

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: TUESDAY, FEBRUARY 19, 2013 TIME: 6:30PM

## AGENDA

- 6:00PM - ANTICIPATED "NON-MEETING WITH COUNSEL RE: LITIGATION – RSA 91-A:2 I (c)
- 6:30PM – WORK SESSION - WASTEWATER UPDATE

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

### PRESENTATIONS

1. Update on Senior Transportation Program from William Henson, President and CEO of the Mark Wentworth Home
2. Update from Brinn Chute, Senior Services Coordinator
3. Update on Doble Center from David Moore, Community Development Director

- V. ACCEPTANCE OF MINUTES *(There are no minutes on for approval this evening)*

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION:

#### ELDERLY EXEMPTION AT 2%

|                |                                     |
|----------------|-------------------------------------|
| SINGLE         | \$35,176.00 INCREASE OF \$690.00    |
| MARRIED        | \$43,393.00 INCREASE OF \$851.00    |
| ASSET LIMIT OF | \$117,257.00 INCREASE OF \$2,299.00 |

- B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION:

#### DISABLED EXEMPTION AT 2%

|                |                                     |
|----------------|-------------------------------------|
| SINGLE         | \$35,176.00 INCREASE OF \$690.00    |
| MARRIED        | \$43,393.00 INCREASE OF \$851.00    |
| ASSET LIMIT OF | \$117,257.00 INCREASE OF \$2,299.00 |

## VIII. APPROVAL OF GRANTS/DONATIONS

- A. \*Acceptance of Donation from Lonza Biologics Incorporated (**Sample motion – move to accept and approve the aforementioned donation from Lonza Biologics Incorporated, and further, authorize the City Manager to sign a release agreement**)

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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

### Elderly Exemption at 2%

|                |                                     |
|----------------|-------------------------------------|
| Single         | \$35,176.00 increase of \$690.00    |
| Married        | \$43,393.00 increase of \$851.00    |
| Asset Limit of | \$117,257.00 increase of \$2,299.00 |

**(Sample motion – move to adopt the proposed Resolution)**

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

### Disabled Exemption at 2%

|                |                                     |
|----------------|-------------------------------------|
| Single         | \$35,176.00 increase of \$690.00    |
| Married        | \$43,393.00 increase of \$851.00    |
| Asset Limit of | \$117,257.00 increase of \$2,299.00 |

**(Sample motion – move to adopt the proposed Resolution)**

- C. Third and Final Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance (**Sample motion – move to pass third and final reading on the proposed Fund Balance Ordinance**)

## X. CONSENT AGENDA

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

- A. Letter from Kristen Lyons, Sexual Assault Support Services, requesting permission to reschedule the 5<sup>th</sup> Annual 5K Race to Sunday, June 2, 2013 at 11:00 a.m. (*The Council previously approved this race for a different date*) (**Anticipated action – move to refer to the City Manager with power**)

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

- A. Letter from Barbara Engelbach, Moffatt-Ladd House Maintenance Chair, inquiring if non-profit museums could have tier billing as private residences for the watering of gardens (**Sample motion – move to refer to the City Manager to include in the rate study**)
- B. Letter from Elizabeth Moreau, Member, Islington Creek Neighborhood Association, requesting submitted stipulations be integrated with any renewal of the license for the 21 Brewster Street property (**Sample motion – move to refer to the Legal Department for report back at the March 4, 2013 City Council meeting**)

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

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

- 1. Public Hearing and Adoption of Proposed Resolutions:
  - 1.1 Public Hearing and Adoption of Resolutions Amending Elderly & Disabled Exemptions Income Asset Limits (**Action on this item should take place under Section IX of the Agenda**)
- 2. Third and Final Reading of Proposed Ordinance:
  - 2.1 Third and Final Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance (**Action on this item should take place under Section IX of the Agenda**)

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

- 1. Adoption of Capital Improvement Plan (CIP) FY2014-2019
- 2. Request to Renew Lease Agreement for Sons of Italy
- 3. Town of Barrington Re: Land Conservation
- 4. Request for Easement Re: 32 Livermore Street
- 5. Report Back Re: 21 Brewster Street Boarding House Permit

#### **Informational Items**

- 1. Events Listing
- 2. Strawberry Banke Re: Skating Rink Proposal

## **B. MAYOR SPEAR**

1. Appointments to be Considered:
  - Colby Gamester – Planning Board
  - Craig Welch – Portsmouth Housing Endowment Fund
2. Appointments to be Voted:
  - Kelly Weinstein – Citywide Neighborhood Steering Committee
  - Lisa Louttit – Peirce Island Committee
  - J. Robert Shouse - Blue Ribbon Committee on Sustainable Practices

## **C. ASSISTANT MAYOR LISTER**

1. Defense of Marriage Act Re: Motion to Sign onto an Amicus Brief (***Sample motion – move to sign onto an amicus brief with other cities and employers in the Windsor v. United States of America lawsuit at the U.S. Supreme Court challenging the constitutionality of the Federal Defense of Marriage Act***)

## **D. COUNCILOR KENNEDY**

1. \*Deduct Water Meters for Historical Museums

## **E. COUNCILOR DWYER**

1. \*Portsmouth's 400<sup>th</sup> Anniversary

## **F. COUNCILOR THORSEN**

1. Capital Improvement Plan (CIP)

## **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 Historic District Commission Minutes of the September 12, 2012 meeting are available on the City's website for your review
2. Notification that the Site Review Technical Advisory Committee Minutes of the February 5, 2013 meeting are available on the City's website for your review
3. 2012 Board and Commission Attendance Records

**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 14, 2013  
**To:** Honorable Mayor Eric Spear and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on February 19, 2013 City Council Agenda

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

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

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***Work Session:***

6:30 p.m.

1. **Wastewater Update.** On Tuesday evening, City staff will conduct a briefing to update the City Council regarding efforts related to Wastewater Facilities and Programs.

The briefing will provide an update to the Council on a number of topics including:

- National Pollutant Discharge Elimination System (NPDES) permit status for the Peirce Island Wastewater Treatment Facility (WWTF) and Pease WWTF;
- Collection system project status for the combined sewer overflow long-term control plan and Mechanic Street Pumping Station Esthetic Improvements project;
- WWTF projects status for Peirce Island WWTF Piloting Project and related permit support work and upcoming Pease WWTF projects; and,
- Status of the sewer rate model development that will determine the impact to rates resulting from the Peirce Island WWTF upgrade.

## ***Presentation:***

1. **Update on Senior Transportation Program from William Henson, President and CEO of the Mark Wentworth Home.** On Tuesday evening, William Henson, President and CEO of the Mark Wentworth Home, who we contract with for senior transportation, will give an update regarding the Senior Transportation Program.
2. **Update from Brinn Chute, Senior Services Coordinator.** At Tuesday's City Council meeting, Brinn Chute, Senior Services Coordinator, will provide an update as to her progress and activities regarding senior services.
3. **Update on Doble Center from David Moore, Community Development Director.** On Tuesday evening, Community Development Director David Moore will give a presentation concerning the Base Realignment and Closure Act regarding the Paul A. Doble Army Reserve Center on Cottage Street.

## ***Acceptance of Grants and Donations:***

1. **Acceptance of Donation from Lonza Biologics Incorporated.** On January 10, 2013 the City was contacted by Tarsia Kenny the Environmental Scientist for Lonza Biologics Incorporated to determine if the City was interested in approximately 18,250 pounds of granular sodium chloride (pharmaceutical grade salt) at no charge. After reviewing the provided material safety data sheet (MSDS) for the sodium chloride, Todd Croteau, General Foreman, and Jared Sheehan, Engineering Technician of the Public Works Department, scheduled a meeting to visually inspect the salt to verify if it would be applicable to road application with the City's current snow removal equipment. It was determined that the best usage of the material due to its small granular size would be to incorporate it into the City's brine operation which is used to pre-treat the road surface prior to snow events.

*I would recommend the City Council move to accept and approve the aforementioned donation from Lonza Biologics Incorporated, and further, authorize the City Manager to sign a release agreement. Action on this item should take place under Section VIII of the Agenda.*

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

1. **Public Hearing and Adoption of Proposed Resolutions.**
  - 1.1 **Public Hearing and Adoption of Resolutions Amending Elderly & Disabled Exemptions Income Asset Limits.** As a result of the February 4<sup>th</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the [attached proposed Resolutions amending Elderly and Disabled Exemption Income and Asset Limits](#). Annually, the City of Portsmouth reviews

income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b (see attached State Statute) and RSA 72.37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions #1-2012 and #2-2012 which increased the income and asset levels for both the elderly and disabled exemptions by 2.9% from the previous year. The current elderly and disabled exemption income levels are \$34,486 for a single taxpayer, \$42,542 for married taxpayers, and an asset limit of \$114,958.

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 to 79            \$175,000
- Age 80 +                \$225,000

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

As requested, the Resolutions attached adjust the income and asset levels for both the elderly and disabled taxpayers by the November to November CPI of 2.0 %. This would increase the limits (rounded up) as follows:

- Single                    \$ 35,176 increase of \$690
- Married                   \$ 43,393 increase of \$851
- Asset Limit of            \$117,257 increase of \$2,299

Any adjustment if approved would be for assessments as of April 1, 2013 for the 2013 tax year or FY14.

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 the proposed adjustments, it would require a public hearing and a majority vote of the City Council to adopt the attached proposed Resolutions. I have attached for your information the tax impact of the elderly and disabled exemptions for FY13.

As requested by the City Council at your January 22, 2013 meeting, the City Assessor has reported back concerning the elderly and disabled exemptions.

The State of New Hampshire per RSA 72:39-a, provides for Conditions for the Elderly Exemption. Minimum amounts that a town or city can offer for the exemption are as follows:

- Income Limits - \$13,400 for single applicants and \$20,400 for married applicants.
- Asset limit - \$35,000
- Exemption Amount - \$5,000 off the assessed value for all age categories.

RSA 72:39-b allows a town or city to modify the elderly exemptions limits by the procedure in RSA 72:27-a; which the City of Portsmouth has opted to do in prior years.

Unlike the elderly exemption, the disabled exemption is not a mandatory exemption but a local option. Each town or city within the state may adopt this exemption per RSA 73:27-b and if adopted, minimum amounts are similar as the elderly exemption except there is no minimum on the exemption amount. These amounts may be modified following the same procedures as the elderly exemption but do not have to be the same.

The [attached spreadsheet](#) is the result of a survey taken which includes all 13 cities within the State of New Hampshire and neighboring communities of the City of Portsmouth. This survey shows the income, asset and exemption amounts offered and include a comparison of the median household income for each community and median household income of those 65 years and over as reported by the U.S. Census Bureau 2007-2011 American Community Survey 5-Year estimates.

The City Assessor has also included within her report a comparison since fiscal year 2000 of the income, asset, and exemption amounts offered by the City of Portsmouth for both the elderly and disabled exemptions.

On Tuesday evening before the public hearing, the Assessor will make a short presentation on this matter.

*I would recommend the City Council move to make the following two separate motions:*

- 1) Move to adopt the Resolution for Elderly Exemptions, as submitted. (Resolution requires two readings and a majority vote.)*
- 2) Move to adopt the Resolution for Disabled Exemptions, as submitted. (Resolution requires two readings and a majority vote.)*

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



2. **Third and Final Reading of Proposed Ordinance.**

2.1 **Third and Final Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance.** As a result of the February 4th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the **attached proposed Ordinance amendment** to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance, which would maintain an unassigned fund balance of not less than 10% with a goal of 17%. Please note further that use of unassigned fund balance typically should be used for appropriations that are nonrecurring in nature.

As you will recall, at the October 27, 2012 City Council Retreat, there was a request to review the existing Fund Balance Ordinance to determine if it needed any revisions that would place the City in a better position to obtain a AAA bond rating. As you are aware, the City presently has a bond rating of AA+ which is one step below AAA.

Since 1997, the City has received four bond upgrades which have been attributed directly to financial policies that the City has enacted (stable tax rate, health insurance stabilization fund, leave at termination fund, capital improvement plan and fund balance ordinance).

In reviewing AAA ratings in other communities, it appears that the one thing they have in common is a fund balance policy and/or an ordinance that strives to maintain an unassigned fund balance between 10% and 17% of general fund appropriations.

As part of the discussion at the January 7, 2013 meeting regarding this matter, there were two inquiries which required a report back as follows:

**Question 1:**

Councilor Thorsen - What is the marginal benefit between an AA+ and AAA rating?

The following chart is an estimate of the interest savings the City would realize on a \$20 million bond issue, issued for 20 years, if the City's bond rating was upgraded to AAA from AA+. These interest rates are compiled by Municipal Market Data (MMD), which collects interest rate information on bonds in the market and reports the rates daily by rating category and by maturity dates. The analysis shows, under current market conditions, the City would expect to save approximately \$236,000 in interest over the life of a \$20 million, 20 year bond issue as a result of the upgrade.

Estimated current benefit of an upgrade from AA+ to AAA on \$20 million Bond Issue

|       | Year | AAA  | AA+  | AA   | Interest Rate Difference Between AA+ and AAA | Assumed Principal | Interest |
|-------|------|------|------|------|--|-------------------|----------|
| 1     | 2014 | 0.20 | 0.23 | 0.25 | 0.03%  | 1,000,000         | 19,950   |
| 2     | 2015 | 0.34 | 0.39 | 0.43 | 0.05%  | 1,000,000         | 19,700   |
| 3     | 2016 | 0.47 | 0.52 | 0.57 | 0.05%  | 1,000,000         | 19,250   |
| 4     | 2017 | 0.61 | 0.69 | 0.77 | 0.08%  | 1,000,000         | 18,750   |
| 5     | 2018 | 0.76 | 0.85 | 0.93 | 0.09%  | 1,000,000         | 17,950   |
| 6     | 2019 | 0.88 | 0.98 | 1.07 | 0.10%  | 1,000,000         | 17,100   |
| 7     | 2020 | 1.09 | 1.19 | 1.29 | 0.10%  | 1,000,000         | 16,150   |
| 8     | 2021 | 1.31 | 1.42 | 1.52 | 0.11%  | 1,000,000         | 15,150   |
| 9     | 2022 | 1.51 | 1.62 | 1.73 | 0.11%  | 1,000,000         | 14,100   |
| 10    | 2023 | 1.70 | 1.81 | 1.92 | 0.11%  | 1,000,000         | 13,000   |
| 11    | 2024 | 1.82 | 1.94 | 2.05 | 0.12%  | 1,000,000         | 11,900   |
| 12    | 2025 | 1.90 | 2.02 | 2.13 | 0.12%  | 1,000,000         | 10,750   |
| 13    | 2026 | 1.98 | 2.10 | 2.22 | 0.12%  | 1,000,000         | 9,600    |
| 14    | 2027 | 2.06 | 2.18 | 2.30 | 0.12%  | 1,000,000         | 8,400    |
| 15    | 2028 | 2.13 | 2.25 | 2.37 | 0.12%  | 1,000,000         | 7,200    |
| 16    | 2029 | 2.20 | 2.32 | 2.44 | 0.12%  | 1,000,000         | 6,000    |
| 17    | 2030 | 2.26 | 2.38 | 2.50 | 0.12%  | 1,000,000         | 4,800    |
| 18    | 2031 | 2.32 | 2.44 | 2.56 | 0.12%  | 1,000,000         | 3,600    |
| 19    | 2032 | 2.38 | 2.50 | 2.62 | 0.12%  | 1,000,000         | 2,400    |
| 20    | 2033 | 2.44 | 2.56 | 2.68 | 0.12%  | 1,000,000         | 1,200    |
| Total |      |      |      |      |  | 20,000,000        | 236,950  |

It is important to note that the difference in interest rates between different rating categories, referred to as the quality spread, is not fixed. When interest rates are high, the quality spread expands. So, although the interest cost difference between a AAA rated credit and a AA+ rated credit is relatively small right now, as rates rise, the quality spread will expand and the City can expect the impact to be greater.

**Question 2:**

Councilor Kennedy - What other types of criteria do the rating agencies use to assign a bond rating?

The City uses both Standard and Poor’s and Moody’s Investors Services to assign a credit rating before issuing bonds. Publications from both agencies use similar evaluation criteria for management to utilize and better position their governments for maximum stability in the short and long-term.

When reviewing an entity, Standard and Poor’s states *“Proactive budget and liability planning, strong liquidity management, and the establishment of reserves are among the factors the strongest issuers share.”* Moody’s Investor’s Services states *“A strong governmental management team prepares well for economic downturns, maintains strong controls during boom times, and manages well during all economic cycles”.*

The following are key focus areas for rating agencies:

- **Focus on Structural Balance - Conservative Budgeting Techniques**  
Preparing a balanced budget where recurring revenues match recurring expenditures. Not relying on one-time measures without the appropriate re-alignment of revenues and expenditures.
  - Recurring revenues match recurring expenditures
  - Conservative revenue forecasting
  
- **Fund Balance Policies**  
A formalized policy for Fund Balance which identifies target level and the instances in which reserves may be used.
  - Unassigned Fund Balance Ordinance
  - Total Fund Balance
  
- **Established Stabilization Reserves**  
A formalized financial reserve policy to provide financial flexibility and stability.
  - Health Insurance Stabilization Fund
  - Leave at Termination Fund
  - Reserve for Debt
  
- **Debt Management Policy**  
A formalized debt plan that includes target and maximum debt levels, target for pay-as-you-go funding of capital work, and incorporation of these debt policies into a multi-year capital plan.
  - Pay-as-you-go financing Capital Outlay
  - City Policy is to use no more than 10% of annual appropriations toward net debt service payments
  - Remain below the allowable debt limit
  
- **Strong Liquidity Management**
  - Ability to manage Cash Flow
  - Strong reserves

- **Succession and Contingency Planning**  
Ability to identify mid-year changes in revenues and expenditures and respond quickly.
  - Fund balance policies for contingency planning
  - Government's Management organizational structure
  
- **Other Factors**
  - Economic Development plans that suit the particular strengths and needs of the community
  - Demographics- Median Household Income
  - Tax Base
  - Economic Growth

The City has implemented most of the aforementioned criteria and is working on those areas that we feel can be strengthened.

*I would recommend the City Council move to pass third and final reading of the proposed Fund Balance Ordinance. Action on this matter should take place under Section IX of the Agenda.*

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

1. **Adoption of Capital Improvement Plan (CIP) FY2014-2019.** As you will recall, in January, the City Council conducted a work session regarding the proposed Capital Improvement Plan for FY2014-2019. In addition, in accordance with 7.7 of the City Charter, the City Council conducted a public hearing on this proposed Capital Plan on Monday, February 4, 2013. At both of these meetings, a presentation of the proposed Capital Plan was made by the City staff. Also, copies of the Plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2014-2019 is available on the City's website.

As I indicated at the public hearing, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2014 budget to you on or about March 28, 2013. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at this evening's meeting. **Please bring your Capital Improvement Plan with you.** If you need another copy, please let me know.

*I would recommend the City Council adopt the Capital Improvement Plan for FY 2014 – FY 2019.*

2. **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, 2013 through March 31, 2014. 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, 2013 through March 31, 2014.*

3. **Town of Barrington Re: Land Conservation.** The City has been contacted by the John Wallace, Chairman of the Barrington Conservation Commission, to assist with a land protection project in Barrington. This property is within the Bellamy River watershed, which drains into our Bellamy Reservoir, which feeds our new water treatment plant in Madbury. This site has significant development potential which if realized could impact the water quality of our drinking water source. This protection project would put conservation restrictions on this property such that it would be protected in perpetuity from development.

The parcel of land known as the Leahy property is 42 acres with frontage on the Bellamy River, and Mr. Wallace believes he would have a much greater chance convincing his Board of Selectmen to protect this property if he could represent he had partners such as the City of Portsmouth to also support this project. Mr. Wallace is requesting that the City participate by providing a donation of \$5,000 towards acquisition of this parcel. Attached please find a letter from John Wallace with three maps showing the project area.

According to Peter Rice, Deputy Director of Public Works, purchase of this property would be consistent with our goal of protecting our drinking water source. We currently have \$20,000 budgeted for groundwater protection in the FY 2013 engineering budget. This budget line item has been used in the past for source water protection activities. The property was recently appraised at \$63,000, therefore, a \$5,000 contribution towards acquisition would represent between 7% and 8% of the appraised value of the property.

Based on the importance of protecting the City's drinking water supplies, I recommend the City support this project with an amount not to exceed \$5,000.

*I would recommend the City Council move to support this project with an amount not to exceed \$5,000.*

4. **Request for Easement Re: 32 Livermore Street.** The owner of property located at 32 Livermore Street seeks an easement from the City to construct a new underground service for utilities as shown on the attached plan. The relocated utility service is proposed to run from an existing pole to the other side of Livermore Street under the public street and sidewalk to the dwelling unit at 32 Livermore Street.

The owner is prepared to reconstruct the brick sidewalk and repair the road to City specifications after installation of the new service. Public Works has no objection to this relocation of a utility service underground subject to the obligation to reconstruct to the City specifications and subject to the owner relocating the conduit at its own expense as might be necessary for future municipal projects. If approved, the Legal Department would prepare the necessary agreement and easement.

*I would recommend the City Council move to refer this proposed easement for an underground utility conduit on Livermore Street to the Planning Board for a report back.*

5. **Report Back Re: 21 Brewster Street Boarding House Permit.** As you will recall, on Monday, February 4<sup>th</sup>, the City Council conducted a work session regarding the Islington Creek Neighborhood Association's concerns pertaining to the boarding house at 21 Brewster Street. As a result of that work session, the City Council requested a report back on the process to move forward regarding the Boarding House Permit for 21 Brewster Street which will expire on March 20, 2013. For your information, I have [attached the presentation from the February 4<sup>th</sup> meeting.](#) Going forward, City staff is recommending that formal action on the 21 Brewster Street Boarding House Permit take place at your March 4<sup>th</sup> meeting. At that time, we also will be asking you to act on the other two Boarding House Permits: 350-352 Hanover Street and 278 Cabot Street. With regards to the renewal of the 21 Brewster Street permit, it is recommended that it include the following conditions:

- 1) Extend the current permit for three months with an inspection and report back on progress made at the facility;
- 2) Require full-time professional management of the facility; such management firm having the ability to respond to municipal inquiries and requests 24/7;
- 3) Integrated Pest Management (IMP) to be maintained on monthly basis or more often if needed with monthly reports submitted to Health Department;
- 4) Require all common floors to remain non-porous and non-absorbent with cleanable surfaces;
- 5) Soiled or infested bedding shall be disposed of and not reused; and,
- 6) Correction of all deficiencies from the annual inspection prior to permit issuance.

In addition, by the March 4<sup>th</sup> meeting, City staff would recommend that all issues from the memorandum dated January 10, 2013 from Jason Page, Zoning Officer, be complied with.

On Tuesday evening, we will give you an update as to the compliance of this memorandum.

Also, please note under correspondence, Section XI of the Agenda, is a [letter from Elizabeth Moreau regarding Islington Creek Neighborhood Association's](#) request for additional stipulations for the proposed license for 21 Brewster Street. The Legal Department would like to have the opportunity prior to the March 4<sup>th</sup> meeting to review the language and suggest amendments where appropriate if the City Council chooses to include the conditions with the same intent.

[Attached for your review in advance of the March 4<sup>th</sup> City Council meeting is a copy of the proposed permits for each of the aforementioned boarding houses.](#)

*I would recommend the City Council move to authorize the City Manager to bring back at the March 4<sup>th</sup> City Council meeting, permit renewals for 21 Brewster Street three month extension; one-year permit for 350-352 Hanover Street; and a one-year permit for 278 Cabot Street.*

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

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 4, 2013. In addition, this now can be found on the City's website.
2. **Strawbery Banke Re: Skating Rink Proposal.** Lawrence Yerdon, President and CEO of Strawberry Banke, will be making a presentation to City Council on March 4<sup>th</sup> regarding the skating rink proposal on the grounds of the Museum.