

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 2, 2020 TIME: 5:30PM

5:30PM - ANTICIPATED NON-PUBLIC SESSIONS:

1. COLLECTIVE BARGAINING NEGOTIATIONS – RSA 91-A:3 II (a)
2. MCINTYRE – RSA 91-A:3, II (e)

6:15PM – PUBLIC DIALOGUE SESSION

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**

PRESENTATION

1. Draft Great Bay Total Nitrogen General Permit

VI. **ACCEPTANCE OF MINUTES – JANUARY 21, 2020**

VII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

VIII. **PUBLIC COMMENT SESSION**

IX. **PUBLIC DIALOGUE SUMMARY**

X. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**

Public Hearing and Adoption of Elderly Exemption

A. **RESOLUTION AND ADOPTION OF ELDERLY EXEMPTION**

- **PRESENTATION** (*Presentation was held at the February 18, 2020 City Council meeting*)
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to adopt the Elderly Exemption, as presented)

Public Hearing and Adoption of Disabled Exemption

B. RESOLUTION AND ADOPTION OF DISABLED EXEMPTION

- **PRESENTATION** (*Presentation was held at the February 18, 2020 City Council meeting*)
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to adopt the Disabled Exemption, as presented)

XI. MAYOR BECKSTED

1. Appointments to be Considered:
 - Reappointment of Barbara McMillan to the Conservation Commission
 - Reappointment of William Townsend to the Peirce Island Committee
 - Reappointment of John Simon to the Peirce Island Committee
 - Appointment of Kara Rodeneizer to the Portsmouth Housing Authority
 - Reappointment of Robin Pickering to the Portsmouth Housing Authority – Resident Member
 - Appointment of David Cosgrove to the Citywide Neighborhood Committee
 - Appointment of Mark Syracuse to the Citywide Neighborhood Committee
2. *Reappointments to be Voted:
 - Reappointment of Lisa Louttit to the Peirce Island Committee
 - Reappointment of Richard Smith to the Peirce Island Committee
 - Reappointment of Francesca Fernald to the Peirce Island Committee
 - Reappointment of Harold Whitehouse to the Peirce Island Committee
 - Reappointment of John McVay to the Peirce Island Committee
 - Reappointment of Marc Stettner to the Peirce Island Committee
 - Reappointment of Steven Marison to the Peirce Island Committee
 - Reappointment of Stephen Philp to the Peirce Island Committee

XII. CITY COUNCIL MEMBERS

A. COUNCILOR McEACHERN

1. *Creation of Subcommittee Re: Align Tourism Interest for the Betterment of Portsmouth
(Sample motion – move the creation of a Subcommittee comprised of 2 Council members and 4 members of the hotel industry selected by the Mayor and approved by the Council to discuss opportunities to align tourism interests for the betterment of Portsmouth)

B. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the February 6, 2020 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the February 6, 2020 Parking & Traffic Safety Committee meeting***)
2. Request for First Reading Amendment to Designated Motorcycle Parking Area Ordinance (***Sample motion – move to bring back ordinance for first reading at the March 16, 2020 City Council meeting***)
3. *McIntyre Subcommittee Report

C. COUNCILOR LAZENBY

1. *Motion to Rescind (***Sample motion – move to Rescind the motion from the January 28, 2020 City Council meeting to “take action and not approve, we deny the current draft form of the Ground Lease dated December 7th, written for use between the City of Portsmouth and SoBow Square, LLC also known as Redgate/Kane” (Postponed at the February 18, 2020 City Council meeting)***)
2. Coordinated Response to Substance Misuse – 2020 Action Plan

D. COUNCILOR KENNEDY

1. *Creation of a Policy/Procedure to state the following – Any Contract with a value of \$10,000.00 or more will come in front of the Portsmouth City Council for a vote
2. *Impact Fees (***Sample motion – move to have the City Manager, Legal Staff, Fees Committee and Planning Board Review and Report Back on the suggested Impact Fees by the April 20th City Council meeting and further, encourage other suggestions from these Groups on Impact Fees with a Report Back on April 20, 2020***)

E. COUNCILOR HUDA

1. Discuss the Annual Budget Process for the Benefit of the Residents – Purpose, Timing, Results, and Relationship to Property Taxes
2. Final Review and Discussion of Proposed FY2021 Budget Guidelines (***Postponed from the February 18, 2020 City Council meeting***)

F. COUNCILOR TABOR

1. Recreation Fields on Campus Drive (***Sample motion – move to ask city staff to determine if natural grass in the new outdoor recreation fields on Campus Drive (CIP BI-12-PW-21) will provide enough playing time hours to meet the city’s recreation needs using the newest techniques for drainage and maintenance, and if natural***)

XIII. APPROVAL OF GRANTS/DONATIONS

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

XIV. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. *Adoption of Proposed Capital Improvement Plan (CIP) FY2021-2026
2. Proposed Resolution to Request Peer Review of the Great Bay Total Nitrogen Permit
3. Direction Re: New Athletic Fields
4. *Council Rules – Order of Business

XV. CONSENT AGENDA

- A. Letter from Richard Mason, Veterans Count, requesting permission to hold the Veterans Count 5k Road Race on Saturday, July 4, 2020 (***Anticipated action – move to refer to the City Manager with authority to act***)
- B. Acceptance of Easements for 60 Penhallow Street (Brick Market) (***Anticipated action - Move to grant authority for the City Manager to accept the easement deeds and plans for community space and building encroachment in a form similar to those attached***)

XVI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Steve Hillman, PHS Lacrosse Coach, supporting a turf field (***Sample motion – move to accept and place on file***)
- C. Letter from Jeff Johnston regarding a reasonable hospitality tax, but disagree with the legislation as it is currently proposed (***Sample motion – move to accept and place on file***)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Report Back on Councilor Kennedy Inquiries: Contracts with a Value over \$10,000.00 and Filling of Staff Vacancies
2. Report Back on Pending Development
3. Report Back on Accessory Dwelling Units

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

* Indicates verbal report



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
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(603) 610-7201

Date: February 27, 2020

To: Honorable Mayor Rick Becksted and City Council Members

From: Karen Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of March 2, 2020

Presentations:

1. **Draft Great Bay Total Nitrogen General Permit:**

The City Engineer, Terry Desmarais, and the Deputy City Attorney, Suzanne M. Woodland, will make a presentation regarding the draft Great Bay Total Nitrogen General Permit published by U.S. EPA Region 1 on January 7, 2020. [Attached](#) for reference and convenience is the previously distributed [Briefing Sheet](#) on the subject.

X. Public Hearings and Votes on Ordinances and/or Resolutions:

1. **Elderly and Disabled Exemptions – Resolutions:**

Annually, the City of Portsmouth reviews the income and asset levels for both the elderly and disabled exemptions and makes recommendations to these levels. A public hearing was held February 3, 2020 to amend these levels as follows:

Proposed Increase of Elderly Exemption Income Limits

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

Proposed Increase of Disabled Exemption Income Limits

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

Additionally, the City Council requested review of the elderly and disabled exemption amounts and further staff recommendations. The following recommendations were made at the February 18, 2020 City Council meeting, in which the City Council requested a public hearing. These amended levels to the exemption amounts are as follows:

Proposed Increase of Elderly Exemption Amount

- Ages 65-74 \$235,000, increase of \$110,000
- Ages 75-79 \$285,000, increase of \$110,000
- Ages 80+ \$335,000, increase of \$110,000

Proposed Increase of Disabled Exemption Amount

- Disabled \$235,000, increase of \$135,000

If approved, the adjusted income and exemption limits would have an additional impact on the City’s revenue and tax rate as follows:

- Revenue Loss \$484,912, estimated increase of \$186,939
- Impact on Tax Rate 8 Cents, estimated increase of 3 cents

Any adjustments if approved would be for assessments as of April 1, 2020 for the 2021 Fiscal Year, 2020 Tax Year.

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 recommend the City Council move to pass the following motions:

1. *Move to adopt the Elderly Exemption Resolution as presented.*
2. *Move to adopt the Disabled Exemption Resolution as presented.*

Resolutions require a majority vote of City Council. Once action is taken by the City Council, we will publicize the availability of the exemption and instructions on how to apply.

XIV. City Manager’s Items which Require Action:

1. Adoption of Proposed Capital Improvement Plan (CIP) FY2021-2026:

In accordance with Section 7.7 of the City Charter, the City Council conducted a public hearing at the City Council meeting on February 18, 2020, regarding the [proposed Capital Improvement Plan for FY 2021 – FY 2026](#). In addition to that public hearing, the City Council held a work session on January 13, 2020. At the work session, a presentation of the proposed CIP was made by City staff. Copies of the plan were made available to the public, as well as put on file with the City Clerk’s Office, the Public Library, and the City’s [website](#).

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 proposed budget to the City Council. It is anticipated the proposed FY 2021 budget will be transmitted on or around April 24, 2020.

I recommend that the City Council adopt the Capital Improvement Plan as presented.

2. **Proposed Resolution to Request Peer Review of the Great Bay Total Nitrogen Permit:**

At the public hearing held on February 19, 2020, several representatives from the impacted communities expressed concerns about the draft Great Bay Total Nitrogen permit which included costs for compliance as well as the scientific foundation upon which the 100 kg/hectare load limit was set. The communities of Dover, Epping, Exeter, Milton, Newfields, Newington (separate letter), Newmarket, Rochester, Rollinsford, and Somersworth have requested a scientific peer review of the General Permit. Attached is their proposed communication to request a peer review by the State and the documentation they are submitting with supporting expert opinions.

Comments are now due to the Environmental Protection Agency by April 8, 2020 (deadline recently extended). In the event that the City Council is interested in requesting a peer review, a proposed resolution is attached.

I recommend that the City Council adopt the proposed resolution to request a peer review of the draft General Permit, and advise the Governor and regulators of the request in accordance with its terms.

3. **Direction Regarding New Athletic Fields:**

The new Athletic Fields project, consisting of athletic fields, a regional stormwater treatment system, and improvements to public works operations, has been in design for the past year and a half. During that time, the project has received local, State, and Federal permits required for construction. As was stated at the City Council meeting of February 3, 2020 and reiterated at the work session with the City Council on February 18, 2020, the regional stormwater system must be completed and operational by December 31, 2020 in accordance with the Peirce Island Wastewater Treatment Facility Consent Decree. In order to meet that deadline, the City will need to bid the project by the end of March of 2020.

The athletic field element of the project has been designed around the use of synthetic turf based on the direction from the City Council and the Recreation Board. As discussed at the work session, the critical issue has been and continues to be playability, with synthetic being preferred over turf for that reason. Attached please find the list of the conclusions from peer reviewed studies referenced in the February 18, 2020 work session by Marie Rudiman, Toxicologist for Weston & Sampson. These studies were used to form her conclusion that “synthetic turf fields do not cause an adverse health risk and are safe for use.” The latest EPA study was released in July of 2019 and can be found at <https://www.epa.gov/chemical-research/july-2019-report-tire-crumb-rubber-characterization-0>.

The project intent was to bid the fields with bid alternatives related to the various infill materials that can be used with the synthetic fields. If direction can be given to proceed with the current path before the end of March, cost savings can be achieved by bidding and constructing the fields with the stormwater treatment system. Staff would bring back to the City Council the choice of infill for the synthetic field once prices are received. The bid documents will specify products that are PFAS free.

If the City Council directs a change in course from synthetic to turf, redesign would be required and the stormwater treatment system would have to proceed to bid and construction alone.

I recommend that the City Council direct the City Manager to proceed with bidding the current design for synthetic turf fields, with bid alternates related to the type of infill.

4. **Council Rules- Order of Business:**

On February 3, 2020, the City Council requested an amendment to the Rules and Orders of the City Council to move the Public Comment Session prior to Presentations. In order to accomplish what the City Council requested, City staff recommend the following amendments to the Order of Business by amending Rule #7 to read as follows (recommended amendments are listed in red):

RULE 7. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by vote of at least two-thirds of the members present, shall suspend the rules and change the order:

- I. Work Session
- II. **Public Dialogue Session (when applicable – every other regularly scheduled meeting)**
- III. Call to Order [7:00 p.m. or thereafter]
- IV. Roll Call
- V. Invocation
- VI. Pledge of Allegiance
- VII. Acceptance of Minutes
- VIII. Recognitions and Volunteer Committee Reports
- IX. Public Comment Session
- X. **Public Dialogue Summary (when applicable)**
- XI. Public Hearings and Votes on Ordinances and/or Resolutions
- XII. Mayor
- XIII. City Council Members
(A City Council Member may either speak to their item(s) previously placed on the agenda in accordance with Rule #4 or bring items that appears later on the meeting’s agenda forward to be acted upon at this point.)
- XIV. Approval of Grants/Donations
- XV. City Manager’s Items Which Require Action
- XVI. Consent Agenda
- XVII. Presentations and Consideration of Written Communications and Petitions
- XVIII. City Manager’s Informational Items
- XIX. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting
- XX. Adjournment [at 10:00 p.m. or earlier]

I recommend that the City Council move to amend Rule #7 – Order of Business as outlined in red.

XV. Consent Agenda:

B. Acceptance of Easements for 60 Penhallow Street (Brick Market):

On January 16, 2020, the Planning Board granted site plan review approval for an application from Dagny Taggart, LLC for property located on Daniel Street (aka 60 Penhallow Street) for the second part of the proposed Brick Market development to construct a new four-story commercial building with a footprint of 17,200 square feet and 59,600 square feet of gross floor area.

This building is part of the Brick Market development project that also includes 3 Pleasant Street and 30 Penhallow Street, all of which are owned by the project proponent. The total combined lot area for these properties is 1.12 acres.

Per Section 10.5A.43.33 of the Zoning Ordinance, a development that is not located in an incentive overlay district and that contains at least one acre of lot area shall be allowed an additional story in height (up to 10 feet) if at least 20% of the property is assigned and improved as community space. The building height requirement in this zoning district is three stories or 40'. The project as approved by the Planning Board has a building height of 39', but is four stories. Therefore, the project must include a minimum of 20% of community space, which must have permanent deeded access to the City. In November 2019, the City Council accepted easements dedicating 20% of the total project area as deeded community space. No further action is required by the City Council on this item.

In addition to approval for an increase in the number of stories, the 60 Penhallow Street project was granted a conditional use permit by the Planning Board to exceed the maximum building footprint allowed by 2,200 square feet (17,200 where 15,000 is the maximum allowed). Per Section 10.5A43.43 of the Zoning Ordinance, for a building that contains either ground floor parking, a parking garage, or underground parking levels, the Planning Board may grant a conditional use permit to allow a building footprint of up to 30,000 square feet in the CD4 District if all of the following criteria are met:

- a. No story above ground floor parking shall be greater than 20,000 square feet.
- b. All ground floor parking areas shall be separated from any public or private street by a liner building.*
- c. At least 50% of the gross floor area of the ground floor shall be dedicated to parking.*
- d. At least 30% of the property shall be assigned and improved as community space. Such community space shall count toward the required open space and the community space required under 10.5A46.20. The size, location, and type of the community space shall be determined by the Planning Board based on the size and location of the development, and the proposed and adjacent uses.
- e. The development shall comply with all applicable standards of the ordinance and the City's land use regulations.

** Items b) and c) apply only when ground floor parking is proposed as part of the development. In this case, the project is proposing underground parking.*

Per item d) above, the Planning Board conditional use permit approval requires an additional 10% of community space above the 20% previously approved for this project. The total community space required for this project as approved by the Planning Board is shown on [the enclosed plans](#) and is described in the [enclosed easement deeds](#). The [plan enclosed](#) shows all of the community space areas color-coded by community space type. As there are three lots involved in the development and the community space crosses all three, there are three separate easement deeds required.

In addition to the community space easements, the project as approved by the Planning Board includes four areas where the upper story of the building will encroach into the City's right-of-way and therefore require an easement. These four locations are shown on the [second plan enclosed](#).

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

The City Council is required to accept any easements for which the City is a grantor or grantee.

I recommend that the City Council move to grant authority for the City Manager to accept the easement deeds and plans for community space and building encroachment in a form similar to those attached.

XVII. City Manager's Informational Items:

1. Report Back on Councilor Kennedy's Inquiries, Contracts with a Value over \$10,000 and Filling of Staff Vacancies:

Each of the proposed policies creates issues when viewed in the light of the City Charter and existing ordinances. Cited sections of the City of Portsmouth Charter can be found at [Appendix I](#). Cited sections of the City Ordinances are set forth in [Appendix II](#).

The Structure of Portsmouth's Municipal Government

The Portsmouth City Charter centralizes political leadership and the policy decision-making process in the nine-member City Council. Conversely it charges the City Manager to implement those policy-decisions through the proper oversight of all the municipal departments. This structure is set forth in the Revised Charter effective January 1, 1988, as amended. Section 1.3, reads in part:

The City Council shall be the policy-making entity of the CityThe City Administrative Officer of the City shall be the City Manager, who shall have decision-making authority to carry out the policies of the City Council, except where this Charter expressly states otherwise.

This structure is given further form under Section 5.3, which reads in part:

Except as expressly indicated otherwise by this Charter, the City Manager shall be responsible for the proper administration of all the departments of the City Government. It shall be the responsibility of the City Manager to carry out policy decisions made by the City Council...

The City Council's policy making function, or better stated its responsibility, is broad and includes the setting of the budget annually as well as reflecting the community's goals through the adoption

of policies (for example relative to sustainable practices), updates to land use ordinances, adoption of capital improvement plans, acquisition and lease of real property and strategic planning. The City Manager is responsible for implementing those policy decisions in a professional and efficient manner. There is a clear dividing line between the function of the City Council and the function of the City Manager under the Portsmouth City Charter.

A major premise of the City Manager form of government is to allow for the professional, efficient, impartial and apolitical administration of government functions. Section 5.5 of the Charter entitled “Non-Interference by the Council” speaks further to the point providing:

Neither the City Council nor any of its members shall direct or request the appointment or removal of any person to office or employment by the City Manager or any of the administrative officers. Neither the Council nor any member shall give orders to any of the administrative officers, either publicly or privately.

The adoption of the budget annually is one of the core responsibilities of the City Council. Neither the City Manager nor the Department heads have authority to expend monies beyond those appropriated as part of the budget process. Section 7.17 of the Charter provides:

After the budget has been adopted, no money shall be drawn from the accounts of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefore.

The City Council’s responsibility is to fund a particular level of services and the City Manager’s responsibility is to implement the delivery of those services through the contracting and hiring process.

a. Any contract with a value of \$10,000 or more will come in front of the Portsmouth City Council for a vote.

With regard to purchasing and contracts, the Charter specifically provides at Section 7.2:

The City Council, by ordinance, shall establish a purchasing and contract procedure which shall include the assignment of all responsibility of purchases to a single individual, for the combination of purchasing of similar articles for different departments and purchasing by competitive bids, whenever practical.

The Finance Director, under the direction of the City Manager, is that single individual who is responsible for the purchasing practices of the City of Portsmouth. The Finance Director operates within the ordinances that have been adopted and are found at Chapter 1, Article V entitled Purchasing Procedures, copy in Appendix II.

Under the purchasing ordinance, the City Manager is charged with developing and implementing a purchasing system consistent with the Charter and Ordinances. See section 1.500. Competitive bidding is required under Section 1.501. The City Council is involved in the acquisition of goods and services in limited circumstances under section 1.503.

Specifically, only when the Purchasing Officer determines a low bid “unsatisfactory” is the Purchasing Officer charged with bringing it forward to the City Council for consideration.

This structure allows the City to move expeditiously and in good faith to award bids and finalize contracts to the lowest qualified bidder (or most qualified proposer when for professional services). In the unusual instance where the Purchasing Officer seeks to reject the lowest qualified bidder because the bidder is deemed “unsatisfactory”, the Purchasing Officer is required to bring that decision to the City Council. This is a logical result for it suggests some anomaly or concern that may have implications beyond the standard implementation of the City business.

[Attached](#) for convenience at [Appendix III](#) is the memorandum distributed earlier this year relative to the sign off procedure for all bid awards and contracts in response to inquiries from Councilor Huda in which it was noted that the Finance Department has multiple points of review in the contracting process. A specific line item in the budget is identified and funding confirmed before a bid award is made and a contract is entered into.

The entire contracting procedure described above must operate with the financial parameters set by the City Council in the adoption of the budget of the City.

b. Any position that opens up because of retirement or the person is leaving the City employment and will be filled with a new employee must come to the Portsmouth City Council for review.

The proposed policy under which the Council would review the hiring of any new employee to fill a vacant position presents issues under the Charter and City ordinances for very similar reasons as the policy regarding review of contracts described above. In a sentence, the issue is that responsibility which is allocated to the City Manager under the Charter and ordinances would be diverted to the City Council.

Annually, as a policy matter, the City Council adopts a budget which quite specifically describes the services which will be performed by the City during the upcoming fiscal year and on a position-by-position basis authorizes the City Manager (or in the appropriate case the Superintendent of Schools, Police Chief or Fire Chief) to hire the people authorized by the budget to perform the services. This simple and consistent theme is that the City Council makes the policy decision as to what services are to be provided and who is to provide those services and the City administrators implement that policy by, among other things, filling the vacancies.

Example

When the City Council elected to proceed with the renovation of the former Doble Center for the new Portsmouth Senior Center that policy decision, which was supported by an appropriation of funds, resulted in the engagement of consultants and a building contractor. An architectural consulting firm was engaged to prepare the design (contract 1 for over \$10,000). A firm with an expertise in abatement was hired to remove asbestos and other materials that needed to be properly handled and disposed of (contract 2 for over \$10,000). The construction project was bid and awarded to Martini Northern Construction (contract 3 over \$10,000). An amendment to the architectural consulting firm contract was

approved (purchase order over \$10,000) for construction administration services. Two members of the public works staff have been principally responsible for managing the construction effort (one project for them out of a diverse set of responsibilities). The recreation director and the senior services coordinator have been involved in beginning to develop and coordinate the programming for the new space. The Legal Department has been involved in contract review and to facilitate release of trust funds for the project. The community development coordinator has been involved because some Community Development Block Grant Funding was able to be used for some portions of the work. One policy decision relative to reuse of the former Doble Center resulted in a flow of contracts and work for existing employees.

Options for Additional Transparency

The City Manager could work with the City Council to identify the information of most interest to the City Council and make that information available on a scheduled basis. There were 190 purchase orders constituting a contract, amendment to a contract, or purchase over \$10,000 in calendar year 2019. Many of these purchase orders arose out of bids and requests for proposals which can be found on the City's website under the purchasing tab. Some were change orders or amendments to existing contracts (within amounts budgeted for the project or service). Some were purchase orders arising out of unforeseen or emergency maintenance repairs and the like.

The City Manager could work with the City Council to identify the vacancy and hiring information of most interest to the City Council and provide scheduled updates. The challenge of course is needing to be sensitive with regard to confidential information and reputations in the personnel field.

Conclusion

For the reasons written above, we recommend that the City Council not adopt the policies described herein. Rather, it is suggested that the City Council make the policy decisions regarding the level and type of services to be provided as part of the annual budgeting process from which will flow the type and amount of contracts which the City will enter and the number of employees who are retained.

2. Report Back on Pending Development:

At the February 3, 2020 City Council meeting, the Council voted to request a report back from staff on approved and pending development. The [attached summary](#) has been provided by the Planning Department and includes development projects with approved or pending land use approvals from 2015 to present. This list includes any development projects that are subject to Site Plan Review and/or Subdivision Approval – residential projects that result in three or more dwelling units and nonresidential projects that include major site alterations, additions, or extensions.

3. Report Back on Accessory Dwelling Units:

At the February 18, 2020 City Council meeting, the City Council voted to request that staff provide a report back identifying current Accessory Dwelling Units and applications to date. Please [see attached](#) for a table which provides a summary of the applications that have been submitted since the zoning regulating Accessory Dwelling Units was adopted by the City in January 2017.

There are three types of Accessory Dwelling Units (ADUs) permitted by zoning – Attached, Detached, and Garden Cottage. Attached ADUs are those that are constructed within an existing single family home or attached as an addition. Detached ADUs are those that are constructed as a separate accessory building on a lot that contains an existing single family dwelling unit. A Garden Cottage is a dwelling unit that is constructed by converting an existing accessory building on a lot that contains an existing single family dwelling.

All ADUs must be approved by conditional use permit from the Planning Board and, upon completion, are required to receive an annual certificate of use from the Planning Department that certifies that the unit complies with all of the requirements and standards of the Zoning Ordinance as well as any additional requirements of the Planning Board.

A total of 22 ADU applications have been approved, three were denied, one was postponed indefinitely, and one was withdrawn by the applicant. Of the 22 approvals, seven have been completed and received their annual certificate of use. The remaining are either under construction or have not yet applied for a building permit.

In March 2019, the City adopted amendments to the Accessory Dwelling Unit zoning that included setting a one-year time frame from the date of approval by the Planning Board for the applicant to obtain a building permit. The applicant is allowed to request a one-year extension to that time frame. Three applications which were approved prior to the March 2019 amendments (5 Buckminster Way, 174 Dodge Avenue, and 323 Jones Avenue) have not received a building permit, but the Planning Board approvals for these do not expire because they were approved prior to the one-year time frame amendment.