

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, FEBRUARY 3, 2014 TIME: 7:00PM

AGENDA

- 5:45 PM – AN ANTICIPATED “NON-MEETING’ WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

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

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

- VI. PUBLIC COMMENT SESSION

- 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)***

- 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

(Anticipated action – move to approve and accept the grant and donation to the Portsmouth Police Department)

- B. *Acceptance of Donations for Art-Speak

- Robin Lurie-Meyerkopf - \$150.00

(Anticipated action – move to accept and approve the donations to Art-Speak for the Art-Speak website line item, as presented)

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

(Sample motion – move 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)

- 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

(Sample motion – move 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)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE 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 18th 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 7th 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***

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
- 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
- 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

XII. 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 Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:
- | | |
|--|-------------------------------------|
| <u>Proposed increase of Elderly Exemption by 1.5%</u> | |
| 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 |

(Action on this item should take place under Section IX of the agenda)

- 1.2 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

(Action on this item should take place under Section IX of the agenda)

City Manager's Items Which Require Action

1. Proposed Agreement with Operation Blessing regarding the Greenleaf Recreation Center
2. Report Back Re: Parking Rates at High Hanover Parking Garage
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
4. Request to Establish Work Session with GSA on February 18, 2014 Re: McIntyre Federal Building and Property
5. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2014 License Agreement
6. Proposed Resolution for Supplemental Appropriation to Fund for FY14 the Settlement of Firefighters and Fire Officers Collective Bargaining Agreements
7. Proposed Easement Re: 30 Maplewood Avenue

Informational Items

1. Events Listing

B. MAYOR LISTER

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

C. ASSISTANT MAYOR SPLAINE

1. Sea-3 Inc. Terminal Newington
2. Borthwick Forest
3. Transgender Discrimination Resolution

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

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***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification that the Planning Board Minutes of the May 16, 2013, May 23, 2013 and June 20, 2013 meetings are available on the City's website for your review
2. Notification that the Site Review Technical Advisory Committee Minutes of the October 1, 2013 and November 5, 2013 meetings are available on the City's website for your review
3. Notification that the Site Review Technical Advisory Committee Minutes of the December 2, 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 30, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on February 3, 2014 City Council Agenda

5:45 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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Presentations:

1. **Presentation to James and Laurie Teetzel for Memorial Park.** On Monday evening, there will be a presentation to James and Laurie Teetzel for contributions and work for Memorial Park.

2. **Comprehensive Annual Financial Report (CAFR) – Scott McIntire of Melanson, Heath & Company, P.C. will Report on the Annual Audit and Financial Statements for the Year Ending June 30, 2013.** On the inside cover of your packet, I am providing you with a copy of the City's Comprehensive Annual Financial Report (CAFR), which includes the financial statements for the fiscal year ending June 30, 2013 (Annual Audit). The Fiscal Year 2013 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, enclosed on the inside cover of your packet is the Management Letter for the year ending June 30, 2013, prepared by our auditor. On Monday evening, Scott McIntire from Melanson, Heath & Company will be in attendance to make a presentation on the aforementioned report.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grant and Donation.** Attached under Section VIII of the Agenda is a memorandum, dated January 23, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donation:

- a) A grant in the amount of \$833.33 from the Police Standards and Training Council for Captain Warchol to attend Leadership Seacoast, which runs from January through June of 2014.
- b) A donation in the amount of \$500.00 from Newburyport Five Cent Savings Bank.

I would recommend that the City Council move to approve and accept the grant and donation to the Portsmouth Police Department. Action on this matter should take place under Section VIII of the Agenda.

- 2. **Acceptance of Donation to Art-Speak.** Art-Speak requests that a donation from Robin Lurie-Meyerkopf in the amount of \$150.00 to support Art-Speak’s website line item expenses be accepted by the City Council on behalf of Art-Speak.

I would recommend that the City Council move to approve and accept the donation to Art-Speak, as listed. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

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

- 1.1 **First Reading of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits.** As requested by the City Council at the January 21st City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the attached proposed Resolutions amending Elderly and Disabled Exemption Income and Asset Limits. Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b (see attached State Statutes) 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 City Council requested that both the Elderly and Disabled Exemptions, income and asset limits, be adjusted based on the 1.5% increase to SSI payments effective January 2014 as follows:

Elderly Income and Assets Limits at 1.5% Increase

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

Disabled Income and Asset Limits at 1.5% Increase

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

On Monday evening, I am requesting that the City Council act on first reading of the following Resolutions:

a) *I would recommend the City Council move to pass first reading and authorize the City Manager to bring back for public hearing and adoption a proposed Resolution at the February 18, 2014 City Council meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.5% as follows:*

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

b) *I would recommend the City Council move to pass first reading and authorize the City Manager to bring back for public hearing and adoption a proposed Resolution at the February 18, 2014 City Council meeting, increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.5% as follows:*

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

Action on this matter should take place under Section IX of the Agenda.

2. **Public Hearing:**

2.1 **Public Hearing Re: Proposed Capital Improvement Plan (CIP) FY2015-2020.** In accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2015-2020 will take place on Monday evening at 7:00 p.m. At that time, I will be giving a brief overview of the Plan and have

requested that staff be available to answer questions if necessary. In addition, I will have copies available of the summary pages for the public, as well as the capital expenditures that will be proposed in the FY2015 budget. Also, a copy of the Capital Plan is on our web page (www.cityofportsmouth.com).

The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2015 budget to you on or about May 1, 2014. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at your February 18th City Council meeting. Please bring your Capital Improvement Plan with you.

I would suggest that action on this matter be taken at the February 18th City Council meeting, at which time I will recommend adoption of the CIP with any appropriate amendments.

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section X of the Agenda is a request for a projecting sign license (see attached memorandum from Rick Taintor, Planning Director):

➤ Ben Midgley, Owner of Crunch Franchise for property located at 135 Market Street.

I would recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreement for this request. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Agreement with Operation Blessing Re: Greenleaf Recreation Center.** As you will recall, for the past three years the City has leased the Greenleaf Recreation Facility to the Portsmouth Housing Authority (PHA). The PHA operated the facility as a recreation facility open to the public, with particular focus on the residents of the adjacent Wamesit Place housing development. The PHA did not request a renewal and on December 2, 2013, the City Council authorized me to explore the terms of a potential Concession Agreement (Lease Agreement) for the facility with Operation Blessing, Inc. Please note that, due to a National Park Service procedural change, the instrument for this type of arrangement is now known as a "concession agreement" as opposed to a lease agreement.

The City originally acquired this parcel through a public benefit conveyance from the National Park Service (NPS). Per the NPS Federal Lands-to-Parks program, the property must be utilized as a recreation facility open to the public. Operation Blessing, Inc. is a 501(c)3 non-profit entity that assists families with primary needs such as food, clothing,

furniture and household goods as well as operates a very active youth volunteer organization. Operation Blessing has proposed to become the new operator for the Greenleaf Recreation Facility and to run it as a recreation center and base its successful Adopt-A-Block program and other recreation related programs there, which will focus on youth and teenagers. Additional information about its proposed uses and activities are included in the attached letter. Operation Blessing is committed to working with other area social service non-profits to ensure the recreation facility does not duplicate existing services.

This proposal was reviewed in close coordination with the Recreation Department and the Recreation Board and viewed favorably by both. The proposal represents an opportunity to collaborate with Operation Blessing to better utilize this resource and increase activity at the building. It is also consistent with the recommendation put forth in the Recreation Needs Study, which recommended this type of partnership to operate this facility. In addition, Operation Blessing has committed to making the facility available to the existing users as well as the nearby residents of Wamesit Place. See attached proposed terms.

I would recommend the City Council 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.

2. **Report Back Re: Parking Rates at High Hanover Parking Garage.** As requested by Councilor Shaheen, the following are revenue projections for the proposed changes to the parking rates and the elimination of the first hour free within the High/Hanover Parking Facility.

Option A	Estimated Annual Revenue Increase
Eliminate First Hour Free @ \$0.75 per hour (Note: @ \$1.00 per hour \$533,000)	\$400,000

Option B	Estimated Annual Revenue Increase
Increase Hourly Rate From \$0.75 to \$1.00 with first hour free (Last adjustment July 2004)	\$400,000

Option C	Estimated Annual Revenue Increase
Increase Hourly Rate From \$0.75 to \$1.00 and Eliminated First Hour Free	\$933,000

Note: Does not affect residents free on Sundays

If the City Council wishes to make any amendments, it takes one vote of City Council but I would ask that any changes be given a 30 day notice. City Council options are listed above for any motion that you may wish to make.

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.** The following is a description of a proposed Resolution from the water enterprise fund:

This project was identified in the Phase I Water System Master Plan and confirmed again as part of the Water Supply Update performed in 2012. The Hobbs Hill Landing Water Tank was constructed in the 1950's in conjunction with the building of the Pease Air Force Base and has reached the end of its useful life and requires a replacement tank.

This project had been slated as a FY15 project in the current CIP with design anticipated in fall-winter 2014 and construction commencing in the summer of 2015. However, due to ongoing construction of new buildings adjacent to the existing water tank and a potential business relocating its corporate offices into one of them, we are proposing to bring this before City Council for bond authorization now. This will enable design to commence this winter in anticipation of bidding the project in a few months so that it can begin construction this summer.

We will be bidding and selecting the contractor based on price, tank style and proposed construction timeline. Demolition of the existing Hobbs Hill tank will occur after the new tank is completed and in service (see [attached Resolution and attachments](#)).

I would recommend the City Council move 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. This requires two readings and a public hearing with a 2/3 vote of the Council for passage.

4. **Request to Establish a Work Session with GSA on February 18, 2014 Re: McIntyre Federal Building and Property.** As you will recall, the Mayor sent a letter to Robert Zarnetske, Regional Administrator, regarding the long-term utilization of the T.J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot. The City Council voted to request a work session for Tuesday, February 18, 2014 at 6:00 p.m. with GSA and City Council to discuss the GSA proposal (see [attached letter from Robert Zarnetske](#)) and further, to discuss the status of the transfer of the McIntyre Building to the City in accordance with federal legislation. Regional Administrator Zarnetske indicated that he and his staff will be available for that work session in response to a letter from Mayor Lister (see [attached letter](#)). In addition, we have contacted our Federal Delegation (Senator Shaheen, Senator Ayotte and Congresswoman Shea-Porter), and they will have representatives in attendance for this work session.

I would recommend the City Council move 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.

5. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2014 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement (see [attached letter](#)). Attached is a draft of the proposed 2014 License

[Agreement](#) with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex for over ten years. If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2014. I've requested that a representative of the Seacoast Growers' Association be in attendance on Monday evening to answer any questions you may have regarding this matter.

I would recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2014, as presented.

6. **Request for a Proposed Resolution for Supplemental Appropriation to Fund the FY14 Settlement of the Firefighters and Fire Officers Collective Bargaining Agreements.** On Tuesday, January 28, 2014, the Fire Commission approved a tentative settlement for the Firefighters and Fire Officers Collective Bargaining Agreement. Funding for this settlement agreement was not appropriated by the City Council in the FY14 Budget. The estimated cost for this settlement for both the Firefighters' and Fire Officers' Agreements is estimated at \$97,000 for FY14. Prior to the City Council acting on these agreements, it would be necessary to appropriate funds necessary to implement the proposed changes. Therefore, I am recommending that you allow me to bring back a proposed Resolution for a supplemental appropriation for an amount of up to \$97,000 for the Fire Department's FY14 Budget. Funding for this supplemental appropriation would come from the Unassigned Fund Balance. In accordance with 7.14 of the City Charter, a supplemental appropriation requires a public hearing and a two-thirds majority vote of the City Council. Therefore I would recommend the City Council 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 (see attached proposed Resolution).

I would recommend the City Council move 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.

7. **Proposed Easement Re: 30 Maplewood Avenue.** On July 19, 2012, 30 Maplewood Avenue, LLC obtained an amended site plan approval from the Planning Board for the redevelopment and reuse of a building located at 30 Maplewood Avenue, Tax Map 125, Lot 002. The amended site plan was approved by the Planning Board subject to certain stipulations. One of these stipulations was the grant of an easement from the Owner to the City for the installation of a street lighting controller located on the southerly corner of the property.

[Attached is the Plan](#) showing the proposed easement area which is subject to the approval of the City Council. The Legal Department has approved the form of the easement.

I would recommend the City Council move to authorize the City Manager to accept an easement for a street lighting controller from 30 Maplewood Avenue, LLC.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on January 21, 2014. In addition, this now can be found on the City's website.