

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JANUARY 18, 2011 TIME: 7:00PM

AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS RSA: 91-A:2, I (b-c)

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

PRESENTATION

1. Comprehensive Annual Financial Report (CAFR) – Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2010 (Annual Audit)

V. ACCEPTANCE OF MINUTES – JANUARY 3, 2011

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION DOLLARS (\$3,000,000.00) FOR TREATMENT PLANT ENGINEERING AND EQUIPMENT PERFORMANCE TESTING AND LONG-TERM CONTROL PLAN IMPLEMENTATION

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the New Library Building Fund
 - Phyllis Eldridge - \$1,500.00 (*Fulfills Pledge*)
(Sample motion – move to approve and accept the donation to the New Library Building Fund, as listed)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation **(Sample motions – (1) move to adopt a proposed Bonding Resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation, as presented, or, if written approval is not received from EPA; (2) vote to table pending written approval from EPA of the November 15, 2010 Wastewater Master Plan)**

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donations for Art-Speak Annual Appeal
- Meganne Fabrega - \$20.00
 - Sarah Haskell - \$20.00
 - Nicholas & Lea Aeschliman - \$25.00
 - Patricia Lynch - \$35.00
 - Vernis & Emerald Jackson - \$40.00
 - Douglas Roberts - \$50.00
 - Tom & Annabelle Cocchiaro - \$50.00
 - Robin Albert & Wayne Lehman - \$100.00
 - Dana & Shaula Levenson - \$100.00
 - M. Christine Dwyer - \$200.00
 - Valerie & Jonathan Sobel's Fidelity Charitable Gift Fund - \$200.00
- (Anticipated action – move to accept and approve the donations in the amount of \$840.00 to Art-Speak for operations, as presented)***
- B. Acceptance of Donations for USS Virginia
- Kevin & Roseann Clark - \$40.00
 - Sons of the American Legion SQD 6 - \$100.00
 - The American Legion Frank E. Booma Post No. 6 - \$100.00
- (Anticipated action – move to accept and approve the donations for the USS Virginia in the amount of \$240.00, as presented)***
- C. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 27, 2011 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Kathy Beebe Keefe, Sexual Assault Support Services, requesting permission to hold the 4th Annual KidSAFE 5k Run/Walk on Pease International Tradeport on Saturday, April 16, 2011 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from The Reverend Calvin Sanborn, AIDS Response Seacoast, requesting permission to hold the 15th Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 1, 2011 ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events in 2011:
- Children's Day, Sunday, May 1, 2011 – Noon to 4:00 p.m.
 - The 34th Annual Market Square Day Festival & 10k Road Race, Saturday, June 11, 2011
 - The 9th Annual Summer in the Street Music Series, Saturday evenings from 5:00 p.m. – 9:30 p.m. on June 25, 2011; July 2, 2011; July 9, 2011; July 16, 2011; July 23, 2011, and July 30, 2011 (rain date August 6, 2011)
- (Anticipated action – move to refer to the City Manager with power)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Gerald Howe, Chair, Board of Police Commissioners regarding FY11 Budget Total

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 of Proposed Bonding Resolution:
- 1.1 Public Hearing and Adoption of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation. **(Action on this Item should take place under Section IX of the Agenda)**

City Manager's Items Which Require Action

1. Elderly & Disabled Exemptions
2. Funding Options for Proposed Youth Recreation Facility
3. Request for Approval of Pole License Agreements #63-0500 and #63-0504

Informational Items

1. Events Listing
2. Quarterly Report on Chamber/City Partnership
3. Report Back on Donated Landscaping Services
4. News Release Re: Community Development Block Grant funded Public Service Agency Grants
5. Request for Budget Questions
6. Vision Appraisal and Employment Agreements Online

B. MAYOR FERRINI

1. City Manager – PDA Reappointment **(Sample motion – move to reappoint City Manager John P. Bohenko to Pease Development Authority for a 3-year term January 1, 2011 to expire January 1, 2014)**
2. Appointments to be Considered:
- Gary Lowe – Appointment to the Sustainable Practices Blue Ribbon Committee
 - Everett Eaton – Reappointment to the Economic Development Commission
 - Elias Abelson – Reappointment to the Board of Library Trustees
 - Valerie Cunningham – Appointment to the Board of Library Trustees
 - Kate Gill Kressley – Appointment to the Board of Library Trustees
 - Derek Durbin – Appointment as Regular member to the Zoning Board of Adjustment

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

**Indicates Verbal Report*

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

INFORMATIONAL ITEMS

1. Notification that the Zoning Board of Adjustment Minutes of the September 28, 2010 meeting are available on the City's website for your review
2. Notification that the Historic District Commission Minutes of the November 3, 2010 meeting are available on the City's website for your review
3. Notification that the Historic District Commission Minutes of the November 10, 2010 meeting are available on the City's website for your review

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: January 14, 2011
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on January 18, 2011 City Council Agenda

6:00 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.

Presentation:

1. **Comprehensive Annual Financial Report (CAFR) - Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2010 (Annual Audit).** Attached on the inside cover of your packet is a copy of the City's Comprehensive Annual Financial Report (CAFR), which includes the financial statements for the fiscal year ending June 30, 2010 (Annual Audit). The Fiscal Year 2010 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, enclosed is the Management Letter for the year ending June 30, 2010, prepared by our auditor. On Tuesday evening, Scott McIntyre from Melanson, Heath & Company will be in attendance to make a presentation on the aforementioned items.

Acceptance of Grants/Donations:

1. **Acceptance of Donation to the New Library Building Fund.** The New Library Capital Campaign Committee has received a donation in the amount of \$1,500.00 from Phyllis Eldridge. This fulfills her pledge.

I would recommend that the City Council approve and accept the donation to the New Library Building Fund, 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. Public Hearing of Proposed Bonding Resolution:

- 1.1 **Public Hearing and Adoption of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation.** As a result of the January 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached](#) proposed Bonding Resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation.

As part of the September 2009 Consent Decree related to the Portsmouth Wastewater collection and treatment systems, the City submitted its Wastewater Master Plan to the EPA on November 15, 2010. That plan included a schedule to bring the Peirce Island Treatment Plant into compliance with the secondary treatment standards by 2017. In order to meet that schedule, the City will need to begin the preliminary engineering and equipment performance testing efforts in 2011. In addition to the work at the treatment plant, the City is continuing the Long-Term Control Plan sewer separation projects in the “Lincoln basin” that are outlined in the Wastewater Master Plan.

The resolution calls for the authorization to borrow up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation.

The preliminary engineering and equipment testing for the wastewater treatment plant is estimated to cost approximately \$2,200,000. The Long-Term Control Plan Project which will include sewer separation work in the Parrott Avenue area and proceed up to Richards Avenue as well as a stormwater outfall into the South Mill Pond is estimated to cost \$800,000.

In meetings with the regulators on the proposed Master Plan schedule, the EPA indicated that the City needs to move forward with the treatment plant engineering and equipment testing and defer the Cass Street project until the spring of 2012.

Staff continues to work with the EPA on getting written approval of the November 15, 2010 final Wastewater Master Plan submittal. As of the writing of this report, we have yet to receive written approval from EPA regarding this matter. If on Tuesday, we do not have written approval from EPA, I would recommend that we continue with the public hearing and table the final vote until such time as EPA provides written approval.

Prior to the public hearing, a short presentation will be made by David Allen, Deputy Public Works Director and Peter Rice, Sewer/Water Engineer.

Bonding requires two-thirds vote.

I would recommend the City Council move the following motions:

1) Vote to adopt a proposed Bonding Resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation, as presented, or, if written approval is not received from EPA,

2) Vote to table pending written approval from EPA of the November 15, 2010 Wastewater Master Plan.

Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Donations for Art-Speak Annual Appeal.** Art-Speak requests that the following donations, totaling \$840.00 be accepted by the City Council for Art-Speak's operations. These funds are donations resulting from Art-Speak's Annual Appeal letter.

➤	Meganne Fabrega	\$20
➤	Sarah Haskell	\$20
➤	Nicholas & Lea Aeschliman	\$25
➤	Patricia Lynch	\$35
➤	Vernis & Emerald Jackson	\$40
➤	Douglas Roberts	\$50
➤	Tom & Annabelle Cocchiaro	\$50
➤	Robin Albert & Wayne Lehman	\$100
➤	Dana & Shaula Levenson	\$100
➤	M. Christine Dwyer	\$200
➤	Valerie & Jonathan Sobel's Fidelity Charitable Gift Fund	\$200

I would recommend the City Council move to accept and approve the donations to Art-Speak for operations, as presented. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Donations for USS Virginia.** The City of Portsmouth has received the following donations totaling \$240.00 for the USS Virginia party:

➤	Kevin E. and Roseann V. Clark	\$ 40.00
➤	Sons of the American Legion SQD6	\$100.00
➤	The American Legion Frank E. Booma Post No. 6	\$100.00

I would recommend the City Council move to approve and accept the donations for the USS Virginia, as presented. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Elderly & Disabled Exemptions.** Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72:37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions # 2-2010 and # 3-2010 which increased the income and asset levels for both the elderly and disabled exemptions by 1.82% from the previous year. The current elderly and disabled exemption income levels are \$33,182 for a single taxpayer, \$40,933 for married taxpayers, and an asset limit of \$110,611.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

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

This year the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is .64%. I would recommend the City Council round this number up to 1% and propose a 1% increase.

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the recommended 1%, this would increase the limits (rounded up) as follows:

- Single \$33,514 increase of \$332
- Married \$41,343 increase of \$410
- Asset Limit of \$111,718 increase of \$1,107

This adjustment would be for assessments as of April 1, 2011 for the 2011 tax year or FY12.

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

If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to the attached proposed resolutions as well as first reading, 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 recommended 1% including asset limitations. I have [attached](#) for your information the tax impact of the elderly and disabled exemptions for FY11.

I would recommend the City Council move to authorize the City Manager to bring back for first reading at the February 7, 2011 City Council meeting the proposed resolutions as presented. (This requires a public hearing and two readings with a majority vote.)

2. **Funding Options for Proposed Youth Recreation Facility.** As you are aware, the City Council authorized the Joint Building Committee to develop preliminary designs for a proposed Youth Recreation Facility at the Middle School, which would replace the existing Connie Bean Center. The new facility would be 9,500 square feet and would house the recreation programs that are now operating out of the Connie Bean Center. The preliminary rough estimate of facility cost is \$2,300,000.00; by the end of January when bids are received a more precise estimate will be available. If the City Council wanted to proceed with the proposed Youth Recreation Facility at the Middle School, I would recommend the following funding options:

1.	Use of bond premium from the bond sale of May 15, 2010	\$512,700.00
2.	Use of proceeds from the sale of Fire Station 2	\$550,000.00
3.	Savings from construction of new Fire Station 2	\$250,000.00
4.	\$1 Million to be bonded which would be paid through the lease of the Connie Bean Center (Minimum amount of lease would have to be in excess of \$75,000.00 per year for this to be self-sustaining)	\$1,000,000.00
TOTAL		\$2,312,700.00

If the City Council were to proceed with the proposed Youth Recreation Facility at the Middle School, Items 1-3 would require a public hearing and a vote of the City Council which would need 2/3's majority. Item No. 4, the bonding would require a public hearing and two readings and a 2/3's majority vote. I would recommend that the City Council establish a work session with the Recreation Board and the Joint Building Committee to discuss the Youth Recreation Facility proposal and to receive more details on the project before any formal action is taken.

I would recommend that the City Council move to schedule a work session on Wednesday, February 9, 2011, at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, with the Joint Building Committee and the Recreation Board.

3. **Request for Approval of Pole License Agreements #63-0500 and #63-0504.**

- a. [Attached is a request for a Pole License Agreement](#) from PSNH, License #63-0500. This request is to license one pole located at the intersection of Rockland and Kent Streets. The new pole location was incorporated into the street improvements completed as part of the Sewer Separation Contract 2. PSNH has removed the old pole that was in the pavement of Rockland Street. This pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached is a photograph of the pole.](#)

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0500, as recommended by the Public Works Department.

- b. [Attached is a request for a Pole License Agreement](#) from PSNH, License #63-0504. This request is to license one pole located on Middle Street that needs to be replaced. PSNH could not find an existing license for a pole at this location and is requesting one at this time. This proposed pole poses no impact to existing City infrastructure. The Public Works Department recommends approval of this license. [Attached is a photograph of the pole.](#)

I would recommend that the City Council approve the request from PSNH for pole license agreement, #63-0504, as recommended by the Public Works Department.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on January 3, 2011. In addition, this now can be found on the City's website.
2. **Quarterly Report on Chamber/City Partnership.** At the January 7, 2011 Economic Development Commission (EDC) meeting, Chamber of Commerce Tourism Manager Valerie Rochon reported on tourism for the period October 1 through December 31, 2010. You may recall that the report is part of the City of Portsmouth and Chamber of Commerce partnership for which the Council has requested copies of the quarterly reports presented to the EDC. [The report is attached for your review.](#)
3. **Report Back on Donated Landscaping Services.** At the January 3, 2011 City Council meeting, Councilor Smith asked for a report back regarding landscaping companies that wish to donate services, and whether a program similar to the City's Adopt-a-Spot Program would be appropriate. Over the course of a number of years the City has benefited greatly from both donated landscaping services as well as landscaping materials, with one firm donating almost three dozen trees in one year. Within the last several years, more than half a dozen firms have donated services and/or materials, including Cornerstone Landscaping and Suntree, which coordinated a multi-firm effort to address a variety of landscaping and tree trimming needs in a number of City parks such as Haven and Langdon as well as on Peirce Island; Salmon Falls Nursery; Stratham

Circle Nursery; and Jacquelyn Nooney Landsape, which has taken care of the planting bed in Market Square as well as several other planting spots along Congress Street. I would suggest that we continue to follow our practice of recent years, which seems to have worked quite well and essentially involves interested firms contacting General Foreman Everett Kern. Everett then works closely with any firm wishing to donate landscaping services or materials to identify City landscaping needs and coordinate the work.

4. **News Release Re: Community Development Block Grant funded Public Service Agency Grants.** [Attached for your information is a copy of a news release](#) regarding the announcement of the availability of Community Development Block Grant (CDBG) Public Service Agency grants.
5. **Request for Budget Questions.** At the last City Council meeting, Mayor Ferrini asked that all budget questions from the City Council be provided by March 1, 2011.
6. **Vision Appraisal and Employment Agreements Online.** For your information, the assessment data from Vision Appraisal is online. The City Assessor has informed me that it will take additional time to put the pictures online. I will advise the City Council when this is complete. The link to Vision Appraisal Online Data Base is under Assessor's Office. Also, all employment agreements are online under Human Resources.