

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 20, 2008

PORTSMOUTH, NH
TIME: 6:00PM [or thereafter]

At 6:00 p.m., a Work Session was held regarding the African Burying Ground Proposed Design Plan.

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:00 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

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

VI. PUBLIC COMMENT SESSION

Hugh Jencks, Peirce Island Committee Chair, spoke to the summer activities that were held at Peirce Island. He informed the City Council that there were a record number of revenue collections for the boat launch. Mr. Jencks addressed the upcoming USS NH Commissioning being held this weekend and the events taking place at Peirce Island. In conclusion, he requested that the City Council support the improvement items which will be contained in this year's Capital Improvement Plan.

Kathy Anania spoke to the petition submitted regarding the need for improvement of lower Woodbury Avenue. The neighborhood would request a change in the traffic flow for the area.

Daniel Ball spoke in support of the petition from Woodbury Avenue residents.

Allen Nelson said that the City Council should not be here this evening discussing the eminent domain issue for the Peirce land. He said that the Middle School will be built whether this land is taken by eminent domain. Mr. Nelson informed the City Council that they should honor the commitment made as outlined in the Peirce Trust. He asked that the City Council show leadership on this matter.

Jerry Stow said there is no reason to be here this evening, the issue of eminent domain is clear.

Martin Cameron spoke opposed to the \$1,500,000.00 bonding request by the Fire Department for Fire Station 2. He said that the drive thru bays are not necessary, an individual should be located at the back of the vehicle to the safe exit of the trucks.

Bill St. Laurent, Association of Portsmouth Taxpayers, spoke regarding the \$1,500,000.00 request for Fire Station 2. He urged the City Council to cut back on spending because the taxpayers cannot afford additional increases to the tax rate.

Carl Diemer spoke opposed to eminent domain and said the process should not take place unless there are no other site options available to the School Board. He urged the City Council to vote opposed to the Resolution. Mr. Diemer said that recently there have been many misconceptions by the School Board and the renovation costs have been inflated.

Bob Hopley spoke against eminent domain on the Peirce land. He said individuals in the future may hesitate leaving property to the City because the trust may be broken.

David Forman spoke in favor of the Eminent Domain Resolution. He said that the City is currently in violation of the deed and therefore the City needs to adopt the Resolution.

Sarah Hamill thanked the City Council for the hard work of the City Council and School Board on this matter. She spoke in support of the Eminent Domain Resolution and that a new building is needed.

Kent LaPage said that the Peirce property should be sold to the School Department. He spoke to this matter being forwarded to the Attorney General's Office and the need for the City Council to consider that process.

Jonathan Bock said he is against eminent domain for a host of reasons and the City Council needs to consider future generations. He said a vote on eminent domain does not have anything to do with approving the Parrott Avenue site for the Middle School.

Mitchell Shuldman, School Board Chair, said he and the architects are here this evening to answer any questions the City Council may have relative to the Middle School.

Gardner Hauge said he speaks for all individuals that use the Alumni Field and the need for it to remain available for recreational use.

Harold Whitehouse said the encroachment on the Peirce Trust has already occurred and requested a 3 month delay on action of the Resolution. He said that a campus style Middle School could be built next to the High School.

Kevin Eckhart spoke opposed to eminent domain and said that the Parrott Avenue location does not allow the School Board to keep the limit at \$40,000,000.00 for a new Middle School. He requested that other locations be reviewed for a new Middle School.

Rick Chellman encouraged the City Council to approve the eminent domain and said there are over 340 residents that support the Parrott Avenue location and the adoption of the Resolution.

Mary Lucas said the current site is a great location and spoke in support of renovating the current Middle School.

Mary Maurer spoke in support of the Eminent Domain Resolution in order to move forward with the renovation of the Middle School.

Shaula Levenson said that the adoption of the Eminent Domain Resolution is an important policy decision of the City Council. The current plan would expand further on the Peirce property. She said we need the best solution for a Middle School that satisfies the educational needs of the children.

Erick Anderson expressed concern with additional increases to the tax rate. He said that the City Council needs to consider future bonding issues when taking action on the Eminent Domain Resolution.

VII. PUBLIC HEARINGS

A. RENEWAL OF THE CABLE TELEVISION FRANCHISE AGREEMENT WITH COMCAST

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

City Manager Bohenko advised the City Council that Assistant City Attorney Woodland and Cable Commission Chair John Gregg are present this evening to provide an overview of the agreement.

John Gregg, Cable Commission Chair, spoke to the process and said we need to determine the needs of the City. He advised the City Council that 3 public hearings were held on this matter and the public expressed the need for public and educational access channels. Mr. Gregg spoke to the survey that was conducted of over 400 residents that indicated over 70% are satisfied with their cable.

Assistant City Attorney Woodland outlined the franchise agreement and said the City cannot regulate fees, cost or programming. She said the agreement before the City is a 10-year agreement and does not preclude the entry of another television provider. Comcast will continue to provide municipal drops for service.

Bill St. Laurent asked if Comcast has a monopoly over other companies. Mayor Ferrini advised Mr. St. Laurent that other companies may come in. Mr. St. Laurent said that the taxpayers are against funding a public access channel. City Manager Bohenko said that the contract reserves our right to have an access channel if the Commission wants to move forward at some point. He said if we were to consider moving forward with a public access channel there would be a great deal of public discussion.

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

Assistant Mayor Blalock moved to suspend the rules in order to take up Item XII. A.1. - Proposed Renewal of Cable Television Franchise Agreement with Comcast. Seconded by Councilor Smith and voted.

XII. A.1. Proposed Renewal of Cable Television Franchise Agreement with Comcast

Councilor Novelline Clayburgh moved 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. Seconded by Councilor Pantelakos and voted.

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

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Ferrini declared the public hearing closed.

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

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Ferrini declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

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

Councilor Spear moved to accept the donation of trees from Salmon Falls Nursery, as listed. Seconded by Councilor Kennedy and voted.

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

Councilor Spear moved 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. Seconded by Councilor Dwyer.

Councilor Spear said renovation on the Parrott Avenue site would be more expensive but the site work to develop a green site would be more expensive at another site. He said we have been working on this matter for the last 5 years and would like to move this matter forward.

Councilor Hejtmanek asked if the City Council votes yes for eminent domain are we voting for an appraisal to take place. City Attorney Sullivan said the process will start tomorrow and the City Council can stop the process at any time before the property is acquired.

Councilor Dwyer said we cannot know the price of the full building until we begin the eminent domain process. She said we bought the property and control it for public use.

Councilor Novelline Clayburgh thanked everyone for their interest and concern over this issue. She has tried to consider all the facts in making her decision and said she would like to have more information before voting to remove the deed restriction. Councilor Novelline Clayburgh expressed concern regarding the additional 30 parking spaces needed at the Parrott Avenue site. She said the cost is a large concern for her and could not support anything over \$40,000,000.00. She spoke to other schools being built throughout New Hampshire for less than what the School Board is recommending. She said that the City Council needs to come up with a plan that is in the best interest of the taxpayers.

Councilor Hejtmanek said we are approving the hiring of an assessor for the cost of lifting the deed and does not feel we can move forward without that. He said if we do not lift the deed restrictions the School Board cannot go forward.

Councilor Pantelakos asked if it is possible to request for a referendum question at this time. City Attorney Sullivan said you can but the timing has passed to have a question placed on the ballot this year.

Councilor Pantelakos moved to amend the motion to request a non-binding referendum to be placed on the Municipal Election ballot stating "Should the Middle School be built at the Parrott Avenue site. Seconded by Assistant Mayor Blalock for discussion purposes.

Councilor Pantelakos said the City Council should not vote for a new Middle School at the site without looking at other sites. The taxpayers should have a say on this matter.

City Attorney Sullivan said he understands the motion by Councilor Pantelakos to be that action on the Eminent Domain Resolution be postponed until such time as this matter is placed on the Municipal Election ballot.

Councilor Pantelakos said she does not want to delay the project. City Attorney Sullivan said therefore Councilor Pantelakos wants to proceed with eminent domain but to place the question on the Municipal Election ballot as a non-binding referendum.

Mayor Ferrini declared the motion by Councilor Pantelakos to be out of order.

City Attorney Sullivan said to get this matter on the ballot would be a simple vote of the City Council.

Councilor Kennedy said that this is hard and thanked everyone for speaking out on this matter. She expressed concern that no one spoke with the Library until recently regarding the parking issue. She encouraged City Manager Bohenko to bring information on the bond rating at the next meeting. She asked Superintendent Lister to speak on school building aide. Councilor Kennedy said the decision is based on what is left for a legacy in the future, does she leave an environmental oasis or does she look at an area that has already been taken care of. If we do not keep the Middle School at the Parrott Avenue site we would then have another empty building to maintain which is of great concern to her.

Assistant Mayor Blalock said that this is a difficult and important decision for the City Council. He said he will vote to begin the process to eliminate the deed restrictions so the Middle School may be placed at the Parrot Avenue site. He said it is important to continue with the process and voted to adopt the Resolution.

Councilor Smith said he has received numerous calls on this matter and everyone has their own opinion. He said every argument is valid and size and cost is a major concern but that is not what we are speaking to right now, it is whether to remove the deed restriction or not. Councilor Smith said the parking issue is a great concern.

Councilor Smith moved to postpone action on the Resolution and requested the School Board report back with answers to questions regarding the athletic fields, parking, size, encroachment on the building and specific cost figures for the Middle School at the November 10th City Council meeting. Seconded by Councilor Pantelakos.

Councilor Smith said he is not attempting to stop or kill the process. He would like specific answers to questions.

Councilor Dwyer said she would not support the amendment because the School Board is doing the process as asked by the City Council.

Councilor Novelline Clayburgh thanked Councilor Smith for coming forward with the motion to postpone. She would like to add the issue of Library parking because that is a concern for her.

Assistant Mayor Blalock said he does not feel we need to postpone the voting. He said we are only adding to the confusion to vote to postpone.

Councilor Kennedy said that people have expressed a concern without knowing the size and cost of the Middle School. She said that she would fight to keep the Middle School on Parrott Avenue.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said he agrees with comments made relative to this being a vote to lift the deed restriction. He said there is no doubt that we will ask questions on cost, size and fields. He would vote against the amendment.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a roll call vote 4-5, motion to postpone action on the Resolution and request the School Board report back with answers to questions regarding the athletic fields, parking, size, encroachment on the building and specific cost figures for the Middle School at the November 10th City Council meeting failed to pass. Councilors Novelline Clayburgh, Smith, Kennedy and Pantelakos voted in favor. Assistant Mayor Blalock, Councilors Dwyer, Spear, Hejtmanek and Mayor Ferrini voted opposed.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said questions on parking, size and costs will be addressed by the School Board.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a roll call 6-3, voted 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. Assistant Mayor Blalock, Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted in favor. Councilors Novelline Clayburgh, Smith and Pantelakos voted opposed.

At 9:00 p.m., Mayor Ferrini declared a brief recess. Mayor Ferrini called the meeting back to order at 9:10 p.m.

- 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)

Councilor Smith moved to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting. Seconded by Councilor Spear.

City Manager Bohenko said at the November 10, 2008 City Council there will a full presentation on this matter.

Councilor Dwyer asked if City Manager Bohenko could provide an estimate on the bond rating.

City Manager Bohenko advised the City Council that many projects will not have to go out to the market for bonding for 6 months. He said to predict a bond rating would be irresponsible of him. He advised the City Council that he would provide them with a summary of rates from 4.25% to 5%. City Manager Bohenko informed the City Council we could bond notes for one year and in the course of the year we could go in and permanently finance the bond.

Councilor Smith said he appreciates the City Manager's work on our bond rating. City Manager Bohenko said if the bond rate is 150 basis points over he would ask the City Council for direction. If there is a project that needs to move forward we would borrow just enough to get the project going with bond anticipation notes.

Motion passed.

- 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)

Councilor Dwyer moved to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting. Seconded by Councilor Novelline Clayburgh.

City Manager Bohenko reported that \$660,000.00 in funds could come back from grants.

Motion passed.

- 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

Assistant Mayor Blalock moved to pass first reading and bring back for public hearing and adoption the proposed Resolution, as presented, at the November 10th City Council meeting. Seconded by Councilor Pantelakos.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said he would like a presentation on this matter as to what the impact would be if the bond was reduced by \$500,000.00.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

Councilor Smith requested Fire Chief LeClaire provide a breakdown to the City Council at the November 10th meeting of the items included in the additional \$1,500,000.00 requested for the construction of a New Fire Station to replace Fire Station 2.

Councilor Kennedy requested Fire Chief LeClaire provide the costs for the doors at the new station if they were not drive thru bays.

Motion passed.

- 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

Councilor Smith moved to pass second reading and schedule third and final reading of the proposed ordinance, as submitted, at the November 10th City Council meeting. Seconded by Councilor Novelline Clayburgh and voted.

- 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

Councilor Smith moved to pass second reading and schedule third and final reading of the proposed ordinance, as submitted, at the November 10th City Council meeting. Seconded by Councilor Pantelakos and voted.

X. CONSENT AGENDA

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

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***)

Councilor Smith moved to refer to the Traffic & Safety Committee for report back. Seconded by Councilor Pantelakos and voted.

- B. Proposed Extension of City/Chamber of Commerce Partnership on Tourism

Assistant Mayor Blalock moved to approve the Chamber's request and appropriate the use of \$40,000.00 of UDAG funds for this purpose. Seconded by Councilor Novelline Clayburgh.

Councilor Dwyer moved to amend the motion that we approve 50% of the request and require that the remaining funds be matched by the Chamber of Commerce. Seconded by Councilor Spear.

Ms. Noble, Chamber of Commerce Tourism Manager spoke to the funding request of the Chamber and the use of the funds.

Motion to amend passed.

Main motion passed as amended.

- 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

Councilor Pantelakos moved to accept and place the letter on file. Seconded by Councilor Novelline Clayburgh and voted.

- D. Letter from Patricia Gormley supporting the City lift the deed restriction on Alumni Field

Councilor Novelline Clayburgh moved to accept and place the letter on file. Seconded by Councilor Smith and voted.

- E. Letter from Elizabeth Dinan regarding USS NH Commissioning

Councilor Spear moved to accept and place the letter on file. Seconded by Councilor Kennedy and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 2. Acceptance of Jones Avenue Drainage Easement

City Manager Bohenko advised the City Council that this easement has been requested by the Public Works Department to replace an existing culvert unit.

Assistant Mayor Blalock moved to authorize the City Manager to accept a drainage easement from the Clifton L. Wentworth Revocable Trust. Seconded by Councilor Smith and voted.

- 3. Acceptance of Wi-Fi Equipment from Cisco Systems

City Manager Bohenko said 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:

- 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.
- The City of Portsmouth will become a reference account.
- 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.

Councilor Novelline Clayburgh moved to 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. Seconded by Councilor Smith and voted.

4. Proposed Request to Submit Greenland Well Application

City Manager Bohenko reported that 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.

Councilor Novelline Clayburgh moved 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. Seconded by Councilor Pantelakos and voted.

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

City Manager Bohenko said that the pole licenses have been reviewed by the Public Works Department and they are recommending their approval.

- 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.

Councilor Pantelakos moved to approve the request from PSNH for Pole License Agreements #63-0454 and #63-0456 as recommended by the Public Works Department. Seconded by Councilor Novelline Clayburgh and voted.

City Manager's Informational Items

2. News Release Re: Ward 4 Location Changed

City Clerk Barnaby spoke to 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

City Attorney Robert Sullivan said that he needs to meet with the Police Department before providing a report back on this matter. He anticipates having the report back at the November 10th City Council meeting.

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

The City Council considered the above appointments which will be voted on by the City Council at the November 10, 2008 meeting.

Councilor Dwyer expressed concern regarding the reappointment of Donald Coker to the Planning Board. She advised the City Council it has nothing to do with competency, Mr. Coker feels that Deputy City Manager Hayden, Building Inspector Hopley and herself should not vote on land use issues based on City property because they are sworn to uphold City interest. She said that there is a great deal of land issue interests coming forward.

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

Councilor Smith moved to appoint Susanne Delaney to the Economic Development Commission until October 1, 2012, John O’Leary to the Board of Library Trustees until October 1, 2011, Joel Look and Kent Kirkpatrick to the Taxi Commission until December 31, 2009. Seconded by Councilor Pantelakos and voted. Ms. Delaney is filling the expired term of Robin McIntosh. Mr. O’Leary is filling the expired term of Eduardo DelValle. Mr. Look is filling the expired term of Susan Turner.

3. Veterans Day Services – Tuesday, November 11th

Mayor Ferrini announced that Veterans Day Services will be held on Tuesday, November 11, 2008. The event will step off at 10:30 a.m. from the V.F.W. and proceed up Maplewood Avenue to Islington Street and into Goodwin Park.

4. Letter to the Honorable Carol Shea Porter, United State House of Representatives Re: Federal Communications Commission

Mayor Ferrini informed the City Council that he has sent a letter to Congresswoman Shea-Porter regarding the Federal Communications Commission.

C. COUNCILOR SMITH

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

Councilor Novelline Clayburgh moved to approve and accept the action sheet and minutes of the October 9, 2008 Traffic & Safety Committee meeting. Seconded by Councilor Pantelakos and voted.

2. Parking Committee Action Sheet and Minutes of the October 9, 2008 meeting

Councilor Smith moved to approve and accept and action sheet and minutes of the October 9, 2008 Parking Committee meeting. Seconded by Councilor Dwyer and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy announced that there will be a Seabrook horn signal on Saturday and asked if information has been provided to the public on this matter. City Manager Bohenko said that press releases have been provided as well as radio announcements.

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

At 10:00 p.m., Assistant Mayor Blalock moved to adjourn. Seconded by Councilor Pantelakos and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk