

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 5, 2018 TIME: 5:00PM

AGENDA

- 5:00PM – PUBLIC DIALOGUE
- 5:45PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – SUPERVISORY MANAGEMENT ALLIANCE
- 6:00PM – WORK SESSION RE: RESIDENTIAL PARKING

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

PRESENTATIONS

- 1. Award of Merit – New England Water Works Association – Brian Goetz
- 2. Coakley Landfill

V. ACCEPTANCE OF MINUTES – JANUARY 16, 2018

VI. PUBLIC DIALOGUE SUMMARY

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

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE WATER FUND UNRESTRICTED NET POSITION FOR BELLAMY RESERVOIR SOURCE WATER PROTECTION LAND CONSERVATION EASEMENT FOR THE SUM OF UP TO TWO HUNDRED TWENTY-THREE THOUSAND, ONE HUNDRED THIRTY (\$223,130.00) DOLLARS

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

- B. First reading of Ordinance amending Chapter 1, Article IX, Section 1.9 Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment #1

- C. First reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest/Municipal Officials Disclosure – Charter Amendment #2

VIII. APPROVAL OF GRANTS/DONATIONS

1. *Acceptance of Fire Department Grant:
 - Newburyport Five Cents Savings Bank - \$500.00
(Sample motion – move to accept and approve the grant to the Portsmouth Fire Department, as presented)
2. *Acceptance of Wellness Reward - \$2,000.00 **(Sample motion – move to accept and approve the reward to the City of Portsmouth, as presented)**
3. Acceptance of Drinking Water and Groundwater Trust Fund – Breakfast Hill Area Water Main Improvements Grant Agreement - \$200,000.00 **(Sample motion – move to accept and approve the grant to the City of Portsmouth, as presented)**

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Caroline Piper, Friends of the South End, requesting permission to hold the annual Fairy House Tour event on Saturday, September 22, 2018 and Sunday, September 23, 2018 from 11:00 a.m. – 3:00 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- B. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2018 baseball season and requesting permission to maintain signage to the rear of the Plains scoreboard **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Chris Vlangas, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life on Saturday, July 14, 2018 **(Anticipated action – move to refer to the City Manager with power)**
- D. Letter from Kate Corriveau, Alzheimer’s Association, requesting permission to hold the 2018 Annual Seacoast Walk to End Alzheimer’s on Sunday, September 23, 2018 at 10:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- E. Letter from Ken La Valley, American Foundation for Suicide Prevention, requesting permission to hold the Out of the Darkness Walk on Saturday, September 15, 2018 at 10:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- F. Letter from Molly Bolster and Matt Glenn, Gundalow Company, requesting permission to hold the 8th Annual Round Island Regatta on Saturday, August 11, 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 Robert J. Lister regarding implementing a destination fee
- C. Letter from Gerald Zelin regarding Proposed Election Finance Ordinance
- D. Letter from Town of Hampton Selectmen regarding Coakley Landfill Group
- E. Letter from Jim Splaine Re: Coakley Landfill Presentation and Request for Information

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

- 1. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers
- 2. Extension of Agreement Re: Creek Athletic Club
- 3. Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Adams Avenue
- 4. Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Taft Road
- 5. Easements Re: Islington Street Project
- 6. Purchase & Sale Agreement for property owned by Ferrari Remodeling & Design Inc. for Map 283, Lot 19 – Banfield Road

City Manager's Informational Items:

- 1. Events Listing
- 2. Report Back on Safe Station
- 3. Report Back Re: Revenues
- 4. Community Development Block Grant Public Service Agency Grants Available
- 5. Legal Notice Re: Citizens Advisory Committee Public Hearing

B. MAYOR BLALOCK

1. Discussion Re: Work Session on Per- and Polyfluoroalkyl Substances (PFAS)
2. Appointments to be Considered:
 - Appointment of Janet Phelps to the Citizens Advisory Committee
 - Appointment of Thomas Watson to the Economic Development Commission
 - Appointment of Kathleen Boduch to the Citywide Neighborhood Steering Committee
 - Appointment of Chase Hagaman to the Citywide Neighborhood Steering Committee
 - Appointment of Kelly Weinstein to the Citywide Neighborhood Steering Committee
 - Reappointment of Kathleen Bergeron to the Citywide Neighborhood Steering Committee
 - Phyllis Eldridge to the Zoning Board of Adjustment - Alternate
3. Appointments to be Voted:
 - Reappointment of Lawrence Cataldo to the Citywide Neighborhood Steering Committee
 - Reappointment of Paul Mandle to the Citywide Neighborhood Steering Committee
 - Reappointment of Jeffrey Kisiel to the Planning Board
 - Reappointment Jay Leduc to the Planning Board
 - Appointment of Steve Gray to the Cable Television & Communications Commission
 - Appointment of Peter Weeks to the Trustee of the Trust Funds
4. Resignation of John Pratt from the Economic Development Commission (***Sample motion – move to accept with regret with thanks for his service to the City***)

C. ASSISTANT MAYOR LAZENBY, COUNCILOR DWYER & COUNCILOR DENTON

1. Legislative Subcommittee Update
 - Principles for Legislative Position Request for Ratification

D. COUNCILOR PEARSON

1. *Fundraising Ideas for Prescott Park

E. COUNCILOR DWYER

1. Responsible Policy Making

F. COUNCILOR DENTON

1. Renewable Energy Committee Final Report and Recommendations

XII. MISCELLANEOUS/UNFINISHED BUSINESS


XIII. ADJOURNMENT

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

**Indicates Verbal Report*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: February 1, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 5, 2018 City Council Agenda

5:00 p.m. - Public Dialogue

Non-Public Session:

5:45 p.m. Non-Public Session Re: Strategy or Negotiations with Respect to Collective Bargaining – RSA 91-A:2, I (a) – Supervisory Management Alliance.

Work Session:

6:00 p.m.

1. **Residential Parking.** On Monday evening, Parking Director Ben Fletcher will make a presentation and lead the discussion regarding this matter.

Presentations:

1. **New England Water Works Association Award.** On Monday evening, Mayor Blalock will recognize Deputy Public Works Director Brian Goetz as a recipient of the 2017 Award of Merit from the New England Water Works Association.

2. **Report Back Re: Coakley Landfill.** As requested by the City Council, City Attorney Robert Sullivan, Environmental Planner Peter Britz, and Michael A. Deyling, Senior Project Manager/Hydrogeologist for the Coakley Landfill Group, will give an update to the City Council regarding the Coakley Landfill.

Public Hearing and Votes on Ordinances and/or Resolutions:

1. **Resolution Authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position for Bellamy Reservoir Source Water Protection Land Conservation Easement for the Sum of Up To Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130.00).** As you will recall at the January 16, 2018 City Council meeting, the City Council voted to establish a public hearing for this Monday's meeting to utilize \$223,130 from the Water Enterprise Fund for the purchase of land for the Bellamy Reservoir Source Water Protection Land Conservation Easement. Under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolution](#) authorizing a Supplemental Appropriation from the Water Fund Unrestricted Net Position for the Bellamy Reservoir Source Water Protection Land Conservation Easement for the Sum of Up To Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130.00).

In addition, at the January 16, 2018 City Council meeting, the Council voted to enter into a Grant Agreement with the State of New Hampshire's Drinking Water and Groundwater Trust Fund to receive \$200,000 towards the purchase of the easement.

Further, at the January 16th City Council meeting, the Council voted to execute an Agreement with the Southeast Land Trust (SELT) to administer the transaction for a cost of \$33,130.

As you are aware, the value of the conservation easement was appraised as \$390,000.00 by McManus & Nault Appraisal Company, Inc. Mr. Olson agreed to that purchase price.

A two-thirds vote of the City Council is required to adopt this Resolution.

I recommend the City Council move to adopt the proposed Resolution to authorize a supplemental appropriation from the Water Fund Unrestricted Net Position for the Bellamy Reservoir Source Water Protection Land Conservation Easement for the Sum of Up To Two Hundred Twenty-Three Thousand, One Hundred Thirty (\$223,130.00), as presented.

2. **First Reading of Ordinances to Implement Charter Amendments.** Following the instructions of the City Council on January 16, 2018, [attached are two ordinances](#) which are being submitted for first reading at Monday's meeting. At that meeting, the City Council was provided with a copy of the [attached memorandum](#) from City Attorney Robert Sullivan and City Clerk Kelli Barnaby dated January 8, 2018 referring to the Ordinance charter amendments as Charter Amendment #1 (Election Candidate Financial Disclosure)

and Charter Amendment #2 (Municipal Officials Disclosures) that format shall be retained for purposes of the submission of these ordinances.

In each case the ordinances were produced with three concepts in mind:

1. As closely and narrowly as possible the ordinances follow the language of the Charter Amendments.
2. Whenever possible existing City ordinance language regarding candidate reporting and mandatory financial disclosure has been retained and utilized in the ordinance. This was done to avoid creating obligations on municipal officials which have not been either required by the City Charter or specifically authorized by the City Council.
3. These ordinances are for first reading purposes. The City Council retains significant latitude in altering or amending these ordinances at second reading. It is expected that once Councilors have a chance to see and analyze the form of the ordinances being presented for first reading, that modifications to those ordinances will be made by way of City Council initiated amendments to them. In particular, the definition of the term Political Action Committee in the ordinance intended to implement Charter Amendment #1 deserves Council consideration.

- a) **First Reading of Ordinance Amending Chapter 1, Article IX, Section 1.9: - Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment #1.** The [attached proposed Ordinance](#) amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment 1

If the City Council chooses, a motion may be moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 20, 2018 City Council meeting.

- b) **First Reading of Ordinance Amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest/Municipal Officials Disclosure - Charter Amendment #2.** The [attached proposed Ordinance](#) amending Chapter 1, Article IX, Section 1.901: - Municipal Officials Disclosures is Charter Amendment 2.

If the City Council chooses, a motion may be moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 20, 2018 City Council meeting.

Acceptance of Grants and Donations:

1. **Acceptance of Fire Department Grant.** The Portsmouth Fire Department has received a donation in the amount of \$500.00 from Newburyport Five Cents Savings Bank.

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

2. **Acceptance of Wellness Reward.** City staff representing the Finance, Police, Fire and Public Works Departments attended a Wellness Coordinator training at HealthTrust in Concord, New Hampshire. As a reward for being returning Wellness Coordinators with HealthTrust, City staff each received \$500 for their departments to use towards wellness initiatives in 2018. The total amount received was \$2,000. This money will be used to promote wellness for employees.

The goal of the HealthTrust Wellness Program, Slice of Life, is to reduce health risk factors and create a healthier lifestyle for our employees. To realize this goal, the City, through its Wellness Programs, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

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

3. **Acceptance of a Grant from the Drinking Water and Groundwater Trust Fund (Trust Fund).** The Trust Fund Advisory Commission authorized the award of up to \$200,000 in grant funds to the City of Portsmouth for the Breakfast Hill Area Water Main Improvements project. The City of Portsmouth will use the grant funds to advance the design phase of a water main extension from the existing Portsmouth water system to the Breakfast Hill area of Breakfast Hill Road in Greenland.

This area has previously been identified in our water system master planning as an area of expansion for service. Past master plans have assessed that expansion in this area would improve system pipe looping and redundancy. The proposed study will provide the Town of Greenland and the City of Portsmouth's water system with a better understanding and scope, together with associated water demand needs and updated costs, as they relate to providing public water in this area of Greenland. The [attached January 18, 2017 memorandum](#) outlines the area of study together with a map of potential water line service locations.

The grant funds will be used for the tasks as outlined in the [attached "EXHIBIT A SCOPE OF SERVICES - City of Portsmouth Drinking Water and Groundwater Trust Fund – Grant"](#).

As with any identification of system improvements through our master plan process, this is not a commitment of the water system to proceed with construction of the infrastructure, just the next step toward refining the long-term cost estimate and infrastructure needs in the area.

I recommend the City Council take the following action:

Move to authorize the City Manager to enter into a Grant Agreement to accept \$200,000 from the State of New Hampshire's Drinking Water and Groundwater Trust Fund grant funds and to enter into a grant agreement with the Department of Environmental Services for the purposes of a water system improvement project.

Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers.** The Portsmouth School Board and the Association of Portsmouth Teachers have voted in favor of a one-year extension of the current collective bargaining Agreement. Under this extension, the terms of the current collective bargaining agreement would remain in place until June 30, 2019.

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

- A memorandum from Thomas Closson, City Negotiator, recommending this one-year extension;
- A memorandum from Stephen Bartlett, School Business Administrator, regarding the 2019 cost of this teacher contract extension, if approved;
- The Memorandum of Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers; the only change is a 2% COLA.
- Copy of the contract showing the insertions and deletions to implement this Agreement, if approved.

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

<http://files.cityofportsmouth.com/hr/contracts/School/APTAGREEMENToneyarextension2019.pdf>

I recommend the City Council move to accept the proposed One-Year Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers, as presented.

2. **Request to Extend Lease Agreement between the City of Portsmouth and the Creek Athletic Club Re: 251 Bartlett Street.** The City has received a request from the Creek Athletic Club requesting an eight-year extension of its lease with the City for the building at 251 Bartlett Street. As part of this request, the Creek Athletic Club would like to undertake this cost of replacing the current roof in exchange for this eight-year extension to the current lease term if the Club is allowed to take the cost of the new roof as an ongoing credit against the rent owed to the City.

Attached is a copy of the revised Lease Agreement, which includes Exhibit A outlining the capital improvements (replace existing roof and refurbish rooftop dormers) and the term of completion by the Creek Athletic Club.

The current Agreement is scheduled to expire on March 31, 2021. The request is for an eight-year extension effective March 31, 2021 through March 31, 2029.

I would recommend that the City Council move to extend the Lease Agreement with the Creek Athletic Club for 251 Bartlett Street for a period of eight years from March 31, 2021 through March 31, 2029, as presented.

3. **Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Adams Avenue.** Attached is a memorandum from Juliet Walker, Planning Director regarding a request from Woodlands Homeowners Association, Inc. to install a sign within the public right of way at the corner of FW Hartford Drive and Adams Avenue. The proposed sign is replacing an existing sign.

I recommend the City Council move to approve the aforementioned revocable municipal license as recommended by the Planning Director in the memorandum dated January 17, 2018, and further, authorize the City Manager to execute this License Agreement for this request.

4. **Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Taft Road.** Attached is a memorandum from Juliet Walker, Planning Director regarding a request from Woodlands Homeowners Association, Inc. to install a sign within the public right of way at the corner of FW Hartford Drive and Taft Road. The proposed sign is replacing an existing sign.

I recommend the City Council move to approve the aforementioned revocable municipal license as recommended by the Planning Director in the memorandum dated January 17, 2018, and further, authorize the City Manager to execute this License Agreement for this request.

5. **Easements Re: Islington Street Project.** Attached is a memorandum from Planning Director Juliet Walker along with a memorandum from Assistant City Attorney Suzanne Woodland regarding proposed easements for the Islington Street corridor improvements.

At the January 18, 2018 meeting, the Planning Board considered the proposed easements and voted to recommend that the City Council accept the easements identified.

I recommend the City Council move to accept the Planning Board's recommendation to approve the easements identified in the Memorandum from Deputy City Attorney Suzanne Woodland, dated January 11, 2018 to accomplish the Islington Street project.

6. **Purchase and Sale Agreement Re: Map 283, Lot 19 (Banfield Road)** The City seeks to construct improvements to Banfield Road in order to improve public safety and drainage. In order to undertake that construction, the City has been trying to obtain necessary easements from property owned by Ferrari Remodeling & Design Inc along the westerly side of Banfield Road. See attached aerial view of the property.

The property owner was not inclined to grant the easements for the road project but was interested in selling the entire 34.5 acre parcel which is substantially wet. Prior to the property being placed into current use, the property had an appraised value of \$103,700 (assessed value is only \$742 because it is in current use).

The City has entered into a purchase and sale agreement of the property in the amount of \$55,000 subject to certain conditions being met including approval of the City Council (see attached). Principally, the City hopes to be able to use this land to satisfy wetland impact mitigation requirements arising as a result of the Banfield Road project. If approved by NHDES and the Army Corps of Engineers, this acquisition would avoid the City having to pay an in-lieu of mitigation fee (\$56,607.13), or a portion of it. The City will be conducting a wetland delineation of the property soon and then follow up with NHDES and the Army Corps to see if this acquisition will satisfy the mitigation criteria. If the property cannot be used for mitigation, the City can terminate the purchase and sale agreement.

I recommend the City Council move to refer this potential acquisition of property located off of Banfield Road to the Planning Board for a recommendation.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the updated Events Listing from January 16, 2018 through 2018. In addition, this can be found on the City's website.
2. **Report Back Re: Safe Station.** As requested by the City Council at the January 16, 2018 meeting, attached is a memorandum from Fire Chief Steve Achilles regarding a safe station model.

3. **Report Back Re: Potential Revenue Sources.** As requested by Councilor Roberts, [attached is a memorandum from Finance Director Judie Belanger](#) regarding potential revenue sources.

4. **Community Development Block Grant Public Service Agency Grants Available.** The Portsmouth Community Development Department is now accepting applications for the FY 2019 Public Service Agency Grant program ([see attached announcement](#)). The funding for this program is provided by a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development. This is a competitive grant program that makes grants generally ranging from \$5,000 up to \$15,000 available to non-profit public service agencies that serve Portsmouth individuals and families who earn very low, low or moderate-incomes. Funds may be used for operating expenses during the program year beginning July 1, 2018 and ending June 30, 2019.

Eligible agencies must have a 501(c)(3) tax exemption status and over 51% of their clients must earn very low, low or moderate incomes as defined by U.S. Housing and Urban Development. Eligible grant expenses include the cost of labor, supplies, and/or materials required for the provision of services to agency clientele. Agencies that have received funding in the previous year, must also be able to demonstrate that they can either increase the number of clients they assist or the services they provide in the coming year. The deadline for submission of applications to the City of Portsmouth Community Development Department is 1:00 p.m. on Friday, February 9, 2018. In order to be considered for funding, applications must be received by that date and time.

To request an application, or to obtain more information about the CDBG Public Service Agency Grant Program, please call Elise Annunziata, Community Development Coordinator, in the Portsmouth Community Development Department at (603) 610-7281.

5. **Legal Notice Re: Citizens Advisory Committee Public Hearing.** For your information, [attached is a legal notice of a Citizens Advisory Committee](#) regarding a public hearing scheduled for Thursday, February 15, 2018 at 6:00 p.m., in Conference Room A of City Hall, regarding the FY 2019 Annual Action Plan and Review of the FY 2018 CDBG Accomplishments.