

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 21, 2010 TIME: 6:30PM

AGENDA

- 5:45PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING NEGOTIATIONS – RSA 91-A:2, I (b-c)
- 6:30PM – WORK SESSION REGARDING DOWNTOWN PORTSMOUTH ZERO WASTE PROJECT

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Single Stream Recycling – Steve Parkinson, Public Works Director

V. ACCEPTANCE OF MINUTES – JUNE 7, 2010

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from Marie-Helene James for a Bench in Memory of her son Eric James - \$1,000.00
- B. Energy Grant Award for Discover Portsmouth Center

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading of Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries that the following lots be rezoned from Waterfront Business (WB) to Single Residence B (SRB): Assessors Map 201, Lots 3, 4, 5, 6, 7 and 8 (1-6 Sagamore Grove); and that the Zoning Map be revised accordingly as shown on the exhibit titled “Sagamore Grove Waterfront Business District – Proposed Zoning”

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the Maritime Folk Festival on Saturday, September 25, 2010 – Sunday, September 26, 2010 (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Chris Curtis, The Music Hall, requesting permission to close Chestnut Street from Congress to Porter Streets for the Annual Telluride by the Sea Weekend Celebration Friday, September 24, 2010 – Sunday, September 26, 2010 (***Anticipated action – move to refer to the City Manager with power***)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Ralph and Linda DiBernardo requesting to separate the capital expenditure and the use fee associated with waste water treatment by making the capital expenditure a tax
- B. Letter from Jeremy Bell, Isles of Shoals Steamship Company, requesting that 4 to 6 parking meters be bagged on the Sheraton side of Market Street immediately adjacent to their lot on Saturdays from mid-June through Labor Day with the City fee being waived

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

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

- 1. Third and Final Reading of Proposed Ordinance Amendments:
 - 1.1 Third and Final Reading of Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries – Rezoning Lots on Sagamore Grove from Waterfront Business (WB) to Single Residence B (SRB) (***Action on this matter should take place under Section VIII of the Agenda***)

City Manager's Items Which Require Action

- 1. Approval of Steve Griswold, Deputy Fire Chief's Employment Agreement
- 2. *Approval of David Ferland, Police Chief's Employment Agreement
- 3. *Approval of Stephen Dubois, Deputy Police Chief's Employment Agreement
- 4. Review of Fact Finder's Report of AFSCME Local 1386
- 5. Report Back Re: Central Veterans Council request to relocate the WWI Monuments to Langdon Park
- 6. Report Back Re: Request to make the Ceres Street Waterfront Pocket Park a non-smoking area
- 7. Report Back Re: Big Brothers Big Sisters request to hold the Seacoast Stiletto Sprint
- 8. Report Back and Request to Establish Work Session Re: Continuing Care Retirement Community (CCRC)
- 9. Authorize Sale of former Fire Station 2 through Auction Process

10. Request to Extend Art-Speak Memorandum of Understanding (MOU)
11. Proposed Economic Revitalization Zone (ERZ) for Commerce Way
12. Request to Dispose of Surplus Vehicles
13. Request to Establish Public Hearing Re: Prime Wetlands Designation
14. Preserve America Community Resolution

Informational Items

1. Events Listing
2. Wastewater Master Plan Update

B. MAYOR FERRINI

1. Cable Television Public Access Charitable Trust Appointment of Councilor Jerry Hejtmanek
2. Appointments to be Considered:
 - Eva Powers – Appointment as an Alternate to the Conservation Commission
 - Elissa Hill Stone – Appointment as an Alternate to the Conservation Commission
3. Appointments to be Voted:
 - Kelvin Edwards – Appointment to the African Burying Ground Blue Ribbon Committee
 - Joseph Almeida – Reappointment to the Historic District Commission
 - Tracy Kozak – Reappointment to the Historic District Commission
 - Jonathan Wyckoff – Reappointment to the Historic District Commission
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
 - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
4. *Reports

C. COUNCILOR DWYER

1. *Middle School Progress Report

D. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the May 13, 2010 meeting

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Notification that the Site Review Technical Advisory Committee Minutes of the June 1, 2010 meetings are available on the City's website for your review
2. Notification that the Conservation Commission Minutes of the March 17, 2010; April 20, 2010 and May 12, 2010 meetings are available on the City's website for your review
3. Notification that the Historic District Commission Minutes of the May 5, 2010 meeting are available on the City's website for your review

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: June 17, 2010
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on June 21, 2010 City Council Agenda

5:30 p.m. – City Council Photographs. On Monday evening at 5:30 p.m., photographs of City Council Members will be taken for the Annual Report.

5:45 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.

Work Session:

6:30 p.m. – **Downtown Portsmouth Zero Waste Project.** On Monday evening at 6:30 p.m., the City Council will meet in a work session regarding the downtown zero waste project. [Attached is a letter](#) from Karina Quintans outlining her proposal for downtown recycling which will be further discussed at the work session.

Presentation:

1. **Single Stream Recycling.** On Monday evening, I have requested that Steve Parkinson, Public Works Director, give an update to the City Council relating to the implementation of single stream recycling, which will be effective July 1, 2010.

Acceptance of Grants/Donations:

1. **Acceptance of Donation Re: Bench in Memory of Eric James.** [Attached is a copy of a letter](#) from Marie-Helene James regarding a donation in the amount of \$1,000.00 to support the purchase and installation of a bench at Peirce Island with a memorial plaque for Eric James.

I would recommend that the City Council approve and accept the donation for a bench in memory of Eric James, as listed. Action on this matter should take place under Section VII of the Agenda.

2. **Energy Grant Award for Discover Portsmouth Center.** The City has received official word from the NH Office of Energy and Planning (OEP) that it has been selected for an Energy Efficiency and Conservation Block Grant (EECBG) for energy improvements to the Discover Portsmouth Center. ([Attached is a copy of the news release.](#))

The grant program is funded through American Recovery and Reinvestment Act of 2009. According to OEP, over 270 grant applications totaling \$21 million dollars in requests were made for the available \$6.6 million dollars. The grant program will be administered state-wide by TRC Environmental Corporation.

The City's successful grant application was coordinated closely with the Portsmouth Historical Society the lessee of the former library building on Middle Street, which houses the Discover Portsmouth Center, Seacoast African American Cultural Center, and the Star Island Corporation. The \$140,000 in grant funding does not require any local match and must be expended by March 2012.

Specifically, this grant will fund replacement of the central air distribution and hot water systems. Both systems are approximately 34 years old and their replacement will result in an estimated cost savings of over \$15,000 per year in utility costs. Payback on these investments is estimated to take place over a nine-year period.

As you know, many building improvements are planned for the former library building. The Portsmouth Historical Society is working aggressively to pursue additional grant funding to build on the successful reuse of the building and reduce operating costs.

I would recommend that the City Council move to authorize the City Manager to accept and expend a \$140,000 grant from the TRC Environmental Corporation for energy upgrades to the former Library Building at 10-30 Middle Street. Action on this matter should take place under Section VII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1 Third and Final Reading of Proposed Ordinance Amendments and Resolutions:

- 1.1 **Third and Final Reading of Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries - Rezoning Lots on Sagamore Grove from Waterfront Business (WB) to Single Residence B (SRB).** As a result of the June 7th City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the [attached](#) proposed Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries – Rezoning Lots on Sagamore Grove from Waterfront Business (WB) to Single Residence B (SRB).

On February 1, 2010 the Council voted to refer the [attached letter](#) from Peter G. Weeks of PGW Real Estate Consulting to the Planning Board for a report back as well as an accompanying [letter \(also attached\)](#) from the property owners of 2 Sagamore Grove (Lucian Szmyd), 4 Sagamore Grove (Craig Sieve) and 6 Sagamore Grove (William L. Pingree). Mr. Weeks' letter requested that six lots on Sagamore Grove (Map 201, Lots 3, 4, 5, 6, 7 and 8), which are currently zoned Waterfront Business, be rezoned to Mixed Residential Business or Single Residence B. In addition, [attached is a packet of information dated June 1, 2010](#) from Peter G. Weeks of PGW Real Estate Consulting, in support of the rezoning request. [Attached for your information is a memo](#) from Planning Director Rick Taintor with further details regarding this matter.

On February 18, 2010, the Planning Board considered this matter and voted to schedule a public hearing, which took place on April 29, 2010. At their meeting on April 29th the Planning Board voted to recommend that the City Council rezone from Waterfront Business (WB) to Single Residence B (SRB) Map 201, Lots, 3, 4, 5, 6, 7 and 8 as depicted on the [attached proposed zoning map](#).

I would recommend the City Council move to pass third and final reading of the proposed Ordinance and zoning map, as submitted. Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Approval of Steve Griswold, Deputy Fire Chief's Employment Agreement.** The Fire Commission is requesting that the City Council act on the [attached proposed Employment Agreement](#) between Steve Griswold, Deputy Fire Chief and the Fire Commission, to expire March 1, 2012. This contract complies with all the guidelines established by the City Council.

I would recommend that the City Council approve this Employment Agreement to expire on March 1, 2012 with Steve Griswold, Deputy Fire Chief, as presented.

2. **Approval of David Ferland, Police Chief's Employment Agreement.** Subsequent to the non-meeting with counsel, the Police Commission is requesting that the City Council act on the proposed Employment Agreement between David Ferland, Police Chief and the Police Commission for a four (4) year contract to expire June 30, 2014. This contract complies with all the guidelines established by the City Council.

I would recommend that the City Council approve this four (4) year Employment Agreement to expire on June 30, 2014 with David Ferland, Police Chief, as presented.

3. **Approval of Stephen J. DuBois, Deputy Police Chief's Employment Agreement.** Subsequent to the non-meeting with counsel, the Police Commission is requesting that the City Council act on the proposed Employment Agreement between Stephen J. DuBois, Deputy Police Chief and the Police Commission for a four (4) year contract to expire June 30, 2014. This contract complies with all the guidelines established by the City Council.

I would recommend that the City Council approve this four (4) year Employment Agreement to expire on June 30, 2014 with Stephen J. DuBois, Deputy Police Chief, as presented.

4. **Review of Fact Finder's Report of AFSCME Local 1386.** Attached please find a copy of the fact-finding brief between AFSCME Local No. 1386 and the City of Portsmouth. The Fact Finder's report did not support any of the overtime concessions the Council would like to achieve through negotiations.

New Hampshire law provides that both cost and non-cost items in a Fact Finder's report be submitted to the City's legislative body for an up or down vote.

It is recommended that the Fact Finder's Report be rejected because this does not achieve the goals of the City Council in the area of overtime.

5. **Report Back Re: Central Veterans Council request to relocate the WWI Monuments to Langdon Park.** On Wednesday, June 9th, representatives from the Central Veterans Council, City staff along with City Council liaisons Robert Lister and Ken Smith met at Langdon Park to discuss the relocation of the WWI Monuments from Route 33 to a new location within Langdon Park. Attached is a rendering of how the City would layout the monuments in Langdon Park with all labor to move the monuments to be done in-house with Public Works staff. All in attendance agreed on the relocation of the monuments to Langdon Park.

I am requesting that the City Council take action on this item to authorize the City Manager to implement the relocation of the WWI Monuments to Langdon Park as recommended by the City Council liaisons and City staff.

6. **Report Back Re: Request to make the Ceres Street Waterfront Pocket Park a non-smoking area.** As a result of the June 7th City Council meeting, [attached is a report back](#) from City Attorney Robert Sullivan regarding the request of John Golumb and Jack Blalock that the Ceres Street Waterfront Pocket Park be designated as a “No Smoking” area.

I would recommend the City Council move to accept the recommendation of the City Attorney, regarding this matter.

7. **Report Back Re: Big Brothers Big Sisters request to hold the Seacoast Stiletto Sprint.** As a result of the June 7th City Council meeting, I am reporting back that after a discussion with representative from Big Brothers Big Sisters [attached is a letter](#) requesting closure of Chestnut Street (this is a change of location from their original request) on August 20, 2010 for the Seacoast Stiletto Sprint. The Police, Fire and Public Works Departments have no problem with closing the street for this event.

Therefore, I would recommend the City Council move to refer this matter to the City Manager with power.

8. **Report Back and Request to Establish Work Session Re: Continuing Care Retirement Community (CCRC).** When the City Council considered the comprehensive revision of the Zoning Ordinance in late 2009, it was decided to remove the proposed Continuing Care Retirement Community (CCRC) section for separate review and action. On January 25, 2010, the Council held a Work Session with the Planning Board to discuss the draft CCRC provisions; and Council members identified four general categories of concern: (1) fiscal impact (tax receipts minus service costs); (2) traffic and safety; (3) affordability; and (4) resident preferences. The Council further reviewed these issues at its Work Session on February 5, 2010, and requested that staff provide additional information on these issues.

[Attached is a memorandum](#) from the Planning Director responding to these issues, which includes information provided by the City Attorney, Fire Chief and Assessor. Also [attached](#) for reference is the most recent draft of the proposed Zoning Ordinance amendment.

I would recommend that the Council vote to schedule a work session on June 28, 2010 at 6:30 p.m. to further discuss the proposed Continuing Care Retirement Community zoning amendments.

9. **Authorize Sale of former Fire Station 2 through Auction Process.** At the request of the City Council the proposed auction sale of Fire Station 2 was the subject of requests for proposals which was sent to Shanley Auctioneers, LLC; Paul McInnis, Inc.; and Boyd Auctions. The identical RFP was sent to each entity. Each entity was requested to respond by May 31, 2010; Shanley Auctioneers, LLC and Paul McInnis, Inc. submitted proposals and Boyd Auctions did not.

City staff has reviewed the submitted proposals and offer the following comparison and recommendation.

As a preliminary matter, City staff finds that Shanley Auctioneers, LLC and Paul McInnis, Inc. are well qualified professional auctioneers, either of which is entirely capable of performing the auction service sought by the City with respect to former Fire Station 2. Therefore, our comparison of the two entities turns entirely upon the financial aspects of the proposals. With that thought in mind, a comparison of the cost to the City of the competing proposals is as follows:

Description of Costs	Shanley Auctioneers	Paul McInnis, Inc.
Initial Auctioneer Fee	\$5,000.00	\$0
Buyer's Premium (Amount to be paid to the Auctioneer by the buyer, expressed as a percentage of the bid price, could be reflected in bid amount)	10%	7%
Marketing Expenses	\$11,413.50 (Could be negotiated downward)	\$0 (Marketing expenses to be paid by Auctioneer and estimated to be 0.5% to 1% of expected market value of property)
Brokerage Fee (Paid by Auctioneer, but possibly reflected in bid amount)	3%	2%
Withdrawal Fee (If City fails to go forward with sale after entering agreement with Auctioneer)	\$5,000.00	\$5,000 plus reimbursement of marketing expenses actually paid by Auctioneer up to an additional \$5,000.00

In addition to the foregoing, in each case there would be numerous details which will be required to be negotiated between the City and the Auctioneer. These include whether or not the City will retain an environmental consultant to perform a so-called "Phase I" study in an effort to increase bid values by demonstrating that the site is clean and whether or not the auction sale would be absolute or whether the City would set a reserve amount below which the sale would not occur.

Therefore, based on the foregoing, I would recommend that the City retain the services of Paul McInnis Inc. for the proposed auction sale.

10. **Request to Extend Art-Speak Memorandum of Understanding (MOU).** Attached is a memorandum from the Art-Speak Coordinator requesting a renewal of the Memorandum of Understanding (MOU) between the City and Art-Speak for the period July 1, 2010 through June 30, 2011.

You will recall that on May 3, 2010 Art-Speak gave its annual report on arts and culture in the City. This report addressed the requirements that Art-Speak must satisfy as outlined in the MOU such as:

- 1) Promote appreciation, awareness, participation, and dialogue in the support of arts and culture in the City of Portsmouth;
- 2) Serve in an advisory capacity for all City government departments;
- 3) Provide an annual state-of-the-City cultural report;
- 4) Convene an annual arts and cultural forum;
- 5) Provide business and cultural exchanges; and
- 6) Provide regional and state cultural collaboration opportunities.

As illustrated in the annual report, Art-Speak's accomplishments for FY10 include:

- Art-Speak received a \$6,900 grant from NH State Council on the Arts to conduct an ArtWorks program at Portsmouth Middle School. Art-Works exposes eighth graders to local careers in the Arts in order to educate students on the broad range of careers involving arts available locally. Art-Speak sees this program as an investment in the future creative economy of our community.
- Art-Speak developed "Public Art Acquisition Policy" for the City of Portsmouth which was approved by the City Council.
- Art-Speak planned and is conducting its 3rd biannual Overnight Art-exhibit which showcases local artists and draws many visitors to Portsmouth to view the 6 outdoor public art pieces. Over \$25,000 was raised from local businesses and individuals for this public exhibit.
- Art-Speak raised \$4,750 through its annual appeal for Art-Speak operating costs
- Art-Speak coordinated the Student Art Month Exhibit in March with local businesses. Student displayed their art at 18 local businesses for the month.

In 2009/10 Art-Speak successfully leveraged the \$20,000 in UDAG funds granted to the organization through donations and other grants for Art-Speak operations and programs (including Overnight Art and the Middle School's ArtWorks programs) totaling over \$40,650. The FY 10/11 UDAG Budget includes another \$20,000 for Art-Speak to continue the work outlined in the annual report.

By supporting the activities of Art-Speak, the City of Portsmouth advocates and leverages the power of the local creative economy and continues to be a model for other communities. Also, [attached is a copy of the MOU extension](#) for your information.

I would recommend that the City Council authorize the City Manager to extend the MOU with Art-Speak from July 1, 2010 through June 30, 2011.

11. **Proposed Economic Revitalization Zone (ERZ) for Commerce Way.** The City has received a letter from Michael Kane ([see attached](#)), requesting that an application be submitted to the New Hampshire Department of Resources and Economic Development for designation of Commerce Way Business Park as an Economic Revitalization Zone (ERZ). Also, [see attached aerial map](#).

The ERZ designation is an economic development tool that creates incentive for companies to expand or relocate to an eligible area. Businesses located in an ERZ may be eligible for up to \$40,000 in tax credits to be used against its Business Profit Tax and Business Enterprise Tax up for a five-year period. To qualify for the tax credit, businesses in the zone must create new jobs and expand the economic base by creating new facilities or by the rehabilitation of existing structures. In 2009, at the recommendation of the Economic Development Commission, the City Council applied for and received ERZ status at Pease Tradeport and Highliner Avenue. Some of the eligible businesses in those areas are benefiting from the designation.

To implement the ERZ program so that local businesses are able to qualify for the tax credits, the City must identify a revitalization area and apply to the state for approval of the designated area. After state approval from the Division of Business Resources, businesses can apply for tax credits. There is no cost to the local community for designating ER Zones.

The Commerce Way request is in anticipation of renovations to several buildings at the office complex as outlined in Mr. Kane's letter. The Kane Company plans to reduce the business park's current 59% vacancy rate through proposed upgrades to the interior and exterior of the office buildings including a completely new landscape design. The building plans include energy star ratings and other environmentally responsible construction and operations.

The Economic Development Commission reviewed the request from The Kane Company at its June 4, 2010 meeting and unanimously voted to recommend that the City Council submit an ERZ application to the State for the business park.

I would recommend that the City Council authorize the City Manager to submit an application to the New Hampshire Department of Resources and Economic Development for approval of the Commerce Way Business Park area as an Economic Revitalization Zone (ERZ).

12. **Request to Dispose of Surplus Vehicles.** The City currently has eight surplus vehicles for disposal ([see attached list](#)). In the past, we have sold the surplus vehicles through a sealed bid process to the highest bidder. According to City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council prior to bidding.

I would recommend the City Council move to authorize the City Manager to dispose of surplus vehicles and other equipment by the sealed bid process.

13. **Request to Establish Public Hearing Re: Prime Wetlands Designation.** As you may recall, designation of prime wetlands was a recommendation outlined in the citywide Master Plan adopted in March 2005. NH RSA 482-A:15 defines prime wetlands as jurisdictional wetlands that “because of their size, unspoiled character, fragile condition or other relevant factors make them of substantial significance.” Pursuant to the applicable DES Wetlands Bureau rules, prime wetlands must meet certain minimum specified criteria.

Under contract to the City, West Environmental, Inc. prepared the documentation needed, per state statute and DES rules, to support the designation of prime wetlands. [Attached](#) is a copy of West Environmental’s February 2007 Prime Wetland Analysis Report, which describes the scientific methodology used in developing the list of potential prime wetland candidates. This report also contains the data compiled and analyzed for each wetland.

Both the Conservation Commission (at their April 11, 2007 meeting) and the Planning Board (at their September 20, 2007 meeting) voted in favor of designating prime wetlands as listed in West’s report, and recommended that the City Council take action to officially designate, through the state’s process, these City wetlands as prime wetlands. With regard to wetland 007 located at the Tradeport, the desire of these two Boards was that the City Council urge the Pease Development Authority to take action to seek prime designation for 007.

The City Council held a work session regarding prime wetlands on April 7, 2008. At the City Council session that same evening, the Council voted to schedule a public hearing regarding the designation of prime wetlands for April 21, 2008. There were two comments at the public hearing, both in support of designating prime wetlands in the City. The Council also took action on the evening of April 21, 2008 to appropriate \$5,000 from the City’s Conservation Fund in order to complete the prime wetlands mapping effort. The mapping that was subsequently carried out has accomplished the goal of more precisely mapping, through field verification and other means, the exact boundaries of the prime wetlands.

The [attached map](#) depicts fourteen (14) areas, which meet the state criteria for prime wetland designation. Now that the prime wetlands analysis and detailed mapping are complete, a public hearing needs to be scheduled at the City Council to take comment on the designation of the selected prime wetlands as mapped. At the conclusion of this future public hearing, City Council action would be needed to seek state designation of the identified wetlands as prime, and a letter could be sent to the Pease Development Authority urging them to seek prime designation of wetland 007 at Pease.

If the City proceeds to request that the state designate the identified wetlands as prime wetlands, and following state approval of the designation request, prior to approving a dredge and fill permit an applicant would need to show, and DES would need to find based on clear and convincing evidence, that there would be no significant net loss of prime wetland values as the result of the project proposed; the project is consistent with the purpose specified in RSA 482-A:1; the project cannot be relocated to avoid impacts on prime wetlands; the projects impacts on prime wetlands are the minimum practical; and the project incorporates appropriate mitigation.

I would recommend the City Council move to schedule a public hearing regarding the designation of prime wetlands for July 19, 2010.

14. **Preserve America Community Resolution.** Attached is a Preserve America Community Resolution. Preserve America is a national initiative developed in cooperation with the Advisory Council on Historic Preservation (ACHP) and the U.S. Departments of the Interior, Agriculture, and other agencies. It highlights the efforts of the President and First Lady to preserve our national heritage. It has several components, one of which is the designation of Preserve America Communities. Preserve America Community designation is granted to eligible communities that document how they meet three requirements:
1. The community has recently supported a historic or cultural preservation project that has promoted and/or is promoting heritage tourism or otherwise fostering economic vitality, and involved a public-private partnership between government entities and at least one civic association, non-profit, and/or business enterprise.
 2. The governing body of the community has adopted a resolution indicating its commitment to the preservation of its heritage assets.
 3. The community meets at least five criteria specified in three broad categories: discovering heritage through historic places, protecting historic resources, and promoting historic assets.

The application to become a Preserve America Community originates with the Portsmouth Historical Society -- which was also responsible for the application that enabled the City of Portsmouth to be named a National Trust for Historic Preservation "Distinctive Destination" in 2008 -- one of only 120 nationwide. By charter, the Historical Society is dedicated to preserving, protecting Portsmouth's 400 years of history -- and to presenting that history in various educational forms to citizens and visitors.

When *National Geographic* Traveler ranked Portsmouth 28th most historic place in the world and 6th in the nation they recognized us as a city committed to stewardship of our authentic sense of place. The City has built on these distinctive historic preservation rankings by committing to the principles of "Geotourism" as defined by *National Geographic Center for Sustainable Destinations* and articulated in the Geotourism Charter, which was adopted by the City Council at the January 12, 2009 City Council meeting.

I would recommend that the City Council move to adopt the Preserve America Community Resolution as in the future, this designation may make the City eligible for grant funding if existing grant programs are funded at the federal level.

Therefore, I would recommend the City Council move to adopt the Preserve America Community Resolution, as presented.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on June 7, 2010. In addition, this now can be found on the City's website.
2. **Wastewater Master Plan Update.** Just a reminder that the public update session is on Wednesday, June 23rd at 6:30 p.m., in the Levenson Room, regarding the draft Wastewater Master Plan and Long-Term Control Plan, which was submitted to the U. S. Environmental Protection Agency and the New Hampshire Department of Environmental Services.