulative total of \$100.00.
- C. The report of monetary contributions to the candidate or Political Action Committee shall identify each contribution of \$100.00 or more since the last municipal election by name, address, amount and date of contribution(s). **All such contributions in excess of \$100.00 shall be reported, whether the contribution is made in money, materials, or services. Contributions from sources unknown to the candidate shall be reported as such.**
- D. The reports must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which the candidate, slate of candidates or Charter Amendment, Ballot Question or Referendum appears.
- E. Any contribution received within the seven (7) days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two (2) weeks following the election.
- F. Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with

the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII. **In addition to any penalties available under the Code of Ethics, any violations of the mandatory disclosure ordinance may be reported by the Board of Ethics to the Office of the New Hampshire Attorney General.**

- G. The City Clerk shall prepare forms which shall be utilized by all persons and Political Action Committees subject to these disclosures.
- H. Public Records: All election financial disclosures shall be public records, **and shall be published on the City website.**

Form used by the State to implement RSA 15-A

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

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

ARTICLE IV: COMMISSIONS AND AUTHORITIES

Section 1.413: SUSTAINABILITY COMMITTEE

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

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

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

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

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

Instructions for the Mayor: Please reappoint all current members of this committee to three-year terms. The staggering of terms will occur after attrition allows numbers to drop below 9 members or when the initial three-year terms expire.

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, October 2, 2023 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X, TOWING, Section 7.1002 – Snow Removal Operations. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

Seacoastonline

Govt Public Notices

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LEGAL NOTICE

NOTICE IS HEREBY GIV-EN that a Public Hearing will be held by the Ports-mouth City Council on Mon-day, October 2, 2023 at 7:00 p.m., at the Portsmouth Mu-nicipal Complex in the Ei-leen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X, TOW-ING, Section 7.1002 – Snow Removal Operations. The complete Ordinance is available for review in the Office of the City Clerk and Ports-mouth Public Library, dur-ing regular business hours.

KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III – TRAFFIC ORDINANCE, Section 7.321, SNOW EMERGENCY PARKING BAN, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.321: SNOW EMERGENCY PARKING BAN

- A. The Director of Public Works ("**Director**" shall mean the **Director or designee**) shall be empowered to declare a **S**snow **E**emergency for the purpose of snow plowing **and removal of accumulated snow** during **or after** ~~snow-storms~~ **snowstorms**. The Director's authority to declare such an emergency shall begin when there is an accumulation of two (2) inches or more of snow- **or when snow accumulation from plowing operations requires a coordinated removal effort to be determined at the Director's discretion.** Once ~~the~~ **a Snow E**emergency is declared, ~~then the emergency~~ it shall continue until such time as it is terminated pursuant to the provisions of this ordinance. **The Director may declare a Snow Emergency at any time during a 24-hour period.**
- B. No person having custody or control of any vehicle shall park or cause any vehicle to be parked on any street or highway in the City of Portsmouth when a **S**snow **E**emergency is in effect. The Director ~~of Public Works~~ shall be empowered to cause any vehicle, which violates this ordinance to be ticketed and towed **at the owner's sole expense.**
- ~~C. Once the Director has declared a snow emergency, he or she shall then immediately notify the local media, radio, newspapers, and television. Whenever feasible, the Director shall also provide advance notification to the public of snowstorms likely to generate snow emergencies. The Director shall give notice to the local media as to when the snow emergency is terminated; when feasible, the Director shall provide notice as to the anticipated termination of the emergency based upon weather predictions.~~
- C. The Director shall notify the public when a Snow Emergency starts and ends by using at least three different mediums for communicating messages to the public, including but not limited to an automated push notification system, the City's website, social media, texts, signage and telephone notification.**
- ~~D. The Director's authority to declare a snow emergency shall be operable both during the daytime and the nighttime.~~
- E D. The Director's authority to declare a S**snow **E**emergency shall exist in addition to the emergency powers reserved to the Chief of Police under Section 7.303, Article

III of this ordinance; however, the Director ~~of Public Works shall consult with~~ and the Chief of Police ~~shall consult with each other~~ concerning the need for and the timing of any ~~S~~now ~~E~~mergencies.

~~F. The Director of Public Works shall cause appropriate signs to be posted at the City boundaries at: all exits from I-95, NH33 (formerly known as NH Route 101), US Rte 1, Woodbury Avenue, Ocean Road, Sagamore Avenue and US Route 1A/B. Such signage should provide notice regarding potential snow emergencies and should advise travelers where to seek further information on the snow emergency.~~

~~G. E.~~ City residents may park in ~~either~~ the High-Hanover ~~or Foundry~~ Parking Facility during ~~S~~now ~~E~~mergencies ~~when spaces are available. by paying a flat fee to be determined by~~ ~~†~~The City Council shall determine the resident flat fee for Snow Emergency parking annually through the adoption of fees through the budget resolution process. ~~commencing with a declared parking ban advanced notice until a time deemed appropriate by the Public Works Director or his/her designee following termination of the snow ban.~~ The time period allowed for ~~such~~ Snow Emergency parking for residents shall ~~begin once the Snow Emergency is in effect and shall not terminate less than two (2) hours after the Director determines the end Snow Emergency of the snow ban.~~ has ended. Electronic payment collection devices at both parking facilities are not capable of determining residency status. ~~To be eligible for the flat rate snow ban discount, drivers~~ Residents must provide proof of residency by presenting a driver's license or vehicle registration showing a Portsmouth address ~~to the cashier at either parking facility.~~ The fee is payable upon exit from the parking facility.

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article X – TOWING, Section 7.1002, SNOW REMOVAL OPERATIONS, of the Ordinances of the City of Portsmouth, be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE X: TOWING

Section 7.1002: SNOW REMOVAL OPERATIONS

- A. The Director of Public Works shall be empowered to prohibit parking on designated public streets for the purpose of removing accumulated snow.**
- B. Prior to declaring such a parking ban, the Director of Public Works shall notify the local media, radio, newspapers and television. The Director of Public Works shall provide as much advance notice of the impending parking ban as is possible under the circumstances.**
- C. The notification shall designate, either by street name or by district, such as "Central Business Districts", what portions of the City will be subject to the parking ban.**
- D. The Director of Public Works shall cause, prior to initiating the parking ban, appropriate signage to be posted in the downtown Central Business district indicating when the parking ban will be in effect and where available off-street public parking exists.**

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

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

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen Conard – City Manager
Peter Rice, Director - Department of Public Works
Monte Bohannon – Director – Communications & Community Engagement

FROM: Benjamin Fletcher, Director - Parking Division

DATE: 8.28.2023

SUBJECT: Public Outreach Efforts Changes for 2023

This memo is a follow up to our discussion on 8.21.23 regarding proposed changes to the City's Snow Emergency Messaging program. Specifically, we seek to eliminate the use of the City's website banner and two Channel 22 banners for live updates, choosing rather to create *seasonal* banners at those locations directing people to sources of live information.

The following communication methods will remain in use for live updates:

- Snow-related impacts page on cityofportsmouth.com
- SnoPhone recorded message
- Special Edition Newsletter (when possible), and
- The 'Smart911' system, allowing single-source data entry to create automatic updates to each of the following:
 - Voicemail alerts (requires free signup)
 - Text alerts (requires free signup)
 - Email alerts (requires free signup)
 - The City's social media accounts: X (formerly Twitter) and Official Facebook (no signup required)

Monte Bohannon is in possession of draft public outreach language to assist him in engaging his expertise for this purpose. Legal is working with the Parking Division to update the ordinance to implement.



PARKPORTSMOUTH

Snow Emergency Messaging

Snow Emergency Messaging in Portsmouth

The Portsmouth Department of Public Works makes extensive efforts to alert residents when winter storms generate enough snow to warrant an official response. Definitions and procedures are presently outlined in Portsmouth City Ordinance Chapter 7, sections 7.321 and 7.1002.

Proposed changes to these ordinances are designed to combine them and modernize the language, promote the City's Smart911 Alert system, and provide a clear understanding of each method of communication.

The following methodologies will continue to be utilized:

- Snow-related Impacts page on CityofPortsmouth.com
- SnowPhone recorded message
- Special Edition Newsletter (when possible)
- Smart911, which automatically includes:
 - Voicemail Alerts (requires free signup)
 - Text Alerts (requires free signup)
 - Email Alerts (requires free signup)
 - Automatic Updates to the City's Twitter and Facebook Accounts
- Channel22 Banner Will Continue to Reference Where to Find Snow Messaging





PARKPORTSMOUTH

Discussion



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: September 28, 2023

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 October 2, 2023

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

A. **First Reading of Ordinance Amending Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure:**

Attached please find proposed amendments to Chapter 1, Article IX – Conflict of Interest/Mandatory Financial Disclosure, Section 1.902, Election Candidate Financial Disclosure.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the October 16, 2023 City Council meeting.

B. **First Reading of Ordinance Amending Chapter 1, Article IV, Section 1.413 – Sustainability Committee:**

Attached please find proposed amendments to Chapter 1, Article IV, Section 1.413 – Sustainability Committee.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the October 16, 2023 City Council meeting.

C. **Public Hearing and Second Reading of Ordinance Amending Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban and Chapter 7, Article X – Towing, Section 7.1002 – Snow Removal Operations:**

The Parking Division has reviewed and recommended updates to the City's Snow Emergency Messaging Program as more fully explained in [Parking Division Director Ben Fletcher's memorandum](#). In order to implement these changes to the Messaging Program, two sections of Chapter 7 should be consolidated and amended as set forth in the attached amendments to Chapter 7, Article III, Section 7.321 (Snow Emergency Parking Ban) and Article X, Section 7.1002 (Snow Removal Operations).

These amendments have been reviewed and approved by the Parking Division, Public Works and Legal Departments and have been referred to the Parking and Traffic Safety Committee for consideration at their September 7, 2023 meeting.

I recommend that the City Council move pass second reading and schedule a third and final reading at the October 16, 2023 City Council meeting.

XI. City Manager's Items Which Require Action:

1. Temporary Construction License for 238 Deer Street:

SJM Construction Management, on behalf of Owner 238 Deer Street, LLC, is making improvements to property owned by 238 Deer Street, LLC located at 238 Deer Street as shown on the City of Portsmouth Assessor's Map as Tax Map 125, Lot 3 ("Property"). The Owner is constructing a 3-4 story mixed use building with 21 residential units. In order to construct the project and provide a barrier for public safety, [the Owner is requesting to encumber four license areas that abut its Property](#). The requested term of the license is approximately 13 months, from October 3, 2023 through October 31, 2024, for a total of 395 days.

Encumbrances for longer than 30 days are subject to the City Council's policy for encumbering city property entitled "License Fee for Encumbrance of City Property". Under this policy, a daily fee of \$0.05 per square foot is assessed to encumber city property and a flat fee of \$35 per parking space is assessed for spaces located outside the High Occupancy Zone.

The Owner seeks to encumber four separate license areas more fully described in [Exhibit A to the License](#) in the Council packet. License Area 1 is 692 square feet of the sidewalk that abuts the Property along Deer Street. License Area 2 is the two parking spaces that abut the property on Deer Street. License Area 3 is 288 square feet of a Public Access Easement located on 46 Maplewood Avenue, a parcel that abuts the Property over which the City has a Public Access Easement. Owner has also obtained a Temporary Construction Easement over this same Public Access Easement from 46 Maplewood Avenue Condominium Owners. License Area 4 is 466 square feet of a portion of Deer Street that abuts the Property and is located next to the two parking spaces in License Area 2.

The total License Fee for all four License Areas is \$56,208.50 and is calculated as follows:

- License Area 1: 692 square feet of sidewalk ($\$0.05 \times 692 \text{ square feet} = \34.60 per day $\times 395 \text{ days} = \$13,667.00$;
- License Area 2: Two parking spaces at \$35.00 each ($2 \times \$35 = \70.00 per day $\times 395 \text{ days} = \$27,650.00$;
- License Area 3: 288 square feet of Public Access Easement located on abutting property at 46 Maplewood Avenue ($\$0.05 \times 288 \text{ square feet} = \14.40 per day $\times 395 \text{ days} = \$5,688.00$); and
- License Area 4: 466 square feet of Deer Street ($\$0.05 \times 466 \text{ square feet} = \23.30 per day $\times 395 \text{ days} = \$9,203.50$).

The Legal and Planning Departments have reviewed and approved the form of the attached License.

If the Council agrees to grant the temporary construction license to encumber the four license areas described above for property located at 238 Deer Street, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept the temporary construction license to encumber the four license areas that abut 238 Deer Street as requested.

XII. Consent Agenda:

A. Projecting Sign Application – 175 Market Street:

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

Sign dimensions: 38” x 38”

Sign area: 10 sq. ft.

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

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

B. Projecting Sign Application – 14 Market Square:

Permission is being sought to install [two \(2\) projecting signs at 14 Market Square](#) that extends over the public right of way, as follows:

Sign dimensions: 41” x 41” each

Sign area: 11.6 sq. ft. each sign

The proposed signs comply 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 signs, 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 signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

XIII. Presentations and Written Communications:

A. **Presentation from Portsmouth Elks Lodge 97 Regarding Recreation Department Grant - \$3,000:**

Elyse Gallo, Grants Coordinator at Portsmouth Elks Lodge 97, will be present at this evening's meeting to present a grant for the Recreation Department in the amount of \$3,000 from the ELKS National Foundation Gratitude Grant for providing Red Cross Certification for new hires. She will also be discussing other grant opportunities that her organization has for local groups.

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

XVI. Approval of Grants/Donations:

A. **Acceptance of Donation to the Senior Activity Center - \$500:**

[Attached please find a donation form outlining the details of a \\$500 donation](#) to the Senior Activity Center from Terri Pollini.

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

XVII. City Manager's Informational Items:

1. **Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Announcement:**

The City has received \$460,000 in funds from the Federal Consolidated Rail Infrastructure & Safety Improvements Grant for a Bartlett Street Underpass Engineering Study. [A press release announcing this award is attached.](#)

2. **Pease Development Authority Update:**

The PDA Board met on September 21st, 2023 with no substantial votes taken or new information to share. Of note is the approval of two (2) new positions: Environmental Compliance Specialist and Greenskeeper. PDA Executive Director noted that the three-day air show held on September 8, 9 and 10 was a successful and safe event enjoyed by over 100,000 attendees. The Board will meet again on October 19th.

3. **Outdoor Dining Update:**

As a reminder, the outdoor dining season for all restaurants using public areas comes to a close on October 9, 2023 concurrent with Indigenous Peoples Day. We have sent a letter to all permittees to remove their outdoor dining setups from city sidewalks and streets no later than October 10th. Of note: DPW has scheduled paving projects in some of these downtown locations, and as such it is very important to keep to the agreed up on deadlines as outlined in the permit. Any questions related to this matter should be directed to Director of Planning & Sustainability Peter Britz. A follow up report will be provided later this fall, once the Planning and Sustainability Department closes out the season and can summarize the year in review.

4. **Report Back on the Dock Request from Paul and Alison Dunne:**

At the September 5, 2023 City Council meeting, the Council voted to refer a written request of Paul and Alison Dunne for a dock on Peirce Island to the City's Legal Department for a report back, [which is attached](#) for your review this evening.

5. **Survey Results from the Cable and Broadband Internet Commission:**

[Please find attached a memorandum from Deputy City Manager/Regulatory Counsel Suzanne Woodland regarding survey results from the Cable and Broadband Internet Commission.](#)

6. **Municipal Alliance for Adaptive Management Update:**

[Attached please find a memorandum from Deputy City Manager/Regulatory Counsel Suzanne Woodland regarding the Municipal Alliance for Adaptive Management \(MAAM\), which is a working group of several communities formed in response to the Environmental Protection Agency's issuance of the Great Bay Total Nitrogen permit in November of 2020.](#)

SJM

CONSTRUCTION MANAGEMENT

August 24, 2023

Attn: Portsmouth City Council
1 Junkins Ave
Portsmouth, NH 03801

RE: 238 Deer Street License Agreement

Dear Councilors,

The owner of the property located at 238 Deer Street, 238 Deer Street LLC, request a license of a portion of the public sidewalk in front of 238 Deer Street, two parking spaces directly in front of 238 Deer Street, the public alley that is between 238 Deer Street and 46 Maplewood Ave and a portion of Deer Street directly to the West of the two parking noted previously as shown in the attached exhibit. The requested area includes the use of two parking spaces on Deer Street and public alley to provide safe work area for the construction of the 238 Deer Street project, while maintaining a safe buffer for the general public.

SJM Construction Management has been granted permission to act on behalf of 238 Deer Street LLC for this license request.

Respectfully submitted

Stuart Mitchell
Construction Manager

CC:
238 Deer Street LLC
9 Merrimack Street
Seabrook, NH 03874

LICENSE AGREEMENT
238 DEER STREET, LLC

The City of Portsmouth (hereinafter "City"), a municipal corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to 238 Deer Street LLC (hereinafter "Licensee" or "Owner") with a principal place of business at 9 Merrimack Street, Seabrook, NH 03874, pursuant to the following terms and conditions:

1. **Areas of License and Use:** The Owner owns the property located in the City of Portsmouth, Rockingham County, State of New Hampshire, at 238 Deer Street, shown on the City of Portsmouth Assessor's Map as Tax Map 125, Lot 3 ("Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5890, Page 1712.

License Area 1: The City authorizes Licensee to temporarily use 692 square feet of sidewalk that abuts the Property along Deer Street, more particularly described in the attached Exhibit A.

License Area 2: The City authorizes Licensee to temporarily use 2 parking spaces that abut the Property along Deer Street, more particularly described in the attached Exhibit A.

License Area 3: The City authorizes Licensee to temporarily use 288 square feet of Public Access Easement sidewalk located on abutting property at 46 Maplewood Avenue, more particularly described in the attached Exhibit A. Licensee has also obtained a Temporary Construction Easement from 46 Maplewood Avenue Condominium Association for use of this Public Access Easement at 46 Maplewood Avenue.

License Area 4: The City authorizes Licensee to temporarily use 466 square feet of roadway on Deer Street that abuts the Property more particularly described in the attached Exhibit A.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a 3-4 story mixed-use building with 21 residential units.
3. **Term:** The term for **License Areas 1,2 3 and 4** shall be for approximately 13 months, from October 3, 2023 through October 31, 2024, for a total of 395 days.

Licensee may terminate this License prior to the end of the term by returning the License Areas to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Areas have been returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Areas to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Areas and again when it returns the License Areas to the City's control and use.
5. **License Fees:** The Owner shall pay to the City a license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that the Owner will be charged a daily fee of \$35 a day for the sidewalk encumbered by this license of \$0.05 per square foot per day for other city property.

License Area 1: The total license fee for License Area 1 for the use of 692 square feet of sidewalk is $\$0.05 \times 692 \text{ square feet} = \$34.60 \text{ per day} \times 395 \text{ days} = \mathbf{\$13,667.00}$

License Area 2: The total license fee for License Area 2 for the parking spaces is $\$35.00 \times 2 \text{ spaces} = \$70.00 \text{ per day} \times 395 \text{ days} = \mathbf{\$27,650.00}$

License Area 3: The total license fee for License Area 3 for use of City's Public Access Easement located on abutting property at 46 Maplewood Avenue is $\$0.05 \times 288 \text{ square feet} = \$14.40 \text{ per day} \times 395 \text{ days} = \mathbf{\$5,688.00}$

License Area 4: The total license fee for License Area 4 for use of a portion of Deer Street is $\$0.05 \times 466 \text{ square feet} = \$23.30 \text{ per day} \times 395 \text{ days} = \mathbf{\$9,203.50}$

The total License Fee for Areas 1, 2, 3 and 4 is **\$ 56,208.50**. The License Fees for License Areas 1, 2, 3, and 4 shall be paid in full prior to the start of the term of the License.

Because it is in the City's interest that the Licensed Areas be returned to the public use as soon as possible, if the License Areas are returned to the City prior to the end of the License Term, the City will refund the Licensee the portion of the License Fee paid but not used.

6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury or personal injury which arises as a result of its utilization of the Licensed Areas. This obligation survives termination or revocation of this Agreement.
 7. **Insurance:** At all times the Licensee shall maintain insurance for bodily injury and property damage in the amount of at least \$1,000,000 per occurrence. Licensee will provide proof of insurance to the City during the term of this Agreement and the City will be named as an additional insured.
 8. **Maintenance of Area:** During the term of this Agreement, Licensee shall maintain the License Areas in a safe, neat and orderly fashion and shall take such actions as are necessary to protect the public safety, including posting appropriate signage for pedestrians. The Licensee shall secure the perimeter of the License Areas and take such other measures as may be necessary for pedestrian and vehicular safety during use of the Licensed Areas.
- Owner is required to apply for separate Flagging Permits that are outside the scope of this License when closing roads that abut the Property and shall advise the City and abutters of all Flagging Permit applications in advance. Owner is also required to provide weekly updates to the City and abutters regarding construction activity for the following week until the project is complete.
9. **Damage:** Licensee agrees to remedy any damage to the License Areas caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of Licensee's repairing the damage.
 10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or

regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of approved and amended site plans may, at the City's discretion, result in revocation.

11. **Revocation:** The City may terminate this Agreement, or any provision contained in this agreement, on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use on-street parking. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts that make the prohibition against parking on City streets mandatory. Contractors shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses and comply with all conditions set forth in the Construction Mitigation Management Plan. Contractors may use loading zones for active loading and unloading of materials, equipment and tools.

Dated this _____ day of _____, 2023.

City of Portsmouth

By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____.

Dated this _____ day of _____, 2023.

238 Deer Street, LLC

By: _____
Authorized Member

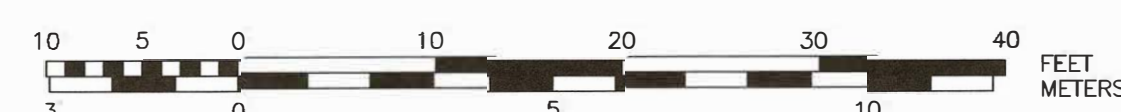
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE CONSTRUCTION ELEMENTS AS A PART OF THE CMMP PERMIT.

3	LICENSE AREAS	9/25/23
2	FENCE RELOCATION	9/20/23
1	CITY COMMENTS	7/24/23
0	ISSUED FOR COMMENT	5/9/23
NO.	DESCRIPTION	DATE


Country	Year	Sample size	Study design	Reference
Australia	1995	1,000	Cross-sectional	[10]
Belgium	1997	1,000	Cross-sectional	[11]
Canada	1994	1,000	Cross-sectional	[12]
France	1997	1,000	Cross-sectional	[13]
Germany	1997	1,000	Cross-sectional	[14]
Italy	1997	1,000	Cross-sectional	[15]
Japan	1997	1,000	Cross-sectional	[16]
Netherlands	1997	1,000	Cross-sectional	[17]
Norway	1997	1,000	Cross-sectional	[18]
Sweden	1997	1,000	Cross-sectional	[19]
Switzerland	1997	1,000	Cross-sectional	[20]
United Kingdom	1997	1,000	Cross-sectional	[21]
United States	1997	1,000	Cross-sectional	[22]

CM



MEMORANDUM

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning Director 

DATE: August 8, 2023

RE: City Council Referral – Projecting Sign
Address: 175 Market Street Unit 104
Business Name: Loan Depot
Business Owners: Justin Perry

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

Sign dimensions: 38" x 38"
Sign area: 10 sq. ft.

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

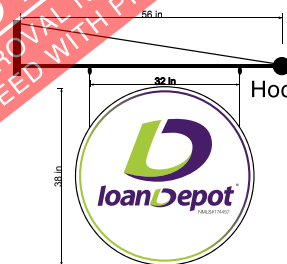
1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal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



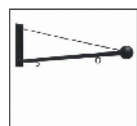
0 20 40 80 Feet

**Request for license
175 Market Street Unit 104**

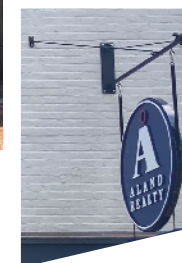
Loan Depot Projecting Sign



EXISTING



PROPOSED



PROJECTING SIGN:
QUANTITY: 1
SIZE: 38" Circle on 56" Style A bracket
MATERIAL: PVC with flat cut vinyl
SS or 2S: double sided
CONTENT: LoanDepot logo
GRAPHIC/TEXT COLOR: full color, Sign to print from supplied art, no Pantone Colors specified.
MOUNTING: New bracket, Style A with Internal Framing Hooks @ 32" apart, support stays
PLACEMENT CONSISTENT with ALAND REALTY PROJECTING SIGNS ON RIGHT SIDE OF THE BUILDING. Bottom of sign lines up with top of facade panel (see Aland sign position), and centered on brick wall between left window and rain spout

INSTALLATION NOTES:
MOUNTING SURFACE: Brick for projecting sign & wood facade for wall mounted
HEIGHT: Bottom of sign lines up with top of facade panel
CONSISTENT with ALAND REALTY PROJECTING SIGNS ON RIGHT SIDE OF THE BUILDING!
PERMITS (Y/N): Yes - customer to decided who is acquiring
EXISTING SIGN REMOVAL(Y/N): No
CONTACT PRIOR TO ARRIVAL: Justin Perry, Branch Manager, (603) 682-4293 cell



PortsmouthSign.com
 603-436-0047

REVISION:

All orders under \$250 include 1 revision only.
 All orders over \$250 include 2 revisions only.
 Additional revisions will be charged at \$25 per revision.

PLEASE NOTE:

Designs are NOT actual size and color may vary depending on printer and/or monitor.

8/2/2023

I understand this design is the final production order and replaces all previous drawings, notes and verbal instructions to this job. Standard vinyl & paint colors will be unless otherwise specified. I have carefully reviewed this proof and verify that it contains all necessary specifications and represents my order. I authorize fabrication according to this approval.

SIGNATURE: _____ Date: _____

RETURN SIGNED TO: service@portsmouthsign.com

©COPYRIGHT 2023, BY PORTSMOUTH SIGN COMPANY. All designs and custom artwork remain the property of Portsmouth Sign Company until the order is complete and paid in full.

231073 - LoanDepot - projecting exterior sign.fs

Z:\ALL JOB FILES

Designer: Britt

MEMBER

NORTHEAST STATES
SIGN ASSOCIATION




INTERNATIONAL
SIGN ASSOCIATION

The Chamber
COLLABORATIVE
 of Greater Portsmouth

MEMORANDUM

TO: Karen Conard, City Manager

FROM: Peter Britz, Planning & Sustainability Director 

DATE: July 28, 2023

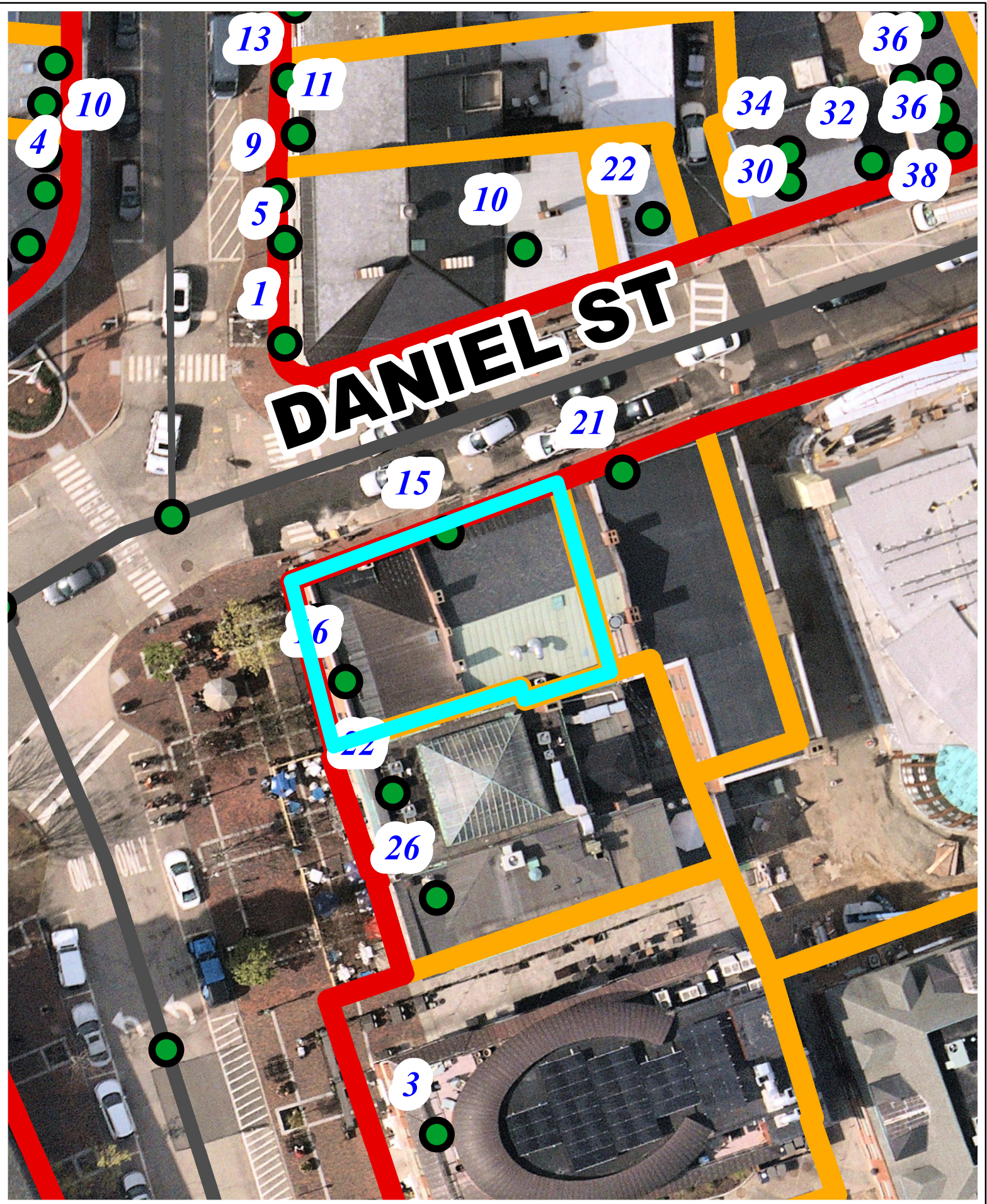
RE: City Council Referral – Projecting Sign
Address: 14 Market Square
Business Name: Napoletana Pizzeria & Bar
Business Owner: Joe Faro

Permission is being sought to install two (2) projecting signs that extends over the public right of way, as follows:

Sign dimensions: 41" x 41" each
Sign area: 11.6 sq. ft. each sign

The proposed signs comply 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 signs, 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 signs, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.



0 15 30 60 Feet

Request for license
14 Market Square





napoletana P I Z Z A & B A R

September 21, 2023

City Council
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Portsmouth City Council,

How is it possible October is coming away so fast. Reaching out to connect for Scarecrows of the Port visiting the streets of Portsmouth once again, I would like to request permission to place scarecrows in designated locations throughout the Portsmouth Downtown area for the 15th year.

Would be a pleasure to continue this tradition that the community loves. Scarecrows of the Port is still made of volunteers putting up and taking down the Scarecrows of the Port throughout downtown.

At this time, we are planning to put up 45 scarecrows that would be on City Property. We would like to put up the scarecrows, Sunday October 15th and take them down, Sunday November 5th. The Scarecrows of the Port Committee volunteers will be responsible for placement and removal.

As in the past we have a COI for insurance coverage.

Thank you for your continued support, we are thankful for all your support with helping us continue to bring joy to the community from the smiles of the Scarecrow around downtown.

Sincerely,



Laurie A. Mantegari
Scarecrows of the Port Volunteer

Scarecrow Locations 2022

Congress Street

1. Market Square
2. Market Square
3. Market Square
4. Market Square
5. Market Square
6. Light pole in front of North Church
7. Light pole in front of Thirsty Moose
8. Light pole in front of Chestnut Street
9. Light pole in front to Friendly Toast
10. Light pole in Vaughn Mall

Daniel Street

11. Light pole in front of GP (21 Daniel)
12. Light pole (corner Daniel & Penhallow)
13. Light pole in front of NEW Optima Bank (corner Daniel & Bow)
14. Light pole at Veterans Memorial Park (just after bridge from Kittery)
15. Light pole outside Harbor Place parking garage

Penhallow Street

16. In front of Ceres Bakery

Pleasant Street

17. Light pole in front of Rusty Hammer (corner Pleasant & State)

Bow Street

18. Light pole in front of Izzy's

Market Street

19. Light pole in front of Kennedy Gallery
20. Light pole in front of Federal Cigar
21. Light pole in front of Macro Polo (corner Market & Bow)
22. Light pole across the street from Moffatt Ladd House (after street parking ends)
23. Light pole next to Welcome to Portsmouth sign (corner Market & Deer)
24. Light pole next to Welcome to Portsmouth sign (corner Market & Deer)
25. Portsmouth Chamber office

Deer Street

26. Light pole in front of Residence Inn (next to sign for Harbor Events)

Hanover Street

27. Light pole to left of parking garage exit

Scarecrow Locations 2022

Maplewood Street

- 28. Light pole across from Bridge Street parking lot

Foundry Garage

- 29. Foundry Garage

Middle Street

- 30. Light pole in front of Discover Portsmouth
- 31. Light pole in front State Farm

State Street

- 32. Light pole in front of Rockingham Building Library Restaurant (401 State)
- 33. Light pole at crosswalk next to African Burying Ground
- 34. Light pole next to Book & Bar (corner State & Pleasant)
- 35. Light pole in front of Mr. Kim's at 107 State

Islington Street

- 36. Phone pole across from Café Kiln
- 37. Phone pole next to entrance to Dr. Clarizio's offices
- 38. Phone pole between entrances PMAC

Junkins Avenue

- 39. City Hall lamp post in parking lot
- 40. City Hall on pole to right of main entrance to building

Banfield Road

- 41. St. Patrick Academy

Pease Tradeport

- 42. Greenland Entrance
- 43. Greenland Entrance
- 44. Newington Entrance
- 45. Newington Entrance

From: [Chris Carragher](#)

Subject: Re: SPC Halloween Paddle at Peirce Island

Date: Monday, September 25, 2023 4:14:43 PM

Dear Mayor McEachern & City Council Members,

I am writing on behalf of the Seacoast Paddleboard Club (SPC) to seek your approval to host our 6th Annual on **Sunday, October 29, 2023, from 10:00 a.m. to 12:00 p.m. at the Peirce Island Boat Ramp**. This event, which typically attracts 20 - 30 paddlers, serves as a fundraiser for the Portsmouth Halloween Parade. One hundred percent of the registration fee (\$20.00) is donated directly to the Portsmouth Halloween Parade organization via their PayPal account.

Below is our proposed schedule of events for the day. The paddle itself will consist of a short circumnavigation around Round Island.

10:00 a.m. - 10:45 a.m. - Onsite Registration & Checkin

10:00 a.m. - 11:00 a.m. - Peirce Island Cleanup (materials will be provided by SPC & Blue Ocean Society)

11:15 a.m. to 11:40 a.m. - Costume Paddle & Judging

11:15 a.m. - 12:00 p.m. - Award Ceremony (1st & 2nd Place will be awarded for the following categories: Spookiest, Funniest, Most Creative, Nautical Theme, and best group -- up to six members).

All paddle participants are required to wear proper safety gear, including a PDF and a leash (for paddle boarders). We will once again have an insurance binder issued for this event naming the City of Portsmouth as additionally insured up to \$1M. The Park cleanup is open to the general public -- no purchase is necessary.

If you have any questions or recommendations, please let me know. If you'd prefer to speak with me by phone, I can be reached at 603.498.8198.

Thank you for your time and consideration.

Respectfully,
Chris Carragher



Portsmouth ELKS Lodge 97

500 Jones Ave

1804 Members

Annually over 5000 Volunteer Hours



Not a
501c3.....

a 'BPOE'

The **Benevolent Protective Order of Elks** is a community organization, with more than 1,000,000 members and over 2000 lodges nationwide.

The ***Elks National Foundation*** helps our local Portsmouth Elks Lodge #97 serve the Seacoast community through programs that support youth, serve Veterans, and meet local needs in order to build strength in our communities.

Every year, we have the opportunity to apply for the various Elks National Foundation Grants to benefit our struggling community programs.

We're here for you!!



2024 GRATITUDE GRANT

Lodge 97 applied for and was awarded the **\$3000 Gratitude Grant** to benefit the **FLW Jr #1 Group** rxw#Jhfwirq#Ghs's lifeguard training program!

This will pay for the training and certification costs for 7-8 teens entering the city's train-to-hire lifeguard program to become Red Cross certified lifeguards for our city pools.



2024 BEACON & SPOTLIGHT GRANTS

- Lodge 97 was awarded the Beacon & Spotlight Grants for a combined amount of **\$6000** to support *Operation Blessing's* Teen Summer Program, serving over 200 families within the Portsmouth Housing Authority.
- Elks members' construction of the new fitness & conditioning rig saved the Program \$3000 in assembly costs.
- Our Grants funded 75% of the Teen program's entire renovation & expansion at the Greenleaf Recreation Center!





This **\$10,000** Grant Program was spearheaded by the Lodge's Veteran's Committee. The \$10K was DOUBLED through the generosity of member and community donors.

2023 IMPACT GRANT (renewable)

This Grant Project is called **LINK: Liberty Investments Nurture Kinships**. **LINK** programming provides opportunities for us to reach out, connect, befriend and be welcoming to local active duty military serving on our local base. It's about developing sustaining connections and relationships so that @400 military, stationed right in our own community, are assured they have a home while they live and work here.



Why?

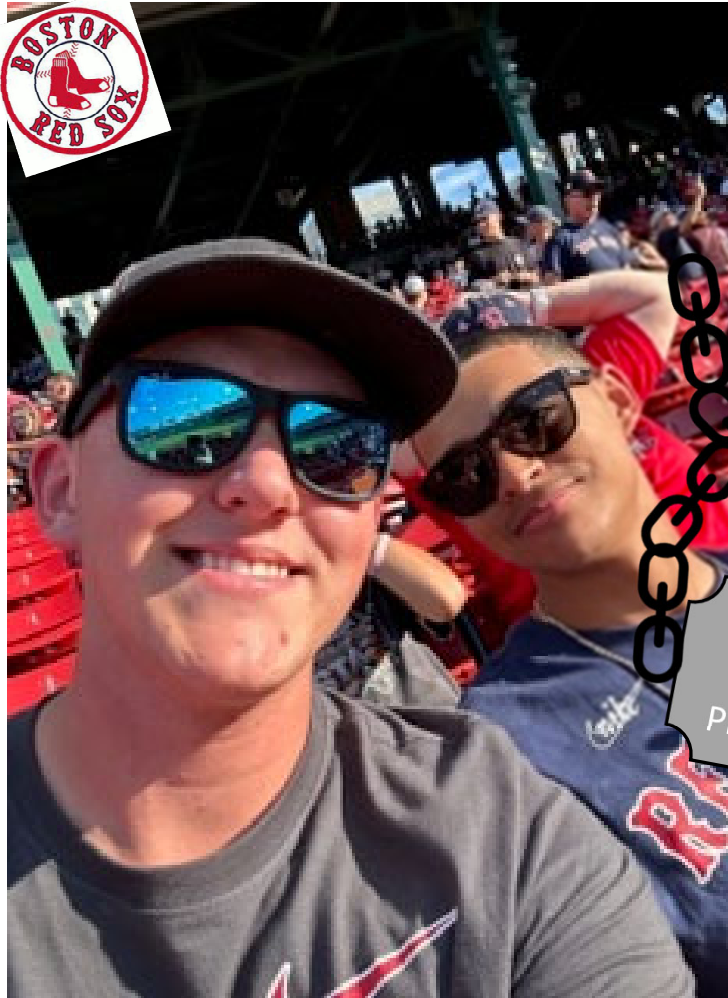
After working a long, exhausting day, the tendency is to return to the barracks and go online for entertainment, day after day after day. This creates a level of isolation that places our young, unaccompanied sailors at risk for a number of bad outcomes.

Months, or years can pass without getting to know people in the community, and how great the NH Seacoast can be for social life and recreational opportunities.

UNH Athletics
Bank NH Pavilion
Portsmouth Music Hall
Tour Portsmouth Golf Center
Gundalow
Strawbery Banke Museum
Bowl-O-Rama
Pet Partners
McKinnon's Supermarket

Thanks to these area sponsors, and many others, the **LINK** program and Lodge members have been able to partner with PNSY-based enlisted men and women on monthly pet therapy visits right on base, on concert trips, local comedy and music performances, fishing and sailing trips, and at the Lodge for camaraderie in the Grill room or at our Lodge Lobster Bake.





ELKS
LINK
Program





Since 2012, the Portsmouth Elks have contributed over **\$100,000** in Grant Funds to local recipients such as:

Operation Blessing's Teen Summer Program

Rockingham Meals on Wheels

Step Up Parents

Families First

Cross Roads House

Haven

Womenaid

Walk MS

Gift of Warmth

End 68 Hours of Hunger

NH Theatre Project

Seacoast Community School

Chase Home

Friends in Action NH

Pease Greeters

Seacoast Family Promise

Portsmouth Senior Center

etc. etc. etc

And finally...

In 2023, \$11,000 was donated in school scholarships, including students entering the trades.

\$9,000 supported Portsmouth Little League, Boy Scout Troop 164 and Seacoast Community School.

**We delivered 225 gift bags with homemade cookies, Christmas cards created by local Girl Scouts and a \$25 Market Basket gift card to elderly residents in Portsmouth Housing;
And 45 holiday food baskets for food insecure Veterans and families.**

To date, the Portsmouth Elks Veterans Committee has used @\$60K to distribute 214 'welcome home kits' to Veterans transitioning from homelessness to a new home through their Veteran Partner programs.

Elks Care — Elks Share



Thank you,

Elyse Gallo

Portsmouth Elks Grants Coordinator

It's not just a motto.

CITY COUNCIL E-MAILS

Received: September 19, 2023 – September 28, 2023 (before 10:00 a.m.)

October 2, 2023 Council Meeting

Submitted on Mon, 09/25/2023 - 11:35

Full Name

Chase Simon

Email

chase.simon22@yahoo.com

Subject

The old basketball/tennis courts underneath the I95 bridge

Address

145 Brewery Lane Apt 205

Portsmouth , New Hampshire. 03801

Message

Who do I talk to or what meeting do I need to go to that would involve repairing the tennis/basketball courts underneath the I-95 bridge in Atlantic Heights? They were closed a few years ago due to the aging bridge and the hazards associated with it. With that hazard being mitigated, it would be nice for the public have those courts again and it would look better than the overgrown area of shrubs that are now there.

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

Submitted on Mon, 09/25/2023 - 19:30

Full Name

Joel Brown

Email

joelrobertbrown@gmail.com

Subject

Site Investigation Committee for Indoor sports arena

Address

211 Union St

Portsmouth, New Hampshire. 03801-4349

Message

Dear City Councilors, As the head coach of the boys high school hockey team, a resident of Portsmouth, and lifelong hockey player. I would like to volunteer to be on the committee that is researching possible sites for the indoor sports facility. I have first hand knowledge of the hockey and skating situation in the seacoast area and it would make sense to have at least one person on the committee that has a background in ice sports. I'm also a business person with a great deal of experience starting companies. Who can I contact to discuss this further? I've left messages for Karen Conard but am not sure if she is the person responsible for this committee. Thank you. Joel Brown

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

September 25, 2023

Attention: Mayor Deaglan McEachern and the Members of the Portsmouth City Council

From: Eric Gold, Artist

RE: Request for Exhibition of artwork at City Hall.

Greetings,

I have been working on a large-scale community art project and I would like to exhibit this work at City Hall. The series is titled "Growing Up Portsmouth" and has been created over the past 3 years in celebration of Portsmouth's 400th anniversary.

Growing Up Portsmouth

Growing Up Portsmouth is a reflection of connection, collaboration and community. It's people painting together to create a unique body of artwork. A celebration of people who, over the past 50 years, have had a part in transforming Portsmouth into a vibrant cultural destination.

This project brings the Portsmouth community together to create a series of portraits led by Artist Eric Gold. Each portrait is painted by 100 people, creating a singular art experience. The mosaic-like paintings are strengthened by the unique artistic styles of each person, and each part contributes to the greater whole.

The Exhibit:

I am requesting permission to exhibit 6 paintings of "Growing Up Portsmouth" at Portsmouth City Hall for the last 3 months of 2023 (October, November and December). This is an ongoing project that will culminate with a larger exhibit in early 2024 at PMAC's Haas Gallery in Portsmouth.

About the Artist, Eric Gold

Eric Gold is an Emmy Award nominated filmmaker (2022) and artist whose work explores community and connection through the co-creation of art. Eric has led collaborative paintings with thousands of people across the US and Canada. He has done large commissions for organizations, schools, colleges, municipalities as well as private collectors. Eric Gold grew up in Portsmouth, and in his latest project, Growing Up Portsmouth, intertwines the stories of his coming of age with the evolution of Portsmouth's cultural scene. For examples of his work, visit ericgoldart.com

Below are the artworks for exhibit at Portsmouth City Hall.
These paintings were created at free, inclusive painting events in Portsmouth in 2022 and 2023. These portraits represent the work of 600 individuals.
The paintings are 34x52 ½ inches.



From top left: JerriAnne Boggis, Penelope Brewster, Virginia Roussell, Bruce Pingree, TJ Wheeler, Trevor Bartlett.



3S Artspace Event



UNH painting event with students from across southern NH.



PO BOX 545, PORTSMOUTH, NH 03802

September 25, 2023

Mayor Deaglan McEachern
All City Councilors
1 Junkins Avenue
Portsmouth, NH 03801

Invoice for Police Detail

Dear Mayor McEachern and City Councilors,

I'd like to thank you, on behalf of our all-volunteer board of directors and the 165 volunteers who worked at this summer's Sail Portsmouth tall ship event for the City's support in planning and running the event. In particular, we relied on the Police Explorer volunteers who helped with traffic and parking control at the event site and the Police detail who controlled vehicular and pedestrian traffic at the intersection of Marcy and Mechanic Streets throughout the four days.

As you are all too aware, the event was challenged by the threat of hazardous weather three times, resulting in the cancellation of two activities and one early closing, all of which negatively affected attendance numbers. Compared to 2022 when 8,400 people toured the tall ships over three days, this year's four-day run hosted only 5,840. Since ticket sales are our main source of revenue, this year was a major money-loser. This will adversely affect the 2024 Sea Challenge experiential education program for Seacoast high schoolers as well as our capacity to hold a robust Sail Portsmouth event in 2024.

I am asking you to find a way to help us by splitting the cost of the Police Department invoice in the amount of \$2,619.95 for their traffic detail. Normally, that would not be a burden. This year it is.

Respectfully,

Phil

Phil von Hemert
Board Chair Sail Portsmouth

Enclosure



City of Portsmouth, NH
1 Junkins Ave.
Portsmouth, NH 03801
(603) 431-2000 ext. 7248

Invoice # 2902016096

Customer Number: M00688
Invoice Date: 09/01/23
Due Date: 10/14/23
Total New Charges: 2619.95
Amount Enclosed:

Bill To:

PISCATAQUA MARITIME COMMISSION
DONALD STEPHENS
BOX 545
PORTSMOUTH, NH 03802

PLEASE DETACH AND RETURN THIS STUB FOR PROPER CREDIT

Customer #	Invoice #	Service Date	Location#	Service Location
M00688	2902016096	08/10/23	M00688	545 BOX 545

Item	Description	QTY	Rate	Amount
01148	POLICE-POLICE OFFICER, OUTSIDE DETAIL	30.50	85.90	2619.95
TOTAL NEW CHARGES				2619.95

MAKE CHECKS PAYABLE AND MAIL TO:

ATTN: Tax Collector
City of Portsmouth
1 Junkins Ave
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

SEP 13 2023
Renewing applicant

Name: Kelly Delekta Telephone: 9178059563

Could you be contacted at work? YES ☒ NO ☐ If so, telephone # 9178059563

Street address: 609 State Street, Unit 2 Portsmouth 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 9 years

Occupational background:

I began my career as a nonprofit fundraiser at the New York Public Library in Manhattan before continuing my work in development for myriad organizations in New York and then Boston. I am now co-founder/partner of Brightspot Consultants, a women-led Seacoast based nonprofit fundraising and strategy consulting firm where I advise various nonprofit clients around fundraising, governance, and operations.

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

Reasons for wishing to continue serving: _____

The Library is one of Portsmouth's most valued assets and libraries in general are some of our world's most important centers for accessible learning and knowledge. I would be delighted to leverage any of my skills to help sustain and support the Library however I can.

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

- None

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

1) Katherine Errecart; Rye, NH; katherine@brightspotconsultants.com; 206-321-7129
Name, address, telephone number

2) Marsha Filion; Portsmouth, NH; m3filion@yahoo.com; 603-205-0362
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: 9/8/23

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2026

Annual Number of Meetings: ^{Not} available Number of Meetings Absent: ^{Not} available

Date of Original Appointment: 10/19/2020

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

Kelly E. Delekta

609 State Street, Unit 2, Portsmouth, NH 03801
kellydelekta@gmail.com, (917) 805-9563

PROFESSIONAL EXPERIENCE

Brightspot Consultants, Portsmouth, NH

2018-present

Founding Partner

Co-founder of strategy and fundraising consulting firm that partners with nonprofit organizations to help them raise more money, serve more people, and operate more efficiently. Works with clients to build and implement development strategies, advise around governance operations, train board members, and aid in improving overall organizational design.

Current and Past Clients:

- AgeSpan, Arts In Reach, Bethlehem Trails Association, Big Brothers Big Sisters of NH, Boston Dance Theater, Connor's Climb Foundation, Gather, GoodWork NH, Hospice Help Foundation, Lincoln Nursery School, Meals on Wheels of Hillsborough County, Monarch School of New England, Moose Mountain Regional Greenways, My Breast Cancer Support, NH Audubon, NH Hunger Solutions, NH State Council on the Arts, NH Theatre Project, Portsmouth Music and Arts Center, The Dance Complex, The Dance Hall, The Waysmeet Center

José Mateo Ballet Theatre, Cambridge, MA

2010-2017

Director of Development and Institutional Advancement

Hired as third member of management team (with Artistic and Executive Directors) tasked with developing and implementing a comprehensive fundraising effort and creating a culture of giving while elevating the organization overall through membership on the Strategic Planning Team.

Key Contributions:

- In three years, grew General Operating Support revenue 44% to \$800,000.
- Significantly improved board engagement by systematizing Committee structure, professionalizing board support and operations, and implementing annual Board retreat.
- Became staff lead on organization's Legacy and Succession Planning effort, leading a team of board members tasked with planning for the Founder's eventual transition.
- Co-created the "Measuring Against Performance Dashboard" evaluation tool to develop quantifiable metrics for previously unquantifiable aspects of mission delivery.
- Co-led grantee cohort initiated by private foundation, developing and presenting quarterly sessions around best practices in individual donor cultivation, succession planning, and leadership development.
- Secured a \$250,000 Building Reserve grant from the Kresge Foundation, the organization's first national funder.
- Designed and oversaw 30th Anniversary Gala that exceeded goal by 42%.
- Grew and managed Development Team from one full-time staff member to 2.5 FTE.
- Implemented standard policies and improved benefits for staff members.

The Animal Medical Center, New York, NY

2009-2010

Major Gifts Officer

Created and executed a complete major gifts plan as part of newly formed position.

Key Contributions:

- Collaborated with Director of Development to determine and execute overall strategy for \$10 million Centennial Campaign.
- Identified, cultivated, solicited, and closed five and six figure gifts.
- Managed relationships with board members, donors and prospects through in-person hospital visits, phone calls, meetings, and stewardship events.

Paul Taylor Dance Foundation, New York, NY**2005-2009***Assistant Director of Development*

Responsible for all aspects of individual giving including soliciting, cultivating, and stewarding Board members, major donors, and Friends while producing cultivation and fundraising events, managing tracking systems, and developing a robust organization-wide internship program.

Key Contributions:

- Raised over \$1.2 million annually.
- Initiated and closed a \$400,000 major gift that underwrote the creation of a new work in full, the organization's largest individual donor contribution.
- Coordinated all aspects of the Annual New York Season Gala, raising \$800,000 yearly.

The New York Public Library, New York, NY**2002-2005***Associate Manager, The Conservators Program*

Strategized donor prospecting, stewardship, and solicitation efforts for 800-member program of contributors giving between \$1,250-\$24,999 annually while responsible for projecting, tracking, and analyzing income of over \$1.5 million.

Key Contributions:

- Created and developed new membership program for families. Defined program structure, formed committee and co-chairs, created benefits package, and drafted all appeal and prospecting materials.
- Oversaw one staff member.

Development Associate, The Conservators and Young Lions Programs

Processed all gifts and composed personalized acknowledgments for each donor's contribution.

Key Contribution:

- Was promoted to Associate Manager position within one year of employment.

VOLUNTEER AND MEMBERSHIP**Board of Trustees, Portsmouth Public Library****2020-present***Member and Secretary***Seacoast Women's Giving Circle, Portsmouth, NH****2015-2021***Member***New Hampshire Society for the Protection of Animals****2018-2019***Volunteer, Dog Care***Education for all Children (EFAC), Rye, NH and Kenya****2015-2016***Mentor***EDUCATION****Hamilton College, Clinton, NY**

Bachelor of Arts in Creative Writing and Dance, Cum Laude, GPA: 3.5

**LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 1 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Parade Residence Hotel LLC ("the Owner ") and is associated with the Marriott Residence Inn and the Portsmouth Harbor Events & Conference Center.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
 - The hours of operation for valet parking services are 24 hours per day, seven days per week.
 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
3. **Signage:**
 - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine the

placement of sign poles and will have final approval over the size and content of signs.

- This License agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.

4. **Term**: This License shall commence upon execution of this Agreement and continue for one (1) year. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
5. **Payment Terms**: Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
6. **Indemnification**: Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
7. **Insurance**: At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
8. **Maintenance of Area**: Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
9. **Damage**: Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 10/26/2022


CITY OF PORTSMOUTH

By: 
Karen Conard, City Manager

Pursuant to vote of the City Council on
September 19, 2022

Dated: 10/18/2022

**ULTIMATE PARKING II, LLC
d/b/a LAZ Parking**

By: 
Print Name: Blaine Hickey
Print Title: Regional Vice President

**LICENSE AGREEMENT FOR
ULTIMATE PARKING II, LLC
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

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 - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
 - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
 - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
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 6. **Indemnification:** Licensee agrees to Indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
 7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
 8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
 9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 10/26/2022


CITY OF PORTSMOUTH

By: 
Karen Conard, City Manager

Pursuant to vote of the City Council on
September 19, 2022

Dated: 10/19/2022

ULTIMATE PARKING II, LLC
d/b/a LAZ Parking

By: 
Print Name: Brian Hagan
Print Title: Regional Vice President



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/28/2023

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 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 Brown & Brown of MA, LLC 500 Victory Rd. Marina Bay North Quincy MA 02171	CONTACT NAME: Frank Griffin PHONE (A/C, No, Ext): (617) 471-1220 FAX (A/C, No): (617) 479-5147 E-MAIL ADDRESS: frank.griffin@bbrown.com														
INSURED Laz Parking Limited, LLC Three Copley Place Suite 3202 Boston MA 02116	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A: Liberty Mutual Fire Insurance</td><td>23035</td></tr><tr><td>INSURER B: LM Insurance Corporation</td><td>33600</td></tr><tr><td>INSURER C: Berkley Insurance Company</td><td>32603</td></tr><tr><td>INSURER D: HDI Specialty Insurance Company</td><td>16131</td></tr><tr><td>INSURER E: Federal Insurance Company</td><td>20281</td></tr><tr><td>INSURER F: Everest National Insurance Company</td><td>10120</td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Liberty Mutual Fire Insurance	23035	INSURER B: LM Insurance Corporation	33600	INSURER C: Berkley Insurance Company	32603	INSURER D: HDI Specialty Insurance Company	16131	INSURER E: Federal Insurance Company	20281	INSURER F: Everest National Insurance Company	10120
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COVERAGES **CERTIFICATE NUMBER: 23-24** **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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			EB2611260451033	7/31/2023	7/31/2024	MED EXP (Any one person) \$ EXCLUDED
	<input checked="" type="checkbox"/> Contractual Liability						PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000
	<input checked="" type="checkbox"/> ANY AUTO			AS2611260451013	7/31/2023	7/31/2024	BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
							\$
	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR		SEE ATTACHED LIST OF	7/31/2023	7/31/2024	EACH OCCURRENCE \$ 100,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE		POLICIES			AGGREGATE \$ 100,000,000
	<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A	WA561D260451053	7/31/2023	7/31/2024	E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	GARAGEKEEPERS LIABILITY			AS2611260451013	7/31/2023	7/31/2024	\$1,000,000 LIMIT
C	CRIME/EMPLOYEE DISHONESTY			BCCR4500289226	7/31/2023	7/31/2024	\$5,000,000 LIMIT

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

If agreed upon in a written contract or agreement, City of Portsmouth, its officers, city council members and employees are included as an additional insured for general liability, but only with respect to the operations of the named insured. Re: Sidewalk Obstruction License

CERTIFICATE HOLDER

City of Portsmouth
City Hall
1 JUNKINS AVE
PORTSMOUTH, NH 03801

CANCELLATION

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

Frank Griffin/FG



AGENCY CUSTOMER ID: 25084
LOC #: See ACORD 25

ADDITIONAL REMARKS SCHEDULE

Page ____ of ____

AGENCY Amity Insurance A Division of Brown & Brown of MA LLC		NAMED INSURED See ACORD 25	
POLICY NUMBER See Certificate		EFFECTIVE DATE: 7/31/2023	
CARRIER See Certificate	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE		NAIC #	
INSURER G: American Guarantee & Liability Insurance Company		26247	
INSURER H: Westfield Specialty Insurance Company		16992	
INSURER I: Great American Assurance Company		26344	
INSURER J:			

ADDITIONAL POLICIES		If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits						
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (mm/dd/yyyy)	POLICY EXPIRATION DATE (mm/dd/yyyy)	LIMITS	
D	EXCESS GENERAL LIABILITY			XLXD6109900S	7/31/2023	7/31/2024	AGGREGATE	\$4,000,000
E	UMBRELLA LIABILITY			79863543	7/31/2023	7/31/2024	AGGREGATE	\$25,000,000
F	EXCESS LIABILITY			XC9EX00286231	7/31/2023	7/31/2024	AGGREGATE	\$15,000,000
G	EXCESS LIABILITY			AEC011173109	7/31/2023	7/31/2024	AGGREGATE	\$15,000,000
H	EXCESS LIABILITY			XSL345214K00	7/31/2023	7/31/2024	AGGREGATE	\$10,000,000
I	EXCESS LIABILITY			EXC5125913	7/31/2023	7/31/2024	AGGREGATE	\$10,000,000
E	EXCESS LIABILITY			78187246	7/31/2023	7/31/2024	AGGREGATE	\$25,000,000

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – September 7, 2023
Conference Room A

PRESENT: **Members:** Chairman Andrew Bagley; Public Works Director Peter Rice; Erica Wygonik; Mary Lou McElwain; Steve Pesci; Mark Syracuse; Stefanie Casella, Planning Department; Deputy Police Chief Mike Maloney; Fire Chief Bill McQuillen

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

ACTION ITEMS FOR CITY COUNCIL

- Portwalk Place, request for renewal of valet parking licenses, by business owner: **Voted to** approve a renewal of valet license agreement for Portwalk, HI, LLC for a term of 1 year. **Voted** to approve renewal of valet license agreement for Parade Residence Hotel, LLC for a term of 1 year.
- Mechanic Street, request for additional parking restrictions between Pickering Street and Hunking Street, by residents: **Voted** to prohibit parking on the land side of Mechanic Street between Hunking Street and Pickering Street.
- Snow Emergency parking ban, request for ordinance updates, by DPW: **Voted** to approve recommended changes to Chapter 7 as presented.
- Sagamore Avenue, request for bicycle lanes and No Parking from Shaw Road to Wentworth House Road: **Voted** to prohibit parking along both sides of Sagamore Avenue between Shaw Road and Wentworth House Road, contingent on no issue with businesses in this location.

- **Roll Call:** Chairman Bagley noted Harold Whitehouse's resignation from the Parking and Traffic Safety Committee. Erica Wygonik is now a full voting member.
- **Financial Report:** **Voted** to accept and place on file Financial Report dated July 31, 2023.
- **Public Comment Session:** There were eleven speakers: Francesca Marconi-Fernald, Steve Marison, and Esther Kennedy spoke regarding parking on Mechanic Street. Susan Alex spoke regarding notifying residents of changes. Greg Hebert spoke about crossing Lafayette Road from Hillside Drive. Sue Polidura spoke regarding private parking lots resembling City lots. Liza Hewitt spoke on several subjects including speeds on Middle Road, parking on Mechanic Streets and High Street, and outdoor dining effects on parking. Petra Huda spoke regarding parking on High Street. Barbara Destefano spoke in favor of Mark McNabb's improvement plans on High Street. Robin Rousseau (Z) spoke against these plans. Justin Richardson (Z) commented on the speed bumps on Woodbury Ave.

- **Presentation by Ambit Engineering on proposed street improvements to High Street, Ladd Street and Haven Court.**
- **High Street, request for report back and recommendation on proposal to remove parking spaces and loading zones between Congress Street and Ladd Street, by City Council:** Voted to do a site walk and refer to staff for further evaluation and report back.
- **Portwalk Place, request for renewal of valet parking licenses, by business owner:** Voted to approve a renewal of valet license agreement for Portwalk, HI, LLC for a term of 1 year. Voted to approve renewal of valet license agreement for Parade Residence Hotel, LLC for a term of 1 year.
- **Mechanic Street, request for additional parking restrictions between Pickering Street and Hunking Street, by residents:** Voted to prohibit parking on the land side of Mechanic Street between Hunking Street and Pickering Street.
- **Snow Emergency parking ban, request for ordinance updates, by DPW:** Voted to approve recommended changes to Chapter 7 as presented.
- **Pedestrian crossing of Lafayette Road from the Hillside Drive neighborhood:** Voted to refer to staff to study and report back including legal review, and short- and long-term solutions.
- **Sagamore Avenue, request for bicycle lanes and No Parking from Shaw Road to Wentworth House Road:** Voted to prohibit parking along both sides of Sagamore Avenue between Shaw Road and Wentworth House Road and to revisit marking of bike lane after upcoming roadway widening project north of Shaw Road, contingent on no issue with businesses in this location.
- **State Street 2-Way traffic study, request for report back on status, by City Council.** Staff to report back at next meeting.
- **Marcy Street, further discussion of pedestrian crossings and vehicle speeds:** Voted to place on file.
- **Monthly Accident Report from Police:** Informational; No action required.
- **South Mill Street and Pickering Avenue intersection parking restrictions.** This will be added as an agenda item at the next meeting.
- **Deer Street developments' construction impacts:** Informational; No action required.
- **Woodbury Avenue speed cushions update.** Informational; No action required.

Respectfully submitted by: Leila Birr

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

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

Members of the public also had the option to join the meeting over Zoom.

8:30 AM

September 7, 2023

MINUTES

I. CALL TO ORDER

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

II. ATTENDANCE

Members Present:

Chairman Andrew Bagley
Vice Chairman Steve Pesci
Public Works Director Peter Rice
Stefanie Casella, Planning Department
Deputy Police Chief Mike Maloney
Erica Wygonik
Mary Lou McElwain
Mark Syracuse
Fire Chief William McQuillen

City Staff Present:

Parking Director Ben Fletcher
City Engineer – Parking, Transportation and Planning Eric Eby
Associate Engineer Tyler Reece

[00:06:43] Chairman Bagley noted that Harold Whitehouse has resigned his position on the Committee, and Dr. Erica Wygonik is now a full Committee member. We are in the process of appointing a new alternate.

III. FINANCIAL REPORT

[00:07:02] Mary Lou McElwain moved to accept the Financial Report dated July 31, 2023, and place it on file, seconded by Peter Rice. **Motion carried 9-0.**

IV. PUBLIC COMMENT (15 MINUTES)

This is the time for all comments on any of the agenda items or non-agenda items.

1. [00:07:43] There were eleven speakers: Francesca Marconi-Fernald, Steve Marison, and Esther Kennedy spoke regarding parking on Mechanic Street. Susan Alex spoke regarding notifying residents of changes. Greg Hebert spoke about crossing Lafayette Road from Hillside Drive. Sue Polidura spoke regarding private parking lots resembling City lots. Liza Hewitt spoke on several subjects including speeds on Middle Road, parking on Mechanic Streets and High Street, and outdoor dining effects on parking. Petra Huda spoke regarding parking on High Street. Barbara Destefano spoke in favor of Mark McNabb's improvement plans on High Street. Robin Rousseau (Z) spoke against these plans and spoke regarding snow parking ban procedures. Justin Richardson (Z) commented on the speed bumps on Woodbury Ave.

V. PRESENTATIONS

[00:35:53] High Street, Ladd Street and Haven Court, proposed street improvements by developer of 1 Congress Street, by Ambit Engineering.

VI. NEW BUSINESS

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

[01:09:36] Peter Rice moved to bring forward item B. under new business, seconded by Erica Wygonik.

- B. High Street, request for report back and recommendation on proposal to remove parking spaces and loading zones between Congress Street and Ladd Street, by City Council. Peter Rice made a motion to do a site walk and refer to staff for further evaluation and report back. **Motion passed unanimously, 9-0.**
- A. [01:22:49] Portwalk Place, request for renewal of valet parking licenses, by business owner. Peter Rice moved to approve a renewal of valet license agreement for Portwalk, HI, LLC for a term of 1 year. Seconded by Steve Pesci. **Motion passed 9-0.** Peter Rice moved to approve renewal of valet license agreement for Parade Residence Hotel, LLC for a term of 1 year. Seconded by Mark Syracuse. **Motion passed 9-0.**
- C. [01:23:43] Mechanic Street, request for additional parking restrictions between Pickering Street and Hunking Street, by residents. Steve Pesci made a motion to prohibit parking on the land side of Mechanic Street between Hunking Street and Pickering Street, seconded by Mark Syracuse. **Motion passed unanimously, 9-0.**

- D. [01:37:08] Snow Emergency parking ban, request for ordinance updates, by DPW. Peter Rice moved to approve recommended changes to Chapter 7 as presented, seconded by Mary Lou McElwain. **On a unanimous vote motion carried 9-0.**

[01:45:19] Peter Rice moved to move IX. Miscellaneous forward in the agenda, seconded by Mary Lou McElwain. **Motion carried 9-0.**

IX. MISCELLANEOUS

Peter Rice made a motion to suspend the rules to allow Greg Hebert to speak, seconded by Steve Pesci. **On a unanimous vote, the motion passed 9-0.**

Greg Hebert provided information on behalf of the Hillside Drive neighborhood regarding pedestrian crossing of Lafayette Road, which was discussed.

Erica Wygonik moved to refer to staff to study and report back including legal review, and short- and long-term solutions. Peter Rice seconded. **On a unanimous vote, the motion passed 9-0.**

VII. OLD BUSINESS

- A. [02:03:16] Sagamore Avenue, request for bicycle lanes and No Parking from Shaw Road to Wentworth House Road. Peter Rice made a motion to prohibit parking along both sides of Sagamore Avenue between Shaw Road and Wentworth House Road and to revisit marking of bike lane after upcoming roadway widening project north of Shaw Road. Seconded by Steve Pesci. Motion contingent on no issue with businesses in this location. **Motion unanimously passed 9-0.**
- B. [02:05:20] State Street 2-Way traffic study, request for report back on status, by City Council. The memorandum is being finalized and should be ready for this committee to review next month.
- C. [02:05:38] Marcy Street, further discussion of pedestrian crossings and vehicle speeds. Peter Rice moved to place on file, seconded by Steve Pesci. **Motion carried 9-0.**

VIII. INFORMATIONAL

- A. [02:06:01] Monthly Accident Report
- B. [02:06:21] South Mill Street and Pickering Avenue intersection parking restrictions. This will be added as an agenda item at the next meeting.
- C. [02:09:12] Deer Street developments' construction impacts.

D. [02:12:16] Woodbury Avenue speed cushions update.

IX. MISCELLANEOUS

[02:16:17] Erica Wygonik would like to address bicycles crossing South Street at the intersection of Elwyn Avenue and Clough Drive, by students going to and from Little Harbour School.

[02:20:32] Mary Lou McElwain would like to address electric scooter use on sidewalks.

X. ADJOURNMENT

Erica Wygonik moved to adjourn at 10:47 a.m., seconded by Peter Rice. **Motion carried 9-0.**

Respectfully submitted,

Leila Birr
Administrative Assistant
Department of Public Works

Gift and Donation Submission Form

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

Date:	9/14/2023
Department/ Contact Person:	Senior Activity Center, Nicole Finitsis
Donation Amount:	\$500.00

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

Senior Activity Center Luncheon Fund 13

Is there a particular purpose intended with this donation:

This donation is from senior activity center member Terri Pollini who is grateful to benefit from the center's offerings of programs, activities, and goodies in our lounge.

Other Information/Special Conditions:

--

Donor Information

First & Last Name:	Terri Pollini
Business Name:	Service Credit Union
Address*:	PO Box 812, Dover, NH
Phone*:	603-609-8007
Email*:	None

Gift and Donation Submission Form

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



CITY OF PORTSMOUTH NH



September 26, 2023

City of Portsmouth NH Receives \$460,000 Federal Consolidated Rail Infrastructure & Safety Improvements Grant for Bartlett Street Underpass Engineering Study

Portsmouth, New Hampshire – In a phone call to Mayor Deaglan McEachern on September 25, 2023, US Transportation Secretary Pete Buttigieg extended his congratulations to the City of Portsmouth on being selected for the Fiscal Year 2022 Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program. The City applied for a \$460,000 grant to cover the cost of the engineering studies necessary to reconfigure the Bartlett Street underpass and railroad bridge.

The project also includes Preliminary Engineering Studies with cost estimates for surface and safety improvements at three public grade crossings (Barberry Lane, Maplewood Avenue and Green Street) on the CSX Portsmouth Branch as well as the public crossing at Market Street on the CSX Newington Industrial Track. The Maplewood Avenue and Market Street crossings are already included in the New Hampshire 2023-2032 10-Year Transportation Improvement Plan.

“The Department of Transportation just announced \$1.4 billion in railroad improvements covering just 70 projects – and Portsmouth is one of them. This rail project supports the economic vitality of Portsmouth and of the State of New Hampshire by ensuring that efficient and reliable rail transportation can move products in and out of the Port of Portsmouth, the Portsmouth Naval Shipyard and other rail-served businesses in the City,” said Mayor McEachern in making the announcement. “Railroads have been so central to our economy for the past two hundred years that there is a train depicted on the City seal. Thank you to the Department of Public Works and our Legal Department working with our grant consultant to make a convincing argument in the grant application to the Federal Transportation Department. Thanks to this grant the City will be able to improve both the rail line and the safety of Bartlett Street for the neighborhood.”

This project will perform Preliminary Engineering, and the development of specifications and cost estimates for the replacement of the 135-year-old girder bridge over Bartlett Street. Part of the CSX Portsmouth Branch network in Portsmouth, the existing bridge has exceeded its service life and is no longer capable of carrying industry standard freight cars of 286,000 (286k) pound gross weight. In addition, the bridge is built over a sharp curve in Bartlett Street and has sub-standard highway vertical and horizontal clearances which constitute a safety hazard. The engineering studies will determine the scope of a project to construct a new 286k-capable undergrade bridge over a relocated and straightened Bartlett Street.

The project is intended to improve highway safety by providing industry standard vertical and horizontal clearances and clear sightlines. The new configuration will also improve railroad safety by eliminating bridge strikes by over-height highway vehicles. The grant covers some of the initial costs of the four project components:

- Relocate and replace the Bartlett Street bridge to achieve 286k capability and improve the highway vertical clearances to a minimum of 14 feet;
- Relocate Bartlett Street and its utilities to a new alignment under the new Bartlett Street bridge;
- Rehabilitate four public grade crossings with surface improvements and installation of new or upgraded active warning devices; and
- Rehabilitate the 1.33 miles of Portsmouth Branch and Newington Industrial track from just west of the Barberry Road grade crossing to just east of the Market Street Grade Crossings.

The City will now work with the Federal Railroad Administration (FRA) Office of Railroad Development, in the words of the notification, “To deliver your project that will help us modernize our nation’s freight and passenger rail infrastructure.”

The CSX Portsmouth Branch rail line serves Portsmouth Naval Shipyard and the New Hampshire State Port Authority’s Market Street Marine Terminal as well as commercial customers. The Portsmouth Branch and the Newington Industrial Track are designated as “Defense Connector Lines” as part of the Strategic Rail Corridor Network (STRACNET) civil rail lines which are most important to national defense because they provide rail service to military installations.



CITY OF PORTSMOUTH

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

Susan G. Morrell
City Attorney

Date: September 26, 2023

To: Karen S. Conard, City Manager

From: Susan G. Morrell, City Attorney *sgm*

Re: Report Back – Dock Request of Paul and Alison Dunne

At the City Council meeting of September 5, 2023, the Council voted to refer to the Legal Department and the Public Works Department the written request of Paul & Alison Dunne to build a dock on Peirce Island for access to their home on Round Island. This memorandum is that report.

On September 25, 2023, Public Works Director Peter Rice and I met with Paul Dunne, Planning Director Peter Britz, and Of Counsel Robert Sullivan in the City Legal Department to discuss the written request of Paul and Alison Dunne. After lengthy discussion, it was concluded by all present that a floating dock constructed on Peirce Island per that request was impractical for a variety of reasons, including the issue of whether it could be approved by the New Hampshire Department of Environmental Services. Accordingly, the request to build the floating dock on Peirce Island is withdrawn.

There may be other options under which the City might be able to accommodate the request of the Dunes for assistance in reaching their home on Round Island from the mainland. Accordingly, at some point in the future the City Council might see a modification of their withdrawn request.

cc: Paul and Alison Dunne
Peter Rice, Public Works Director
Peter Britz, Planning Director



CITY OF PORTSMOUTH

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

Suzanne M. Woodland
Deputy City Manager / Regulatory Counsel

Date: September 27, 2023

To: Karen S. Conard, City Manager

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

Re: Informational Item – Cable and Broadband Internet Commission – Survey Results and Webpage Update

The City of Portsmouth Cable and Broadband Internet Commission conducted a short online customer satisfaction survey in April 2023 to assess how well the City's current cable TV service provider, Comcast, is doing in order to inform the Commission's work. There were 508 responses, of whom 98.8% were Portsmouth residents. The findings of that survey including quantitative responses and a selection of comments organized by theme and for clarity and length, can be found here: [FINAL Cable Survey and Comments 2023.09.21.pdf \(cityofportsmouth.com\)](#).

In addition, in response to questions raised in some of the comments and to manage residents' expectations regarding the City's limited ability to influence pricing and packaging, the Commission formulated answers to Frequently Asked Questions to explain the scope of the Commission's authority. Those Frequently Asked Questions are posted on this webpage: [Cable and Broadband Internet Commission | City of Portsmouth](#).

The current non-exclusive franchise agreement with Comcast is due to expire Feb 2024. The Commission is currently beginning the process of renegotiation. The Commission is seeking additional members.



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smwoodland@cityofportsmouth.com
(603) 610-7240

Suzanne M. Woodland
Deputy City Manager / Regulatory Counsel

Date: September 26, 2023

To: Karen S. Conard, City Manager

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

Re: Municipal Alliance for Adaptive Management - Update

As you will recall, the Municipal Alliance for Adaptive Management (MAAM), consisting of Dover, Exeter, Milton, Newington, Portsmouth, Rochester, and Rollinsford was formed in response to the Environmental Protection Agency's (EPA) issuance of the Great Bay Total Nitrogen permit in November of 2020. The MAAM has been meeting regularly to implement an adaptive management framework to meet regulatory compliance goals. This memorandum provides a brief overview of activities as a follow-up to the recent submission of the Joint Adaptive Management Plan to regulators and stakeholders.

At its most recent meeting, the MAAM member communities provided highlights of its investments and progress to date, drawing from the recently submitted Joint Adaptive Management Plan (Rev September 2023). That joint filing (242 pages), can be found here:

<https://www.cityofportsmouth.com/sites/default/files/2023-09/MAAM%20AMP%20-%20SEP23%20.pdf>

Among the significant factors reported, the communities have jointly contributed over \$751,000 since MAAM's inception towards water quality testing, scientific analysis, and water quality projects. There has been a sustained, collaborative effort among the communities and stakeholders including Piscataqua Regions Estuaries Partnership (PREP), the New Hampshire Department of Environmental Services (NH DES), EPA, the UNH Stormwater Center, and the Conservation Law Foundation to make investments upon which we all agree to better protect our local water bodies through better understanding and action. The ability for these parties to come together regularly to distribute information, share ideas, discuss investments, to hear different perspectives, and to problem-solve makes it an efficient and valuable forum. Topics can range from the engineering challenges of nitrogen reduction at the wastewater treatment facilities to the everyday dilemma of how to encourage proper disposal of dog waste or how to measure the effectiveness of a healthy lawn program.

Discussed at the recent meeting was the increasing use of the Pollutant Tracking and Accounting Project (PTAP) tool developed by NHDES and the UNH Stormwater Center. MAAM has provided financial support for this tool to help the communities, regulators, and scientists better understand, record and report on nutrients and other inputs into the Great Bay Estuary. More on this tool can be found here:

<https://extension.unh.edu/stormwater-center/ptap>

The Conservation Law Foundation's Residual Designation Petition is also a continuing subject of discussion at MAAM.

Meetings are open to the public, recorded, and available on the City's website.

cc: Brian Goetz, Deputy Director of Public Works
James McCarty, GIS/Stormwater Manager