

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, AUGUST 17, 2009 TIME: 7:00PM

## AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL RE: NEGOTIATIONS – RSA 91-A:2, I (b-c)
  
- 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. APPROVAL OF GRANTS/DONATIONS
  - A. Acceptance of Donation to the Coalition Legal Fund
    - Town of Hampton Falls - \$1,000.00
  - B. Acceptance of Public Health Emergency Response Grant; and Acceptance of Assistant Secretary for Preparedness and Response Grant. - \$42,495.00
  
- VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES
  - A. Adoption of Resolution Authorizing a Bond Issue of up to Thirty Eight Million Three Hundred Thousand Dollars (\$38,300,000.00) for School Improvements
  
- IX. CONSENT AGENDA

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

  - A. Letter from Sister Mary Agnes, St. Charles Children’s Home requesting permission to hold a 5k Road Race at Pease International Tradeport on September 7, 2009 at 9:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
  - B. Letter from Zhana Morris, Production Manager for The Music Hall requesting Parking Meter bags for the Music Hall’s 2009-2010 season ***(Anticipated action – move to refer to the City Manager with power)***

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

- A. Letter from Jerry Tostenson regarding the Recreation Needs Study
- B. Letter from Charles A. Griffin, Esquire regarding Release of Paper Street, Portion of McClintock Avenue to Richard B. Duddy and Sue Ellen Duddy (***Sample motion – move to refer to the Planning Board for a report back***)
- C. Request from James McSharry, Jumpin' Jay's Fish Café, requesting permission for a Sidewalk Obstruction License to place a bench on Middle Street in front of his establishment
- D. Request from Roger's Café Inc. requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of his establishment
- E. Request from Stuart Tulchinsky, Headlines Boutique requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of his establishment

## XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

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

- 1. Consideration of Second Reading of Proposed Resolution:
  - 1.1 Second Reading Re: Proposed Bonding Resolution of up to Thirty Eight Million Three Hundred Thousand Dollars (\$38,300,000.00) for School Improvements (***Action on this matter should take place under Section VIII of the Agenda***)

#### **City Manager's Items Which Require Action**

- 1. Request for a Special City Council Meeting
- 2. Request for Approval of PSNH Pole License #63-0480
- 3. Polling Hours for November 3, 2009 Municipal Election

#### **Informational Items**

- 1. Events Listing
- 2. Municipal Election Filing Period

**B. MAYOR FERRINI**

1. Reports

**C. COUNCIL DWYER**

1. Status of Major Approved Development Projects (*See Attached Memo*)

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

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

(\*Indicates verbal report)

**INFORMATIONAL ITEMS**

1. Historic District Commission minutes of the June 10, 2009 and July 1, 2009 meetings

**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:** August 13, 2009  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on August 17, 2009 City Council Agenda

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**6:00 p.m. – Non-meeting with counsel.**

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

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***Acceptance of Grants/Donations:***

1. **Acceptance of Donations to the Coalition Legal Fund.** Attached is a copy of a check from the Town of Hampton Falls in the amount of \$1,000.00 donating funds to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

*I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VII of the Agenda.*

2. **Acceptance of Public Health Emergency Response Grant; and Acceptance of Assistant Secretary for Preparedness and Response Grant.** In 2005, the City of Portsmouth began receiving grant funding from the NH Department of Health and Human Services (DHHS) to develop the Greater Portsmouth Public Health Network (GPPHN). The network was formed to improve emergency response capability and planning during large-scale emergencies such as pandemics, natural disasters, chemical/biological emergencies, etc. Recently the City received a grant renewal of \$70,000 for Public Health Network grant activities for FY 2010 to continue this work with its partner towns of Greenland, Rye, Newington, North Hampton, and New Castle.

The Federal government has authorized supplemental appropriations to support federal, state, and local preparedness and response activities in preparation for the upcoming flu season and the H1N1 pandemic. As a result, additional funds totaling \$42,495 are available to the City. The new grant funding includes \$30,000 in Public Health Emergency Response program funds which are required to be used to supplement existing staff resources to plan and prepare for a full-scale H1N1 immunization campaign. Another grant of \$12,495 is available from the Assistant Secretary for Preparedness and Response program and these funds are to be used to increase the regional cache of acute care center supplies. No local match is required for either grant.

The additional federal funds will be made available on September 9, 2009 and provide funding through June 30, 2010. Any new staff resource who would be retained would be a contract employee and the agreement would expire with the end date of the grant program.

*I would recommend the City Council move to authorize the City Manager to accept and expend two grants from the New Hampshire Department of Health and Human Services for the purpose of funding the ongoing H1N1 planning and preparedness activities of the Greater Portsmouth Public Health Network. These two grants, which total \$42,495, include a \$30,000 Public Health Emergency Response grant and a \$12,495 Assistant Secretary for Preparedness and Response grant. Action on this matter should take place under Section VII of the Agenda.*

## ***Items Which Require Action Under Other Sections of the Agenda:***

### **1. Second Reading of Proposed Resolution:**

- 1.1 **Second Reading Re: Proposed Bonding Issue Thirty-eight Million Three Hundred Thousand (\$38,300,000) for School Improvements.** Attached [under Section VIII of the Agenda is a proposed Bonding Resolution](#) for the renovation and construction of a new middle school on Parrott Avenue. Also [attached is a memorandum from Edward McDonough, Superintendent of Schools](#), indicating that the School Board held a special meeting on Wednesday, August 5, 2009 and unanimously voted to reduce the project amount to \$37,500,000. Further, I have [attached a copy of a bond amortization](#) showing an impact of a \$37,500,000 project with the netting out of the state reimbursement amount provided by JCJ Architects at the August 10, 2009 presentation.

*Action that the City Council must take to proceed with the Middle School is as follows:*

- 1) Remove the proposed Resolution from the table.*
- 2) Move to amend the amount from \$38,300,000 to \$37,500,000.*

3) *Vote on the amendment (Requires a majority or 5 votes).*

4) *Vote on the new amended Resolution (Requires 2/3's or 6 votes).*

JCJ Architects will be in attendance at Monday's meeting to answer any questions the City Council might have regarding this matter.

### ***City Manager's Items Which Require Action:***

1. **Request for a Special City Council Meeting.** Because of the number of issues before the City Council, I am recommending that a special meeting of the City Council be held on Monday, August 31, 2009. The Mayor has concurred with the proposal. If we do not establish the August 31<sup>st</sup> meeting, the next City Council meeting will not be until Monday, September 14th. I believe that there are time sensitive issues that need to be addressed prior to that.

*I would recommend the City Council move to establish a special City Council meeting on Monday, August 31, 2009.*

2. **Request for Approval of PSNH Pole License #63-0480.** The City Public Works Department has reviewed pole location information provided by PSNH for Petition and Pole License #63-0480. This request is to license one manhole and 45' of underground conduit under Hanover Street. The request is to complete wiring for a new switch cabinet being built adjacent to the Bridge Street parking lot in conjunction with the Portwalk Project. PSNH has obtained an easement for this switch cabinet from the City of Portsmouth which is filed at the Rockingham County Registry of Deeds under Book 5037 Page 2911. The 45' of underground conduit and one manhole will essentially connect this new switch cabinet to an existing underground system. This underground system under Hanover Street poses no impact to existing City infrastructure and the Public Works Department recommends approval of this license. [Attached are the license and a picture of the proposed site.](#)

*I would recommend the City Council approve the request from PSNH for Pole License Agreement #63-0480, as recommended by the Public Works Department.*

3. **Polling Hours for November 3, 2009 Municipal Election.** [Attached is a memorandum from Kelli L. Barnaby, City Clerk,](#) recommending that the polling hours for the Municipal Election be set from 8:00 a.m. to 7:00 p.m.

*I would recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 3, 2009.*

## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 3, 2009. As you can see on the listing, I have highlighted those dates that will have two events going on at the same time.
2. **Municipal Election Filing Period.** For your information, [attached is a memorandum from Kelli Barnaby, City Clerk](#), announcing the municipal election filing period for the November 3, 2009 Municipal Election commencing Tuesday, September 1, 2009 through Tuesday September 15, 2009.