

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, FEBRUARY 7, 2011 TIME: 7:00PM

## AGENDA

- 6:15PM – 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

### PRESENTATION

1. Comprehensive Annual Financial Report (CAFR) – Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2010 (Annual Audit)

### V. ACCEPTANCE OF MINUTES – JANUARY 18, 2011

### VI. PUBLIC COMMENT SESSION

### VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION DOLLARS (\$3,000,000.00) FOR TREATMENT PLANT ENGINEERING AND EQUIPMENT PERFORMANCE TESTING AND LONG-TERM CONTROL PLAN IMPLEMENTATION  
*(Continued from the January 18, 2011 City Council meeting)*

### VIII. APPROVAL OF GRANTS/DONATIONS

- A. National Association of County and City Health Officials (NACCHO) Grant ***(Sample motion – move to authorize the City Manager to apply for, accept and expend a \$5,000.00 grant from the National Association of County and City Health Officials to sustain current efforts and further develop the Greater Portsmouth Medical Reserve Corps Unit)***
- B. Acceptance of Grant to the Portsmouth Police Department from the Department of Justice – Violence Against Women Act (VAWA) to fund our Victim/Witness Advocate Position - \$41,339.00 ***(Sample motion - Voted to approve and accept the grant to the Portsmouth Police Department, as listed)***

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

### **Option A (1%)**

|                |                                     |
|----------------|-------------------------------------|
| Single         | \$33,514.00 increase of \$332.00    |
| Married        | \$41,343.00 increase of \$410.00    |
| Asset Limit of | \$111,718.00 increase of \$1,107.00 |

### **Option B (.64%)**

|                |                                   |
|----------------|-----------------------------------|
| Single         | \$33,395.00 increase of \$213.00  |
| Married        | \$41,195.00 increase of \$262.00  |
| Asset Limit of | \$111,319.00 increase of \$708.00 |

***(Sample motion – move to pass first reading and hold a public hearing and adoption at the February 22, 2011 City Council meeting the proposed Resolution for Option A or Option B, as presented)***

- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

### **Option A (1%)**

|                |                                     |
|----------------|-------------------------------------|
| Single         | \$33,514.00 increase of \$332.00    |
| Married        | \$41,343.00 increase of \$410.00    |
| Asset Limit of | \$111,718.00 increase of \$1,107.00 |

### **Option B (.64%)**

|                |                                   |
|----------------|-----------------------------------|
| Single         | \$33,395.00 increase of \$213.00  |
| Married        | \$41,195.00 increase of \$262.00  |
| Asset Limit of | \$111,319.00 increase of \$708.00 |

***(Sample motion – move to pass first reading and hold a public hearing and adoption at the February 22, 2011 City Council meeting the proposed Resolution for Option A or Option B, as presented)***

- C. First reading of Ordinance amending Zoning Ordinance, Article 7, Section 10.730 – Gateway Development, Subsection 10.735 – Sustainability Standards ***(Sample motion – move to accept the recommendation of the Planning Board and pass first reading and schedule a public hearing and second reading of the proposed Zoning Ordinance, as presented, at the February 22, 2011 City Council meeting)***

- D. Adoption of Proposed Bonding Resolution for up to \$3,000,000.00 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation ***(Sample motions – move to adopt a proposed Bonding Resolution for up to \$3,000,000.00 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation, as presented)***

## X. CONSENT AGENDA

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

- A. Acceptance of Donations for Art-Speak Annual Appeal
- Liz Wright & Scott Segee - \$25.00
  - Anthony & Cheryl Coviello - \$50.00
  - G. Willikers! Toy Shop - \$50.00
- (Anticipated action – move to accept and approve the donations to Art-Speak for operations, as presented)***
- B. Acceptance of Donations for USS Virginia
- J.D. Johnson - \$20.00
  - Amanda Toscano (cash) - \$20.00
  - Carol Zink-Mailloux - \$80.00
  - Boynton, Waldron, Doleac, Woodman and Scott, P.A. - \$100.00
  - Kathleen & David Brown - \$100.00
  - Kevin & Roseann Clark - \$160.00
  - Northrop Grumman/AMSEC - \$200.00
  - American Legion(Kathie Lynch/Bob Andelman, Austin Nickerson, Catherine and James Pope - \$225.00
  - Orbis, Inc. - \$300.00
  - American Legion (Tom Decker contribution) - \$1,000.00
- (Anticipated action – move to accept and approve the donations for the USS Virginia, as presented)***
- C. Letter from Jeanine Sylvester, Runner’s Alley, LLC, requesting permission to hold the 14<sup>th</sup> Annual Runner’s Alley/Redhook Brewery Memorial 5k on Sunday, May 29, 2011 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Penny Gant, Chairman of 2011 Fairy House Tour, requesting permission to hold the annual Fairy House Tour on Saturday, September 17, 2011 and Sunday, September 18, 2011 from noon to 4:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***

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

- A. Letter from Amy Pettengill, The National Eating Disorders Association, requesting permission to hold the 1<sup>st</sup> Annual Eating Disorder Awareness Walk on Sunday, June 26, 2011 at 11:00 a.m. ***(Sample motion – move to refer to the City Manager with power)***
- B. Letter from Tom and Zelita Morgan regarding Proposed Youth Recreation Facility *(Please see attached memorandum from staff regarding this matter)*
- C. Letter from Arlon A. Chaffee, LOCO Sports Inc, requesting permission to hold a 5k Road Race at Pease on Monday, July 4, 2011 at 8:00 a.m.

- D. Letter from Bill Hess requesting a boundary line adjustment for his property located at 54 Rogers Street (**Sample motion – move to refer to the City Attorney for report back**)

## XII. 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:
  - 1.1 First Reading of Elderly & Disabled Exemptions (**Action on this item should take place under Section IX of the Agenda**)
  - 1.2 First Reading of Proposed Amendment to the Zoning Ordinance, Article 7, Section 10.730 – Gateway Development, Subsection 10.735 – Sustainability Standards (**Action on this item should take place under Section IX of the Agenda**)
2. Public Hearing of Proposed Bonding Resolution: (**Continued from the January 18, 2011 City Council meeting**)
  - 2.1 Public Hearing and Adoption of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation. (**Action on this Item should take place under Section IX of the Agenda**)

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

1. Fact Finder's Report Re: AFSCME, Local 1386 School Custodial Unit and The Portsmouth School Board
2. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2011 License Agreement
3. Request to Renew Lease Agreement for Sons of Italy
4. Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club
5. Letter from Portsmouth Housing Authority Regarding Wasemit Place
6. Request for a License from The Friends of the Music Hall, owner of The Music Hall Loft, for property located at 131 Congress Street to install a projecting sign
7. Department of Health and Human Services proposed recommendation for adjusting Fluoride Levels

### **Informational Items**

1. Events Listing
2. African Burying Ground Donations
  - Carmen & Gregory Pollack - \$25.00
  - Lorraine Eastwick - \$25.00
  - John & Carol Clark - \$50.00
  - Portsmouth Black Heritage Trail - \$50.00
  - Rodney & Lee Roberts - \$50.00
  - Jack & Diane Chambers - \$100.00
  - Ralph & Linda DiBernardo - \$100.00
  - Great East Festival, William Elwell - \$100.00
  - Paul Kent - \$100.00
  - Sarah Kruger Sulloway - \$100.00
  - James Loring Law Office - \$250.00
  - Charles Meade - \$250.00
  - Bosen & Springer, PLLC - \$500.00
  - Jane James - \$500.00
3. Reminder Re: Joint Work Session with Joint Building Committee and Recreation Board

### **B. MAYOR FERRINI**

1. Appointments to be Voted
  - Gary Lowe – Appointment to the Sustainable Practices Blue Ribbon Committee
  - Everett Eaton – Reappointment to the Economic Development Commission
  - Elias Abelson – Reappointment to the Board of Library Trustees
  - Valerie Cunningham – Appointment to the Board of Library Trustees
  - Kate Gill Kressley – Appointment to the Board of Library Trustees
  - Derek Durbin – Appointment as Regular member to the Zoning Board of Adjustment

### **C. COUNCILOR KENNEDY**

1. \*Assessments (e.g., neighborhoods and land values)  
*(Reference on these items can be found in Assessment Manual 1 on city website)*
2. \*County Budget

### **D. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the January 13, 2011 meeting
2. Parking Committee Action Sheet and Minutes of the January 13, 2011 meeting
3. \*Ban on Synthetic Marijuana

## **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 Conservation Commission Minutes of the November 10, 2010 meeting are available on the City's website for your review
2. Notification that the Planning Board Minutes of the December 16, 2010 meeting are available on the City's website for your review
3. Notification that the Site Review Technical Advisory Committee Minutes of the November 30, 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:** February 4, 2011  
**To:** Honorable Mayor Thomas G. Ferrini and City Council Members  
**From:** John P. Bohenko, City Manager  
**Re:** City Manager's Comments on February 7, 2011 City Council Agenda

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*6:15 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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***Presentation:***

1. **Comprehensive Annual Financial Report (CAFR) - Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2010 (Annual Audit).**  
As you recall at your last meeting, I provided you with a copy of the City's Comprehensive Annual Financial Report (CAFR), which includes the financial statements for the fiscal year ending June 30, 2010 (Annual Audit). Please bring the report with you to the meeting. The Fiscal Year 2010 Audit was prepared by the firm of Melanson, Heath & Company, P.C. Also, enclosed in your last packet was the Management Letter for the year ending June 30, 2010, prepared by our auditor. On Monday evening, Scott McIntyre from Melanson, Heath & Company will be in attendance to make a presentation on the aforementioned items.

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

1. **National Association of County and City Health Officials (NACCHO) Grant.** In 2010, the Greater Portsmouth Public Health Network received \$10,000 in grant funding from the National Association of County and City Health Officials (NACCHO) to assist with the development of a regional Medical Reserve Corps (MRC) Unit. The regional MRC Unit was formed to supplement existing resources and strengthen regional capacity during public health events and/or emergencies. These funds enable the City to work with its regional partner towns of Greenland, Rye, Newington, North Hampton, and New

Castle to improve emergency response capability during large-scale emergencies such as pandemics, natural disasters, chemical/biological emergencies, etc.

The City now has the opportunity to apply for an additional \$5,000 in grant funding from NACCHO. The grant funds will be used to assist with MRC capacity building and to sustain existing efforts. Specifically, the grant can be used to pay for training, volunteer background checks, identification badges, equipment, recruitment, etc. No local match is required.

*I would recommend the City Council vote to authorize the City Manager to apply for, accept and expend a \$5,000 grant from the National Association of County and City Health Officials to sustain current efforts and further develop the Greater Portsmouth Medical Reserve Corps unit. Action on this matter should take place under Section VIII of the Agenda.*

2. **Acceptance of Police Department Grant.** Attached under Section VIII of the Agenda is a memorandum, dated January 20, 2011, from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following grant:

1. Grants – A VAWA grant, (Violence Against Women Act), in the amount of \$41,339 has been received from the Department of Justice. Our Victim/Witness Advocate position is completely funded by this grant. Both prosecutor experience and statistics demonstrate that the presence of a Victim/Witness Advocate in the court office increases the number of successful prosecutions, which in turn removes more criminals and violent individuals from the streets.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

*I would recommend that the City Council move to approve and accept the grant to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VIII of the Agenda.*

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

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

- 1.1 **First Reading of Resolution Amending Elderly & Disabled Exemptions Income Asset Limits.** As requested by the City Council at the January 18<sup>th</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading two options for the City Council to consider in amending Elderly and Disabled Exemption Income and Asset Limits. Attached are copies of the proposed Resolutions. Also, attached is a survey of other communities as requested.



Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72:37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions # 2-2010 and # 3-2010 which increased the income and asset levels for both the elderly and disabled exemptions by 1.82% from the previous year. The current elderly and disabled exemption income levels are \$33,182 for a single taxpayer, \$40,933 for married taxpayers, and an asset limit of \$110,611.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74            \$125,000
- Age 75-79             \$175,000
- Age 80 +              \$225,000

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

This year the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is .64%.

**Adjustment Rounding Up the .64% CPI to 1% Increase (Option A)**

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by rounding up the .64% CPI to 1%, this would increase the limits as follows:

- Single                    \$33,514 increase of \$332
- Married                  \$41,343 increase of \$410
- Asset Limit of        \$111,718 increase of \$1,107

**Adjustment Using the November 2009 to November 2010 CPI .64% Increase (Option B)**

If the City Council wishes to adjust the income and asset levels for both the elderly and disabled taxpayers by the current November 2009 to November 2010 CIP of .64%, this would increase the limits (rounded up) as follows:

- Single                    \$33,395 increase of \$213

- Married \$41,195 increase of \$262
- Asset Limit of \$111,319 increase of \$708

This adjustment would be for assessments as of April 1, 2011 for the 2011 tax year or FY12.

The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15<sup>th</sup> of each year.

If the City Council wishes to make any adjustments to these exemption options, it would require an amendment to the attached proposed resolutions as well as first reading, a public hearing and a majority vote of the City Council. For your information, [attached is the tax impact for the elderly and disabled exemptions for FY11.](#)

*The City Council may make one of the following motions:*

*Move to pass first reading and authorize the City Manager to bring back for public hearing and adoption at the February 22<sup>nd</sup> City Council meeting the proposed Resolutions for Option A or Option B, as presented. (This requires a public hearing and two readings with a majority vote.)*

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

- 1.2 **First Reading of Proposed Amendment to the Zoning Ordinance, Article 7, Section 10.730 - Gateway Development, Subsection 10.735 - Sustainability Standards.** [Attached under Section IX of the Agenda is a first reading on a proposed amendment to the Zoning Ordinance, Article 7, Section 10.730 – Gateway Development, Subsection 10.735 – Sustainability Standards.](#) Also, attached is a memorandum from Rick Taintor, Planning Director, outlining this proposed amendment to the Zoning Ordinance. At the January 20, 2011 Planning Board meeting, the Board voted unanimously to recommend to the City Council that the Zoning Ordinance be amended to provide this additional flexibility.

*I would recommend the City Council move to accept the recommendation of the Planning Board and pass first reading and schedule a public hearing and second reading of the proposed Zoning Ordinance, as presented, at the February 22<sup>nd</sup> City Council meeting. Action on this item should take place under Section IX of the Agenda.*

2. **Public Hearing of Proposed Bonding Resolution:**

- 2.1 **Public Hearing and Adoption of Proposed Bonding Resolution for up to \$3,000,000 for Treatment Plant Engineering and Equipment Performance Testing and Long-Term Control Plan Implementation – Continued from the January 18, 2011 City Council meeting.** As a result of the January 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Bonding Resolution](#) for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation. (As you recall, this public hearing was continued from the January 18<sup>th</sup> City Council meeting.)

As part of the September 2009 Consent Decree related to the Portsmouth Wastewater collection and treatment systems, the City submitted its Wastewater Master Plan to the EPA on November 15, 2010. That plan included a schedule to bring the Peirce Island Treatment Plant into compliance with the secondary treatment standards by 2017. In order to meet that schedule, the City will need to begin the preliminary engineering and equipment performance testing efforts in 2011. In addition to the work at the treatment plant, the City is continuing the Long-Term Control Plan sewer separation projects in the “Lincoln basin” that are outlined in the Wastewater Master Plan.

The resolution calls for the authorization to borrow up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation.

The preliminary engineering and equipment testing for the wastewater treatment plant is estimated to cost approximately \$2,200,000. The Long-Term Control Plan Project which will include sewer separation work in the Parrott Avenue area and proceed up to Richards Avenue as well as a stormwater outfall into the South Mill Pond is estimated to cost \$800,000.

In meetings with the regulators on the proposed Master Plan schedule, the EPA indicated that the City needs to move forward with the treatment plant engineering and equipment testing and defer the Cass Street project until the spring of 2012.

Also, [attached is a copy of a letter from EPA](#) concerning the proposed preliminary engineering and equipment testing at the Peirce Island Wastewater Treatment Facility. The letter includes the EPA’s recommendation to the City to proceed with the pilot testing as expeditiously as possible.

In addition, included in the letter is the Agency’s concurrence with the full year of equipment (pilot) testing. City staff felt strongly about the need to perform the testing for a full year to ensure that the candidate treatment processes have been exposed to the full range of seasonal variations in flows and loads.

Prior to the public hearing, a short presentation will be made by David Allen, Deputy Public Works Director and Peter Rice, Sewer/Water Engineer.

Bonding requires two-thirds vote.

*I would recommend the City Council move to adopt a proposed Bonding Resolution for up to \$3,000,000 for treatment plant engineering and equipment performance testing and Long-Term Control Plan Implementation, as presented. Action on this item should take place under Section IX of the Agenda.*

## **Consent Agenda:**

1. **Acceptance of Donations for Art-Speak Annual Appeal.** Art-Speak requests that the following donations, totaling \$125.00 be accepted by the City Council for Art-Speak's operations. These funds are donations resulting from Art-Speak's Annual Appeal letter.

|   |                           |      |
|---|---------------------------|------|
| ➤ | Liz Wright & Scott Segee  | \$25 |
| ➤ | Anthony & Cheryl Coviello | \$50 |
| ➤ | G. Willikers! Toy Shop    | \$50 |

*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 X of the Agenda.*

2. **Acceptance of Donations for USS Virginia.** The City of Portsmouth has received the following donations totaling \$2,205.00 for the USS Virginia party:

|   |   |         |
|---|---|---------|
| ➤ | J.D. Johnson  | \$ 20   |
| ➤ | Amanda Toscano (cash)   | \$ 20   |
| ➤ | Carol Zink-Mailloux   | \$ 80   |
| ➤ | Boynton, Waldron, Doleac, Woodman & Scott, P.A.   | \$ 100  |
| ➤ | Kathleen & David Brown  | \$ 100  |
| ➤ | Kevin & Roseann Clark   | \$ 160  |
| ➤ | Northrop Grumman/AMSEC  | \$ 200  |
| ➤ | American Legion (Kathie Lynch/Bob Andelman,<br>Austin Nickerson, Catherine & James Pope | \$ 225  |
| ➤ | Orbis, Inc.   | \$ 300  |
| ➤ | American Legion (Tom Decker contribution)   | \$1,000 |

*I would recommend the City Council move to approve and accept the donations for the USS Virginia, as presented. Action on this matter should take place under Section X of the Agenda.*

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

1. **Fact Finder's Report Re: AFSCME, Local 1386 School Custodial Unit and The Portsmouth School Board.** Subsequent to the non-meeting with counsel, I am recommending that the City Council take action on the Fact Finder's Report between AFSCME Local No. 1386 School Custodial Unit and the Portsmouth School Board.

*Move to take action on this matter.*

2. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2011 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement. [Attached is a draft of the proposed 2011 License Agreement](#) with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex over the past nine years.

If this draft agreement meets with the approval of City Council, I would ask that you authorize me to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2011. I've requested that Celeste Gingras, President, of the Seacoast Growers' Association be in attendance on Monday evening to answer any questions you may have regarding this matter.

*I would recommend the City Council move to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2011, as presented.*

3. **Request to Renew Lease Agreement for Sons of Italy.** [Attached is a copy of a letter from the Sons of Italy](#), Seacoast Area Lodge #2303 requesting the renewal of their Lease Agreement for the property at One Plains Avenue, for a one-year extension effective April 1, 2011 through March 31, 2012. Also, [attached is a copy of the revised Lease Agreement.](#)

*I would recommend the City Council move to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2011 through March 31, 2012.*

4. **Request to Renew Lease of 251 Bartlett Street by the Creek Athletic Club.** The Creek Athletic Club has requested a renewal of its lease for the building located at 251 Bartlett Street. In addition, they are proposing to expend at least as much in capital improvements as they would have paid to the City as property taxes, which is the payment provision in the current lease. Also, [attached is a copy of the revised Lease Agreement, which includes Exhibit A](#) outlining the capital improvements and the term of completion by the Creek Athletic Club. The current Agreement is scheduled to expire on March 31, 2011. The request is for a ten-year extension effective April 1, 2011 through March 31, 2021. Because of the length of the proposed lease, I would ask that this matter be brought back for a formal vote at your February 22<sup>nd</sup> City Council meeting.

*Therefore, I would recommend that the City Council move to authorize the City Manager to bring back this matter for a formal vote at your February 22<sup>nd</sup> City Council meeting.*

5. **Letter from Portsmouth Housing Authority Regarding Wamesit Place.** [Attached is a copy of a letter from Portsmouth Housing Authority \(PHA\) Executive Director Joseph Couture, dated January 27, 2011](#)

As Mr. Couture's letter indicates, in 1989 the City of Portsmouth provided \$300,000 in federal Community Development Block Grant (CDBG) funding to assist in the acquisition of the 100 unit affordable housing development then known as Ridgewood Apartments. The agreement between the City and the PHA Housing Corporation states that if the PHA Housing Corporation's interest in Ridgewood Apartments (now known as Wamesit Place) is transferred to another entity, or the apartments are not maintained solely for rental to people who earn low or moderate incomes, the CDBG loan amount of \$300,000 or 6% of the sales price -- whichever is greater, is to be repaid to the City's CDBG fund.

In the past few years, the PHA has attempted to secure the necessary financing to move forward with needed external and internal improvements to the units at Wamesit Place. At this time, the PHA is in the process of securing financing that will enable this work to be undertaken and is asking that the \$300,000, which is due upon transfer of ownership of the property, be assigned to the new owner and not repaid at this time. Similar to the financing for the Cottage Senior Housing and Lafayette School Senior Apartments projects, a limited partnership entity will be created to facilitate the use of tax credits and the PHA will be the lead partner. This will involve a change in ownership, thereby triggering repayment of the 1989 loan.

Additional information about the proposed improvements to Wamesit Place and the rationale for its request is provided in the letter from Mr. Couture. The Council should note that the source of the \$300,000 was CDBG funding from U.S. Housing and Urban Development, not local dollars.

*I would recommend the City Council move to refer this matter to the CDBG Citizens Advisory Committee for a report back.*

6. **Request for a License from The Friends of the Music Hall, owner of The Music Hall Loft, for property located at 131 Congress Street to install a projecting sign.** Attached is a copy of a memorandum from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Friends of the Music Hall owner of The Music Hall Loft for property located at 131 Congress Street, to install a projecting sign on a new bracket (see attached photographs).

This request was received by the Planning Department on December 23, 2010, and reviewed by the Planning Board on January 20, 2011. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

1. The license shall be approved by the Legal Department as to content and form;
2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
3. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.

*I would recommend the City Council move to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Friends of the Music Hall, owner of The Music Hall Loft to install a projecting sign on a new bracket at 131 Congress Street and further authorize the City Manager to execute a License Agreement for this request.*

7. **Department of Health and Human Services Proposed Recommendation for Adjusting Fluoride Levels.** Attached please find a letter that Public Works received on Thursday, February 3<sup>rd</sup> from the Department of Health and Human Services (HHS) regarding adjusted fluoride levels in water systems. In January, the HHS and the Environmental Protection Agency announced the results of a study performed under the auspices of the Center for Disease Control and Prevention (CDC) that recommended lowering the levels of fluoride in drinking water to 0.7 milligrams per liter (mg/l). The recommendations of the study are still in the comment period and final guidance is not anticipated until this spring.

The current State recommended level is a range of 0.9 to 1.7 mg/l. The Portsmouth System has been feeding fluoride at an average dosage of 1.0 mg/l since 1973 when the City voted to begin the practice of adding fluoride. Based on the most recent information, the New Hampshire Department of Environmental Services, and the Department of Health and Human Services are announcing their support for systems to adjust the systems to the lower recommended level of 0.7 mg/l in the interim period between now and the publication of the final guidance and rulemaking.

It would take the City one to two days to get all of our feed systems adjusted the 0.7 mg/l dosage. Based on this letter and follow-up conversations with the State, I would

recommend that we move in adjusting the fluoride levels to the recommended level of 0.7.

*I would recommend the City Council move to accept the Department of Health and Human Services recommendation for adjusting fluoride levels.*

### ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on January 18, 2011. In addition, this now can be found on the City's website.

2. **African Burying Ground Donations.** The African Burying Ground Committee has received the following donations to the African Burying Ground Trust totaling \$2,200 since its December 28, 2010 memo to City Council. The total donated to date is \$3,670.

|                                       |       |
|---------------------------------------|-------|
| ➤ Carmen & Gregory Pollack            | \$25  |
| ➤ Lorraine Eastwick                   | \$25  |
| ➤ John & Carol Clark                  | \$50  |
| ➤ Portsmouth Black Heritage Trail     | \$50  |
| ➤ Rodney & Lee Roberts                | \$50  |
| ➤ Jack & Diane Chambers               | \$100 |
| ➤ Ralph & Linda DiBernardo            | \$100 |
| ➤ Great East Festival, William Elwell | \$100 |
| ➤ Paul Kent                           | \$100 |
| ➤ Sarah Kruger Sulloway               | \$100 |
| ➤ James Loring Law Office             | \$250 |
| ➤ Charles Meade                       | \$250 |
| ➤ Bosen & Springer, PLLC              | \$500 |
| ➤ Jane James                          | \$500 |

3. **Reminder Re: Joint Work Session of Joint Building Committee and Recreation Board.** Just a reminder, the joint work session between the Joint Building Committee and the Recreation Board is scheduled for Wednesday, February 9, 2011 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers ([see attached Agenda](#)).