

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 6, 2016 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR SPLAINE, COUNCILORS DWYER, LOWN, CYR, SPEAR AND DENTON

ABSENT: COUNCILORS PERKINS AND PEARSON

1. At 5:30 p.m., A Public Use and Viewing for Eminent Domain Purposes Property at 150 Greenleaf Avenue Map 243 Lot 067 was held.
2. At 6:30 p.m., An Anticipated “Non-Meeting” with Counsel was held regarding Litigation relative to a Goodwin Settlement Agreement – RSA 91-A:2, I (b).
3. Presentation – Water Restrictions – Deputy Public Works Director Goetz provided a presentation and update on water restrictions.

Voted to authorize the City Manager to enact an outside water ban, and further, to give the City Manager the authority to take whatever action necessary to enforce the water ban as outlined in discussions held this evening.

4. Presentation – Sustainability Committee – Bert Cohen and members of the Sustainability Committee held a presentation regarding where the Committee is currently at and requested to have a Work Session during the October 1st City Council Retreat.
5. Acceptance of Minutes – August 1, 2016 – **Voted** to accept and approve the minutes of the August 1, 2016 City Council meeting.
6. Public Comment Session – There were 4 speakers: Erik Anderson, Mark Brighton (Contracts); Jon Wyckoff (Demolition); Arthur Clough (Prescott Park Arts Festival).
7. Public Hearing – Public Use and Necessity Hearing for Eminent Domain Purposes Property at 150 Greenleaf Avenue Map 243 Lot 067 – A Presentation was provided by Deputy City Attorney Woodland and Attorney Bauer. Held a public hearing. On a roll call 5-2, **voted** to adopt the Resolution entitled “Regarding the Public Necessity for the City to Condemn Certain Property Located at 150 Greenleaf Avenue Portsmouth New Hampshire for Sewer, Drainage, and Stormwater Purposes with Just Compensation to the Landowner. Councilors Dwyer, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Lown voted opposed.
8. Public Hearing - Resolution Authorizing a Supplemental Appropriation in the amount of Two Hundred One Thousand Dollars (\$201,000.00) from Unassigned Fund Balance for Necessary Expenditures related to Contractual Obligations – Held a public hearing.

9. **Voted** to suspend the rules in order to take up Items IX. B. – Adoption of Resolution Authorizing a Supplemental Appropriation of Two Hundred One Thousand Dollars (\$201,000.00) from Unassigned Fund Balance for Necessary Expenditures related to Contractual Obligations; XII. A.1. – Request for Approval of a Proposed Agreement between the City of Portsmouth Police Commission and the Portsmouth Police Patrolman’s Union, NEPBA Local #11; XII. A.2. – Request for Approval of a Proposed Agreement between the City of Portsmouth Police Commission and the Portsmouth Police Ranking Officers’ Association; and Request for Approval of a Proposed Agreement between the City of Portsmouth Fire Commission and the Portsmouth Professional Fire Officers’ Association.
10. Adoption of Resolution Authorizing a Supplemental Appropriation of Two Hundred One Thousand Dollars (\$201,000.00) from Unassigned Fund Balance for Necessary Expenditures related to Contractual Obligations – On a unanimous roll call vote 7-0, **voted** to adopt the Resolution authorizing a Supplemental Appropriation in the amount of Two Hundred One Thousand (\$201,000.00) Dollars from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations, as presented.
11. Request for Approval of a Proposed Agreement between the City of Portsmouth Police Commission and the Portsmouth Police Patrolman’s Union, NEPBA Local #11 – **Voted** to accept the proposed contract between the Portsmouth Police Commission and the Portsmouth Police Patrolman’s Union, NEPBA, Local #11, to expire on June 30, 2018.
12. Request for Approval of a Proposed Agreement between the City of Portsmouth Police Commission and the Portsmouth Police Ranking Officers’ Association – **Voted** to accept the proposed contract between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers’ Association, to expire on June 30, 2018.
13. Request for Approval of a Proposed Agreement between the City of Portsmouth Fire Commission and the Portsmouth Professional Fire Officers’ Association – **Voted** to accept the proposed contract between the Portsmouth Fire Commission and the Portsmouth Professional Fire Officers’ Association, to expire on June 30, 2018. Councilors Lown and Spear voted opposed.
14. Acceptance of Grant for Household Hazardous Waste Collection – **Voted** to accept and expend a \$4,660.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract.
15. Acceptance of Edward Byrne Memorial Justice Assistant Grant (JAG) – Evaluative Standards - \$10,182.00 – **Voted** to accept and approve the grant to the Portsmouth Police Department in the amount of \$10,182.00.
16. Consent Agenda – **Voted** to adopt the Consent Agenda.
 - A. Letter from James Daley, St. Thomas Aquinas High School, requesting permission to close Chestnut Street from 11:00 a.m. to 3:00 p.m. on Sunday, June 4, 2017 to allow for a reception line at the conclusion of the Commencement ceremony (**Anticipated action – move to refer to the City Manager with power**)

- B. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- First Night Portsmouth 2017 – Saturday, December 31, 2016; 4:00 p.m. – Midnight
 - Children’s Day – Sunday, May 7, 2017; Noon – 4:00 p.m.
 - 40th Annual Market Square Day Festival & 10K Road Race – Saturday, June 10, 2017; 9:00 a.m. – 4:00 p.m.
 - 15th Annual Summer in the Street – Saturday, June 24th, July 1st, July 8th, July 15th, July 22nd, July 29th; 5:00 p.m. – 9:30 p.m.
- (Anticipated action – move to refer to the City Manager with power)***
- C. Request for Approval of Pole License to install 1 replacement pole and replacement guy-pole located adjacent to the driveway of 999 Islington Street ***(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. Request for Approval of Pole License at 173, 175 Market Street as part of the redevelopment of this property ***(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)***
- E. Request for Approval of Pole License to install 1 replacement pole at 50 Marjorie Street ***(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)***
- F. Request for Approval of Pole License to install 1 replacement pole at the southeast corner of the Cottage Street and Route 1 Bypass intersection (adjacent to Holloway Motors) ***(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)***
- G. Request for Approval of Pole License to install 1 replacement pole with guy-wire located at 1608 Islington Street ***(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)***

17. Letter from Elizabeth Dinan requesting the establishment of a swap shed at the recycling center – **Voted** to refer to the City Manager for report back.

18. Letter from Attorney Watson regarding Mr. Lassen's proposal for dock space at the reconstructed docks at 95 Mechanic Street – **Voted** to refer to the City Manager for report back with a recommendation.

19. City Manager's Consent Items (due to the meeting going beyond 10:00 p.m.) – Councilor Spear requested to remove City Manager's Item XII. A.7. from Consent Items.

Voted to adopt the City Manager's items by Consent. Mayor Blalock abstained from voting of Item XII. A.6.

4. Proposed Acceptance of a Permanent Easement from the Portsmouth Housing Authority for Construction of a Sidewalk and Multi-use Path on Gosling Road
(Anticipated action – move to approve the Planning Board's recommendation to accept this easement granted to the City by Portsmouth Housing Authority)
5. Report Back from Planning Board Re: Proposed Acquisition of Land from the Foundation for Seacoast Health
(Anticipated action – move to approve the Planning Board's recommendation to acquire the land from the Foundation for Seacoast Health)
6. Report Back Re: Construction of a Tidal Docking Structure within the Ridge Court Right-of-Way and Right-of-Way Setback
(Anticipated action – move to accept the recommendation of the Conservation Commission regarding Ridges Court)

20. Request for First Reading of Demolition Ordinance – **Voted** to authorize the City Manager to bring back the proposed Ordinance for first reading at the September 19, 2016 City Council meeting, as presented.

21. Appointment of Thomas Martin to the PPMTV Board – **Voted** to appoint Thomas Martin to the PPMTV Board.

22. Joint Budget Committee – Mayor Blalock announced he will be establishing the Joint Budget Committee as listed below.

- Mayor Blalock - Chair
- City Councilor (2) – Appointed by Mayor
- School Board Representative (2) – Appointed by School Board
- Fire Commission Representative – Appointed by Fire Commission
- Police Commission Representative – Appointed by Police Commission
- Ex-Officio – City Manager Bohenko, Finance Director Belanger, Fire Chief Achilles, Police Chief Mara and Stephen Zadavec, Superintendent of Schools

23. Regional Desalination Initiative. Addressing future Seacoast Area water needs – No action required. Discussion will be held at the October 1st City Council Retreat.

24. Proposed amendment to the Outdoor License Program for Sidewalk Cafes – Councilor Perkins was absent this evening so the item will be brought forward at the September 19, 2016 City Council meeting.

25. Recruiting Food Trucks – Councilor Perkins was absent this evening so the item will be brought forward at the September 19, 2016 City Council meeting.

26. Adjournment – **At 11:15 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk