

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JANUARY 21, 2020 TIME: 7:00PM

- 6:15PM – ANTICIPATED NON-PUBLIC SESSION RE: MCINTYRE – RSA 91-A:3, II (I)

- I. WORK SESSION
- II. CALL TO ORDER [7:00 p.m. or thereafter]
- III. ROLL CALL
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Presentation of Comprehensive Annual Financial Report (CAFR); the Governance Letter and Management Letter; and the Popular Annual Financial Report (PAFR) – Scott McIntire, Melanson & Heath

- VI. ACCEPTANCE OF MINUTES – DECEMBER 16, 2019 AND JANUARY 6, 2020

- VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- VIII. PUBLIC COMMENT SESSION

- IX. ORDINANCE AND/OR RESOLUTION

(There are no Ordinances and/or Resolutions on the Agenda this evening)

- X. MAYOR BECKSTED

1. Board & Commission Assignments for City Council (***Sample motion – move to approve the Board & Commission Assignments for the City Council, as presented***)
2. *Ratification of Blue Ribbon Committees
 - African Burying Ground Stewardship
 - Neighborhood Steering Citywide
 - Sister City
 - Sustainable Practices
 - Vaughan Mall
 - Veterans Organization***(Sample motion – move to Ratify the Mayor’s Blue Ribbon Committees, as presented)***
3. Appointment to PDA – Erik S. Anderson (***Sample motion – move to appoint Erik S. Anderson as the City’s Representative to the Pease Development Authority for a three year term, January 21, 2020 through January 1, 2023***)
4. *Appointment of Police Commission Search Blue Ribbon Committee (***No action required***)

5. Appointment to be Considered:
 - Joseph O'Neill as an Alternate to the Conservation Commission

XI. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *Request for Update and Discussion, regarding Bicycle Paths, including Middle Street
2. *Availability of 24-Hour Extreme-Weather Warming Centers
3. *Status and Update of Synthetic Playing Fields, and consideration of Potential Environmental Impact

B. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the December 5, 2019 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the December 5, 2019 Parking & Traffic Safety Committee meeting***)
2. *McIntyre

C. COUNCILOR KENNEDY

1. Various Questions

XII. APPROVAL OF GRANTS/DONATIONS

- A. Portsmouth Police Department Grant:
 - US Department of Justice – Bullet Proof Vest Grant - \$5,103.76 (*Matching Grant*)
(***Sample motion – move to approve and accept the grant to the Portsmouth Police Department, as presented***)
- B. *Portsmouth Fire Department Charitable Donation 2019 from Kimi E. Iguchi - \$1,000.00
(***Sample motion – move to accept the donation to the Portsmouth Fire Department, as presented***)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Request for Public Hearing Re: Elderly and Disabled Exemptions
2. Easement for St. Patrick's School Property
3. Senior Activity Center (125 Cottage Street) – Easement to Eversource for Electrical Service
4. Report Back Re: Lafayette Road Sewer Extension Into Rye
5. Request for a water services access easement to be granted to the City of Portsmouth for property located at Fox Point Road in Newington, NH

XIV. CONSENT AGENDA

- A. Letter from Emily Rivera, National Multiple Sclerosis Society, requesting permission to hold the 2020 Walk MS: Portsmouth on Saturday, April 25, 2020 from 10:00 a.m. to 2:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Lindsay Gilbert, Cystic Fibrosis Foundation, requesting permission to hold the CF Cycle for Life on Saturday, July 11, 2020 (***Anticipated action – move to refer to the City Manager with power***)
- C. Request for License to Install Projecting Sign for Christopher Erikson owner of Aland Realty Group for property located at 175 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***
- D. Request for License to Install Projecting Sign for Michelle Racine, owner of Portsmouth Buddhist Center, Inc. for property located at 175 High 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. *Acceptance of Donation to the Coalition Fund
 - Town of Sugar Hill - \$500.00***(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Fund)***

- F. Letter from Becky Kates, Krempels Center, requesting permission to hold the 23rd Annual Runner’s Alley/Cisco Brewers Portsmouth Memorial Day 5K on Sunday, May 24, 2020 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- G. Letter from Kathie Lynch, President of Portsmouth Little League, Inc., requesting permission to place temporary signs at the Plains and Hislop Park baseball fields during the 2020 baseball season as well as maintain signage to the rear of the Plains scoreboard ***(Anticipated action – move to refer to the City Manager with power)***

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence ***(Sample motion – move to accept and place on file)***

- B. Letter from Josh Denton regarding Renewable Energy Committee Final Report

XVI. CITY MANAGER’S INFORMATIONAL ITEMS

- 1. Collins Well – Test Well Drilling (Water Project Number 1151)
- 2. Briefing Sheet: Draft Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities
- 3. Sagamore Avenue Sewer System

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

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Karen S. Conard
City Manager

Date: January 15, 2020
To: Honorable Mayor Rick Becksted and City Council Members
From: Karen Conard, City Manager *KSC*
Re: City Manager's Comments on the City Council Agenda

XV. PRESENTATIONS:

On Tuesday evening, [Scott McIntire](#) of [Melanson, Heath & Company, P.C.](#) will report on the Annual Audit and Financial Statements for the Year Ending June 30, 2019. I have attached copies of the City's Comprehensive Annual Financial Report (CAFR), the Governance Letter and Management Letter prepared by our auditor, and the Popular Annual Financial Report (PAFR).

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION:

1. **Request for First Reading Re: 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 #1-2019 and #2-2019 which increased the income levels for both the elderly and disabled. The current elderly and disabled exemption income levels are \$42,471 for a single taxpayer, \$58,398 for married taxpayers; the current asset limit is \$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 2020 increase for Social Security recipients is 1.6%.

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 \$ 43,151 increase of \$680
- Married \$ 59,332 increase of \$934

Any adjustment if approved would be for assessments as of April 1, 2020 for Tax Year 2020 (FY21).

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.

I have attached for your information the estimated tax impact of the elderly and disabled exemptions for FY21 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	27	\$ 3,375,000.00	\$ 53,460.00
75 through 79	\$ 175,000.00	25	\$ 4,375,000.00	\$ 69,300.00
80 and over	\$ 225,000.00	55	\$ 12,375,000.00	\$ 196,020.00
Disabled	\$ 100,000.00	6	\$ 600,000.00	\$ 9,504.00
Totals		113	\$ 20,725,000.00	\$ 328,284.00

Note: The current tax rate of \$14.86 would be decreased approximately 5 cents on the current tax rate if the elderly and disabled exemptions were not granted.

Elderly Exemption Comparison Single Income							
	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	\$192,000	\$224,000	\$280,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
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	\$125,000	\$125,000	\$100,000	\$120,000	\$140,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$73,000	\$119,000	\$203,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000

Elderly Exemption Comparison Married Income							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Stratham	\$36,000	\$60,000	\$125,000	\$125,000	\$100,000	\$120,000	\$140,000
Greenland	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124

Elderly Exemption Comparison Married Assets							
	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65-74 years old	Exemption 75-79 years old	Exemption 80+ years old
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$125,000	\$160,000	\$200,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
North Hampton	\$40,800	\$59,000	\$190,000	\$190,000	\$125,000	\$165,000	\$200,000
Portsmouth	\$42,471	\$58,398	\$175,000	\$175,000	\$125,000	\$175,000	\$225,000
Dover	\$42,000	\$57,000	\$169,800	\$169,800	\$115,000	\$162,000	\$207,000
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$192,000	\$224,000	\$280,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Rochester	\$35,000	\$50,000	\$100,000	\$100,000	\$75,000	\$100,000	\$125,000
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
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

I recommend the City Council move to schedule a public hearing for the February 3, 2020 City Council meeting.

2. Easement for St. Patrick’s School Property, 355 Banfield Road:

On March 16, 2017, the Planning Board granted Site Plan Review approval for the construction of a 200-student private elementary school (St. Patrick’s Academy) for property located at 355 (315) Banfield Road.

As approved, the Site Plan Approval required that the applicant provide a water line access easement to the City for the purpose of maintenance and inspection of water infrastructure.

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

I recommend City Council move to grant authority for the City Manager to accept the Easement Deed in a form similar to those attached.

3. Senior Activity Center (125 Cottage Street) – Easement to Eversource for Electrical Service:

Work is currently underway to convert the former Doble Center at 125 Cottage Street to the City of Portsmouth’s new Senior Center. The City and Eversource determined that the best way to provide electricity to the new Center is to install a new electrical service from an Eversource pole located along the western property line abutting 185 Cottage Street. (See [attached schematic](#) for the proposed easement to Eversource.)

In order to provide this updated electrical service from the pole and by conduit to the new panel on the City’s building, Eversource requires the City to grant it an easement. The form of the easement is being reviewed by the Legal Department.

The Planning Board at its September 19, 2019 meeting voted to recommend the granting of this easement.

I recommend City Council move to authorize the City Manager to negotiate and grant an easement to Eversource for electrical service over municipal property located at 125 Cottage Street, Portsmouth (Tax Map 174 Lots 15 and 16).

4. Report Back Re: Lafayette Road Sewer Extension Into Rye:

Over the course of two meetings in December of 2019, the Portsmouth City Council heard from City staff and others relative to a proposed intermunicipal agreement between Portsmouth and Rye to extend the Portsmouth sewer system along Lafayette Road into a portion of Rye. At the Council meeting of December 16, 2019, a motion passed to table the item and bring it forward at the January 21, 2020 meeting for consideration by the new City Council.

Two principal benefits for the City of Portsmouth have been put forward: (1) the protection of the Berry’s Brook Watershed and (2) expansion of the rate base (increased revenue) at the cost of private developers. It is worth noting that the City has an ongoing, cooperative relationship with the Town of Rye on drinking water issues.

The [attached Briefing Sheet](#) provides background previously shared with the prior City Council as well as updated information responsive to some of the questions and concerns raised by City Councilors and others at the December meetings.

The Deputy City Attorney, Suzanne M. Woodland, and City Engineer, Terry Desmarais, will be available to answer questions, as well as Attorney Tim Phoenix, representing the property owners.

If the City Council is interested in pursuing this potential agreement further, the following motion might be considered:

Move to authorize the City Manager to continue negotiations with the Town of Rye and its Sewer Commission and to bring forward at a future meeting a revised agreement.

OR

If the Council is not interested in pursuing this potential expansion further it can be tabled. It will not be revisited during the term of this City Council without a two-thirds vote of the Council to take it off the table.

5. Request for a Water Services Access Easement to be Granted to the City of Portsmouth for Property Located on Fox Point Road in Newington, NH:

The City of Portsmouth has received a request from Joseph and Paula Akerley to provide water service to a new residential lot in Newington, NH. The new lot will be subdivided from an existing lot located at 325 Fox Point Road in Newington. As a condition of granting the new service connection, the City's "Ability to Serve" letter indicated that the property owner would be required to provide an access easement so that the City could access the private water infrastructure to turn on and off water service and conduct any necessary inspections.

The easement will be conveyed to the City by the intended new owners of the residential lot, Robert and Amanda Murphy. The [access easement and plan attached](#) is satisfactory to the City's Legal Department.

The Planning Board is reviewing this request at the January 16, 2020 meeting. If the Planning Board votes to recommend acceptance (I will update Council at the meeting), an appropriate motion would be:

I recommend City Council move to grant authority for the City Manager to accept an Easement Deed from Robert and Amanda Murphy of Newington for access to water infrastructure.

XIV. CONSENT AGENDA

1. Request to Install a Projecting Sign:

Attached is a request for permission to install a projecting sign that extends over the public right of way, at 175 Market Street for Aland Realty as follows:

Sign dimensions: 42" x 42"

Sign area: 9.6 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed.

I recommend the City Council move to approve a revocable municipal license, subject to the following conditions:

- 1. The license shall be approved by the Legal Department as to content and form;*
- 2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*

3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.

2. Request to Install a Projecting Sign:

Attached is a request for permission to install a projecting sign that extends over the public right of way, at 175 High Street for the Portsmouth Buddhist Center as follows:

Sign dimensions: 32” x 36”

Sign area: 8 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed.

I recommend the City Council move to approve a revocable municipal license, subject to the following conditions:

- 1. The license shall be approved by the Legal Department as to content and form;*
- 2. Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.*

XVI. CITY MANAGER’S INFORMATIONAL ITEMS:

1. [Collins Well](#) – Test Well Drilling (Water Project Number 1151)
2. [Briefing Sheet](#): Draft Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities
3. Sagamore Avenue Sewer System – For your information, I have requested staff make a presentation on this project to Council at its February 3, 2020 meeting, and anticipate requesting to schedule a work session on this topic shortly thereafter.