

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 3, 2014

PORTSMOUTH, NH  
TIME: 7:00 PM [or thereafter]

At 5:45 p.m., an anticipated “Non-Meeting” was held with Counsel regarding Negotiations – RSA 91-A:2, I (b-c).

### **I. CALL TO ORDER [7:00PM or thereafter]**

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

### **II. ROLL CALL**

Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Kennedy, Lown, Dwyer, Spear and Thorsen

Absent: Councilor Morgan

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Shaheen led the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

1. Mayor’s Award to James and Laurie Teetzel for contributions and work on Memorial Park

Mayor Lister read a statement commending James and Laurie Teetzel for their contributions and work on Portsmouth’s new Memorial Park which serves to pay tribute to the brave men and women who have defended our liberties, to tell their story, to inspire a powerful, emotional experience and to provide a peaceful place for quiet contemplation.

Mayor Lister then presented Mr. Teetzel with an award and gifts in recognition of their vision, efforts and financial contributions which Mr. Teetzel accepted on behalf of himself and his wife Laurie with thanks and appreciation.

2. Comprehensive Annual Financial Report (CAFR) – Scott McIntire of Melanson, Heath & Company, P.C. Auditors’ Financial Report for the Year Ending June 30, 2013 (Annual Audit)

Scott McIntire of Melanson, Heath & Company provided a Presentation on the Comprehensive Annual Financial Report (CAFR) of the City of Portsmouth for the Year Ending June 30, 2013. Mr. McIntire reviewed the various highlights of the CAFR with the City Council as well as the Management Letter.

City Manager Bohenko noted on page 50 the change in terminology. Mr. McIntire explained that GASB have changed some of the terminology and most notably is the old term of “Net assets” is now “Net position”.

Councilor Dwyer asked Mr. McIntire to review the recommendation in the Management Letter regarding control of trust funds as she feels this is a substantive recommendation. Mr. McIntire stated this is not recommended because it is a significant weakness and it is not urgent, but is meant as a tightening down and formalizing of what already exists.

Councilor Shaheen referred to page 48 stating that there are variances in the final budget numbers for 3 categories, licenses and permits, other revenues and other services. Mr. McIntire stated that both motor vehicles and building permits are estimated and both came in higher than originally estimated. Finance Director Belanger stated that regarding the other revenues category, it is higher than estimated due to the receipt of the Worker’s Comp payback from LGC and regarding other services, there were parking rate changes In January 2013 as well as ambulance revenue higher than estimated.

Mayor Lister thanked Mr. McIntire for his presentation.

**V. ACCEPTANCE OF MINUTES** *(There were no minutes on for acceptance)*

**VI. PUBLIC COMMENT SESSION**

Matt Nania, 18 Dunlin Way – spoke regarding his concerns with the proposal by Sea 3 to ship propane via railway with the current proposal being 16 cars, 6 days a week. He stated his primary concern is safety as there has been an increase in railway accidents across the country due to the age of the railway infrastructure. He stated on 01/23/14, the NTSB released a statement which called for “avoiding populated areas” which is the opposite of the Sea 3 proposal as the tracks run along Islington Street, North Mill Pond, Maplewood Avenue, etc.

Lew Brown, 65 Laurel Court - expressed his concerns regarding the Sea 3 propane proposal stating that the tracks are of indeterminable age and have not been regularly used. He stated there have been 660 reported derailments between 1995 and 2005 and there is no access for emergency vehicles. He concluded by stating that the noise will also be an issue.

Corinne and Tom Szopa – 132 Spinnaker Way – stated they bought their home in September 2013 but if they had known this was coming they wouldn’t have bought it. They stated the negative impacts include noise, public safety, etc. and asked that the City of Portsmouth contact the Town of Newington regarding this issue.

Bob Gibbons, Spinnaker Way, distributed some information regarding the proposal and requested the City Council, City officials and residents to attend an upcoming Planning Board meeting in Newington on February 10, 2014 at 7:00 p.m.

Andrea Abbott, 594 Kearsarge Way – stated she agrees with all of the previous speakers and stated that her grandmother grew up in the Canadian town that recently experienced a tragic derailment. She stated that Atlantic Heights and Laurel Court have only one way in and one way out, so they would be stuck if something happened.

Joe Almeida, 33 Blossom St. - spoke opposed to removing the ability of the Historic District Commission to grant conditional use permits stating that it is a matter of trust. He stated he has confidence in the current board members and wants the Council to trust the HDC to make decisions.

Patricia Bagley, 213 Pleasant St. - spoke in support of Assistant Mayor Splaine's proposal for a resolution to oppose discrimination against transgendered individuals and feels that it would be a great thing for the City of Portsmouth to do especially since the State of New Hampshire has not.

Stephanie Krepp, 13 Porpoise Way, spoke regarding the Sea 3 propane proposal stating she agrees with the previous speakers on this issue and thanked Assistant Mayor Splaine for bringing attention to this matter. She stated that we need to request that safety standards are determined as well as providing another egress for Atlantic Heights before anything further is allowed.

Alison Tanner, 380 Greenleaf Avenue – stated that Greenleaf Avenue is being used as a major throughway due to the construction on Lafayette Road and asked that sidewalks be installed and signage installed to detour trucks to go to the Rotary instead of Peverly Hill Road.

Marie Kelleher, 297 Peverly Hill Road – also requested that sidewalks be considered for the Peverly Hill Road area as there are many places in the area for families to go to i.e., Plains Ball Field, YMCA, etc. but they can't walk to these locations safely. She also requested that trucks be rerouted from Peverly Hill Road.

**Councilor Kennedy moved to Suspend the Rules to move up on the Agenda, Item XII.C.1. Seconded by Councilor Shaheen and voted.**

1. Sea-3 Inc. Terminal Newington

Assistant Mayor Splaine stated he is suggesting four initiatives concerning the Sea-3 plans and the margin of safety for which the City should advocate as trains containing propane travel through Portsmouth. He stated first, we need to contact our Congressional Delegation, and urge them to meet with federal officials, including those of the Federal Railroad Administration, who have regulatory authority over train lines or propane shipments to ensure the greatest possible safety as the shipments travel through our neighborhoods and ask that they report back to us. Secondly, we should also contact the NH Dept. of Transportation to ensure that they become fully involved in discussion concerning the expansion plans of Sea-3 to guarantee oversight of rail line conditions and crossings throughout the Seacoast. He suggested also notifying Maine officials as well, since this could affect residents of that state. Third, request our city officials to ask state and federal authorities to determine if the owners of the rail line, or Sea-3, have had to undergo any environmental impact studies or analysis as a result of the large expansion requests related to their rail shipments. He continued that with

the additional use of rail traffic, there will be added diesel exhaust pollution and the possibilities of affects on sensitive wetlands, as well as potential impact on the Piscataqua River. Finally, the 4<sup>th</sup> initiative is that we encourage our Fire Chief and other city officials as necessary to consider organizing a regional-wide forum, including at least the neighboring communities of Newington, Greenland, Stratham, Exeter, Kittery and Eliot and invite the officials of Sea-3 to learn of frequency of planned shipments as well as rail line officials to learn the planned margin of safety and how speed limits are regulated and enforced. The forum could also include consideration of a method to be sure that local safety officials are informed of times of shipment and explore any additional training needed to prepare for eventualities.

City Manager Bohenko stated that he and City staff agree with everything said this evening. He gave a brief update of actions taken thus far including various communications with the Town of Newington Planning Board, multi-town communications to the NH DOT Bureau of Rail and Transit request RR Grade Crossing Inspections at the Newington and Portsmouth Industrial Tracks and to the Federal Railroad Administration – Region 1 requesting track inspection along the Newington and Portsmouth industrial tracks. He stated he has assigned Peter Britz of the Planning Department to coordinate efforts on behalf of the City. He stated we will also reach out to the Rockingham Planning Commission, Congressional Delegates and State Legislative Delegation. He stated this will take the efforts of all of the affected communities. He stated that City staff and the Mayor will be attending the Newington Planning Board meeting on February 10<sup>th</sup> and he would like to put together a plan of action as we may need to retain consulting services. He stated that we are navigating into federal territory so we need to find out the condition of the rails and B&M/Pan Am will be aggressive in protecting their interest. He concluded that as a city we have heard the concerns and will work towards a regional plan, but cautioned that it is important to recognize who controls and regulates the tracks and is why the Federal Congressional Delegation needs to be involved.

Fire Chief Achilles stated he has been communicating with the Town of Newington and Sea 3 in regards to safety concerns and are monitoring the progress as it goes along. He stated he has reached out to his peers across the country who are already dealing with this and is instituting training efforts.

Councilor Shaheen stated it would be helpful for people to understand why the Town of Newington has jurisdiction to approve the Sea-3 proposal. City Manager Bohenko stated that Sea-3, Inc operates a propane terminal facility at 190 Shattuck Way in the Town of Newington. Representatives for the Sea-3 facility have filed for site review with the Town of Newington Planning Board to modify the facility and operations. Up to the present, propane has been shipped to the facility by freighters and offloaded for distribution by truck. Due to changes in the industry, Sea-3 has proposed to expand its existing terminal to allow it to receive shipments by rail and then either distribute it regionally by truck or export it by ship.

Councilor Kennedy asked what else citizens can do to keep their voices heard. City Manager Bohenko stated it will be essential for people to contact their State Representatives. He stated he will put together a link on the City web page with contact information as well as compiling all of the written communications, etc.

Councilor Dwyer asked if there have been any hazard calls for the existing facility. Chief Achilles stated 1 or 2 but nothing serious.

Assistant Mayor Splaine stated he is satisfied with the initiatives taken by the City Manager over the last couple of months and has confidence in the City and staff moving forward as it progresses. He stated he would like an update again at the February 18<sup>th</sup> Council meeting and regularly thereafter. City Manager Bohenko stated the staff will proceed as previously described but again encouraged citizens to write to their delegation and feels it is more important that the City write letters. He stated the more letters the better.

## VII. PUBLIC HEARING

### A. CAPITAL IMPROVEMENT PLAN (CIP) FY2015-2020 (*Action on this matter will be taken at the February 18, 2014 City Council meeting*)

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

Susan Denenberg spoke regarding improving the Worth Lot and adding funding to the Capital Improvement Plan to repave the lot and repair the surrounding sidewalks. She stated that currently volunteers have been planting plants in an effort to make the area prettier and all without city funding. She stated the brick wall is falling and is currently shored up with planters but needs to be addressed as it is a safety issue. She stated the area businesses are willing to partner with the city for beautification of the area and would like city funds allocated.

City Manager Bohenko stated they are currently looking at improvements to both the Worth Lot and Parrott Avenue Lot.

Lynda Rocjek, business owner, presented a statement representing 27 Worth Lot business owners and associates, requesting provisions in the Capital Improvement Plan for improvements and repairs to the Worth Lot.

Seeing no one else wishing to speak, Mayor Lister closed the public hearing.

## VIII. APPROVAL OF GRANTS/DONATIONS

### A. Acceptance of Grant & Donation to the Police Department:

- Grant from Police Standards and Training Council for Captain Warchol to attend Leadership Seacoast - \$833.33
- Donation from Newburyport Five Cent Savings Bank - \$500.00

**Councilor Kennedy moved to approve and accept the grant and donation to the Portsmouth Police Department. Seconded by Councilor Spear and voted.**

### B. \*Acceptance of Donations for Art-Speak

- Robin Lurie-Meyerkopf - \$150.00

**Councilor Kennedy moved to accept and approve the donations to Art-Speak for the Art-Speak website line item, as presented. Seconded by Councilor Spear and voted.**

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

**Proposed increase of Elderly Exemption by 1.5%**

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

**Councilor Kennedy moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption of the proposed Resolution at the February 18, 2014 City Council meeting. Seconded by Councilor Lown and voted.**

- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

**Proposed increase of Disabled Exemption by 1.5%**

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

**Councilor Kennedy moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption of the proposed Resolution at the February 18, 2014 City Council meeting. Seconded by Assistant Mayor Splaine and voted.**

**X. CONSENT AGENDA**

- A. Letter from Mary M. Condella, Seacoast Ride for Polycystic Kidney Disease (PKD), requesting permission to hold the Seacoast Ride for PKD on Sunday, June 8, 2014 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Richard Wagner, AIDS Response Seacoast, requesting permission to hold the 18<sup>th</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 4, 2014 from 10:00 a.m. – 5:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Jennifer Hubbell, Executive Director, Girls on the Run New Hampshire, requesting permission to hold 7<sup>th</sup> Annual Spring Girls on the Run 5K Celebration Road Race on Saturday, June 7, 2014 (***Anticipated action – move to refer to the City Manager with power***)

- D. Request for License from Ben Midgley, owner of Crunch Franchise for property located at 135 Market Street for a projecting sign on an existing bracket (*Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Ben Midgley, owner of Crunch Franchise for a projecting sign at property located at 135 Market Street and, further, authorize the City Manager to execute License Agreements 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 the 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 Kennedy moved to adopt the Consent Agenda as presented. Seconded by Councilor Lown and voted.**

Councilor Kennedy asked that the walk/run events be dispersed throughout other parts of the city and not just the South end.

## **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Bob Hassold, representing Save Our Working Port (SOWP), requesting a Work Session with the City Council regarding the contract with the scrap metal company at the port expiring in June 2014

**Assistant Mayor Splaine moved to refer to Mayor Lister to work with Mr. Hassold and the City Manager to establish a work session within the next few weeks and to include pertinent committees as deemed necessary for the discussion, seconded by Councilor Spear.**

Councilor Dwyer stated we need to get the right people to the table i.e., the Legislative Delegation, PDA members, etc and suggested having the Legislative Committee address it as a starting point.

City Manager Bohenko stated that the PDA has a Port subcommittee, so he would like them involved as well.

Councilor Thorsen stated it is a good idea to include other parties but feels we need to maintain leadership of the issue as it is our streets and he doesn't want to pass the buck.

Councilor Dwyer stated we have no jurisdiction and feels taking leadership is bringing the right people together.

Councilor Thorsen stated we need to take action and not drop the ball and even if we don't have the power, we do have the influence.

Councilor Kennedy stated there has been an informational session with the Port sub committee already and there is information on-line. She stated there are also some evaluations taking place now that aren't quite finished yet. She stated some of the people who have spoken on the issue are not residents of Portsmouth and she encourages everyone to look at the whole picture. She stated that the scrap metal recycling pile will need to be located somewhere.

Councilor Shaheen stated there is a role we can play by identifying a list of attendees and invite them to convene at a work session.

**Motion voted.**

- B. Letter from Spencer A. Niebuhr, Division Sales Manager, Redhook Brewery, requesting permission to conduct an activity involving bagpipers and others gathering at various local establishments on Thursday, February 27, 2014, as part of Portsmouth Beer Week festivities

**Councilor Spear moved to refer to the City Manager with power. Seconded by Councilor Lown and voted.**

- C. Letter from Ronald Vezina requesting permission to hold a private fireworks display on June 22, 2014 at 9:00 p.m. from the Portsmouth Dog Park (South playground area) in celebration of a wedding

City Manager Bohenko read a memo from Recreation Director Wilson which outlined various reasons why he does not recommend this request be granted.

**Councilor Spear moved to accept and place on file. Seconded by Councilor Lown and voted.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

- 1. Proposed Agreement with Operation Blessing regarding the Greenleaf Recreation Center

Community Development Director David Moore gave a brief overview of the proposed agreement.



**Councilor Kennedy moved to authorize the City Manager to enter into a concession agreement with Operation Blessing, Inc. for the Greenleaf Recreation Facility according with the terms in the attachment for two years, with a one-year renewal if agreeable to both parties. Seconded by Councilor Spear and voted.**

2. Report Back Re: Parking Rates at High Hanover Parking Garage

**Councilor Spear moved to amend the parking rates at High Hanover Parking Garage by increasing the hourly rate from \$0.75 to \$1.00 and eliminate the first hour free parking (does not affect residents free parking on Sundays) with the change to take effect on March 3, 2014, seconded by Councilor Shaheen.**

Councilor Lown asked if there are any other resident discounts.

City Manager Bohenko stated that there are patron discounts offered by some restaurants. Councilor Lown asked how residency is proven and to whom. City Manager Bohenko stated it is proven to the attendant at the garage.

Councilor Kennedy asked about the hotels who valet park at the garage. City Manager Bohenko stated there are no valet parking services using the garage.

Councilor Dwyer stated that there are hotel guests that sometimes choose to park at the garage rather than the hotel parking because it is less expensive. She then stated that she wants it stated that this amendment (Option C) is going to bring in close to \$1,000,000.00 and that shows how far this could go towards paying off a bond for another garage.

Councilor Lown stated that this is a good idea and that when the rate was reduced originally, it was an experiment to see if it would bring more people to the parking garage, which it did. He stated now we will see if the market will bear the increase, which he feels it will. He stated the city should continue to fine-tune this fund.

City Manager Bohenko stated it would be important to take advantage of citizen comments and the suggestions to improve the surface lots, etc. He stated that would be an appropriate use of these funds. He stated we are continuing work on the satellite lots to be on-line hopefully in the Spring and that will also need additional funding which this would be able to go towards as well.

Councilor Kennedy asked when that will be and will it be a free service.

City Manager Bohenko stated that the RFP is currently out and is due back on February 25<sup>th</sup> and then he can see what the costs will be and what type of services can be offered and report back to the Council. He stated he is trying to be able to offer the service free for the rider, but there will be a substantial cost to run the operation. He stated it will also have to have a 10 minute turnaround time or it won't work and feels that utilizing a countdown clock will allow people to decide if they want to wait another 5 or so minutes or just walk to their destination. Councilor Kennedy stated that even though we are taking away parking during the week for residents (the first hour free), this will offer other options in the future.

Councilor Shaheen stated she brought this forward because she had heard from many citizens that it didn't make sense to give away the first hour free of charge and that the rate is still markedly lower than other communities and parking is a precious commodity and is glad that we are moving forward with Option C.

**Motion voted.**

3. Proposed Resolution for Bond Authorization of up to Three Million Five Hundred Thousand Dollars \$3,500,000 for the Design and Construction of the Hobbs Hill Water Tank Replacement

**Councilor Spear moved to authorize the City Manager to bring back a Bond Resolution in the amount of Three Million Five Hundred Thousand Dollars (\$3,500,000) for the replacement of the Hobbs Hill Landing Water Tank for the February 18, 2014 City Council meeting, seconded by Councilor Kennedy.**

Councilor Lown asked where the water will go when the old tank is demolished and what area does this tank service. Deputy Public Works Director Brian Goetz explained that there are 5 tanks that serve the City and this is in the Pease zone. He further stated that they will construct the new tank before the old tank is demolished.

**Motion voted.**

4. Request to Establish Work Session with GSA on February 18, 2014 Re: McIntyre Federal Building and Property

**Councilor Shaheen moved to formally establish a work session for Tuesday, February 18, 2014 at 6:00 p.m. to discuss the T.J. McIntyre Federal Building and property and status of this property, seconded by Councilor Spear.**

Councilor Kennedy asked if one hour would be long enough for this discussion. City Manager Bohenko stated that the regular meeting can start at 7:00 p.m. or after, but he can check the availability of others for a 5:30 p.m. start.

Councilor Lown stated this is an interesting and important subject and the city could still get the building. He stated he wants to make sure this meeting is as productive as possible. He stated there are legal issues involved and the city has rights that should be brought up and asserted.

City Manager Bohenko reviewed the history of the issue to date and will provide the timeline of events as background for the Council prior to the work session. He stated he will also provide copies of the law, but explained that the key issue is the relocation of the tenants from the building as some of them do not want to move. He stated that affected the building size at the new Pease location and increased the cost of the rent to those that were going to move. He stated that this has been going on since 2004 and keeps getting pushed back and pushed back and now the GSA is talking about a "Good Neighbor" program in relation to the reuse of the building, meaning they continue to use the building themselves and look to develop a partnership with the City.

Councilor Lown stated this city has an acute parking crisis and this building has a huge lot that sits empty 99% of the time, so we should ask to use that lot.

Councilor Dwyer stated there are now a whole new set of concerns and we need to proceed with care going forward.

Councilor Shaheen stated that the strategy going into the work session should be that we don't want to let go of the notion that we will get the building. She stated we don't want to forfeit the leverage we have and need to send the message that we want to retain the building.

City Manager Bohenko stated we need to talk about the transfer of the property first and let them explain why it can't or won't happen. He stated we were told for 8 years that they were moving towards building a new facility at Pease, they bought the property, hired architects, changed the design to accommodate less occupants, etc. He stated we need the help of our delegation.

**Motion passed.**

5. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2014 License Agreement

**Councilor Kennedy moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2014, as presented. Seconded by Councilor Spear and voted.**

6. Proposed Resolution for Supplemental Appropriation to Fund for FY14 the Settlement of Firefighters and Fire Officers Collective Bargaining Agreements

**Councilor Spear moved to establish a public hearing for its February 18, 2014 meeting in order to appropriate an amount of up to \$97,000 from Unassigned Fund Balance to be used in the FY14 Fire Department Budget for implementation of Collective Bargaining Agreements, seconded by Councilor Kennedy.**

City Manager Bohenko clarified that this will take a 2/3<sup>rd</sup> vote on February 18<sup>th</sup> for passage.

**Motion voted.**

7. Proposed Easement Re: 30 Maplewood Avenue

**Councilor Spear moved to authorize the City Manager to accept an easement for a street lighting controller from 30 Maplewood Avenue, LLC. Seconded by Councilor Dwyer and voted.**

**B. MAYOR LISTER**

1. Appointments to be Considered:
  - Justin Finn to the Planning Board, Alternate
  - Gibson “Mike” Kennedy to the Portsmouth Housing Authority

The appointments of Justin Finn as an alternate to the Planning Board and “Gibson “Mike” Kennedy to the Portsmouth Housing Authority were considered and will be voted at the February 18, 2014 City Council meeting.

**C. ASSISTANT MAYOR SPLAINE**

1. Sea-3 Inc. Terminal Newington (*Previously addressed.*)
2. Borthwick Forest (*Item withdrawn*)
3. Transgender Discrimination Resolution

**Assistant Mayor Splaine moved to refer to the City Attorney to prepare a formal resolution for discussion and acceptance, seconded by Councilor Spear.**

Assistant Mayor Splaine explained that only 17 States and the District of Columbia provide protection for transgendered people and New Hampshire is the only New England state that does not. He stated he would like the City of Portsmouth to take a position and pass it on to the State.

Councilor Dwyer stated that this is focused specifically on municipal employees but the School system has a policy regarding transgendered students so perhaps we should look at other policies that may already be in place.

Councilor Lown stated he has no problem with this going forward, but wonders if this has been a problem in regards to city employee hiring. He also wondered if this would be pre-empted by State law and are we certain that this isn't already covered by the State.

Assistant Mayor Splaine explained that in 2009 there was a non-discrimination bill passed by the house, but the senate did not deal with it and tabled it for further study. He stated that it has also been determined that the current same sex laws do not cover transgendered individuals.

Councilor Thorsen stated that there should be a definition of “transgendered” added to the resolution as it appears to be used differently in different places.

Councilor Lown stated that 2 weeks may not be enough time for the City Attorney to bring this back in consideration of all of the other things going on and this is not a current, pressing problem.

Councilor Shaheen asked what other steps would need to be taken to include the Schools in this process. City Manager Bohenko stated this may complicate the issue and maybe should be looked at later.

Councilor Dwyer stated that the School already has a policy in place and that this can be referenced in the resolution.

**Motion passed.**

**D. COUNCILOR KENNEDY**

1. Request for Report Back on the Proposed Expansion of the Railway for Sea-3 Propane Terminal and the Effects on the Portsmouth Resident (*Previously addressed*)

**E. COUNCILOR THORSEN**

1. Mandatory Financial Disclosure as a Requirement for Public Service (*Informational only*)
2. City Council Request to the Planning Board to Review the Design Review Process (*Informational only*)

Councilor Kennedy asked what the time frame is for these to come forward.

Councilor Thorsen stated he has discussed the time line with the Mayor but has found that this will be more work than originally thought in terms of research but would like this to be addressed no later than June. Mayor Lister stated yes, they did discuss the June/July timeline but again, the City Attorney's office already has a lot to do.

Councilor Lown stated he commends Councilor Thorsen for raising the issue and for finding the conflicts in the City Charter which need to be addressed, but he doesn't feel that the City should require mandatory financial disclosures by land use board members. He stated he understands the need for transparency, but board members are already bound by the ordinances and are required to recuse themselves if any conflict of interest exists. He stated this is a trust issue.

Councilor Thorsen stated that even if the Charter is wrong, it is still the Charter and we need to follow it. He stated there is a misunderstanding of what is required to be disclosed as it is not income. He stated he understands it is a sensitive issue but we are trying to correct the discrepancy and it is a long process to do so.

Assistant Mayor Splaine stated he commends Councilor Thorsen for bringing this forward. He stated he was elected to serve of the Charter Commission 25 years ago, but this wasn't addressed.

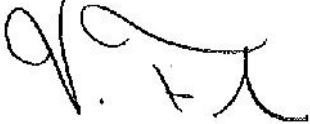
Councilor Kennedy stated she had to fill out a form to serve on a State Committee and asked what their recommendations are.. Councilor Thorsen stated that he has looked at some of the State Legislation and again, there is a lot of information and he is in the process of researching.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**Councilor Spear moved to adjourn at 9:50 p.m. Seconded by Councilor Shaheen and voted unanimously.**

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'V. French', written in a cursive style.

Valerie A. French  
Deputy City Clerk