

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON FEBRUARY 11, 2008, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR BLALOCK, COUNCILORS NOVELLINE CLAYBURGH, DWYER, SMITH, KENNEDY, SPEAR, RAYNOLDS AND PANTELAKOS

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1. At 6:15 p.m., an Anticipated "Non-Meeting" with counsel was held regarding Litigation – RSA 91-A:2 I.
2. Proclamation – Read Across America – Councilor Smith read the Proclamation declaring February 22, 2008 as Read Across Portsmouth Day. Linda Marconi accepted the Proclamation with thanks and appreciation.
3. Mayor's Award – Olive Garden – Mayor Ferrini presented a Mayor's Award to Mr. Perry and Ms. Martin of the Olive Garden in appreciation for the generosity the Olive Garden has shown the Portsmouth Election Officials during Elections since 2006.
4. Presentation – Automated Water Meter Reading System – David Allen, Deputy Public Works Director – Deputy Public Works Director Allen provided a brief presentation regarding the Automated Water Meter Reading System. He advised the City Council that the program and new meters will begin being installed mid March and the process will take 6 to 8 weeks.
5. Acceptance of Minutes – December 17, 2007; January 3, 2008 and January 14, 2008 – Moved to approve and accept the minutes of the December 17, 2007; January 3, 2008 and January 14, 2008 City Council meetings. Voted to amend the January 14, 2008 City Council minutes under the discussion regarding Settlement of Conservation Law Foundation Appeal of the City of Portsmouth's National Pollutant Discharge Elimination System to indicate the first 3 years of the wastewater treatment project will be for gathering information for the plan. Voted to pass the main motion as amended.
6. Public Comment Session – There was one speaker: Jean Gagne (Fire Station 2 and Purchase).
7. Acceptance of Grant to the Portsmouth Police Department for Enforcing Underage Drinking Laws - \$3,940.60 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
8. Acceptance of Donation to the Portsmouth Police Explorers from Mr. J. Martyn - \$100.00 – Voted to approve and accept the donation to the Portsmouth Police Department, as listed.
9. Acceptance of Wellness Grant - \$3,900.00 – Voted to accept the Wellness Grant in the amount of \$3,900.00 from the Trust's Health Promotion WELLDollars Grant Program.

10. New Hampshire Public Health Network Grant - \$75,000.00 – Voted 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.
11. Acceptance of NH Department of Safety Fire and EMS Radio Repeater Grant - \$18,386.26 – Voted 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.
12. 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 – Voted 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.
13. 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 – Voted to pass first reading and schedule a public hearing and adoption at the March 3, 2008 City Council meeting.
14. 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 – Voted to pass first reading and schedule a public hearing and adoption at the March 3, 2008 City Council meeting.
15. 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

Voted to pass first reading and schedule a public hearing and second reading at the March 3, 2008 City Council meeting.
16. Consent Agenda – Councilor Smith requested to remove Item IX. 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 from the Consent Agenda, as he will be abstaining from voting on this matter.

Voted to adopt the Consent Agenda as presented.

- 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)***
- 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)***

17. Letter from Airial Sillanpaa, Deer Street Merchant's Association, requesting permission to continue to display the Deer Street flags in front of merchants establishments – Voted to refer to the City Manager with power. Councilor Smith abstained from voting.

18. 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 – City Manager Bohenko recommended having the Cookie Booth Sale in the Vaughan Mall. Voted to refer to the City Manager with power.

19. Letter from Elizabeth Dinan requesting the establishment of a “swap shop” at the Public Works Facility to be run by volunteers – Voted to refer to the City Manager for report back.
20. Letter from Pamela 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 – Voted to refer to the City Manager with power.
21. Request to Renew Lease of Seacoast Area Lodge No. 2303 Order Sons of Italy in America – Moved 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. Voted to amend the motion to authorize the City Manager and City Attorney to work with the organization on a suggested public benefit plan that is in conformance with the Building Re-Use Committee Report and to provide the City Council with a copy of the plan in three months. Main motion passed as amended.
22. Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club – Voted to instruct the City Manager to draft a lease to bring back for action at the March 3, 2008 City Council meeting with a new section entitled Public Benefit.

Councilor Dwyer advised the City Manager that the public benefit must be related to the space.

23. Seacoast Growers’ Association (Farmers’ Market) Proposed 2008 License Agreement – Voted to authorize the City Manager to enter into a License Agreement with the Seacoast Growers’ Association as presented.
24. Acceptance of Easements and Other Property Interests Quitclaim of Abandoned Lines Bartlett – Islington Street Sewer Separation Project – Voted to authorize the City Manager to negotiate and execute the documents necessary to transfer the property interests in Exhibit A.
25. Route 33 Railroad Bridge Replacement Project – Property Acquisitions – Voted to authorize the City Manager to negotiate and execute the documents necessary to transfer the property interests identified in Exhibit B.
26. Report Back Re: Easement Request for Public Service Company of NH (PSNH) to use property on the corner of Maplewood Avenue and Hanover Street – Voted to accept the Planning Board’s recommendation, as submitted with the following stipulations:
  - *That the applicant shall work with City staff (and Art Speak) for a mutual agreement for an aesthetic plan for the switch gear box;*
  - *That the Historic District Commission shall consider this request as part of an application from PSNH for a Certificate of Appropriateness;*
  - *That the Legal Department shall review and approve all necessary easements as to their content and form; and,*

- *When the aforementioned stipulations are complete that the City Manager shall be authorize to file all appropriate documents with the Rockingham County Registry of Deeds*

27. Islington Street Improvement Action Plan Project – Voted to establish a joint work session with the Economic Development Commission on Monday, March 10, 2008 at 6:30 p.m.

28. Revised Agreement with NH Department of Transportation Re: Scott Avenue/Memorial Bridge – Voted to authorize the City Manager to enter into an agreement with NH DOT for the management of the Scott Avenue bridge project.

Councilor Kennedy requested the City Manager provide a memorandum to the City Council outlining the costs of the project.

29. Request for License Agreement Re: Back Channel Canvas Shop, Inc., 21 Daniel Street – Voted to approve the request for a License Agreement for 21 Daniel Street and authorize the City Manager to execute this agreement.

30. Request for Approval of Pole License Agreement #63-0329 – Voted to approve the request from PSNH for Pole License Agreement #63-0329 as recommended by the Public Works Department.

31. 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

Voted to refer the requests for a Boarding House Permit for 278 Cabot Street and 350-352 Hanover Street to the City Manager with power.

32. City Manager's Informational Items:

Sustainability Coordinator – City Manager Bohenko announced that Environmental Planner, Peter Britz responsibilities have been broaden to include coordination of the City's sustainability efforts.

2008 Chamber of Commerce Legislative Reception – City Manager Bohenko announced that 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.

33. Appointments to be Considered – The City Council considered the appointment of Harold Whitehouse and Steven Marison to the Peirce Island Committee; appointment of Joe Couture to the Portsmouth Housing Endowment Fund Advisory Board; reappointment of John Howe and Christina Westfall to the Traffic & Safety Committee; and the reappointment of David Witham to Zoning Board of Adjustment. These appointments will be voted on by the City Council at the March 3, 2008 meeting.

34. Appointments to Safe Routes to School Committee – Mayor Ferrini announced that the Safe Routes to School Committee is seeking additional School representation on the committee with a representative from Little Harbour School, Portsmouth Middle School,

New Franklin School and Dondero School. He advised the City Council that appointments will be brought forward at the next City Council meeting.

35. Request to Change Date of the March 17, 2008 City Council meeting – Voted to change the date of the March 17, 2008 City Council meeting to March 18, 2007.
36. Reports – Mayor Ferrini informed the City Council that he will be speaking in Concord tomorrow regarding the Constitutional Amendment relative to the Statewide Property Tax.
37. Traffic & Safety Committee Action Sheet and Minutes of the January 10, 2008 meeting – Voted to approve and accept the action sheet and minutes of the January 10, 2008 Traffic & Safety Committee meeting.
38. Parking Committee Action Sheet and Minutes of the January 10, 2008 meeting – Voted to approve and accept the action sheet and minutes of the January 10, 2008 Parking Committee meeting.
39. \*Request for Status Report from the School Board Re: The Middle School Project – No action taken.
40. Miscellaneous/Unfinished Business

Affordable Housing Comprehensive Framework (Not on Agenda) – The City Council agreed to the creation of an Ad-Hoc Committee to discuss these matters further. Councilor Dwyer indicated that she would provide Mayor Ferrini with an outline for the creation of the Committee. Councilor Smith recommended that a sunset date for the Committee be established when the Committee is created.

Proposed Changes of Street Names (Not on Agenda) – Councilor Spear suggested that the City Council request the Police Department to make the presentation provided at a recent Planning Board meeting of emergency calls received from individuals not providing the proper name of streets. City Manager Bohenko indicated he would request the Police Department to provide the presentation at a future City Council meeting.

Budget Presentations Re: Personnel and Reconfiguration of Departments (Not on Agenda) – Councilor Dwyer requested that the Police Commission, Fire Commission and School Board provide as part of their Budget Presentations the kinds of reorganization of staffing that they have done in the last several years in order to respond to Councilors request to make sure in the long term that we are right sized.

HB 1645 Re: NH Retirement System (Not on Agenda) – Voted that the City Council endorse the bill. City Manager Bohenko advised the City Council that he would draft a letter in support of the bill for Mayor Ferrini's signature.

Earth Day (Not on Agenda) – Councilor Novelline Clayburgh announced that Earth Day Celebrations will be held on April 19, 2008.

41. Adjournment – At 9:20 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk