

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 20, 2008 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION RE: AFRICAN BURYING GROUND PROPOSED DESIGN PLAN
- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARINGS
 - A. RENEWAL OF THE CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST
 - B. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING SUB-SECTION A – PEARL STREET – WESTERLY SIDE OF PEARL STREET AFTER 8:00 A.M. AND BEFORE 5:00 P.M., MONDAY THROUGH FRIDAY
 - C. ORDINANCE AMENDING CHAPTER 7, ARTICLE VI, SECTION 7.601 – TRUCK LOADING/UNLOADING ZONES ESTABLISHED AND SECTION 7.602 – TRUCK LOADING/UNLOADING ZONES (24 HOURS)
 - SECTION 7.601
 - DANIEL STREET:
 - NORTHERLY SIDE, 123 FEET EAST FROM BOW STREET FOR A DISTANCE OF 45 FEET
 - NORTHERLY SIDE, 215 FEET EAST FROM BOW STREET FOR A DISTANCE OF 35 FEET
 - SOUTHERLY SIDE, 55 FEET WEST FROM PENHALLOW STREET FOR A DISTANCE OF 80 FEET
 - MARKET STREET:
 - EASTERLY SIDE, SOUTH FOR A DISTANCE OF 50 FEET, BEGINNING AT COMMERCIAL ALLEY
 - EASTERLY SIDE, SOUTH FOR A DISTANCE OF 40 FEET, BEGINNING AT BOW STREET

STATE STREET:

- NORTHERLY SIDE, 40 FEET EAST FROM PLEASANT STREET FOR A DISTANCE OF 20 FEET
- SOUTHERLY SIDE, 20 FEET WEST FROM ATKINSON STREET FOR A DISTANCE OF 29 FEET

SECTION 7.602

PLEASANT STREET:

- WESTERLY SIDE, SOUTH FROM STATE STREET A DISTANCE OF 50 FEET

PORTER STREET:

- NORTHERLY SIDE, 15 FEET WEST FROM FLEET STREET FOR A DISTANCE OF 40 FEET
- SOUTHERLY SIDE, 145 FEET EAST FROM MIDDLE STREET FOR A DISTANCE OF 45 FEET

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Salmon Falls Nursery – 24 Trees Valued at \$10,800.00

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution regarding the Public Necessity for the City to Condemn Certain Property along Parrott Avenue known as Alumni Field for the purpose of Renovating and Expanding the Portsmouth Middle School
- B. First reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to the Construction of the Madbury Water Treatment Plant not to exceed Twenty Five Million Dollars (\$25,000,000.00)
- C. First reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to State Street Utilities Upgrade not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000.00)
- D. First reading of Resolution Authorizing a Bond Issue of up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) for Additional Costs for the construction of a New Fire Station to replace Fire Station 2
- E. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Pearl Street – westerly side of Pearl Street after 8:00 a.m. and before 5:00 p.m., Monday through Friday

- F. Second reading of Ordinance amending Chapter 7, Article VI, Section 7.601 – Truck Loading/Unloading Zones Established and Section 7.602 – Truck Loading/Unloading Zones (24 Hours)

Section 7.601

Daniel Street:

- northerly side, 123 feet east from Bow Street for a distance of 45 feet
- northerly side, 215 feet east from Bow Street for a distance of 35 feet
- southerly side, 55 feet west from Penhallow Street for a distance of 80 feet

Market Street:

- easterly side, south for a distance of 50 feet, beginning at Commercial Alley
- easterly side, south for a distance of 40 feet, beginning at Bow Street

State Street:

- northerly side, 40 feet east from Pleasant Street for a distance of 20 feet
- southerly side, 20 feet west from Atkinson Street for a distance of 29 feet

Section 7.602

Pleasant Street:

- westerly side, south from State Street a distance of 50 feet

Porter Street:

- northerly side, 15 feet west from Fleet Street for a distance of 40 feet
- southerly side, 145 feet east from Middle Street for a distance of 45 feet

X. CONSENT AGENDA

(There are no items under this section of the agenda this evening)

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter and Petition from lower Woodbury Avenue requesting the City change the direction of the current one-way flow of traffic from the Bartlett Street intersection to going up Woodbury Avenue (***Sample motion – move to refer to the Traffic & Safety Committee for report back***)
- B. Proposed Extension of City/Chamber of Commerce Partnership on Tourism
- C. Letter from Chester “Rick” Chellman and Petition from residents supporting the Parrott Avenue site for the Middle School and the use of eminent domain to keep it there
- D. Letter from Patricia Gormley supporting the City lift the deed restriction on Alumni Field
- E. Letter from Elizabeth Dinan regarding USS NH Commissioning

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action Under Other Sections of the Agenda

1. Proposed Adoption of Resolution:
 - 1.1 Proposed Adoption of Resolution regarding the Public Necessity for the City to Condemn Certain Property along Parrott Avenue known as Alumni Field for the purpose of Renovating and Expanding the Portsmouth Middle School (**Action on this matter should take place under Section IX of the Agenda**)
2. Consideration of First Reading for Bonding Resolutions:
 - 2.1 First reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to the Construction of the Madbury Water Treatment Plant not to exceed Twenty Five Million Dollars (\$25,000,000.00) (**Action on this matter should take place under Section IX of the Agenda**)
 - 2.2 First reading of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan Program for Costs related to State Street Utilities Upgrade not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000.00) (**Action on this matter should take place under Section IX of the Agenda**)
 - 2.3 First reading of Resolution Authorizing a Bond Issue of up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) for Additional Costs for the construction of a New Fire Station to replace Fire Station 2 (**Action on this matter should take place under Section IX of the Agenda**)
3. Public Hearing:
 - 3.1 Public Hearing Re: Proposed Renewal of Cable Television Franchise Agreement with Comcast (**Action on this matter should take place under Section XII of the agenda**)
4. Public Hearings/Second Readings of Proposed Ordinance Amendments:
 - 4.1 Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Pearl Street (**Action on this matter should take place under Section IX of the Agenda**)
 - 4.2 Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the Addition of a New Provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours) (**Action on this matter should take place under Section IX of the Agenda**)

5. Proposed Extension of City/Chamber of Commerce Partnership on Tourism (***Action on this matter should take place under Section XI of the Agenda***)

City Manager's Items Which Require Action

1. Proposed Renewal of Cable Television Franchise Agreement with Comcast
2. Acceptance of Jones Avenue Drainage Easement
3. Acceptance of Wi-Fi Equipment from Cisco Systems
4. Proposed Request to Submit Greenland Well Application
5. Request for Approval of Pole License Agreements #63-0454 & #63-0456

Informational Items

1. Events Listing
2. News Release Re: Ward 4 Location Changed
3. Report Back Re: Skateboard & Rollerblading Ordinances

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Joshua Cyr – Appointment to Economic Development Commission
 - Amy Brnger – Reappointment to Board of Library Trustees
 - Elizabeth “Betsy” Shultis – Reappointment to Board of Library Trustees
 - Donald Coker – Reappointment to Planning Board
 - John Ricci – Reappointment to Planning Board
 - John Rice – Reappointment to Planning Board
 - Robin Rousseau – Reappointment to Zoning Board of Adjustment
2. Appointments to be Voted:
 - Susanne Delaney – Appointment to Economic Development Commission
 - John O’Leary – Appointment to Board of Library Trustees
 - Joel Look – Appointment to Taxi Commission
 - Kent Kirkpatrick – Appointment to Taxi Commission
3. Veterans Day Services – Tuesday, November 11th
4. Letter to the Honorable Carol Shea Porter, United State House of Representatives Re: Federal Communications Commission
5. *Reports

C. COUNCILOR SMITH

1. Traffic & Safety Action Sheet and Minutes of the October 9, 2008 meeting
2. Parking Committee Action Sheet and Minutes of the October 9, 2008 meeting

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Conservation Commission minutes of the June 19, 2008; July 9, 2008 and September 10, 2008 meetings
2. Historic District Commission minutes of the August 13, 2008; September 3, 2008 and September 10, 2008 meetings
3. Site Review Technical Advisory Committee minutes of the September 30, 2008 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.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 17, 2008

To: Honorable Mayor Thomas G. Ferrini and City Council Members

From: John P. Bohenko, City Manager

Re: City Manager's Comments on October 20, 2008 City Council Agenda

Work Session:

6:00 p.m.

1. **African Burying Ground Proposed Design Plan.** As you may know, in October 2003 coffins were discovered under Chestnut Street between State and Court Streets, during construction of infrastructure upgrades in that area. This discovery confirmed the location of the "Negro Burying Ground" shown on a 1705 City map and, in 2004, the Mayor and City Council appointed the African Burying Ground Committee to determine how best to honor those buried there.

In 2005, the City Council approved a general conceptual site plan, which was endorsed by the African Burying Ground Committee, abutters and the Traffic and Safety Committee. This plan includes the closure of the Court Street end of Chestnut Street; the elimination of on street parking on this block; and identification of the area that would be public space for the commemorative park as well as the area that would remain as a travel way for access to the properties on this short section of Chestnut Street. This plan also includes re-interment on Chestnut Street of the human remains that were disturbed during the infrastructure work.

Following City Council allocation of funding for the design of the commemorative park for the African Burying Ground, the City contracted with Woodburn & Company Landscape Architecture and Jerome Meadows of Meadowlark Studios to develop a design plan that would honor those buried there. As part of the design process, the African Burying Ground Committee held numerous Committee meetings that were open to the public, and two half-day public forums to obtain broad public input on the design. Earlier this month, the Committee held a meeting with abutters at which the same design you will see Monday night was presented and broadly supported. A timeline of the events leading up to tonight's work session is attached for your information.

The African Burying Ground Committee will be in attendance on Monday night to present its recommended design plan for the Burying Ground. The Committee will be

looking for a consensus from the City Council to authorize its design consultants to move forward with final design. Further, the Committee will initiate its fundraising efforts.

On Monday evening, Artist Jerome Meadows and Roberta Woodburn, principal of Woodburn and Company, will be making the presentation following a short introduction from City staff. Also attending the work session will be members of the African Burying Ground Committee, which are Vernis Jackson, Chair; Mary Bailey, Vice Chair; Councilor Christine Dwyer; Councilor Laura Pantelakos; Valerie Cunningham; and Jack McGee; Steve Parkinson, Public Works Director (ex-officio); and Suzanne Woodland, Assistant City Attorney (ex-officio).

Acceptance of Grants/Donations:

1. **Acceptance of Donation from Salmon Falls Nursery.** The City has received a donation of twenty-four (24) trees from Salmon Falls Nursery totaling approximately \$10,800.00. The trees that they donated are 2.5 to 3.5 calipers trees, and the species are ash, lindens, sugar maples and Japanese tree lilacs.

I would recommend the City Council move to accept the donation of trees from Salmon Falls Nursery, as listed. Action of this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Proposed Adoption of Resolution:**

- 1.1 **Proposed Adoption of Resolution regarding the Public Necessity for the City to Condemn Certain Property along Parrott Avenue known as Alumni Field for the purpose of Renovating and Expanding the Portsmouth Middle School.** As a result of the October 6th City Council meeting, under Section IX of the Agenda, I am bringing back for the Council's consideration the adoption of the attached proposed Resolution authorizing the City Manager to acquire by condemnation certain property along Parrott Avenue known as Alumni Field for the purpose of renovation and expanding the Portsmouth Middle School.

At the request of Councilor Eric Spear, attached is a copy of information that was provided to you at the August 15, 2008 City Council meeting, regarding the Middle School and Alumni Field lot areas (see attached).

Move to approve a Resolution to acquire by condemnation certain property along Parrott Avenue known as Alumni Field for the purpose of renovating and expanding the Portsmouth Middle School and authorize the City Manager to proceed with executing the appropriate documents. Action of this matter should take place under Section IX of the Agenda.

2. **Consideration of First Reading for Bonding Resolutions:**

- 2.1 **First Reading of Resolution Authorizing a Bond Issue of up to Twenty Five Million Dollars (\$25,000,000.00) for the New Madbury Water Treatment Plant .** As authorized by the City Council, under Section IX of the Agenda, I

am bringing back for first reading a Resolution authorizing a bond issue of up to twenty five million dollars (\$25,000,000.00) for the new Madbury Water Treatment Plant.

The Madbury Water Treatment Plant was constructed by the Army Corp of Engineers in 1957 to treat water from the Bellamy Reservoir. The facility is at the end of its design life and in the near future will have a difficult time consistently meeting the increasingly stringent water quality standards. The Water Division has spent the last several years researching and pilot testing technologies that will be both capable of meeting the future regulatory requirements as well as producing drinking water in a sustainable manner. To that end, the design, which is 90% complete, incorporates the LEED principles and Energy Star features.

As you are aware, bonding resolutions require a public hearing, two readings and a two-thirds vote is required of the City Council for passage.

I would recommend the City Council move to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 2.2 **First Reading of Resolution Authorizing a Bond Issue of up to Two Million Two Hundred Thousand Dollars (\$2,200,000.00) for State Street Utilities Upgrades.** As authorized by the City Council, under Section IX of the Agenda, I am bringing back for first reading a Resolution authorizing a bonding issue of up to two million two hundred thousand dollars (\$2,200,000.00) for State Street Utilities Upgrades. Please note that the City will be receiving a 30% State Aid Grant or \$660,000.00 reimbursement, which will result in a net cost of \$1,540,000.00 to the rate payer.

This project is being coordinated with the rehabilitation of the Memorial Bridge. The project will begin with sewer separation work, which includes the replacement of a failing brick sewer line in the street, and includes upgrades to other underground utilities in the street. Streetscape improvements including new brick sidewalk, curbing and period lighting will complete the project. The project area extends from Marcy Street to Pleasant Street. Funding for this project was identified in the Capital Improvement Plan for bonding in FY08 for \$200,000.00 and FY09 for \$2,000,000.00.

As you are aware, bonding Resolutions require a public hearing, two readings and a two-thirds vote is required of the City Council for passage.

I would recommend the City Council move to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 2.3 **First Reading of Resolution Authorizing a Bond Issue of up to One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the construction of Fire Station 2.** As authorized by the City Council, under Section IX of the Agenda, I am bringing back for first reading a Resolution authorizing a bond issue of up to one million five hundred thousand dollars (\$1,500,000.00) for the construction of Fire Station 2.

This budget authorization is for additional funding of \$1,500,000.00 for the construction of Fire Station 2. The City issued two bonds on June 15, 2008; a bond for \$3,650,000.00 for the construction of Fire Station 2 and a bond for \$1,300,000.00 for the purchase of land to relocate Fire Station 2. See attached memorandum from Fire Chief Christopher LeClaire and Public Works Director Steve Parkinson.

As you are aware, bonding Resolutions require a public hearing, two readings and a two-thirds vote is required of the City Council for passage.

I would recommend the City Council move to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting. Action on this item should take place under Section IX of the Agenda.

3. **Public Hearing:**

- 3.1 **Public Hearing Re: Proposed Renewal of Cable Franchise Agreement with Comcast.** At its meeting of September 15, 2008, the City Council scheduled a public hearing for October 20, 2008 to obtain public comment on the proposed renewal of the cable television Franchise Agreement with Comcast. At the hearing, Cable Commission Chairman John Gregg and Assistant City Attorney Suzanne Woodland will provide an overview of the negotiation process and summarize the proposed renewal Franchise Agreement. Subsequent to the public hearing, the City Council may wish to vote on the renewal of the Franchise Agreement under City Manager's Items Which Require Action.

As you know, there are significant limits to the City's ability to regulate cable providers such as Comcast. Specifically, the City does not have the authority to regulate fees or programming. Under Section VII of the Agenda, key contractual provisions are as set forth in the attached summary and table, which have been previously provided to the City Council. Also attached, in a double-sided format, is a complete copy of the proposed cable television renewal Franchise Agreement with Comcast. In addition, I will post this information on the City's Website.

4. **Public Hearing/Second Reading of Proposed Ordinance Amendments:**

- 4.1 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Pearl Street.** As a result of the October 6th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed ordinance amending Chapter 7, Article III, Section 7.330 to the No Parking section of Pearl Street. During the City Council meeting of September 15, 2008, the Council approved the Parking Committee Minutes of August 14, 2008, which requested this ordinance change.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance, as submitted, at the November 10th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- 4.2 **Public Hearing/Second Reading of Proposed Ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the Addition of a New Provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours).** As a result of the October 6th City Council meeting, I am bringing back under Section VII of the Agenda, the attached proposed ordinance amending Chapter 7, Article VI, Truck Loading/Unloading Zones and the addition of a new provision entitled 7.602 Truck Loading/Unloading Zones (24 Hours). During the City Council meeting of September 15, 2008, the Council approved the Traffic and Safety Minutes of August 14, 2008, which require an ordinance for Truck Loading/Unloading Zones.

Please note that the proposed ordinance goes beyond the request of the Traffic and Safety Committee to include certain other recommendations made by Jon Frederick, Parking Manager. This is pursuant to our policy of gradually improving ordinance Chapter 7 by eliminating ambiguities and provisions of the ordinance which have been superseded.

I would recommend the City Council move to pass second reading and schedule a third and final reading of the proposed ordinance, as submitted, at the November 10th City Council meeting. Action on this item should take place under Section IX of the Agenda.

5. **Proposed Extension of City/Chamber of Commerce Partnership on Tourism.** Attached under Written Communications is a copy of a letter from Dana Levenson, Chairman of the Economic Development Commission (EDC), regarding a request from the Chamber of Commerce to extend the City/Chamber of Commerce Partnership on Tourism for FY09. Also, attached are copies of correspondence from Lawrence Yerdon, President of Strawberry Banke Museum and Kathleen Soldati, Director of Marketing at the Music Hall, supporting this matter.

At its October 4, 2008 meeting, the EDC voted unanimously to recommend to the City Council that \$40,000.00 from the UDAG funds be allocated to support the City/Greater Portsmouth Chamber of Commerce Partnership for Tourism during FY09. This

recommendation includes evaluation metrics established by an EDC Subcommittee to measure the success of specific actions of the Chamber's Tourism Program. I am in concurrence with the EDC's recommendation that the City Council approve the Chamber's request to extend the partnership and that \$40,000.00 be allocated from the UDAG funds to support the Chamber's Tourism Program activities. If approved, copies of future quarterly reports to the EDC on the program metrics will be forwarded to the City Council.

I would recommend the City Council approve the Chamber's request and appropriate the use of \$40,000.00 of UDAG funds for this purpose. Action of this matter should take place under Section XI of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Renewal of Cable Franchise Agreement with Comcast.** *I would recommend the City Council move to adopt the proposed renewal of the Cable Franchise Agreement with Comcast, as recommended by the Cable Commission, and authorize the City Manager to execute the proposed Agreement.*
2. **Acceptance of Jones Avenue Drainage Easement.** The Department of Public Works proposes that the City accept a drainage easement over property located at 246 Jones Avenue to replace an existing City drainage culvert. The existing culvert does not have an easement and is located under a garage on 216 Jones Avenue. This existing culvert is in disrepair and requires replacement.

The proposed drainage easement over 246 Jones Avenue will allow access for construction and maintenance of the new culvert while minimizing impact to the residential property owner at 216 Jones Avenue. The property at 246 Jones Avenue is owned by the Clifton L. Wentworth Revocable Trust and serves as the principal place of business for the Wentworth Scrap Metal Company. The Planning Board at its meeting of September 18, 2008, recommended acceptance of the easement. The easement area is shown on the attached sketch and aerial photograph.

I would recommend the City Council move to authorize the City Manager to accept a drainage easement from the Clifton L. Wentworth Revocable Trust.

3. **Acceptance of Wi-Fi Equipment from Cisco Systems.** As you are aware, the City and the Greater Portsmouth Chamber of Commerce have been working together to create free Wi-Fi access in the Central Business District. As part of this project, we have had many businesses provide equipment and services to make this Wi-Fi access possible. One business of significance is Cisco Systems.

The City's IT department proposes that the City accept a 100% discount of Wi-Fi technology equipment from Cisco in the sum of \$345,042.00. Acceptance of this discounted (donated) equipment will expand the availability of Wi-Fi in the downtown area and will allow Cisco to use the name of the City of Portsmouth in its future marketing. Attached is an informational sheet summarizing the City's collaboration with Cisco, the Greater Portsmouth Chamber of Commerce, BayRing Communications, Single Digits, Inc. and other parties to expand the Wi-Fi Network.

There are three stipulations on accepting this equipment, which are as follows:

1. Accepting Cisco as a preferred supplier for certain technology for a one-year maintenance agreement; this means that Cisco will be notified when the City goes out to bid on certain technology equipment. It does not preclude bidding, but requires only that Cisco have notice to compete.
2. The City of Portsmouth will become a reference account.
3. The purchase of their Smartnet maintenance agreement of \$19,203.00 for one year from their authorized provider. As this is an economic development supported project I recommend that UDAG funds be used to cover the cost of the maintenance agreement.

The stipulations are set forth in the attached proposed letter agreement with Cisco. The letter agreement will include a detailed equipment list if the City Council authorizes this transaction.

I would recommend the City Council authorize the City Manager to accept the 100 % discount of certain Wi-Fi technology equipment from Cisco Systems with the conditions set forth in the proposed letter agreement and to utilize UDAG funds for the maintenance agreement.

4. **Proposed Request to Submit Greenland Well Application.** The New Hampshire Department of Environmental Services has two grant programs for which the Department of Public Works would like to submit applications: 1) Local Source Water Protection Grant and 2) Water Supply Land Grant Program.

In a two part process, the City would be applying for land protection planning grant from the Local Source Water Protection program to develop a land use plan for protection of the area surrounding the Greenland well. The land use plan would involve a coordinated approach with the Town of Greenland to reconfigure the ballfields and parking near the well which would ensure long-term protection of the drinking water resource. Once a solution is crafted through the planning effort the City would apply for the Water Supply Land Grant Program to assist with the funding to acquire the property within the protective wellhead area or to acquire an easement which would protect this important drinking water resource. The Water Supply Land Grant Program is a matching grant program where the NHDES grant program would pay for 25% of the project cost.

In order to apply for the Water Supply Land Grant Program we must demonstrate that there is support from the City Council to move forward with the application process.

I would recommend the City Council move to authorize the City Manager to apply for, accept, and expend funds from the NH Department of Environmental Services Water Supply Land Grant Program to acquire permanent protection of the Greenland Well and the areas surrounding it.

5. **Request for Approval of Pole License Agreements #63-0454 and #63-0456.**

- a) The City Public Works Department has reviewed pole location information provided by PSNH for Petition and Pole License Agreement #63-0454. This request is to license one pole on Durgin Lane. This existing pole (209/6) was discovered to have been an unlicensed pole when PSNH needed to replace an existing anchor. The anchor has been replaced and the existing guy wire has been attached to the new anchor. It was decided to request a license for this pole at this time. The small pole in the background is a temporary service drop for the construction trailer at the Christmas Tree Shop. This pole poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. Attached is a photograph of the pole. *I would recommend the City Council approve the request from PSNH for Pole License Agreement #63-0454 as recommended by the Public Works Department.*
- b) The City Public Works Department has reviewed pole location information provided by PSNH for Petition and Pole License Agreement #63-0456. This request is to license one pole and one sector cabinet behind the Little Harbour School on Clough Drive. The existing pole (309/9T1) was replaced by a new pole (309/9). Also included in this request is a new pad mounted sector cabinet with underground conduit running from the new pole. Although PSNH considered this system to be a “straight replacement” not needing a license, they were unable to locate any previous license and decided to request one at this time. This pole and sector cabinet pose no impact to existing City infrastructure and the Public Works Department recommends approval of this license. Attached is a photograph of the pole and sector cabinet. *I would recommend the City Council approve the request from PSNH for Pole License Agreement #63-0456 as recommended by the Public Works Department.*

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on October 6, 2008.
2. **News Release Re: Ward 4 Location Changed.** For your information, attached is a news release regarding the change of the polling location for Ward 4 from the Dondero Elementary School to the Portsmouth High School Gym for the November 4th Election.
3. **Report Back Re: Skateboard & Rollerblading Ordinances.** Attached is a memorandum from City Attorney Robert Sullivan regarding his request to give a report back on this matter at the November 10th City Council meeting.