

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 5, 2018

PORTSMOUTH, NH
TIME: 5:00 PM

Public Dialogue Session Table

There was one table used for Public Dialogue this evening due to the limited number of residents.

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilor Roberts, Pearson, Dwyer, Denton, Raynolds and Becksted.

ABSENT: Councilor Perkins

The members of the public were asked to introduce themselves and begin discussing their concerns and/or questions related to their individual topics.

Peter Whalen spoke regarding a meeting of the Great Bay Coalition meeting with the EPA and the cities of Portsmouth, Rochester, and Dover regarding nitrogen rules. He asked if the City feels the meeting should be open to the public and if the City was in favor of reducing the regulations.

Deputy City Attorney Woodland said we have provided an update of the plant to the EPA and the meeting would take place in Non Public Session. She spoke to a measurement phase for the nitrogen.

Mr. Whalen said he would hate to see the city not do the nitrogen removal. He said the City needs to be more open and the public should be able to attend the meeting.

Councilor Dwyer said the goal is to remove as much as possible to achieve the limit but we can't promise to go beyond what our water will do.

Deputy City Attorney Woodland said the consent decree requires monthly ratings and seasonal levels.

Bob Lister spoke to his letter on a destination charge for hotel rooms. He said this is not like the meals and rooms tax. He stated this is a voluntary destination charge where the funds would go into the General Fund to support things such as landscaping and fireworks. He spoke to his traveling around the United States where he has seen a destination charge to offset costs in the General Fund. He stated that this is important because the City needs to generate more funding.

Mayor Blalock spoke regarding HB 1609 that would allow communities to put in a pillow tax that would go back into the General Fund. He informed the residents that he spoke in Concord on this bill.

Councilor Dwyer said many communities are in support of this bill now. She stated that some of the smaller communities realize it would do more for them than larger communities. She said we would need the hotels to make it a voluntary fee.

Peter Whalen said it depends on the amount of the charge to get people to pay it voluntarily.

Councilor Denton reported that our Finance Department reported that it would generate \$1.4 million with only a 75% occupancy rate which is very conservative.

Councilor Dwyer said if the bill does not go anywhere we would look at the fee as suggested by Mr. Lister.

Erik Anderson spoke regarding collective bargaining and suggested that a different process be proposed for negotiating contracts. He said the contracts should be revisited by the City Council annually. He stated that budgets are being stretched due to contracts. Mr. Anderson said that this is a chronic problem that needs to be addressed and the costs are becoming prohibitive for the taxpayers.

Councilor Denton said going forward the City may be seeing one or two year contracts because of the health care concerns.

Councilor Dwyer spoke to an upcoming hearing on Wednesday by the legislature that would restore 15% of the retirement contributions to the communities. She stated that retirement is our biggest cost along with salaries.

Peter Whalen said that City should start looking at lump sums versus percentage cost of living adjustments. He said you start at a better point.

Paige Trace said we will be operating with 8 mg/l seasonal average for nitrogen. She spoke to the meeting tomorrow with the EPA which she said is to lower the rate. She stated that Exeter and Stratham are building their plants to handle 3 mg/l. She asked if we were going to start using methanol.

Public Works Director Rice said there are other things that can be used for treating. He said our concern is that decisions are based on science.

Ms. Trace said it is confusing and there was a hard fought battle to get to 8 mg/l. She asked where we are going with this as a City.

Public Works Director Rice said we believe the seasonal average of 8 mg/l.

Deputy City Attorney Woodland said that is what the meeting is about tomorrow and how to move the process forward. She said the EPA is not proposing any new rules and we might have the time to advance the discussions.

Ms. Trace asked why not make the meeting open to the public. Deputy City Attorney Woodland said it is a Non Public meeting but if a new draft permit is issued there would be a public meeting to allow for public comment.

Ms. Trace asked when the residents would be hearing about being notified during a combined sewer overflow (CSO) event. Public Director Rice said in the next month. He stated that it is a \$2,100.00 fee for the equipment and \$6,700.00 for the services.

Roy Hesel asked if the new plant could handle the additional surge based on the number of new developments. Public Works Director Rice responded affirmatively.

Esther Kennedy asked to have the public dialogue at 6:00 p.m. so that time will be set for future meetings.

Mayor Blalock said the public dialogue sessions are governed by a City Council rule that would need to be amended.

At 5:47 p.m., Mayor Blalock closed the Public Dialogue Session.

CITY COUNCIL NON-PUBLIC SESSION

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 5, 2018

PORTSMOUTH, NH
TIME: 6:00PM

At 5:50 p.m. the City Council held a Non Public Session in Accordance with RSA 91-A:2, I (a) regarding Strategy or Negotiations with Respect to Collective Bargaining – Supervisory Management Alliance.

City Clerk Barnaby conducted a roll call vote for attendance: Mayor Blalock; Assistant Mayor Lazenby; Councilors Roberts, Pearson, Dwyer, Denton, Raynolds and Becksted.

Councilor Perkins was absent

Assistant Mayor Lazenby moved to enter into Non Public Session to discuss the Supervisory Management Alliance Contract. Seconded by Councilor Dwyer and voted.

The City Council moved from the Eileen Dondero Foley Council Chambers into Conference Room A.

Staff Present during Non Public Session: Tom Closson, Negotiator; Dianna Fogarty, Human Resource Director; John P. Bohenko, City Manager; and Kelli L. Barnaby, City Clerk.

Negotiator Closson reviewed the request for a one year extension of the Supervisory Management Alliance Tentative Agreement.

At 6:12 p.m. Mayor Blalock closed the Non-Public Session.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 5, 2018

PORTSMOUTH, NH
TIME: 7:00 PM

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:12 p.m.

II. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Raynolds and Becksted

ABSENT: Councilor Perkins

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance..

PRESENTATIONS

1. Award of Merit – New England Water Works Association – Brian Goetz

Mayor Blalock presented Deputy Public Works Director Brian Goetz with an Award of Merit from the New England Water Works Association. Deputy Public Works Director Goetz accepted the award with thanks and appreciation.

City Manager Bohenko congratulated Deputy Director Goetz on the Award and spoke to his outstanding work with the City and expressed his gratitude for all he has and continues to do for the City of Portsmouth.

2. Coakley Landfill

City Attorney Sullivan, Environmental Planner Britz and Michael Deyling of CES, Inc., spoke regarding to the Coakley Landfill.

City Attorney Sullivan said that this is an extremely complicated situation and presentations have been made in Hampton, North Hampton and Concord. He suggested holding another presentation here in the Chambers where he would bring all of those associated with the Coakley Landfill together at City Hall where by questions are submitted before the presentation and will be answered during the presentation. He indicated he would come back with City Manager Bohenko, City Council and Mayor Blalock on the scheduling of this meeting.

City Attorney Sullivan explained that the Coakley Landfill was a former gravel quarry and was one of the first super fund sites in the Country. He reported that the landfill was used by the City of Portsmouth and Waste Management to transport municipal waste. He said a Consent Decree was created to clean up the site. He stated the decree was approved by the federal court and participating parties followed a manual for super fund sites. He reported that all parties separated each other into groups and served on an Executive Committee and followed the responsibilities of what the EPA tells the groups to do. City Attorney Sullivan said there has not been an instance of not doing what has been required by the EPA for the last 27 years.

City Attorney Sullivan explained the creation of the case and said by the late 1990's the construction phase was over. He said wells were tested for chemicals by the EPA and the outcome is no one is drinking unsafe drinking water according to DES and EPA.

City Attorney Sullivan explained how the Executive Committee works and stated he was not the original member for the City, it was former City Manager Ken Mahoney and City Attorney Sullivan has performed that job since 1992. He reported that the Committee meets once a month by teleconference and instructions come from the EPA.

City Attorney Sullivan said that Environmental Planner Britz has been of great assistance to the group and basically serves as the administrator of the group. City Attorney Sullivan reported that there are more paper records than is imaginable. He said they're currently working to organize the records which make up to 100 banker boxes. He said each meeting careful minutes are kept and these minutes go back to the beginning of remediation. He spoke to the bills being paid through Piscataqua Savings Bank accounts and trusts. He stated there are more than complete records, but it would take a while to get them all organized.

Mr. Deyling said annual reports are prepared regarding the Coakley Landfill and the last report was 9,000 pages. He spoke to the site location in North Hampton which the outer circle is three miles and the site is 25 acres of landfill. He said during the last sampling round 37 monitoring wells were sampled. He said the site is made up of 2 operable units, operable unit 1 is the landfill and the other wells are known as operable unit 2. He spoke to other wells that are located in the surrounding areas to the east, residential wells and additional wells on North Road. He explained the ground water system and how it operates and the flow of water. He addressed compounds PFAC and said it is nothing new to the site. He said this is not a new compound, we were never asked to look for it. He said nothing has been found outside the area above the standards. He spoke to the Aquarian well that has had PFAC's detected which is well #6. He said the flow from the Coakley Landfill would need to have flowed under the streams to the landfill. Mr. Deyling said no one at Aquarian provided information as requested. He reported that the well was installed in 1930's to 1940's and the site has been monitored for 20 years and the site is stable.

City Attorney Sullivan asked Environmental Planner Britz about the increase in costs for testing. Environmental Planner Britz said it is from sampling costs of wells. The costs went from \$45,000.00 to \$172,000.00 and the costs keep increasing due to the increase in testing different wells multiple times.

Councilor Denton thanked City Attorney Sullivan for the presentation. He said former Assistant Mayor Splaine had asked what happens if all the funds for Coakley Landfill are expended. City Attorney Sullivan said the Coakley Landfill Group would only dissolve if the EPA says they have completed all of the remediation. He reported that soonest that could happen is in 2030's. He said if additional funding is required we would need to raise the funds.

Councilor Denton asked if the information contained in the books is public information. City Attorney Sullivan said the Right-to-Know Law only applies to public parties and the most complete set of records are from the City of Portsmouth and are available under the Right-to-Know Law.

Councilor Denton asked what is contained in the contract for the Lobbyist and what he is being paid. City Attorney Sullivan said the Lobbyist is reviewing bills that are coming forward regarding Coakley Landfill the Lobbyist is paid \$4,000.00 per month for 5 months. He said the harmful statute to the City of Portsmouth is HB1766 which would require the building of a pump and treat system station which would cost millions of dollars. He said he would oppose the statute as part of the Executive Group.

Councilor Dwyer said the issue of where the dollars are from is bonding. She said at the time the City did a long term bond and it is not part of our current budget but it is debt service.

City Manager Bohenko said we worked with DES on State Revolving Loan Funds in the 1990's and have a loan with the State of New Hampshire where we have two payments remaining of \$4.5 million and all records are available with the DES.

Councilor Dwyer said if you look in the annual budgets under debt service you see the Coakley Landfill listed. She asked what the City Council was responsible for. City Attorney Sullivan said approving the Consent Decree, the Partnership Agreement, and the appointment of former City Manager Ken Mahoney.

Councilor Dwyer asked why there are so many remediation sites in Hampton. Mr. Deyling said it is a matter of commercial districts. Councilor Dwyer said there are 60 in the Hampton area. She asked if the EPA or DES has regulations for new residential subdivisions or if there are land use requirements. Environmental Planner Britz said that is a land use matter.

Councilor Dwyer said she does not know what the bedrock study will tell us. Mr. Deyling said typically wells are 200 to 300 feet. He said the wells around the Coakley Landfill are less than 200 feet. He said the question is could there be a pathway that could take the water. He said there would need to be a structural feature to allow contaminates into the zone. He stated the published data indicates the fractures are sub-horizontal path way and if there was a path way they would have showed up in the wells.

Assistant Mayor Lazenby thanked City Attorney Sullivan for trying to find clarity for the public. He asked how do they update and decide what the Coakley Landfill has to do. City Attorney Sullivan said updated requirements is a continuous process and adjustments are made. Environmental Planner Britz said they just completed a 5 year review in 2016 and updated that recently.

Assistant Mayor Lazenby asked if there is a report back on how funds are expended. City Attorney Sullivan said every month and that information is located in the minutes.

City Manager Bohenko said we are putting together everything to have it in one place. He said starting in FY17 we spent almost \$200,000.00 and we spent another \$265,000.00 from the City of Portsmouth. He said we are bumping up against some of the numbers and may have to put in \$300,000.00 to \$500,000.00 from the Contingency Fund.

Assistant Mayor Lazenby said we need to make information easily available and accessible on the website. City Manager Bohenko said we are working to make links to access information.

City Manager Bohenko said we have potential exposure from the general fund if we need to build a pump and treat system station and it is for the health of the City to protect the financial interest of the City of Portsmouth.

Councilor Pearson asked if there are any other authority measures the City Council would have over the Coakley Landfill. City Manager Bohenko said there may be a policy decision. He said we need to comply with the Legislature or to take legal action to determine if the Legislature had the right to do what they did.

Councilor Pearson asked how we are moving forward with the Town of Hampton. City Manager Bohenko said we will work with the Town Manager.

Councilor Becksted said he watched the meeting on January 29th and wants to be able to move forward. He would like to make sure that people are satisfied with the report provided today. He would like the public to weigh in on the meeting.

Councilor Becksted moved to hold a meeting with what City Attorney Sullivan has offered regarding Coakley Landfill with all involved communities, the public and our Representatives. Seconded by Councilor Denton.

Councilor Dwyer requested we send a tape of this meeting to all communities involved for their review in advance of the meeting to be held.

City Manager Bohenko indicated he would instruct staff to post this meeting and highlight it on the front page of the website for review by the public.

Assistant Mayor Lazenby said he feels having a meeting is a good idea and he would like to see the meeting have a facilitator but not have the City of Portsmouth as the facilitator.

City Manager Bohenko said you need a monitor for the meeting and he would work with Coakley Landfill Group to determine the monitor and we will refer people to the website to review the Presentation. He said the meeting would be open to the public and questions will be asked.

Mayor Blalock said that this will be a Coakley Landfill Group meeting.

Councilor Raynolds said the issue is trust between the Group and residents. He said we should hire a professional meeting manager monitor.

City Manager Bohenko said we would look at the comments and try to figure out a neutral party.

Mayor Blalock said we should bring the information together and bring it back to the City Council.

Motion passed.

Councilor Roberts asked about the comments made in the Town of Hampton letter. Mr. Deyling said some of the comments were old. He said they were comments that are related to things that might happen or could happen and the comments were broad.

Assistant Mayor Lazenby said the City Council has a well-defined set of principles for the Legislature and staff that is clear when action should be taken or to speak on the legislation. He asked would it be beneficial to define something in the principles regarding the Coakley Landfill. City Attorney Sullivan said that would be helpful.

Councilor Dwyer said legislative principles are broad but we need more specific principles that are detailed for water quality and water issues.

At 9:15 p.m., Mayor Blalock called a brief recess. At 9:25 p.m., Mayor Blalock called the meeting back to order.

Councilor Pearson moved to suspend the rules in order to take up Item XI. A.2. – Extension of Agreement Re: Creek Athletic Club. Seconded by Councilor Denton and voted.

City Manager Bohenko referred the City Council to his comments. He said the CAC is requesting an extension of the lease agreement and the roof is in need of repair. He further stated that the CAC is willing to repair the roof and pay for the repairs as long as they receive a long term lease from the City.

Attorney Alex McEachern representing the Creek Athletic Club (CAC) said the roof is in bad shape and needs to be repaired. He stated the CAC would be paying the costs to repair the roof with the extension to the lease by the City.

Councilor Pearson moved 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. Seconded by Councilor Denton.

Councilor Dwyer said she has no problem with the spirit of this and it would be helpful to know the value of the real estate taxes.

City Attorney Sullivan said he did not calculate the funds going forward.

Attorney McEachern said that the property is evaluated each year. City Manager Bohenko said he would send out the evaluation of the property to the City Council. Attorney McEachern said each year there will be an evaluation and if repairs are not needed money will be paid for the difference for the lease.

Motion passed.

V. ACCEPTANCE OF MINUTES – JANUARY 16, 2018

Councilor Roberts moved to accept and approve the minutes of the January 16, 2018 City Council meeting. Seconded by Councilor Dwyer and voted.

VI. PUBLIC DIALOGUE SUMMARY

Assistant Mayor Lazenby provided a summary on the Public Dialogue Session. He outlined the individuals that spoke and the topic of discussion:

Peter Whalen – EPA meeting
Robert Lister – Destination Fee
Erik Anderson – Union Contracts
Roy Helsel – Capacity of Wastewater Treatment Plant versus Development
Esther Kennedy – Timing of Public Dialogue Session

Councilor Denton moved to have the City Attorney report back with a rule change to the Public Dialogue Session to take place after Non Public Sessions or a Work Session but prior to the City Council meeting. Seconded by Councilor Becksted and voted.

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**

Brian Goetz, Deputy Public Works Director spoke on the acquirement of the 72 acre Olson Property. He informed the City Council that it is a tree farm and would remain as a small tree farm. He asked the City Council to appropriate the funding requested for the purchase of the property.

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

Esther Kennedy asked the City Council to support the Resolution and said it is important for us to protect our water sources. She asked the Council to keep track of what type of products will be put on the site.

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

Assistant Mayor Lazenby moved 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. Seconded by Councilor Pearson.

On a unanimous roll call vote 8-0, motion passed.

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

Councilor Denton move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the February 20, 2018 City Council meeting. Seconded by Assistant Mayor Lazenby.

City Attorney Sullivan said that this was written as a bare bones ordinance and there is room for the City Council to make policy decisions and amendments.

Councilor Denton said he would like to change the definition of a PAC.

Councilor Dwyer said people wanted any group that gave or spent money to be defined under PAC.

Councilor Denton said he would like to see line 33 amended regarding the listing of contributions by a PAC.

Councilor Becksted spoke to changes to line 34.

City Attorney Sullivan said he would make any amendments requested by the City Council if they could call him and discuss what you would like to see the ordinance say. The City Councilors agreed.

Motion passed.

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

Councilor Roberts 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. Seconded by Councilor Becksted.

Councilor Becksted said we are getting ready to approve two land use members and asked would this ordinance require every member to carry out that measure and sign the financial disclosure by June 30th. City Attorney Sullivan responded affirmatively.

Councilor Dwyer would like to see the language clarified regarding stocks owned in a Portsmouth business. City Attorney Sullivan said he would clarify the language.

Councilor Pearson said she would like clarification on working from home and telecommuting.

Motion passed.

VIII. APPROVAL OF GRANTS/DONATIONS

1. Acceptance of Fire Department Donation:
 - Newburyport Five Cents Savings Bank - \$500.00

Councilor Raynolds moved to accept and approve the donation to the Portsmouth Fire Department, as presented. Seconded by Assistant Mayor Lazenby and voted.

2. Acceptance of Wellness Reward - \$2,000.00

Assistant Mayor Lazenby moved to accept and approve the Wellness Reward, as presented. Seconded by Councilor Raynolds and voted.

3. Acceptance of Drinking Water and Groundwater Trust Fund – Breakfast Hill Area Water Main Improvements Grant Agreement - \$200,000.00

Assistant Mayor Lazenby moved to enter into a Grant Agreement to accept \$200,000.00 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 purpose of a water system improvement project. Seconded by Councilor Raynolds.

City Manager Bohenko said that this grant is to the City of Portsmouth for \$200,000.00 for Breakfast Hill area water main improvements.

Motion passed.

IX. CONSENT AGENDA

Councilor Becksted request to remove Item IX. B. from the Consent Agenda because he serves on the Little League Board of Directors and will need to abstain from voting on the request.

- 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)***
- 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)***

Councilor Pearson moved to adopt the Consent Agenda. Seconded by Assistant Mayor Lazenby and voted.

- 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***)

Assistant Mayor Lazenby moved to refer to the City Manager with power. Seconded by Councilor Roberts and voted. Councilor Becksted abstained from the vote.

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

Councilor Roberts moved to accept and place the letters on file. Seconded by Assistant Mayor Lazenby and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

Mayor Blalock announced due to the late hour all of the City Manager's items requiring action are now Consent Agenda Items.

Councilor Roberts requested to remove Item XI. A.6. – Purchase & Sale Agreement for property owned by Ferrari Remodeling & Design Inc., for Map 283, Lot 19 – Banfield Road from the City Manager's Consent Agenda.

A. CITY MANAGER

- 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 (***Anticipated action – move to accept the proposed One-Year Agreement between the Portsmouth School Board and the Association of Portsmouth Teachers, as presented.***)

3. Woodlands Homeowners Association for License to Install Sign – FW Hartford Drive and Adams Avenue (***Anticipated action – 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 (***Anticipated action – 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 (***Anticipated action – 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***)

Councilor Denton moved to adopt the City Manager’s Consent Agenda. Seconded by Councilor Roberts and voted.

6. Purchase & Sale Agreement for Property owned by Ferrari Remodeling & Design Inc. for Map 283, Lot 19 – Banfield Road

Councilor Roberts asked if this request is related to the property that was purchased last year. City Manager Bohenko said no, it is for road improvements.

Assistant Mayor Lazenby moved to refer this potential acquisition of property located off of Banfield Road to the Planning Board for a recommendation. Seconded by Councilor Dwyer.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said this is a large piece of property and we should move forward.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Motion passed.

City Manager’s Informational Items

2. *Report Back on Safe Station*

Fire Chief Achilles referred to his memorandum dated January 29, 2018 regarding his Report on a Safe Station Model. He reported that both the cities of Manchester and Nashua have had recent success with Safe Stations. He stated the reason for their success is that their on-duty firefighters are providing medical assessment of an individual seeking help, and if required transport to the hospital by the city’s third-party ambulance provided or a local treatment center.

Chief Achilles said if transport is not required or a treatment center is unavailable, a certified recovery support worker or licensed alcohol and drug counselor will meet with the individual at the fire station to provide counseling and assistance. Chief Achilles said these programs have been successful, due to available on-duty fire personnel located at multiple fire stations, treatment centers in or close to each community, and numerous counseling resources. He said we should not implement a Safe Station Program here because the current services provided by the fire and police departments, along with other key community resources such as Safe Harbor Recovery Center, provide appropriate and safe opportunities for those seeking treatment or recovery. He said he would hesitate to embark on a program that overlaps services or creates redundancy, detracts from other successful initiatives, fails to put the right resources in the right place, or is unsustainable.

Councilor Denton asked Chief Achilles were the numbers given as per person per station. Chief Achilles said it was total numbers, it was not based on population. Councilor Denton said he would like to know the costs for a Safe Station. He also indicated he would like to see the information from Safe Harbor to get out to the public. Chief Achilles said it would be premature to give costs right now. He also stated he would put the pamphlets from Safe Harbor on the fire trucks and ambulances.

Councilor Dwyer said maybe we should have a presentation provided by Safe Harbor to the City Council.

Mayor Blalock said he would like to see a presentation as well.

Assistant Mayor Lazenby said he is pleased that Chief Achilles is educating his staff and feels it is a good approach.

3. *Report Back Re: Revenues*

City Manager Bohenko spoke to the initiatives for revenue sources. He spoke to the Municipal Transportation Improvements whereby RSA 261:153 VI allows the legislative body of a municipality to vote to collect an additional fee for the purpose of supporting a municipal and Transportation Improvement Fund, which shall be a capital reserve fund. He said if the City votes to collect the full maximum fee of \$5.00, the projected revenue would raise approximately \$110,000.00.

City Manager Bohenko addressed Pay As You Throw which is a unit based pricing model where users are charged based on the amount of solid waste they discard. He stated most PAYT programs require residents to dispose of their trash only in the official trash bags which can be purchased at local retail stores. He reported that Public Works collects approximately 4,800 tons of household solid waste per year. He said the solid waste tonnage equates to approximately 480,000 trash bags of 30 gallons in volume and 20 pounds in weight. Further, if the City received \$2.00 of revenue for every bag sold, we would receive approximately \$960,000.00 in annual revenue.

City Manager Bohenko discussed the Hotel Occupancy Surcharge – HB 1609. He stated this is enabling legislation that would allow the City to charge up to a \$2.00 surcharge on hotel occupancy. He said an example of the potential revenue generated in the City could be \$1,441,021.50 based on 1974 rooms at a 75% occupancy rate.

Councilor Roberts said he would be in favor of the \$5.00 charge for motor vehicles. He also indicated he would like to sell two of the seven acres of the Banfield Road property. City Manager Bohenko said we are waiting for a State agency to get back to us to purchase that conservation land. Councilor Roberts would like a staff analysis if the City is receiving the proper funding for services provided under the Municipal Services Agreement.

B. MAYOR BLALOCK

1. Discussion Re: Work Session on Per- and Polyfluoroalkyl Substance (PFAS)

Mayor Blalock said there was a request to have a Work Session on PFA's. He said it is regarding drinking water at the schools and that carbon filtration should be put in place at the school fountains. Mayor Blalock said he would schedule a Work Session in the future and invite all interested parties.

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 Phyllis Eldridge to the Zoning Board of Adjustment - Alternate

The City Council considered the appointments which will be voted upon at the February 20, 2018 City Council meeting.

3. Appointments to be Voted:

- Reappointment of Jeffrey Kisiel to the Planning Board
- Reappointment of 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

Councilor Denton moved to reappoint Jeffrey Kisiel to the Planning Board until December 31, 2020; reappointment of Jay Leduc to the Planning Board until December 31, 2020; appointment of Steve Gray to the Cable Television & Communications Commission until April 1, 2020 and the appointment of Peter Weeks to the Trustee of the Trust Funds until January 1, 2021. Seconded by Councilor Pearson and voted.

Appointments to Citywide Neighborhood Steering Blue Ribbon Committee

Mayor Blalock appointed Kathleen Boduch, Chase Hagaman, Kelly Weinstein and reappointment of Lawrence Cataldo and Paul Mannle to the Citywide Neighborhood Steering Blue Ribbon Committee until December 31, 2019.

4. Resignation of John Pratt from the Economic Development Commission

Councilor Dwyer moved to accept with regret the resignation of John Pratt from the Economic Development Commission along with thanks for his service to the City. Seconded by Councilor Pearson and voted.

Councilor Dwyer moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Assistant Mayor Lazenby and voted.

C. ASSISTANT MAYOR LAZENBY, COUNCILOR DWYER & COUNCILOR DENTON

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

Councilor Denton said Item 7 needs language to increase energy efficiency and increase renewable energy production.

Councilor Denton moved to adopt the amendment to the City Council Principles for legislative Positions with an addition to #7 to read as follows: *Support incentives for sustainability and increasing energy efficiency and increasing renewable energy production.* Seconded by Assistant Mayor Lazenby and voted.

Councilor Dwyer requested that the City Manager work on developing a subset of principles for water/sewer and storm water legislation.

D. COUNCILOR PEARSON

1. Fundraising Ideas for Prescott Park

Councilor Pearson said that there are so many letters of support that have been received regarding the Master Plan for Prescott Park that she would like to see fundraising ideas established for this season. She said the drawings/signs for the improvements to the Park could be placed within the park in various spots that people could make donations towards those improvements.

Mayor Blalock said he would support the initiative.

Councilor Pearson said we could set up a trust for the donations. City Manager Bohenko said he would speak with Judy Renaud the Prescott Park Controller on this matter.

Councilor Dwyer suggested not going big at first. She said we need to make sure that we figure a way to make it clear for naming opportunities where larger donations would be made.

McIntyre Building Session

Councilor Dwyer said the first listening session regarding the McIntyre Building was held over the weekend and 145 people attended. She said great presentations and breakout groups took place. She spoke to Redgate/Kane and they were excited about the ideas brought forward. She stated that people know what it is and what it isn't. Councilor Dwyer announced that the second session will be held on Thursday evening from 6:30 p.m. to 8:30 p.m. here at City Hall. Councilor Becksted said that Portsmouth Listens will not be part of the session on Thursday evening.

E. COUNCILOR DWYER

1. Responsible Policy Making

Councilor Dwyer said she would like Mayor Blalock to appoint a standing panel of neutral people that have expertise in research methods and research interpretation for issues coming before the City Council. She indicated three to four residents could be appointed.

Mayor Blalock said he has no resources to appoint anyone and would not want this to be political. He would need access to who the experts would be. Councilor Dwyer said there are people at UNH and maybe some people on the City Council could make suggestions.

Councilor Reynolds said we are not trying to establish a panel of scientists but are looking for a handful of people to help all of us with some of our decision making.

Assistant Mayor Lazenby said he would like to sharpen the mission for the committee.

F. COUNCILOR DENTON

1. Renewable Energy Committee Final Report and Recommendations

Councilor Denton said 7 meetings were held by the Committee and he would like to thank the individuals that were part of the Blue Ribbon Committee. He said the policy is a one page document and he would like to see the Council adopt the policy at a future meeting. He stated that the policy has three phases:

Phase I focuses on Municipal Government Operations achieving Net Zero Energy

Phase II focuses on the Portsmouth Community, including residences, business, and other non-municipal users such as the Pease Development Authority, achieving Net Zero Energy. Phase II will also seek to examine low-income residents and environmental justice-related issues within the context of Portsmouth's Renewable Energy Policy

Phase III focuses first on all vehicles originating in and second on vehicles traveling through the City of Portsmouth achieving Net Zero Energy. Phase III is distinct from Phase II as an acknowledgement of the amount of time that may be required to accomplish this phase.

He said he would like the City Council to vote on this policy in the future.

Assistant Mayor Lazenby said that this is quality information. He said perhaps we need a Work Session to review the content.

Mayor Blalock said we can discuss this as a City Council and does not feel that we need a Work Session.

Councilor Reynolds thanked the Committee for their work and thoughtful process. He said he looks forward to a future meeting regarding the policy.

Councilor Dwyer said the policy is disconnected from the report. She said if it is going to be a policy it needs to be tethered. She said she would like to get to a policy that the City Council can get behind. She stated she does not feel we could get close to net zero.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

At 11:15 p.m., Councilor Dwyer moved to adjourn. Seconded by Assistant Mayor Lazenby and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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