

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 13, 2006

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

At 6:30 p.m., an Anticipated “Non-Meeting” with Counsel was held – RSA 91-A:2 I (c).

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:15 p.m.

II. ROLL CALL

Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Hynes

III. INVOCATION

Mayor Marchand asked everyone to join in a moment of silent prayer in memory of Herbert Bunnell who recently passed away.

IV. PLEDGE OF ALLEGIANCE

Councilors Whitehouse and Hynes led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Save the Old State House Blue Ribbon Committee – David Engel, Chair

Mr. Engle provided the City Council with a status update on the Save the Old State House Blue Ribbon Committee. He spoke to the replica model of the building which is on display here at City Hall in the Portsmouth Room. He discussed a grant that would create a visitors center.

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

Maryann List, Library Director discussed the various donations received and how greatly they are appreciated. She advised the City Council that the representative from Parade Hotel Investors, LLC was unable to attend this evening but has indicated a desire to attend the next City Council meeting to discuss his donation to the New Library Building Fund. Ms. Reynolds spoke to her donation for the naming of Fiction Alcove.

Assistant Mayor Ferrini moved to suspend the rules in order to take action to accept and approve the donations. Seconded by Councilor Grasso and voted.

Assistant Mayor Ferrini moved to approve and accept the aforementioned donations to the New Library Building Fund as listed. Seconded by Councilor Grasso and voted.

V. ACCEPTANCE OF MINUTES – OCTOBER 5, 2006 AND OCTOBER 16, 2006

Councilor Whitehouse moved to approve and accept the minutes of the October 5, 2006 and October 16, 2006 City Council meetings. Seconded by Councilor Pantelakos and voted.

VI. PUBLIC COMMENT SESSION

Ray Will said he spoke back in 1991 regarding the availability of the City Council packet which led to the creation of the two binders in the back of the Council Chambers for the public to review as well as two packets being displayed at the Library for public review. He suggested that a portion of the City Council packet appear on the website, such as the City Manager's comments.

Barbara Massar, Pro Portsmouth, thanked the City Council for their support with the Tree Lighting Ceremony which will take place on December 1, 2006. She advised the City Council that the theme for this year is Community Spirit and the Portsmouth Little League Champions will turn the switch for the lighting of the Christmas tree.

Doug Bogen thanked the City Council for taking up the important issue of global warming this evening. He also thanked the Sustainability Committee for bringing this issue forward. Mr. Bogen provided the City Council with a map showing what would happen to the Portsmouth Harbor region with 20 foot sea level rise.

Neill DePaaoli spoke in support of action by the City Council regarding the Climate Protection Agreement. He urged the City Council to sign the agreement and adopt the Resolution relative to climate protection. He also suggested the creation of an educational plan for residents relative to climate protection and global warming.

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*)

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko advised the City Council that Public Works Director Parkinson would be making a brief presentation on this resolution and provide a review the projects.

Public Works Director Parkinson reviewed the buildings and facilities under the capital improvements of this resolution. He discussed the expansion of the Public Works Department facility and their welding operation and the increase to the storage capacity. Public Works Director Parkinson reviewed the roof replacement project for the Municipal Complex, replacement of smoke detectors in the complex, pigeon control devices and other various projects.

Mayor Marchand passed the gavel to Assistant Mayor Ferrini while he stepped out of the room for a moment.

Bill St. Laurent, representing the Association of Portsmouth Taxpayers, spoke in support of the resolution and the funding requested.

After three calls and no further speakers, Assistant Mayor Ferrini declared the public hearing closed.

Assistant Mayor Ferrini returned the gavel to Mayor Marchand.

- 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*)

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers.

Public Works Director Parkinson reviewed the sidewalks and street improvements that are included in this resolution. He reported that the streets are two year projects with design the first year and construction taking place in year two. He also addressed improvements to the Congress Street area.

City Manager Bohenko advised the City Council that the Haven Road project has been completed and would ask that the funds remaining be used for repairs to various sidewalks. He reported that Mirona Road has been repaired with the FY05 Public Works Department capital paving program and that funding will be placed back into that account.

Bill St. Laurent representing the Association of Portsmouth Taxpayers asked if this is part of the capital improvement plan and will extend two years. City Manager Bohenko said every two years we identify streets and sidewalks. He said that the funding will be used for the items represented by Public Works Director Parkinson. Bill said that the Association of Portsmouth Taxpayers is not in opposition to street and sidewalk improvements. He spoke concerned regarding the increase in bonding and the future projects that will be coming forward and therefore the Association of Portsmouth Taxpayers is opposed to the resolution. City Manager Bohenko advised Mr. St. Laurent that the City stays under 10% of our annual appropriations and in FY07 the net amount is 6.75%.

Peter Bresciano spoke in favor of the resolution and said that some individuals want to see our bonding rating at 0% but they do not realize the effect that would have on our bond rating. He advised the City Council that the staff does a great job on our bond rating and debt service. He inquired as to how the sidewalks replaced three years ago are holding up.

After three calls and no further speakers, Mayor Marchand declared the public hearing closed.

- 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*)

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko reported that we have been working on the restructuring of our water ordinance and water tariff. He asked Deputy Public Works Director Allen and Assistant City Attorney Woodland to come forward to discuss and provide a brief presentation to the City Council.

Deputy Public Works Director Allen provided a presentation on the changes to the water ordinance. He discussed the water rate study that was conducted and the creation of new water connection fees. He advised the City Council that the water ordinance would replace our water tariff.

Assistant City Attorney Woodland reported that the City is currently regulated by a tariff and the ordinance would reflect current law and provide better enforcement tools. She reported that the ordinance would be easier to administer and allow the fees and rates to be part of the budget process.

Deputy Public Works Director Allen said that the ordinance would also address the growth of the system. He advised the City Council that they are looking at creating a fee for large customers with a one time charge for new connections. He announced that the billing rate and period will change to a quarterly bill.

Bill St. Laurent said the ordinance looks good but does not see how they are tied with the sewer rate. City Manager Bohenko said that this will not affect our sewer rate; it regulates the water side and all that deals with water. He reported that the City Council maintains the authority to set the rates and that the ordinance would allow for a separate rate for large users.

After three calls and no further speakers, Mayor Marchand declared the public hearing closed.

Councilor Raynolds moved to suspend the rules in order to take up Item XII. D.1. – Global Warming Referral to Committee on Sustainable Practices. Seconded by Councilor Pantelakos and voted.

Councilor Raynolds reported that there are several people from the Sustainability Committee hear this evening. He spoke to the three actions requested this evening by the City Council.

Councilor Raynolds moved to suspend the rules in order to allow Tom Rooney of the Sustainability Committee to come forward and address the City Council relative to this matter. Seconded by Councilor Whitehouse and voted.

Tom Rooney provided a brief summary on the report of the Sustainability Committee. He advised the City Council that the recommended actions are to benefit the City. He also advised the City Council that the City is already doing a great deal of things in terms of sustainable practices. He reported that the Committee is recommending that the Mayor sign the agreement and the proclamation as presented.

Councilor Raynolds moved to accept the November 2, 2006 report of the Blue Ribbon Committee on Sustainable Practices regarding global warming. Seconded by Councilor Whitehouse.

Councilor Whitehouse spoke in support of the Committee and their recommendations. He did indicate that he does not want to see this appear as an added line item or financial burden to the City.

Motion passed.

Councilor Raynolds moved to authorize the Mayor to sign the United States Conference of Mayors Climate Protection Agreement. Seconded by Councilor Pantelakos and voted.

Councilor Reynolds moved 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. Seconded by Councilor Pantelakos.

Councilor Reynolds said he is pleased that the City Council has taken these actions this evening.

Motion passed.

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

Councilor Pantelakos moved to approve and accept the donations to the New Library Building Fund as listed. Seconded by Councilor Dwyer and voted.

- 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

Councilor Smith moved to approve and accept the grants to the Portsmouth Police Department as listed. Seconded by Councilor Hynes.

Police Chief Magnant spoke to the grant which is to protect against internet crimes against children. He advised the City Council that the grant would be used towards training and equipment and that the grant funds approximately 1 ½ positions in the City. He also advised the City Council that these positions are already on staff.

Motion passed.

- C. Acceptance of Donation from Emerson Hovey Post #168 Inc., in the amount of \$200.00 for the USS Hartford Dinner

Councilor Grasso moved to approve and accept the donation from Emerson Hovey Post #168 Inc. as listed. Seconded by Councilor Smith and voted.

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

Councilor Grasso 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. Seconded by Councilor Smith.

City Manager Bohenko spoke to his comments that if first reading was passed this evening that second reading and public hearing would be held on January 8, 2007 to allow the public to come forward and send the matter to the Planning Board for discussion.

Councilor Grasso moved 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. Seconded by Councilor Smith.

Councilor Dwyer said that the City Council needs to anticipate amending portions of the code over time. City Manager Bohenko said that Councilor Dwyer makes a good point and that over time there will be approximately 1/2 dozen amendments that will be important to the public. He said to do them all at once would be overwhelming.

Assistant Mayor Ferrini said he agrees with Councilor Dwyer. He said that rewrites of a zoning ordinance can be a moving target. He advised the City Council that he endorses this ordinance amendment.

Councilor Smith said he agrees with Assistant Mayor Ferrini. He said that this is a moving target and is important. He said that first it was important to move this item up front. He said putting a public hearing date basically stops everything to allow the Planning Board to review the ordinance.

City Attorney Sullivan said once notice of second reading and public hearing has been posted no building permits will be issued and shall remain as such for 120 days.

Mayor Marchand said that this is one of the ways of developing strong policies.

Main motion passed as amended.

- 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***)

Councilor Pantelakos moved to adopt the bonding resolution of up to \$1,000,000.00 for FY07 City Facilities Capital Improvements. Seconded by Councilor Hynes.

Councilor Whitehouse said he was hesitant about approving this bond but he realizes how important it is to keep the maintenance of our building intact. He advised the City Council that he would support the resolution.

Councilor Dwyer asked how many years we are bonding this for. City Manager Bohenko advised Councilor Dwyer that this is a 10 year bond and will affect four cents on the tax rate.

On a unanimous roll call vote 9-0, motion passed.

- 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***)

Councilor Pantelakos moved to adopt a bonding resolution of up to \$3,450,000.00 for FY07 Street and Sidewalk City Improvements. Seconded by Councilor Hynes.

Councilor Whitehouse said he feels that City has done enough bonding and would like to slow things down. He said he would vote against the resolution because of the amount of bonding that will be necessary in the future.

City Manager Bohenko said he respectfully disagrees with Councilor Whitehouse. He said that it is inappropriate to delay bonding and he would not put the City into financial compromise.

Councilor Grasso said the City Council needs to look at this request for bonding as a safety issue.

Councilor Hynes said that the City Council needs to address these issues and vote on the resolution this evening.

Councilor Raynolds thanked City Manager Bohenko for his comments on this matter and said he disagrees with Councilor Whitehouse and his comments.

Councilor Smith spoke in support of the resolution and said that these funds are necessary to insure that we do not get behind in our infrastructure.

Councilor Whitehouse said he has considered this matter for days and said many people are concerned with their increase in tax bills and water bills.

On a roll call vote 8-1, motion passed. Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Reynolds, Pantelakos, Smith, Hynes and Mayor Marchand voted in favor. Councilor Whitehouse voted opposed.

- 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

Councilor Grasso moved 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. Seconded by Councilor Smith.

Councilor Whitehouse said he would like to see a stronger standard on solids entering the system. Deputy Public Works Director Allen said that issue would be part of the sewer ordinance and this ordinance is for water.

Motion passed.

At 9:25 p.m., Mayor Marchand declared a brief recess. At 9:35 p.m., Mayor Marchand called the meeting back to order.

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 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)

Assistant Mayor Ferrini moved to adopt the Consent Agenda as presented. Seconded by Councilor Grasso and voted.

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

Councilor Grasso moved to refer to the City Manager for report back. Seconded by Councilor Whitehouse and voted.

- B. Letter from Donna Downes, Edible Arrangements, requesting a loading zone parking spot in front of Edible Arrangements at 90B Fleet Street

Councilor Pantelakos moved to refer to the Parking Committee. Seconded by Councilor Smith and voted.

- 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

Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Councilor Smith.

City Manager Bohenko advised the City Council that the funds would come out of the Contingency Fund.

Motion passed.

- D. 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

Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Councilor Hynes.

City Manager Bohenko advised the City Council that Church Street is opened to car traffic.

Motion passed.

- 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

Assistant Mayor Ferrini moved to refer to the Planning Board for report back. Seconded by Councilor Grasso and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Proposed Suspension of Meter Enforcement – 2006 Holiday Season

City Manager Bohenko announced that this is done on an annual basis.

Councilor Whitehouse moved 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. Seconded by Councilor Smith and voted.

City Manager Bohenko advised the City Council that a decal will be placed inside the meters announcing that the meters are suspended for the holiday season.

- 2. Adoption of Proposed 2007 Schedule of City Council Meetings and Work Sessions

City Manager Bohenko said he is requesting approval of the 2007 City Council schedule of meetings and work sessions.

Councilor Hynes moved to approve the 2007 Schedule of City Council meetings and work sessions. Seconded by Councilor Smith and voted.

3. Disposal of Fire Pumper

City Manager Bohenko said attached is a letter from Fire Chief Christopher LeClaire along with the minutes of the Fire Commission meeting requesting disposal of the fire pumper.

Councilor Pantelakos moved 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. Seconded by Councilor Grasso.

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. Fire Chief LeClaire said that equipment is being donated overseas. He said it can be done in the future and they would suggest that the Fire Academy consider donating the pumper after their use.

Motion passed.

4. Request City Council Approve Letter to DOT Commissioner Murray Re: U.S. Route 1 Bypass Project

City Manager Bohenko said the letter would ask instead of utilizing at grade replacement at the traffic circle that an alternative method be considered for a fly over. He advised the City Council that the staff feels that a fly over would be in the best interest of the community.

Assistant Mayor Ferrini moved 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. Seconded by Councilor Pantelakos.

Councilor Smith said he would support the letter but he feels that the traffic circle functions as is and money could be used on other things. He said if the State would not support a fly over then the traffic circle should remain.

Councilor Whitehouse said he feels it is important for the City Council to support this letter.

Councilor Reynolds said he agrees that this is important and that the City Council should go on record early and enlist the endorsement of our legislature.

City Manager Bohenko reported that there will be public hearings on this matter going forward and we have representatives from our Public Works Department on the Committee and they will push our endorsement.

Motion passed.

5. Report Back Re: Disposal of the Old Library Building

City Manager Bohenko advised the City Council that this is a report back from the Planning Board on the disposal of the old library building.

Councilor Smith moved to accept the Planning Board's recommendation as presented. Seconded by Councilor Pantelakos and voted.

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.*

Councilor Pantelakos moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Assistant Mayor Ferrini and voted.

6. Approval of License Agreement for 58 State Street

City Manager Bohenko said that March Twenty Two LLC needs a construction license agreement to encroach on the sidewalks at 58 State Street.

Councilor Smith moved 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. Seconded by Assistant Mayor Ferrini and voted.

7. Planning Board Report Back on the Request of The Housing Partnership for an Access Easement on Bedford Way

City Manager Bohenko advised the City Council that the Planning Board has reported back on this matter. He requested that the City Council post pone action and discussion on the Planning Board's report back until final action is taken on the zoning matter.

Councilor Whitehouse moved Planning Board Report Back on the Request of The Housing Partnership for an Access Easement on Bedford Way Seconded by Assistant Mayor Ferrini and voted.

8. Planning Board Report Back on the Rezoning Request of The Housing Partnership

City Manager Bohenko reported that a great deal of work has been done on this matter. He requested that the City Council approve the action has outlined in his comments dated November 9, 2006.

Councilor Dwyer moved 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. Seconded by Councilor Grasso and voted.

9. Request for Approval of Pole License #63-436 and #63-437

City Manager Bohenko reported that the Public Works Department have reviewed these requests and are recommending approval.

Assistant Mayor Ferrini moved to approve the request from PSNH for pole license agreements, #63-436 and #63-437, as recommended by the Public Works Department. Seconded by Councilor Smith and voted.

Informational Items

- Government Finance Officers Association (GFOA) Distinguished Budget Award

City Manager Bohenko recognized the Finance staff, Judie Belanger, Finance Director and Andrew Purgiel, Controller for achieving this Distinguished Budget Award. He advised the City Council that this is the highest form of recognition in governmental budgeting and represents a significant achievement by the City and its' Finance Department. The award is a major achievement and reflects the commitment of the City Council and Staff to meeting the highest principles of governmental budgeting. In order to receive the Budget Award, the City had to satisfy nationally recognized guidelines for effective budget presentation. He said it should be noted that the City of Portsmouth is the only local government entity in New Hampshire that has received this award. He said he commends Judie and her staff for this significant achievement.

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

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.

2. Appointments to be Voted:
 - Paul Harvey – Economic Development Commission
 - Brian Gregg – Rockingham Planning Commission

Councilor Pantelakos moved to reappoint Paul Harvey to the Economic Development Commission until October 1, 2010. Seconded by Assistant Mayor Ferrini and voted.

Councilor Pantelakos moved to appoint Brian Gregg to the Rockingham Planning Commission. Seconded by Councilor Whitehouse and voted.

C. COUNCILOR GRASSO

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

Councilor Grasso provided a final report on the Joint Building Committee for the High School. She thanked all the members of the Committee and City Attorney Sullivan for their hard work. She announced that the City received 55% funding from the State for the project. She said that the total project was \$36,000,000.00 and \$16,200,000.00 plus interest came from taxpayers. She informed the City Council that Business Administrator Bartlett has been directed to use the remaining funds prior to the end of the year for issues relating to the project.

Assistant Mayor Ferrini, Councilor Pantelakos and Councilor Whitehouse complimented Councilor Grasso and the work of the Committee.

E. COUNCILOR SMITH

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

Councilor Smith moved to approve and accept the action sheet and minutes of the October 12, 2006 Traffic & Safety Committee meeting. Seconded by Assistant Mayor Ferrini.

Councilor Dwyer asked about the request from Metro Restaurant for a gate to their parking lot. She asked if the gate would be removed if there were problems with this. Councilor Smith said that this is a similar gate as the Porter Street location.

Councilor Reynolds said this issue came before the Historic District Commission and it was tabled because of the non-historical look of the gate.

Motion passed.

2. Parking Committee Action Sheet and Minutes of the October 12, 2006 meeting

Councilor Whitehouse moved to approve and accept the action sheet and minutes of the October 12, 2006 Parking Committee meeting. Seconded by Councilor Hynes.

Councilor Whitehouse asked City Manager Bohenko to introduce Jon Frederick the new Parking Manager. City Manager Bohenko introduced Jon Frederick to the City Council.

Motion passed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

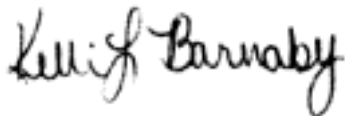
Councilor Pantelakos inquired as to whether CDBG funds could be used for the Firefighter Monument.

Mayor Marchand announced that Sam Jarvis of the Metro Restaurant will hold his annual Thanksgiving dinner for the under privileged on Wednesday, November 22, 2006.

Councilor Whitehouse spoke to the comments made by Ray Will during the public comment session regarding availability of the City Council packet. He said he is opposed to putting the entire City Council packet on the website. City Manager Bohenko said that he would in addition to the City Council agenda which currently appears on the web site he would include his comments.

XIV. ADJOURNMENT

At 10:45 p.m., Councilor Whitehouse moved to adjourn. Seconded by Assistant Mayor Ferrini and voted.

A handwritten signature in cursive script that reads "Kelli L. Barnaby".

Kelli L. Barnaby, CMC
City Clerk