

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 5, 2018

PORTSMOUTH, NH  
TIME: 6:15 PM

---

### **Public Dialogue Session Table A**

There were two tables used for the Public Dialogue Session.

Assistant Mayor Lazenby, Councilors Pearson, Denton and Reynolds sat at this table.

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

Mark Brighton spoke regarding commercialized development and if there is a benefit to the residents. Councilor Pearson said if we did not have development our taxes would be higher. Mark spoke regarding high taxes and feels he pays for commercial development. Councilor Pearson said 43% of the budget is covered by commercial development.

Assistant Mayor Lazenby said people outside of town come here and pay for goods and use commercial properties. Mark said the tax rate does not benefit the residents.

Sue Polidura spoke concern with security in schools. Councilor Denton said Police Chief Merner is holding a session regarding school safety on Tuesday, March 20<sup>th</sup>. He said we can only do what the State law allows. Ms. Polidura said there is not much you can do because of the federal laws. She said there are issues with mental illness and people getting access to guns. Assistant Mayor Lazenby said the School Department and Police Department are working together on steps to take on communications and what people should expect in our schools. Councilor Reynolds said that we are fortunate to be a smaller community. Ms. Polidura said there are terrorist cells in every State and will come into a community with fully automatic weapons that are used for mass casualties and said it could happen whether there is a law on the books or not.

Ann Miller, New Castle resident, said the rest of the neighborhood are at the New Castle Select Board meeting this evening and she is here to represent the Portsmouth rate payers of New Castle. She said there needs to be an update to the water line for New Castle. She indicated the water flows are a concern in the area and feels that issue could be moved along to repair the water line but Portsmouth chooses not to do it. She said the Wentworth line should be repaired and replaced. City Manager Bohenko spoke to the various investments made to the lines in New Castle and said the City has spent a great deal of funds. Deputy Public Works Director Goetz spoke regarding the updates that have been made by the City in the last 20 years. He indicated that the Wentworth line has been upgraded from an 8 inch to a 12 inch line. City Manager Bohenko said there has been very little investment by New Castle to make upgrades. Ms. Miller said that the line is not adequate and needs to be repaired. Deputy Public Works Director spoke to the increase in costs for hiring contractors. He said we are working towards the improvements. City Manager Bohenko said we have been working with the New Castle Select Board on this matter. Ms. Miller said you need to treat New Castle like rate payers. City Manager Bohenko said you are treated like every other rate payer. Deputy Public Works Director Goetz said we have done \$3-\$4 million dollars in work and 2 ½ miles of line.

Councilor Pearson said it is not New Castle versus Portsmouth.

Councilor Reynolds spoke to the CIP being a 6 year plan that includes some projects that we are not completing that might be in the plan.

Ms. Polidura spoke regarding the North Cemetery and asked about the status of the wall. Deputy City Attorney Woodland said it is still in the design phase of the Maplewood Avenue process and we are looking at the wall issue at the next stage of the project.

At 6:45 p.m., Mayor Blalock closed the Public Dialogue Session.

### **Public Dialogue Session – Table B**

Councilors Roberts, Dwyer, Perkins and Becksted were seated at the table.

Councilor Roberts opened the floor for discussion:

Roy Helsel – stated that the School Department has 226 teachers and over 600 employees as of 2018 and wonders why so many. Secondly, he asked about security in the schools during off hour activities such as sports, stating the building is open and anyone can walk in with a backpack with explosives and leave it in the building and would like to see the doors be secured.

Councilor Becksted stated there is only one entrance open during these events, but agrees that there are people going in and out.

Mr. Helsel stated we need to secure the schools and should pay someone to be there at all times.

Councilor Roberts stated he was unaware of this issue but suggested talking to the Police Department.

Mr. Helsel stated that he doesn't want to see a tragedy occur.

Councilor Dwyer stated that the public will need to talk about the issue and determine the best way to secure the buildings such as metal detectors which are used in other cities. She stated there is a Resource Officer in the schools during the day.

Patricia Bagley – discussed the article on the Coakley Landfill issue stating she was dismayed.

Councilor Roberts stated that he spent some time reading the article and other information on the issue. He then reviewed the background as he understood it to be that in 1999 there was an order from the EPA allowing the city to not have an extension and would allow continued monitoring and isn't sure how much publicity that order received at the time. He stated it is misleading that the money had to be spent, but it may have to be paid back.

Ms. Bagley stated that we had money and it went into the till. She stated she was also dismayed about the City Manager's comment regarding the City Attorney in the article.

Councilor Dwyer stated we are the implementers of what the DES and EPA decide and at that time they decide it wasn't necessary.

Ms. Bagley asked what they thought would happen to the \$5 million.

Councilor Dwyer stated it has been in the Bank of America and agrees we do need to know more.

Peter Whelan stated that a forensic accountant should be hired separate from the city to see where the money went.

Councilor Roberts clarified that it was originally only \$2.5 million and the rest is accumulated interest.

Councilor Roberts stated that we can ask them if they are misrepresenting things and then follow up to see if what they are saying is true, and then go more in-depth if necessary.

Councilor Dwyer stated there should be categories for each year such as legal expenses, monitoring, etc.

Mr. Whelan stated that as taxpayers we have a right to know where the money went.

City Manager Bohenko stated that the money was not from the EPA but from the State Revolving Loan Fund back in 1991-92 which the State provided to the cities. He stated we borrowed \$4.9 million and then had to repay it after the work at the landfill was done at a reduced interest rate. He stated we have 2 fiscal years left to pay and then we will be done. He continued that there will only be monitoring costs at that point and anything else the DES and EPA require. He stated this was started 20 years ago, and now because of the recent publicity, it has cost us another \$500,000 in the last 2 years. He stated that when we got the SRF Loan all of the records were at the State and an application had to be filled out, etc. and we have paid this over the last 2 years.

Councilor Dwyer clarified that this is also in the budget document under debt service.

Paige Trace stated that the EPA also granted the city \$5 million to be used separate from the State Revolving Loan Fund which was Superfund money. She stated that the CLG said that a Trust wasn't needed at that time and \$2.5 million is what the City of Portsmouth is responsible for but the total was \$5 million.

City Attorney Sullivan stated that the contribution was made on behalf of the Air Force and Navy for them to be able to step away and be done.

Councilor Becksted asked if that was a part of the consent decree.

City Manager Bohenko stated when the consent decree came out the Dept. of Defense provided \$2.5 million so they could step away.

City Attorney Sullivan stated that now they have no responsibility in the current issues and at that time there may or may not be a WWTF built and if not, then the \$2.5 million would be returned to the Superfund money in the 2030's.

City Manager Bohenko stated we will be able to talk about using the money for other purposes such as mitigation.

Councilor Dwyer clarified that the money will be held until the certification is completed.

City Attorney Sullivan stated that it is in a Trust and the money needs to be spent on something but the WWTF wasn't required.

Councilor Dwyer asked what sets the outside date.

City Attorney Sullivan stated it keeps getting pushed back but with the emergent contaminants, the EPA won't certify until the 2030's.

Councilor Roberts stated that there are some notables who are advocating for pump and treat.

City Attorney Sullivan stated that the contaminants now are different than what the proposed WWTF in the 1990's would have handled.

Councilor Dwyer asked what the EPA is saying about contemporary treatment.

City Attorney Sullivan stated the EPA will not allow us to build it because of the federal reimbursement and if we build one before the remedy is completed and if it operates, then no there will be no reimbursement of federal money. He stated this is all explained on their website.

Harold Whitehouse stated that a lot of the contaminants came from the Naval Shipyard, so can't they be held responsible.

Mr. Whelan stated they bought their way out of it.

Councilor Becksted asked if it is just the federal government that we can't go back to, or any of the companies involved.

City Attorney Sullivan stated none of the federal government parties, but if the State Legislature orders building a WWTF, then only the City of Portsmouth will be responsible, but none of the other parties.

Ms. Trace stated that the State of New Hampshire is an administrative state, not regulatory, but there is legislation to make us a regulatory state.

City Attorney Sullivan stated he is not aware of that, but the Coakley Landfill is governed by a consent decree of 27 years ago and the Consent Decree states the State can't change it or it would be a violation.

Discussion ensued regarding the proposed legislation with Councilor Dwyer stating that anything requiring funding has basically been killed.

Discussion on this issue concluded with City Attorney Sullivan stating that the EPA has confirmed that they will attend the meeting on the Coakley Landfill when it is held in June.

Next, Mr. Whelan discussed resident parking stating he has volunteered to get the signatures that were said to be required at the recent neighborhood meeting.

Councilor Becksted stated that the Public Works Director indicated that a pilot program could not happen until October.

Mr. Whelan stated that they want it before summer and that the south end can't take another summer like last year.

Councilor Dwyer asked if it has gone to the Parking and Traffic Safety Committee yet.

Councilor Roberts who is also the Chair of the Parking and Traffic Safety Committee stated it has not because there needs to be a survey conducted first and then a petition from a certain percentage of residents who want to try the pilot program. He stated he doesn't know the status at this time, but suggested there could be interim "No event parking" signs.

Public Works Director Peter Rice stated the survey is in draft form and is being reviewed. He stated it should be finalized and sent out by the end of the week. He stated once that is completed, they will recommend a program but they want to wait until the new garage is online because we need an alternative for the displaced people.

Councilor Dwyer asked if we can do a trial program.

City Manager Bohenko stated that we want to do the survey first because we have tried this in the past, and found that people were against it.

Mr. Whelan stated that people are willing to pay for a sticker and stated that elderly people are afraid to move their cars because they won't find another space.

Ms. Bagley stated that the City is worried about displacing other people, but what about the neighbors.

Ms. Trace stated she sees what is going on at Gates Street and Hancock Street fills up before daylight and it's a daily frustration. She stated she understands that there is a methodical way to implement the program, but people are already at the end of their patience. She stated that the older people on Gates Street have only one handicap spot. She suggested a 3 week trial period.

Public Works Director Rice stated that the City Council is the policy maker and he will present a plan to the City Manager who will then bring it to the Council. He stated that a trial period is disruptive to staffing and equipment scheduling and budgeting. He would like to see this done methodically. He stated there are a lot of variables.

Mayor Blalock closed the Public Dialogue at 6:55 p.m.

---

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 5, 2018

PORTSMOUTH, NH  
TIME: 7:00 PM

### **I. CALL TO ORDER**

Mayor Blalock called the meeting to order at 7:05 p.m.

### **II. ROLL CALL**

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Reynolds and Becksted.

ABSENT: None

### **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 to the Flag.

Noam Baranovsky, Friends Forever, graduate of the Middle East Program spoke to her travels back to the United States. She said that the program headquarters is located in Durham, NH and expressed her support of the program. She said Portsmouth and Durham are a symbol of Peace to her.

## **PRESENTATION**

### **1. 400<sup>th</sup> Anniversary Celebration – Susan Labrie**

Ms. Labrie provided a Presentation on the City's 400<sup>th</sup> Anniversary Celebration that will be happening in 2023. She spoke to the various organizations that are involved with the celebration. She discussed the variety of the programs for the celebration. She said the first donation to the Anniversary Celebration is being accepted this evening from Harold Whitehouse. Mr. Whitehouse came forward and spoke regarding the City's 350<sup>th</sup> Anniversary and some of the activities that took place. Ms. Labrie thanked Mr. Whitehouse for the donation.

## **V. ACCEPTANCE OF MINUTES – FEBRUARY 20, 2018**

Councilor Perkins moved to accept and approve the minutes of the February 20, 2018 City Council meeting. Seconded by Councilor Roberts. Councilor Perkins moved to amend page 8 of the minute's first paragraph under Additional Council Questions and Deliberations delete the word addition from the last sentence and replace with *instead of*. Also amend first sentence by the addition of the words *to trigger the reporting* at the end of the sentence. Seconded by Councilor Roberts. Main motion passed, as amended.

## **VI. PUBLIC DIALOGUE SESSIONS**

Councilor Denton reported on Table A that had 4 topics of discussion: 1) Commercial Properties and Tax Rate, 2) School Safety, 3) New Castle Water Line, and 4) North Cemetery Wall.

Councilor Becksted reported on Table B which had 4 topics of discussion as well: 1) School Safety, Coakley Landfill Article in newspaper, 3) Resident Parking and moving it forward, and 4) Coakley Landfill meeting is estimated to take place in June.

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

- A. PUBLIC HEARING/ADOPTION OF RESOLUTION PURSUANT TO RSA 72:39-b THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$41,314.00 FOR A SINGLE TAXPAYER OF \$56,807.00 FOR A MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY PAYMENTS. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- **PRESENTATION**

City Manager Bohenko informed the City Council that the exemption will increase by 2% which is equivalent to social security. He spoke to the comparison with other communities which was provided as a reference for the Council.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer said we are exempting about \$1,000,000.00 in taxes. City Manager Bohenko said each dollar represent \$5.4 million and the loss is less than ten cents on the tax rate.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Councilor Denton moved to adopt the Resolution for Elderly Exemption, as presented. Seconded by Assistant Mayor Lister.**

Councilor Roberts said that this is a good expense.

**Motion passed.**

- B. PUBLIC HEARING/ADOPTION OF RESOLUTION PURSUANT TO RSA 72:37-b, CITY HEREBY AMENDS THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$41,314.00 FOR A SINGLE TAXPAYER OR \$56,807.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- **PRESENTATION**

City Manager Bohenko said the disabled taxpayer's exemption is \$100,000.00 off the assessed value of property.

- **CITY COUNCIL QUESTIONS**

There were no questions by the City Council.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Councilor Reynolds moved to adopt the Resolution for the Disabled Exemptions, as presented. Seconded by Councilor Pearson and voted.**

- C. PUBLIC HEARING/ADOPTION OF RESOLUTION AUTHORIZING THE COLLECTION OF AN ADDITIONAL MOTOR VEHICLE REGISTRATION FEE IN THE AMOUNT AUTHORIZED BY RSA 261:153 VI FOR THE PURPOSE OF SUPPORTING A MUNICIPAL AND TRANSPORTATION IMPROVEMENT FUND



- **PRESENTATION**

City Manager Bohenko said the State allowed 15 years ago for the additional \$5.00 fee for motor vehicle registrations. He said he would like to use the fees acquired from the additional \$5.00 to enhance senior transportation. He stated the services would be increased to go outside the City and shopping trips. He said we are thankful to the Wentworth for where we are today with senior transportation.

- **CITY COUNCIL QUESTIONS**

Councilor Dwyer asked if the services are available to any senior. Planning Director Walker said everyone benefits.

Councilor Denton said that this is a great idea and is pleased to see the electrical charging stations can have funds go towards that project.

Councilor Reynolds said he would like to see services expanded to all members of the public.

City Manager Bohenko said COAST has a very good transportation program and there is a service for door to door.

- **PUBLIC HEARING SPEAKERS**

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Assistant Mayor Lazenby said these fees will be paid by residents. He said he has concerns about putting this in place before increasing revenues in other manners that would not necessarily come from residents.

City Manager Bohenko said this was brought forward to augment revenues by Councilor Roberts. He said we have not brought this fee forward sooner because we wanted the support of the City Council.

**Councilor Dwyer moved to adopt the proposed Resolution to add a \$5.00 Motor Vehicle Fee for the purpose of supporting a Municipal and Transportation Improvement Capital Reserve Fund. Seconded by Councilor Perkins.**

Councilor Roberts said the fee is very reasonable.

Councilor Dwyer said we should support the fee because it is a user fee versus a tax.

Councilor Becksted said we are paying again as a resident. He said he would like to see alternate transportation.

**Motion passed with Assistant Mayor Lazenby voting opposed.**

## VOTES ON ORDINANCES AND/OR RESOLUTIONS

- D. SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.9 CONFLICT OF INTEREST/ELECTION CANDIDATE FINANCIAL DISCLOSURE – CHARTER AMENDMENT #1

City Attorney Sullivan said you have a black lined document which is before you currently which is as second reading presently stands. He said the red lined versions are amendments submitted by Councilors Roberts, Dwyer, Denton, and Perkins.

Councilor Raynolds said rather than having three close versions we would benefit from having a matrix to do a side by side comparison.

Councilor Dwyer said we could do it by a process of elimination.

**Councilor Denton moved to pass second reading of the ordinance. Seconded by Councilor Perkins.**

**Councilor Denton moved to amend ordinance in accordance with the proposal submitted by Councilor Denton. Seconded by Councilor Becksted and voted.**

**Councilor Perkins moved to amend Councilor Denton's proposal under Required Disclosures after the word expenditures to add *exceeding \$100.00*. Seconded by Councilor Denton.**

**Councilor Dwyer moved to amend the ordinance under Required Disclosures Other than City Council to add *Ballot Questions, Referendum Questions or Charter questions*. Further amend Required Disclosures City Council under Political Action Committee to add *Ballot Questions, Referendum Questions or Charter Questions*. Seconded by Councilor Raynolds and voted.**

**Councilor Perkins motion passed with Councilor Denton voting opposed.**

**Second reading passed, as amended.**

**Councilor Perkins moved to schedule third and final reading at the March 19, 2018 City Council meeting. Seconded by Councilor Pearson and voted.**

- E. SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.901 – CONFLICT OF INTEREST/MUNICIPAL OFFICIALS DISCLOSURE – CHARTER AMENDMENT #2

**Councilor Denton move to pass second reading, as presented. Seconded by Councilor Roberts and voted.**

**Councilor Denton moved to rescind the previous vote to pass second reading. Seconded by Councilor Roberts. On a unanimous roll call vote 9-0, motion passed.**

**Councilor Denton moved to pass second reading. Seconded by Councilor Roberts and voted.**

**Assistant Mayor Lazenby moved to amend ordinance in accordance with the proposals submitted by Councilor Dwyer. Seconded by Councilor Denton.**

**Councilor Roberts moved to amend ordinance in accordance with proposal submitted by him. Seconded by Councilor Denton and voted.**

**Motion passed amending ordinance with Councilor Dwyer's proposals as submitted.**

**Councilor Denton moved to pass second reading, as amended. Seconded by Assistant Mayor Lazenby and voted.**

**Assistant Mayor Lazenby moved to schedule third and final reading at the March 19, 2018 City Council meeting. Seconded by Councilor Denton and voted.**

### **VIII. APPROVAL OF GRANT AND DONATIONS**

*(There are no items under this section of the agenda)*

### **IX. CONSENT AGENDA**

- A. Letter from Martin J. Wyman, Army National Guard, requesting permission to conduct the Best Warrior Competition on Sunday, April 15, 2018 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Richard Wagner, AIDS Response Seacoast, requesting permission to hold the 22<sup>nd</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 6, 2018 from 10:00 a.m. - 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival, requesting permission to hold the 19<sup>th</sup> Annual Portsmouth Maritime Folk Festival on Saturday, September 29, 2018 and Sunday, September 30, 2018 ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Reynolds requested to remove Item IX. D. – Request for License to Install Projecting Sign from Rebecca Earle, owner of Cotillion Bureau for property located at 65 Bow Street from the Consent Agenda.

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

- D. Request for License to Install Projecting Sign from Rebecca Earle, owner of Cotillion Bureau for property located at 65 Bow Street ***(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***

Councilor Reynolds said the size of the square footage seems large. Planning Director Walker said it fits within the maximum allowed in the Zoning Ordinance.

Councilor Reynolds moved 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. Seconded by Councilor Denton and voted.

**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***

***The Planning Stipulations are part of the motion, as voted.***

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

**A. Email Correspondence**

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

**B. Letter from James Splaine regarding Mandating an Independent Professional Audit and Financial Analysis of the Coakley Landfill Group records, dating back to its origination**

Councilor Reynolds moved to accept and place the letter on file. Seconded by Councilor Becksted and voted.

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

1. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the City of Portsmouth and the Portsmouth Management Association

City Manager Bohenko said this is a one year extension with a 2% increase.

**Councilor Pearson moved to accept the proposed One-Year Agreement between the City of Portsmouth and the Professional Management Association, as presented. Seconded by Councilor Perkins and voted.**

2. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Custodial Supervisors Union

City Manager Bohenko said this is a one year extension seeking a 2% increase for Cost of Living Adjustment (COLA).

**Assistant Mayor Lazenby moved to accept the proposed One-Year Agreement between the Portsmouth School Board and the Custodial Supervisors Union, as presented. Seconded by Councilor Perkins and voted.**

3. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the School Association of Portsmouth School Administrators

City Manager said this is a one year agreement with a 2% increase.

**Assistant Mayor Lazenby moved to accept the proposed One-Year Agreement between the City of Portsmouth and the Association of Portsmouth School Administrators, as presented.**

4. Adoption of Proposed Capital Improvement Plan (CIP) FY2019-2024

City Manager Bohenko said the Cate Street Connector may be premature to do at this point. He said he would prefer to negotiate with the developer for the plan for the road extension. He stated more information will be coming as we move along and suggested no amendment take place. City Manager Bohenko said in May during the budget process an amendment can be made to the budget.

**Councilor Denton moved to adopt the Capital Improvement Plan (CIP) FY2019-2024. Seconded by Councilor Perkins.**

City Manager Bohenko said if anything is funded through the General Fund we wait until the budget adoption process. He said items in FY19 he would not amend tonight but at the budget adoption process.

Councilor Dwyer said she has only looked at FY19 for adjustments and not out years.

Councilor Becksted said looking at FY19 you are looking at what we are spending in the General Fund.

City Manager Bohenko said bonded items can be done here or at the budget process.

Assistant Mayor Lazenby said Cate Street Connector is a high priority item.

Councilor Perkins said she is focused on FY19 projects this evening as well. She said some projects are for information purposes to the City Council for the future. She stated the Islington Street changes she thought were approved at a past meeting and the amendment was not needed this evening. Councilor Perkins asked about the costs associated with moving the Parking Operations to the Foundry Garage. Public Works Director Rice said it would allow the people to pay their tickets in the downtown rather than going up to City Hall.

Councilor Dwyer said she was trying to get back to \$1.5 million for the CIP. She said we should use a lower total for the CIP and make capital investments.

City Manager Bohenko said we are in the process of building a budget and it is good to have a goal. He recommended the projects you want to use Fund Balance for we discuss them during the May Work Session on the budget.

Councilor Becksted asked if we could complete Phase II Islington Street project in FY2022 versus FY2024. Public Works Director Rice said from the General Fund side we could complete the project in 2022. Councilor Becksted asked about the Russell-Market Intersection Upgrades and the rail road improvements. Director Rice said the rail road is not included because that is a State project.

**Councilor Becksted moved the Market Street Gateway Improvements and the Russell-Market Intersection Upgrades to have the work completed following Islington Street Improvements Phase II. Seconded by Councilor Denton.** This will move up Islington Street Improvements by 2 years and move back the Market Street Gateway Improvements and the Russell-Market Intersection Upgrades by 2 years.

City Manager Bohenko stated this is a plan and no appropriation takes place until the budget process.

Councilor Roberts said you should divide the question by Councilor Becksted before a vote is taken. He said he has doubts about the Cate Street Connector and would like to see traffic data on the project. City Manager Bohenko said we would have the developer pay for some of the study we want done. He also stated that the Bartlett Street improvements will be a very expensive project.

**Councilor Roberts moved to divide the question to take action of the Islington Street Improvements Phase II. Seconded by Councilor Denton and voted.**

On a roll call vote 1-8, motion to move back the Market Street Gateway Improvements and the Russell-Market Intersection Upgrades by 2 years failed to pass. Councilor Becksted voted in favor. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted opposed.

Assistant Mayor Lazenby moved Sagamore Avenue Sidewalk up by 1 year, the Recycling & Solid Waste Totes out by 1 year and Police New Facility-Land Acquisition out of the CIP as a TBD amount. Seconded by Councilor Perkins.

Public Works Director Rice spoke in support of keeping the funding for the Solid Waste Totes. He explained that the current totes are not working. City Manager Bohenko said that people are going out and purchasing different kinds of totes or bins which is creating problems. He said the idea was to sell the totes at cost to change over to the assigned issued totes.

Councilor Raynolds moved to amend the motion to remove the Recycling & Solid Waste Totes from the main motion and the funding to remain in FY19. Seconded by Councilor Denton and voted.

Assistant Mayor Lazenby motion passed, as amended.

Councilor Denton moved to add the Hodgson Brook project for identification purposes into the Capital Improvement Plan. Seconded by Councilor Perkins and voted.

Councilor Dwyer moved to remove Police Gym Equipment Replacement #48, Vaughan-Worth-Bridge Strategic Vision Development #69, Citywide Playground Improvements #67, Citywide Park Improvements #68, and Historic Cemetery Improvements #80 funding out of the FY19 CIP. Seconded by Councilor Perkins.

Councilor Perkins moved to leave the Vaughan-Worth-Bridge Strategic Vision Development #69 in the FY19 CIP. Seconded by Councilor Roberts and voted. Councilor Dwyer voted opposed.

Councilor Denton moved to keep the Police Gym Equipment Replacement in the FY19 CIP. Seconded by Assistant Mayor Lazenby. On a roll call 5-4 voted, to keep the Police Gym Equipment Replacement #48 in the FY19 CIP. Assistant Mayor Lazenby, Councilors Pearson, Denton, Becksted and Mayor Blalock voted in favor. Councilors Roberts, Dwyer, Perkins and Raynolds voted opposed. Voted to pass the main motion, as amended.

Councilor Dwyer remaining motion passed, as amended.

Main motion to adopt the CIP passed, as amended.

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



City Manager's Informational Items

4. *Report Back Re: Per- and polyfluoroalkyl Substances (PFAS)*

Deputy Public Works Director Goetz provided a brief PowerPoint Presentation regarding PFAS. He reported that 1 grain of sand in an Olympic-size swimming pool is what 1 Part-per-Trillion (ppt) equals. He addressed the Portsmouth and Pease regional water systems. He spoke to the Haven Well shutdown on May 12, 2014 and the sampling of water sources that took place following the closure of the well. He stated that all water sources sampled in May 2014 and in 2015 as part of the EPA's Unregulated Contaminant Monitoring Program showed the following:

- Surface Water – “non-detect”
- Madbury Wells – “non-detect”
- Portsmouth Well - “non-detect”
- Collins Well - “non-detect”
- Greenland Well - “non-detect”

He said when resampled using lower detection limits (same as Pease sampling), some sources show low levels of detections which reported limits 20 ppt – PFOA. He informed the Council that two-thirds of Portsmouth's water supply comes from the Madbury wells. Deputy Director Goetz reported that the Harrison/Smith Well has had activated carbon filtering since September 2016. He spoke to the website and water system updates that have been provided:

- Presentations to City Council and Other Groups
- Testing for Pease Group
- Haven Well Community Advisory Board – 14 public meetings in 2014
- Blood Testing – March 31, 2015 Public meeting where NHHS Announces protocol for Pease Blood Testing. Three public meetings announcing blood test results
- ATSDR Community Assistance Panel (CAP) – Formed in 2016 to address long-term health concerns
- Pease Restoration Advisory Board (RAB) – Reestablished in 2016 and meets every quarter

Deputy Director Goetz spoke to looking ahead the City's water operations staff will continue to address PFAS contamination issues by continuing to:

- Work with the Air Force and regulators to monitor PFAS compounds in the water sources in and around the Haven Well
- Design and construct drinking water treatment system to treat and remove PFAS compounds in the Pease Tradeport Drinking water system wells.
- Develop a long-term water quality monitoring plan (to include not only PFAS compounds but other water quality parameters) for the reactivation of the Haven Well
- Continue twice-a-year monitoring of all other Portsmouth water supply sources for PFAS compounds and respond appropriately should contaminant levels appear to be approaching HA levels
- Work with regulators and waterworks professionals to track and respond to the evolving water quality information, regulations and treatment technologies
- Provide public information on this and all other water quality parameters in our water systems



2. *Updates on Prescott Park*

Assistant City Manager Moore spoke to Prescott Park and the Master Plan and said we invite and encourage the history of the park. He said the Committee met for one year and held 19 meetings. He addressed the Licensing Agreements for the operation of the park for 2018 and stated Agreements will be brought forward soon. He spoke to the services provided in the park and the next step is to look at preliminary designs. He said the Committee concerned on finalizing its recommendations for the Events & Performances Schedule as recommended by the City Manager. Schedule parameters are recommended to include the following:

- Program Type and Mix
- Festival Season Start and End dates
- Program Times
- Weekly Schedule
- Intensity (audience size)

Councilor Becksted asked what we will be charging for Prescott Park. City Manager Bohenko said we are in the process of negotiating that right now. He said we will have a universal license system and would have the same structure. He stated the budget will be a Special Revenue Fund. He also stated whatever we need to make up for revenues will be coming from the General Fund. City Manager Bohenko said we will show revenues coming in and expenditures going out. He said there is not enough revenues from the Trust to operate the park and that there would be additional costs.

Councilor Denton said he would like to see the City making the park a carry in and carry out system or making the restaurant compost but do not make it a top priority today.

6. *Report Back Re: Veteran's Tax Credit*

City Manager Bohenko reported the following Veteran's Tax Credits. He stated to date, the following veteran's credits have been approved:

- \$500.00 – Standard & Optional Veterans' Tax Credit = 802
- \$500.00 – All Veterans' Tax Credit = 53
- \$2,000.00 – Surviving Spouse Veteran Died on Active Duty) = 1
- \$2,000.00 – Tax Credit for Service-Connected Total Disability = 48
- Exempt from Taxation – Certain Disabled Veterans = 0

He reported that April 15<sup>th</sup> is the filing deadline and the numbers may change.

**B. MAYOR BLALOCK**

1. Appointments to be Considered:

- Appointment of Richard Blalock to the Recreation Board
- Reappointment of MaryAnn Blanchard to the Conservation Commission
- Reappointment of Samantha Collins to the Conservation Commission
- Reappointment of Ruth Griffin to the Portsmouth Housing Authority

The City Council considered the appointments which will be acted upon at the March 19, 2018 City Council meeting.

2. Establish Round Table Conversation with Concerned Residents of PFAS

Mayor Blalock said there would be a Round Table Discussion prior to the next meeting at 6:15 p.m.

Councilor Dwyer said it feels like we have a great deal of information in the packet this evening on PFAS and feels it would be hard to have a meeting without people reviewing the information. She asked if it would be a question and answer session with people putting forward ideas. She said we need to make sure it is an effective meeting.

Mayor Blalock said it would be a presentation with a small group of people that have been following this matter. Councilor Dwyer said the questions have been answered in the presentation. Mayor Blalock said it would be an educational tool.

Assistant Mayor Lazenby said the concerned citizens have put in a great deal of time and it feels more like a work session but we came up with this idea. He said he doesn't know if we want to have time for the people to speak. Mayor Blalock said it is a follow up to questions and 45 minutes will be enough time.

Councilor Denton said he appreciates the idea of the meeting and he would need to do his homework beforehand.

Councilor Pearson said we do not need to start from zero. She said a high level overview can be fine.

Councilor Reynolds said the presentation by Deputy Public Works Director Goetz was very informative.

3. Working Group to organize a public meeting for the Coakley Landfill:

Mayor Blalock announced that the Working Group would be as follows:

- Assistant Mayor Lazenby
- Councilor Dwyer
- Councilor Perkins

He said the Charge of the Working Group would be:

*To organize and establish a date and time for a comprehensive presentation on the Coakley Landfill. The group will be charged further with establishing an independent moderator and panel.*

City Attorney Sullivan said on April 5<sup>th</sup> there will be an update by the EPA regarding the Coakley Landfill. Mayor Blalock said that Portsmouth is hosting the meeting only.

Councilor Dwyer said she feels that we should do more than host the meeting. She said she would like to play a role in clarifying information on the Coakley Landfill because we need to get a better grasp of what it is. She said we need to visualize and explain what has happened.

Mayor Blalock said we will be creating a webpage with Frequently Asked Questions (FAQ) on the Coakley Landfill for citizens to refer to.

Assistant Mayor Lazenby said the Working Group would help define the mission as well.

City Attorney Sullivan said he would work with the Working Group. He said he is expecting the meeting with everyone present to discuss Coakley Landfill will take place in June sometime. He also said the EPA would be part of the meeting.

Councilor Roberts said there have been a great deal of questions surrounding the finances. He said he would like to know how we would get a handle on those items and June is a long way away and feels it should take place sooner. Mayor Blalock said out of this meeting we could determine if an audit would need to be done. Councilor Dwyer said Councilor Roberts makes a good point of what an appropriate response may be, is it a press release.

City Manager Bohenko said we could frame the financial responses in differential. He said there is an importance to know that with Coakley Landfill we have two more years left on our debt service.

Councilor Dwyer said frame work is what the funds were spent on.

Councilor Pearson said we need to develop a FAQ's on the essential questions and place them on the website.

Councilor Roberts said we could ask for the last year or this year fiscal budget.

City Manager Bohenko said we could do the general cost centers and FAQ's. He said our exposure is debt service for two payments. He reported in the last two fiscal years we have spent \$500,000.00 due to the amount of testing being requested.

Assistant Mayor Lazenby asked if there is other information that would be made available on the website. City Manager Bohenko said there is a great deal of information.

Deputy City Manager Colbert Puff said she is working with the City Attorney and Peter Britz on developing a website focusing on the City of Portsmouth. She said if you went to the NHDES one-stop site and typed in Coakley Landfill you will find hundreds of pages of information. She said that we will have a link from the City website to the DES site.

Assistant Mayor Lazenby said he would like to see a press release on when the website will be up and running and when the informational meeting will be held.

Councilor Roberts said it is important to curate the information from the web site.

4. Response to Hampton Select Board Re: Coakley Landfill

Mayor Blalock said there is a response to the Town of Hampton in your packets. Councilor Dwyer said this should be done in conjunction with our partnering towns, Rye, Greenland, and North Hampton. City Manager Bohenko said this was in response to their letter and we are setting up a regional forum. He said would it be better if the Coakley Landfill Group responds to the letter. City Attorney Sullivan said the Coakley Landfill Group would be happy to prepare a letter.

Councilor Reynolds moved to adjourn. No second was received.

**Councilor Perkins moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Dwyer and voted. Councilor Reynolds abstained from voting.**

**C. COUNCILOR ROBERTS**

1. Gun Safety

Councilor Roberts said he was very concerned with the incident at Atlantic Heights recently. He said we can do background checks and do more with people with mental illness. He said the Police Department's response was appropriate.

Mayor Blalock said he agrees with the concerns but it is frightening. He said we have a great Police Department who is on top of these issues.

Councilor Denton suggested writing letters to Walmart and Dicks Sporting Goods for no longer selling assault rifles. He also suggested sending a letter to Sig Sauer asking them to stop making that kind of weapon.

Councilor Dwyer said we could look to some standing legislative principles on background issues.

Assistant Mayor Lazenby said he supports that and would like a report back from our leaders of our schools on this matter.

Mayor Blalock said we could have the Police Commission and School Department report on this matter.

Councilor Roberts said we could urge the Governor for research on gun safety.

*Councilor Reynolds left the meeting at 10:45 p.m.*

**D. COUNCILOR DWYER**

1. McIntyre Update

Councilor Dwyer provided an update on the McIntyre. She announced the next meetings regarding the McIntyre will be held on Tuesday, March 6<sup>th</sup> at 6:30 p.m. and Saturday, March 10<sup>th</sup> from 9:00 a.m. to Noon.

**E. COUNCILOR DENTON**

1. Renewable Energy Policy for Adoption

**Councilor Denton moved to adopt the Renewable Energy Policy, as presented. Seconded by Councilor Perkins.**

Councilor Denton explained the three levels of the policy. He addressed the energy issues in the City. He said we strive to include all the Boards and Commissions to move Portsmouth towards becoming a net zero community. He stated the three levels are very difficult to get to and would be having all vehicles traveling through Portsmouth being net zero.

**Motion passed.**

**F. COUNCILOR PERKINS**

1. Former City Council Rule #47 – Appointments to Boards and Commissions

Councilor Perkins said this is the rule change that has been going around. She would like the City Council to adopt the amendment to the rules.

**Councilor Perkins moved in accordance with City Council Rule 39 the proposed re-adoption and amendment of former Council Rule 47 be placed on the agenda for consideration at the Council meeting on March 19, 2018. Seconded by Councilor Denton.**

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said he feels the rule ties the hand of the Mayor. He also indicated that the wording does not prevent the Mayor from appointment of an existing member.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Roberts said two members from the Economic Development Commission and Historic District Commission would need to step down after the appointment is made.

City Attorney Sullivan said to adopt the rule this evening would require a suspension of the rules.

Councilor Becksted said he would not support the passage of the rule.

**Motion passed with Councilor Becksted voting opposed.**

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Dwyer said she would like to know where the water line extensions meet for New Castle.

**XIII. ADJOURNMENT**

**At 11:00 p.m., Councilor Perkins moved to adjourn. Seconded by Councilor Roberts 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