

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, FEBRUARY 11, 2008 TIME: 7:00PM

- 6:15PM - ANTICIPATED "NON-MEETING" WITH COUNSEL RE: LITIGATION– RSA 91-A:2 I (c)

## AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

### PROCLAMATION

1. Read Across America

### MAYOR'S AWARD

1. Olive Garden – David Perry

### PRESENTATION

1. Automated Water Meter Reading System – David Allen, Deputy Public Works Director

- V. ACCEPTANCE OF MINUTES – DECEMBER 17, 2007; JANUARY 3, 2008 AND JANUARY 14, 2008

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Grant to the Portsmouth Police Department for Enforcing Underage Drinking Laws - \$3,940.60
- B. Acceptance of Donation to the Portsmouth Police Explorers from Mr. J. Martyn - \$100.00
- C. Acceptance of Wellness Grant - \$3,900.00
- D. New Hampshire Public Health Network Grant - \$75,000.00
- E. Acceptance of NH Department of Safety Fire and EMS Radio Repeater Grant - \$18,386.26

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing a Bond Issue of up to One Million Three Hundred Thousand Dollars (\$1,300,000.00) for the purchase of land to relocate Fire Station 2
- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$31,640.00 for single and \$39,030.00 for married and total assets may not exceed \$105,470.00 whether single or married
- C. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$31,640.00 for single and \$39,030.00 for married and total assets may not exceed \$105,470.00 whether single or married
- D. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Raleigh Way:
  - Southerly side from Kearsarge Way to a point 65' westerly of Kearsarge Way
  - Northerly side from Saratoga Way to a point 55' westerly of Saratoga Way

Section 7.336 – One Way Streets – Vehicular traffic shall move only in the indicated directions on the following streets:

- Concord Way : in a easterly direction from Crescent Way to Preble Way
- Porpoise Way: in a westerly direction from Saratoga Way to Crescent Way
- Raleigh Way: in a westerly direction from Ranger Way to Crescent Way

## IX. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Mary Carey Foley, Student Council Adviser and Kristin Scott, Student Council President, requesting permission to hold Student Government Day 2008 on Wednesday, March 19, 2008 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following 2008 Events:
  - 18<sup>th</sup> Annual Children's Day, Sunday, May 4, 2008
  - 31<sup>st</sup> Annual Market Square Day Festival & 10k Road Race, Saturday, June 14, 2008
  - 6<sup>th</sup> Annual Summer in the Street Music Series, Saturday evenings from 5:00 p.m. – 9:30 p.m. on June 28<sup>th</sup>, July 5<sup>th</sup>, July 12<sup>th</sup>, July 19<sup>th</sup>, July 26<sup>th</sup> and August 2, 2008 (rain date August 9, 2008)

***(Anticipated action – move to refer to the City Manager with power)***

- C. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the 11<sup>th</sup> Annual Eastern States 20 Mile Road Race on Sunday, March 30, 2008  
***(Anticipated action – move to refer to the City Manager with power)***
- D. Request from Amber Dorcus, Bull Moose Music, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request from Helen Marks, Spiritual Readings by Duchess, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment  
***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Nancy Pollard, President of the Friends of the South End, requesting permission to hold the 4<sup>th</sup> Annual Fairy House Tour on Saturday, September 20, 2008 and Sunday, September 21, 2008 ***(Anticipated action – move to refer to the City Manager with power)***
- G. Letter from Aerial Sillanpaa, Deer Street Merchant’s Association, requesting permission to continue to display the Deer Street flags in front of merchants establishments  
***(Anticipated action – move to refer to the City Manager with power)***
- H. Letter from Patti Allen, March of Dimes, requesting permission to hold the March for Babies Walkathon on Saturday, May 3, 2008 from 7:00 a.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Angie Houle, Girl Scouts Region 3, requesting permission to have a Girl Scout Cookie Booth Sale on Saturday, February 23, 2008 from 9:00 a.m. to 3:00 p.m. in Market Square
- B. Letter from Elizabeth Dinan requesting the establishment of a “swap shop” at the Public Works Facility to be run by volunteers
- C. Letter from Pameal Schmuhl, American Diabetes Association, requesting permission to hold the 11<sup>th</sup> Annual Seacoast NH Tour de Cure on Sunday, May 4, 2008 and further request the partial closure of Parrott Avenue between the north entrance to the Public Library and Rogers Street

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**Items which require Action under other sections of the Agenda**

- 1. Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:

- 1.1 First reading of Resolution Authorizing a Bond Issue of up to One Million Three Hundred Thousand Dollars (\$1,300,000.00) for the purchase of land to relocate Fire Station 2 (**Action on this matter should take place under Section VIII of the Agenda**)
- 1.2 First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$31,640.00 for single and \$39,030.00 for married and total assets may not exceed \$105,470.00 whether single or married (**Action on this matter should take place under Section VIII of the Agenda**)
- 1.3 First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$31,640.00 for single and \$39,030.00 for married and total assets may not exceed \$105,470.00 whether single or married (**Action on this matter should take place under Section VIII of the Agenda**)
- 1.4 First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Raleigh Way:
  - Southerly side from Kearsarge Way to a point 65’ westerly of Kearsarge Way
  - Northerly side from Saratoga Way to a point 55’ westerly of Saratoga Way

Section 7.336 – One Way Streets – Vehicular traffic shall move only in the indicated directions on the following streets:

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  - Raleigh Way: in a westerly direction from Ranger Way to Crescent Way

**(Action on this matter should take place under Section VIII of the Agenda)**

**City Manager’s Items Which Require Action**

1. Request to Renew Lease of Seacoast Area Lodge No. 2303 Order Sons of Italy in America
2. Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club
3. Seacoast Growers’ Association (Farmers’ Market) Proposed 2008 License Agreement
4. Acceptance of Easements and Other Property Interests Quitclaim of Abandoned Lines Bartlett – Islington Street Sewer Separation Project
5. Route 33 Railroad Bridge Replacement Project – Property Acquisitions
6. Report Back Re: Easement Request for Public Service Company of NH (PSNH) to use property on the corner of Maplewood Avenue and Hanover Street

7. Islington Street Improvement Action Plan Project
8. Revised Agreement with NH Department of Transportation Re: Scott Avenue/Memorial Bridge
9. Request for License Agreement Re: Back Channel Canvas Shop, Inc., 21 Daniel Street
10. Request for Approval of Pole License Agreement #63-0329
11. Boarding House Permits
  - G. Edward Gowen, Jr. for Property Located at 350-352 Hanover Street
  - Janet White-Nay and Paul White, Trustees for Property Located at 278 Cabot Street

### **Informational Items**

1. Mosquito Control Reimbursement
2. Sustainability Coordinator
3. 2008 Chamber of Commerce Legislative Reception

### **B. MAYOR FERRINI**

1. Appointments to be Considered:
  - Harold Whitehouse – Appointment to Peirce Island Committee
  - Steven Marison – Appointment to Peirce Island Committee
  - Joe Couture – Appointment to Portsmouth Housing Endowment Fund Advisory Board
  - John Howe – Reappointment to Traffic & Safety Committee
  - Christina Westfall – Reappointment to Traffic & Safety Committee
  - David Witham – Reappointment to Zoning Board of Adjustment
2. Appointments to Safe Routes to School Committee
3. Request to Change Date of the March 17, 2008 City Council meeting
4. \*Reports

### **C. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the January 10, 2008 meeting
2. Parking Committee Action Sheet and Minutes of the January 10, 2008 meeting

### **D. COUNCILOR KENNEDY**

1. \*Request for Status Report from the School Board Re: The Middle School Project

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

## **XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]**

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

(\*Indicates verbal report)

**INFORMATIONAL ITEMS**

1. Zoning Board of Adjustment minutes of December 18, 2007 meeting
2. Conservation Commission minutes of the December 12, 2007 meeting
3. Planning Board minutes of the November 15, 2007; November 29, 2007; and December 6, 2007 meetings
4. Site Review Technical Advisory Committee of the January 2, 2008 and January 8, 2008 meetings
5. 2007 Attendance Records for various Boards and Commissions

**NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED:** Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** February 7, 2008  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on February 11, 2008 City Council Agenda

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***6:15 p.m. – Non-meeting with counsel.***

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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***Presentation:***

1. **Automated Water Meter Reading System.** On Monday evening, David Allen, Deputy Public Works Director will make a presentation to the City Council outlining the upcoming Automated Meter Reading (AMR) System project. The proposed AMR system, which will eventually read all of the approximately 8,000 water meters in our system, will replace our current manual reading system. This initial Phase 1 of the project will include the installation of this system on 1250 of our meters. Dan Scrima from Datamatic, the system supplier, as well as Tom Ott from USI, the system installer will be attending the meeting.

This project follows on the recommendations of the water and sewer rate study as well as providing opportunities for improved water system operations, and customer service.

The proposed system will allow the City to collect meter readings automatically on a daily basis through radio and Ethernet connections. Currently, meter readers must physically travel to each meter location to collect a meter reading. The readings are downloaded at Public Works and then electronically transferred to the billing office for the creation of the bill. Under the present system, residential meters are read once every four months, with only the larger commercial accounts read monthly. With the new

system all readings will be done monthly. The ability to bill monthly was a recommendation of the rate study.

The new system will also facilitate better accounting of our water production verses consumption. We currently know how much water is put into the system each day, but with meter reads taking place only every four months, it is difficult to get an accurate relationship between production and consumption. The new system will improve our ability to track down unaccounted for water losses.

The initial phase of this project will include an area that roughly covers the central business district and the residential area between Richards Avenue and the River (see attached map). The work will include the installation of the new system as well as replacing any meters that are over ten years old.

This project will require that the contractor gain access to the water meters at each location. In phase I there are approximately 1250 meters that will be put onto this system. To accomplish this, Datamatic is subcontracting the installation portion of the contract to USI Services, a national meter and automated meter reading system installation firm. City Staff, including the Police Department have met with Datamatic and USI to develop the public notification and scheduling procedures.

### ***Acceptance of Grants/Donations:***

1. **Acceptance of Police Department Grants & Donations.** Attached under Section VII of the Agenda is a memorandum (dated December 13, 2007 and received January 22, 2008) from John D. Kelley, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following grants and donations:
  - a. A grant in the amount of \$3,940.60 has been received from the New Hampshire Attorney General's office for Enforcing Underage Drinking laws.
  - b. A donation in the amount of \$100.00 has been received from Mr. J. Martyn for the Portsmouth Explorers.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-35 for City Council approval and acceptance.

*I would recommend that the City Council approve and accept the grants and donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VII of the Agenda.*



2. **Acceptance of Wellness Grant.** The City of Portsmouth has been awarded a \$3,900.00 grant from the HealthTrust's Health Promotion WELLDollars Health and Safety Grant Program to be used towards the City's wellness efforts.

By offering a wellness program for City employees (and their families), it is our goal to reduce health risk factors and create a healthier lifestyle for our employees. To realize this goal, the City, through its Wellness Program, will provide health and safety programs to its employees in an effort to improve the quality of their lives.

The City also feels that, with the rising cost of health care, as well as the financial implications to the Community, of lost time on the job, a comprehensive wellness program is our best chance of reducing cost to the Community and having a physically fit work force through proactive injury prevention.

*I would recommend the City Council move to accept the Wellness Grant in the amount of \$3,900.00 from the Trust's Health Promotion WELLDollars Grant Program. Action on this matter should take place under Section VII of the Agenda.*

3. **New Hampshire Public Health Network Grant.** In 2005, the City began receiving grant funding from the NH Department of Health and Human Services (DHHS) to initiate the Greater Portsmouth Public Health Network. The network was formed to improve emergency response planning for public health emergencies including chemical, biological, pandemic and other emergencies. Since that time, the City has received a total of \$268,500 in funding to work with its partner towns of Greenland, Rye, Newington, and New Castle. The network's grant-funded Public Health and Safety Coordinator has undertaken various emergency response planning activities, which include drafting emergency response plans, coordinating emergency planning with the Portsmouth Area Emergency Planning Team, emergency planning outreach to special needs communities, and administering various emergency response grants. This DHHS grant has also funded the development of a Community Health Profile and a *Safety Awareness in the Food Environment* (SAFE) training for restaurant owners and employees.

Currently, the program is funded through June 30, 2008. The City now has the opportunity to re-apply to the State to continue this work for FY 2009 (July 1, 2008 through June 30, 2009). The amount of DHHS funding sought by the City is \$75,000 and no local match is required. The State has also added North Hampton to the Greater Portsmouth Public Health Network.

*I would recommend that the City Council move to authorize the City Manager to apply for, accept and expend a grant from the New Hampshire Department of Health and Human Services for the purpose of funding the ongoing public health and emergency planning work of the Greater Portsmouth Public Health Network. Action on this matter should take place under Section VII of the Agenda.*

4. **Acceptance of NH Department of Safety Fire and EMS Radio Repeater Grant.** The City Council will need to accept the grant of a radio repeater and the related installation of \$18,386.26. This grant is from the New Hampshire Department of Safety Fire and EMS Radio Interoperability Project.

The State has purchased and delivered new mobile and portable radios for all fire and EMS departments in the State. The next phase on the Interoperability Project is the related hardware and equipment to standardize with the Statewide Interoperability initiative.

The City Council asked at the Capital Improvement Plan (CIP) presentation (Fire Department Communications) why the State wasn't providing further funds for hardware. This project represents the State providing some funding for hardware as part of this initiative. This will not allow for the project in the CIP (Page 45 of the CIP) to be eliminated however, it could be reduced by this amount.

*I would recommend the City Council move to accept the State of NH Department of Safety grant in the amount of \$18,386.26, as submitted, and authorize the City Manager to execute all necessary documents. Action on this matter should take place under Section VII of the Agenda.*

### ***Items Which Require Action Under Other Sections of the Agenda:***

1. **Consideration of First Reading of Proposed Resolutions and Ordinance Amendments:**

- 1.1 **First Reading of Resolution Authorizing a Bond Issue of up to One Million Three Hundred Thousand Dollars (\$1,300,000.00) for the Purchase of Land to Relocate Fire Station 2.** As a result of the January 14, 2008 City Council meeting, I am bringing back for first reading, under Section VIII of the Agenda, a proposed Resolution Authorizing a Bond Issue of up to One Million Three Hundred Thousand Dollars (\$1,300,000.00) for the Purchase of Land to Relocate Fire Station 2.

On August 6, 2007, the City Council authorized bonding in the amount not to exceed \$3,650,000.00 for the design and construction of a new facility to replace Fire Station 2.

The original intent of the Fire Station Building Committee and the City Council, at the time of the bonding resolution, was to replace Fire Station 2 at the same location it is today. Subsequent to the approval of the bonding, the Fire Chief brought to my attention that the property at 3000 Lafayette Road (corner of Ocean and Lafayette) was available. The Fire Chief felt that the existing site which is less than one acre was not ideal for the replacement of a new fire station that was expected to last over forty years. The site at 3000 Lafayette Road is 2.5 acres and has better access to Route 1 and Ocean Road and would allow for enhanced operations at this location. The Fire Chief feels that 3000 Lafayette Road is a rare opportunity for the City to obtain a prime corner lot, in what he believes is a

district that has been growing since Station 2 was built in 1967. The present location of Fire Station 2 and its replacement at that location was predicated on available land at the time it was designed. The Fire Chief along with the Building Committee, as well as, the Fire Commission, believes that this is an opportunity that the City needs to evaluate very carefully and should not pass up. It is their opinion that this location is ideal for a new public safety facility that will benefit not only the citizens but the Fire Department personnel, as well as, having a safe, healthy working environment.

Fire Station 2 has long been considered a gateway to the City of Portsmouth and the Chief feels that at this new location it would create an esthetically pleasing entryway into the City.

For your information, I have enclosed the following:

- 1) A memorandum from Fire Chief Christopher LeClaire regarding his reasons to relocate Fire Station 2 for the property known as 3000 Lafayette Road.
  - 2) An aerial photograph showing the location of 3000 Lafayette Road.
  - 3) A copy of an aerial showing the existing Fire Station 2.
  - 4) Copy of a letter to Donald Eaton, who is representing the property owner regarding the City's interest in this property.
  - 5) Copy of a bonding amortization schedule which shows the anticipated cost of the project at \$3,650,000.00 (bonding resolution that was approved on August 6<sup>th</sup>).
  - 6) Amortization schedule showing the cost of the \$1.3 Million if the City Council proceeded with purchase of this property to relocate Fire Station 2.
  - 7) Amortization schedule showing total cost with the new property.
- As you are aware, bonding resolutions require only two readings and a two-thirds vote is required of the City Council for passage.

*I would recommend the City Council move to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the March 3, 2008 City Council meeting. Action on this item should take place under Section VIII of the Agenda.*

- 1.2 **First Reading of Resolution Amending Elderly Exemption Income and Asset Limits.** As a result of the January 14th City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the proposed attached resolution for amending Elderly Exemption Income and Asset Limits.

Annually, since 2006 at the direction of the City Council, the City of Portsmouth reviews income and asset levels for Elderly Exemptions pursuant to RSA 72:39-b and makes recommendations as to these levels.

Last year, the City Council adopted Resolutions #7-2007 which increased the income and asset levels for elderly exemptions by the rate of the November 2005 through November 2006 consumer price index (CPI) of 2%.

The current elderly exemption income levels are \$30,600 for a single taxpayer, \$37,740 for married taxpayers, and an asset limit of \$102,000.

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 to 79	\$175,000
Age 80 +	\$225,000

If the City Council wishes to adjust the income and asset levels for the elderly taxpayers by the current November 2006 to November 2007 CPI of 3.4%, this would increase the limits (rounded up) as follows:

Single	\$31,640 increase of \$1,040
Married	\$39,030 increase of \$1,290
Asset Limit of	\$105,470 increase of \$3,470

This adjustment would be for assessments as of April 1, 2008 for the 2008 tax year or FY09.

The Assessor's office mails a notification annually to all elderly persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15<sup>th</sup> of each year.

If the City Council wishes to make any adjustment in these exemptions, it would require an amendment to this resolution as well as a public hearing and a majority vote of the City Council. It would be my suggestion that the City Council adjust these exemptions by the November 2006 to November 2007 CPI of 3.4% including asset limitations. I have attached for your information the tax impact of the elderly exemptions for tax year 2007 or FY08.

*I would recommend the City Council move to pass first reading and schedule a public hearing and adoption at the March 3, 2008 City Council meeting. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section VIII of the agenda.*

1.3 **First Reading of Resolution Amending Disabled Exemption Income and Asset Limits.** As a result of the January 14th City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the proposed attached resolution for amending Disabled Exemption Income and Asset Limits.

Annually, since 2006 at the direction of the City Council, the City of Portsmouth reviews income and asset levels for the Disabled Exemptions pursuant to RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted Resolution #8-2007 which increased the income and asset levels for disabled exemptions by the rate of the November 2005 through November 2006 consumer price index (CPI) of 2%.

The current disabled exemption income levels are \$30,600 for a single taxpayer, \$37,740 for married taxpayers, and an asset limit of \$102,000.

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

If the City Council wishes to adjust the income and asset levels for disabled taxpayers by the current November 2006 to November 2007 CPI of 3.4%, this would increase the limits (rounded up) as follows:

Single	\$31,640 increase of \$1,040
Married	\$39,030 increase of \$1,290
Asset Limit of	\$105,470 increase of \$3,470

This adjustment would be for assessments as of April 1, 2008 for the 2008 tax year or FY09.

The Assessor's office mails a notification annually to all disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15<sup>th</sup> of each year.

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to these resolutions as well as a public hearing and a majority vote of the City Council. It would be my suggestion that the City Council adjust these exemptions by the November 2006 to November 2007 CPI of 3.4% including asset limitations. I have attached for your information the tax impact of the disabled exemptions for tax year 2007 or FY08

*I would recommend the City Council move to pass first reading and schedule a public hearing and adoption at the March 3, 2008 City Council meeting. (Resolution requires two readings and a majority vote.) Action on this matter should take place under Section VIII of the agenda.*

- 1.4 **First Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking and Section 7.336 – One-Way Streets.** As a result of the January 14, 2008 City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the attached proposed amendment to Chapter 7, Article III, Section 7.330 – No Parking and Section 7.336 – One-Way Streets.

Over the past year, the Community Development and Public Works Departments have been working with the Atlantic Heights neighborhood and CLD Consulting Engineers on the design of the next Community Development Block Grant-funded streetscape improvement project in the neighborhood. This project, which is described in the attached Executive Summary, will be constructed in phases as funding allows, with construction of at least the first phase to begin this summer. The design, which has received strong neighborhood support, calls for a one-way neighborhood circulation pattern. Also, attached as requested by the City Council is a letter of support from the Co-chairs of the Atlantic Heights Area Neighborhood Association. During the design phase, the City held three public meetings with the neighborhood and two on-site field days.

On February 8, 2007, the Traffic and Safety Committee unanimously recommended the designation of the one-way circulation pattern as shown on the attached plan. The City Council adopted the minutes of this meeting at the March 5, 2007 Council meeting.

*I would recommend the City Council move to pass first reading and schedule a public hearing and second reading at the March 3, 2008 City Council meeting. Action on this matter should take place under Section VIII of the agenda.*

### ***City Manager's Items Which Require Action:***

1. **Request to Renew Lease of Seacoast Area Lodge No. 2303 Order Sons of Italy in America.** Attached is a letter from the Seacoast Area Lodge No. 2303 Order Sons of Italy in America, requesting an extension to its lease, which is scheduled to expire on March 31, 2008 for property known as the Plains School House located at One Plains Avenue. The request is for a one-year extension effective April 1, 2008 through March 31, 2009. For your information, I have attached a copy of the proposed Lease as well as a photograph of the Plains School House. *I would recommend the City Council move to authorize the City Manager to extend the Lease with the Seacoast Area Lodge No. 2303 Order Sons of Italy in America for the property known as the Plains School House at One Plains Avenue, for a period of April 1, 2008 through March 31, 2009.*
2. **Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club.** Attached is a letter from George McKenna, President of the Creek Athletic Club, requesting an extension to its lease, which is scheduled to expire on March 31, 2008. The request is for a one-year extension effective April 1, 2008 through March 31, 2009. For your information, I have attached a copy of the current Lease as well as a photograph of the

Creek Athletic Club. Before the City Council acts on this matter, I would like input in regards to the Creek Athletic Club's proposal. *Therefore, my recommendation is to discuss this matter on Monday evening, receive direction from the City Council and bring it back for action at the March 3, 2008 City Council meeting.*

3. **Seacoast Growers' Association (Farmers' Market) Proposed 2008 License Agreement.** Attached is a draft of the proposed 2008 license agreement with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex over the past five years.

If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed agreement between the Seacoast Growers' Association and the City of Portsmouth for a license agreement to conduct their farmers market for 2008. I've requested that Abigail Wiggin, President, of the Seacoast Growers' Association be in attendance on Monday evening to answer any questions you may have regarding this matter. *I would recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association as presented.*

4. **Acceptance of Easements and Other Property Interests Quitclaim of Abandoned Lines Bartlett – Islington Street Sewer Separation Project.** As you may recall, in order to proceed with the Bartlett-Islington Street Sewer Separation Project, it will be necessary for the City to acquire certain property interests by easement and other voluntary agreements. In anticipation that not all property owners, particularly the Boston & Maine Railroad Corporation (Pan Am Railways), would reach a negotiated resolution with the City, takings proceedings were commenced in 2007. On September 17, 2007, the City Council adopted a resolution finding that a public necessity exists to authorize a taking of certain property interests for this project should voluntary agreements not be reached. The takings process is underway against the railroad property and should be completed in March. Negotiations for easements and other voluntary agreements have been completed for some property owners and should soon be completed for others. Approval is sought from the City Council to accept the easements and make the transfers of land described in Exhibit A. Also, for your information, attached is background information on this project.

By City Ordinance, the Planning Board provides an advisory opinion regarding the acquisition of property by the City. On January 24, 2008, the Planning Board unanimously recommended that the City Council accept the easements and transfer of interests in land shown in Exhibit A. *I would recommend the City Council authorize the City Manager to negotiate and execute the documents necessary to transfer the property interests identified in the attached Exhibit A.*

5. **Route 33 Railroad Bridge Replacement Project – Property Acquisitions.** As you may recall, in order to proceed with the Route 33 Railroad Bridge Replacement Project the City will need to acquire certain property rights from impacted property owners. In anticipation that not all property owners, particularly the Boston & Maine Railroad Corporation (Pan Am Railways), would reach a negotiated resolution with the City, takings proceedings were commenced in 2007. On August 20, 2007, the City Council adopted a resolution finding that a public necessity exists to authorize a taking of certain property interests for this project should voluntary agreements not be reached. The takings process is underway and should be completed within the next two months. Negotiations for easements and other voluntary agreements should soon be completed. Approval is sought from the City Council to accept the easements and make the transfers of land described in Exhibit B. Also, for your information, attached is background information on this project.

By City Ordinance, the Planning Board provides an advisory opinion regarding the acquisition of property by the City. On January 24, 2008, the Planning Board unanimously recommended that the City Council accept the easements and transfer of interests in land shown in Exhibit B. *I would recommend the City Council authorize the City Manager to negotiate and execute the documents necessary to transfer the property interests identified in Exhibit B.*

6. **Report Back Re: Easement Request for Public Service Company of NH (PSNH) to use property on the corner of Maplewood Avenue and Hanover Street.** As you may recall, at the November 19, 2007 City Council meeting, the Council referred the easement request from Public Service Company of NH (PSNH) to use property on the corner of Maplewood Avenue and Hanover Street to the Planning Board for report back. Attached is a memorandum from David Holden, Planning Director, outlining the unanimous recommendation of the Planning Board to grant the easements with stipulations. *I would recommend the City Council move to accept the Planning Board's recommendation, as submitted with the following stipulations:*

- 1) *That the applicant shall work with City staff (and Art Speak) for a mutual agreement for an aesthetic plan for the switch gear box;*
- 2) *That the Historic District Commission shall consider this request as part of an application from PSNH for a Certificate of Appropriateness;*
- 3) *That the Legal Department shall review and approve all necessary easements as to their content and form; and,*
- 4) *When the aforementioned stipulations are complete that the City Manager shall be authorized to file all appropriate documents with the Rockingham County Registry of Deeds.*



7. **Islington Street Improvement Action Plan Project.** Attached please find a letter from Economic Development Commission Chair Dana Levenson requesting a joint EDC/City Council work session on the Islington Street Improvement Action Plan. This project is funded by the City's Capital Improvement Program and leverages an additional \$12,000 from the National Endowment for the Arts grant to Art-Speak for an Arts District Study. It is being administered by the Economic Development Office in conjunction with representatives from City Planning, Public Works, and Police Departments and Art-Speak.

The following is an update on the Islington Street Improvement Action Plan Project:

1. The City contracted with Richardson and Associates (R&A) in 2007 to carry out the project Scope of Work which includes:
  - Analysis of previous corridor studies and existing conditions in project area;
  - Interviews with stakeholders including business groups, major property owners and neighborhood associations;
  - Analysis of an arts district within the corridor;
  - Development of improvement plan options including necessary zoning amendments to achieve and encourage improvements;
  - Development of a budget for the preferred plan alternative; and
  - Development of a phased implementation plan.
2. R&A held a series of stakeholder interviews during fall of 2007 and one public workshop in November 2007.
3. The project subcommittee met with consultants on December 20<sup>th</sup> to review three action plan options.
4. Following the December subcommittee meeting it was determined that, due to the complexities involved in integrating all of the required elements such as transportation, parking, infrastructure and zoning into the plan alternatives, another meeting of the subcommittee is necessary to refine the plans further and get City Council input prior to bringing the plans to a public meeting. The subcommittee will be meeting February 19, 2008 to continue work on the plan alternatives.
5. On February 1, 2008 the EDC voted to request a joint meeting between the EDC and the City Council to review the proposed three plan alternatives before the final public meeting.

*I am recommending the City Council establish a joint work session with the Economic Development Commission on Monday, March 10, 2008 at 6:30 p.m.*

8. **Revised Agreement with NH Department of Transportation Re: Scott Avenue/Memorial Bridge.** On September 17, 2007, the City Council unanimously gave the City Manager approval to enter into an agreement with the New Hampshire Department of Transportation (NH DOT) for purposes of managing the Scott Avenue and Memorial Bridge project. Subsequent to that September approval, the Attorney General's Office, on behalf of the Department of Transportation, asked for changes to the agreement. Those changes are being brought back for your approval and are shown on the attached document.

As you may recall, the Memorial Bridge (State responsibility) and the Scott Avenue Bridge (City responsibility) have been providing service to the traveling public for 85 years. Currently, these bridges are structurally deficient and have many deteriorated structural elements. The Scott Avenue Bridge has significant spalling/crumbling of the concrete structural elements. The Memorial Bridge is first on the NH DOT priority list for replacement/rehabilitation having a bridge sufficiency rating of 6 out of 100. The Scott Avenue Bridge has a bridge sufficiency rating of 31 out of 100. These bridges need to be rehabilitated so that they are not closed to the traveling public.

As part of the State program to repair the Memorial Bridge, the State is prepared to undertake, under its management, repairs to the Scott Avenue Bridge and participate (80% State, 20% City) in project costs. Among the changes to the management agreement approved by the City Council in September is a change in the estimate of the total project cost. The total project cost for the Scott Avenue Bridge was estimated previously at \$2,155,000 and has now increased to \$3,030,000. As a result, the City's share has increased from \$431,000 to \$606,000. The City's portion of the cost as a percentage (20%) has not changed.

The Attorney General's office has also asked in this latest agreement for the inclusion of certain standard language related to appropriation of funds and indemnification. This new language is usual and typical with State agreements and not negotiable. *I would recommend the City Council move to authorize the City Manager to enter into an agreement with NH DOT for the management of the Scott Avenue bridge project.*

9. **Request for License Agreement Re: Back Channel Canvas Shop, Inc., 21 Daniel Street.** Attached is a request from the Back Channel Canvas Shop to allow the construction of a "small entry awning" at 21 Daniel Street over the City sidewalk. This has been approved by the Historic District Commission. City Attorney Robert Sullivan has determined that the appropriate level of authority in response to this request would be for the City to grant a license rather than an easement. Therefore, this item does not require a referral to the Planning Board and the Council may either grant or deny this request as it sees fit. *I would recommend the City Council move to approve the request for a License Agreement for 21 Daniel Street and authorize the City Manager to execute this Agreement.*

10. **Request for Approval of Pole License Agreement #63-0329.** The City Public Works Department has reviewed pole location information provided by PSNH for Petition and Pole License Agreement #63-0329. In an effort to update their records, PSNH is requesting a license for this pole, which was installed in 1994. Attached is a photograph of the existing poles. The Public Works Department recommends approval of this license. *I would recommend the City Council approve the request from PSNH for Pole License Agreement #63-0329 as recommended by the Public Works Department.*
11. **Boarding House Permits.** As you may recall, in August the City Council passed an Ordinance requiring a permit for all boarding houses “in which more than three rooms are rented, leased or otherwise made available to tenants where such rooms do not contain separate bathroom facilities”. In accordance with the Boarding House Ordinance, these permits are required commencing January 1, 2008 and annually thereafter.

Attached are two requests for this Boarding House Permit:

- 1) G. Edward Gowen, Jr., for property located at 350-352 Hanover Street.
- 2) Janet L. White-nay and Paul H. White, Trustees for property located at 278 Cabot Street.

Inasmuch as this is the first year of the Ordinance, the City Attorney and I are recommending the City Council give a grace period to February 15, 2008 for the submittal of an application for a Boarding House Permit.

I have attached for your information a copy of the Ordinance, a memorandum from City Attorney Robert Sullivan regarding the Boarding House Permit process, and photographs of the aforementioned properties. It would be my recommendation that the City Council refer this matter to the City Manager with power so that I can have the appropriate City agencies do inspections in order to insure compliance with City Ordinances. *Therefore, I would recommend the City Council move to refer the requests for a Boarding House Permit for 278 Cabot Street and 350-352 Hanover Street to the City Manager with power.*

### **Informational Items:**

1. **Mosquito Control Reimbursement.** In fiscal year 2008, the City of Portsmouth budgeted for and contracted with Municipal Pest Management Services, to provide a standing mosquito control program for nuisance salt marsh and snow-melt mosquitoes.

Prior to the beginning of the 2007 mosquito season, the Commissioner of Health & Human Services declared Rockingham County a public health threat due to the presence of Eastern Equine Encephalitis (EEE) in several species of mosquitoes over the previous two years. In response, Portsmouth directed additional control activities toward those species implicated that were not targeted under nuisance control. The addition of these

species required expansion of control activities to additional natural and man-made habitats.

The increasing presence of environmental EEE also required the treatment of previously untreated areas such as schools, City parks and facilities. These areas required repeated applications. The declaration of public health threat also prompted the application of pesticides with residual agents where non-residual compounds had been used for routine nuisance control.

Expenses used for mosquito control aimed at the public health threat are eligible for reimbursement up to 25% .

On January 10, 2008, the State of New Hampshire approved the application of the City of Portsmouth for financial assistance for mosquito control. Based upon eligible expenses per HB 1464 the City has been awarded \$10,336.50 (funding subject to approval by Governor and Council).

2. **Sustainability Coordinator.** Attached for your information is a memorandum to key City management staff regarding the role of the Sustainability Coordinator and the scheduling of the first meeting with staff concerning future sustainability efforts as outlined in the memorandum.
3. **2008 Chamber of Commerce Legislative Reception.** For your information, the 2008 Chamber of Commerce Legislative Reception is on Tuesday, February 12, 2008 from 5:00 to 7:30 p.m. at the Sheraton Harborside.