

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, MARCH 15, 2010 TIME: 7:00PM

AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING LITIGATION– RSA 91-A:2 I (c) AND 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 – MARCH 1, 2010

- VI. PUBLIC COMMENT SESSION

- VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES
 - A. First reading of Ordinance amending Chapter 10, Article XI, subsection 10.1115.40 and subsection 10.1115.42 – Amount of Payment in Lieu – the fee per space as of January 1, 2010 shall be \$2,000.00

 - B. First Reading of Ordinance Deleting Chapter 11, Article III, Section 11.310 – Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel

- VIII. CONSENT AGENDA
 - A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***
 - A. Letter from Kathy Beebe Keefe, Sexual Assault Support Services, requesting permission to hold the 3rd Annual KidSAFE 5k Run/Walk on Pease International Tradeport on Saturday, April 10, 2010 (***Anticipated action – move to refer to the City Manager with power***)

 - B. Renewal of Boarding House Permits
 - G. Edward Gowen, Jr., 350-352 Hanover Street
 - Paul H. White & Janet White-nay, 278 Cabot Street
 - Bach Realty, 21 Brewster Street***(Anticipated action – move to approve and authorize the City Manager to issue the aforementioned annual Boarding House permits)***

- C. Acceptance of Donations for Art-Speak for Overnight Art
- Ann Whitney – Architect - \$50.00
 - Laurie Chandler - \$100.00
 - Jonathan & Valerie Sobel - \$100.00
 - Worldly Goods, LLC - \$100.00
 - 100 Market Street, LLC - \$500.00
 - Piscataqua Savings Bank - \$500.00
 - Portsmouth Brewery - \$1,500.00
- (Anticipated action – move to accept and approve the donations to Art-Speak for Overnight Art, as presented)***
- D. Acceptance of Donations for Art-Speak
- Nicholas & Molly Ferrara - \$50.00
 - People’s United Bank – Ocean Bank - \$250.00
- (Anticipated action – move to accept and approve the donations to Art-Speak for operations, as presented)***

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Cliffe Arrand, Pesce Italian Kitchen & Bar, requesting permission to utilize approximately 500 square feet of the city owned Vaughan Mall for expansion of existing outdoor dining patio for a trial period commencing April 15, 2011 through October 15, 2011 ***(Sample motion – move to refer to the City Manager for report back)***
- B. Letter from John Chagnon, Ambit Engineering, Inc, requesting permission to place the relocated Seabrook Station siren pole at the Former DPW Facility within the Conservation Easement ***(Sample motion – move to the Planning Board for report back)***
- C. Letter from Nancy Pollard, Friends of the South End requesting an update on the Peirce Island Sewer Treatment Plant’s relocation plan and copies of all reports and figures stemming from the extensive studies of the plant’s performance capabilities and the long-range sewer needs of the City ***(Sample motion – move to refer to the City Manager)***
- D. Sidewalk Obstruction License Application from Sharon Platt, The Antiquarium, requesting to place 3 planters in front of establishment located at 25 Ceres Street ***(Sample motion – move to refer to the City Manager with power)***
- E. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to place a permanent memorial bench at the Plains Field in the Memorial Grove in memory of Joe Grattan ***(Sample motion – move to refer to the City Manager with power)***
- F. Letter and petitions from “Save the Indoor Portsmouth Pool” (SIPP) citizens group requesting a separate public hearing with regard to the possible closure of the indoor pool

X. 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 First Reading of Proposed Ordinance Amendments and Resolutions:
 - 1.1 First Reading of Proposed Ordinance amending Chapter 10, Article XI, subsection 10.1115.40 and subsection 10.1115.42 – Amount of Payment in Lieu – the fee per space as of January 1, 2010 shall be \$2,000.00 (***Action on this matter should take place under Section VII of the Agenda***)
 - 1.2 First Reading of Proposed Ordinance Deleting Chapter 11, Article III, Section 11.310 –Construction Work Requiring Uniformed Policemen and Section 11.311 –Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel (***Action on this matter should take place under Section VII of the Agenda***)

City Manager's Items Which Require Action

1. Adoption of Proposed Capital Improvement Plan (CIP) FY2011-2016
2. Ratify Cable Commission's Proposed Candidates Re: Board of Portsmouth Public Media

Informational Items

1. Events Listing
2. Reminder Re: Recognition of Boards and Commissions Event

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Tim Allison – Reappointment to the Economic Development Commission
 - Ron Zolla – Reappointment to the Economic Development Commission
 - Jody Record – Reappointment to the Board of Library Trustees
 - Megan Tehan – Reappointment to the Board of Library Trustees
 - Christina Westfall – Reappointment to the Traffic & Safety Committee
2. Appointments to be Voted:
 - Robert Marchewka – Appointment to the Economic Development Commission
3. Charge and Appointment of Operational Efficiencies (Blue Ribbon Committee) (See *Attached*)

4. *Appointment of Rockingham Planning Commission Council Representative – Councilor Kennedy
5. City Charter Advisory Committee (Blue Ribbon Committee) Draft Membership and Charge (*See Attached*)
6. *Reports

C. COUNCILOR SPEAR

1. Informational Article - Vouchers cut Malden's Controversial Garbage Fees

D. COUNCILOR DWYER

1. *Youth Recreation Center – Middle School
2. *Policy Discussion Re: Tax Rate

E. COUNCILOR KENNEDY

1. *Wastewater Treatment Plant

F. COUNCILOR COVIELLO

1. *Policy Regarding Brick Sidewalks

XI. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Notification that the Historic District Commission Minutes of the January 6, 2010 meeting are available on the City's website for your review
2. Notification that the Site Review Technical Advisory Committee Minutes of the March 2, 2010 meeting are available on the City's website for your review
3. Letter from Kimo (a.k.a. James Dorley) thanking the City for maintaining an active Recreation Department
4. Letter from Phyllis Grannan in support of the indoor pool
5. Letter from The Pool Pals in support of the indoor pool
6. Letter from Judy Ringer in support of the indoor pool

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: March 11, 2010
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on March 15, 2010 City Council Agenda

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.

Items Which Require Action Under Other Sections of the Agenda:

1. **Consideration of First Reading of Proposed Ordinance Amendments and Resolutions:**

- 1.1 **First Reading of Proposed Ordinance Amending Chapter 10, Article XI, Subsection 10.1115.40 and Subsection 10.1115.42 – Amount of Payment in Lieu the Fee per space as of January 1, 2010 shall be \$2,000.00.** As a result of the March 1st City Council meeting, under Section VII of the Agenda, I am bringing back for first reading the [attached proposed ordinance](#) amending Chapter 10, Article XI, Subsection 10.1115.40 and Subsection 10.1115.42 –Amount of Payment in Lieu – the fee per space as of January 1, 2010 shall be \$2,000.00.

For more details on this matter see the [attached memorandum](#) from Rick Taintor, Planning Director.

I would recommend the City Council move to pass first reading of the proposed Ordinance amendment, as submitted, and schedule a public hearing and second reading at the April 5th City Council meeting. Action on this matter should take place under Section VII of the Agenda.

- 1.2 **First Reading of Proposed Ordinance Deleting Chapter 11, Article III, Section 11.310 – Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel.** As a result of the March 1st City Council meeting, under Section VII of the Agenda, I am bringing back for first reading the [attached proposed ordinance](#) deleting Chapter 11, Article III, Section 11.310 – Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel.

In addition to the proposed ordinance, I have [attached a memorandum](#) from Gerald Howe, Chairman, of the Police Commission making recommendations to the City Council regarding the proposed ordinance change. In addition to Commissioner Howe’s memorandum, I have [attached a memorandum](#) from City Attorney Robert Sullivan who has reviewed their proposed amendments and how they would be instituted if you so desire.

The City Council has two options:

- 1) *To approve the first reading of the proposed ordinance as submitted and schedule a public hearing and second reading at the April 5th City Council meeting;*

or

- 2) *Make amendments as recommended by the Police Commission and schedule a public hearing and second reading at the April 5th City Council meeting*

Action on this matter should take place under Section VII of the Agenda.

Consent Agenda:

1. **Renewal of Boarding House Permits.** [Attached are copies of letters](#) from the following organizations regarding their annual renewal of their Boarding House Permits:
 - G. Edward Gowen, Jr., 350-352 Hanover Street
 - Paul H. White & Janet White-nay, 278 Cabot Street
 - Bach Realty, 21 Brewster Street

I would recommend the City Council move to approve and authorize the City Manager to issue the aforementioned annual Boarding House permits. Action on this item should take place under Section VIII of the Agenda.

2. **Acceptance of Donations for Art-Speak for Overnight Art.** Art-Speak requests that the following donations totaling \$2,850.00 to sponsor Overnight Art be accepted by the City Council:

➤ Ann Whitney – Architect	\$ 50.00
➤ Laurie Chandler	\$ 100.00
➤ Jonathan & Valerie Sobel	\$ 100.00
➤ Worldly Goods, LLC	\$ 100.00
➤ 100 Market Street, LLC	\$ 500.00
➤ Piscataqua Savings Bank	\$ 500.00
➤ Portsmouth Brewery	\$1,500.00

I would recommend the City Council move to accept and approve the donations to Art-Speak for Overnight Art, as presented. Action on this matter should take place under Section VIII of the Agenda.

3. **Acceptance of Donation for Art-Speak.** Art-Speak requests that the following unrestricted donations in the amount of \$300.00 be accepted by the City Council for Art-Speak's operations. These funds are donations resulting from Art-Speak's Annual Appeal letter.

➤ Nicholas & Molly Ferrara	\$ 50.00
➤ People's United Bank – Ocean Bank	\$ 250.00

I would recommend the City Council move to accept and approve the donations to Art-Speak for operations, as presented. Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of CIP FY 2011 – FY 2016.** As you will recall, in February, the City Council conducted a work session regarding the proposed Capital Improvement Plan for FY2011-2016. In addition, in accordance with 7.7 of the City Charter, the City Council conducted a public hearing on this proposed Capital Plan on Monday, March 1, 2010. At both of these meetings, a presentation of the proposed Capital Plan was made by the City staff. Also, copies of the Plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2011-2016 is available on the City's website.

As I indicated at the public hearing, the City Council is required, in accordance with 7.8 of the City Charter, to adopt the Capital Plan before the City Manager submits the proposed FY11 budget to the City Council. I anticipate that I will be transmitting my proposed FY11 budget to you on or about April 9, 2010.

To insure a smooth and orderly process for the adoption of the CIP, I am suggesting we work off the [summary sheet enclosed in the inside cover of your packet](#). (Please bring your CIP with you.)

Please note that if the CIP is not adopted Monday evening, then there may be a necessity to change the budget calendar given the charter requires the City Council adopt the CIP prior to the issuance of the proposed budget for FY11.

Therefore, in anticipation of amendments to this year's CIP, I would recommend the City Council adopt the Capital Improvement Plan for FY 2011 – FY 2016.

2. **Ratify Cable Commission's Proposed Candidates Re: Board of Portsmouth Public Media.** Late last year, the City Council endorsed the Cable Commission's efforts to establish a non-profit organization to use the channel negotiated in the recent Comcast contract for public access programming. As you may recall, the purpose of the proposed non-profit organization is to establish, operate, and promote non-commercial public access television and Internet media.

The mission is described as follows:

To make the sharing of local news, views, and information readily accessible to residents and nonprofit and business organizations of Portsmouth. The Cable Commission advised that it was prepared to initiate a call for applications for a start-up board of directors and to bring forward a proposed slate of directors for the City Council's ratification.

In December of 2007, the Cable Commission issued a call for applications. The Cable Commission received twenty-one applications for the proposed 7 to 11 member board of Portsmouth Public Media. Many of the applicants had a wealth of experience. The Cable Commission conducted interviews of the applicants, using a format similar to that which was used during the Art-Speak process.

Residency of the applicants was split 65% Portsmouth and 35% non-Portsmouth residents. The draft bylaws envision that at least 2/3 of the board members will be residents of Portsmouth. The draft bylaws also envision that there will be a Mayor's appointment as part of this Board. Chase Bailey has agreed to serve as the Mayor's appointment to the Board.

[Attached is the proposed slate of board candidates and a summary of the experience each person would bring to the new board.](#) Suzanne Woodland, Assistant City Attorney and Alan Brady, IT Coordinator will be available to answer questions.

I would recommend the City Council move to ratify the Cable Commission's proposed candidates for the initial Board of Portsmouth Public Media.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 1, 2010.
2. **Reminder Re: Recognition of Boards and Commissions Event.** Just a reminder that the 3rd Annual Recognition of Service to Honor City of Portsmouth Former Board & Commission Members has been scheduled for Monday, March 29, 2010, beginning at 6:30 p.m. with light refreshments and 7:00 p.m. will be the recognition and awards to the former members.