

**CITY COUNCIL NON-MEETING WITH COUNSEL REGARDING PUBLIC USE AND  
VIEWING FOR EMINENT DOMAIN PURPOSES PROPERTY AT 150 GREENLEAF AVENUE  
MAP 243 LOT 067**

PORTSMOUTH MUNICIPAL COMPLEX  
COUNCIL CHAMBERS

MONDAY, SEPTEMBER 6, 2016  
TIME: 5:30PM

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer, Lown, Spear and Cyr

**COUNCIL ABSENT:** Councilors Perkins, Pearson and Denton

**STAFF PRESENT:** John Bohenko, City Manager; Robert Sullivan, City Attorney; Suzanne Woodland, Deputy City Attorney;

Mayor Blalock opened the public use and necessity hearing for the acquisition of a portion of the property at 150 Greenleaf Avenue. He said we will begin the hearing by taking a view of the property.

Because the portion of the property the City seeks to acquire is in the rear of the parcel, the City Council will travel to 180 Greenleaf Avenue, the Comcast Facility. He said we will use the Comcast parking lot to park and have the opportunity to view the proposed acquisition from the Comcast boundary line. The access area for viewing has been mowed, but will likely be wet due to the rain.

The Deputy City Attorney will point out the area under consideration. Interested parties and the public are welcome to join the City Council on its view.

At the conclusion of the view, the hearing will be adjourned until later in the evening when the City Council commences its regular meeting at 7:00 p.m. at the Eileen Dondero Foley Council Chambers. At that time there will be a presentation and the City will take testimony and comments.

The City Council traveled to the site. Deputy City Attorney Woodland said the City Council will be allowed question at the hearing back in the Council Chambers. City Clerk Barnaby provided copies of a map to those in attendance of the area as provided by Deputy City Attorney Woodland. Deputy City Attorney Woodland explained the area and spoke to the berm covering the line and said that culverts are several feet down.

**Councilor Lown moved to continue the discussion until we have the hearing back at the Council Chambers. Seconded by Councilor Spear and voted.**

**NON-MEETING WITH COUNSEL REGARDING LITIGATION RELATIVE TO A  
GOODWIN SETTLEMENT AGREEMENT**

A roll call for attendance of City Council members present for the meeting was taken.

**COUNCIL PRESENT:** Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer, Lown, Spear, Cyr and Denton

COUNCIL ABSENT: Councilors Perkins and Pearson

STAFF PRESENT: John P. Bohenko, City Manager; Robert Sullivan, City Attorney; Tom Closson, Negotiator; Dianna Fogarty, Human Resources Director; and Kelli L. Barnaby, City Clerk

**Councilor Lown moved to enter into Non-Meeting regarding Litigation. Seconded by Councilor Cyr.**

Assistant Mayor Splaine said he would vote against the motion and feels we need to err on the side of caution when holding Non-Meetings or Non Public Sessions.

Councilor Dwyer said some people might come away thinking the Council will be talking about the Geraldine Webber will when it is about Aaron Goodwin.

Councilor Denton said it is important that issues discussed in the Non-Meeting remain confidential.

Councilor Lown said if there is a settlement there would be time to discuss it publicly.

**On a roll call 6-1, motion passed. Assistant Mayor Splaine voted opposed.**

The City Council discussed the Aaron Goodwin litigation.

At 7:15 p.m., Mayor Blalock adjourned the Non-Meeting with Counsel.

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## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, SEPTEMBER 6, 2016

PORTSMOUTH, NH  
TIME: 7:00PM

### **I. CALL TO ORDER**

Mayor Blalock called the meeting to order at 7:25 p.m.

### **II. ROLL CALL**

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer, Lown, Spear, Cyr and Denton

Absent: Councilors Perkins and Pearson

### **III. INVOCATION**

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

#### IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Splaine led in the Pledge of Allegiance to the Flag.

#### PRESENTATIONS

##### 1. Water Restrictions

Deputy Public Works Director Goetz provided an update on the drought in the northeast and stated that we are at extreme drought levels. He indicated that we are 4 years below the average and reviewed the precipitation history. He informed the City Council that the Bellamy Reservoir is down 3 feet from overflow with a current withdrawal of 3 million gallons/day. He addressed current water supply management and contingencies by tracking reservoir levels and water quality. Deputy Public Works Director Goetz reported they're working with a consultant to activate the new Madbury Well #5 as an emergency source of supply. He spoke to water demands with July's average being 6.1 million gallons per Day (MGD); August's average is 5.7 MGD, Labor Day weekend was 4.7 MGD and Winter's demand is 3.5 to 4.0 MGD. He also addressed water efficiency rebates and reported as of September 1<sup>st</sup> 366 toilet rebates were issued and 82 washing machine rebates have been issued. In addition, he stated that Portsmouth Housing Authority had 97 toilet rebates in April which created a 17% reduction in usage (2,795 gallons/day = 3.73 units/day). Deputy Director Goetz said effective September 8, 2016 hand-held watering of vegetable gardens, perennial flowers and nurseries will be allowed as well as golf course watering of tees and greens but no fairways or rough.

**Assistant Mayor Splaine moved 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. Seconded by Councilor Cyr and voted.**

##### 2. Sustainability Committee

Bert Cohen said he will present some information and ideas to which they would request a work session to be held with the City Council. Members of the Sustainable Committee Bert Cohen, Chair; Peter Britz, City Representative; Josh Denton, City Council Representative; Patrick Ellis, School Board Representative; Peter Gerrish, PHS Eco-Club Representative; Larry Lariviere, Citizen; Jacob Levenson, City Representative; Drew Stadterman, Citizen; and Wes Tator, Citizen reported the following:

- LEED Certification of City Buildings Madbury WTP Solar Array Installation
- PHS Solar Array Installation
- LED Streetlight conversion
- 95.8% Recovery Rate Sample Analysis
- Over a decade of 55% diversion from landfills
- Food waste composting drop-off at Department of Public Works
- Improving public space recycling receptacles
- Roll out of standardized recycling signs w/simple instructions to reduce confusion

## Sidewalks Borthwick Avenue

- Greenway south side of North Mill Pond
- Removal of existing barrier to migrating fish
- Funding of a greenway connected to development of 11 acre parcel
- Signalize cross walk

Councilor Denton spoke to Portsmouth's current compost pilot program. He also addressed Cambridge's and Natick's curbside compost pilots. He reported to the City Council that the program in Cambridge was free where Natick charged. He also spoke to compost processing going out to Pease.

The Committee further reported the following:

- Relatively few facilities in New England, but common in other parts of the country
- Reduces organic matter by 50% or more
- Reduces biogas for use in CHP
- Logically "next step" for upgrades at Pease after Peirce Island is completed
  
- Utilize unused space at the Pease WWTP
- Deliver biosolids from Peirce Island
  - Source separated food waste
  - Grease trap waste
- Portsmouth could run the show, or seek a private company to take responsibility
- Facility could provide a regional solution for these materials, along with income for Portsmouth

What are the Benefits:

- Portsmouth is currently spending:
  - \$500,000 per year on electricity (sewer division)
  - \$300,000 per year on biosolids disposal (combined)
  - \$20,000 per year for natural gas at Pease
- Produce enough electricity to reduce the Sewer Department electric bill to ZERO
- Reduce the volume of biosolids in half
- Reduce the cost of managing biosolids in half
- Eliminate the cost of heating at Pease

In closing, the Committee members reported on climate changes and what can be done and that climate changes are a significant problem. The solution to climate changes goes through Congress and how to prepare for sea level rise:

- Now is the time to speak out on behalf of Carbon Fee and Dividend legislation
- Provide Leadership for Citizens, other Communities
- Join 20 other cities who have adopted supportive Resolutions

Councilor Denton announced that the Work Session with the City Council would be on October 1<sup>st</sup> at the Council Retreat.

## **V. ACCEPTANCE OF MINUTES – AUGUST 1, 2016**

**Councilor Spear moved to accept and approve the minutes of the August 1, 2016 City Council meeting. Seconded by Councilor Dwyer and voted.**

## **VI. PUBLIC COMMENT SESSION**

Erik Anderson spoke regarding the 3 contracts before the City Council for the Police and Fire Departments. He said he hopes that the City Council have reviewed the contracts in depth and spoke against stipends that are in the Fire Department for the fire boat which we no longer have.

Jon Wyckoff spoke on demolition in residential areas and that problems exist with the property at 140 Thornton Street. He said he is pleased to see an ordinance being brought forward on this matter. He expressed concern regarding the former School House Restaurant and how this ordinance could impact that property.

Mark Brighton said he would support the Police Department contracts that are being presented.

Arthur Clough said that Ben Anderson took a picture of him and his child while eating ice cream at Prescott Park. He also spoke regarding the need for compliance in the park.

## **VII. PUBLIC HEARINGS**

### **A. PUBLIC USE AND NECESSITY HEARING FOR EMINENT DOMAIN PURPOSES PROPERTY AT 150 GREENLEAF AVENUE MAP 243 LOT 067**

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. He announced prior to the speakers the Legal Department will be making a presentation. City Attorney Sullivan said the Legal Department and outside counsel request the City Council to adopt the Resolution as presented.

Attorney Charles Bauer spoke to the overview of the area that was visited this evening. He addressed the history of the litigation. He spoke to the conditions of the site in the 1960's which were swampy. He said in 1964 the State of NH purchased property now known as 150 Greenleaf Avenue to construct and operate the New Hampshire Vocational Technical School. He said in 1967 the City Council advised of need for sewer to serve Lois, Marjorie and Sylvester Street. He reported that a city crew began excavating a ditch through land off Greenleaf Avenue toward Marjorie Street in an effort to drain the area and alleviate a swamp and odor problem. He further stated the residents of the neighborhood had complained to the City Council about sewage nuisance from septic tanks and asked for a sewer line to service the area. It was noted that engineers said the land must first be drained. Attorney Bauer outlined the following:

November 20, 1967 – State of NH Board of Education grants approval for City to install sewer line. NH State Board of Education voted:

“To approve the request of the Department of Public Works of the City of Portsmouth to extend a sewer line across the rear of the property of the Vocational Technical Institute in Portsmouth”

November 21, 1967 – Portsmouth Herald:

“In other business yesterday the board granted an easement to the City of Portsmouth across land at the Vocational-Technical Institute on the Interstate Highway for a sewer line for the proposed Prospect Park sewer.”

Late 1967 and 1968

City constructs sewer line in swamp land across the rear of the parcel

Attorney Bauer spoke to the change of ownership of the property during the time of purchase of land from 1983 – 2003. He said in 2003 a berm was put in place which is above ground. He said swamp is now referred to as wetlands. He said an error was made in obtaining rights to the land and in 2013 and 2014 the City was ruled a trespasser but the City appealed that in 2015. He reported that the present land owner has requested \$26,500.00 per month for rent of the land. He also reported that numerous negotiations have been tried and failed.

Deputy City Attorney Woodland spoke to the items that will be addressed during this portion of the presentation. She said an appraisal of the property has been done and the City wants to maintain the flow and retention of water. She stated maintaining the wetlands area does serve a storm water function. She reported that the sewer line is atypical and addressed the covenants on Greenleaf Avenue. Deputy City Attorney Woodland said the area is necessary to maintain the sewer line and its supporting infrastructure. She addressed the acquisition would be 4.6 acres and the property taking is valued at \$11,000,000.00 before and after the taking. She reported that there are limitations for the development of the property. She said the appraiser came forward with an offer of \$345,000.00 for acquisition.

Attorney Kuzinevich representing Mr. Boyle said he cautions the City Council and said that this is not a simple case. He said there is 12 years of litigation and Mr. Boyle has won all of the cases. He reported that Mr. Boyle did not discover the sewer line when he purchased the property and he wants to put another dealership on the remaining acres. Attorney Kuzinevich said there is zero functionality of wetlands. He said there was a ditch around the property and the City created the wetlands without the owner’s permission. He stated that the eminent domain does not resolve the litigation. He said they will challenge the eminent domain and that the City will average rent to Mr. Boyle since 2008.

Jim Boyle said that this is costing the City a lot of money and that this is a bad faith taking.

Paul McEachern said he served the City Council in 1968 and the City Attorney was John Driscoll who was part time and did his best. He said the Board of Education would have given an easement, it was obviously an oversight.

Rick Becksted said eminent domain should be the last resort and feels that the City Council should try speaking with Mr. Boyle to resolve these issues.

With no further speakers, Mayor Blalock declared the public hearing closed.

At 9:45 p.m., Mayor Blalock declared a brief recess. At 9:55 p.m., Mayor Blalock called the meeting back to order.

**B. 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**

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

City Manager Bohenko said the collective bargaining agreements before the Council require a supplemental appropriation.

With no speakers, Mayor Blalock declared the public hearing closed.

**Assistant Mayor Splaine moved to suspend the rules to take up item IX. B. – Adoption of Resolution Authorizing a Supplemental Appropriation of Two Hundred One Thousand Dollars (\$201,000.00) for 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 XII. A.3 – Request for Approval of a Proposed Agreement between the City of Portsmouth Fire Commission and the Portsmouth Professional Fire Officers’ Association. Seconded by Councilor Cyr and voted.**

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

**Assistant Mayor Splaine moved 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. Seconded by Councilor Cyr. On a unanimous roll call vote 7-0, motion passed.**

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

**Assistant Mayor Splaine moved 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, 3018. Seconded by Councilor Cyr.**

Councilor Spear said that this goes for both police contracts that there are no items for overtime reform. He said the contract is very generous and he would vote against both contracts. He said his issue with this contract is the overtime and expressed concern that our Chief will only be here for a short amount of time and the contract is for multiple years and will tie the hands of a new Chief. He feels a contract should be put in place by a new Chief.

Councilor Lown agrees with what Councilor Spear has said but the new Chief will come in a year from now and there is another way to look at this. He feels the contract could be helpful to the new Chief.

Councilor Dwyer said she agrees with Councilor Lown and said this contract will make us competitive.

Assistant Mayor Splaine said Chief Mara and the Police Commission have done excellent work to get an agreement with the unions. He said we should be paying the Police and Fire more than they receive because they keep us safe.

Councilor Denton said he would vote for the contracts and it is not an issue because Chief Mara will not be here for a long period of time.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we want to maintain the employees and they are well deserving of this contract.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

**Motion passed.**

- XII. A.2. Request for Approval of a Proposed Agreement between the City of Portsmouth Police Commission and the Portsmouth Police Ranking Officers' Association

**Assistant Mayor Splaine moved to accept the proposed contract between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers' Association, to expire on June 30, 2018. Seconded by Councilor Dwyer and voted.**

- XII. A.3. Request for Approval of a Proposed Agreement between the City of Portsmouth Fire Commission and the Portsmouth Professional Fire Officers' Association



**Assistant Mayor Splaine moved to accept the proposed contract between the Portsmouth Fire Commission and the Portsmouth Professional Fire Officers' Association, to expire on June 30, 2018. Seconded by Councilor Cyr.**

Councilor Spear said he would vote against the motion because it has to do with the fire boat. He said he cannot support paying a stipend to employees to run a fire boat when we do not have one.

Councilor Denton said we are planning to get a new fire boat and would the officer's still need training to run the boat. Fire Chief Achilles said the Fire Commission recognizes that this was for training and the training still will be transferrable.

Councilor Lown said he would vote against the contract because 2 of the 3 Commissioners voted against a cost savings. He said shift replacement continues to be a concern and feels it needs to be reduced.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he was disappointed that the Fire Chief was not supported. He said we want to remain competitive and keep the employees. He said he would support the motion because he does not like to see employees working without a contract.

Assistant Mayor Blalock returned the gavel to Mayor Blalock.

Councilor Dwyer said she would support the contract but this time the union needs to work on shift replacement.

**Motion passed. Councilor Lown and Spear voted opposed.**

## **VIII. APPROVAL OF GRANTS/DONATIONS**

### **A. Acceptance of Grant for Household Hazardous Waste Collection**

**Councilor Lown moved 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. Seconded by Councilor Cyr and voted.**

### **B. Acceptance of Edward Byrne Memorial Justice Assistant Grant (JAG) – Evaluative Standards - \$10,182.00**

**Councilor Spear moved to accept and approve the grant to the Portsmouth Police Department in the amount of \$10,182.00. Seconded by Councilor Lown and voted.**

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

### A. Resolution Re: Eminent Domain 150 Greenleaf Avenue

**Councilor Spear moved 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 Storm water Purposes with Just Compensation to the Landowner.” Seconded by Councilor Cyr.**

Councilor Lown said we heard a presentation from Attorney Kuzinevich on the matter of the land not being wetlands. He asked why the area surrounding the berm would the City need to preserve the land. Deputy City Attorney Woodland said in 2005 Mr. Boyle’s soil scientist declared the areas as wetlands. She spoke how the water flows through the property. She reported in 2011 without a permit Mr. Boyle installed culverts and there was a difference of opinion whether he was allowed to but the culverts were already in place. Councilor Lown asked why we can’t just take the area of land where the berm is located. Deputy City Attorney Woodland said this would be for waste water. Attorney Bauer said approval has not been given by DES or the City at this point the land is not developable. Councilor Lown said if just the berm was taken you could define the state of the berm and the state of the wetlands. Attorney Bauer said that is what you are being asked to do.

Councilor Dwyer said she did not hear anything about dams or creating wetlands. She asked if there is anything being proposed for a dam. Attorney Bauer said no the berm was said by Attorney Kuzinevich to be a dam.

Councilor Lown spoke about the amount of rent the City might be required to pay and asked if we can wait until we know what the amount is. Attorney Bauer said the rent from back to 2008 is \$2.5 million you would not have to pay the rent going forward until something happens then at that point the rent stops. He said the primary purposes is to do the public use and necessity that was supposed to happen back in the 1960’s.

Assistant Mayor Splaine asked Deputy City Attorney Woodland how much this has cost to this point and how much it would cost going forward. Deputy City Attorney Woodland said in 60 days we are going before the BTLA and the cost is hard to predict. Attorney Bauer said the cost to date is approximately \$300,000.00.

Assistant Mayor Splaine said the owner is making an appeal to talk with a member of the City Council and asked how we get to the point of an agreement. Attorney Bauer said he has spent an inordinate amount of time on negotiating. He said there have been many attempts to resolve things but Mr. Boyle has made that difficult.

Councilor Denton said he is not taking eminent domain lightly. He said if an attorney tells you go with eminent domain you need to listen because they know more than we do on this matter.

Councilor Dwyer said the old maps show what it was when a State agency grants approval by vote to approve the extension of a sewer line. She said we need to assume that means something and we need to trust that a State agency grants an easement in its written minute's eminent domain is a last recourse. She said we attempted to settle and that comes at a cost. She stated many, many, many attempts have been made to settle. She said we need to learn from our history.

Councilor Lown said the questions is how does eminent domain compare with removing the line and building a pump station.

Assistant Mayor Splaine said he would vote against eminent domain and it leaves a bad test in his mouth. He said something here does not add up and there must be some way to get to yes without eminent domain.

Councilor Spear said eminent domain does allow us to get to yes. He said he agrees with comments made by Councilor Dwyer on the vote for the easement. He said it was a different world in the 1960's and said the sewer line is a benefit. He said he endorses eminent domain.

**On a roll call 5-2, motion passed. Councilors Dwyer, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine and Councilor Lown voted opposed.**

## **X. 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.
  - 40<sup>th</sup> Annual Market Square Day Festival & 10k Road Race – Saturday, June 10, 2017; 9:00 a.m. – 4:00 p.m.
  - 15<sup>th</sup> Annual Summer in the Street – Saturday, June 24<sup>th</sup>, July 1<sup>st</sup>, July 8<sup>th</sup>, July 15<sup>th</sup>, July 22<sup>nd</sup>, July 29<sup>th</sup>, 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 approval 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 approval 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 approval 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 approval 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***)

**Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Lown and voted.**

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

- A. Letter from Elizabeth Dinan requesting the establishment of a swap shed at the recycling center

**Councilor Lown moved to refer to the City Manager for report back. Seconded by Councilor Cyr and voted.**

- B. Letter from Attorney Watson regarding Mr. Lassen's proposal for dock space at the reconstructed docks at 95 Mechanic Street

**Councilor Lown moved to refer to the City Manager for report back with a recommendation. Seconded by Councilor Cyr and voted.**

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

Due to the hour the remaining items under the City Manager's name would become consent items unless an item was removed by a Councilor.

Councilor Spear requested to remove City Manager's Item XII. A.7. from Consent Items.

### **A. CITY MANAGER**

4. Proposed Acceptance of a Permanent Easement from the Portsmouth Housing Authority for Construction of a Sidewalk and Multi-use Path on Gosling Road ***(Moved 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 ***(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 ***(Move to accept the recommendation of the Conservation Commission regarding Ridges Court)***

**Councilor Lown moved to adopt the City Manager's Items by Consent. Seconded by Councilor Cyr and voted. Mayor Blalock abstained from voting on Item XII. A.6.**

7. Request for First Reading of Demolition Ordinance

**Assistant Mayor Splaine moved to authorize the City Manager to bring back the proposed Ordinance for first reading at the September 19, 2016 City Council meeting, as presented. Seconded by Councilor Spear.**

Councilor Spear wants to confirm that the pictures of the home are from the exterior and not the interior of the home. Planning Director Taintor said it would be to record interior or exterior photos of the home. City Manager said we would discuss that matter internally and determine whether we can take photos of the interior by State law.

Councilor Dwyer said the wording for a Demolition Review Committee needs more teeth. She spoke to an historic district area by geographic for protection of structures. Planning Director Taintor said it is broader for the historic district and neighborhood specific. Councilor Dwyer said we need procedures that are clear.

**Motion passed.**

**B. MAYOR BLALOCK**

1. Appointment of Thomas Martin to the PPMTV Board

**Councilor Spear moved to appoint Thomas Martin to the PPMTV Board. Seconded by Councilor Cyr and voted.**

2. Joint Budget Committee

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

- Mayor Blalock, Chair
- City Councilors (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

**C. ASSISTANT MAYOR SPLAINE**

1. Regional Desalination Initiative. Addressing future Seacoast Area water needs

Assistant Mayor Splaine said he would like to have a discussion on this at the October 1<sup>st</sup> Council Retreat.

**D. COUNCILOR PERKINS**

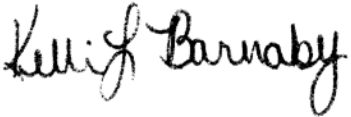
1. Proposed amendment to the Outdoor License Program for Sidewalk Cafes  
Approved Locations:
  - *State Street Saloon*
  - *Popovers on the Square*
  - *Ri Ra*
  - *The District*
  - *Birdseye Lounge, LLC*
2. Recruiting Food Trucks

Councilor Perkins was absent this evening so these items will be brought forward at the September 19<sup>th</sup> City Council meeting.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT**

**At 11:10 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.**

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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