

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, SEPTEMBER 7, 2010 TIME: 6:00PM

AGENDA

- **6:00PM – WORK SESSION WITH RECREATION BOARD REGARDING COMPREHENSIVE RECREATION NEEDS STUDY**

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

PRESENTATION

1. 2010 NH State Champion Little League Team
2. Status of Revaluation – City Assessor Rosann Lentz

V. ACCEPTANCE OF MINUTES – August 16, 2010

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Patricia Lanciani Re: Memorial Bench in the amount of \$1,250.00.
- B. Acceptance of the following grants to the Portsmouth Police Department:
 - \$226,938.00 - from the Office of Justice programs to fund the Internet Crimes Against Children (ICAC) Task Force Program
 - \$1,000.00 - from the Henry M. Frechette Memorial Fund, for the general support of the Portsmouth Police Explorer Cadets.
- C. Acceptance of Grant for Household Hazardous Waste Collection

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second Reading of Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Erik Anderson, New Hampshire Commercial Fishermen's Association, requesting permission to hold the 2nd Annual "Fish and Lobster Festival" on Saturday, September 25, 2010 at Prescott Park.
- B. Letter from Marsie Silvestro, A Safe Place, requesting permission to hold a candlelight vigil on Thursday, October 7, 2010 from 6:00 p.m. – 7:00 p.m. at the Vaughan Mall.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Peter Loughlin, Chair, Mayor's Blue Ribbon Committee on Trees and Public Greenery commending street improvements at intersection of Market and Deer Streets.
- B. Letter from Roland T. Palmatier, Vice President of Central NH Model T Club regarding Model T Ford Club Tour of September 18, 2010.
- C. Letters in opposition of opening back gate on Sherburne Road:
 - Barbara Wheatcraft and Billy Scritchfield
 - Audrey and Josh McBride
 - George and Julie Thurber
 - Jennifer Loch Fahey, Vice President, Sherburne Civic Association
 - Bill St. Laurent
 - William and Perrie Purcell
- D. Letter from Tom Morgan regarding Middle School Parking at the Junkins/Parrott Lot

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action Under Other Sections of the Agenda

- 1. Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance. ***(Action on this matter should take place under Section IX of the Agenda)***

City Manager's Items Which Require Action

- 1. Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association (PPROA).
- 2. Reconsideration of WWI Monuments Relocation
- 3. Request to Utilize FY 2010 Surplus Funds Re: Restoration of 1950 Mack Fire Engine.
- 4. Request for a License from Sagel Urlacher and Kelly Mowrer, owner of Presence of Nature, for property located at 74 Congress Street to install a projecting sign.

5. Request from Richard and Linda Harding of 1808 Islington Street for proposed land transfers (easements) with the City of Portsmouth.
6. Report Back Re: Request to rename the portion of Sherburne Road on the Pease International Tradeport.
7. Proposed Rezoning of 2700 Lafayette Road (former Fire Station #2) from Municipal District to Gateway District.
8. Proposed Zoning Ordinance Amendments, Article 5 – Dimensional and Intensity Standards.
9. Request from the Foundation for Seacoast Health for placement of a sign for the Community Campus at intersection of Lafayette Road and West Road.

Informational Items

1. Events Listing
2. Cultural Commission Board Member Update.
3. Update on Percentage of Construction at Water Treatment Plan.

B. MAYOR FERRINI

1. Letter from Gerald Howe, Chair, Police Commission Re: Steering Committee Membership
2. Consideration of Amy Schwartz, 55 Sunset Road, Portsmouth – Housing Authority

C. COUNCILOR LISTER and COUNCILOR SMITH

1. FY11 Veterans Council Appropriation

D. COUNCILOR SMITH

1. Parking Committee Action Sheet and Minutes of the August 12, 2010 meeting (includes Special Parking Committee Minutes of July 16, 2010 Special Parking Committee Meeting)
2. Traffic & Safety Committee Action Sheet and Minutes of the August 12, 2010 meeting

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

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: September 2, 2010

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

From: John P. Bohenko, City Manager

Re: City Manager's Comments on September 7, 2010 City Council Agenda

Work Session:

6:00 p.m.

1. **Comprehensive Recreation Needs Study.** As you may recall, the Recreation Board has requested a work session with the City Council, which will be held at 6:00 p.m. on Tuesday, September 7th regarding the aforementioned subject matter. At that time, the Board and City staff will make a presentation on the Comprehensive Recreation Needs Study, which will be followed by discussion. A copy of the report was provided to you this spring and the Report is available on the City's website (under the Recreation Department). Please bring your copy of the Study that was previously sent. I will have extra copies of the Study available.

Presentation:

1. **Status of Revaluation.** On Tuesday evening, Rosann Lentz, Certified Assessor, will make a presentation to the City Council, regarding the status of the City's residential property revaluation.

Acceptance of Grants/Donations:

1. **Acceptance of Donation from Patricia Lanciani Re: Memorial Bench.** The City has received a donation in the amount of \$1,250.00 from Patricia Lanciani to support the purchase and installation of a memorial bench in Market Square with a plaque in memory of her parents.

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

2. **Acceptance of Police Department Grants.** Attached under Section VIII of the Agenda is a memorandum, dated August 18, 2010, from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following grants:

- a. A supplemental grant in the amount of \$226,938 from the Office of Justice programs to fund the Internet Crimes Against Children (ICAC) Task Force Program in the State of New Hampshire. As the State's ICAC Task Force headquarters, Portsmouth administers the funding for all of the satellite ICAC Task Forces in the State.
- b. A grant in the amount of \$1,000.00 from the Henry M. Frechette Memorial Fund, for the general support of the Portsmouth Police Explorer Cadets.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

I would recommend that the City Council move to 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.

3. **Acceptance of Grant for Household Hazardous Waste Collection.** As you are aware, \$28,000 has been committed from the water & sewer enterprise fund for household hazardous waste collection events in the FY '11 budget.

Household hazardous waste collection events protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than ten years. Over 200,000 gallons of hazardous waste has been properly disposed of during that time.

In the spirit of being a good neighbor, the City provides the services to residents of Newington and Greenland also. An average of 350 families take advantage of the collection events every year. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$4,005.00 from the Department of Environmental Services (DES) has been applied for and is available to the City to assist in managing the cost of these events. This grant would supplement the City funds proposed in the FY '11 budget.

I would recommend the City Council move to accept and expend a \$4,005.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:

1.1 Public Hearing/Second Reading of Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance.

As a result of the August 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance amendments](#) to the Wetlands Protection provisions of the Zoning Ordinance. The proposed amendments make the following changes:

1. Replace the word “use” with the phrase “use, activity or alteration” in several locations in order to reduce ambiguity (housekeeping change);
2. Exempt small emergency generators in wetland buffer areas from the requirement to obtain a conditional use permit;
3. Authorize the Planning Director to require review of a wetlands application by an independent wetland scientist or other special studies;
4. Update the reference documents for stormwater best management practices;
5. In the table of vegetation management areas, delete conflicting language regarding inland wetlands jurisdiction, and replace a reference to State law with specific standards.

These proposed amendments have been reviewed by the Conservation Commission and the Planning Board, and both boards have voted their support.

I would recommend the City Council move to pass second reading and schedule third and final reading for the proposed amendments to the Zoning Ordinance, as presented, at the September 20, 2010 City Council meeting. Action on this matter should take place under Section IX of the Agenda.

City Manager’s Items Which Require Action:

1. **Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association (PPROA).** The Police Commission is requesting that the City Council act on the aforementioned matter on Tuesday evening. The following is the summary of the proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association:

- Term: 6-Year agreement - July 1, 2008 – June 30, 2014. Only cost items that are identified in this agreement as retroactive and approved as such by Police Commission and City Council will be paid retroactively.

- Salaries: 10-year rolling COLA average, effective June 16, 2010 (2.98%), and then each July 1 during the term of the contract. No COLA adjustment for any time prior to June 16, 2010.
- Lump Sum Payment: Within 30 days after City Council approval, members of the bargaining unit with less than 1 year of service in the bargaining unit will receive a one-time payment of two thousand dollars (\$2,000.00); more than one year of service but less than two, three thousand dollars (\$3,000.00); and more than 2 years of service, four thousand dollars (\$4,000.00) This amount would not be added to the base salary. Only employees on the payroll in the bargaining unit on July 1, 2010 would be eligible for the payment.
- Health Insurance
 - Effective July 1, 2010, Employee contribution to Comp100 and Blue Choice will increase to 20%.
 - Effective July 1, 2010, Employee contribution to Matthew Thornton will increase to 15.5%, subject to increases if premium gap narrows.
 - City may offer 2 new plans under Blue Choice and Matthew Thornton with \$5 co-pay for office visits; \$25 for emergency room; and \$10/\$20/\$45 for prescriptions.
 - PPROA will serve on City-wide committee to study health insurance options.
 - Lifetime maximum = \$2 Million.
- Overtime:
 - Paid leave taken for Vacation, Sick Leave, Personal days, Bereavement, Military Leave, and Administrative Leave for Pending discipline will not count as time worked for overtime purposes. Notwithstanding the above, Officers called in or held over by management to work periods contiguous to their regularly scheduled shifts shall be paid at the overtime rate. Nothing in this provision shall affect the overtime for call-back or court time minimums, outside details, or grant-funded shifts.
 - Effective July 1, 2010, four (4) of the hours required for annual New Hampshire Police Standards and Training Council (NHPSTC) certification on programs not required by the Portsmouth Police Department will be without compensation. Effective July 1, 2012, eight (8) of the hours required for annual New Hampshire Police Standards and Training Council (NHPSTC) certification on programs not required by the PPD will be without compensation.
 - Provision that 1 hour overtime will be paid for any early call or holdover in excess of 15 minutes has been deleted.
- Educational Incentive: Effective July 1, 2012, \$500 for AA, \$1000 for BA/BS, \$1500 for MA/MS/PhD/JD. These incentives are non-cumulative.
- “Donning and Doffing”: The Union agrees not to support directly or indirectly a claim against the City or Commission for pre- and post-shift donning and doffing wages for the duration of this contract.

- Promotion: Maintain the 15% gap between top step patrol and first step Sergeant.
- Liability Insurance: Increase benefit from \$1 Million to \$2 Million and add ADD coverage up to \$20,000, both changes prospective only.
- Life Insurance: Increase to \$40,000 effective first of the month following City Council approval.
- Bereavement Leave: Add “Civil Union Partner”.
- Special Detail and Patrol Stipends: Increase by rolling 10-year COLA average effective date of City Council approval.
- Sec. 14: Increase TSOR pay requirement from 5 to 10 consecutive days.
- Sec. 19: Change Washington’s Birthday to Presidents’ Day.
- Sec. 24(G): Delete obsolete section on medical exams for employees on workers’ compensation. .
- Longevity and Clothing Allowance: Apply rolling 10-year COLA adjustments to longevity schedule and clothing allowance effective upon City Council approval.

Attached for your information is a summary of the economic impacts if this Agreement is approved. Also, attached is a copy of the Tentative Agreement.

The City Council has two options:

1) Vote to approve the Agreement.

2) Vote to reject the Agreement.

2. **Reconsideration of WWI Monuments Relocation.** As you will recall, at your June 21, 2010 meeting, a motion was approved to authorize the City Manager to implement the relocation of the WWI Monuments to Langdon Park. Subsequent to that, there was discussion from both the public and representatives from the Veterans Council to reconsider the Langdon Park location and to make every effort to relocate the monuments to the Plains Field location.

City Councilors Robert Lister and Ken Smith, City Council liaisons to the Veterans Council, worked with myself and the Public Works Director to see if it would be feasible to relocate the monuments to the Plains. Public Works Director Steve Parkinson provided a layout of a proposal that would entail the relocation of the monuments to the Plains ([see attached aerial](#)).

On August 25, 2010, Councilors Lister and Smith, along with Steve Parkinson, attended a Veterans Council meeting; they unanimously asked the City Council to reconsider the Langdon Park location and authorized the relocation to the Plains.

The City Council may take the following actions to achieve this recommendation:

- 1) Motion to suspend the rules to reconsider the June 21, 2010 vote of the City Council regarding the WWI Monuments relocation (2/3's vote required).
- 2) Move to authorize the City Manager to relocate the WWI Monuments to the Plains, as proposed.
3. **Request to Utilize FY 2010 Surplus Funds Re: Restoration of 1950 Mack Fire Engine.** [Attached is a copy of a letter](#) from the Fire Commission requesting to utilize \$34,000 from the FY 2010 Surplus Funds for the purpose of restoring the 1950 Mack Fire Engine. As outlined in their letter, the Fire Department has raised \$7,000 in private donations and combined with other donations totaling \$16,000 the projected total cost for the restoration is \$50,000.

Motion to approve the utilization of \$34,000.00 from the FY 2010 Surplus Funds for the purpose of restoring the 1950 Mack Fire Engine.

4. **Request for a License from Sagel Urlacher and Kelly Mowrer, owner of Presence of Nature for property located at 74 Congress Street to install a projecting sign.** [Attached is a copy of a memorandum](#) from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Sagel Urlacher and Kelly Mowrer owner of Presence of Nature for property located at 74 Congress Street, to install a projecting sign on an existing bracket ([see attached photographs](#)).

This request was received by the Planning Department on August 3, 2010, and reviewed by the Planning Board on August 19, 2010. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

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

I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Sagel Urlacher and Kelly Mowrer, owner of Presence of Nature to install a projecting sign on an existing bracket at 74 Congress Street and further authorize the City Manager to execute a License Agreement for this request.

5. **Request from Richard and Linda Harding of 1808 Islington Street for proposed land transfers (easements) with the City of Portsmouth.** As you may recall at the June 7th City Council meeting, the Council referred the [attached request](#) from Jeffrey Clifford P.E. and Vice President of Altus Engineering, Inc., on behalf of property owners Richard and Linda Harding of 1808 Islington Street, to the Planning Board for report back to the City Council. This request is for proposed land transfer (easements) with the City of Portsmouth. [Attached is a copy of a memorandum](#) from Rick Taintor, Planning Director, outlining this matter. At the Planning Board's August 19, 2010 meeting, the Board voted unanimously to recommend that the City Council approve the easements as shown on the plan titled "Harding Parcel Subdivision – Easement Concept Plan" dated July 29, 2010.

I would recommend the City Council move to accept the Planning Board's recommendation, as presented, and authorize the City Manager to execute the documents for this request.

6. **Report Back Re: Request to rename the portion of Sherburne Road on the Pease International Tradeport.** As you may recall, at the July 19th City Council meeting, the Council referred the [attached request](#) of Al Lapanne, 460 Sherburne Road that the portion of Sherburne Road on Tradeport side of the gate be renamed, to the Planning Board for report back to the City Council. [Attached is a memorandum](#) from Rick Taintor, Planning Director, outlining this matter. The Planning Board at its meeting on August 19, 2010 voted unanimously to recommend that the portion of Sherburne Road on the Tradeport not be renamed.

I would recommend the City Council move to accept the Planning Board's recommendation, as presented.

7. **Proposed Rezoning of 2700 Lafayette Road (former Fire Station #2) from Municipal District to Gateway District.** [Attached is a memorandum](#) from Rick Taintor, Planning Director, outlining a proposed rezoning of 2700 Lafayette Road (former Fire Station #2) from Municipal District to Gateway District. At its meeting on August 19, 2010, the Planning Board voted unanimously to recommend that the property at 2700 Lafayette Road (former Fire Station #2) be rezoned from Municipal District to Gateway District.

I would recommend the Council move to schedule first reading of the proposed rezoning of 2700 Lafayette Road, as presented, at its September 20th City Council meeting.

8. **Proposed Zoning Ordinance Amendments, Article 5 – Dimensional and Intensity Standards.** [Attached is a memorandum](#) from Rick Taintor, Planning Director, outlining two proposed zoning ordinance amendments to Article 5 – Dimensional and Intensity Standards. At its meeting on August 19, 2010, the Planning Board voted to recommend two amendments to Article 5 of the Zoning Ordinance. Both proposed amendments are housekeeping changes intended to correct identified issues that were not addressed by last year's comprehensive revision of the Zoning Ordinance.

I would recommend the Council move to schedule first reading of the proposed Zoning Ordinance amendments to Article 5 – Dimensional and Intensity Standards, as presented, at its September 20th City Council meeting.

9. **Request from the Foundation for Seacoast Health for placement of a sign for the Community Campus at intersection of Lafayette Road and West Road.** Attached is a letter from Atty. Peter Loughlin on behalf of Foundation for Seacoast Health requesting placement of a sign for the Community Campus at the intersection of Lafayette Road and West Road. Also, attached is a memorandum from Rick Taintor, Planning Director, outlining City staff's recommendations to the Planning Board and the Board's recommendation regarding this matter. At its meeting on August 19, 2010, the Planning Board voted unanimously to recommend that the existing multi-tenant sign on City property at the intersection of Lafayette Road and West Road be removed, and that a new sign identifying the Lafayette West Industrial Park and the Community Campus be installed in the median of West Road at the same intersection, with the design to be approved by the Planning and Public Works Departments.

I would recommend the City Council move to accept the Planning Board's recommendation, as presented.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on August 16, 2010. In addition, this now can be found on the City's website.
2. **Cultural Commission Board Member Update.** For your information, attached is a memorandum from Art-Speak updating the City Council on changes to the Board of Directors of the City's Cultural Commission d/b/a Art-Speak.
3. **Update on Percentage of Construction at Water Treatment Plant.** The Madbury Water Treatment plant is approximately 55% complete. The \$18 million dollar project is on schedule to be substantially complete in August of 2011. As you are aware, the project includes both an upgrade of the existing 1957 water treatment plant as well as upgrades at the Bellamy Reservoir.

The work at the site is currently focused on closing in the main treatment plant building. The finished water pump station on site is nearing completion. About 90% of the equipment that will make up the process components of the system have been delivered and are on site awaiting installation.

Site work continues on building the last two of the four drying beds that will be used to dry the residuals that are removed from the raw water.

The site work at the reservoir is nearing completion with the work there now focused on the improvements to the intake structure on the dam.

If the City Council is interested, we can schedule a date and time to do a tour of the plant, possibly a late weekday afternoon or early Saturday morning.