

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 18, 2017

PORTSMOUTH, NH  
TIME: 6:15PM

At 6:15PM, a Work Session was held on the Public Process regarding Development of the McIntyre Property.

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

At 7:10 p.m., Mayor Blalock called the meeting to order.

### **II. ROLL CALL**

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

### **III. INVOCATION**

Mayor Blalock asked everyone to join in a moment of silent prayer in memory of former Assistant Mayor Noelle Clews and former State Representative Michael O'Keefe who recently passed away.

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

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

### **PRESENTATIONS**

1. Portsmouth High School Holiday Ensemble

Portsmouth High School Holiday Ensemble performed 4 holiday songs for the City Council.

2. Presentation and Recognition of Outgoing City Councilors

Mayor Blalock expressed his thanks on behalf of the City Council for the years of service to the City Council by Assistant Mayor Splaine, Councilors Lown, Spear and Cyr. City of Portsmouth chairs were presented to Councilors Lown, Spear and Cyr for their service to the City. Assistant Mayor Splaine chose not to have a chair.

3. Mayor's Blue Ribbon Committee on Sister Cities and Citizen Diplomacy –  
Karina Quintans, Chair

Karina Quintans provided a brief presentation on the work of the Mayor' Blue Ribbon Committee has done since its establishment in June. She announced that there will be a forum on Sister Cities and Citizen Diplomacy in March, 2018 at the Library. She also advised the City Council she would provide recommendations from the Committee to the City Council in June or September, 2018.

4. Citywide Neighborhood Committee Re: Dilapidated Properties

Citywide Neighborhood Committee members Lawrence Cataldo and Paul Mannle provided a report on what neighbors should do about dilapidated homes. Mr. Mannle spoke to providing a "kit" for neighbors to follow that have this type of issue in their neighborhood. Mr. Cataldo reviewed best strategies to follow if a complaint must be filed. The final thoughts were stressing that neighbors helping neighbors is important in these matters and can go a long way to resolving the problem.

**V. ACCEPTANCE OF MINUTES – NOVEMBER 20, 2017**

**Councilor Cyr moved to accept and approve the minutes of the November 20, 2017 City Council meeting. Seconded by Councilor Pearson and voted.**

**VI. PUBLIC COMMENT SESSION**

Roy Helse spoke to walkability in the City and requested sidewalks to be installed the length of Lafayette and Peverly Hill Roads. He said that sidewalks should also be installed from neighborhoods to get to the downtown. He also requested that sidewalks be treated by the Public Works Department so that individuals can walk on them without ice build up.

Larry Cataldo spoke regarding the McIntyre Building and would like an independent expert to come in to help and advise the Council with the project. He urged the current City Council to not make a decision on the project and to let the new City Council be given the ability to make the decision.

Kerry Vautrot, Portsmouth Advocates, said that the McIntyre project is all about selecting a partner. She said that the Advocates recommend that an historic preservationist be part of the project. She said there needs to be compatible design with the buildings surrounding the McIntyre and the project needs to go through all the land use boards.

Ralph DiBernardo thanked the City Council for the Work Session and stated that the McIntyre building should already be owned by the City. He said we have no obligation to accept a developer and the choice cannot be delayed any longer.

Jeffrey Cooper said he does not see a need to rush to a decision for a partner with the McIntyre project. He said all of the partners have focused on a 4 – 5 story building and he does not feel the developers are in the public interest. He stated residents are fearful of what happened in the North End. He urged the City Council to let the next City Council make the decision on a partner.

Rick Becksted said he is pleased with the stages recommended by Councilor Dwyer for the project. He said to begin with a developer now limits us. He said we must keep the process moving forward but the Council should not pick a partner.

Mark Brighton said the public is doubtful about the process. He said if anyone of the City Councilors spoke to a developer or friend of a developer then the Councilor needs to recuse themselves from the process.

Arthur Clough said you need to have an order to the process for choosing a developer. He said the Council is looking to select a developer before having a vision. He said a meeting on the McIntyre project by the City Council should not be held on December 20, 2017.

Michael Frandzel thanked the City Council for its Work Session this evening. He said taking a vote on the developer before the next City Council seems wrong and it will change the dynamic of how the City Council will work together. He said the new City Council needs to be involved in the process.

Esther Kennedy said she is concerned with the process. She said not enough input has been held on the McIntyre project. She asked why the Council is rushing to make a decision. She encouraged the City Council to stop and have the vote by the next City Council.

Blair McCracken said we are not ready to move forward or to choose a partner for the McIntyre project. He is pleased that a process was outlined this evening by Councilor Dwyer.

Bill Downey said there is a flaw in the process for the McIntyre project. He said the Council should incorporate an Industrial Charrette for the project. He stated that 75% of the residents do not want this project to move forward at this point.

Steve Barndollar said the process should be delayed until the next City Council. He said there needs to be good sense to hold off on making a decision on the project. He suggested putting a Blue Ribbon Committee together for the project and extend the process by 90-120 days. He said we need a project that is different from the downtown Portwalk development.

John Tabor said regardless of the sequence of decisions everyone feels public input is vital. He said Portsmouth Listens feels a vision should go forward and that the guiding principles are supported by Portsmouth Listens. He stated that Portsmouth Listens

would like to hold a one day public input session and move into small input dialogues. He said they would engage 100 people and allow for the broadest benefit for the Council with a report back to the City Council by February.

Mayor Blalock closed the Public Comment Session. Susan Denenberg said she arrived late but would like the opportunity to speak. Mayor Blalock open the Public Comment Session up for Ms. Denenberg to speak.

Susan Denenberg said there are environmental problems with the McIntyre Building. She spoke to a public benefit for the project.

At 8:35 p.m., Mayor Blalock declared a brief recess. At 8:45 p.m., Mayor Blalock called the meeting back to order.

## **VII. PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

- A. Public Hearing/Adoption of Resolution Appropriating from Bond Premium the Sum of One Million Two Hundred Sixty-Nine Thousand One Hundred Forty-Eight Dollars and Forty-Three Cents (\$1,269,148.43) to be applied to Municipal Complex Improvements

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor Blalock read the legal notice.

Public Works Director Rice provided a summary of what funds will be expended on. He said a number of significant problems exist with the complex. He spoke to the façade of the building along with the electrical system need to be upgraded.

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

Councilor Dwyer asked if we were no longer going to use this building would we still need to do the upgrades. City Manager Bohenko said the façade would need to be replaced, the windows need replacing and the electrical system, so yes they would need to happen.

**Councilor Dwyer moved to adopt the proposed Resolution, as presented. Seconded by Councilor Cyr.**

**On a unanimous roll call 9-0, motion passed.**

- B. Public Hearing/Adoption of Resolution Authorizing the Application of Unexpended Proceeds of the Borrowing for the Hobbs Hill Landing Water Tank Replacement Project, in the amount of Five Hundred Eighty Five Thousand, Eight Hundred Ninety-Six Dollars and Seventy-Five Cent (\$585,896.75), to pay costs of Water Main Replacement Projects

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor Blalock read the legal notice.

Deputy Public Works Director Goetz spoke to the bonding Resolution for the replacement of Hobbs Hill Water Tank. He said the staff recommended to reallocate the funds to water main replacement projects.

Mayor Blalock opened the public hearing and called for speakers. With no speakers, Mayor Blalock declared the public hearing closed.

**Councilor Pearson moved to adopt the proposed Resolution, as presented. Seconded by Councilor Cyr. On a unanimous roll call 9-0, motion passed.**

- C. Public Hearing/Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations - \$27,167.00

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor Blalock read the legal notice.

Human Resource Director Fogarty explained that the appropriation is to fund two contracts by the School Department.

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

**Councilor Cyr moved to adopt the proposed Resolution. Seconded by Councilor Pearson.**

**On a unanimous roll call 9-0, motion passed.**

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. Portsmouth Police Department Grant
- Acceptance of Grant from the Bureau of Justice Assistance for the Bulletproof Vest Partnership 2017 - \$5,109.81

**Councilor Dwyer moved to approve and accept the Grant to the Portsmouth Police Department, as presented. Seconded by Councilor Perkins and voted.**

## IX. CONSENT AGENDA

- A. Request for License to Install Projecting Sign from Michelle Graham owner of Pretty Little Things for property located at 21 Vaughan Mall ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request)***

**Planning Director's Stipulations:**

- ***The license shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of projecting sign, for any reason, shall be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- B. Letter from Jd Dorr, Seacoast Outright, requesting permission to hold Portsmouth PRIDE 2018 on Saturday, June 23, 2018 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Jennie Halstead, My Breast Cancer Support, requesting permission to hold the 10<sup>th</sup> Annual race on Sunday, September 16, 2018 ***(Anticipated action – move to refer to the City Manager with power)***

**Assistant Mayor Splaine moved to adopt the Consent Agenda. Seconded by Councilor Cyr and voted.**

**X. PRESENTATION AND COMMUNICATIONS FROM CITY OFFICIALS**

A. *(See E-Mail Correspondence)*

**Councilor Cyr moved to accept and place the correspondence on file. Seconded by Councilor Perkins and voted.**

B. Letter from Patricia Bagley regarding October 16<sup>th</sup> Public Dialogue Minutes

**Assistant Mayor Splaine moved to refer to the City Attorney and City Clerk for report back. Seconded by Councilor Denton.**

Assistant Mayor Splaine said the Council spoke three months ago about whether to record the public dialogue sessions. He said we need some kind of process for recording. He said how detailed do we need to be on the minutes. He would like the City Clerk to offer suggestions to recording the sessions.

Councilor Spear said he would vote opposed to the motion. He said we are fulfilling the Right-to-Know requirements with the minutes provided. He said we wanted a broader way to have communication and some people do not want to have themselves recorded on a device because they are uncomfortable.

Councilor Dwyer said we have had no more than four at a table during the discussion. She said there is no requirement of videoing or recording of the sessions. She said we have tried so much to be transparent.

Councilor Cyr said you could split the groups up with one in the Chambers and one in Conference Room A. He said he does not find it helpful in the format it is currently. He stated there is not enough time to have a dialogue and it was not effective.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said the public dialogue is a work in progress and minutes are taken and reflect the general conversation. He does not see a problem with a report back.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Pearson said we checked with the City Attorney to make sure that we are covering the Right-to-Know law.

City Attorney Sullivan said he referred to the New Hampshire Municipal Association and was advised that minutes would need to be kept and the minutes that have been prepared are adequate to reflect the discussion.

**On a roll call vote 5-4, motion passed. Assistant Mayor Splaine, Councilors Dwyer, Pearson, Denton and Mayor Blalock voted in favor. Councilors Perkins, Lown, Spear and Cyr voted opposed.**

- C. Request from Portsmouth Police Department for the Disposal of outdated Radio Equipment

**Councilor Cyr moved to approve the Disposal of outdated Radio Equipment. Seconded by Councilor Dwyer and voted.**

- D. Letter from Assistant Mayor-Elect Lazenby, Councilors-Elect Roberts, Reynolds and Becksted regarding McIntyre Project

**Councilor Lown moved to accept and place the letter on file. Seconded by Councilor Dwyer and voted.**

- E. Letter from Thomas Clairmont regarding Portsmouth 400

City Manager Bohenko said he has spoken with Kathleen Soldati and they will meet to discuss Dr. Clairmont's idea.

**Councilor Lown moved to accept and place the letter on file. Seconded by Councilor Cyr and voted.**

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

### **A. CITY MANAGER**

1. Request for Approval of the Tentative Agreement between the Portsmouth School Board and the Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386

**Councilor Lown moved to accept the proposed Tentative Agreement between the Portsmouth School Board Portsmouth School District's Non-Supervisory Cafeteria Personnel – American Federation of State and County Municipal Employees Local #1386 from July 1, 2017 to and including June 30, 2020. Seconded by Councilor Pearson and voted.**

2. School Department Teacher's Retirement Incentive

City Manager Bohenko asked Superintendent of School Zdravec to come forward and speak to this matter.



Superintendent Zdravec said the incentive was voted by the School Board to move forward. He said these terms are the same as when this incentive was last offered in 2015. He said that this provides the School Department with better information to move forward as well as seeing some savings in next year's budget.

**Councilor Lown moved to approve the proposed School Department Teacher Retirement Incentive for FY18, as presented. Seconded by Councilor Dwyer and voted.**

3. Acceptance of Sanderson Drive as a city street (constructed as part of the subdivision off of Spinney Road)

City Manager Bohenko requested Planner Director Walker to come forward and speak to the project.

Planning Director Walker said this is for the approval of Provident Bank on 25 Maplewood Avenue. She spoke to the approval involving some encroachments and set back requirements.

City Attorney Sullivan said there is a small utility easement as well.

**Councilor Perkins moved to authorize the City Manager to negotiate and execute the agreements, licenses and easements in connection with the Provident Bank building project at 25 Maplewood Avenue, as presented. Seconded by Councilor Cyr and voted.**

#### City Manager's Informational Items

City Manager Bohenko said that an agenda will be prepared for the December 20, 2017 meeting regarding the McIntyre Building. Mayor Blalock said it would be a two-part agenda to formalize the public input session and follow format with the second part to possibly vote on a Memorandum of Understanding with a developer.

Councilor Spear said it would work better to have a work session format for the meeting and then move up to the dais and vote on the matter.

Mayor Blalock announced the meeting will begin at 6:30 p.m.

Councilor Dwyer said one of the goals was to receive public input moving forward and asked if there were any substantive changes that the Council would like to make to the process put forth.

Councilor Spear suggested having a time line for the three stages.

Councilor Spear requested that a report on the Pedestrian Plan be part of the Capital Improvement Plan for FY19 review.

**B. MAYOR BLALOCK**

1. Appointments to be Voted:
  - Appointment of Mary Lou McElwain (current alternate) as a Regular member to the Parking & Traffic Safety Committee
  - Appointment of Ralph DiBernardo as an Alternate to the Parking & Traffic Safety Committee
  - Reappointment of Jody Record to the Planning Board

**Councilor Spear moved to appoint Mary Lou McElwain as a Regular member to the Parking & Traffic Safety Committee until September 17, 2018 filling the unexpired term of Ted Gray; appointment of Ralph DiBernardo as an Alternate to the Parking & Traffic Safety Committee until August 4, 2020; and the reappointment of Jody Record to the Planning Board until December 31, 2020. Seconded by Councilor Perkins and voted.**

- Appointment of John Kennedy to the Mayor's Blue Ribbon Committee on Sustainable Practices
- Appointment of Lana Bluege to the Mayor's Blue Ribbon Committee on Sustainable Practices

Mayor Blalock announced the appointments of John Kennedy and Lana Bluege to the Mayor's Blue Ribbon Committee on Sustainable Practices.

**C. ASSISTANT MAYOR SPLAINE**

1. Board of Ethics Selection and Financial Disclosure Form Submission

Assistant Mayor Splaine reminded the City Council on the establishment of a Board of Ethics at the beginning of January. He said the board consists of five people with members from the City Council, School Board, Police and Fire Commissions to be selected by lot.

Assistant Mayor Splaine requested a report back from City Attorney Sullivan regarding the Financial Disclosure Form Submission and the ordinance. City Manager said the report back will be at the January 16, 2018 City Council meeting.

**D. COUNCILOR LOWN**

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the December 7, 2017 meeting

**Councilor Pearson moved to accept and approve the action sheet and minutes of the December 7, 2017 Parking & Traffic Safety meeting. Seconded by Councilor Cyr and voted.**

**E. COUNCILOR DENTON**

1. Renewable Energy Committee Update

Councilor Denton provided an update regarding the Renewable Energy Committee and reported that they have held five meetings. He reported that they will be providing their policy in February to the City Council. Mayor Blalock advised the City Council the Blue Ribbon Committee will sunset in February, 2018.

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Assistant Mayor Splaine requested a report back to the City Council at the January 16, 2018 City Council meeting on the following items regarding Coakley Landfill:

- What is contained in the contract for the Coakley Landfill Group Lobbyist;
- The amount the Lobbyist will be paid;
- What the Lobbyist will be doing and the process for deciding the kind of legislation the Lobbyist will be speaking on behalf of the Coakley Landfill Group

**XIII. ADJOURNMENT**

**At 9:45 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Spear and voted.**



KELLI L. BARNABY, MMC, CMC, CNHMC  
CITY CLERK