

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 5, 2010 TIME: 7:00PM

AGENDA

- 5:30PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING 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

PRESENTATION

1. Board and Commission Quarterly Reports – Recreation Board and Conservation Commission
2. Quarterly Report Wastewater Treatment

V. ACCEPTANCE OF MINUTES – MARCH 15, 2010

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. 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. 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. APPROVAL OF GRANTS/DONATIONS

- A. International Food Protection Training Institute Grant Acceptance (***Sample motion – move to accept and expend the grant from the International Food Protection Training Institute in the amount of \$1,500.00 to fund training and travel expenses for the Health Inspector to attend the NSF plan review and food equipment standards training***)
- B. Acceptance of PSNH Grant for Art-Speak - \$5,000.00 (***Sample motion – move to accept and approve a grant in the amount of \$5,000.00 from PSNH to Art-Speak for operational support***)

- C. Acceptance of Seacoast Evacuation Planning Project Grant (**Sample motion – move to accept and approve a grant from the State of New Hampshire Homeland Security Grant Program, as presented**)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second 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. Second 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

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Mike Young, President of Portsmouth Babe Ruth, requesting permission to install temporary signage at Leary Field for the 2010 baseball season (**Anticipated Action – move to refer to the City Manager with power**)
- B. Acceptance of Donation to the Peirce Island Committee from Little Samson Productions - \$729.33 (**Anticipated Action – move to approve and accept the donation to the Peirce Island Committee, as listed**)
- C. Acceptance of Donation to the Portsmouth Fire Department for the purchase of Co-Oximeter from Colwen Management and Portsmouth Hilton Garden Inn - \$500.00 (**Anticipated Action – move to approve and accept the donation to the Fire Department, as listed**)
- D. Acceptance of Donations for Art-Speak for Overnight Art
- | | |
|---|------------|
| • First Giving | \$46.99 |
| • Educational Planning, Alison Forbes | \$100.00 |
| • Grubb & Ellis/Coldstream Real Estate Advisors | \$100.00 |
| • Margaret Talcott & L. Scott Scharer | \$100.00 |
| • First Foods LLC (Anneke Jans) | \$200.00 |
| • Sunrise Rotary Charitable Corporation | \$1,500.00 |
- (**Anticipated Action – move to accept and approve the donation to Art-Speak for Overnight Art, as presented**)
- E. Letter from Deborah Bouchard-Smith, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area from October 15, 2010 – November 2, 2010 (**Anticipated Action – move to refer to the City Manager with power**)

- F. Letter from Josh Pierce, Seacoast Area Bicycle Routes, requesting permission to hold a commuter breakfast from 7:00 a.m. – 10:00 a.m. on Friday, May 21, 2010 at Popovers in Market Square. SABR also requests that the City Council officially recognize May 21, 2010 as Bike/Walk to Work Day in Portsmouth (***Anticipated Action – move to refer to the City Manager with power***)
- G. Letter from Meghan Roche, March of Dimes, requesting permission to hold the 2010 Seacoast March for Babies on Saturday, May 15, 2010 (***Anticipated Action – move to refer to the City Manager with power***)
- H. 2010 Omnibus Sidewalk Obstruction Renewals – See Attached Listing (***Anticipated Action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from David Topham, Bike-Walk Alliance of New Hampshire, requesting permission to use Portsmouth as part of the route on Sunday, May 16, 2010 (***Sample motion – move to refer to the City Manager with power***)
- B. Letter from Peter Floros and Eli Sokorelis, State Street Saloon, requesting an extension to the Dumpster Licenses on Church Street
- C. Letter from Deb Weeks, The Green Monkey Restaurant, requesting an extension to the Dumpster License on Church Street
- D. Letter from Julie Slayton Frank, South Church, requesting a renewal of the Dumpster License on Church Street

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

- 1. Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:
 - 1.1 Public Hearing/Second 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 IX of the Agenda***)
 - 1.2 Public Hearing/Second 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 IX of the Agenda***)

City Manager's Items Which Require Action

1. Report Back Re: Renewal of Boarding House Permit for Bach Realty, 21 Brewster Street (*Tabled from the March 15, 2010 City Council meeting*)
2. Establish a Work Session Re: Tax Rate Policy Discussion
3. Public Input Session Re: Pool
4. Proposed Expansion of Membership at Spinnaker Point Adult Recreation Center
5. Acceptance of Easement at 70 Lafayette Road
6. Report Back Re: City Purchase of land from John Cronin

Informational Items

1. Events Listing
2. Tall Ship Event
3. Various News Releases
4. Economic Development Commission Agenda

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Stephen Philip – Appointment to the Peirce Island Committee
 - Kathleen Bergeron – Appointment to the Citywide Neighborhood Steering Committee
 - Kent Kirkpatrick – Appointment to the Traffic & Safety Committee
 - Harold Whitehouse – Appointment to the Traffic & Safety Committee
2. Appointments to be Voted:
 - 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
3. Charge and Appointment of Operational Efficiencies (Blue Ribbon Committee) (*See Attached*)
 - Rebecca Emerson, School Board Representative
 - Carol Chellman, School Board Representative
 - Kent LaPage, School Board Representative
 - Ed McDonough, School Department Ex-officio
 - Steve Marchand, Resident Representative
4. *Reports

C. COUNCILOR SMITH

1. Parking Committee Minutes and Action Sheet of the March 11, 2010 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. Notification that the Planning Board Minutes of the February 18, 2010 meeting are available on the City's website for your review
2. Notification that the Zoning Board of Adjustment Minutes of the December 22, 2009; January 19, 2010 and February 16, 2010 are available on the City's website for your review
3. Letter from Scott McKee regarding current city budget process

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: April 1, 2010
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on April 5, 2010 City Council Agenda

5:30 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.

Presentation:

1. **Board and Commission Quarterly Reports.** As you may recall, the City Council adopted [the attached Policy #2009-01 – Board and Commission Quarterly Reports](#) requiring that the Chairman of the Recreation Board, Peirce Island Committee, Conservation Commission and other Blue Ribbon Committees, as deemed necessary, along with their City Council liaison, meet on a quarterly basis. Subsequent to the quarterly meetings, the Chairman of the aforementioned Boards and Commissions shall report to the City Council. The Mayor has requested that these reports be made on Monday evening. The Co-Chairmen from the Peirce Island Committee will give their report at a meeting in either May or June since there are many projects going on at Peirce Island.

At Monday's meeting the following Board and Commission Chairmen will be present to give their reports to the City Council:

- 1) Steve Miller, Conservation Commission
- 2) Carl Diemer, Recreation Board

2. **Quarterly Report Wastewater Treatment.** As requested, the project team for the Wastewater Master Plan will be presenting the quarterly update of the progress on the study. The 20 minute presentation will focus on the latest information relative to treatment plant location options, technologies and costs as well as Combined Sewer Overflow abatement strategies. The presentation will include the results of the Value Engineering (VE) Study that took place the first week in February.

In accordance with the Consent Decree requirements, the City submitted to the Environmental Protection Agency (EPA) and the Department of Environmental Services (DES), the supplemental update to Technical Memorandum 5 (TM 5), "Wastewater Treatment Facility Process and Siting and CSO Abatement Evaluations" on March 1st. Between the time of the submission of the draft of TM 5, on December 1st 2009, and the March 1st submission of the Supplement to TM 5, a number of significant regulatory issues arose that required the study team to look beyond the three scenarios that were initially proposed in TM 5.

As a result of a dye study conducted on the Pease Treatment plant outfall, the DES indicated that they would not allow additional flow from the Pease Treatment Plant outfall. Any additional flow to Pease would have to be discharged downstream, in the vicinity of the existing Peirce Island outfall, thus significantly increasing the capital cost of that option. In addition, the EPA indicated that a discharge limit for Total Nitrogen of less than the originally anticipated limit of 8 milligram per liter would likely be included in a new permit. These two regulatory changes were incorporated into the review during the VE process. As a result, a fourth scenario was developed that included various high rate treatment technologies retrofit into the existing Peirce Island Facility. This new scenario, along with current updated costs for each of the scenarios will be presented by the study team.

Further, we have reserved the Levenson Room for Tuesday, April 27, 2010, at 6:30 p.m., for a follow-up question and answer program with City staff and the consulting team, as requested by the Friends of the South End.

Acceptance of Grants/Donations:

1. **International Food Protection Training Institute Grant Acceptance.** The Health Department has been successful in obtaining a \$1,500.00 grant from the Association of Food and Drug Officials (AFDO). The AFDO grant will fund training fees and travel expenses for the International Food Protection Training Institute's plan review and food equipment standards training to take place later this Spring.

I would recommend the City Council vote to accept and expend the grant from the International Food Protection Training Institute in the amount of \$1,500.00 to fund training and travel expenses for the Health Inspector to attend the NSF plan review and food equipment standards training. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of PSNH Grant for Art-Speak.** Art-Speak, the City of Portsmouth's Cultural Commission, has received a grant in the amount of \$5,000.00 from PSNH to continue operations and programs to advocate for, and support, local artists and cultural organizations in the greater Portsmouth, New Hampshire area and to implement the cultural plans. Grant funds will support the coordinator's salary.

I would recommend the City Council vote to accept and approve a grant in the amount of \$5,000.00 from PSNH to Art-Speak for operational support. Action on this matter should take place under Section VIII of the Agenda.

3. **Acceptance of Seacoast Evacuation Planning Project Grant.** The State of New Hampshire Homeland Security Grant Program has awarded the City of Portsmouth, as the lead agency, \$290,000 for Phase I and II of the required study and analysis for the Seacoast Evacuation Planning Project which will lead to a regional Seacoast evacuation plan. **Attached** for your information are copies of the award letters; one grant is for \$128,000 and the other grant is for \$162,000.

This is a multi-phase project that identifies, quantifies, plans and marks out evacuation routes away from the Seacoast of New Hampshire. For purposes of this project, the 'Seacoast' is defined as the land mass of New Hampshire, from Maine to Massachusetts, and ten miles inland.

This project will be coordinated and managed by the City of Portsmouth, New Hampshire Office of Emergency Management in conjunction with the State of New Hampshire Homeland Security and Emergency Management Department.

The two phases will include reviewing planning materials already in existence, data collection, traffic modeling, identifying protective action zones, transportation resources, evacuation routing, and recommended equipment improvements.

The grant application is divided into two grant years so that adequate time is allowed for the tremendous workload to be completed. The grant amount does allow for overtime and backfill for those employees performing the work required to complete the grant requirements.

I would recommend the City Council move to accept, approve and expend a grant from the State of New Hampshire Homeland Security Grant Program, as presented. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing/Second Reading of Proposed Ordinance Amendments and Resolutions:**
 - 1.1 **Public Hearing/Second Reading of Proposed Ordinance Amending Chapter 10, Article XI, Subsection 10.1115.40 and Subsection 10.1115.42 – Amount of**

Payment in Lieu of the Fee per space as of January 1, 2010 shall be \$2,000.00. As a result of the March 15th 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 10, Article XI, Subsection 10.1115.40 and Subsection 10.1115.42 –Amount of Payment in Lieu – of 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.

In addition, City staff will be making a presentation regarding this matter prior to the public hearing.

I would recommend the City Council move to pass second reading of the proposed Ordinance Amendment, as submitted, and schedule a third and final reading at the April 19th City Council meeting. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **Public Hearing/Second 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 15th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second 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.

Also, [attached is a revised memorandum](#) from City Attorney Robert Sullivan outlining the Police Commission’s proposed amendments to this Ordinance. As requested, Steve Parkinson, Public Works Director and David Ferland, Police Chief, will be giving a presentation prior to the public hearing, regarding the Flagger Ordinance and proposed amendments.

The City Council has two options:

- 1) *To approve second reading of the proposed ordinance, as submitted, and schedule a third and final reading at the April 19th City Council meeting;*

or

- 2) *Make amendments as requested by the Police Commission via a memorandum, dated March 24, 2010, from City Attorney Robert Sullivan, and schedule a third and final reading at the April 19th City Council meeting.*

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

Consent Agenda:

1. **Acceptance of Donation for Peirce Island Commission.** The City has received a donation in the amount of \$729.33 from Little Samson Production for the Peirce Island Commission for their participation in the comedy extravaganza.

I would recommend the City Council move to accept and approve the donation to the Peirce Island Committee, as presented. Action on this matter should take place under Section X of the Agenda.

2. **Acceptance of Donation for Fire Department.** [Attached is a copy of a letter](#), on behalf of Colwen Management and the Portsmouth Hilton Garden Inn, donating \$500.00 to the Fire Department for their quick response and assessment of the situation at the Hilton Garden Inn on Monday, February 15, 2010. This donation will be used toward the purchase of a Co-Oximeter for the department.

I would recommend the City Council move to accept and approve the donation to the Fire Department, as presented. Action on this matter should take place under Section X of the Agenda.

3. **Acceptance of Donations for Art-Speak for Overnight Art.** Art-Speak requests that the following donations totaling \$2,046.99 to sponsor Overnight Art be accepted by the City Council:

➤ First Giving	\$ 46.99
➤ Educational Planning, Alison Forbes	\$ 100.00
➤ Grubb & Ellis/Coldstream Real Estate Advisors	\$ 100.00
➤ Margaret Talcott & L. Scott Scharer	\$ 100.00
➤ First Foods LLC (Anneke Jans)	\$ 200.00
➤ Sunrise Rotary Charitable Corporation	\$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 X of the Agenda.

City Manager's Items Which Require Action:

1. **Report Back Re: Renewal of Boarding House Permit for Bach Realty, 21 Brewster Street.** As you will recall, at the March 15th City Council meeting, the Council requested a report back, regarding the renewal of the Boarding House License for 21 Brewster Street.

City Attorney Robert Sullivan has prepared the [attached memorandum](#), regarding this matter. As you can see, both Kim McNamara, Health Officer and the City Attorney

concur with Code Enforcement Officer Jason Page that the Boarding House License for 21 Brewster Street be renewed for calendar year 2010.

Therefore, I would recommend the City Council move to renew the Boarding House License for Bach Realty, 21 Brewster Street for calendar year 2010.

2. **Establish a Work Session Re: Tax Rate Policy Discussion.** As directed by the City Council at the March 15th City Council meeting, I am requesting that the City Council establish a work session on Monday, April 12, 2010 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding a tax rate policy discussion.

I would recommend the City Council move to establish a work session for Monday, April 12, 2010 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding a tax rate policy discussion.

3. **Public Input Session Re: Pool.** As directed by the City Council at the March 15th City Council meeting, I am requesting the public input session be scheduled for Monday, April 19th at 6:00 p.m.

I would recommend the City Council move to establish the public input session for Monday, April 19, 2010 at 6:00 p.m. prior to the regular City Council meeting.

4. **Proposed Expansion of Membership at Spinnaker Point Adult Recreation Center.** In June of 2001, the City of Portsmouth entered into a Lease Agreement with the Spinnaker Point Condominium Association to lease their field house and adjacent property for the purposes of establishing an adult recreation center for Portsmouth residents.

Over the past nine (9) years, the City's Recreation Department has successfully run this adult recreation center with membership averaging one thousand four hundred (1,400) residents per year. As part of the original Agreement, the Spinnaker Point Condominium Association restricted use of the property to individuals who were at least eighteen (18) years of age and City residents.

Presently, seventy-five (75%) percent of the expenses for the operation of Spinnaker Point are recovered from annual dues that residents pay. (Estimated \$170,000.00 in revenue for FY10) In discussing this matter with the Fee Committee and Rus Wilson, it was determined that every attempt should be made to make Spinnaker Point one hundred (100%) percent self-sufficient.

During the past nine (9) years that we have run the facility, many non-residents that work in the City or own property in the City have requested to become members. It was determined that we should approach the Spinnaker Point Condominium Association Board of Directors to determine if they would allow us to amend our existing Agreement to allow for non-residents who are either bona fide taxpayers of the City of Portsmouth or

individuals who work within the City to become members of the Spinnaker Point Recreation Center.

Approximately, one (1) month ago, the Recreation Director and I met with the Spinnaker Point Condominium Association Board of Directors and presented our request to extend additional three hundred (300) memberships to non-residents that would meet the criteria as previously described.

I am pleased to advise the Council that the Spinnaker Point Condominium Association has agreed to our request with the following provisions:

1. The City may authorize up to three hundred (300) persons who are either bona fide taxpayers of the City of Portsmouth or individuals who work within City to become members of the Spinnaker Point Recreation Center;
2. The addition of these non-resident members shall be conducted incrementally such that after the addition of each one hundred (100) non-resident members, there will be a sixty (60) day grace period during which no further non-resident memberships will be authorized. During that sixty (60) day period, the City and the Spinnaker may assess the impact of the one hundred (100) new non-resident members. This pattern shall be followed until such time as there are a total of no more than three hundred (300) non-resident members;
3. If at any time during any grace period, either the City or Spinnaker should so notify the other party, then no further non-resident membership shall be authorized;
4. The membership fee for all non-resident members shall be twice the fee for resident members, as the fee may be adjusted from time-to-time; and
5. At any time subsequent to December 31, 2011, either party may reopen this provision of the Field House Agreement regarding non-resident memberships. In any event of such re-opener, the parties agree to negotiate in good faith to resolve any issues which have been identified by the other party.

If approved by the City Council, this Amendment would allow us to proceed to try to expand our revenue base at Spinnaker Point. It should be noted that by adding only one hundred fifty (150) non-resident members at Three Hundred and Thirty-six (\$336.00) Dollars per year (twice the residential rate), then Spinnaker Point would be one hundred (100%) percent self-sufficient.

For your information, I have [attached a copy of the proposed Amendment](#) to the Field House Management Agreement. On Monday evening, Rus Wilson, Recreation Director, will be in attendance to answer any questions you might have regarding this proposal.

I would recommend the City Council authorize the City Manager to enter into the Amendment 1 to the Field House Management Agreement as presented.

5. **Acceptance of Easement at 70 Lafayette Road.** The City of Portsmouth entered into a long-term lease with Lafayette School Senior Apartments, Limited Partnership for the purpose of creating affordable senior housing at 100 Lafayette Road (known as the “Lafayette School”). During the course of renovating the Lafayette School, certain adjustments were made in the field to accommodate a fence and certain utilities. To make those adjustments, representatives of Lafayette School Senior Apartments, L.P. approached the owners of the abutting property, the Genimatas family, to request an easement for the adjustments. The abutting property owners agreed. [Attached is a small scale plan](#) showing by way of highlighting the minor easement across the property of 70 Lafayette Road. The proposed easement, which has been reviewed by the Legal Department, runs in favor of both the Lafayette School Senior Apartments, L.P., as well as the City of Portsmouth. The Planning Board at its meeting on March 18, 2010 has recommended acceptance of the easement.

The Legal Department and Lafayette School Senior Apartments, L.P., requests that the City Council accept this easement.

I would recommend the City Council move to authorize the City Manager to accept an easement from James Genimatas and Beverly J. Genimatas of 70 Lafayette Road.

6. **Report Back Re: City Purchase of land from John Cronin.** As you will recall, at the December 21st City Council meeting, the Council referred the request from John Cronin, regarding the purchase of 3.24 acres of his property located at 56 Lois Street, to the Planning Board for report back to the City Council. [Attached is a memorandum](#) from Rick Taintor, Planning Director, dated February 9, 2010, outlining the Planning Board’s recommendation, regarding this matter. [Also, attached is an aerial map.](#)

Mr. Cronin subsequently requested an opportunity to present the proposal to the Conservation Commission before the Planning Board's recommendation was presented to the City Council. The Conservation Commission received the proposal at its March 10th meeting, but Commission members did not support using City funds to acquire the parcel. The Commission did not vote on this issue and did not formally propose or recommend any action on this property.

Based on the Conservation Commission meeting, the Planning Board voted at its March 18th meeting to reaffirm its previous recommendation. The Planning Board voted on January 21, 2010 to recommend that the City accept the land by donation or acquire it for a nominal sum.

I would recommend the City Council move to accept the recommendation of the Planning Board that the City accept the land by donation, or acquire it for a nominal sum.

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 15, 2010. In addition, this now can be found on the City's website.
2. **Tall Ship Event.** [Attached for your information is a copy of a letter](#) from Geno Marconi, Director of the Division of Ports and Harbors and Donald Coker, Chairperson of the Piscataqua Maritime Commission, regarding the Tall Ship event scheduled for Memorial Day weekend (May 28 through 31, 2010). Also, [attached is a copy of a memorandum](#) from Nancy Carmer, Economic Development Program Manager, regarding a stakeholder meeting on the Tall Ships visit. Unless I hear no objection, I will advise them that they should proceed with the location at the fishing pier for the Tall Ships event.
3. **Various News Releases.** For your information, [attached are various news releases:](#)
 1. City Recognizes National Community Development Week April 4 through April 10, 2010.
 2. Yard Waste Collection Resumes on April 5, 2010.
4. **Economic Development Commission Agenda and Minutes.** [Attached](#) for your information are copies of the Economic Development Commission Agenda for April 9, 2010 and the meeting minutes for March 5, 2010.