

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: TUESDAY, JANUARY 21, 2014 TIME: 6:00PM

## AGENDA

• 6:00PM – WORK SESSION RE: RIGHT-TO-KNOW LAW

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

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

A. \*Acceptance of Donations to the Coalition Legal Fund

- Town of Moultonborough - \$6,500.00

- Town of Carroll - \$1,000.00

*(Sample motion – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)*

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13 *(Sample Motion – move to pass first reading and establish a public hearing and second reading at the March 17, 2014 City Council meeting, and further, that the City Council refer this proposed Ordinance amendment to the Planning Board for report back to the City Council prior to the March 17, 2014 public hearing)*

IX. CONSENT AGENDA

**A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA**

A. Acceptance of Donation to the Fire Department

- Newburyport Five Cents Savings Bank - \$500.00

*(Anticipated action – move to approve and accept the donation to the Fire Department for the fire donation fund)*

B. Letter from Jeanine Sylvester, Runner's Alley, LLC, requesting permission to hold the 17<sup>th</sup> Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 25, 2014 *(Anticipated action – move to refer to the City Manager with power)*

- C. Request for Approval of Pole License to install 1 pole at the intersection of Adams Drive and FW Hartford Drive to accommodate a new underground electrical system in the Woodlands area ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
- D. Letter from Becky Coliandris, Alzheimer’s Association, requesting permission to hold the Seacoast Walk To End Alzheimer’s on Sunday, September 28, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Caitlyn Hassett, on behalf of the Chamber of Commerce, requesting permission to hold a city wide ‘Fire and Ice’ Festival President’s Day weekend, February 13-17, 2014 ***(Anticipated action – move to refer to the City Manager with power)***

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

- A. Town of Exeter Request to Explore Alternative Options for Shared Wastewater Services ***(Sample motion – move to refer to the City Manager for report back)***

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**Items Which Require Action Under Other Sections of the Agenda**

- 1. First Reading of Proposed Resolution and Ordinance Amendments:
  - 1.1 Proposed First Reading of an Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.535 – Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13 ***(Action on this item should take place under Section VIII of the Agenda)***

**City Manager’s Items Which Require Action**

- 1. Elderly and Disabled Exemptions
- 2. Letter from Steven Wilson, for property located at 143 Daniel Street (former Connie Bean Center), for Exchange of Easements
- 3. New Hampshire Department of Transportation Exit 7 Project Acceptance

**Informational Items**

- 1. Update on Snow Removal Budget
- 2. Events Listing
- 3. Correspondence to GSA from Mayor Lister

## **B. MAYOR LISTER**

1. \*Appointments to the Senior Sub-Committee of the Recreation Board
  - Carl Diemer, Chair; Todd Henley, Kory Sirmaian, Judith Bunnell, Maureen O'Leary, Diane Share and Cindi Shanley

## **C. COUNCILOR SHAHEEN**

1. \*Parking Rates at High Hanover Parking Garage (***Sample motion – move to request that the City Manager report back on the impact of the elimination of the first hour free parking at the High-Hanover Garage, and, further the impacts of increasing the rate from \$.75 per hour to \$1.00 per hour at the High-Hanover Garage***)

## **D. COUNCILOR KENNEDY**

1. \*Visual Time Lines for Land Use Boards

## **E. COUNCILOR LOWN**

1. Report Back on Fire Study Committee (***Sample motion – move to authorize the City Manager to work with the Fire Chief and the Fire Study Committee to initiate a Request For Qualifications (RFQ) for a consultant to review the summary as outlined in attached Portsmouth Fire Department Study***)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the December 12, 2013 meeting (***Sample motion – move to approve and accept the Action Sheet and Minutes of the Parking and Traffic Safety Committee meeting of December 12, 2013***)

## **F. COUNCILOR DWYER**

1. \*Update on African Burying Ground

## **G. COUNCILOR MORGAN**

1. \*Form-Based Zoning

## **H. COUNCILOR SPEAR**

1. \*Parking Garage Location (***Sample motion – move that the Council request the Economic Development Commission report back with a suitable location for a downtown parking garage that is not the Worth Lot. The Committee will consider privately held properties and municipal properties and/or a public-private partnership***)

## **I. COUNCILOR THORSEN**

1. Financial Disclosure Ordinance Amendment (see attached existing ordinance)

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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


**INFORMATIONAL ITEMS**

1. Letter from Sarah Jarvis, Rye Fire Department, thanking the City of Portsmouth and City Council for allowing her to use the High Hanover Garage on December 21, 2013 for a fundraiser in support of The Leukemia and Lymphoma Society and the 2014 Scott Firefighter Stair climb
2. Notification that the Board of Adjustment Minutes of the September 18, 2012, September 25, 2012 and September 17, 2013 meetings are available on the City's website for your review
3. Notification that the Conservation Commission Minutes of the May 8, 2013 meeting are available on the City's website for your review
4. Notification that the Historic District Commission Minutes of the April 10, 2013 meeting are available on the City's website for your review
5. Notification that the Historic District Commission Minutes of the May 1, 2013 meeting are available on the City's website for your review

*NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.*

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

*Office of the City Manager*

**Date:** January 16, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on January 21, 2014 City Council Agenda

---

***Work Session:***

**6:00 p.m.**

1. **Right-to-Know Law.** As requested by the City Council, on Tuesday evening at 6:00 p.m., the Council will meet in a Work Session with City Attorney Robert Sullivan to review the Right-to-Know law. As discussed, handouts will be provided at the meeting.

***Acceptance of Grants and Donations:***

1. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received donations from the following communities to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:
  - Town of Moultonborough \$6,500.00
  - Town of Carroll \$1,000.00

*I would recommend the City Council move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VII of the Agenda.*

## ***Items Which Require Action Under Other Sections of the Agenda:***

### **1. First Reading of Proposed Resolution and Ordinance Amendments:**

- 1.1 **Proposed First Reading of an Ordinance Amending Chapter 10 - Zoning Ordinance, Section 10.535 Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13.** As requested by Mayor Lister and reviewed by the City Attorney, attached under Section VIII of the Agenda, is an Ordinance for first reading pertaining to amending Chapter 10 – Zoning Ordinance, Section 10.535 Exceptions to Dimensional Standards in the Central Business District, which would eliminate a Conditional Use Permit under Section 10.535.13.

*Move to pass first reading and establish a public hearing and second reading at the March 17, 2014 City Council meeting, and further, that the City Council refer this proposed Ordinance amendment to the Planning Board for report back to City Council prior to the March 17, 2014 public hearing. Action on this matter should take place under Section VIII of the Agenda.*

## ***Consent Agenda:***

1. **Acceptance of Donation to the Fire Department.** Attached is a copy of a letter from Newburyport Five Cents Savings Bank in the amount of \$500.00 to the Fire Department for the fire donation fund.

*I would recommend that the City Council move to approve and accept the donation to the Fire Department for the fire donation fund. Action on this matter should take place under Section IX of the Agenda.*

## ***City Manager's Items Which Require Action:***

1. **Elderly and Disabled Exemptions.** As in the past, annually, the City reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted Resolutions #2-2013 and #3-2013 which increased the income and asset levels for both the elderly and disabled exemptions by November to November CPI of 2.0% from the previous year. The current elderly and disabled exemption income levels are \$35,176 for a single taxpayer, \$43,393 for married taxpayers, and an asset limit of \$117,257.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

This year the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is .92%. Social Security benefits payable in January 2014, will see a 1.5% increase in SSI payments.

Option A:

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the November to November CPI of .92 %, this would increase the limits (rounded up) as follows:

- Single \$ 35,500 increase of \$324
- Married \$ 43,792 increase of \$399
- Asset Limit of \$118,336 increase of \$1,079

Option B:

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the Social Security increase of 1.5 %, this would increase the limits (rounded up) as follows:

- Single \$ 35,704 increase of \$528
- Married \$ 44,044 increase of \$651
- Asset Limit of \$119,016 increase of \$1,759

Option C:

If no increase, the income and asset limits would remain at their current levels as follows:

- Single \$ 35,176
- Married \$ 43,393
- Asset Limit of \$117,257

Any adjustment if approved would be for assessments as of April 1, 2014 for the 2014 tax year or FY15.



The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15<sup>th</sup> of each year.

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to the attached Resolutions as well as first reading, a public hearing and adoption, which requires a majority vote of the City Council. If there are no adjustments, income and asset limits would remain at their current levels. I have attached for your information the tax impact of the elderly and disabled exemptions for FY14.

The City Council may choose from Option A, B or C and authorize the City Manager to bring it back for first reading.

*I would recommend the City Council move to authorize the City Manager to proceed with Options A, B or C. If Option A or B is chosen, then I would recommend the City Council move to authorize the City Manager to bring the Resolutions back for first reading at the February 3rd City Council meeting, as presented. (This requires a public hearing and two readings with a majority vote.)*

2. **Letter from Steven Wilson, for property located at 143 Daniel Street (former Connie Bean Center), for Exchange of Easements.** At the November 18, 2013 City Council meeting, the Council referred the attached request from Steven Wilson for property located at 143 Daniel Street, for exchange of easements, to the Planning Board for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, explaining the purpose of this request. As you may recall, in 2012 the City sold the property at 143 Daniel Street (the former Connie Bean Center) to Steven Wilson. In order to provide underground parking and to create a new public entrance, Mr. Wilson is requesting the City grant a 202 sq. ft. easement over a portion of the sidewalk on the North side of the property, facing the municipal parking lot. In exchange, Mr. Wilson is proposing to grant the City two easements totaling 430 sq. ft. over portions of his property that abut the Army and Navy Association building on Daniel and Chapel Streets. These easements confirm the City's rights to use and maintain the easement areas as public sidewalks. The proposed easements are shown on the attached plans.

At its meeting on November 21, 2013, the Planning Board voted unanimously to recommend that the City Council approve the exchange of easements as generally indicated in Mr. Wilson's November 12<sup>th</sup> letter, subject to final Site Plan Approval. At its meeting on December 19, 2013, the Planning Board voted unanimously to grant Site Plan Approval subject to City Council approval of the easements.

*I would recommend the City Council move to accept the recommendation of the Planning Board, regarding the request of Steven Wilson for an exchange of easements, as presented.*



3. **New Hampshire Department of Transportation Exit 7 Project Acceptance.** For your information, the City reconstructed a section of the Interstate 95 Exit 7 along Market Street extension as a City managed State and Federal funded project. The project spanned approximately 800 feet on Market Street Extension from Kearsarge Way past the North Bound Exit 7 on-ramp to Interstate 95 (see attached figure for project area). This \$765,936.19 project was 80% (~\$612,000) State/Federal funded of which 20% (~\$153,000) was locally funded. The project is complete and the State's close out paper work requires a formal acceptance of the project by the City which requires a vote by the City Council. The Public Works Department and its consulting engineer, Gorrill Palmer have reviewed the completed project and find no outstanding issues preventing formal acceptance of the project.

*I would recommend the City Council move to accept the New Hampshire Department of Transportation Exit 7 Market Street and Kearsarge Way Intersection and Traffic Improvement Project.*

### ***Informational Items:***

1. **Update Snow Removal Budget.** The following is a list of expenditures, for snow plowing/removal operations, in relation to the approved appropriation for FY 14. These projected costs will be updated as data become available.

<b>Master Account Number 01-751-640-42-100-420</b>			
<b><u>Sub Account No.</u></b>	<b><u>Title</u></b>	<b><u>Appropriation</u></b>	<b><u>Expended*</u></b>
014041	Overtime	\$ 100,000.00	\$ 80,133.19
018052	Water/Sewer	\$ 10,000.00	\$ 4,242.62
022001	Social Security	\$ 10,850.00	\$ 5,231.30
022501	Medicare	\$ 2,538.00	\$ 1,223.45
023001	Retirement	\$ 18,848.00	\$ 9,087.27
039200	Contract	\$ 50,000.00	\$ 24,925.00
043024	Vehicle Repair	\$ 30,000.00	\$ 6,539.50
068005	Materials	<u>\$ 185,000.00</u>	<u>\$ 134,845.20</u>
	TOTAL:	\$ 407,236.00	\$ 266,227.53

\*This equates to ~ 65% of these accounts expended for FY 14.

2. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on December 16, 2013. In addition, this now can be found on the City's website.
  
3. **Correspondence to GSA from Mayor Lister.** For your information, in response to the City Council action on January 13, 2014 authorizing me to work with Mayor Lister regarding future utilization of the Federal McIntyre Building, a letter from the Mayor has been sent to GSA Regional Administrator Robert Zarnetske requesting a Work Session on February 18, 2014 with the City Council and representatives of the GSA and the Congressional Delegation or their representatives (see attached).

In response to Councilor Thorsen's request for background information on the McIntyre Building prior to the proposed February 18<sup>th</sup> Work Session with GSA, I am preparing a chronology of interactions with the GSA on the McIntyre Building and other pertinent information that I will provide to you.