

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 5, 2018 TIME: 6:15PM

AGENDA

- 6:15PM – PUBLIC DIALOGUE

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. 400th Anniversary Celebration – Susan Labrie

V. ACCEPTANCE OF MINUTES – FEBRUARY 20, 2018

VI. PUBLIC DIALOGUE SUMMARY

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

- A. PUBLIC HEARING/ADOPTION OF RESOLUTION PURSUANT TO RSA 72:39-b THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$41,314.00 FOR A SINGLE TAXPAYER OR \$56,807.00 FOR A MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY PAYMENTS. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

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

- B. PUBLIC HEARING/ADOPTION OF RESOLUTION PURSUANT TO RSA 72:37-b, CITY HEREBY AMENDS THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$41,314.00 FOR A SINGLE TAXPAYER OR \$56,807.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

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

C. PUBLIC HEARING/ADOPTION OF RESOLUTION AUTHORIZING THE COLLECTION OF AN ADDITIONAL MOTOR VEHICLE REGISTRATION FEE IN THE AMOUNT AUTHORIZED BY RSA 261:153 VI FOR THE PURPOSE OF SUPPORTING A MUNICIPAL AND TRANSPORTATION IMPROVEMENT FUND

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

VOTES ON ORDINANCES AND/OR RESOLUTIONS

D. SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.9 CONFLICT OF INTEREST/ELECTION CANDIDATE FINANCIAL DISCLOSURE – CHARTER AMENDMENT #1 *(Public Hearing held and closed at the February 20, 2018 City Council meeting) (Postponed Second Reading from the February 20, 2018 City Council meeting with action required on March 5, 2018)*

E. SECOND READING OF ORDINANCE AMENDING CHAPTER 1, ARTICLE IX, SECTION 1.901 – CONFLICT OF INTEREST/MUNICIPAL OFFICIALS DISCLOSURE – CHARTER AMENDMENT #2 *(Public Hearing held and closed at the February 20, 2018 City Council meeting) (Postponed Second Reading from the February 20, 2018 City Council meeting with action required on March 5, 2018)*

VIII. APPROVAL OF GRANTS/DONATIONS

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

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

A. Letter from Martin J. Wyman, Army National Guard, requesting permission to conduct the Best Warrior Competition on Sunday, April 15, 2018 ***(Anticipated action – move to refer to the City Manager with power)***

B. Letter from Richard Wagner, AIDS Response Seacoast, requesting permission to hold the 22nd Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 6, 2018 from 10:00 a.m. - 5:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

- C. Letter from Bruce MacIntyre, Portsmouth Maritime Folk Festival, requesting permission to hold the 19th Annual Portsmouth Maritime Folk Festival on Saturday, September 29, 2018 and Sunday, September 30, 2018 (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for License to Install Projecting Sign from Rebecca Earle, owner of Cotillion Bureau for property located at 65 Bow Street (***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***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from James Splaine regarding Mandating an Independent Professional Audit and Financial Analysis of the Coakley Landfill Group records, dating back to its origination

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action:

1. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the City of Portsmouth and the Portsmouth Management Association
2. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Custodial Supervisors Union
3. Request for Approval of the One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the School Association of Portsmouth School Administrators
4. Adoption of Proposed Capital Improvement Plan (CIP) FY2019-2024

City Manager's Informational Items:

1. Events Listing
2. Updates on Prescott Park
3. Zagster Bike Share 2017 Report
4. Report Back Re: Per- and polyfluoroalkyl Substances (PFAS).
5. Report Back Re: Civic Engagement
6. Report Back Re: Veteran's Tax Credit
7. Report Back Re: Great Bay Coalition
8. First Quarter Summary Building Inspector

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Appointment of Richard Blalock to the Recreation Board
 - Reappointment of MaryAnn Blanchard to the Conservation Commission
 - Reappointment of Samantha Collins to the Conservation Commission
 - Reappointment of Ruth Griffin to the Portsmouth Housing Authority
2. *Establish Round Table Conversation with Concerned Residents on PFAS
3. *Working Group to organize a public meeting for the Coakley Landfill:
 - Assistant Mayor Lazenby
 - Councilor Dwyer
 - Councilor Perkins

Charge of the Working Group:

Will be to organize and establish a date and time for a comprehensive presentation on the Coakley Landfill. The group will be charged further with establishing an independent moderator and panel

4. Response to Hampton Select Board Re: Coakley Landfill

C. COUNCILOR ROBERTS

1. *"Gun Safety"

D. COUNCILOR DWYER

1. *McIntyre Update

E. COUNCILOR DENTON

1. Renewable Energy Policy for Adoption

F. COUNCILOR PERKINS

1. Former City Council Rule #47 – Appointments to Boards and Commissions (*withdrawn from the February 20, 2018 City Council meeting due to lateness of meeting*)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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


**Indicates Verbal Report*

INFORMATION ITEMS

1. Notification that the Planning Board Minutes of the January 18, 2018 are now available on the City's website

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 1, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on March 5, 2018 City Council Agenda

6:15 p.m. - Public Dialogue

Presentation:

1. **400th Anniversary Celebration.** On Monday evening, Susan Labrie, Director of the 400th Anniversary, will make a presentation to the City Council regarding the celebration leading up to and including 2023.

Votes on Ordinances and/or Resolutions:

1. **Second Reading of Ordinances to Implement Charter Amendments (City Council tabled Second Reading at the February 20, 2018 meeting).** As you are aware, at the February 20th City Council meeting, the Council voted to table second reading for the proposed ordinances to implement Charter Amendments.

Attached [are two proposed Ordinance amendments](#) regarding Article IX, Section 1.901 Conflict of Interest/ Election Candidate Financial Disclosure and Article IX, Section 1.902 relating to Mandatory Financial Disclosure. [See attached memorandum from City Attorney Robert Sullivan](#) for clarification.

The City Council may move the following motions:

- 1) *Pass second reading of each Ordinance, as presented;*

- 2) Amend either ordinance in accordance with the proposals submitted by Councilors Denton, Dwyer, Perkins, and Roberts or any other amendment which may be proposed at the meeting; and,
- 3) Move to schedule third and final reading for either Ordinance at the March 19, 2018 City Council meeting.

Public Hearing and Votes on Ordinances and/or Resolutions:

1. **Public Hearing Re: Elderly and Disabled Exemptions.** As a result of the February 20th City Council meeting, I am bringing forward the [attached proposed Resolutions](#) regarding elderly and disabled exemptions.

Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions and makes recommendations as to these levels pursuant to RSA 72:39-b and RSA 72.37-b. Last year, the City Council adopted resolutions #2-2017 and #3-2017 which increased the income and asset levels for both the elderly and disabled exemptions and adopted Resolution #27-2017 which increased the exemption amount for the elderly exemption. The current elderly and disabled exemption income levels are \$40,504 for a single taxpayer, \$55,693 for married taxpayers, and an asset limit of \$175,000.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers the exemption off the assessed value of the property is \$100,000. This year the 2018 increase for Social Security recipients is 2.0%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the Social Security cost-of-living increase, this would increase the limits as follows:

- Single \$ 41,314 increase of \$810
- Married \$ 56,807 increase of \$1,114

Any adjustment if approved would be for assessments as of April 1, 2018 for Tax Year 2018 (FY19). The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year. On the next page, for your information are the estimated tax impact of the elderly and disabled exemptions for FY19 and a Town/City comparison indicating what other City and neighboring communities' income and assets limits are for the elderly exemption.

Estimated Elderly & Disabled Exemption Impact				
Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 125,000.00	36	\$ 4,500,000.00	\$ 76,410.00
75 through 79	\$ 175,000.00	20	\$ 3,500,000.00	\$ 59,430.00
80 and over	\$ 225,000.00	53	\$ 11,925,000.00	\$ 202,486.50
Disabled	\$ 100,000.00	5	\$ 500,000.00	\$ 8,490.00
Totals		114	\$ 20,425,000.00	\$ 346,816.50

Note: The current tax rate of \$15.38 would be decreased to a difference of 6 cents on the current tax rate if the elderly and disabled exemptions were not granted.

	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$155,000	\$180,000	\$225,000
Portsmouth	\$41,314	\$56,807	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Dover	\$38,000	\$52,000	\$155,000	\$155,000	\$107,000	\$149,000	\$191,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Rochester	\$31,400	\$41,500	\$50,000	\$50,000	\$48,000	\$84,000	\$108,000

I recommend the City Council move the following two separate motions:

- A) Move to adopt the Resolution for Elderly Exemptions, as presented.*
- B) Move to adopt the Resolution for Disabled Exemptions, as presented.*

Resolutions require a majority vote of the City Council.

2. **Public Hearing/Adoption of Resolution Authorizing the Collection of an Additional Motor Vehicle Registration Fee.** As a result of the February 20th City Council meeting, I am bringing back for public hearing the [attached proposed Resolution](#) to add a \$5.00 motor vehicle fee for the purpose of supporting a Municipal and Transportation Improvement Capital Reserve Fund. The revenue can be utilized to enhance senior transportation.

Also, I have [attached a copy of the State of New Hampshire's RSA 261:153 VI – Municipal Transportation Improvements](#) for your information.

If adopted and based on the total current number of motor vehicle registrations processed each year (23,000+), there would be a 'minimum' amount of \$110,000 generated from this fee each year. (Registrations for antique vehicles and antique motor cycles would not pay this fee.) The number of registrations continue to increase each year, and the amount raised would correspond to the additional vehicles.

I recommend that the City Council move to adopt the proposed Resolution to add a \$5.00 motor vehicle fee for the purpose of supporting a Municipal and Transportation Improvement Capital Reserve Fund.

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section IX of the Agenda is a request for a projecting sign license ([see attached memorandum from Juliet Walker, Planning Director](#)):

- Rebecca Earle, owner of Cotillion Bureau for property located at 65 Bow Street

I recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute this License Agreement for this request. Action on this item should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the City of Portsmouth and the Professional Management Association.** The City of Portsmouth and the Professional Management Association (PMA) have voted in favor of a one-year extension of the current collective bargaining Agreement. Under this extension, the terms of the current collective bargaining agreement would remain in place until June 30, 2019.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- Cost Analysis' for PMA and Non-Union;
- PMA Memorandum of Agreement;
- A memorandum from Thomas Closson, City Negotiator, recommending this one-year extension; and,
- Copy of the contract showing the insertions and deletions to implement this Agreement, if approved.

Also, the Memorandum of Agreement and Working Agreement are posted on the City's Website at:

<http://files.cityofportsmouth.com/files/hr/PMAMOAforoneyearextension.pdf>

<http://files.cityofportsmouth.com/files/hr/RedlinedPMAAgreementfor2016through2019.pdf>

I recommend the City Council move to accept the proposed One-Year Agreement between the City of Portsmouth and the Professional Management Association, as presented.

2. **Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Custodial Supervisors Union.** The Portsmouth School Board and the Custodial Supervisors Union have voted in favor of a one-year extension of the current collective bargaining Agreement. Under this extension, the terms of the current collective bargaining agreement would remain in place until June 30, 2019.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- Cost Analysis;
- The Memorandum of Agreement between the Portsmouth School Board and the Custodial Supervisors Union;
- A memorandum from Thomas Closson, City Negotiator, recommending this one-year extension; and,
- Copy of the contract showing the insertions and deletions to implement this Agreement, if approved.

Also, the Memorandum of Agreement and Working Agreement are posted on the City's Website at:

<http://files.cityofportsmouth.com/files/hr/SignedMOAforCustodialSupervisors.pdf>

<http://files.cityofportsmouth.com/files/hr/CustSuprv15-19draft.pdf>

I recommend the City Council move to accept the proposed One-Year Agreement between the Portsmouth School Board and the Custodial Supervisors Union, as presented.

3. **Request for Approval of a One-Year Extension of the Current Collective Bargaining Agreement between the Portsmouth School Board and the Association of Portsmouth School Administrators.** The Portsmouth School Board and The Association of Portsmouth School Administrators have voted in favor of a one-year extension of the current collective bargaining Agreement. Under this extension, the terms of the current collective bargaining agreement would remain in place until June 30, 2019.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [Cost Analysis;](#)
- [The Memorandum of Agreement between the Portsmouth School Board and The Association of Portsmouth School Administrators;](#)
- [A memorandum from Thomas Closson, City Negotiator, recommending this one-year extension; and,](#)
- [Copy of the contract showing the insertions and deletions to implement this Agreement, if approved.](#)

Also, the Memorandum of Agreement and Working Agreement are posted on the City's Website at:

<http://files.cityofportsmouth.com/files/hr/SignedMOAforPortsmouthAdministrators.pdf>
<http://files.cityofportsmouth.com/files/hr/SchoolAdmin15-19draft.pdf>

I recommend the City Council move to accept the proposed One-Year Agreement between the City of Portsmouth and the Association of Portsmouth School Administrators, as presented.

4. **Adoption of Proposed Capital Improvement Plan (CIP) FY2019-2024.** In accordance with Section 7.7 of the City Charter, the City Council conducted a public hearing on Tuesday, February 20, 2018, regarding the proposed Capital Improvement Plan for FY2019-FY2024. In addition to the public hearing, the City Council held a work session on January 29, 2018. At the work session, a presentation of the proposed Capital Plan was made by City staff. Also, copies of the Plan were made available to the public as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2019-2024 is available on the City's website
<http://files.cityofportsmouth.com/files/planning/CIP19-24.pdf>

As you are aware, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the public hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2019 budget to you on or about April 27, 2018. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at Monday evening's meeting.

I would recommend the City Council adopt the proposed Capital Improvement Plan for FY 2019 – 2024 with amendments.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the updated Events Listing](#) from February 20th through 2018. In addition, this can be found on the City's website.
2. **Updates on Prescott Park.** Over the past two years beginning with the appointment of the Blue Ribbon Committee on the Prescott Park Master Plan in January 2016 (work completed in February 2017) and the Prescott Park Policy Advisory Committee (work completed in December 2017 [and included as an informational item attachment in the packet](#)), a great number of conversations have taken place about the future of the Park itself and the activities within it. In addition, a number of organizational changes and the manner in which the City provides and oversees the Park activities has also changed. On Monday night, Assistant City Manager David Moore, will provide an update on Prescott Park, both operations (general maintenance, docks, weddings, Four Tree Island, etc.) under the new management structure as well as updates about Master Plan implementation and agreements (currently being drafted) with organizations in the Park.
3. **Zagster Bike Share 2017 Report.** [Attached for your information is a memorandum](#) from Planning Director Juliet Walker regarding the Zagster Bike Share 2017 Report.
4. **Report Back Re: Per- and polyfluoroalkyl Substances (PFAS).** City Council requested a report back regarding Per- and polyfluoroalkyl substances (PFAS). For your information, [attached is a report](#) from Deputy City Attorney Suzanne Woodland and Deputy Public Works Director Brian Goetz.
5. **Report Back Re: Civic Engagement.** As requested by Councilor Pearson, [attached is a memorandum](#) regarding a proposal to improve civic engagement.
6. **Report Back Re: Veteran's Tax Credit.** As requested by Councilor Denton, [attached is a memorandum](#) from City Assessor Rosann Maurice-Lentz regarding the Veteran's Tax Credit.
7. **Report Back Re: Great Bay Coalition.** At the February 20, 2018 City Council meeting, the Council requested a summary report regarding the Great Bay Municipal Coalition. [Attached is a memorandum](#) from Deputy City Attorney Suzanne Woodland and City Engineer Terry Desmarais.
8. **First Quarter Summary Building Inspector.** I am providing the City Council with the [attached Quarterly Report for FY 2018 \(Q2 Period October 1, 2017 to December 31, 2017\) with Comparison to Previous FY'17 Q2](#) submitted by the City's Chief Building Inspector Robert Marsilia.