

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, SEPTEMBER 16, 2019 TIME: 7:00PM

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- 5:00PM – ANTICIPATED NON-PUBLIC SESSION RE: CITY MANAGER SEARCH – RSA 91-A:3, II (b)
 - 6:15PM – ANTICIPATED NON-PUBLIC SESSION RE: BOYLE SUPREME COURT APPEAL – RSA 91-A:3, II (e)
- I. WORK SESSION *(There is no Work Session this evening)*
 - II. CALL TO ORDER [7:00 p.m. or thereafter]
 - III. ROLL CALL
 - IV. INVOCATION
 - V. PLEDGE OF ALLEGIANCE
 - VI. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*
 - VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS
 - VIII. PUBLIC COMMENT
 - IX. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION

Public Hearing

- A. Public Hearing on Chapter 3, Article IX – Distribution of Single-Use Disposables

ORDINANCE AMENDING CHAPTER 3, Article IX – Distribution of Single-Use Disposables

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

(Sample motion – move to pass second reading and schedule third and final reading of the proposed Ordinance at the October 7, 2019 City Council meeting)

- B. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours – Maplewood Avenue: Both Sides, Between Raynes Avenue and Vaughan Street *(Sample motion – move to pass third and final reading, as recommended by the Parking and Traffic Safety Committee)*

- C. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes by the ~~Deletion of Maplewood Avenue: Easterly Side, the First Two Spaces Commencing 140 Feet Northerly from Vaughan Street~~ (**Sample motion – move to pass third and final reading, as recommended by the Parking and Traffic Safety Committee**)

X. MAYOR BLALOCK

1. *Appointments to be Voted:
- Maryellen Burke to be appointed to the Board of Library Trustees
 - Janaki Fonseka to be appointed to the Board of Library Trustees
 - Lori Soloway to be appointed to the Citywide Neighborhood Blue Ribbon Committee

XI. CITY COUNCIL MEMBERS

A. COUNCILOR ROBERTS

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 1, 2019 meeting

B. COUNCILOR PEARSON

1. *Share the Square

FEE COMMITTEE

C. COUNCILOR DWYER & COUNCILOR RAYNOLDS

1. Report Back on Meeting with SIPP and Proposed Motion to Approve License Fees for Prescott Park License Agreements

D. COUNCILOR DENTON

1. *Encouraging Pan Am to apply to the State Clean Diesel program for locomotive anti-idling technology

XII. APPROVAL OF GRANTS/DONATIONS

(There are no Grants or Donations on the Agenda this evening)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Officers Association
2. Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Fighters

3. Report Back Re: Contact Information (*Deferred Action at the September 3, 2019 City Council meeting*)
4. Vaughan Street Hotel LLC Amendment to Easement Agreement
5. 799 South Street Sidewalk Easement
6. Polling Hours – November 5, 2019 Municipal Election

XIV. CONSENT AGENDA

(There are no items under the Consent Agenda this evening)

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Barbara Massar, Executive Director, Pro Portsmouth, regarding proposed Distribution of Single-Use Disposables Ordinance
- C. Letter from Joshua P. Lanzetta, Counsel to the Surfrider Foundation, NH, regarding proposed Distribution of Single-Use Disposables Ordinance

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

1. Household Hazardous Waste Day
2. Sagamore Sewer Project

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING


XVIII. ADJOURNMENT [at 10:00 p.m. or earlier]

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

** Indicates verbal report*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: September 12, 2019
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on September 16, 2019 City Council Agenda

Non-Public Session:

6:15 p.m. Anticipated Non-Public Session Re: Boyle Supreme Court Appeal in accordance with RSA 91-A:3, II (e)

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing/Second Reading of Ordinance Amending Chapter 3, Article IX – Distribution of Single-Use Disposables.** At the September 3, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and seconding reading regarding Councilor Denton's ordinance on Single-Use Disposables. [Attached is the ordinance](#) submitted by Councilor Denton, which has been re-numbered to fit the City's ordinance book. Also, [see attached amendments](#) from Councilor Denton.

For your information, any cost associated with enforcement of this proposed Ordinance would be assigned to the Enforcement Officer and the Legal Department. This cost would also include any overtime. We will not know the cost until we have experience.

In addition, there may be cost associated with the schools for their food programs. I would recommend if the City Council passes this ordinance that it take effect September 2020 to give the schools appropriate time to adjust to any new requirements.

If the City Council wishes to proceed, the following motion is required:

Move to pass second reading and schedule third and final reading at the October 7, 2019 City Council meeting.

2. **Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours Maplewood Avenue: both sides, between Raynes Avenue and Vaughan Street.** At the September 3, 2019 City Council meeting, the Council voted to pass second reading and schedule third and final reading on the aforementioned [attached proposed Ordinance](#). At their June 6, 2019 meeting, the Parking and Traffic Safety Committee voted to recommend that the City Council adopt an ordinance to create a three (3) hour parking limit on both sides of Maplewood Avenue between Raynes Avenue and Vaughan Street.

The Parking and Traffic Safety Committee voted to recommend the removal of the existing 15 minute time limit on these two parking spaces in order to create the three (3) hour parking limit along Maplewood Avenue.

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as recommended by the Parking and Traffic Safety Committee.

3. **Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes – by deletion of Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street.** At the September 3, 2019 City Council meeting, the Council voted to pass second reading and schedule third and final reading on the aforementioned [attached proposed Ordinance](#). At its June 6, 2019 meeting, the Parking and Traffic Safety Committee voted to recommend that the City Council vote to amend Chapter 7, Article III, Section 7.326 to remove the 15 minute parking time limit on the two parking spaces on Maplewood Avenue on the easterly side beginning 140 feet northerly from Vaughan Street.

I recommend the City Council move to pass third and final reading of the proposed Ordinance, as recommended by the Parking and Traffic Safety Committee.

City Manager's Items Which Require Action:

1. **Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Officers Association.** The Portsmouth Fire Commission and the Portsmouth Fire Officers Association have reached a four (4) year collective bargaining Agreement.

For your information and to facilitate discussion regarding this matter, attached please find the following documents:

- [A letter from City Negotiator Thomas Closson, outlining the terms of the Tentative Agreement.](#)

- The Portsmouth Professional Fire Officers Association Contract showing the insertions and deletions to implement the Agreement if approved.
- Cost Analysis.

Also, this proposed Agreement is posted on the City's Website at:

<http://files.cityofportsmouth.com/files/benefits/FireOfficersAssociation2019DraftCBAAugust262019.pdf>

I recommend the City Council move to approve the proposed Four (4) Year Agreement between the Portsmouth Fire Commission and The Portsmouth Professional Fire Officers Association from July 1, 2019 to expire on June 30, 2023.

2. **Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Fighters.** The Portsmouth Fire Commission and the Portsmouth Professional Fire Fighters have reached a four (4) year collective bargaining Agreement.

For your information and to facilitate discussion regarding this matter, attached please find the following documents:

- A letter from City Negotiator Thomas Closson, outlining the terms of the Tentative Agreement.
- The Portsmouth Professional Fire Fighters Contract showing the insertions and deletions to implement the Agreement if approved.
- Cost Analysis.

Also, this proposed Agreement is posted on the City's Website at:

<http://files.cityofportsmouth.com/files/benefits/Firefighters2019RedlinedCBAAugust262019.pdf>

I recommend the City Council move to approve the proposed Four (4) Year Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Fighters from July 1, 2019 to expire on June 30, 2023.

3. **Report Back Re: Contact Information (Deferred Action at the September 3, 2019 City Council meeting).** At the September 3, 2019 City Council meeting, the Council deferred action regarding the report back on contact information. Also, at that meeting, Valerie Rochon, President and Chief Collaborator of The Chamber Collaborative of Greater Portsmouth, submitted a letter that was under Written Communications. The City Council voted to accept and place the letter on file, and further, provide a copy of the letter in the September 16, 2019 City Council packet for reference (see attached).

At the City Council meeting of August 12, 2019, Councilor Pearson requested home addresses for the City Council be removed from publication on our website and various informational correspondence.

City Clerk Kelli Barnaby conducted a search of 12 communities and how they list the contact information of elected officials ([see attached](#)). As the City Council discussed at the last meeting, any contact information that we restrict would include the Mayor, City Council Members, as well as Board and Commission members.

Action is required regarding this matter.

4. **Vaughan Street Hotel LLC Amendment to Easement Agreement.** Vaughan Street Hotel, LLC (Portsmouth AC Hotel) is requesting a sign easement from the City to allow a sign to be erected in the same area over the Vaughan Street sidewalk and under the same terms as its canopy easement previously granted by the Council. Board of Adjustment, Historic District Commission and the Planning Board approvals are in place to the extent required. The Legal Department has approved the form of the easement. Planning and Legal are recommending that the Council grant the authority for the requested easement. [See attached documents.](#)

I recommend the City Council move to grant the City Manager the authority to negotiate, execute and deliver a sign easement as requested by Vaughan Street Hotel, LLC, for recording.

5. **799 South Street Sidewalk Easement.** On August 15, 2019, the Planning Board approved an application from the Noele M. Clews Trust to subdivide a property located at 799 South Street into three lots.

As approved, the Subdivision Approval required that the applicant provide an easement for the City for an existing sidewalk that is located on a portion of the property. The easements allows the City to maintain the sidewalk and includes a 2' section for snow storage paralleling the sidewalk. [See attached Sidewalk Easement Deed.](#)

All of the foregoing has been approved by the Planning Board and is recommended by the Planning and Legal Departments.

If the City Council is in agreement with the recommendation, an appropriate motion would be:

Move to accept a sidewalk easement for 799 South Street, as presented.

6. **Polling Hours – November 5, 2019 Municipal Election.** Attached is a memorandum from City Clerk Kelli L. Barnaby recommending that the polling hours for the Municipal Election on November 5, 2019 be set from 8:00 a.m. to 7:00 p.m. In addition, the City Clerk’s memorandum refers to the extension of polling hours.

As you will recall, at the July 9, 2018 City Council meeting, the Council requested a report back regarding the expansion of polling hours. At the October 1, 2018 City Council meeting, City Clerk Barnaby provided the City Council with information relative to a survey of twelve communities regarding extended polling hours, as well as the recruitment of poll workers and the stipend paid to poll workers for the day. I worked with City Clerk Barnaby and we increased the pay scales for the election officials. City Clerk Barnaby recommends that the polling hours begin an hour earlier and be instituted for the September Primary Election in 2020.

The following motion is required:

- 1) *Move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 5, 2019.*

If the City Council wishes to proceed, the following motion is appropriate:

- 2) *Move to set the polling hours an hour earlier beginning with the September Primary Election in 2020 from 7:00 a.m. to 7:00 p.m.*

Informational Items:

1. **Household Hazardous Waste Collection Day.** As a reminder, Household Hazardous Waste Collection Day will be held on Saturday, October 5, 2019 from 8:00 a.m. to Noon at the Department of Public Works, 680 Peverly Hill Road, Portsmouth. This collection is for residents of Portsmouth, Greenland & Newington and proof of residency is required. Additional information is on the City’s website: <https://www.cityofportsmouth.com/publicworks/solid-waste-recycling/household-hazardous-waste-day>
2. **Sagamore Sewer Project.** The Sagamore Avenue Low Pressure Sewer System will extend sewer service to homes on the north and south sides of the Sagamore Avenue Bridge over Sagamore Creek. See attached schematic. As you are aware this project is required as part of the Second Modification to the City’s Consent Decree with the Environmental Protection Agency and must be completed by June 2022. In order to meet this deadline, the City’s engineer has to start work this fall on survey and other field information in order to complete the design. City staff held a public meeting on September 4, 2019 to review the overall project approach, project limits, summarize some of the technical aspects of the work and to take public input. The dominant concerns at the meeting were the overall costs for the project, how those costs would be apportioned, and what party would be responsible for the costs (City or private homeowner).

In order to address cost apportionment, the City Council will be asked at a future meeting to make a policy decision on cost because this project is required by a Consent Decree. City Staff will prepare information for the City Council's consideration regarding the percentage each property owner should pay. As an example, maybe 50% of the sewer main and service to the edge of road should be covered by the sewer enterprise fund and 50% by the property owner. City staff will prepare the cost amounts for different scenarios and a recommendation for a decision and vote by the City Council. Our recommendation will assume a shared cost between the property owner and the sewer fund. We will also recommend that any cost assumed by the property owner may be paid over 10 years with a loan from the sewer fund.

The Consent Decree Second Modification is located at the link below. Reference to the Sagamore Avenue Low Pressure Sewer System is located on page 8, Item 8.d.

<http://www.portsmouthwastewater.com/PDFs/September2016ConsentDecreeSecondModificationSagamoreAveSouthSewerSchedule.pdf>