

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, COUNCIL CHAMBERS  
DATE: MONDAY, NOVEMBER 13, 2006

PORTSMOUTH, NH  
TIME: 7:00PM

- 6:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL – RSA 91-A:2 I (c)

## AGENDA

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

### PRESENTATIONS

1. Save the Old State House Blue Ribbon Committee – David Engel, Chair
2. Acceptance of Donations to the New Library Building Fund Re: Naming Opportunities
  - The Levenson Family - \$90,000.00 (additional pledge of \$10,000.00) for the naming of the Russell and Shura Levenson Community Meeting Room and the endowment of an annual lecture on the topic of Tolerance
  - Northeast Auctions by Ronald Bourgeault LLC - \$50,000.00 for the naming of the staircase “The Bellamy Staircase” in honor of the 60<sup>th</sup> birthday of its founder, Ronald Bourgeault
  - Ocean Properties, Ltd - \$15,000.00 for the naming of the Children’s Activity Room
  - Parade Hotel Investors, LLC - \$5,000.00 (additional pledge of \$10,000.00) for the naming of the 2<sup>nd</sup> floor meeting room for the Hilton Garden Inn
  - The Wilson Family - \$1,700.00 (additional pledge of \$3,300.00) for the naming of the Non-fiction Reading Bay in memory of Marie Wilson by her family
  - Anne Reynolds - \$5,000.00 for the naming of the Fiction Alcove

*(Sample motion – move to approve and accept the aforementioned donations to the New Library Building Fund as listed)*

- V. ACCEPTANCE OF MINUTES – OCTOBER 5, 2006 AND OCTOBER 16, 2006
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARINGS
  - A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) FOR FY07 CITY FACILITIES CAPITAL IMPROVEMENTS *(Prior to Public Hearing a short staff presentation will be held on the facilities to be improved)*

- B. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION FOUR HUNDRED AND FIFTY THOUSAND DOLLARS (\$3,450,000.00) FOR FY07 STREET AND SIDEWALK CITY IMPROVEMENTS (*Prior to Public Hearing a short staff presentation will be held on the streets and sidewalks to be improved*)
- C. ORDINANCE BY THE CREATION OF A CHAPTER 16, UTILITIES, ARTICLE 1, WATER ORDINANCE; THE DELETION IN THE ENTIRETY OF CHAPTER 11, ARTICLE IX, SECTION 11.9 – CROSS CONNECTION CONTROL AND BACK FLOW PREVENTION, AMENDING CHAPTER 13, ARTICLE VII, SECTION 13.7 – WATER SUPPLY, AND AMENDING CHAPTER 14, ARTICLE I, SECTION 14.103 – SERVICES, EQUIPMENT, FACILITIES FOR PLUMBING (*Prior to the Public Hearing a short staff presentation will be held on the new Water Ordinance and Rate Study*)

### VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donations to the New Library Building Fund
- Clare O'Brien and Charles J. Doane - \$1,000.00
  - Rachel C. Laramee and David M. Rothstein - \$1,000.00
  - Richard Amergian - \$1,000.00
  - Claudia J. Morner and Leonard S. Jones - \$1,000.00
  - Elizabeth C. and David G. Sweet - \$1,000.00
  - Susan Foley McCann - \$1,000.00 (*Given in memory of Roland L. McCann*)
  - Douglas M. Lanier and Susan A. Walsh - \$1,000.00
  - Shaw's Supermarkets - \$2,000.00

***(Sample motion – move to approve and accept the donations to the New Library Building Fund as listed)***

- B. Acceptance of Police Department Grants
- Supplemental Internet Crimes Against Children Grant in the amount of \$500,000.00
  - Fuller Foundation Grant in the amount of \$2,000.00 for three officers to attend Drug Recognition Expert School
- C. Acceptance of Donation from Emerson Hovey Post #168 Inc., in the amount of \$200.00 for the USS Hartford Dinner

### IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10, Article III, Section 10-304(A) – Zoning – Table 10 Dimensional Requirements of the Ordinance of the City of Portsmouth
- B. Adoption of Resolution Authorizing a Bond Issue of up to One Million Dollars (\$1,000,000.00) for FY07 City Facilities Capital Improvements (***Please note: two-thirds vote required for passage***)

- C. Adoption of Resolution Authorizing a Bond Issue of up to Three Million Four Hundred and Fifty Thousand Dollars (\$3,450,000.00) for FY07 Street and Sidewalk City Improvements (***Please note: two-thirds vote required for passage***)
- D. Second reading of Ordinance by the creation of a Chapter 16, Utilities, Article I, Water Ordinance; the Deletion in the entirety of Chapter 11, Article IX, Section 11.9 – Cross Connection Control and Back Flow Prevention, amending Chapter 13, Article VII, Section 13.7 – Water Supply, and amending Chapter 14, Article I, Section 14.103 – Services, Equipment, Facilities for Plumbing

**X. CONSENT AGENDA**

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

- A. Acceptance of Anonymous Donations to the New Library Building Fund in the amount of \$3,505.00 (***Anticipated action – move to approve and accept the donations to the New Library Building Fund as listed***)
- B. Acceptance of Donations to the New Library Building Fund in memory of Ida Belostock in the amount of \$85.00:
  - Mary Rottenberg, Joyce and Ronald Meenes
  - Robert Gerrol & Shirley A. Gerrol
  - Leslie Victor Kates
  - Adele M. Fox

***(Anticipated action – move to approve and accept the donations to the New Library Building Fund as listed)***
- C. Acceptance of Donations to the New Library Building Fund (***Please note: City Clerk Barnaby has a copy of a full set of the checks donating funds to the New Library Building Fund for your review if you wish***)
  - Paul R. O'Brien - \$5.00
  - John R. & Mary Ellen Maier - \$5.00
  - Richard E. and Sharon M. Peatfield - \$10.00
  - Peter and Helen Grimbilas - \$15.00
  - Helena M. Butler - \$20.00
  - James R. and Janice S. Bailey - \$20.00
  - Maureen A. and Thaddeus B. Oot - \$20.00
  - Michael W. Cross - \$25.00
  - Dorothy Lee and Judith L. Layton - \$25.00
  - Robert L. L'Ecuyer - \$25.00
  - Richard T. and Catherine DiPentima - \$25.00
  - Geraldine M. Palmer - \$25.00
  - Jean P. Burbank - \$25.00
  - Maria E. Montanaro - \$25.00
  - Patricia S. Wise - \$25.00
  - Kathleen J. Arsenault - \$25.00

- Alicia and Michael Webb - \$25.00
- Joan L. Hamblet - \$25.00
- William D. and Denise L. Chamberlin - \$25.00
- Angeljean Chiaramida - \$25.00
- Marion A. Brink - \$25.00
- Margaret McGrath - \$25.00
- Richard L. and Mary C. Rash - \$25.00
- Charlotte Mackles - \$25.00
- Michael A. Bellamente - \$25.00
- Linda Herbst and Richard C. S. Harding - \$25.00
- Julie H. and Jason J. Kyrousis - \$25.00
- Paul P. and Deborah B. Fortin - \$25.00
- Elizabeth A. Gwaltney - \$25.00
- Wilfred G. and Margaret E. Pinsonneault - \$25.00
- Ariel L. Schmitt and Jodi A. Labonte - \$25.00
- Norman H. and Marie F. Odiorne - \$25.00
- Rudolph M. and Corrine Lobou - \$25.00
- Dileep Kolli - \$25.00
- Marjorie L. Fernald - \$25.00
- Cloyed and Madelyn Straub - \$25.00
- Karen Dufour - \$25.00
- John R. and Patricia J. Howard - \$25.00
- Mark and Catherine Tremblay - \$25.00
- Cyrus and Edna Wardwell - \$25.00
- RB Cole - \$25.00
- Frances S. Elsemore - \$25.00
- John A. Chick, Sr. and Dorothy P. Chick - \$25.00
- Ruth R. Fitzgerald - \$25.00
- Bruce L. and Shannon D. Wilson - \$25.00
- John C. and Pamela A. Shore - \$25.00
- Robert M. and Susan Mennel - \$25.00
- James D. and Barbara M. Roberts - \$25.00
- Patricia A. Carter - \$25.00
- Gisela H. Garvey - \$25.00
- Martin B. Burns - \$25.00
- Janet Schofield - \$25.00
- Seacoast Dental Implant and Oral Surgery Center, PLLC - \$25.00
- Susan E. Pritchard - \$25.00
- Barbara and John E. Paterson - \$25.00
- John D. Phillipe - \$25.00
- Melvin S. and Beatrice Pritchard - \$30.00
- Kenneth K. and Kathleen M. Slover - \$35.00
- Lauren F. and Helen K. Otis - \$35.00
- Catherine Arakelian - \$35.00
- Josephine C. Donovan - \$35.00
- Lynn M. Santosuosso - \$40.00

- Dana H. and Barbara S. Wells - \$50.00
- Richard A. Hopley - \$50.00
- Elizabeth S. Murphy - \$50.00
- Warren J. and Audrey J. Sheehan - \$50.00
- Roger F. and Elaine M. Wood - \$50.00
- Matt Siler - \$50.00
- David H.M. and Wendy F. Keller Baker - \$50.00
- Diane L. and Barney A. Share - \$50.00
- Port City Online - \$50.00
- Roger P. Goldenberg - \$50.00
- Stephen E. Maloney - \$50.00
- Christopher Poulin - \$50.00
- Donna Lucas - \$50.00
- Gregory T. Franklin - \$50.00
- Mark J. Lemay - \$50.00
- Smart Tennis - \$50.00
- Lawrence and Pamela A. Lariviere - \$50.00
- Frances R. Snook - \$50.00
- Richard M. and Ernestine J. Greenslade - \$50.00
- Christina M. and Kevin T. McKittrick - \$50.00
- Linda C. Freeman - \$50.00
- Mark E. and Lenore P. Leonardi - \$50.00
- Terrence MacDonald - \$50.00
- Virginia E. Morin - \$50.00
- Gloria H. Dunn - \$50.00
- Mark J. Whitehouse - \$50.00
- Linda Lamonakis - \$50.00
- Valerie Cunningham - \$50.00
- Dawn A. Shippee - \$50.00
- Barbara Kirkham - \$50.00
- Great East Festivals, William E. Elwell - \$50.00
- Susan R. McLane - \$50.00
- Christine C. Hodgson - \$50.00
- Anna M. Hafey - \$50.00
- Debra R. and Webster H. Kohlhase, Jr. - \$50.00
- Barbara L. Wrobel - \$50.00
- Michael Dater d/b/a Inkroom - \$50.00
- David P. and Elena Maria Ewing - \$50.00
- Michael A. and Janet D. McCann - \$50.00
- Robert A. Lessard - \$50.00
- Frances E. Wholey - \$50.00
- Diana P. Plautz - \$50.00
- B. Randolph and Stephanie C. Holt - \$50.00
- Ronald M. and Mary E. Gaudreau - \$50.00
- Philip F. and Barbara H. Gray - \$50.00
- Karine Dhanger and Steve Schmidt - \$50.00

- William Andrew and Sage E. Clarke - \$50.00
- Roland F. and Mary E. Watts - \$50.00
- Frank T. Cook and Patricia J. Remick - \$50.00
- Mark J. Geller - \$50.00
- Hope M. and Christopher Martin - \$75.00
- Karen G. and Peter Dawson - \$75.00
- Adam Crowell - \$100.00
- Norman M. and Elizabeth T. Henderson - \$100.00
- Edward P. Moriarty Living Trust - \$100.00
- Mary R. Loughlin - \$100.00
- Janice and William C. Chase, III - \$100.00
- Joseph and Barbara Yergeau - \$100.00
- Patricia and Gary Kish - \$100.00
- Pamela Henry - \$100.00
- Birgit Christiansen - \$100.00
- Richard B. Day - \$100.00
- Ramona M. Dow - \$100.00
- Steven P. Henson - \$100.00
- James M. and Darlene L. Manning - \$100.00
- Eleanor M. Levy - \$100.00
- Sheldon L. and Renee F. Goodman - \$100.00
- Association Services - \$100.00
- Elizabeth C. Boynton - \$100.00
- Rodney B. and Lee N. Roberts - \$100.00
- Nancy N. and Grenville B. Winthrop, III - \$100.00
- Lillian A. McCann - \$100.00
- Philip T. and Margaret R. Cavanaugh - \$100.00
- Donald R. and Carol L. Welsh - \$100.00
- Jane Sydney - \$100.00
- Joan MacPhail - \$100.00
- Rick D. and Suzette A. LaFleur - \$100.00
- Harry L. and Jean C. Deas - \$100.00
- Elizabeth Cavanagh - \$100.00
- Lee H. Rubin and Lucy E. Salyer - \$100.00
- Jennifer Suzanne Bergeron-Bowers and Steve B. Bowers - \$100.00
- Jacqueline C. and James R. Russ - \$100.00
- Thomas F. and Barbara A. Bolko - \$100.00
- Bradley M. Lown and Christyn B. Sieve - \$100.00
- Justin Hanna - \$100.00
- K.R. Gotz - \$100.00
- Jean M. Bell - \$100.00
- William M. Lyons - \$100.00
- Ruth C. Arrington - \$100.00
- J. Alan Jasper - \$100.00
- Christopher C. Cook - \$100.00
- Frederick G. McCaffery - \$100.00

- Alice T. Miller - \$100.00
- Roger D. and Pauline R. Tucker - \$100.00
- Arnold L. and Naomi E. Fishbein - \$100.00
- Mary C. Malloy and Gilbert C. Wager - \$100.00
- Joseph I. and Barbara D. Lasala - \$100.00
- Zoilita A. and John P. Diamond - \$100.00
- Paige Roberts - \$100.00
- Barbara H. Krysiak - \$100.00
- Constance M. and Robert W. Bushman - \$100.00
- Michael B. Frandzel and Judith A. Silver - \$100.00
- George P. Pendleton - \$100.00
- Donald F. Clark - \$100.00
- John R. Howe, The Howe Fund - \$100.00
- Howard J. and Myrna S. Promer - \$100.00
- Robb and Laurianne Powers Schlosser- \$150.00
- Pediatric Associates of Hampton & Portsmouth, P.C. - \$200.00
- Hugh L. and Naomi W. Henedy - \$200.00
- Ross and Jody Hoffer Gittell - \$200.00
- Michael J.P. and Georgina Lannon - \$250.00
- Riverrun Bookstore, Inc. - \$250.00
- Christopher D. and Tracy S. Kozak - \$250.00
- Mark S. Anderson and Robin M. Silva - \$250.00
- Lyonel B. and Sharlene B. Tracy - \$250.00
- Calvin A. and Elizabeth S. Canney - \$250.00
- Barbara W. Millar - \$250.00
- John S. and Susan P. Battye - \$250.00
- Edmund S. and Maija N. Hibbard - \$250.00
- E. Erich Baum - \$250.00
- Arlene F. Beatty - \$260.00
- Sherman C. Pridham - \$300.00
- Kristin McCann - \$500.00
- Lance O. Lollini and Patricia A. Day-Lollini - \$500.00
- Earle M. and Phyllis H. Sanders - \$500.00
- Dorothy Bergeron - \$500.00
- Nancy Novelline Clayburgh - \$500.00 (*Comfortable Chair Contribution*)
- C & S Associates and DBF Charles Seefried - \$500.00
- Christine M. Deford - \$500.00

***(Anticipated action – move to approve and accept the donations int heamount of \$16,915.00 to the New Library Building Fund as listed)***

- D. Letter from Heidi Roy, National Multiple Sclerosis Society, requesting permission to hold MS Walk on Saturday, May 5, 2007 from 10:00 a.m. to 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Linda and Ralph DiBernardo requesting that the City create a small park on upper Islington Street after the removal of the water tower
- B. Letter from Donna Downes, Edible Arrangements, requesting a loading zone parking spot in front of Edible Arrangements at 90B Fleet Street
- C. Letter from Police Commission requesting that money earned from the unclaimed property auction total \$5,500.00 be donated to Officer Michael Briggs Memorial Fund on behalf of the City of Portsmouth
- D. Letter from Peter Kinner, North Congregational Church of Portsmouth, requesting an extension of the encumbrance permits (for truck traffic only) it holds for Church Street, Pleasant Street, Congress Street, and the unnamed alley through February of 2007
- E. Letter from Attorney Bernard Pelech regarding Proposed Zoning Amendment - Nonresidential Planned Unit Development Ordinance, which would function as an Overlay District in the Office Research Districts and Industrial Districts

## XII. 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:
  - 1.1 First Reading of Ordinance Amending Chapter 10 – Zoning, Article III, Section 10-304(A) – Table 10 Dimensional Requirements of the Ordinances of the City of Portsmouth (***Action on this matter should take place under Section IX of the Agenda***)
- 2. Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:
  - 2.1 Adoption of Resolution Authorizing a Bond Issue of up to One Million Dollars (\$1,000,000.00) for FY07 City Facilities Capital Improvements (***Action on this matter should take place under Section IX of the Agenda***)
  - 2.2 Adoption of Resolution Resolution Authorizing a Bond Issue of up to Three Million Four Hundred and Fifty Thousand Dollars (\$3,450,000.00) for FY07 Street and Sidewalk City Improvements (***Action on this matter should take place under Section IX of the Agenda***)



- 2.3 Second reading on Ordinance by the creation of a Chapter 16, Utilities, Article I, Water Ordinance; the Deletion in the entirety of Chapter 11, Article IX, Section 11.9 – Cross Connection Control and Back Flow Prevention, amending Chapter 13, Article VII, Section 13.7 – Water Supply, and amending Chapter 14, Article I, Section 14.103 – Services, Equipment, Facilities for Plumbing (**Action on this matter should take place under Section IX of the Agenda**)
3. Letter from Police Commission Re: Money Raised from Auction (**Action on this matter should take place under Section XI of the Agenda**)
4. Global Warming Referral to Committee on Sustainable Practices (**Action on this matter should take place under Section XII. D.1. of the Agenda**)
5. Letter from Attorney Bernard Pelech regarding Proposed Zoning Amendment (**Action on this matter should take place under Section XI. of the Agenda**)

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

1. Proposed Suspension of Meter Enforcement – 2006 Holiday Season
2. Adoption of Proposed 2007 Schedule of City Council Meetings and Work Sessions
3. Disposal of Fire Pumper
4. Request City Council Approve Letter to DOT Commissioner Murray Re: U.S. Route 1 Bypass Project
5. Report Back Re: Disposal of the Old Library Building
6. Approval of License Agreement for 58 State Street
7. Planning Board Report Back on the Request of The Housing Partnership for an Access Easement on Bedford Way
8. Planning Board Report Back on the Rezoning Request of The Housing Partnership
9. Request for Approval of Pole License #63-436 and #63-437

#### **Informational Items**

1. Work Session Agenda Re: Cable Commission
2. Work Session Agenda Re: Committee of the Whole - Preliminary Budget Review
3. Holiday Parade
4. Government Finance Officers Association (GFOA) Distinguished Budget Award
5. Updated Total for Donations to the New Library Fund

## **B. MAYOR MARCHAND**

1. Appointment to be Considered:
  - Everett Eaton – Economic Development Commission
  - Robert M. Haft – Mayor’s Blue Ribbon Dog Committee
  - William Gindele – Save the Old State House Blue Ribbon Committee
  - James Horrigan – Conservation Commission Regular Member
2. Appointments to be Voted:
  - Paul Harvey – Economic Development Commission
  - Brian Gregg – Rockingham Planning Commission
3. \*Reports

## **C. COUNCILOR GRASSO**

1. \*Final Report – Joint Building Committee (High School)

## **D. COUNCILOR RAYNOLDS**

1. Global Warming Referral to Committee on Sustainable Practices (***Proposed motions:***
  - 1) ***Accept the November 2, 2006 report of the Blue Ribbon Committee on Sustainable Practices regarding global warming;***
  - 2) ***Authorize the Mayor to sign the United States Conference of Mayors Climate Protection Agreement; and***
  - 3) ***Resolve to join the Cities for Climate Protection campaign and make a good faith commitment to undertake the campaign’s five milestones by signing the attached Proclamation***

## **E. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the October 12, 2006 meeting
2. Parking Committee Action Sheet and Minutes of the October 12, 2006 meeting

## **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

(\*Indicates verbal report)

## **INFORMATIONAL ITEMS**

1. Historic District Commission minutes of the September 13, 2006; September 20, 2006 and October 4, 2006 meetings
2. Conservation Commission minutes of the September 13, 2006 meeting
3. Zoning Board of Adjustment minutes of the March 22, 2005; April 19, 2005; June 21, 2005; June 28, 2005; September 27, 2005; December 20, 2005; September 19, 2006; and September 26, 2006 meetings
4. Planning Board minutes of the September 21, 2006 and September 28, 2006 meetings
5. Site Review Technical Advisory Committee minutes of the October 3, 2006 meeting

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