

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON NOVEMBER 13, 2006 COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR MARCHAND, ASSISTANT MAYOR FERRINI, COUNCILORS GRASSO, DWYER, RAYNOLDS, PANTELAKOS, WHITEHOUSE, SMITH AND HYNES

1. Presentation – Save the Old State House Blue Ribbon Committee – David Engel, Chair – Mr. Engel provided the City Council with a status update of the Save the Old State House Blue Ribbon Committee.
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 60th 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 2nd 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

Voted to approve and accept the aforementioned donations to the New Library Building Fund as listed.
3. Acceptance of Minutes – October 5, 2006 and October 16, 2006 – Voted to approve and accept the minutes of the October 5, 2006 and October 16, 2006 City Council meetings.
4. Public Comment Session – There were four speakers: Ray Will (Packet Availability); Barbara Massar (The Tree Lighting & First Night); Doug Bogen and Neill DePaoli (Climate Action).
5. Public Hearing – Resolution Authorizing a Bond Issue of up to One Million Dollars (\$1,000,000.00) for FY07 City Facilities Capital Improvements – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the bonding resolution of up to \$1,000,000.00 for FY07 City Facilities Capital Improvements.
6. Public Hearing - 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 – Held a public hearing. On a roll call 8-1, voted to adopt a bonding resolution of up to \$3,450,000.00 for FY07 Street and Sidewalk City Improvements. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Smith, Hynes and Mayor Marchand voted in favor. Councilor Whitehouse voted opposed.

7. Public Hearing - 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 – Held a public hearing. Voted to pass second reading of the amended ordinance, as submitted, and hold a third and final reading at the December 4, 2006 City Council meeting.
8. Voted to suspend the rules in order to take up Item XII. D.1. – Global Warming Referral to Committee on Sustainable Practices.
9. Global Warming Referral to Committee on Sustainable Practices – Voted to accept the November 2, 2006 report of the Blue Ribbon Committee on Sustainable Practices regarding global warming.

Voted to authorize the Mayor to sign the United States Conference of Mayors Climate Protection Agreement.

Voted to 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 Proclamation as presented.

10. 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

Voted to approve and accept the donations to the New Library Building Fund as listed.

11. 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

Voted to approve and accept the grants to the Portsmouth Police Department as listed.

12. Acceptance of Donation from Emerson Hovey Post #168 Inc., in the amount of \$200.00 for the USS Hartford Dinner – Voted to approve and accept the donation from Emerson Hovey Post #168 Inc. as listed.

13. 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 – Moved to pass first reading on the change to maximum building height within the CBA District from a 50-foot maximum to a 40-foot maximum as specified in the proposed ordinance and move to schedule a public hearing and second reading on the attached proposed ordinance at the December 4, 2006 City Council meeting.

Voted to amend the ordinance to pass first reading on the change to maximum building height within the CBA District from a 50-foot maximum to a 40-foot maximum as specified in the proposed ordinance; and schedule a public hearing and second reading on the proposed ordinance to the January 8, 2007 City Council meeting; and refer this matter to the Planning Board for a report back prior to the January City Council meeting. Main motion passed as amended.

14. Consent Agenda – Voted to adopt the Consent Agenda as presented.

- 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. Hennedy - \$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 and Jay 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 in the amount 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***)

15. 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 – Voted to refer to the City Manager for report back.

16. Letter from Donna Downes, Edible Arrangements, requesting a loading zone parking spot in front of Edible Arrangements at 90B Fleet Street – Voted to refer to the Parking Committee.
17. 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 – Voted to refer to the City Manager with power.
18. Letter from Peter Kinner, North Congregational Church of Portsmouth, requesting an extension of the encumbrance permits (restrict truck traffic only) it holds for Church Street, Pleasant Street, Congress Street, and the unnamed alley through February of 2007 – Voted to refer to the City Manager with power.
19. 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 – Voted to refer to the Planning Board for report back.
20. Proposed Suspension of Meter Enforcement – 2006 Holiday Season – Voted to authorize the Parking & Transportation Department to forego meter enforcement in the downtown area from Saturday, December 9th through Monday, December 25th, with the stipulation that the 15-minute, two-hour, and four-hour limits will be enforced.
21. Adoption of Proposed 2007 Schedule of City Council Meetings and Work Sessions – Voted to approve the 2007 Schedule of City Council Meetings and Work Sessions.
22. Disposal of Fire Pumper – Voted to approve the disposal of the 1988 Mack CF600 Pumper to the New Hampshire Fire Academy as recommended by the Fire Commission and Fire Chief Christopher LeClaire.

Councilor Whitehouse suggested that the New Hampshire Fire Academy consider donating the 1988 Mack CF600 Pumper to a third world country following their use of the vehicle.

23. Request City Council Approve Letter to DOT Commissioner Murray Re: U.S. Route 1 Bypass Project – Voted to authorize the Mayor to send the attached letter to Commissioner Carol Murray regarding the City Council's position relative to the preferred option by the City on the U.S. Route 1 Bypass Project.
24. Report Back Re: Disposal of the Old Library Building – Voted to accept the Planning Board's recommendation as presented.

Planning Board's recommendations to the City Council:

- *That the Board finds that there is no municipal agency requiring the use of this facility; and,*
- *That given the potential interest in this historic structure, the City should conduct a formal review of the title/deeds relating to this site.*

25. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.

26. Approval of License Agreement for 58 State Street – Voted to authorize the City Manager to enter into a License Agreement with March Twenty Two LLC for purposes of facilitating construction activities at 58 State Street.
27. Planning Board Report Back on the Request of The Housing Partnership for an Access Easement on Bedford Way – Voted to postpone action and discussion on the Planning Board's report back until final action is taken on the zoning matter.
28. Planning Board Report Back on the Rezoning Request of The Housing Partnership – Voted to accept the Planning Board's report back on the Housing Partnership's rezoning request and move to authorize the City Manager to bring the Residential Density Incentive Planning Unit Development Ordinance back for first reading on December 4, 2006.
29. Request for Approval of Pole License #63-436 and #63-437 – Voted to approve the request from PSNH for pole license agreements, #63-436 and #63-437, as recommended by the Public Works Department.
30. Appointments to be Considered – The City Council considered the reappointment of Everett Eaton to the Economic Development Commission, the appointment of Robert M. Haft to the Mayor's Blue Ribbon Dog Committee, the appointment of William Gindele to the Save the Old State House Blue Ribbon Committee and the appointment of James Horrigan as a regular member to the Conservation Commission filling the unexpired term of Charles Cormier. The City Council will vote on these appointments at the December 4, 2006 City Council meeting.
31. Appointments to be Voted – Voted to reappoint Paul Harvey to the Economic Development Commission until October 1, 2010.

Voted to appoint Brian Gregg to the Rockingham Planning Commission.
32. Final Report – Joint Building Committee (High School) – Councilor Grasso provided a final report for the Joint Building Committee for the High School. No action required.
33. Traffic & Safety Committee Action Sheet and Minutes of the October 12, 2006 meeting – Voted to approve and accept the action sheet and minutes of the October 12, 2006 Traffic & Safety Committee meeting.
34. Parking Committee Action Sheet and Minutes of the October 12, 2006 meeting – Voted to approve and accept the action sheet and minutes of the October 12, 2006 Parking Committee meeting.
35. Adjournment – At 10:45 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC
City Clerk