

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JANUARY 20, 2015 TIME: 7:00PM

AGENDA

I. CALL TO ORDER (7:00PM)

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Wastewater Treatment Facility Update – Brian Goetz, Deputy Public Works Director; Terry Desmarais, City Engineer; and Suzanne Woodland, Deputy City Attorney

V. ACCEPTANCE OF MINUTES – JANUARY 5, 2015

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

(There are no items on this section of the Agenda)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

(There are no items on this section of the Agenda)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Jeanine Sylvester, Runner's Alley, LLC, requesting permission to hold the 18th Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 24, 2015 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Richard Wagner, Seacoast AIDS Walk, requesting permission to hold the 19th Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 3, 2015 from 10:00 a.m. to 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Adam Diorio, Public Service of New Hampshire, regarding Proposed Borthwick Avenue Switchgear Yard with Associated Improvements (***Sample motion – move to refer to the Planning Board and Public Works Department for report back***)
- B. Letter from The Citywide Neighborhood Steering Committee requesting the City add a mechanism to the Capital Improvement Plan to regularly measure the geographic distribution of projects and expenditures throughout the City (***Sample motion – move to refer to the Planning Board for report back***)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

(There are no items under this section of the Agenda)

City Manager's Items Which Require Action:

- 1. Request for First Reading Re: Elderly and Disabled Exemptions
- 2. License Request Re: 61 Washington Street
- 3. Request to Establish Work Session Re: Proposed Parking Garage at 165 Deer Street, Thursday, February 5, 2015 at 6:30 p.m.
- 4. Citywide Sidewalk Policy Review
- 5. Proposed Early Retirement Re: Police Department
- 6. Budget Schedule Revision

Informational items

- 1. Events Listing
- 2. Withdrawal of Heavy Rescue Fire Truck Bonding Request
- 3. 2013 Partial Valuation Update – Condominiums
- 4. Reminder of Work Session Re: CIP on January 26, 2015 at 6:30 p.m.
- 5. Conflict of Interest Mandatory Disclosure

B. MAYOR LISTER

- 1. Appointment to be Considered:
 - Phyllis Eldridge – Reappointment to the Trustees of the Trust Funds

2. Appointments to be Voted:

- Jay Leduc – Appointment to the Planning Board as a regular member (current alternate)
- Reagan Ruedig – Appointment to the Historic District Commission as a regular member (current alternate)
- Richard Shea – Appointment to the Historic District Commission as an alternate member

C. ASSISTANT MAYOR SPLAINE & COUNCILOR LOWN

1. The Portsmouth Resolution In Support Of The New Hampshire Clean Government Convention to be held during the 2015-2016 Presidential Primary (***Sample motion – move that the Portsmouth City Council adopt The Portsmouth Resolution In Support Of The New Hampshire Clean Government Convention to be held during the 2015-2016 Presidential Primary***)

D. COUNCILOR KENNEDY

1. Commercial Properties and the potential Assessors letter being sent out by the City (***Sample motion – move to have the City Manager not send the Income and Expense Survey letter to Portsmouth commercial property owners***)

E. COUNCILOR LOWN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the December 11, 2014 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of December 11, 2014***)
2. Parking and Traffic Safety Committee Action Sheet of the January 8, 2015 meeting (***Sample motion – move to approve and accept the action sheet of the Parking and Traffic Safety Committee meeting of January 8, 2015***)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. *Notification that the minutes of the October 21, 2014; October 28, 2014 and November 18, 2014 Zoning Board of Adjustment meetings are now available on the City's website


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 15, 2015

To: Honorable Mayor Robert J. Lister and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on January 20, 2015 City Council Agenda

Presentation:

1. **Wastewater Treatment Facility Update.** On Tuesday evening, City Staff will present to the City Council a report back regarding Phase 1 of the Pease Wastewater Treatment Option as authorized by Council during their October 20, 2014 meeting. In particular, the presentation will also include a progress update on the Peirce Island Wastewater Treatment Facility's current status of design, an updated site plan, review of the cost estimates and next steps. Topics for the Pease Wastewater Treatment Options Evaluation update will include a review of the proposed site plans for City wide and regional (with Exeter and Stratham) wastewater treatment at the existing Pease Wastewater Treatment Facility site and the status of discussions with the Pease Development Authority staff related to these site plans. The Council will be asked for input on whether to continue the evaluation to develop a life cycle cost for the proposed layouts.

In addition, the Deputy City Attorney will provide an update on the legal action to challenge the EPA's interpretation of the bypass rule and recommended continued participation.

I recommend the City Council move to authorize the City Manager to proceed with next phase of the Pease Wastewater Treatment Alternative Assessment and continue participation in the legal challenge to the EPA's interpretation of the bypass rule.

City Manager's Items Which Require Action:

1. **Request for First Reading Re: Elderly and Disabled Exemptions.** Annually, the City of Portsmouth 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 #1-2014 and #2-2014 which increased the income and asset levels for both the elderly and disabled exemptions by the Social Security

cost of living adjusting for 2014 of 1.5% from the previous year. The current elderly and disabled exemption income levels are \$35,704 for a single taxpayer, \$44,044 for married taxpayers, and an asset limit of \$119,016.

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) and Social Security SSI benefit payments payable in January 2015, are both the same with a 1.7% increase.

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 or by the Social Security increase of 1.7 %, this would increase the limits (rounded up) as follows:

- Single \$ 36,311 increase of \$607
- Married \$ 44,793 increase of \$749
- Asset Limit of \$121,039 increase of \$2,023

Option B:

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

- Single \$ 35,704
- Married \$ 44,044
- Asset Limit of \$119,016

Any adjustment if approved would be for assessments as of April 1, 2015 for the 2015 tax year or FY16.

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 15th of each year.

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to these Resolutions as well as first reading, a public hearing and a majority vote of the City Council. If no adjustment, 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 FY15.](#)

The City Council may choose from Option A or B 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 or B. If Option A is chosen, then I would recommend the City Council move to authorize the City Manager to bring it back for first reading at the February 2nd City Council meeting, as presented. (This requires two readings and a public hearing with a majority vote.)

2. **License Request Re: 61 Washington Street.** Bedard Preservation and Restoration LLC is currently working on a project for Strawberry Banke at 61 Washington Street. Bedard applied for and was granted a sidewalk encumbrance to erect staging at that location. [See attached picture of the location.](#) Bedard would like to extend the encumbrance until Feb 27, 2015 and that requires a license.

Mr. Bedard reports that the project is very complicated and detailed due to the nature of the museum quality work. His work has to follow the Secretary of the Interior Guidelines for Preservation and Restoration and is taking additional time to complete. The work includes sill replacement/repair, sheathing replacement as needed, replacing the existing window sills and trim with exact replications of the original trim, new window caps, new front door surround based upon the historic fragments found, new window sash with old glass, new feathered clapboards and lots more.

Staff has no objection to the granting of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit which includes protection of pedestrians, cleanup of debris, and related conditions.

I recommend the City Council move to authorize the City Manager to negotiate and enter into a license with Bedard Preservation and Restoration LLC to facilitate construction activities at 61 Washington Street.

3. **Request to Establish Work Session Re: Proposed Parking Garage at 165 Deer Street. February 5, 2015 at 6:30 p.m.** I am requesting that the City Council establish a Work Session on Thursday, February 5, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, to receive a presentation and discuss a proposed second parking garage at 165 Deer Street. I am also requesting that the Economic Development Commission be in attendance at this work session.

I recommend the City Council move to establish a Work Session on Thursday, February 5, 2015 at 6:30 p.m., in the Eileen Dondero Council Chambers, as presented.

4. **Citywide Sidewalk Policy Review.** On Tuesday evening, City staff will present to the City Council revisions to the City Council Policy 2010-02 (adopted May 2010) regarding brick sidewalks. The policy stipulates the limits of sidewalk materials types (brick and concrete) within the Historic District. The policy also states that sidewalks outside the Historic District shall be constructed of concrete.

Since implementation of the policy, there have been requests for alternative sidewalk materials besides brick and concrete, continuous concrete sidewalks through driveway aprons, and other requests for variances to the policy. In addition, there has arisen a need to identify a standard driveway apron material in the right-of-way.

At the request of the City Manager, City staff has modified the original policy to clarify these topics. [Attached is a redline copy of the revised language.](#) The Council will be asked to review and adopt the proposed policy.

I recommend the City Council move to adopt the revisions as shown to the City Council Policy 2010-02 Regarding Sidewalks and Driveway Aprons.

5. **Proposed Early Retirement Re: Police Department.** [Attached is a memorandum from Police Chief Stephen DuBois](#) regarding a request for an early retirement incentive for the Police Department for FY 2015.

I recommend the City Council move to approve a proposed early retirement incentive for the Police Department for FY 2015, as presented.

6. **Budget Schedule Revision.** At the request of Mayor Lister, we are asking to reschedule the May 2, 2015 Saturday City Council Budget Work Session to Saturday, May 9, 2015. If approved, [see attached revised Budget Schedule.](#)

I recommend the City Council move to reschedule the City Council Budget Work Session to Saturday, May 9, 2015, as presented.

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 5, 2015. In addition, this can be found on the City's website.
2. **Withdrawal of Heavy Rescue Fire Truck Bonding Request.** [Attached is a memorandum from Richard Gamester, Chairman of the Fire Commission](#) withdrawing the heavy rescue fire truck bonding request for this fiscal year.
3. **2013 Partial Valuation Update – Condominiums.** For your information, [attached is a letter from State of New Hampshire Department of Revenue Administration](#), regarding a 2013 partial valuation update regarding condominiums.

4. **Reminder of Work Session Re: CIP on January 26, 2015 at 6:30 p.m.** Just a reminder that the Work Session regarding the Capital Improvement Plan is on Monday, January 26, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers.

5. **Conflict of Interest Mandatory Disclosure.** As you are aware, the City Council adopted the Conflict of Interest Mandatory Disclosure Ordinance at the December 22, 2014 City Council meeting. The adoption of this Ordinance calls for the creation of a Financial Disclosure Statement to be produced by the City Clerk's Office for approval by the City Council. For your information, [attached is a copy of the Conflict of Interest/Mandatory Financial Disclosure Ordinance and a copy of a Financial Disclosure Statement.](#) I recommend that the City Council act on the Financial Disclosure Statement at the February 2, 2015 City Council meeting.