

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JULY 10, 2017

PORTSMOUTH, NH  
TIME: 7:00 PM

**At 6:00PM a Work Session was held regarding Thomas J. McIntyre Federal Property at 80 Daniel Street.**

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

Mayor Blalock opened the meeting at 7:05 p.m.

### **II. ROLL CALL**

Members Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Perkins, Dwyer, Pearson, Spear and Cyr

Members Absent: Councilors Lown and Denton

### **III. INVOCATION**

### **IV. PLEDGE OF ALLEGIANCE**

Mayor Blalock led the Pledge of Allegiance.

### **V. ACCEPTANCE OF MINUTES – *(There were no minutes on for acceptance)***

### **VI. PUBLIC COMMENT SESSION**

Roy Helsel – spoke regarding the City of Portsmouth goal of being a walkable city stating that the area on Borthwick Avenue near the hospital doesn't have a continuous sidewalk to the Route 1 Bypass and there needs to be one as there are speeding vehicles passing both bicyclists and pedestrians.

Sue Polidura – stated she has been doing historical research in the North Cemetery and thanked the City Manager and city staff for the work done on the cemetery, but she is concerned that there is no longer a Cemetery Commission to oversee it. She stated that there are notable people buried in the cemetery, but we also have vagrants in there that damage the graves. She asked that a Cemetery Commission be reinstated for oversight and continuity of care of our heritage.

Richard Smith – thanked the city staff for the informative walk of Peirce Island in June. He continued that he would like to see a moratorium on new hotels etc. in the downtown area and preservation of green space. He feels that there should be surveillance cameras on the construction going on at the Island and wants the habitat effects tracked as well. He stated he is glad we are ahead of schedule and under budget at this time.

Mary Lou McElwain – discussed the recent fireworks display that was sponsored by Wilcox Industries for the first time this year. She continued that there were 2 different articles endorsing the extravaganza that was held, but she doesn't feel that we need to have such a large display as

we are not the City of Boston. She continued that the explosions were very loud and she had concerns for foundations of buildings in the area. She stated that there was a lot of traffic congestion after the fireworks ended and wants to see a public hearing held on this subject.

Jerry Zelin – expressed his concerns with the zoning ordinance that was passed by the City Council at the June 19, 2017 City Council meeting which he outlined in a letter included in the City Council packet.

Jane Zill – stated that she doesn't feel that the resolution regarding the bonding for the WWTF should be voted on at this time due to the pending litigation. She stated it isn't clear that more than 20% of the work has been completed. She stated that if the city is not dismissed and continues to be a defendant, she would like the city to prepare to go to trial and not engage in any drawn out appeals process. She stated the City went ahead with building the WWTP even after the judge said they should proceed at their own risk. She stated that the timing of the bonding for this is terrible.

Esther Kennedy – began by stating she agrees with a previous speaker that there should be a Cemetery Committee. Secondly, she stated that she is concerned with the bicycle program being run in the City as she recently saw an accident almost happen and the rider of the bicycle did not have a helmet. She stated that people who are unfamiliar with the traffic patterns in the City are using these bicycles and also are able to get the first 2 hours free of charge, but then will trade in a bike for another one, also free of charge, so who is paying for these bicycles. She asked for clarification on who is monitoring, managing and paying for this program.

Paige Trace – discussed transparency stating that a recent press release of the city regarding the force main at the Peirce Island Bridge made her look into this work and found another document which was the original question and answer of the project and had a question of why this work was not included in the original bond. She stated that the answer to this question was misleading to the citizens in that it appears we are paying for a new one now and then will have to replace them again in 4 years. She stated the reverse occurred with the Four Tree Island temporary parking lot which will now become permanent.

Mark Brighton – discussed residential tax rates in comparison to the corporation taxes concluding that there is no such thing as free money.

## **VII. PUBLIC HEARINGS**

### **A. PARKING & TRAFFIC SAFETY OMNIBUS ORDINANCE:**

- AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 – LIMITED PARKING – FIFTEEN MINUTES
- AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING
- AMENDING CHAPTER 7, ARTICLE III, SECTION 7.336 – ONE-WAY STREETS
- AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.702 – TRUCK TRAFFIC PROHIBITED

Traffic Engineer Eby gave a brief overview of the ordinance changes which are the various changes that were approved by the Parking and Traffic Safety Committee over the past year and implemented as trial changes.

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers. Seeing no one wishing to speak, Mayor Blalock declared the public hearing closed.

B. RESOLUTION AUTHORIZIING A BOND ISSUE AND/OR NOTES OF UP TO FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00) FOR THE COSTS RELATED TO THE INSTALLATION AND IMPLEMENTATION OF NEW HIGH SCHOOL ATHLETIC FIELD LIGHTING

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

Rick Becksted – stated he is in favor of the replacement lighting but is opposed to bonding it. He stated he is also confused as to why these bonding resolutions are being done in July when they are usually done in the fall. He continued that these smaller projects should not be bonded. He stated that he doesn't feel that his children will be able to afford to live in Portsmouth as adults and is concerned with the amount of spending done by this Council in the last 1 ½ years.

Erik Anderson – stated he agrees with Mr. Becksted that this Council has bonded the most amount of money and it has an effect on taxpayers. He stated that he would like a summary of the total of tonight's bonding resolutions as well as all existing bonds as he thinks it is more that 10% and the taxpayers should know. He stated that in August there will be a statistical revaluation of the City which means the city will be able to borrow more money, but we don't know if it will hold for the next 20 years and may be a problem.

Jane Zill – stated she agrees with the previous speaker and would like a presentation on how the credit rating could go down in the future.

Seeing no one else wishing to speak, Mayor Blalock declared the public hearing closed.

C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TEN MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$10,950,000.00) FOR COSTS RELATED TO CITY STREET, SIDEWALK AND FACILITY IMPROVEMENTS

City Manager Bohenko stated he would first like to answer the questions that were brought up by the public hearing speakers. He referred to Page 32 of the CIP to address previously expressed concerns stating that over the last 15 years we have stayed below 10% payment benchmark and try to stay at a stable level without having spikes up and down. In regards to the General Fund, page 26, we have only used 32% of our legal limit; schools 15% and still have a tremendous amount of debt capacity which we will not even come close to. He stated that spikes in the bonding are very detrimental to the taxpayers and is what Standard and Poore looks at when doing the rating. Finally, regarding the sewer fund, we have set aside money over the years with a 3-4% increase to the ratepayer, so that when the payment is due in 2021 there will not be a spike in the rates. Finally, he reviewed the projects that will be done with this bonding and stated the reason to bundle is we have issuance costs and want to concentrate the amount to borrow to not have to pay \$50,000 issuance cost separately. He stated regarding the bond premium, the

point is taken, but we have 2 choices in using it, we can pay down the debt per State law, or use it on other projects within the capital improvements plan and won't have to bond that project.

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

Rick Becksted - thanked City Manager Bohenko for the explanation and stated he agrees with the use of the money on smaller projects so they don't have to be bonded. He continued that his issue is regarding items such as \$500,000 for the North Mill Pond, which he doesn't remember being discussed and what will the money be used for and then there is another 2.5 million scheduled in 2023, so why spend \$500,000 now. He suggested looking to what the City of Dover is doing as they are charging various impact fees.

Larry Larivierre – stated he is in favor of the \$500,000 for the North Mill Pond and hopes that paddleboards and kayaks will be able to launch from there. He stated he is also in favor of finishing the sidewalk on Borthwick Avenue.

Jane Zill – stated she is in favor of a walkable city, but she cautioned against encouraging paddle boarding in the North Mill Pond due to there being CSO's.

Erik Anderson – stated he likes the idea of impact fees and feels there should be a set date to implement them to put people on notice.

Seeing no one else wishing to speak, Mayor Blalock declared the public hearing closed.

- D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00) RELATED TO WATER LINE REPLACEMENTS AND PLEASANT STREET WATER LINE IMPROVEMENTS

City Manager Bohenko stated this is a part of the complete streets program as we have 150 miles of pipe and some at the end of their designed life span. He stated the State Street fire showed the importance of this replacement.

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

Paige Trace – stated she is in favor of this and feels that it is very much needed on Pleasant Street which is difficult to walk along in the summer and impossible to plow in the winter.

Seeing no one else wishing to speak, Mayor Blalock declared the public hearing closed.

- E. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000.00) FOR COST RELATED TO CONSENT DECRESS MITIGATION, ANNUAL SEWER LINE REPLACEMENTS, WASTEWATER PUMPING STATION IMPROVEMENTS AND UNION STREET SEWER CONTRUCTION

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

Rick Becksted – stated that an old building was demolished on Union Street last year and now a new one is being built and if we had an impact fee, the city wouldn't have to pay for this upgrade. He stated he would like to discuss this with someone.

City Manager Bohenko stated he will bring something to the Council regarding impact fees and has done so in the past. He continued that these are more appropriate for subdivision projects which we don't have as many as Dover does, but they do have to pay for sidewalks.

Councilor Dwyer stated it has been a while since we discussed these fees but continued that we do charge different fees, they just aren't called impact fees. She stated that this has been discussed by other Councils in the past and once they understand what an impact fee actually is, they back away from it.

Mayor Blalock thanked Mr. Becksted for bringing the issue forward.

Paige Trace – stated she agrees with what is being done from a capital standpoint for mitigation of the consent decree and some of the projects are beneficial to the city in a green way. She continued that she is concerned with the wording “the city has committed to certain projects as a result of this modification”, and wonders why there isn't an open list of projects for the citizens. She continued that she questions the ambiguity and only knows as a plaintiff that CLF gets 500,000 a year because we didn't meet the mitigation. She stated it is the same situation with the Sagamore Avenue sewer lines and that those residents are going to have to pay for it when it is the city that is required to do it as part of the mitigation.

Esther Kennedy – stated it is really hard for people to get questions answered even when doing lots of research and feels that the language in the agendas need to be more clear for people to understand what is being reviewed. Next, she stated it is sad that the monthly WWTP updates being held at 11:00 a.m. are for “commercial” people. She stated that information is needed before people speak and not be provided after the fact. She stated that the City Manager also discussed bundling bond resolutions, but wonders why the WWTP projects aren't being bundled.

Pat Bagley – asked for clarification of how much Pleasant Street improvements are costing.

City Manager Bohenko stated \$600,000.00. He stated that the CIP isn't static and items are reviewed based on need and fund availability.

Jane Zill – stated there is confusion as to why there are 2 bonding hearing for items coming from the same funding source.

City Manager Bohenko stated the numbers are broken out but are not going to be bonded separately, we are just demonstrating what the projects are. He stated the \$6.9 million is an SRF loan with a 5% grant and guaranteed interest rate of 2.2% repayment not due until 2021. He stated if the State gets a better rate, we can take advantage of it, but if it goes up, we are locked in at this rate.

Jane Zill continued that the annual sewer line replacement in the Sagamore Avenue area, a lot of that is not on sewer, so is not really replacement.

City Manager Bohenko explained the projects near the river/ocean are being required by the EPA to get them on sewer and would be required of the homeowner, but not until 2020 or 2021 after the WWTP is completed. He stated regarding people paying for it themselves, it is some of the commercial properties that need to do it sooner than later. He stated that a future City Council will have to address this and determine what the cost share will be.

Jane Zill stated that \$30,000 – \$40,000 to tie in is a lot of money and the city should be talking to people about it now and clarified that the consent decree requires this to be completed by 2021. Secondly, she stated the other piece of this is whether we are residents or customers and was stated by Councilor Spear that it is important to get as many people on-line to share the costs and although some people will be glad to do so, others will be burdened when they have recently replaced their septic systems. Finally, she stated that again, she feels that this action shouldn't be taken until the judgement is made regarding the Citizen Clean Water Act lawsuit.

Seeing no one else wishing to speak, Mayor Blalock declared the public hearing closed.

F. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SIX MILLION NINE HUNDRED THOUSAND DOLLARS (\$6,900,000.00) FOR COSTS RELATED TO THE CONSTRUCTION OF THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT

City Manager Bohenko explained that this was something that we planned to do when the money became available in the SRF and it is now available so allows us to utilize the 2.2% rate for 20 years and receive 5% back as a grant.

City Engineer Desmarais explained this is the remaining 6.9 million of the total project cost 91.9 million. He stated the State has indicated they wanted the City to go ahead with the full 6.9 million remaining to offer both the best opportunity to adjust the loan amount annually. He clarified that the SRF program is a line of credit and we can stop it at any time. He stated we have already received one reduction in the amount of interest, which started at 2.5% and is now 2.2%.

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

Rick Becksted – stated there are several buildings in the works downtown that if we had impact fees would be able to contribute to the costs associated with the required upgrades.

Esther Kennedy – stated she has reviewed the CIP and doesn't know what the \$6.9 million is needed for and feels the description does not explain it. She stated that the sewer pipe replacement on the bridge, pump stations, removal of CSO's, and storm water doesn't seem to be included to her knowledge. She stated she wants a true figure and not have it keep coming out piecemeal.

Paige Trace – stated that she understands we are getting a good deal on the money but we don't know what we need it for and wants a listing of what it is being used for as it speaks to the transparency they are all asking to get from the City. She addressed a recent issue of information she had requested that the City staff assumed was given to her from another source but had not been.

Seeing no one else wishing to speak, Mayor Blalock declared the public hearing closed.

*At 8:50 p.m. Mayor Blalock called for a brief recess.*

*At 9:00 p.m. Mayor Blalock reconvened the meeting.*

## **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Second Reading of Parking & Traffic Safety Omnibus Ordinance:
- Amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes
  - Amending Chapter 7, Article III, Section 7.330 – No Parking
  - Amending Chapter 7, Article III, Section 7.336 – One Way Streets
  - Amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited

**Councilor Pearson moved to pass second reading and schedule a third and final reading of the proposed ordinances at the August 7, 2017 City Council meeting, as presented, seconded by Councilor Perkins.**

Councilor Cyr stated that there was going to be a review of all the 15 minute parking space and asked for an update.

Traffic Engineer Eby stated that there was a quick study done on the existing spaces which resulted in some of these changes, and it will continue to be reviewed.

Councilor Cyr stated that there are times when 15 minute spaces are not needed because the businesses are closed and they sit empty not being used.

Councilor Spear discussed 15 minute metered spaces stating that he would like to see these not be paid spaces, but people would still need to get a slip from the kiosk to park in the spaces.

City Manager Bohenko stated he will look into this suggestion as well.

**Motion passed.**

- B. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance

**Assistant Mayor Splaine moved to pass third and final reading as presented. Seconded by Councilor Perkins and voted.**

- C. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting

**Assistant Mayor Splaine moved to adopt the resolution authorizing a bond issue and/or notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting, seconded by Councilor Perkins.**

Councilor Dwyer stated that there is a lot of information on the Capital Improvement Plan pages that it is sometimes hard to see it all and suggested that there may be other ways to present it.

**Motion passed on a 7-0 roll call vote.**

- D. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements

**Assistant Mayor Splaine moved to adopt the resolution authorizing a bond issue and/or notes of up to Ten Million, Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements, seconded by Councilor Perkins.**

Councilor Dwyer stated that again all of this information has been available and has been talked about for 6 years. She suggested that people should not try to get everything from the title, but to look at the entire page.

City Manager Bohenko explained the process of receiving input on projects in the CIP which begins in September and involves a sub-committee of the Planning Board as well as the City-wide neighborhood committee.

**Motion passed on a 7-0 roll call vote.**

- E. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million One Hundred Thousand Dollars (\$3,100,000.00) related to Water Line replacements and Pleasant Street Water Line Improvements

**Councilor Pearson moved to adopt resolution authorizing a bond issue and/or notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million One Hundred Thousand Dollars (\$3,100,000.00) related to Water Line replacements and Pleasant Street Water Line Improvements, seconded by Councilor Perkins.**

Councilor Dwyer stated the State Legislature directed the money to be paid back that we were owed on other SRF Loans and asked if it will go towards paying back loans.

City Manager Bohenko stated it will be brought in as unanticipated revenue and not applied towards any specific CIP project.

**Motion passed on a 7-0 roll call vote.**

- F. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction



**Councilor Cyr moved to adopt resolution authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction, seconded by Councilor Perkins.**

Councilor Dwyer stated that this would be a good example of where adding links to past information would be helpful as this has all been discussed in public many times. She stated the one figure that we do not have an estimate for yet is the Sagamore Sewer Connection.

City Manager Bohenko stated there are no projections for that yet but we will be setting up a design plan for that for a low pressure system. He further explained that typically what happened years ago when expanding the sewer lines, the cost share was figured out and a 10 year repayment plan with no interest was offered. He stated this will have a lot of public input.

Councilor Dwyer asked if people will have the option to tie-in or not. City Manager Bohenko stated they will have to connect.

**Motion passed on a 7-0 roll call vote.**

- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Six Million Nine Hundred Thousand Dollars (\$6,900,000.00) for costs related to the Construction of Peirce Island Wastewater Treatment Plant

**Councilor Pearson moved to adopt a resolution authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Six Million Nine Hundred Thousand Dollars (\$6,900,000.00) for costs related to the Construction of Peirce Island Wastewater Treatment Plant, seconded by Councilor Perkins.**

City Engineer Desmarais reviewed a power point presentation.

Mayor Blalock address the issue raised regarding the Peirce Island Bridge stating that is being done after the WWTP is completed and was not a part of this project because it will be done by the State afterwards.

City Engineer Desmarais stated that is correct and further clarified that the bridge was found to be able to be used during this time period and extend the replacement until afterwards and the state DOT will then fund 80% and the City will fund 20%.

City Manager Bohenko stated that the City would have had to pay 100% if we didn't wait.

Councilor Dwyer asked for clarification on the New Castle 12" water main and the temporary parking area at Four Tree Island.

City Engineer Desmarais stated that there is a parallel ongoing study for New Castle and it needed to be done anyway.

City Manager Bohenko stated that the Four Tree Island Parking lot had to be built to certain specifications and will continue to be used as people do like the parking area.

Councilor Spear stated that there should be signs explaining what is going on.

**Motion passed on a 6-1 roll call vote. Assistant Mayor Splaine voted opposed.**

## **IX. CONSENT AGENDA**

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

- A. Letter from John Byron requesting the restoration of two involuntarily merged lots to their premerger status at 346 Bartlett Street and the intersection of Thornton Street ***(Anticipated action – move to refer to the Planning Department for report back)***
- B. \*Acceptance of Donations to the Fire Department:
  - Barbara Glidden - \$100.00 *(In memory of Charlie Jones)*
  - Ricci Construction Co., Inc. - \$100.00 *(In memory of Charlie Jones)*
  - 2017 Seacoast Fire Chiefs Fire Fighter II Program Students - \$200.00***(Anticipated action – move to accept and approve the donations to the Portsmouth Fire Department)***
- C. 2017 Omnibus Sidewalk Obstruction Renewals ***(Anticipated action – move to approve and accept the 2017 Omnibus Sidewalk Obstruction Renewals, as listed)***

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

- A. Letter from Doug Roberts and Emily Corbett, PS21, requesting permission to hold a performance on Saturday, July 15, 2017 at 3:00 p.m. and to utilize 2 A-frame signs in front of stage to identify and advertise the performer and/or activity

City Manager Bohenko stated he believes their intention is to have 3-5 events in July and August and will work with them on the details.

**Assistant Mayor Splaine moved to refer to the City Manager with power. Seconded by Councilor Pearson and voted.**

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

### **A. CITY MANAGER**

1. Request for Approval of Tentative Agreement between the City of Portsmouth and AFSCME Local 1386B

**Councilor Dwyer moved to accept the proposed contract with the City of Portsmouth and AFSCME 1386B to expire on June 30, 2020. Seconded by Councilor Cyr and voted.**

2. Acceptance of Sewer Easement over Property of Eport Properties I, LLC

**Councilor Pearson moved to accept the sewer easement from Eport Properties I, LLC dated May 20, 2016. Seconded by Councilor Dwyer and voted.**

3. Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles

Mayor Blalock stated he is looking to reschedule the Work Session to September so that full attention can be given to the subject and not be in the summer months. He continued that there are a lot of different aspects to parking principles and this will give staff more time to get information together.

Councilor Perkins stated that the Vaughan-Worth-Bridge Strategic Planning Committee is waiting for this meeting to take place as it is related to their work so would prefer the meeting to be held early September.

**Councilor Perkins moved to reschedule the Work Session to September 5, 2017 at 5:30 p.m. prior to the regular meeting. Seconded by Councilor Pearson and voted.**

4. Easement from Eversource for Emergency Access

Assistant City Manager Moore stated the City of Portsmouth has a License Agreement from Eversource for the use of its access road at its Schiller Station property, which abuts the Atlantic Heights neighborhood. Under the Agreement, the City has the ability to utilize the road, also known as the "boat road", in the event of an emergency which prevents safe egress from the neighborhood via Kearsarge Way. He continued that Eversource is preparing to divest itself of certain generation assets in New Hampshire including the Schiller Station on Gosling Road. In preparation for selling its generating capacity, Eversource recently was approved at the Portsmouth Planning Board for a subdivision of land, which enables the company to sell off a newly created lot. The eventual sale of the land will have the effect of discontinuing the through path of the boat road from Porpoise Way to Gosling Road (a portion of the road is located on the lot to be sold). After discussions regarding this impact, the Planning Board stipulated - and Eversource agreed - to grant a permanent easement in favor of the City for the purpose of constructing a new emergency access road. This easement is a significant improvement over the current License Agreement in that it is a permanent arrangement and not subject to cooperation of future owners of the newly subdivided lot. The easement, which would be for a 50 foot right-of-way, effectively codifies what has been voluntary cooperation from Eversource and runs with the land into the future.

It is important to note, the existing License Agreement remains in effect and the road itself is operable for the emergency purpose. The new proposed emergency access route will be less long and provide an outlet onto Portsmouth Boulevard; in addition, like the Boat Road (which has never been operationalized for an emergency), will only be used during emergencies requiring an alternative route out of the neighborhood. This deed allows the City an option to construct a road for emergency use in the easement area.

**Councilor Perkins moved to accept the Easement Deed from Eversource for future Emergency access, seconded by Councilor Dwyer.**

Councilor Perkins stated that with the gates locked at all times, it would lower the value of the parcel.

City Manager Bohenko stated they will clear up the easement before disposal and the boat road is more labor intensive to go through so it is better to have this easement.

**Motion passed.**

5. Request for Approval of Greenland Residential Development Waterline Easement

**Councilor Perkins moved to accept a water line easement from Dorado Investments, LLC to serve Bramber Valley in Greenland. Seconded by Councilor Cyr and voted.**

6. Request for a Public Hearing for a \$3,000,000.00 Bond Authorization Re: Supplemental Appropriation for Foundry Place Garage

**Councilor Perkins moved to schedule a public hearing for a \$3,000,000 Bond Authorization regarding a supplemental appropriation for the Foundry Place Garage at the August 7, 2017 City Council meeting, seconded by Councilor Pearson.**

Assistant Mayor Splaine stated he is concerned that information was been distributed to the Council after the public hearing and should have been distributed earlier and it helps form the discussion.

City Manager Bohenko stated that the Council packets were prepared during a 3 day week but agrees that information should be made available as soon as possible.

Councilor Dwyer agrees as life is more complicated and the issues are more complicated so it is good to get the information out there. She stated she would like to look at the Council Rules with the 21<sup>st</sup> century in mind.

City Manager Bohenko stated that typically the information is put out prior to the meeting and he will be working with Dave Allen to get the information regarding this Bond Authorization.

Councilor Dwyer stated she wants to look at the Council rules to see how to run a better meeting.

City Manager Bohenko stated that when we go to the on-line agenda format would be a good time to do a review.

Mayor Blalock stated that a work session can be scheduled.

Councilor Dwyer stated that she feels people are hijacking the meetings and it is becoming dysfunctional and the substantive items are being discussed after 10:00 p.m.

Mayor Blalock stated the City Council has become more interactive and things happen more quickly and he doesn't want to overwhelm people.

**Motion passed.**

7. Acceptance of “No Build” Easement Relating to 21 Brewster Street

**Councilor Perkins moved to accept the “No-Build” Easement relating to 21 Brewster Street and place it on permanent file. Seconded by Councilor Pearson and voted.**

**City Manager’s Informational Items:**

1. Events Listing
2. Presentation Re: Combined Sewer Overflows
3. Consent Decree Mitigation Funding
4. Report Back from Inquiry of Councilor Dwyer Re: President’s Commission on Election Integrity
5. Code Updates – Open House July 17, 2017

Councilor Dwyer asked to discuss Item 4, regarding her inquiry of the President’s Commission on Election Integrity which she made prior to the lawsuit being filed. She stated that the State RSA’s don’t allow the Secretary of State to do what he believes he can do and she is concerned with anything that suppresses voters. She continued that people are wondering if their social security numbers and license numbers are going to be given out.

Deputy City Clerk French explained that the only information that is allowed released to the public is what is on the published voter checklist on the City Clerk’s counter which includes name, address and party affiliation. She stated that voter history is also available upon request. She explained that the voter registration form does require the voter to fill out driver license information and only provide last 4 digits of the social security information if they are unable to provide other identification.

Councilor Dwyer asked if that information is available to the State. Deputy City Clerk French stated yes, it is entered into the State of NH ElectioNet database by the Board of Registrars.

**Assistant Mayor Splaine moved that the City Council agrees that the Secretary of State of State of New Hampshire and Governor of the State of New Hampshire shall not provide any voter information from the City of Portsmouth to any Federal Commission, seconded by Councilor Dwyer.**

City Manager Bohenko stated he would draft a letter to be sent to both of those offices.

Councilor Dwyer stated she appreciates this being brought forward because there are a lot of concerned with citizens on this issue and this cements peoples’ hesitation in voting.

**Motion passed on a 7-0 roll call vote.**

**B. MAYOR BLALOCK**

1. Appointments to be Voted:
  - Reappointment of Daniel Rawling to the Historic District Commission
  - Reappointment of John Leith to the Portsmouth Housing Authority

**Assistant Mayor Splaine moved to approve the reappointments as presented. Seconded by Councilor Pearson and voted.**

2. Establishment of Blue Ribbon Committee for Renewable Energy Policy Committee and possible appointments *(As requested by Councilor Denton)*:

- City Councilor Josh Denton
- City Councilor Rebecca Perkins
- School Board Member Patrick Ellis
- Resident Expert Ben D'Antonio
- Resident Expert Joe Harrison
- Resident Expert Stephen Roberson
- A Pease Development Authority Representative
- Deputy City Manager Nancy Colbert Puff (Appointed by City Manager)
- Environmental Planner Peter Britz (Appointed by City Manager)

*Committee Charge: (As Recommended by Councilor Denton)*

*The Mayor's Blue Ribbon Renewable Energy Committee is charged to report back to the City Council for adopting a phased Renewable Energy Policy to be implemented by City Staff when applicable. This vision of the phased Renewable Energy Policy is to become a net zero community first, a community that uses 100% renewable energy for electricity second, and a community that uses 100% renewable energy for heat third. The Renewable Energy Policy will rely on a combination of various generation sources such as solar, wind, geothermal, hydro, biomass, biogas, landfill gas, sewage gas, or solid waste to energy.*

Mayor Blalock explained that this was brought forward by Councilor Denton through the Sustainable Practices Blue Ribbon Committee and this committee will expire at the end of the Council term. He thanked Councilor Denton for bringing the names of the members forward.

Councilor Perkins stated she will be serving on the committee, but does have a concern with the Charge as it is current stated and would like to eliminate the 2<sup>nd</sup> sentence in its entirety.

Councilor Dwyer stated she agrees and wants this to be more than a feel good statement.

Assistant Mayor Splaine stated that the committee can review the charge and make that revision if they want to do so. Secondly he stated that this is a good idea, but not a new idea, although a lot of communities still haven't done it. He stated he has worked with 55 Councilors over the years and feels that Councilor Denton has a lot of creative and long-lasting ideas.

Mayor Blalock agrees with Assistant Mayor Splaine. Secondly, he stated that as a committee member, Councilor Perkins can make the change and bring it back to the committee for further review and discussion.

City Manager Bohenko stated that Councilor Denton has announced an organization meeting will be held on July 18, 2017.

3. Resignation of Clayton Emery from the Cable Television & Communications Commission

**Councilor Dwyer moved to accept the resignation of Clayton Emery from the Cable Television and Communications Commission and send letter of thanks and appreciation of service. Seconded by Councilor Perkins and voted.**

**C. ASSISTANT MAYOR SPLAINE**

1. Proposed Zoning Amendment (*See attached letter from Attorney Gerald Zelin dated July 5, 2017*)

**Assistant Mayor Splaine moved to request the Planning Board to draft an amendment to the zoning ordinance that should add criteria the Planning Board must follow when a developer, seeking a conditional use permit to erect a building larger than the ordinance's default height or footprint limits, relies on a transferable development credit in lieu of providing community space, seconded by Councilor Cyr for discussion.**

Assistant Mayor Splaine stated he agrees with Attorney Zelin that we have created a way to potentially affect negatively the neighbors of secondary buildings and may allow the developer to use the credit somewhere else or sell it to someone else. He stated we need to ask the Planning Board to rectify this matter.

Councilor Perkins asked Deputy City Manager Colbert Puff to address the concerns and clarified that the site plans are submitted at the same time the application is approved.

Deputy City Manager Colbert Puff stated that the reason for this ordinance change was to prevent uncoordinated development parcel by parcel.

Councilor Dwyer stated the Planning Board will use its discretion and will still have to follow all the same criteria.

Assistant Mayor Splaine stated he doesn't see anywhere in the ordinance the criteria for the additional building.

Deputy City Manager Colbert Puff stated that the use of the credit will also be subject to the criteria.

**Motion FAILED on a 1-6 roll call vote. Assistant Mayor Splaine voted in favor. Councilors Perkins, Dwyer, Pearson, Spear, Cyr and Mayor Blalock voted opposed.**

**D. COUNCILOR DWYER**

1. Panel of Experts to Interpret Scientific Information

Councilor Dwyer stated that the panel will not be making decisions but will provide expertise to the Council and would be a standing panel and would expand to the seacoast region.

City Manager Bohenko asked if she envisioned that the panel would receive a stipend of any kind for the use of their time.

Councilor Dwyer stated she has talked to people who said it would be better not to and it would be a community service.

Councilor Pearson agrees that there should not be any stipend as it could be a concern that the city is paying for certain opinions.

City Manager Bohenko stated he and the Mayor will discuss this further.

Assistant Mayor Splaine stated that the basic concept is good and he would like to involve other communities as well. He stated he doesn't want to see this become an arm of the government but a tool.

#### **E. COUNCILOR DENTON**

1. Mayor's Blue Ribbon Renewable Energy Committee (*Previously addressed*)
  - A. The Getting to Net Zero Framework – Cambridge  
<https://www.cambridgema.gov/cdd/projects/climate/~media/d74193af8dac4a57ac96e2a53946b96b.ashx>
  - B. *\*Recommended Members of Blue Ribbon Committee for Renewable Energy Policy Committee: (Action to be taken under Mayor Blalock)*
    - City Councilor Josh Denton
    - City Councilor Rebecca Perkins
    - School Board Member Patrick Ellis
    - Resident Expert Ben D'Antonio
    - Resident Expert Joe Harrison
    - Resident Expert Stephen Roberson
    - A Pease Development Authority Representative
    - Deputy City Manager Nancy Colbert Puff (Appointed by City Manager)
    - Environmental Planner Peter Britz (Appointed by City Manager)
  - C. The Mayor's Blue Ribbon Renewable Energy Committee Re: Charge & Committee Membership Correspondence

#### **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

#### **XIII. ADJOURNMENT**

**Assistant Mayor Splaine moved to adjourn at 10:25 p.m. Seconded by Councilor Perkins and passed unanimously.**

Respectfully submitted,



Valerie A. French  
Deputy City Clerk