

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 6, 2008 TIME: 6:00PM

AGENDA

• **6:00PM – WORK SESSION RE: REVIEW OF DEBT SERVICE REQUIREMENTS FOR PROPOSED MAJOR CAPITAL PROJECTS**

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

MAYOR'S AWARDS

- 1. Portsmouth High School Boys Varsity Baseball 2007-2008 State Champions
- 2. Portsmouth High School Girls Softball 2007-2008 State Champions

PROCLAMATIONS

- 1. The Pipes of Portsmouth Day
- 2. National Depression Screening Day 2008

PRESENTATION

- 1. Quarterly Wastewater Master Plan Update – Dave Allen, Deputy Public Works Director

V. ACCEPTANCE OF MINUTES – AUGUST 18, 2008 AND SEPTEMBER 15, 2008

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. IN CONNECTION WITH THE POTENTIAL RENOVATION AND EXPANSION OF THE PORTSMOUTH MIDDLE SCHOOL LOCATED AT 155 PARROTT AVENUE. THE HEARING WILL CONCERN THE ACQUISITION OF ANY NECESSARY REAL PROPERTY INTERESTS, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF ANY DEED RESTRICTIONS, REGARDING PROPERTY LOCATED ON PARROTT AVENUE GENERALLY BETWEEN THE PORTSMOUTH PUBLIC LIBRARY AND THE EXISTING MIDDLE SCHOOL. THE PROPERTY IS IDENTIFIED AS ALUMNI FIELD, CITY TAX MAP 128, LOT 16 AND WAS ACQUIRED BY THE CITY OF PORTSMOUTH BY DEED OF JOSEPH W. PEIRCE, ET ALS ON NOVEMBER 14, 1913, RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS AT BOOK 673, PAGE 447. THE CITY COUNCIL WILL DETERMINE WHETHER THE ACQUISITION OF THE PROPERTY INTERESTS ARE FOR A PUBLIC PURPOSE, FOR THE PUBLIC BENEFIT AND NECESSITY

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grants
- Police Standards & Training Council to send Lt. Frank Warchol to the Massachusetts Police Leadership Institute Program - \$1,000.00
 - Department of Justice Office of Juvenile Justice and Delinquency Prevention to fund the Internet Crimes Against Children Task Force - \$420,000.00
- B. Acceptance of Donation Re: Bench in Memory of William Mouflouze - \$1,200.00

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Pearl Street – westerly side of Pearl Street after 8:00 a.m. and before 5:00 p.m., Monday through Friday
- B. First reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Truck Loading/Unloading Zones Established and Section 7.602 – Truck Loading/Unloading Zones (24 Hours)

Section 7.601

Daniel Street:

- northerly side, 123 feet east from Bow Street for a distance of 45 feet
- northerly side, 215 feet east from Bow Street for a distance of 35 feet
- southerly side, 55 feet west from Penhallow Street for a distance of 80 feet

Market Street:

- easterly side, south for a distance of 50 feet, beginning at Commercial Alley
- easterly side, south for a distance of 40 feet, beginning at Bow Street

State Street:

- northerly side, 40 feet east from Pleasant Street for a distance of 20 feet
- southerly side, 20 feet west from Atkinson Street for a distance of 29 feet

Section 7.602

Pleasant Street:

- westerly side, south from State Street a distance of 50 feet

Porter Street:

- northerly side, 15 feet west from Fleet Street for a distance of 40 feet
- southerly side, 145 feet east from Middle Street for a distance of 45 feet

- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Parrott Avenue:
- on the northerly side from 300' easterly of Richards Avenue to a point 355' easterly of Richards Avenue
 - on the southerly side from 310' easterly of Richards Avenue to a point 355' easterly of Richards Avenue

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Zhana Morris, The Music Hall, requesting permission for parking meter bags for the 2008-2009 Season (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Heidi Roy, National Multiple Sclerosis Society, requesting permission to hold the 2009 Walk MS on Saturday, April 18, 2009 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Claudia Cauchon, Seacoast Striders requesting to hold the Seacoast Striders Walk on Saturday, November 15, 2008 (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Sarah Hamill and residents regarding the renovation of the Portsmouth Middle School
- B. Request of Hayscales Trust (Dr. Terry Bennett, principal) for redemption and waiver of statutory penalty in connection with tax deeded property located at 236 Union Street
- C. Petition from Islington Creek Neighborhood requesting new sidewalks throughout the neighborhood and traffic calming measures along McDonough Street (***Sample motion – move to refer this matter to the Planning Board for their consideration during the Capital Improvement Plan process for FY2010-2016***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's 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 Proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Pearl Street (***Action on this matter should take place under Section IX of the Agenda***)
 - 1.2 First Reading of Proposed Ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the Addition of a New Provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours) (***Action on this matter should take place under Section IX of the Agenda***)

2. Public Hearing of Resolution:
 - 2.1 Public Hearing of Resolution regarding the Public Necessity for the City to Condemn Certain Property along Parrott Avenue known as Alumni Field for the purpose of Renovating and Expanding the Portsmouth Middle School (***The City Council may bring back the Proposed Resolution for Adoption at the October 20, 2008 City Council meeting***)

3. Third and Final Reading of Proposed Ordinance Amendments and Resolutions:

- 3.1 Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Parrott Avenue:
 - on the northerly side from 300' easterly of Richards Avenue to a point 355' easterly of Richards Avenue
 - on the southerly side from 310' easterly of Richards Avenue to a point 355' easterly of Richards Avenue

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

4. Request for Waiver of Penalties for Redemption of Property Re: 236 Union Street (***Action on this matter should take place under Section XI of the Agenda***)
5. Petition from Islington Creek Neighborhood requesting new sidewalks throughout the neighborhood and traffic calming measures along McDonough Street (***Action on this matter should take place under Section XI of the Agenda***)

City Manager's Items Which Require Action

1. Request for License Agreement from Coventry Assets Ltd.
2. Request to Dispose of Surplus Vehicles
3. Report Back Re: Recommendations for the Future Disposition of Municipal Property located at 2700 Lafayette Road (Currently the site of Fire Station 2)

Informational Items

1. Events Listing
2. Household Hazardous Waste Collection Day
3. Budget Award
4. Holiday Parade
5. Report Back Re: Memorial Plaque Re: John F. Kennedy at the new Library

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Susanne Delaney – Appointment to Economic Development Commission
 - John O’Leary – Appointment to Board of Library Trustees
 - Joel Look – Appointment to Taxi Commission
 - Kent Kirkpatrick – Appointment to Taxi Commission
2. Appointment to be Voted:
William Gladhill – Reappointment to the Economic Development Commission
3. *Request to appropriate \$5,000.00 from contingency for the USS NH Commissioning
4. *Reports

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the September 11, 2008 meeting
2. Parking Committee Action Sheet and Minutes of the September 11, 2008 meeting

D. COUNCILOR KENNEDY

1. Various Items Re: School Building Aid

E. COUNCILOR PANTELAKOS

1. Skateboard Ordinance

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. 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 the August 19, 2008 meeting
2. Planning Board Work Session minutes of June 5, 2008 and June 12, 2008 meetings
3. Planning Board minutes of the August 28, 2008 meeting
4. Letter from Tom Morgan Re: School Board meeting of September 9, 2008

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: October 2, 2008

To: Honorable Mayor Thomas G. Ferrini and City Council Members

From: John P. Bohenko, City Manager

Re: City Manager's Comments on October 6, 2008 City Council Agenda

Work Session:

6:00 p.m.

1. **Review of Debt Service Requirements for the Proposed Capital Projects.** On Monday, evening at 6:00 p.m., I would like to meet in a work session with the City Council to review debt service that will result from moving forward on various projects identified in this year's Capital Improvement Plan. Attached is a memorandum outlining those projects. During the work session, I will provide the City Council with a comprehensive package of debt service scenarios if these major capital projects are initiated. It would be my intent to get a consensus from the City Council on which projects we need to move forward for first reading for bonding.

Presentation:

1. **Quarterly Wastewater Master Plan Update.** On Monday evening, David Allen, Deputy Public Works Director and the project team for the Wastewater Master Plan will be presenting the third quarterly update of the progress on the Study. The 20 minute presentation will review three areas that have been the focus of our work over the past few months. Those efforts have included the following:

Task 4 – Flow Monitoring – As part of the Long Term Control Plan (LTCP) portion of the study, this task included installation of flow meters in the sewer lines at strategic locations throughout the City. The data from these meters is used to assist in the decision making process related to sewer separation projects as well as quantifying overall flow in the system for treatment plant design purposes.

Task 5 – Technology Alternatives Evaluation – Work sessions were held with the Regulatory Agencies as well as Non-Governmental Organizations (NGO) to review and evaluate the various treatment options.

Task 14 – Interim Measures – Work sessions were also held with the Regulatory Agencies and NGO's to review the potential measures that are being evaluated for implementation to reduce pollution being discharged into the Piscataqua River during the permit period, which is the next four years.

A brief update of planned activities for the next quarter will also be presented. A more detailed overview of the Wastewater Master Plan status will be presented on October 22, 2008 at 6:30 p.m. at the Levenson Room in the Portsmouth Public Library.

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Grants.** Attached under Section VIII of the Agenda is a memorandum from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following grant and donations:
 - a. A grant award in the amount of \$1,000.00 from the Police Standards & Training Council to send Lt. Frank Warchol to the Massachusetts Police Leadership Institute Program from October 20th through October 31st, 2008.
 - b. A grant in the amount of \$420,000.00 from the Department of Justice Office of Juvenile Justice and Delinquency Prevention to fund the Internet Crimes Against Children Task Force in the State of New Hampshire for this next grant year. Portsmouth is the headquarters for the Internet Crimes Against Children Task Force in New Hampshire, and was one of the original ten task forces in the nation back in 1998 when the ICAC Task Forces were first established in this country.

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 to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Donation Re: Bench in Memory of William Mouflouze.** The City received a donation in the amount of \$1,200.00 from Marion Mouflouze, to support the purchase and installation of a bench in Market Square with a memorial plaque for William Mouflouze.

I would recommend that the City Council approve and accept the donation for a bench in memory of William Mouflouze, as listed. Action on this matter should take place under Section VIII of the Agenda.

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 Proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Pearl Street.** Attached under Section IX of the Agenda is a copy of a proposed ordinance amending Chapter 7, Article III, Section 7.330 to the No Parking section of Pearl Street. During the City Council meeting of September 15, 2008, the Council approved the Parking Committee Minutes of August 14, 2008, which requested this ordinance change.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed ordinance, as submitted, at the October 20th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 1.2 **First Reading of Proposed Ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the Addition of a New Provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours).** Attached under Section IX of the Agenda is a copy of a proposed ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the addition of a new provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours). During the City Council meeting of September 15, 2008, the Council approved the Traffic and Safety Minutes of August 14, 2008, which require an ordinance for Truck Loading/Unloading Zones.

Please note that the proposed ordinance goes beyond the request of the Traffic and Safety Committee to include certain other recommendations made by Jon Frederick, Parking Manager. This is pursuant to our policy of gradually improving ordinance Chapter 7 by eliminating ambiguities and provisions of the ordinance which have been superseded.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed ordinance, as submitted, at the October 20th City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. Public Hearing of Resolution:

- 2.1 **Public Hearing of Resolution regarding the Public Necessity for the City to Condemn Certain Property along Parrott Avenue known as Alumni Field for the purpose of Renovating and Expanding the Portsmouth Middle School.** Representatives from the Legal Department and the School Department along with JCJ Architects will be in attendance to give a comprehensive presentation on the need for the eminent domain for the construction of a new middle school on the Peirce property. Attached under the public hearing section of the agenda is an outline of who will be making the presentation. Also, attached

is a copy of a resolution authorizing the City Manager to acquire by condemnation certain property along Parrott Avenue known as Alumni Field for the purpose of renovation and expanding the Portsmouth Middle School. It is anticipated that subsequent to the public hearing the City Council will not vote that evening on this issue but rather at the October 20th City Council meeting.

Therefore, if the City Council chooses, the Council may bring back the proposed Resolution regarding the public necessity for the City to condemn certain property along Parrott Avenue known as Alumni Field for the purpose of renovating and expanding the Portsmouth Middle School for adoption at the October 20th City Council meeting.

3. **Third and Final Reading of Proposed Ordinance Amendments and Resolutions:**

- 3.1. **Third and Final Reading of proposed Ordinance to amend Chapter 7, Article III, Section 7.330 – No Parking – Parrott Avenue.** As a result of the September 15th City Council meeting, attached under Section IX of the Agenda, is a copy of a proposed ordinance to amend Chapter 7, Article III, Section 7.330–No Parking–Parrott Avenue sub-section A. The purpose of this ordinance is to accommodate a new crosswalk near the library. Traffic & Safety Committee recommended this ordinance at their April 10, 2008 meeting.

As you may recall, the City Council passed an amendment at the September 15th Council meeting, regarding measurement discrepancies.

I would recommend the City Council move to pass third and final reading of the proposed ordinance, as amended at the September 15th City Council meeting. Action on this item should take place under Section IX of the Agenda.

4. **Request for Waiver of Penalties for Redemption of Property Re: 236 Union Street.**

Attached under Written Communications is a letter from Dr. Terry Bennett of Hayscales Trust, requesting to redeem property that was taken for non-payment of taxes (see attached memorandum from Robert Sullivan, City Attorney). Also attached is a copy of a letter from Dr. Bennett's accountant Mr. Krieger requesting that the City Council waive the penalties for the redemption of this property.

The City Council could take action to waive all or any part of his request.

5. **Petition from Islington Creek Neighborhood requesting new sidewalks throughout the Neighborhood and Traffic Calming Measures along McDonough Street.**

Attached under Written Communications is a petition from the Islington Creek Neighborhood requesting new sidewalks throughout the neighborhood and traffic calming measures along McDonough Street. I met with representatives from the neighborhood and indicated to them that this matter should be part of the Capital Improvement Plan overall process for FY 2010-2016.

Therefore, I would recommend that the City Council move to refer this matter to the Planning Board for their consideration during the Capital Improvement Plan process for FY2010-2016. Action on this item should take place under Section XI of the Agenda.

City Manager's Items Which Require Action:

1. **Request for a License Agreement from Coventry Assets, Ltd.** Attached is a copy of a letter and plan from Mark McNabb, President of Coventry Assets, Ltd., regarding a request for a License Agreement for 10 Pleasant Street for the installation of a metal and glass canopy. As you can see, the Historic District Commission approved the plan, as presented, at their May 7, 2008 meeting.

I would recommend the City Council move to refer this matter to the Planning Board for a report back to the City Council.

2. **Request to Dispose of Surplus Vehicles.** The City currently has surplus vehicles for disposal (see attached list). In the past, we have sold the surplus vehicles through a sealed bid process to the highest bidder. According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding. *I would recommend the City Council move to authorize the City Manager to dispose of surplus vehicles and other equipment by the sealed bid process.*

3. **Report Back Re: Recommendations for the Future Disposition of Municipal Property located at 2700 Lafayette Road (Currently the site of Fire Station 2).** At the August 28th Planning Board meeting, Site Plan approval was granted to the City to construct a new Fire Station 2 on property located at 3000 Lafayette Road. In taking this action, the Board also reviewed and discussed the disposition of the existing station (2700 Lafayette Road) and what steps should be taken following the commissioning and opening of the new station. Based on this discussion the Board offered the following recommendations to the City Council:

1. When the new Fire Station is occupied, that the existing station should be declared surplus; unless, some other municipal interest or use is identified; and,
2. If no such use or interest is identified, then, the zoning for the property should be changed from Municipal to General Business, which is the same district as most of the surrounding area.

Attached to this Memorandum is an Exhibit, which was part of an earlier report to the Council, showing 2700 Lafayette Road and the surrounding zoning districts.

I would recommend the City Council move to accept the report to dispose of the fire station property at 2700 Lafayette Road after the new fire station is completed and occupied.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on September 15, 2008.

2. **Household Hazardous Waste Collection Day.** For your information, Household Hazardous Waste Collection Day will be held on Saturday, October 11, 2008 between 8:00 a.m. and noon. Residents of Portsmouth, Newington and Greenland may bring unwanted household chemicals to the Recycling Center behind the Department of Public Works facility at 680 Peverly Hill Road.
3. **Budget Award.** I am pleased to inform you that the City of Portsmouth's budget document has received the highest form of recognition in governmental budgeting for a third straight year. Attached is a copy of a news release regarding this matter.
4. **Holiday Parade.** Mayor Ferrini has authorized Saturday, December 6, 2008, as the date for the 2008 Holiday Parade. The parade will begin at 6:00 p.m.

The bands from Portsmouth High School, Dover High School, Somersworth High School and the Ancient Order of Hibernians have agreed to participate. The Spaulding High School Band is unavailable this year due to a scheduling conflict.

The Mayor is proposing that the theme of this year's holiday parade again be "Vintage Christmas in Portsmouth" to coincide with the 4th annual Vintage Christmas in Portsmouth program sponsored by The Music Hall, Strawberry Banke, City of Portsmouth and Banks Gallery.

The parade will be sponsored by The City of Portsmouth and coordinated by Pat Remick, with assistance from the Recreation Department.

5. **Report Back Re: Memorial Plaque in honor of John F. Kennedy at the new Library.** As a result of the September 15th City Council meeting, I am reporting back to the Council regarding the plans for a memorial plaque at the new Library in honor of John F. Kennedy (JFK). The plaque will be designed to do the following two things:
 1. Record the architectural history of the former armory building in accordance with the Memorandum of Agreement with the NH Division of Historical Resources, and
 2. Honor the memory of John F. Kennedy for whom the JFK Recreation Center was named.

Todd Hanson, AIA, former New Library Building Committee member, has agreed to volunteer his time to assist with this project.

The intent is to have the plaque installed before May 1, 2009.