

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 19, 2018

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Mayor Blalock, Assistant Mayor Lazenby, Councilors Roberts, Pearson, Dwyer, Denton, Perkins, Raynolds and Becksted.

III. INVOCATION

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

Mayor Blalock congratulated the Portsmouth High School Boys Basketball team for winning the State Championship over the weekend.

IV. PLEDGE OF ALLEGIANCE

Mayor Blalock led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Safe Harbor Recovery Center Program – Elizabeth Miller

Doreen Shockley, Granite Pathways, explained their mission: *To support individuals with Mental Illness and Substance Use Disorders in building personal equity and achieve their life goals as valued members of their community.* She said Granite Pathways provides Regional Access Point Services (RAPS) to 11 regions across the State of New Hampshire and that NH residents have 24/7 access to RAPS. She also addressed Safe Harbor Recovery Center Program and the services offered. She explained that Safe Harbor is a peer-led recovery center. She stated it is a resource open to anyone (individuals & families) who have initiated recovery and are interested in becoming more engaged in the recovery process, as well as family and friends of those who are still struggling with active addiction. Elizabeth Miller of Safe Harbor Recovery Center Program provided the days and hours of operation of the Center.

V. ACCEPTANCE OF MINUTES – MARCH 5, 2018

Councilor Pearson moved to approve and accept the minutes of the March 5, 2018 City Council meeting. Seconded by Councilor Denton and voted.

VI. PUBLIC COMMENT SESSION

Roy Helse said he would like to know the responsibility for the City and Pease regarding the water issues. He said he would like to know if State Representatives could ask for the City to receive additional money from Pease. He also asked what the City pays to Pease.

Corey Clark spoke to the Great Bay Coalition and said the City should no longer be part of the Coalition. He spoke to the importance of the Great Bay and preserving its natural resource for generations to come.

Esther Kennedy spoke to the Pease Wastewater Treatment upgrades and the request for \$7.2 million. She said she would like to hear more on the wastewater treatment facility and more on the Great Bay Coalition.

Wes Tator acknowledged the work of the Renewable Energy Blue Ribbon Committee and the report. He spoke in favor of the Policy for trying to reach net zero. He said a relationship between the Committee and the administration needs to be made which would create a dialogue between the two. He suggested changing the Parking & Traffic Safety Committee to the Transportation Committee.

Gerry Zelin thanked the City Council for the ordinance on financial disclosures. He provided an email with suggested further amendments. He spoke to the reporting requirements and PAC'S. He said there is a discrimination against PAC's and you need to have parity between individuals and PAC's and also insert the \$100.00 in thresholds and reporting all contributions.

Arthur Clough said we should make a declaration of the "Me Too" movement. He also spoke to the Coakley Landfill.

Zelita Morgan spoke to the Coakley Landfill and is pleased that there is a working group. She spoke to the charge of the Committee and said we need to initiate with a panel to allow the public to speak and have a comprehensive presentation. She said there needs to be more transparency on the matter. She stated she was never informed or received any reports on the Coakley Landfill during her time as a City Councilor.

VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. Third and Final reading of Ordinance Amending Chapter 1, Article IX, Section 1.9 Conflict of Interest/Election Candidate Financial Disclosure – Charter Amendment #1

Councilor Dwyer moved to pass third and final reading regarding the Ordinance, as amended at the March 5, 2018 City Council meeting. Seconded by Councilor Denton.

Councilor Raynolds moved to suspend the rules in order to allow for amendments to the ordinance. Seconded by Councilor Perkins and voted.

Councilor Dwyer moved to amend the ordinance at line 18 and add the following after Charter Amendments *Ballot Questions or Referenda*. Seconded by Councilor Perkins and voted.

Councilor Denton moved to amend the ordinance starting at line 15 by deleting *candidate's total* and further amend line 16 by striking *for that election and the total monetary expenditures*. Seconded by Councilor Dwyer.

Mayor Blalock said he feels we should table this ordinance until the next meeting due to the number of amendments.

Councilor Denton's amendment passed.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock moved to table the Ordinance until the next City Council meeting on April 2, 2018. Seconded by Councilor Denton and voted.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

- B. Third and Final reading of Ordinance Amending Chapter 1, Article IX< Section 1.901 – Conflict of Interest/Municipal Officials Disclosure – Charter Amendment #2

Councilor Dwyer moved to pass third and final reading regarding the Ordinance, as amended at the March 5, 2018 City Council meeting. Seconded by Councilor Pearson and voted.

IX. CONSENT AGENDA

Councilor Perkins moved to adopt the Consent Agenda. Seconded by Assistant Mayor Lazenby and voted.

- A. Letter from Richard Mason, Veterans Count, requesting permission to hold the Pack & Boots 5k Road Race on Wednesday, July 4, 2018 at 8:30 a.m. **(Anticipated action – move to refer to the City Manager with power)**
- B. Letter from Melissa Vetter, Vice President, Dondero PTA, requesting permission to hold a “fun-run” on Saturday, June 2, 2018 (rain date Sunday, June 3, 2018) **(Anticipated action – move to refer to the City Manager with power)**
- C. Letter from Robert Sutherland, Jr., St. John's Lodge, requesting permission to hold the annual 5K on Saturday, April 14, 2018 at 8:00 a.m. **(Anticipated action – move to refer to the City Manager with power)**

- D. Request for License to Install Projecting Sign from Derrick Freeman, owner of Free State Bitcoin Shoppe for property located at 56 State 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**

- E. Request for License to Install Projecting Sign from Lindsay Rando, owner of Bobbles & Lace for property located at 111 Market 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**

- F. Police Department Grant – Children's Hospital at Dartmouth-Hitchcock - Safe and Active Grant (**Anticipated action – move to accept and approve the grant to the Portsmouth Police Department, as presented**)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Email Correspondence

Councilor Pearson moved to accept and place the correspondence on file. Seconded by Councilor Roberts and voted.

B. Letter from Thomas J. Donovan, Director of Charitable Trusts, regarding Coakley Landfill Group

Assistant Mayor Lazenby asked City Manager Bohenko when we could expect a report on expenditures for the Coakley Landfill Group and the City. City Manager Bohenko said we are pulling all the records and matching all invoices to the votes and then payment reconciliation. He said it would take 8-12 weeks or longer. He said we are working on this matter full time.

Councilor Dwyer urged residents to read the letter from the Attorney General regarding the Coakley Landfill and issues raised this evening. She said it identifies the two consent decrees and when they happened, all the information people are looking for is available on websites and at public agencies. She urged citizens to read what is contained in the letter.

Mayor Blalock said there will be a meeting hosted by Portsmouth for discussions on the Coakley Landfill.

Assistant Mayor Lazenby asked City Manager Bohenko when the website would have information available. City Manager Bohenko said the Coakley Landfill page will go live tomorrow.

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Public Hearing Re: Resolution Authorizing a Bond Issue of up to Seven Million Two Hundred Thousand Dollars (\$7,200,000) for Costs Related to Upgrades to the Pease Wastewater Treatment Facility

City Engineer Desmarais said in 1952-1954 the facility was built for the benefit of the Air Force at that time. He said the facility was upgraded for a number of different reasons in 1997 and a small upgrade took place again in 2002. He said this plan is a 20 year life for equipment and 50 years for buildings. Engineer Desmarais said there is a need for updating the aging equipment for headworks is proposed and we have received bids of \$7,000,000.00 in addition, there are other needs. He stated there is a back log of maintenance for which the bond request is to do with aging equipment and facility and it does not require a change in permit.

Councilor Denton moved to authorize the City Manager to bring back a Borrowing Authorization in the amount of Seven Million Two Hundred Thousand Dollars (\$7,200,000.00) for a public hearing at the April 2, 2018 City Council meeting. Seconded by Assistant Mayor Lazenby.

Councilor Becksted asked what the \$4.5 million was spent on. City Engineer Desmarais said equipment under the water and two pumps that were replaced.

City Manager Bohenko explained that some capital projects carry over from year to year and this is one of those projects. He said part of the expense is for the headworks and other projects required at the facility. He said for the next meeting we will put together a chart of what has been spent and what will be spent.

Councilor Becksted said Lonza is upgrading their business and this has nothing to do with their upgrades. City Engineer Desmarais said we are making sure there is some consideration for their improvements but we have no numbers on that from Lonza.

Councilor Denton said he would like the presentation to address the CSO treating.

City Engineer Desmarais said on the website the City has made available a twitter account for individuals to sign up for and it will tweet if there is a CSO or a mistake.

Councilor Dwyer asked about the equipment and what the expected life span is. City Engineer Desmarais said the building will last longer 30 – 40 years and equipment 5 – 15 years.

Motion passed.

2. Report Back Re: City Purchase of Banfield Road/Ocean Road Ferrari Property

City Manager Bohenko said this is to purchase property on Banfield Road and we will gain easements.

Councilor Reynolds moved to acquire the property located off of Banfield Road owned by Ferrari Remodeling and Design LLC as set forth in a purchase and sale agreement entered into in January 2018. Seconded by Councilor Perkins.

Councilor Becksted asked if property owners would receive abutter's notices for any work. Deputy City Attorney Woodland said it would depend on where we are in the project. She said if there is wetlands work there would be abutter's notices.

Motion passed.

3. Easement Re: 142 Mill Pond Way

City Manager Bohenko said that the owner is requesting a site review approval for a two story, three unit townhouse. He said the site plan includes two easements to benefit the City, a snow storage easement deed and access easement for water services. He stated that these have been approved by the Planning Board and are being recommended by the Planning Department.

Councilor Becksted moved that the City Manager be authorized to negotiate, execute, deliver and record the deeds regarding Mill Pond Way, LLC as presented. Seconded by Councilor Roberts and voted.

City Manager's Informational Items

2. *New Castle Water Line*

Deputy Public Works Director Goetz provided a presentation on the New Castle Water Line. He spoke to the loop that exists for the water and that one side of the island is New Castle with the other being Portsmouth. He reported that New Castle has 365 customers and the City is working on improvements to water lines starting on Sagamore Avenue. He stated from 1980 – 2017 improvements have been made to 2 ½ miles. Deputy Director Goetz said that future upgrades will be phased work.

City Manager Bohenko said that there will be a second map with a list of future projects.

4. *Public Works Department Construction Projects*

Planning Director Walker spoke to the plan that is actively being used by city departments. She spoke to the vision statement that is to supplement the City Master Plan. She discussed the tools that will be used and spoke to bicycle and pedestrian improvements. Planning Director Walker spoke to the priority criteria. She also spoke to the projects that have been completed or are presently under construction and those that are part of the Capital Improvement Plan.

Councilor Denton asked about expanding Zagster to the Atlantic Heights. Planning Director Walker said we continue to expand the network to have private sponsor of a Zagster station. She said the more people the more flexibility to locate the stations in other neighborhoods.

Assistant Mayor Lazenby said he would like to see the plan expanded to the elementary schools and the middle school. He said the schools have worked on safety programs and some recommendations are happening in areas of the City.

Councilor Raynolds announced that May 14th – May 18th is the Bike to Work Week.

Councilor Dwyer said it would be interesting to know about counts and how they are done.

Councilor Roberts said the original Complete Street Policy he would be seeking information updates and performance measures.

City Manager Bohenko spoke to the list of projects pending in the Public Works Department. He said it is important to know it is difficult bidding this time of year.

Councilor Roberts would like to hear about the delay in the Middle Street Project.

Planning Director Walker said we are constrained by the State money and we need to decide where to spend the money. She said we have went out to bid on the project twice and received 1 bid each time.

City Manager Bohenko said we will report back to the City Council and that this has not always been a project that the neighborhood has wanted.

Planning Director Walker said we must use state funds within 10 years and it has been 8 years. She reported the summary of value for construction projects is \$38 million.

5. *Great Bay Coalition Update*

City Manager Bohenko said a presentation will be held on April 2nd regarding this matter.

Deputy City Attorney Woodland said the Great Bay Coalition will be filing its updated information on this work and we should be ready for an update on April 2nd.

6. *FY19 Organic Weed Control and Turf Management Programs*

City Manager Bohenko reported the turf control is coming in at \$160,000.00 more than the process we used previously. He said we will need additional funding which will increase the Public Works Department budget by 7%.

At 9:10 p.m., Mayor Blalock called a brief recess. At 9:15 p.m., Mayor Blalock called the meeting back to order.

B. MAYOR BLALOCK

1. Appointments to be Voted:
 - 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

Mayor Blalock passed the gavel to Assistant Mayor Lazenby and recused himself from the appointment of his son Richard Blalock to the Recreation Board.

Councilor Pearson moved to appoint Richard Blalock to the Recreation Board filling the unexpired term of Rick Becksted until April 1, 2020. Seconded by Councilor Denton and voted.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby moved to reappoint MaryAnn Blanchard to the Conservation Commission until April 1, 2021; reappoint Samantha Collins to the Conservation Commission until April 1, 2021; and reappoint Ruth Griffin to the Portsmouth Housing Authority until April 1, 2023. Seconded by Councilor Perkins and voted.

C. ASSISTANT MAYOR LAZENBY

1. New Draft of Response Letter to Hampton Re: Coakley

Assistant Mayor Lazenby said there is a new letter that has been placed in front of you this evening for consideration.

Assistant Mayor Lazenby moved to send the letter to the Hampton Board of Selectmen. Seconded by Councilor Denton.

Assistant Mayor Lazenby said it is appropriate to respond to the Town of Hampton as opposed to the Coakley Landfill Group responding.

Councilor Denton said third paragraph should be amended by deleting the language starting with the second sentence and the remainder of that paragraph. In addition, the deletion of the second sentence of the fifth paragraph.

Councilor Becksted said it would be best to have the Coakley Landfill Group respond.

Mayor Blalock said we did not vote to have the Coakley Landfill Group respond, it was a suggestion.

Councilor Perkins said she would not support Assistant Mayor Lazenby's motion. She said she feels that the items should be deleted as requested by Councilor Denton.

Assistant Mayor Lazenby said the fourth paragraph language came from the hydrologist.

City Attorney Sullivan said there was no City Council vote on the matter.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said response from us is a watered down version of the letter. He said it would be good to ask the Coakley Landfill Group to put in what Councilor Denton is asking to take out. He said Coakley Landfill Group would be responding to the science.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Dwyer agrees with Mayor Blalock. She said we need to make it clear that we are responding as the Portsmouth City Council and the Coakley Landfill Group make their own response.

Councilor Roberts said the Coakley Landfill Group should be differentiated from the City

Council.

City Attorney Sullivan explained how voting works for the group and stated that 3 votes are required to pass any motion.

Councilor Becksted said what he would like to have deleted is the Town of Hampton reimbursement language.

Assistant Mayor Lazenby said he agrees with removing what the City Council is requesting. He said he wants to ultimately have dialogue with the Town of Hampton.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said the Town of Hampton is requesting us to reimburse them but we are not going to.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Assistant Mayor Lazenby agreed with the amendments as well as the second to the motion. He requested in the final paragraph of the letter to replace the word projects with inquiries.

Motion passed.

Councilor Perkins moved to send a separate letter to the Town of Hampton from the Coakley Landfill Group answering the scientific portion of the response. Seconded by Councilor Denton and voted.

Councilor Dwyer said the Legislative Subcommittee spoke on the Coakley Landfill Group and the House voted that we go forward with a pump and treat station. She said when the bill goes to the Senate we need to bring up testimony on behalf of the City. She said we want the Mayor to testify.

Councilor Dwyer moved to authorize Mayor Blalock to testify in the Senate hearing on behalf of the City of Portsmouth to the legal issues associated with Portsmouth being forced to abrogate the judicial decree and go against both the Federal and State Government. Seconded by Councilor Perkins.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

City Attorney Sullivan spoke to the Consent Decree and that the responsible parties agree to remediate the landfill and build as directed by the EPA. If the bill is passed it would violate its own mandate. He said the idea of it is considered inappropriate to come in and change a land law prior to the adoption of another law.

Mayor Blalock said he would limit the discussion to the Consent Decree and referring to legal counsel on the legal issues.

Assistant Mayor Lazenby returned the gavel to Mayor Blalock.

Councilor Perkins thanked Councilor Dwyer for raising the matter. She said we should be concerned with procedure practices here.

Assistant Mayor Lazenby said he supports the motion and is limiting to what the Mayor would testify. He feels we should oppose the legislation and there is a well thought out scientific view.

Motion passed.

D. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the March 1, 2018 meeting

Councilor Becksted moved to approve and accept the action sheet and minutes of the March 1, 2018 Parking and Traffic Safety Committee meeting. Seconded by Councilor Reynolds and voted.

Councilor Becksted spoke regarding land board staff making recommendations to remove parking spaces and that is sending different messages.

City Manager Bohenko said the residential parking program is something we want to wait until the new garage comes on board.

Councilor Roberts said these are site specific recommendations from residents.

City Manager Bohenko said that is where he has come down, not to do anything until the garage comes on board.

Councilor Roberts said no action was taken.

Motion passed.

E. COUNCILOR DWYER

1. Draft McIntyre Framework – Consensus of the Council Prior to Stage 3 of Public Input

Councilor Dwyer said we are giving you principles and are asking for endorsement by the City Council and this is the frame work we will be using going into the third stage. She said these have gone through a great deal of vetting with a draft frame work at the Saturday session. She stated people voted at home along with us by voting through the website.

Deputy City Manager Colbert Puff said the Planning Department process stage 2 has been completed and we have set out some dates, on April 9th to come back in a work session or April 16th is what we will see going forward. She indicated they just began another stage at the last meeting. Deputy City Manager Colbert Puff said at the next meeting the City Council will be in the driver's seat on approving the application and contractor agents for McIntyre. She reported that the date has been set for the first meeting of stage 3 for March 27th and another meeting on April 4th and there is a sign up for McIntyre updates.

Councilor Denton said he would like to see 2 bullets added to planning for future plans and transportation. Councilor Dwyer said that was what was intended.

Mayor Blalock said providing parking is required by the developer. He said office space will lose value without parking. He said providing transportation and parking options is part of the developer's requirement.

Councilor Roberts said there are sharing spaces for incentives if you do not drive, you can do the same thing with housing. He said some people were looking at a future policy to look at alternate modes of transportation.

Councilor Pearson moved to endorse the McIntyre Project Public Input Process Essential Framework for the next phase. Seconded by Councilor Reynolds and voted.

F. COUNCILOR DENTON

1. Renewable Energy Resources

Councilor Denton moved that City Staff at the direction of the City Manager to work with the Mayor's Blue Ribbon Committee on Sustainable Practices to better display different sustainable, energy efficient, and renewable energy resources available to residents on the City of Portsmouth's website. Seconded by Assistant Mayor Lazenby.

He said he would like the City's webpage to include all the information that has been provided on renewable energy resources. He said the goal is on the home page to have a sustainable link going through the resources. He said he would like to have a list of things at the meeting.

City Manager Bohenko said you were looking to allow your Committee time and would let the staff go to the meeting at the request of himself.

Councilor Dwyer said we could get a UNH student to work on this.

Motion passed.

G. COUNCILOR PERKINS

1. Former City Council Rule #47 – Appointments to Boards and Commissions

Councilor Pearson move to amend City Council Rule #47 to read as follows: *Unless otherwise required by statute or ordinance, the Mayor shall only bring forward for reappointment to any Board or Commission the name of any person who shall have served ten (10) or more consecutive years on the same Board or Commission if such position shall have been publicly advertised prior to the effective date of the requested reappointment.* Seconded by Councilor Denton.

Councilor Becksted said he does not support the motion.

Mayor Blalock passed the gavel to Assistant Mayor Lazenby.

Mayor Blalock said any position on a board and commission the Mayor reviews the application and takes another look. He said we do not vote to lose institutional knowledge.

Motion passed with Councilor Becksted voting opposed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

At 10:15 p.m., Councilor Becksted moved to adjourn. Seconded by Councilor Roberts and voted.



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