

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 18, 2017 TIME: 6:15 PM

AGENDA

- 6:15PM – WORK SESSION ON PUBLIC PROCESS REGARDING DEVELOPMENT OF MCINTYRE PROPERTY

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Portsmouth High School Holiday Ensemble
2. Presentation and Recognition of Outgoing City Councilors
3. Mayor's Blue Ribbon Committee on Sister Cities and Citizen Diplomacy – Karina Quintans, Chair
4. Citywide Neighborhood Committee Re: Dilapidated Properties

V. ACCEPTANCE OF MINUTES – NOVEMBER 20, 2017

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. Public Hearing/Adoption of Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements

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

- B. Public Hearing/Adoption of Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects

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

- C. Public Hearing Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations - \$27,167.00

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Portsmouth Police Department Grant
- Acceptance of Grant from the Bureau of Justice Assistance for the Bulletproof Vest Partnership 2017 - \$5,109.81 (**Sample motion – move to approve and accept the Grant to the Portsmouth Police Department, as presented**)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Request for License to Install Projecting Sign from Michelle Graham owner of Pretty Little Things for property located at 21 Vaughan Mall (**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 no cost to the City; and**
 - **Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works**
- B. Letter from Jd Dorr, Seacoast Outright, requesting permission to hold Portsmouth PRIDE 2018 on Saturday, June 23, 2018 (**Anticipated action – move to refer to the City Manager with power**)
- C. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 10th Annual race on Sunday, September 16, 2018 (**Anticipated action – move to refer to the City Manager with power**)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. (See E-mail Correspondence)
- B. Letter from Patricia Bagley regarding October 16th Public Dialogue Minutes

- C. Request from Portsmouth Police Department for the Disposal of outdated Radio Equipment (***Sample motion – move to approve the Disposal of outdated Radio Equipment***)
- D. Letter from Assistant Mayor-Elect Lazenby, Councilors-Elect Roberts, Reynolds and Becksted regarding McIntyre Project
- E. Letter from Thomas Clairmont regarding Portsmouth 400

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Request for Approval of the Tentative Agreement between the Portsmouth School Board and the Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386
- 2. School Department Teacher's Retirement Incentive
- 3. Acceptance of Sanderson Drive as a city street (constructed as part of the subdivision off of Spinney Road)
- 4. Request for Approval of Agreements, Licenses and Easements Re: 25 Maplewood Avenue

City Manager's Informational Items:

- 1. Events Listing
- 2. Special Meeting December 20, 2017 Re: McIntyre Development
- 3. City Opens Seasonal Boater Application Round for Prescott Park Docks

B. MAYOR BLALOCK

- 1. *Appointments to be Voted:
 - Appointment of Mary Lou McElwain (current alternate) as a Regular member to the Parking & Traffic Safety Committee
 - Appointment of Ralph DiBernardo as an Alternate to the Parking & Traffic Safety Committee
 - Reappointment of Jody Record to the Planning Board
 - Appointment of John Kennedy to the Mayor's Blue Ribbon Committee on Sustainable Practices
 - Appointment of Lana Bluege to the Mayor's Blue Ribbon Committee on Sustainable Practices

C. ASSISTANT MAYOR SPLAINE

- 1. *Board of Ethics Selection and Financial Disclosure Form Submission

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the December 7, 2017 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the December 7, 2017 Parking & Traffic Safety meeting***)

E. COUNCILOR DENTON

1. *Renewable Energy Committee Update

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 14, 2017

To: Honorable Mayor Jack Blalock and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on December 18, 2017 City Council Agenda

Work Session:

6:15 p.m.

1. **Public Process Re: Development of the McIntyre Property.** As requested by the City Council, on Monday evening, at 6:15 p.m., there will be a Work Session regarding the public process for the development of the McIntyre property. The Mayor has asked that Councilor Chris Dwyer lead the discussion on this matter given her experience with the Prescott Park Master Plan. The public process for the Prescott Park Master Plan was well received by all those who participated in it. Councilor Dwyer will have an outline for the public process which will be available on Monday evening.

Presentations:

1. **Portsmouth High School Holiday Ensemble.** The Portsmouth High School Holiday Ensemble will perform at Monday's City Council meeting.
2. **Presentation to Outgoing City Councilors.** The Mayor will make a presentation to outgoing City Council Members – Councilor Brad Lown; Councilor Eric Spear; Councilor and Councilor Joshua Cyr and he will recognize Assistant Mayor Jim Splaine for his years of service.

3. **Mayor's Blue Ribbon Committee on Sister Cities and Citizen Diplomacy.** On Monday evening, Karina Quintans, Chair of the Mayor's Blue Ribbon on Sister Cities and Diplomacy, will give a report to the City Council regarding this matter.
4. **Citywide Neighborhood Committee Re: Dilapidated Properties.** Paul Mannle and Lawrence Cataldo, members of the Citywide Neighborhood Committee will make a presentation to the City Council regarding dilapidated properties.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grant.** [Attached under Section VIII of the Agenda is a memorandum](#), dated December 8, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief; at the November 30, 2017 Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:
 1. A grant in the amount of \$5,109.81 for the Bulletproof Vest Partnership 2017 Award has been received from the Bureau of Justice Assistance.

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at this evening's City Council meeting.

I recommend the City Council move to accept and approve the grant to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearings of Resolutions.**
 - 1.1 **Public Hearing/Adoption Re: Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements.** As a result of the December 4, 2017 City Council meeting, I am bringing back for public hearing and adoption the proposed [attached Resolution](#) Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements.

The Department of Public Works is requesting allocation of \$1,269,148.43 towards improvements of the City's Municipal Complex. In 2014, City Staff completed a facilities evaluation of the Municipal Complex which identified capital needs at the facility. These needs included the façade of the 1962 portion of the City Hall Complex, upgrades to the Complex's electrical service and motor control center as well as a number of other items. The bond premium will be used to supplement the

façade project as well as begin the upgrade of the Municipal Complex's electrical service.

The façade project was driven by a structural evaluation that showed the brick façade was at risk of complete failure. Temporary repairs were made to secure the façade to allow the City time to design a permanent facade replacement. The façade project was bid and the project was awarded to Harvey Construction Corporation and work began in the late summer of 2017. As part of the initial work polychlorinated biphenyls (PCBs) were detected in excess of what was anticipated in the caulking around the windows and concrete panels of the façade. Although staff and the public are not at risk of exposure to the PCBs, removal and disposal of the additional material is required. The removal and disposal of the PCBs resulted in an additional \$755,000 of unanticipated cost.

In addition to the façade project costs, the electrical system at the Municipal Complex suffered breakdowns in July and in October of this year which resulted in extended power outages at the Municipal Complex. These outages highlighted the need to upgrade this system in order to ensure reliable government operations. The balance of the bond premium will be used to design and start the upgrade of the Municipal Complex's electrical system. Additional funds to upgrade the electrical service are anticipated and will be requested in the FY 19 CIP.

Two-thirds vote is required for adoption of this proposed Resolution.

I recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section VII of the Agenda.

- 1.2 **Public Hearing/Adoption Re: Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects.** As a result of the December 4, 2017 City Council meeting, I am bringing back for public hearing and adoption the proposed [attached Resolution](#) Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cents (\$585,896.75), to pay costs of Water Main Replacement Projects.

The City received authorization from the City Council to issue a bond in the amount of \$3.5 Million on March 3, 2014. These funds were requested based on estimated construction costs for the replacement of the Hobbs Hill Water Tank. The project bids received came in under budget and the project is now complete. There is \$585,896.75 remaining in the bond balance.

The City staff would like to reallocate this funding to a water main replacement project as part of an unanticipated Department of Transportation project on Woodbury Avenue in Newington. This will fund the replacement of a water main in the limits of the DOT project area that has needed multiple repairs. The lifespan of the new water main will exceed 50 years.

Two-thirds vote is required for adoption of this proposed Resolution.

I recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section VII of the Agenda.

1.3 **Public Hearing/Adoption Re: Supplemental Appropriation for the School Department Collective Bargaining Agreements.** As a result of the December 4, 2017 City Council meeting, I am bringing back for public hearing and adoption the [attached proposed Resolution](#) for a Supplemental Appropriation for the School Department Collective Bargaining Agreements.

During the budget process, the City Council approved a contingency of \$100,000 for collective bargaining. During the budget process, it was discussed that in the event the City were to settle contracts in FY 18 that exceeded the amount allocated, the City Council in accordance with the City Charter may approve a supplemental appropriation from the Unassigned Fund Balance.

To date, the City has allocated the full \$100,000 to cover the costs of the AFSCME 1386B and the Paraprofessionals’ contract. Since these contracts were approved, the City Council has approved the School Custodian contract for a cost of \$20,014.

Subsequent to this public hearing and if adopted by the City Council, under the City Manager’s Action Items, is a request for approval of the proposed Tentative Agreement. The total cost of this contract if approved would be \$7,153.00. Therefore, I would request that the City Council approve a supplemental appropriation of \$27,167 for FY 18. [See attached proposed Resolution.](#) The breakdown is as follows:

The total costs for the remaining contracts that would impact the General Fund are:

School Custodians	\$20,014
School Cafeteria Workers	\$ 4,079
School Cafeteria Managers	<u>\$ 3,074</u>
Total	\$27,167

Two-thirds vote is required for adoption of this proposed Resolution.

I recommend the City Council move to adopt the proposed Resolution, as presented. Action on this item should take place under Section VII of the Agenda.

Consent Agenda:

1. **Request for Licenses to Install Projecting Sign.** Attached under Section IX of the Agenda are requests for projecting sign licenses (see attached memorandums from Juliet Walker, Planning Director):

➤ Michelle Graham, owner of Pretty Little Things, located at 21 Vaughan Mall

I recommend the City Council 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. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of the Tentative Agreement between the Portsmouth School Board and the Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386.** The Portsmouth School Board has reached a Tentative Agreement with the Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386 from July 1, 2017 to and including June 30, 2020.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- A letter from Thomas Closson, City Negotiator recommending this Tentative Agreement;
- Cost Analysis showing the cost to implement this Tentative Agreement, if approved; and,
- Copy of the contract showing the insertions and deletions to implement the Tentative Agreement, if approved.

Also, this proposed Agreement is posted on the City's Website at:

<http://files.cityofportsmouth.com/files/hr/SchCafeteriacontract20182020draft.pdf>

I recommend the City Council move to accept the proposed Tentative Agreement between the Portsmouth School Board Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386 from July 1, 2017 to and including June 30, 2020.

2. **School Department Teacher Retirement Incentive.** In an attempt to achieve savings without compromising education, the School Board approved a retirement incentive package, subject to the approval of the City Council. The purpose of this program was to provide an incentive to long-term employees who are eligible to retire. The savings would

be achieved by replacing employees at the top of the pay scale with new employees who would be paid at a lower rate.

On Monday, December 18, 2017, I am requesting that the City Council approve the request from the Portsmouth School Board to offer a retirement incentive to teachers. The details are outlined below:

Eligible members who have fifteen (15) years or more service in the district by the end of the 2017-18 school year, and who file an irrevocable commitment to retire from the district on or before February 9, 2018 and who actually retire under the NHRS at the end of the 2017-18 school year can receive

a one-time payment of \$12,000.

Any eligible members who have less than fifteen (15) years or more service in the district by the end of the 2017-18 school year, and who file an irrevocable commitment to retire from the district on or before February 9, 2018 and who actually retire under the NHRS at the end of the 2017-18 school year can receive

a one-time payment of \$10,000.

I recommend the City Council move to approve the proposed School Department Teacher Retirement Incentive for FY18, as presented.

3. **Acceptance of Sanderson Drive as a City Street.** Attached is a memorandum from Planning Director Juliet Walker regarding the acceptance of Sanderson Drive as a City street. Also, attached is a letter from the City's consulting engineer, Underwood Engineers, confirming that the road has been constructed to City standards. Based on the letter from Underwood Engineers, Director of Public Works Peter Rice recommends that the road be accepted as a public way.

I recommend the City Council move to accept Sanderson Drive as a City street.

4. **Request for Approval of Agreements, Licenses and Easements Re: 25 Maplewood Avenue.** The former Shaines and McEachern law office building located at the corner of Hanover Street and Maplewood Avenue is scheduled to be demolished and replaced with a new building to be owned by the Provident Bank. The Planning Board has approved the site plan for the proposed Provident Bank building. The actual construction of the bank building calls for several agreements, licenses and easements which must be approved by the City Council. Moreover, the Construction Management and Mitigation Plan (CMMP) proposed by the developer also requires City Council approval in that it will close public sidewalks along Hanover Street and Maplewood Avenue for the construction period. The CMMP will also close the access way now connecting Hanover Street to the Worth parking lot for the period of February 15, 2018 through August 15, 2018 for use as a work and lay down area. Each of the foregoing is briefly described below:

- a) **NO BUILD EASEMENT AREA - See Attached:** Under this Agreement the City would agree that it would not place or erect any permanent principal buildings or structures on that portion of the Worth parking lot adjacent to the Provident Bank building **as shown on the Proposed Easement and Licensing Plan** contained in the agenda packet (along with a draft of the No Build Easement Area and other documents). In general, the purpose of this agreement is to create an open-space between the bank building and any possible future City building in order to satisfy building code requirements which relate to the size of the windows which might be constructed on the bank building.
- b) **EASEMENT AREA FOR BUILDING ENCUMBRANCE (Maplewood/Hanover) - See Attached:** The purpose of this Easement would be to allow Provident Bank to build a four hundred and eighty-five± square foot (485± sq. ft.) building encumbrance located over the City sidewalk on the easterly side of Maplewood Avenue and the southerly side of Hanover Street **as shown on the proposed Easement and Licensing Plan** previously referenced. The building encumbrance over the sidewalks will be, “above the first story” of the Provident Bank building.
- c) **EASEMENT AREA FOR BUILDING ENCUMBRANCE (Hanover/Worth Lot Access) - See Attached:** The purpose of this Easement would be to allow Provident Bank to build a one hundred forty± square foot (140± sq. ft.) building encumbrance located over the City property on the southerly side of Hanover Street and the westerly side of the Worth Lot Access **as shown on the proposed Easement and Licensing Plan** previously referenced. The building encumbrance over the sidewalk and access will be “above the first story” of the Provident Bank building.
- d) **SIDEWALK AND PARKING EASEMENT DEED – See Attached:** Under this proposed Easement the Provident Bank would grant to the City of Portsmouth a Sidewalk and Parking Easement over certain of its land allowing the City to construct and maintain a public sidewalk, landscaping and associated public parking on areas entirely surrounding the Provident Bank building **as shown on the Proposed Easement and Licensing Plan**. It should be noted that the initial construction of the sidewalks will be performed by the Provident Bank. One feature of this easement is to recognize that a small portion of the Worth parking lot appears to encroach upon the land of Provident Bank and this document will provide the City with an Easement allowing that parking to continue.
- e) **UTILITY EASEMENT DEED – See Attached:** Under this Easement the City would grant Public Service Company of New Hampshire d/b/a Eversource Energy with a Utility Easement for the purpose installing, maintaining and repairing an electricity transformer and associated improvements on land of the City consisting of one hundred seventy-six square feet (176 sq. ft.) of land located in the Worth parking lot **as shown on the Easement and Licensing Plan**. The installation of the transformer is necessary for the Provident Bank building.

- f) **Construction Management and Mitigation Plan:** The City requires the developer of the Provident Bank building to enter into a Construction Management and Mitigation Plan agreement in an effort to facilitate construction in a manner which minimizes traffic and other types of disruption in the area surrounding the project. In this case, one element of the Plan requires City Council approval. Specifically, [included with the documentation in the agenda packet is a “Construction Licensing Plan”](#), under which the City would authorize the developer of the Provident Bank building to close the access driveway from Hanover Street to the Worth parking lot for the period of February 15, 2018 to August 15, 2018 as a work and lay down area. The CMMP as proposed would also allow the developer to close and use public sidewalks adjacent to the building along Hanover Street and Maplewood Avenue for the construction of staging and to create a public safety buffer. The remaining items in the CMMP have been prepared at a staff level and are too bulky to include in the Council packet. However, Council approval is required to create the two licenses required by the CMMP and described above.

All the documents provided in connection with this agenda item are provided in draft form to allow minor adjustments to be made prior to final execution with the understanding that any such adjustments shall be consistent with the form and intent of the documents which have been presented to the City Council.

In order for these documents to be effective as intended they will need to be properly recorded in the chain of title to the Provident Bank property. This recording would be handed under the supervision of the Planning and Legal Departments.

I recommend the City Council move to authorize the City Manager to negotiate and execute the agreements, licenses and easements in connection with the Provident Bank building project at 25 Maplewood Avenue, as presented.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing](#) from December 18, 2017 through 2018. In addition, this can be found on the City’s website.
2. **City Council Special Meeting December 20, 2017 Re: McIntyre Development.** Subsequent to the regular City Council meeting on Monday, a Special Meeting of the City Council has been set for Wednesday, December 20, 2017 at 6:30 p.m., regarding the development of the McIntyre property. [See attached posted notice.](#)
3. **City Opens Seasonal Boater Application Round for Prescott Park Docks.** For your information, [attached is a news release](#) announcing that the City has opened the Seasonal Boater Application Round for Prescott Park Docks.