

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, OCTOBER 7, 2019

PORTSMOUTH, NH  
TIME: 6:15PM

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### **There were two tables for Public Dialogue Session – Table A**

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

City Manager Bohenko introduced City Attorney Sullivan, Deputy City Attorney Woodland, and City Engineer Desmarais. He apologized for how the Sagamore Creek Sewer Project was rolled out and said he wanted to make sure he had the right numbers to do what the City feels they could provide. He stated that a full presentation will be given during the City Council meeting and residents would not have to pay until they tie into the system. He reviewed a list of frequently asked questions (FAQ). He also indicated residents would not need to tie into the system until their own system fails. City Manager Bohenko said the proposed split is 80/20 at a cost of \$10,000.00 with a no interest loan, which will be the capital costs and more would be required after the tie into the system. He advised the residents that this would take place two to three years down the road. He said the \$10,000.00 is consistent with costs paid by other residents that have had to do this. City Manager Bohenko said that this is information at this point and the City Council would need to take action on this matter.

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

Gary Epler said that there is missing information and lack of opportunity to obtain the information. He suggested that there be a delay and no vote, in order to allow for further dialogue. He said other solutions need to be considered. He stated that City Manager Bohenko had stated there would be many opportunities for the public to speak regarding this matter and there have not been any. Mr. Epler said the ordinance requires the resident to tie in was before the low pressure system. He said a review of the ordinance is needed and to base the ordinance on new circumstances. He spoke to the consent decree and the City's failure to meet the commitments and the City will receive the benefits of residents tying into the system. He indicated that the final cost and design are needed and there is an issue of significant ledge that would need to be dealt with, which will no doubt increase costs. Mr. Epler said the term of a loan should be longer than 10 years and the costs should include more than just the capital costs.

Assistant Mayor Lazenby said he feels allowing more time makes sense. He stated we are working to get more information from staff and we may need more time as a community to get through this matter.

Rus Foster said technically he is accustom to a municipality putting in a pump station for a gravity system. He stated when the bridge was put in was the time to manage a real system pump station, now we have a band aid approach. He said this project will require thoughtful engineering.

Corrine Norris said this project is sudden and unexpected and was not part of the plan two years ago. She stated that this sets a precedence in the City. She stated that a delay is needed.

Assistant Mayor Lazenby said precedent is import to consider, it is very distinct and different.

Mr. Destisto said this is the first time that the City has brought costs to a targeted residence.

Deputy City Attorney Woodland said this is not an issue of targeting, this is part of environmental needs. She said this type of project is not uncommon and this is an opportunity.

Greg Desisto asked who pays for civil liabilities for a City.

Michael Bean said when you reviewed the FAQ you said residents would not have to pay until your system fails or you sell your home.

Ken Smith said residents on Pleasant Point Drive asked for the system and Sagamore Creek has not asked for this project.

Christina Kowlaski said she lives on Walker Bungalow Road and would like to know how the Sagamore Creek area was selected.

Joe Onosko said Currier's Cove is not part of this but is part of the Sagamore Creek neighborhood.

City Engineer Desmarais said the EPA identified Sagamore Creek as an area that needed to have a reduction in bacteria. He reported that Currier's Cove has sewer with a low pressure system and has a private sewer main which was part of the development.

Christina DeLAssandro asked about a waiver in 1985 and stated that the decision of this project needs to be extended.

Deputy City Attorney Woodland said there is not an occasion where we do not provide a waiver. She stated that the waiver is granted and codified.

Sandy Desisto asked if a hookup needs to take place soon.

Deputy City Attorney Woodland said the intention was to put the sewer line in the road and that was made clear at the beginning of the communication.

Joe Onosko said you need to hookup before you sell your home and it will be a loss of \$35,000.00 in the profits from the sale.

Bill Pingree said he has a high tech sewer system and if he sells his home he should not have to lose \$35,000.00 in the profit from the sale. He stated that the City is segregating this neighborhood from other parts of the City.

City Manager Bohenko said we are going to codify the ordinance to address many of these points made this evening.

Jane Zill said we have the Consent Decree which the EPA wants the City to extend sewer to this area.

Deputy City Attorney Woodland said the Consent Decree does not require you to hook in and grants waivers.

Kevin Eckhart asked if residents are going to have to pay to tie into the system.

City Engineer Desmarais said you don't pay for the tie in until you need to be part of the system. He stated the City Council needs to provide authority for the project and the City will be using SRF funds.

City Manager Bohenko said people have paid for the hookup and what we tried to do is have 80% paid by the City and 20% by home owners. He said there are other ways to address this.

David Witham said the City had a meeting a month ago and the home owners were paying 100% of the sewer line. He stated the City Council heard about this matter two weeks ago and why does the line keep moving on the costs.

City Manager Bohenko said the City Council wants to come back with a report. He stated that we have talked to our rate consultant and there are areas where recouping 100% is not required. He said the way we came up with the amount was to look at other projects in the City. He said we looked at the system and cost share of 80%/20%. City Manager Bohenko said costs are coming in 50% over the costs because of the economy and we don't know what the 20% would be. He said we want to keep costs at \$10,000.00 with an interest free loan and make this as painless as possible. City Manager Bohenko stated the City Council does not need to vote on this matter this evening and it would be up to the City Council to decide on the length of the loan. He stated the 50/50 was an example, and \$10,000.00 is what other residents have paid in the City.

At 7:10 p.m., Mayor Blalock closed the Public Dialogue Session.

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

**PRESENT:** Councilors Dwyer, Denton, Perkins, and Becksted.

*(Due to the extensive number of residents wishing to speak, the discussion was moved to Conference Room A)*

Robin Husslage, discussed the issue with idling trains and thanked city officials for reaching out to Pan Am Railways and the report back included on the agenda. She said that Pan Am had stated they would no longer idle trains above 43 degree weather, but that has not been the case. She continued that the new technology regarding idling may be great, but it will take at least a year and there needs to be more clarification on a resolution to the issue. Finally, she stated that they need a way to contact a city official during off-hours when there is an occurrence such as the Click and Fix option on the city website.

Councilor Dwyer suggested contacting staff at the parking garage as there is someone there 24/7.

Ms. Husslage continued that it has been frustrating communicating with Pam Am because they say they will do something, but then nothing gets done. She stated the neighborhood would like to see air and noise testing as well as an agreement with Pan Am that includes accountability. She stated the anti-idling technology has been done in Portland Maine and doesn't understand why it can't also be done here.

Councilor Dwyer asked if once the track repairs are completed, won't the trains no longer be parked in that area.

Nicole LaPierre – said the pad will still be there and feels they will be idling there October-May when whether is below 43 degrees as she hasn't heard any plans to move it.

Councilor Denton stated he has been in touch with the NHDES and staff and the NHDES contracts out their testing and feels that Pan Am should pay for it. He stated he also hasn't heard any plans to move the pad once repairs are completed.

Councilor Dwyer suggested that the Congressional Delegation would be the appropriate group to get involved regarding this issue as they are who the agencies answer to.

Ms. LaPierre stated this is a health issue with idling in a densely populated area and should be moved to a less dense area.

Councilor Denton stated he would like Ms. Husslages' updated information and will draft a letter from the City Council to the delegation regarding this issue.

State Legislator Cali-Pitts explained there have been other issues in the city that the DES has conducted testing and said that if the delegation is asked, they will follow up on this issue.

Councilor Perkins verbally requested Legislator Cali-Pitts to bring this to the delegation.

Councilor Dwyer stated that the State DOT is presenting their 10 year plan at the public library on October 8<sup>th</sup> and encouraged people to attend and give testimony.

Councilor Denton stated he encourages Pan Am to follow up on the NHDES grant.

Councilor Becksted stated that an Executive Councilor of the State will also be at that meeting.

Next, Peter Loughlin addressed the issue being presented by Councilor Perkins regarding Pease International Tradeport Strategic Planning Process and read a prepared statement regarding the resolutions' proposal to reexamine the tax structure at Pease in response to the Lonza expansion, but is concerned because the State is looking to reallocate Pease funds to other places. He stated he has read the negative issues that are being brought up in the Resolution, but hasn't seen where there have actually been issues.

Councilor Perkins stated she is not looking to alter the current business tax structure but the Pease Master Plan has not been updated in 30 years and feels this needs to be a regional discussion. She stated it is not an insult to the PDA's work, but is another chapter for Pease.

Councilor Dwyer stated at one point we didn't have enough local control and we also didn't want housing there, but would contribute to a housing trust. She stated she understands Mr. Loughlin's concerns with opening up the tax structure and asked if he feels that there is some responsibility of Pease regarding the impacts of traffic and housing etc.

Mr. Loughlin explained the history of the city representative being added to the PDA in 1990 and explained that this position has now been legislated out when his term expires in March of 2021 and stated he is concerned with opening up this discussion. He stated there is a perception that there is a lot of money at Pease and the State wants it, but he explained that the new terminal is touch and go as to whether PDA can afford it.

Councilor Becksted stated he agrees with Councilor Perkins that it has been 30 years and the taxpayers take on huge liability and responsibility for the tradeport and feels they need us more than we need them. He stated the companies that aren't paying the school portion of taxes should contribute in other ways, but maybe it won't be for housing.

Roy Helsel discussed the Sagamore Creek Sewer Project and the lack of notification and transparency regarding the issue. He stated that the Town of Kittery put this as a referendum question on their ballot.

Councilor Denton explained that we have a different structure as a City.

Mr. Helsel continued to discuss lack of transparency of other issues such as the McIntyre property process and does not feel City Manager Bohenko should be paid a consulting fee to advise the new City Manager. Finally, he stated he does not like the Public Dialogue Sessions and prefers the Public Comment sessions during regular meetings.

Councilor Dwyer explained to Mr. Helsel that all of these issues have been publicized and transparent and explained the various ways that information is available to the public.

Finally, regarding the Distribution of Single Use Disposables, Legislator Cali-Pitts stated she agrees that there needs to be education on disposing of things and explained that HB102 would empower the city to do what it is looking to do and is currently in committee. She feels that the ordinances should not be passed until this has finished at the State level.

Councilor Denton explained that there will be 3 separate actions taken at the Council meeting on the issue of disposables. He stated the first will be a city policy regarding single use disposables on city property which will be able to be in effect immediately. Secondly, the original ordinance will be divided into separate ordinances; one dealing with city property and the other one being city-wide with both going into effect 12/31/2020. He stated we have been waiting for a House Bill to be passed by the State for years and he has been advised by the Attorney General's office that if someone sues the city over the ordinance, then they will do their jobs accordingly.

Several students from the PHS Ecology Club, dressed in disposable bag costumes, asked that the Council support the ordinances as a starting point in addressing this important issue for the future.

Public Dialogue session concluded at 7:00 p.m.

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## **I. WORK SESSION**

*There was no Work Session this evening.*

## **II. CALL TO ORDER**

Mayor Blalock called the meeting to order at 7:10 p.m.

## **III. ROLL CALL**

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

#### **IV. INVOCATION**

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

#### **V. PLEDGE OF ALLEGIANCE**

Mayor Blalock led the Pledge of Allegiance.

#### **VI. ACCEPTANCE OF MINUTES – SEPTEMBER 3, 2019**

**Assistant Mayor Lazenby moved to approve and accept the minutes of the September 3, 2019 City Council meeting. Seconded by Councilor Perkins and voted.**

#### **VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

*There are no Recognitions and Volunteer Committee Reports this evening.*

#### **VIII. PUBLIC DIALOGUE SUMMARY**

Mayor Blalock stated that two rooms were used this evening for the Public Dialogue Session, the City Council Chambers and Conference Room A.

Assistant Mayor Lazenby gave a brief summary of the topics discussed during Public Dialogue at Table A; Sagamore Creek Sewer Project. Councilor Denton reported at Table B the discussion was regarding Pan Am Railroad, PDA Resolution and Single-Use Disposable Ordinance.

#### **IX. PUBLIC HEARING**

##### **A. Public Hearing regarding KENO within the City of Portsmouth**

- **PRESENTATION**

There is no presentation this evening regarding KENO.

- **CITY COUNCIL QUESTIONS**

There were no questions by the City Council on the issue of KENO.

- **PUBLIC HEARING SPEAKERS**

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

Michael Griffin thanked the City Council for voting to put the issue on the ballot. He stated KENO will provide revenue to the City and will come back in the form of aid for education for full-time kindergarten. He said this is revenue that goes directly back to the City in local charities from the organizations that would allow KENO. He stated this is a win-win for the City.

Eli Sokorelis said he has KENO in his restaurant in Seabrook, which is a form of entertainment for his customers.

Bob O'Leary, Rochester, NH said organizations that offering KENO give back to the community through fund raisers and local sport organizations. He said this is a way to raise money and the funding goes back to the schools.

Frank Desper thanked the City Council for putting the issue on the ballot. He said they support the youth organizations and fund raisers for veterans.

With three calls and no further speakers, Mayor Blalock declared the public hearing closed.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

**Assistant Mayor Lazenby moved to suspend the rules to bring forward Item XIII. A.6. – Sagamore Avenue Area Low Pressure Sewer System – Cost Apportionment. Seconded by Councilor Denton and voted.**

City Manager Bohenko said we heard a great deal from the neighborhood on how the project was not rolled out well. He said we do not have a firm opinion of costs and laid out what is being proposed and said a decision does not need to be made this evening. He stated the residents were never going to pay 100% and there was going to be a cost share. He said at the last meeting he put together an example and wanted to do some research and have our rate consultant look at other communities with Consent Decrees and some of the municipalities are at 75%/25% for repayment. City Manager Bohenko said that the City feels that this is fair and equitable. He said the City is open to delaying this matter and it was his thought that home owners wanted a clear definition. He said this is a staff recommendation and can be adjusted, however the City Council wants. City Manager Bohenko recommended tabling this matter until the City Council has time to discuss this in more detail with the residents and if there was recovery it would be with what we have had other neighbors do.

**Councilor Raynolds moved to postpone taking action on this matter. Seconded by Councilor Denton.**

City Attorney Sullivan said it is the end of this City Council term and action would need to come forward by the new Council.

Councilor Dwyer said everything needs to be captured in a FAQ, basic questions have come forward that need to be in writing. She stated we need to start with basic things, we need a process.

City Manager Bohenko said we did do a FAQ and we will expand upon it, looking at providing more information. He said we need to provide the City Council with as many items as they wish.

Councilor Pearson said there needs to be another formula proposed for the public to ask questions.

Councilor Becksted said he asked the City Manager if we had a number of bonds could we use the premium to pay what we are going to ask the residents to fund as well as how many premiums could we expect to receive.

City Manager Bohenko said we won't know until we use the bonds.

Councilor Perkins said there is time to work this out and we don't need to settle this matter this year.

City Manager Bohenko said there is precedent for cost sharing. He said some research was done and came forward with a number which you have heard this evening. He said you are not paying 100% and staff felt no more than \$10,000.00 from residents. City Manager Bohenko said we brought this forward to work the recommendation in. He said we won't know the cost for a couple of years and there is a great deal of work and effort on this matter and making the project successful.

Assistant Mayor Lazenby said this makes sense and feels that people are planning and want to know what is before them. He said we should not wait too long and do something before the City Council term is up.

Councilor Dwyer said model in some different areas and what is relative costs to replace a septic system in areas and know that will help with the City Council decisions. She said connecting would be less costly than replacing.

**Motion passed.**

**Councilor Denton moved to suspend the rules to bring forward items XI. C.1. – Distribution of Single Use Disposables Policy. Seconded by Assistant Mayor Lazenby.**

Councilor Becksted spoke opposed to suspending the rules to bring the policy before the ordinance. He said the Recreation Board knows nothing about the ordinance.

Councilor Denton said it makes sense to discuss the policy before the ordinance which would take effect today.

**Motion passed. Councilor Becksted voted opposed.**

### **C. COUNCILOR DENTON**

1. Distribution of Single Use Disposables Policy

**Councilor Denton move to adopt the Distribution of Single Use Disposables Policy, as presented. Seconded by Councilor Perkins.**

Councilor Denton read the policy of what we are encouraging to be done with single use disposables.

Councilor Becksted said he does not know if a lot of thought has been put into this. He said the Recreation Board has not been notified.



Mayor Blalock asked Recreation Board Chair Carl Diemer to speak and expressed concerns with bans on City owned property. He said this proposal was not referred to the Recreation Board for feedback and review. He stated that the Recreation Board feels a study on feasibility should have been done. He indicated this would have a damaging impact on non-profit groups and damaging to organizations and restrict them from types of fundraising. Mr. Diemer stated this was also not discussed with the School Board and how this will impact them. He questioned how enforcement would be handled and what the penalties are. He stated this will impact Market Square Day, Pro Portsmouth, First Night and vendors will have a difficult time adhering to the ordinance. He said this would also effect the new Senior Center such as Meals on Wheels and service providers. He asked what the material guidelines are and said the ordinance is very confusing. Mr. Diemer reported that the Recreation Board unanimously voted to postpone the ordinance indefinitely, as the ordinance misses the mark.

Mayor Blalock asked Councilor Denton to answer some of the questions posed by Mr. Diemer.

Councilor Denton said the ordinance does not take effect for one year and the policy will address what works and what does not work. He said the School Board did look into the ordinance and are pleased to have a year to put items into effect. He stated the policy will be the City Manager working with staff and there are exceptions for non-profits.

Mayor Blalock said if the policy and ordinance passes, the effect would be using composting items and composting bins would need to be provided to establishments. He stated that restaurants are currently using composting alternatives and bins.

Councilor Dwyer said the policy is encouraging recycling. She stated that this policy is in-line with what the Recreation Board is currently doing.

Mr. Diemer spoke regarding the sale of water and Gatorade bottles which are plastic, which would create a hardship for the concession stands if they could no longer sell those items.

Councilor Raynolds said the policy is silent on the sale of plastic water bottles and Gatorade.

Councilor Denton said that is correct.

Councilor Raynolds said we have been discussing the ordinance for some time and the discussion has been the City move to be an eco-municipality and that we are doing things better for the future. It is our own schools using Styrofoam trays which would need to be addressed before the ordinance becomes effective.

Councilor Pearson supports the policy and we may not get everything right the first time but we need time to try things and get things right.

Councilor Becksted asked if there are any costs associated with the policy.

Councilor Denton said the policy is encouraging and there will be no fines.

Mayor Blalock said it would be self-policing.

Councilor Raynolds said every violation of the policy is a way to look at doing things better.

Assistant Mayor Lazenby requested that any organization requesting to use City property or an event be advised of the Single Use Disposable Policy.

**Motion passed.**

- B. Third and Final Reading of Ordinance amending Chapter 3, Article IX – Distribution of Single-Use Disposables

**Councilor Denton moved to suspend the rules in connection with third and final reading of the proposed ordinance regarding Chapter 3, Article IX, Distribution of Single Use Disposables to allow that ordinance to be amended and divided at third reading. Seconded by Assistant Mayor Lazenby.**

Councilor Denton spoke to the changes and splitting one ordinance into two.

Councilor Becksted asked City Attorney Sullivan to elaborate that there was no discussion of the City Council for second reading.

City Attorney Sullivan explained the suspension of the rules and making amendments at third reading. He said a definition that refers to the State of Maine will be removed and the other item will split the ordinance on regulating City property and regulating other parts of the City. City Attorney Sullivan said he and City Clerk Barnaby will review the text and put it into proper format.

Assistant Mayor Lazenby said he supports the motion.

**On a roll call 8-1, voted to suspend the rules in connection with third and final reading of the proposed ordinance regarding Chapter 3, Article IX, Distribution of Single Use Disposables to allow that ordinance to be amended and divided at third reading. Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Mayor Blalock voted in favor. Councilor Becksted voted opposed.**

**Councilor Denton moved that the definition of the “composting facility” contained in the Ordinance be amended by deleting the existing definition and replacing it with the definition that a composting facility is, “any solid waste compost facility certified to properly perform that function by the Director of Public Works of the City of Portsmouth.” Seconded by Councilor Perkins and voted. Councilor Becksted voted opposed.**

**Councilor Denton moved that the ordinance be amended and divided into two ordinances, the first of which will regulate distribution of single-use disposables on City property and the second of which will address the distribution of single-use disposables City-wide, each of which was presented in the memorandum dated October 7, 2019 from the City Attorney. Seconded by Councilor Pearson and voted. Councilor Becksted voted opposed.**

**Councilor Denton moved to pass third and final reading of the ordinance regarding distribution of single-use disposables on City property. Councilor Becksted voted opposed. Ordinance becomes effective December 31, 2020. Seconded by Councilor Perkins.**

Councilor Denton said that this ordinance will be in place and effective in 2020 and no Styrofoam on City property.

Assistant Mayor Lazenby said he spoke to children who want this ordinance passed to set an example. He said it is time for the City Council to step up.

Councilor Reynolds said he agrees with Assistant Mayor Lazenby and said the schools could distribute information at sporting events to have the school comply with the ordinance.

Councilor Becksted said he would not support the ordinance.

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

**Councilor Denton moved to pass third and final regarding of the ordinance regulating distribution of polystyrene cups and containers City-wide. Councilor Becksted stepped down from the dais and was not present for this vote. Ordinance becomes effective December 31, 2020. Seconded by Councilor Dwyer.**

Councilor Denton said the Chamber of Commerce spoke in favor of the ordinance and polled owners who support the ordinance. He said that Dunkin Donuts will need to abide by the ordinance.

Councilor Dwyer said surrounding States have to abide by this and Dunkin Donuts is changing their business model. We will have a report back on this matter from the legislature in January.

Councilor Becksted said we don't know the cost effects on this matter and the ordinance is not enforceable.

Councilor Becksted stepped down from the dais.

State Representative Jackie Cali-Pitts said this matter will pass through the legislature.

Councilor Denton said the solid waste statutes, sets up and mimics how to reduce recyclables.

Councilor Roberts said that this will not take effect until December 2020 and the legislature will make a decision on this matter before the ordinance goes into effect.

**Motion passed. Councilor Becksted was not present for this vote.**

## **X. MAYOR BLALOCK**

1. Appointment to be Considered:
  - Jessica Blasko as a Regular member of the Conservation Commission

The City Council considered the appointment of Jessica Blasko as a Regular member to the Conservation Commission to be voted on at the next City Council meeting.

2. Appointment of Brian Goetz to the Drinking Water Commission

**Assistant Mayor Lazenby moved to appoint Brian Goetz, Deputy Public Works Director to the Drinking Water Commission. Seconded by Councilor Dwyer and voted.**

3. Resignation of Nathalie Morison from the Conservation Commission, effective immediately

Mayor Blalock announced that Nathalie Morison has resigned from the Conservation Commission, effective immediately.

## **XI. CITY COUNCIL MEMBERS**

### **A. COUNCILOR PEARSON**

1. Contact Information

Councilor Pearson suggested allowing residents and members of Board and Commissions to opt out of making their addresses public. No action required as this is not a written policy or rule.

Mayor Blalock said he was not requesting specific addresses during the Public Dialogue Session or at the Public Hearing.

Councilor Becksted said he has concerns for land use boards not having an address listed. He said most people feel it is important, land use members provide their full address. He would like to continue the practice to provide full addresses.

Councilor Raynolds said he supports the practice that Councilor Pearson is proposing.

Councilor Becksted said land use abutters should provide their addresses.

Councilor Pearson said if someone is an abutter they should not list their address, just simply say that they're an abutter.

City Attorney Sullivan spoke to the matter from a land use board member and said the board should know the addresses of abutters.

Councilor Dwyer said the board Chair needs to ask for the address of individuals.

Councilor Becksted said the process has been followed through our boards, it is the most transparent way and it is a simple ask. He feels this will change things if we stop asking for the information.

Councilor Pearson said the Chair of land use boards could ask for the addresses, and it is not a policy.

**B. COUNCILOR DWYER**

1. Update Re: Transition for the 400<sup>th</sup>

Councilor Dwyer provided an update on the 400<sup>th</sup> Transition and announced that the governance and the decision was made to have the Library for the home of the 400<sup>th</sup> with the Co-Chairs being Steve Butzel, Library Director and Susan Labrie who will work on the ground work and raising funds. She said they will set up a trust for the 400<sup>th</sup> with the change in mission to celebrate rich history and lineage. She stated the formal launch will be in January with a series of talks at the Library.

Councilor Pearson said we are losing Councilor Dwyer, Mayor Blalock and City Manager Bohenko we should add a City Council liaison to keep things going for 2020.

**C. COUNCILOR DENTON**

2. Variances to allow dogs on a restaurant's patio or deck

Councilor Denton requested a report back on this matter at a future City Council meeting.

Deputy City Manager Colbert Puff reported dogs are not allowed on decks with the food code and we would need to find out if the prohibition covers NH laws and she will come back with a report on this matter.

**D. COUNCILOR PERKINS**

1. Pease International Tradeport – Strategic Planning Process

Councilor Perkins said that this concerns that the State initiate a planning process for Pease International Tradeport. She said the City Council should have a jump start on this. She spoke to a task force to look at housing at Pease and there are some legal regulatory hurdles to overcome. She stated Pease has not gone through a strategic planning process since the 1990's. She recommended asking that the State have a larger conversation on what happens at Pease. Councilor Perkins said this does not create alarm for current businesses at Pease. She said housing has become an important issue to the City and we can engage in conversation on the next chapter at Pease and the City is a large stake holder.

**Councilor Perkins move to adopt the Resolution for the State of New Hampshire to form a task force to assess the strategic future of the Tradeport and the Pease Development Authority. Seconded by Councilor Denton.**

Councilor Dwyer said in our group discussion Peter Loughlin made an argument to proceed with caution so we don't get swamped. She said how we would benefit as a City with a relationship with the PDA. She would rather not have a Resolution but we should have a conversation. She said back in 2007 we had some direction with the PDA to consider some options to contribute to our housing. She said a Resolution would lose some gains we made with PDA and Pease. She said having a task force would be an issue.

Councilor Becksted asked what City Manager Bohenko thought of the motion and matter being discussed.

City Manager Bohenko said there is always danger that it could morph into something else. He said we need to keep the Municipal Services Agreement sacred and unless we say we want to change it, it can't be changed. He said we need to evaluate the process and protect our revenues because anytime you open anything like this you create problems.

Mayor Blalock passed the gavel.

Mayor Blalock said he met with Councilor Perkins and it is important to have this conversation and not have an issue occur. He said he has not had time to digest Peter Loughlin letter on this matter and would like to do so before any action occurs.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Perkins said it is an important topic and if we need more time she has no issue with time. She wants to make sure we will have a seat at the table on some decisions. She said she welcomes a collaborative process.

Councilor Raynolds said he respects Councilor Perkins and supports the housing issue at Pease and is disappointed we weren't able to make more progress on this matter. He said he wants to learn more on potential ramifications on this matter. He would like more conversations.

**Councilor Perkins moved to table discussion until the next City Council meeting on October 28, 2019. Seconded by Councilor Denton.**

Councilor Roberts said it is time to realign the goals and does the community have the authority to sway the process with the State and maybe we get the State to start a Master Planning process.

Councilor Perkins said she will try and get as many details on the process before the next meeting.

Assistant Mayor Lazenby said he echoes Councilor Dwyer's comments on input on the PDA.

Councilor Pearson said she commends Councilor Perkins for bringing this matter forward.

**Motion passed.**

#### **E. COUNCILOR RAYNOLDS**

1. Request for Analysis and Report Back on Middle Street Bike Lanes

Councilor Raynolds requested a report back with a map on the number of accidents and incidents that have occurred on Middle Street due to the bike lanes. Councilor Roberts requested that the report back include the rates of speed and bike counts.

City Manager said he would have the information back for the October 28, 2019 City Council meeting.

At 9:20 p.m., Mayor Blalock declared a brief recess. At 9:30 p.m., Mayor Blalock called the meeting back to order.

### **XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

#### **A. CITY MANAGER**

The City Council agreed to handle City Manager Action Items 1, 3, 7, 8 and 9 as Consent Agenda.

**Councilor Perkins moved to adopt the City Manager's Consent Agenda as outlined with Anticipated Actions. Seconded by Assistant Mayor Lazenby and voted.**

- **Request for First Reading Re: Amendments to Building, Life Safety and Health Codes – Anticipated action: a) move to authorize the City to Manager to schedule first reading of amendments to Chapter 4, (Food Code) for the October 28, 2019 City Council meeting; b) move to authorize the City Manager to schedule first reading of amendments to Chapter 5 (Fire Code) for the October 28, 2019 City Council meeting; and c) move to authorize the City Manager to schedule first reading of amendments to Chapter 12 and Chapter 15 (Building Codes) for the October 28, 2019 City Council meeting.**
  - **Request for First Reading of a Minor Ordinance Change to Conservation Ordinance – Anticipated action: move to schedule first reading of the proposed amendments to Chapter 8, Article V at the October 28, 2019 City Council meeting.**
  - **2219 Lafayette Road Bicycle and Pedestrian Easement – Anticipated action: move to accept a bicycle and pedestrian easement for 2219 Lafayette Road.**
  - **299 Vaughan Street Request for License Term Extension – Anticipated action: move to authorize the City Manager to negotiate and enter into a temporary construction license with Vaughan Street Hotel, LLC as submitted to facilitate construction at 299 Vaughan Street.**
  - **Sale of Surplus Vehicles and Equipment – Anticipated action – move to authorize the City Manager to dispose of surplus vehicles and equipment through a sealed bid process in which the inventory is sold to the highest bidder.**
2. Request for First Reading of Floodplain Overlay District Zoning Amendments
  4. Request for First Reading on Wetlands Regulations Zoning Amendments

Planning Director Walker and outlined the State law and what happens if it effects more than 100 residents.

Councilor Becksted said he feels we need to do something more respectful.

City Manager Bohenko said he would give thought to that and see if we can do something or not on notifications.

**Councilor Denton moved schedule first reading on the proposed amendments to the Floodplain Overlay District and Wetlands Protection section of the Zoning Ordinance for the October 28, 2019 City Council meeting. Seconded by Assistant Mayor Lazenby.**

City Manager Bohenko said we will take about making some suggestions at first reading.

**Motion passed.**

5. Request by Residents that Properties along Chase Drive and Cutts Avenue be Re-Zoned from Gateway Neighborhood Mixed Use Center (G2) to Single Residence B (SRB)

Councilor Roberts said he would like a presentation on this matter at the Public Hearing.

Planning Director Walker said this is to request to place on file the resident requests. She expressed what a zoning change would be. She said G3 is looking at something more residential.

**Assistant Mayor Lazenby moved to place on file the citizen request to re-zone the properties along Chase Drive and Cutts Avenue from Gateway Neighborhood Mixed Use Center (G2) to Single Residence B (SRB) and, furthermore, to request that the Planning Board move forward with drafting a zoning amendment to bring back to the City Council for consideration that would create a Gateway 3 (G3) Zoning District. Seconded by Councilor Dwyer and voted.**

#### **XIV. CONSENT AGENDA**

- A. Letter from Matt Junkin, Seacoast Rotary requesting permission to hold the 11<sup>th</sup> Annual Turkey Trot 5k on Thanksgiving, November 28, 2019 at 7:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

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

#### **XVI. CITY MANAGER'S INFORMATIONAL ITEMS**

1. Report Back Re: Railroad Operations

City Manager Bohenko said that staff has done some research on this matter.

Councilor Dwyer inquired about quiet zones.

City Manager Bohenko said they need lighting and ability to stop traffic. The railway is willing to work with us. He reported anything above 43 degrees they would stop idling the train. He said we may want to look into grants.



Councilor Becksted reported that South Portland has taken steps regarding sound with the railways and suggested contacting South Portland to find out what measures were taken.

Councilor Denton suggested writing a letter to our Legislative Delegation outlining the concerns regarding railroad operations.

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

A. Email Correspondence

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

B. Letter from Edward W. Richards regarding Bethel Assembly of God property, 200 Chase Drive

**Assistant Mayor Lazenby moved to accept and place on file. Seconded by Councilor Denton and voted.**

**XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

On behalf of the City Council, Assistant Mayor Lazenby presented a gift to Councilor Perkins and her family for the arrival of baby Logan.

**XVIII. ADJOURNMENT**

**At 9:45 p.m., Councilor Denton moved to adjourn. Seconded by Assistant Mayor Lazenby and voted.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK