

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JANUARY 14, 2008

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

### **I. CALL TO ORDER**

Mayor Ferrini called the meeting to order at 7:05 p.m.

### **II. ROLL CALL**

Present: Mayor Ferrini, Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Raynolds and Pantelakos

### **III. INVOCATION**

Mayor Ferrini asked everyone to join in a moment of silent prayer.

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Raynolds led in the Pledge of Allegiance to the Flag.

Councilor Smith moved to suspend the rules in order to take up Item VI. Public Comment Session. Seconded by Councilor Pantelakos and voted.

### **VI. PUBLIC COMMENT SESSION**

James Horrigan said that the City Council referred a proposal to change similar sound street names and requested that the Council consider a different way of handling the process. He reported that there are 36 streets being considered which will affect many residents. He spoke to the impact to residents when the name of their street is changed. Mr. Horrigan said that there is a lack of communication with the residents on Elwyn Avenue relative to the proposal. In addition, he said he does not feel that the Planning Board is the proper vehicle to review these kinds of matters. In closing, he requested that the residents be given an opportunity to express their opinions relative to such proposals.

### **PRESENTATION**

#### **1. Collective Bargaining Agreements – Thomas Flygare, City Negotiator**

Negotiator Flygare provided an overview of the Collective Bargaining process. He reported that all 15 bargaining units' contracts expire on June 30, 2008. He advised the City Council that cost of living increases over the last 10 years have been based on the consumer price index which averaged a 3.14% increase. He further indicated that employees' contribution to health insurance over the last 10 years has increased from 10% to 18%. Negotiator Flygare said it is important that everyone work together in a professional manner during the process. In closing, he informed the City Council that meetings are being established with the bargaining units and the City Council will be kept informed of the process.

**V. ACCEPTANCE OF MINUTES** *(There are no minutes on for acceptance this evening)*

**VII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Grant to the New Library Building Fund from NH Charitable Foundation
- The Thoresen and Werner Families Fund - \$5,000.00 *(Fulfill pledge)*

Councilor Pantelakos moved to approve and accept the grant to the New Library Building Fund as listed. Seconded by Councilor Novelline Clayburgh and voted.

B. 2008 Coastal Grant Application Request

Councilor Dwyer moved to authorize the City Manager to apply for, accept and expend a \$30,000.00 grant from the NH Department of Environmental Services' Coastal Program for the purpose of conducting a Natural Resource Inventory. Seconded by Councilor Smith.

City Manager Bohenko said if this grant is approved we will look at wildlife habitat, wildlife corridors and important natural resource areas in the City. While a great deal has been done with mapping and assessment of wetland resource areas in the City, very little has been done citywide in assessing Portsmouth's natural resources. The Conservation Commission supports the assessment of the City's natural resources to insure that adequate protection is being provided for important natural resource areas.

Councilor Reynolds spoke to the mapping of vernal pools. Environmental Planner Britz said that vernal pools will be considered for mapping.

Motion passed.

C. Safe Routes to School Grant Acceptance

City Manager Bohenko advised the City Council that the grant funds will be used to fund a number of targeted infrastructure projects as well as several outreach and planning initiatives designed to improve safety and encourage our children to bike and walk to school. The specific projects funded are as follows:

- Elwyn Park neighborhood (Dondero School) pavement markings and bike lane signs/symbols
- Dondero School – Garfield Road connector path upgrades
- Little Harbour, St. Patrick's & Middle School bike racks
- Crosswalk safety signage for key locations
- Safe Routes to School community workshop
- Walk-Bike to School Survey
- Student Incentive Program

Christina Westfall, Chair of the Committee advised the City Council that the Committee is very excited with the proposal and thanked the Council for their consideration and support.

Councilor Smith moved to authorize the City Manager and Superintendent of Schools to accept, expend and execute all necessary contracts for a \$93,000.00 grant from the NH Department of Transportation's Safe Routes to School Program for the purpose of funding a number of targeted infrastructure projects as well as several outreach and planning initiatives designed to improve safety and encourage our children to bike and walk to school. Seconded by Assistant Mayor Blalock and voted.

### **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

*(There are no items under this section this evening)*

### **IX. CONSENT AGENDA**

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

A. Letter from Harold Whitehouse regarding New City Council (***Anticipated action – move to accept and place the letter on file***)

B. Acceptance of Donations to the Coalition Legal Fund

- Town of Center Harbor - \$500.00
- Town of Carroll - \$1,000.00
- Town of Hebron - \$1,000.00

***(Anticipated action – move to approve and accept the donations as listed, to be placed in the Coalition Legal Fund)***

C. Letter from Jeanine Sylvester, Runner's Alley, requesting permission to hold the 11<sup>th</sup> Annual Runner's Alley/Redhook Brewery Memorial 5k Race on Sunday, May 25, 2008 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

Assistant Mayor Blalock read the letter received from Harold Whitehouse.

Councilor Novelline Clayburgh moved to adopt the Consent Agenda, as presented. Seconded by Councilor Smith and voted.

Councilor Kennedy suggested that City Manager Bohenko develop a mechanism whereby residence in the south end would be notified when a race is occurring and their street will be closed due to the event. City Manager Bohenko recommended that Councilor Kennedy encourage residence of the south end to sign up to receive the City web newsletter.

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Paul Harvey, L.P.C.C., donating \$288.97 for improvements to the Lafayette Park

City Manager Bohenko recommended that the City Council accept the donation for the purposes stated in the letter for improvements of the park for the children.

Recommendations as outlined by L.P.C.C.

1. It was hoped that as few units be constructed as possible. Every unit means increased parking requirements
2. The tenants be carefully screened. There have been numerous complaints about the PHA and its administration of the units in town. It would be very unfortunate to have any children exposed to exploitation
3. Request that consideration be given to the drainage problem coming from storm drainage off the corner of South Street and Monroe Street. This flooding washes the baseball field out. A new catch basin, properly located, at the corner would help eliminate the problem.
4. A water fountain at the park
5. Provide underground watering for the park

Councilor Smith moved to approve and accept the donation. Seconded by Councilor Pantelakos and voted.

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

1. Proposed Relocation of Fire Station 2

City Manager Bohenko advised the City Council that Fire Chief LeClaire will speak to the proposed relocation of Fire Station 2. Chief LeClaire said that the City Council approved the bonding to renovate the facility on the existing site, however there are limitations which exist with the present site and the opportunity of a new site has been brought forward. He reported that the new site has 2.5 acres and spoke to the other advantages available at the site. City Manager Bohenko advised the City Council that he would need authorization to continue negotiations with the property owner of the potential new site. He further advised the Council that the property owner would hold the property for the City until February 15, 2008. He reviewed the 3 amortization and payment schedules provided to the City Council. City Manager Bohenko advised the City Council that the potential value of the existing site is estimated at \$700,000.00.

Councilor Smith inquired if we were aware of any environmental issues with the proposed and existing site. Chief LeClaire said that we have been advised it is a clean site with no potential hazards.

Councilor Dwyer said that this is an excellent opportunity for the City. She spoke to the Planning Board's desire to see more campus style development on Route 1 and would like to see that modeled with this proposal.

Councilor Kennedy asked if other sites have been reviewed for the relocation of Fire Station 2. Chief LeClaire said that we are fortunate that this site would move the station 1,000 feet down the road and does not impact response times. He advised Councilor Kennedy that other sites present environmental issues or the driveway opens into a neighborhood.

Councilor Novelline Clayburgh stated that this is the fastest growing part of the City and that needs to be taken into consideration.

Assistant Mayor Blalock spoke in support of the request and said it provides a great opportunity for the City.

Councilor Smith moved to bring forward a first reading for bonding for an additional \$1.3 Million for the purchase of this land for the relocation of Fire Station 2 at the February 11, 2008 City Council meeting. Seconded by Councilor Pantelakos and voted.

2. Settlement of Conservation Law Foundation Appeal of the City of Portsmouth's National Pollutant Discharge Elimination System

Assistant City Attorney Woodland reviewed the settlement terms with the City Council. She outlined the terms as follows:

*The settlement terms relative to the City are summarized as follows:*

- *The City's wastewater master planning process will continue to weigh as an important criterion in the site selection process the ability of the site to accommodate the types of treatment necessary to address nitrogen removal. At a minimum the site will be able to accommodate BNR which is biological nutrient removal using a single tank nitrification-denitrification process without supplemental carbon or filtration. Ideally the site will be sufficiently large so that additional nitrogen removal beyond that capable of achievement by BNR can be added.*
- *The City will continue to use its best efforts to inform and educate the public, stakeholders, and decision-makers regarding nitrogen control, including BNR and/or other technologies that are capable of reducing nitrogen.*

- *The City will conduct a study of interim measures that could be implemented during the term of the Peirce Island wastewater treatment facility's current NPDES permit to reduce the City's total nitrogen and total suspended solids to the Great Bay Estuary. The study, with the help of regulators and scientists, will evaluate (i) storm water pollution mitigation options such as enhanced education and outreach and land use regulations (ii) reduction of wastewater treatment plant sources such as an increase in fats, oils and grease control; (iii) best management practices; and (iv) potential operational improvements at the wastewater treatment facilities. The purpose of the study is to try to identify cost-effective measures to achieve a measurable water quality benefit during the period of time that it will take the City to study, select, design and construct a new treatment facility. The results of this study, which will include cost estimates of proposed options, will be brought to the City Council to determine what if any action the City wishes to take.*

City Manager Bohenko reported that this allows the City the ability to make the changes necessary to move forward with this matter and make the decision with a full review.

Councilor Kennedy asked what the time table for the City is and if we would be willing to conduct a public informational session with the results. City Manager Bohenko advised that there would be multiple public hearings with many opportunities for public involvement.

Councilor Smith moved to approve the settlement concept as reflected in the City Manager's comments dated January 11, 2008. Seconded by Councilor Novelline Clayburgh.

City Manager Bohenko reported that this would be a multi-year process to identify the needs and quarterly updates will be provided to the City Council. He indicated that the first 3 years will be for gathering information for the plan.

Councilor Reynolds spoke in support of the motion and the presentation held by City staff in December on waste water 101 which was well attended. He urged residents that have not seen the presentation to review the information on the website.

Councilor Smith said it is important to note that there is a difference between the Waste Water Master Plan and the Planning Board Master Plan.

Motion passed.

### 3. Request for Conditional Street Acceptance Re: Albacore Way

City Attorney Sullivan advised the City Council that the residents of Albacore Way would like to have the street maintained and in order for that to take place the City Council needs to formerly accept the street.

Councilor Smith moved to authorize the City Manager to bring back an ordinance with regard to this matter for first reading at the February 11, 2008 City Council meeting. Seconded by Councilor Dwyer and voted.

#### 4. Designation of One-Way Streets in the Atlantic Heights Neighborhood

City Manager Bohenko reported over the past year, the Community Development and Public Works Departments have been working with the Atlantic Heights neighborhood and CLD Consulting Engineers on the design of the next CDBG-funded streetscape improvement project in the neighborhood. The design, which has received strong neighborhood support, calls for a one-way neighborhood circulation pattern. During the design phase, the City held three public meetings with the neighborhood and two on-site field days.

Councilor Smith moved to authorize the City Manager to bring back an ordinance with regard to this matter for first reading at the February 11, 2008 City Council meeting. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy said she has heard some concerns from the neighborhood and requested that we have a letter from the neighborhood association indicating their support of the proposal. Assistant Community Development Manager Moore advised the City Council that there is a strong relationship with the neighborhood on the design of this project. Councilor Dwyer concurred with Mr. Moore and said the meetings she has attended, there was strong support from the neighborhood for this project.

Motion passed.

#### 5. Elderly and Disabled Exemptions

City Manager Bohenko reported that annually, since 2006 at the direction of the City Council, 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. He advised the City Council last year the income and asset levels were increased by 2% based on the consumer price index. The current elderly and disabled exemption income levels are \$30,600 for a single taxpayer, \$37,740 for married taxpayers, and an asset limit of \$102,000. City Manager Bohenko indicated if the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the current November 2006 to November 2007 CPI of 3.4%. He indicated that this adjustment would be for assessments as of April 1, 2008 for the 2008 tax year or FY09. If the City Council wishes to make any adjustments in these exemptions, it would require an amendment to these resolutions as well as a public hearing and a majority vote of the City Council.

Councilor Smith moved to authorize the City Manager to bring back for first reading at the February 11, 2008 City Council meeting the resolutions as presented. Seconded by Assistant Mayor Blalock.

Councilor Dwyer asked if a person meets the qualifications for both age and disabled would they receive both exemptions. City Assessor Maurice advised the City Council the individual would receive both exemptions.

Motion passed.

6. Pole License #63-325

City Manager Bohenko advised the City Council that the Public Works Department is recommending approval of the pole license as presented. He further advised the City Council that this request is being made by PSNH to update their records.

Councilor Smith moved to approve the request from PSNH for Pole License Agreement #63,325 as recommended by the Public Works Department. Seconded by Councilor Pantelakos and voted.

Informational Items

1. Snow Removal Budget

City Manager Bohenko reported to the City Council due to the record breaking snowfall this past December; we have spent \$244,900.00 from the City's Snow Removal account. This reflects 81% of the entire budget. As in the past, whenever the snow removal budget is over expended, we continue to provide snow removal operations but try to make up the shortfall in other areas of the Public Works budget. In the event we cannot do this, we will come back to the City Council in the 4<sup>th</sup> quarter of the fiscal year to request a transfer from the contingency account.

2. 2007 Building Permit Report

City Manager Bohenko referred to the memorandum from Chief Building Inspector Hopley regarding the 2007 Building Permits issued. The report indicates a 96% increase in declared construction value over the 2006 calendar year although, the quantity of permits issued were virtually the same as last year's 926.

**B. MAYOR FERRINI**

1. \*Reports

Mayor Ferrini encouraged residents to apply to serve on Boards and Commissions.

**C. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the December 13, 2007 meeting

Councilor Pantelakos moved to approve and accept the action sheet and minutes of the December 13, 2007 Traffic & Safety Committee meeting. Seconded by Councilor Smith.



Councilor Dwyer asked Councilor Smith to speak to the differences between the Dunlin Way and Broad Street recommendations. Councilor Smith advised Councilor Dwyer that the developer of Dunlin Way advised the property owners that a gate would be installed but it did not happen. Following discussions with the neighborhood and meeting with City staff it was recommended to create a pilot program for the installation of a gate. In terms of Broad Street, we wanted to create traffic calming and we have successfully moved the traffic that used Broad Street as a cut through. Councilor Smith indicated that a motion was made and denied to install small islands in the road similar to entering the Woodlands for traffic calming.

Councilor Dwyer spoke to the number of small children now living on Broad Street and the need to keep a watchful eye.

Assistant Mayor Blalock spoke to the Meadowbrook Inn proposed redevelopment project and its potential affects on the neighborhood. Councilor Smith said the issue was tabled until the next meeting for answers to the various questions raised by the Traffic & Safety Committee. He said that the Committee is recommending the installation of a phased crosswalk but indicated it would create traffic tie ups on Route 1 Bypass and Lafayette Road.

Motion passed.

2. Parking Committee Action Sheet and Minutes of the December 13, 2007 meeting

Councilor Pantelakos moved to approve and accept the action sheet and minutes of the December 13, 2007 Parking Committee meeting. Seconded by Assistant Mayor Blalock.

Councilor Smith spoke to the creation of 100 parking coupons which would be made available to the Parking Division for 2 hours free parking as a thank you device for "sorry for the inconvenience" or any issue at their discretion to use as a customer service tool. He reported that the trial program has been instituted through June 30, 2008. Assistant Blalock expressed his support for this program.

Motion passed.

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Dwyer spoke to the issue of changing street names that was raised by Mr. Horrigan during the public comment session this evening. She said that this is a requirement of the 911 system. City Manager Bohenko informed the City Council that a presentation will be made regarding this matter in the near future. He further added that there would be multiple opportunities for the residents to address the matter and the City takes this matter very serious. Councilor Smith said that this is phase 2 of changing street names. Assistant Mayor Blalock asked if there is a complete list of recommended streets that may require name changes. City Manager Bohenko advised there is not, and we wouldn't want to create undo panic as some of the streets may not be recommended to come forward for changes.

Councilor Dwyer provided the City Council with a memorandum dated January 14, 2008 relative to affordable housing comprehensive framework for review and consideration. She indicated the importance to develop framework to understand financing, development and economic aspects. She encouraged Councilors to review her memorandum and ideas and provide her with any comments over the next few weeks. Councilor Dwyer said it is important to realize that we cannot add to the workload of the City staff and funding would be required for this. She further indicated that there is funding available for projects such as this. Mayor Ferrini advised the City Council that he will look at having the City Council consider this matter at a future meeting.

Councilor Smith said during snowstorms dealerships loan the Police Department SUV's. He requested that a letter be sent to the dealerships thanking them for their generosity and supplying this service.

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

At 8:45 p.m., Councilor Smith moved to adjourn. Seconded by Assistant Mayor Blalock and voted.

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

Kelli L. Barnaby, CMC/CNHMC  
City Clerk