

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, SEPTEMBER 22, 2014 TIME: 6:00PM

## AGENDA

- I. CALL TO ORDER (6:00 P.M.)
- II. ROLL CALL
- III. ANTICIPATED “NON-PUBLIC” SESSION RE: CONSIDERATION OF ACQUISITION OF REAL PROPERTY – RSA 91-A:3, II (d)
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

### PROCLAMATION

1. Daughters of the American Revolution (DAR) – Constitution Week

### VI. ACCEPTANCE OF MINUTES – JUNE 2, 2014 AND JUNE 9, 2014

### VII. PUBLIC COMMENT SESSION

### VIII. APPROVAL OF GRANTS/DONATIONS

#### A. Acceptance of Police Department Grant and Donations:

- Acceptance of Grant from Department of Justice for replacement of bullet-proof vests for sworn officers - \$5,898.43
- Acceptance of Donations to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department’s opiate addiction initiative:

- Mr. Gerald W. Howe and his wife, Ms. Jocelyn Frechette - \$1,000.00
- Mr. James Frechette - \$500.00
- Mr. and Mrs. Peter C. Frechette - \$250.00

***(Sample motion – move to approve and accept the grant and donations to the Portsmouth Police Department)***

#### B. Acceptance of Donation to Welfare Department from Unutil in the amount of \$2,500 for the Back to School Drive ***(Sample motion – move to accept and approve the donation to the Welfare Department for the Back to School Drive, as presented)***

#### C. Acceptance of Grant for Household Hazardous Waste Collection in the amount of \$5,594.00 ***(Sample motion – move to accept and expend a \$5,594.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract)***

## IX. PUBLIC HEARINGS

- A. PROPOSED ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE II, SECTION 7.230 – PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS
- B. ORDINANCE AMENDING CHAPTER 10 – ZONING ORDINANCE, SECTION 10.440, TABLE OF USES – RESIDENTIAL, MIXED RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS, BY CHANGING USE #1.41 (MULTIFAMILY DWELLING, 3 OR 4 DWELLING UNITS) FROM “P” (PERMITTED) TO “S” (SPECIAL EXCEPTION) IN THE GENERAL RESIDENCE A AND B (GRA & GRB) DISTRICTS
- C. ORDINANCE AMENDING THAT THE FOLLOWING LOTS BE REZONED FROM INDUSTRIAL (I), OFFICE RESEARCH (OR) OR MUNICIPAL (M) TO CHARACTER DISTRICT 4 (CD4):
- ASSESSORS MAP 163, LOTS 33, 34 AND 37;
  - ASSESSORS MAP 165, LOTS 1, 2 AND 14
  - ASSESSORS MAP 172, LOTS 1 AND 2;
  - ASSESSORS MAP 173, LOTS 2 AND 10
- AND INCLUDING CATE STREET BETWEEN HODGSON’S BROOK AND BARTLETT STREET, AS SHOWN ON THE ATTACHED EXHIBITS TITLE “AREAS PROPOSED TO BE REZONED TO CHARACTER DISTRICT 4 (CD4)”, AND FURTHER THAT THE ZONING MAP REFERENCED IN CHAPTER 10, ARTICLE 4, SECTION 10.420 (DISTRICT LOCATION AND BOUNDARIES) OF THE ORDINANCES OF THE CITY OF PORTSMOUTH BE REVISED ACCORDINGLY
- D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO THREE MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$3,475,000.00) FOR COSTS RELATED TO FISCAL YEAR 2015 CITYWIDE SEAWALL, STREET, AND SIDEWALK IMPROVEMENTS
- E. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) FOR COSTS RELATED TO FISCAL YEAR 2015 SCHOOL FACILITIES IMPROVEMENTS
- F. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000.00) RELATED TO GREENLAND WELL UPGRADES, MAPLEWOOD AVENUE WATERLINE REPLACEMENT AND WATER SYSTEM PRESSURE-STORAGE IMPROVEMENTS
- G. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO ONE MILLION DOLLARS (\$1,000,000.00) FOR COSTS RELATED TO THE PEASE WASTE WATER TREATMENT PLANT UPGRADES

**X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First Reading of Proposed Ordinance amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807 Bequests or Gifts to City Employees ***(Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 6, 2014 City Council meeting, as presented)***
  
- B. Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners ***(Sample motion – move to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, at the October 6, 2014 City Council meeting)***
  
- C. Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts

***Proposed Motion #1 (to be made under suspension of the rules prior to the public hearing)***

***(Move that the ordinance be amended to include the provision requiring a special exception for the Townhouse use as described in the memorandum from the Planning Director addressed to the City Manager dated September 9, 2014)***

***Proposed Motion #2 (to be made after the final speaker at the public hearing)***

***(Move to continue the public hearing and second reading on the amended ordinance to October 20, 2014)***

- D. Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
  - Assessors Map 163, Lots 33, 34 and 37;
  - Assessors Map 165, Lots 1, 2 and 14
  - Assessors Map 172, Lots 1 and 2;
  - Assessors Map 173, Lots 2 and 10

and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly

***Proposed Motion (to be made after the final speaker at the public hearing)***

***(Move to continue the public hearing and second reading of the ordinance until a response is received from the Planning Board to the letter addressed to Honorable Mayor Robert Lister from Attorney Bernard Pelech dated September 15, 2014 regarding this rezoning)***

**Note: Under written communications Attorney Pelech's letter will be referred to the Planning Board for report back**

- E. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Three Million Four Hundred Seventy Five Thousand Dollars (\$3,475,000.00) for Costs related to Fiscal Year 2015 Citywide Seawall, Street, and Sidewalk Improvements ***(Sample motion – move adopt the Bond Resolution for City Improvements in the amount of \$3,475,000.00) (Please note that a Bonding Resolution require two readings, a public hearing and two-thirds vote of the City Council)***
- F. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Seven Hundred Fifty Thousand Dollars (\$750,000.00) for Costs related to Fiscal Year 2015 School Facilities Improvements ***(Sample motion – move to adopt the Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.00) (Please note that a Bonding Resolution require two readings, a public hearing and two-thirds vote of the City Council)***
- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) related to Greenland Well Upgrades, Maplewood Avenue Waterline Replacement and Water System Pressure-Storage Improvements ***(Sample motion – move to adopt the Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.00) (Please note that a Bonding Resolution require two readings, a public hearing and two-thirds vote of the City Council)***
- H. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to One Million Dollars (\$1,000,000.00) for Costs related to the Pease Waste Water Treatment Plant Upgrades ***(Sample motion – move to adopt the Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000.00) (Please note that a Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council)***
- I. Third and Final Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking Omnibus Ordinance ***(Sample motion – move to pass third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented)***

## XI. CONSENT AGENDA

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

- A. \*Acceptance of Donations to Art-Speak:
- Debbie Needleman \$ 25.00
  - Nicole Bodoh Jacobson \$ 75.00
  - Duncan Craig \$100.00
- (Anticipated action – move to approve and accept the donations to Art-Speak, as listed)***
- B. \*Acceptance of Membership Dues to Art-Speak
- NH Institute of Art \$150.00
- (Anticipated action – move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed)***
- C. \*Acceptance of Donations to the Coalition Legal Fund:
- Town of Grantham, NH \$1,000.00
  - Town of Moultonborough, NH \$6,500.00
- (Anticipated action – move to approve and accept the donations as listed, to be placed in the Coalition Legal Fund)***
- D. Letter from Laurie A. Mantegari, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area from October 9<sup>th</sup> through November 1<sup>st</sup>, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Carolyn Ostrom, NH Community Relations Specialist, Susan G. Komen for the Cure requesting permission to conduct the Susan G. Komen Race for the Cure 5K on May 9, 2015 at Strawberry Banke ***(Anticipated action – move to refer to the City Manager with power)***
- F. Letter from Jay Diener, Co-race Director, Seacoast Half Marathon, requesting permission to hold the 9<sup>th</sup> Annual Seacoast Half Marathon on Sunday, November 19, 2014 ***(Anticipated action – move to refer to the City Manager with power)***
- G. Letter from Barbara Massar, Pro Portsmouth, requesting permission to hold the following 2015 Events:
- First Night Portsmouth 2015 – Tuesday, December 31, 2014
  - Children’s Day 2015 – Sunday, May 3, 2015 from Noon – 4:00 p.m.
  - 38<sup>th</sup> Annual Market Square Day Festival & 10K Road Race – Saturday, June 13, 2015 from 9:00 a.m. – 4:00 p.m.
  - 13<sup>th</sup> Annual Summer in the Street – Saturday evenings – June 27, July 5, July 11, July 18, July 25, August 1, 2015
- (Anticipated action – move to refer to the City Manager with power)***

- H. Letter from Caitlyn Hassett and Amanda Beaulieu, Event Coordinators, Portsmouth Chamber of Commerce, requesting permission to use Hanover Street/Market Street parking lot for an ice sculpting demonstration on Sunday, February 15, 2015 as part of the 2<sup>nd</sup> Annual Fire and Ice Festival (***Anticipated action – move to refer to the City Manager with power***)
- I. Letter from Zhana Morris, Production Manager, The Music Hall, regarding Parking Meter Permit Requests for the Music Hall's 2014-2015 Season (***Anticipated action – move to refer to the City Manager with power***)
- J. Request for Approval of Pole License to install 1,070' of underground conduit located on Raynes Avenue and Vaughn Street to provide underground power to various developments in the area (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- K. Letter from Trevor Bartlett, Portsmouth Halloween Parade, requesting permission to hold the 20<sup>th</sup> Annual Halloween Parade on Friday, October 31, 2014 (***Anticipated action – move to refer to the City Manager with power***)

## **XII. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Michelle F. Harper, Logistics Director, The Charity Defense March, requesting the closure of Chestnut Street on Thursday, June 25, 2015, between the hours of 10:00 a.m. to 7:00 p.m. for a gathering area for participants of the registration day at the Music Hall (***Sample motion – move to refer to the City Manager with power***)
- B. Letter from Attorney Bernard Pelech, regarding Rezoning Request – Cate Street/Route 1 Bypass area (***Sample motion – move to refer to the Planning Board for report back***)

## **XIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

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

- 1. First Reading of Proposed Resolutions and Ordinances:
  - 1.1 First Reading of Ordinance amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807 Bequests or Gifts to City Employees (***Action on this item to take place under Section X of the Agenda***)

2. Public Hearing/Second Reading of Proposed Resolutions and Ordinances:
  - 2.1 Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners (**Action on this item to take place under Section X of the Agenda**)
  - 2.2 Second Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts (**Action on this item to take place under Section X of the Agenda**)
  - 2.3 Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
    - Assessors Map 163, Lots 33, 34 and 37;
    - Assessors Map 165, Lots 1, 2 and 14
    - Assessors Map 172, Lots 1 and 2;
    - Assessors Map 173, Lots 2 and 10and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (**Action on this item to take place under Section X of the Agenda**)
3. Public Hearing and Adoption of Bonding Resolutions:
  - 3.1 Public Hearing and Adoption of Proposed Resolutions for Bond Authorization for FY15 City Improvements (**Action on these items to take place under Section X of the Agenda**)
    - A. Resolution for Borrowing Authorization of up to \$3,475,000.00 for FY15 Citywide Seawall, Street, and Sidewalks
      - Seawall Repairs and Improvements - \$1,275,000.00
      - McDonough Street Area Improvements - \$400,000.00
      - Maplewood Avenue Rehabilitation - \$1,300,000.00
      - Pease International Tradeport Roadway Rehabilitation - \$500,000.00
    - B. Resolution for borrowing authorization of up to \$750,000.00 for FY15 School Facilities Improvements

- C. Resolution for borrowing authorization of up to \$4,800,000.00 related to Water System Upgrades and Improvements
  - Greenland Well Upgrades - \$1,000,000.00
  - Maplewood Avenue Waterline Replacement - \$3,300,000.00
  - Water System Pressure-Storage Improvements - \$500,000.00
- D. Resolution for borrowing authorization of up to \$1,000,000.00 for FY15 Pease Wastewater Treatment Plant Upgrades

***(Action on these items to take place under Section X of the Agenda)***

- 4. Third and Final Reading of Proposed Resolution and Ordinances:
  - 4.1 Third and Final Reading of Ordinance Amending Chapter 7 Re: Parking Omnibus ***(Action on this item should take place under Section X of the agenda)***

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

- 1. Request for Approval of a Proposed Two-Year Agreement between the City of Portsmouth and the Professional Management Association
- 2. Request for Approval of a Three-Year Non-Supervisory Cafeteria Personnel Proposed Agreement
- 3. Report Back Re: Proposed Easement at 7 Andrew Jarvis Drive
- 4. Request to Establish a Work Session for Monday, September 29, 2014 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers regarding Wastewater Treatment Plant Update
- 5. Polling Hours for November 4, 2014 State General Election
- 6. Update on Middens at Peirce Island

**Informational items**

- 1. Events Listing
- 2. Trustees of the Trust Funds Financial Reports
- 3. Public Forum Re: Air Quality
- 4. City Council Retreat Draft Agenda
- 5. Character-Based Zoning Phase II Kick-off Meeting
- 6. Update Re: Worth Lot Maintenance, Paving and Lighting Upgrades
- 7. PDA (Airport) Noise Report for August 2014
- 8. Update on Cemetery Action Plan Steps



## **B. MAYOR LISTER**

1. Appointment to be Considered:
  - Amy Burns – appointment to the Cable Television and Communication Commission
  - John Pratt – reappointment to the Economic Development Commission
  - John Crist – reappointment to the Library Board of Trustees
  - Stephanie Hausman – appointment to the Library Board of Trustees
  - Shaula Balomenos Levenson – appointment to the Library Board of Trustees
  - Donald Margeson – appointment to the Library Board of Trustees
  - Rick Becksted Jr. – appointment to the Recreation Board
2. \*Establish a public forum regarding noise issue on October 2, 2014 from 6:30 – 8:30 p.m. in the Eileen Dondero Foley Council Chambers
3. \*Establish a date in late October regarding Federal Aviation Administration
4. Letter from Susan and Fred Lewis regarding picnic for the “Adopt the Spot” participants

## **C. ASSISTANT MAYOR SPLAINE**

1. “Non-Meetings” vs. “Non-Public Sessions:” (***Sample motion – move that the Portsmouth City Council agrees not to hold any more “non-meetings,” and that when non-public sessions are held they will follow the provisions of the New Hampshire Right-To-Know Law with a recorded public vote prior to meeting behind closed-doors for any purpose.***)

## **D. COUNCILOR KENNEDY**

1. \*Taking Care of Recycling Bins on Market Square and Vaughan Mall
2. \*Non Public with the Police Commission on Personnel
3. \*Free Parking on Sunday during the winter
4. \*Thank You to the City for Adopt a Spot reception and the need for more Volunteers

## **E. COUNCILOR LOWN**

1. Webber Estate Settlement
2. Recommendation of the Fire Department Study Committee (***Sample motion – move to direct the City Manager to work with the Fire Department to enter contract negotiations with Public Safety Strategies Group to conduct an independent study of the Fire Department with the funding for the study to come from contingency in the amount up to \$39,000.00***)
3. Parking & Traffic Safety Committee Action Sheet and Minutes of the August 14, 2014 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the August 14, 2014 Parking & Traffic Safety Committee meeting***)

**F. COUNCILOR DWYER**

1. \*Webber-Goodwin: Clarification of what the independent investigation would/would not cover, e.g., what questions to be answered, so that we can determine whether or not we want to consider/reconsider the mediation. Critical to clarify to public that the investigation cannot determine the disposition of the will
2. Formal request to PDA for transition plan from Grimmel Re: Scrap (See attached)

**G. COUNCILOR MORGAN**

1. \*City Ordinance for Helicopters
2. \*EDC – Updating the composition of the Economic Development Committee
3. \*North End Visioning process

**XIV. MISCELLANEOUS/UNFINISHED BUSINESS**

**XV. 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 for January 8, 2014, February 12, 2014, March 12, 2014, April 9, 2014, May 14, 2014 and June 11, 2014 meetings are available on the city website
2. Notification that the Historic District Commission minutes of August 6, 2014 and August 13, 2014 meetings are available on the city website
3. Notification that the Zoning Board of Adjustment minutes for the July 22, 2014 meeting are available on the city website.

**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:** September 18, 2014  
**To:** Honorable Mayor Robert J. Lister and City Council Members  
**From:** John P. Bohenko, City Manager   
**Re:** City Manager's Comments on September 22, 2014 City Council Agenda

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*6:00 p.m. - Nonpublic session in accordance with RSA 91-A:3,II(d) Consideration of Acquisition of Real Property.*

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

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

1. **Acceptance of Police Department Grant and Donations.** Attached [under Section VIII of the Agenda](#) is a memorandum, dated August 13, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grant and donations:
  - a) A grant in the amount of \$5,898.43 has been received from the Dept. of Justice for replacement of bullet-proof vests for sworn officers.
  - b) Donations totaling \$1,750 made specifically to defray the cost of producing and airing Public Service Announcements (PSAs) regarding the department's opiate addiction initiative:
    - A donation in the amount of \$1,000 from Gerald W. Howe and his wife, Ms. Jocelyn Frechette;
    - A donation in the amount of \$500 from Mr. James Frechette;
    - A donation in the amount of \$250 from Mr. and Mrs. Peter C. Frechette.

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

2. **Acceptance of Donation to Welfare Department.** The City of Portsmouth's Welfare Department has received a donation in the amount of \$2,500 from Unifit for the back to school drive. [Attached is a memorandum from Ellen Tully](#), regarding this matter.

*I would recommend the City Council move to accept and approve the donation to the Welfare Department for the back to school drive, as presented. Action on this item should take place under Section VIII of the Agenda.*

3. **Acceptance of Grant for Household Hazardous Waste Collection.** As you are aware, \$35,000 has been committed from the Water & Sewer Enterprise Fund for two household hazardous waste collection events in the FY'15 budget.

Household hazardous waste collection events help protect our water supply and reduce the potential of hazardous waste being dumped or inappropriately disposed of. In the interest of protecting public health and ensuring household hazardous waste and unwanted household hazardous products are disposed of in an environmentally sound manner, the City has been hosting the collection event for more than thirteen years. Over 200,000 gallons of hazardous waste have been properly disposed of during this time. An average of 675 families takes advantage of the collection events every year.

In the spirit of being a good neighbor, the City also offers the services to residents of Newington and Greenland. The expenses are shared between the communities on a prorated basis - per vehicle per community.

A grant in the amount of \$5,594.00 from the Department of Environmental Services (DES) has been applied for and is available to the City to assist in managing the cost of these events. This grant would supplement the City funds proposed in the FY'15 budget.

*I would recommend the City Council move to accept and expend a \$5,594.00 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract. Action on this item should take place under Section VIII of the Agenda.*

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

1. **First Reading of Proposed Resolutions and Ordinances:**
  - 1.1 **First Reading of Ordinance amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807 BEQUESTS OR GIFTS TO CITY EMPLOYEES.** As requested by Councilor Brad Lown, under Section IX of the Agenda, [attached is a proposed Ordinance](#) amending Chapter 1, Article VIII, Section 1.807 by the creation of a new provision identified as 1.807

BEQUESTS OR GIFTS TO CITY EMPLOYEES. The Legal Department has reviewed this Ordinance, and the salient points are as follows:

Section 1.807 - BEQUESTS OR GIFTS TO CITY EMPLOYEES

- A. No individual employee of the City of Portsmouth may accept any bequest or gift from any Portsmouth area resident with a value in excess of two hundred fifty dollars (\$250.00) unless the following conditions are met:
  - 1. The testator/donor is of sound mind, as certified by the testator/donor's treating physician at the time of the document evidencing such gift or bequest; and
  - 2. The gift or bequest is made more than two (2) years from the testator/donor's date of death; and
  - 3. The testator has a relationship with such employee that is not based on or primarily related to the official duties of such employee; and
  - 4. The testator/donor has not amended or revoked any prior will or testamentary document under which the testator/donor includes a gift or bequest to a family member of such testator/donor.
- B. The legatee or donee of any gift or bequest that does not satisfy the above criteria must disclaim the gift or bequest.
- C. The penalty for violation of this section shall be disciplinary action, up to possible termination of employment with the City.

*I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance at the October 6<sup>th</sup> City Council meeting, as presented. Action on this item should take place under Section X of the Agenda.*

2. **Public Hearing and Second Reading of Proposed Ordinances:**

- 2.1 **Public Hearing and Second Reading of Proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners.** As a result of the August 18th City Council meeting, under Section IX of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance Amendment to Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners](#). The Taxi Commission recommended the following proposed Ordinance at their meeting on June 16, 2014.

Section 7.230: Prohibited Conduct by Medallion Holders or Owners.

No holder of a taxi medallion or owner of a taxi to which a medallion has been issued shall, either individually or in conjunction with any other person, transport passengers for hire within the City except by the use of vehicles which have been issued a taxi medallion by the City.

*I recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, at the October 6, 2014 City Council meeting. Action on this item should take place under Section X of the Agenda.*

- 2.2 **Public Hearing and Second Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, by changing use #1.41 (Multifamily dwelling, 3 or 4 dwelling units) from “P” (permitted) to “S” (special exception) in the General Residence A and B (GRA & GRB) districts.** As you will recall, at the August 4<sup>th</sup> City Council meeting, the Council passed first reading on a proposed ordinance to require a special exception for the development of a 3- or 4-unit dwelling in the GRA or GRB District, and referred it to the Planning Board for a report and recommendations.

The Planning Board considered this proposed amendment to the Zoning Ordinance at its meeting on August 21, 2014, and voted unanimously to recommend in favor of it. [Attached is a memorandum from Rick Taintor, Planning Director, outlining the intent of the Ordinance amendment.](#) In addition, the memorandum outlines a revision to the amendment to include the townhouse use as also requiring a special exception. On Monday evening, Nicholas Cracknell, Principal Planner, will make a presentation, regarding this matter.

Given the substantive change to include the townhouse use, I am recommending the following:

***PROPOSED MOTION #1 (to be made under suspension of the rules prior to the public hearing):***

***MOVED*** *That the ordinance be amended to include the provision requiring a special exception for the Townhouse use as described in the memorandum from the Planning Director addressed to the City Manager dated September 9, 2014.*

***PROPOSED MOTION #2 (to be made after the final speaker at the public hearing):***

***MOVED*** *To continue the public hearing and second reading on the amended ordinance to October 20, 2014.*

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

2.2 **Public Hearing and Second Reading of Proposed Rezoning of Property on Route 1 Bypass and Cate Street to Character District 4 (CD4).** As you will recall at the July 14, 2014 City Council meeting, the Council voted to pass first reading on this proposed rezoning, to schedule a public hearing and second reading for the September 22, 2014 City Council meeting, and to refer the proposal to the Planning Board for a report and recommendation. The areas proposed to be rezoned are shown on [the attached two maps](#).

At its meeting on June 2, 2014, the City Council voted to request the Planning Board to consider rezoning the land on the east side of the Route 1 Bypass between the Islington Street bridge and the Traffic Circle. The Planning Department has also been considering zoning options for a portion of this study area, between the railroad line and Hodgson's Brook; and the City has long been interested in establishing a new road connection from the Bypass to Bartlett Street, which would open this area up for redevelopment. Several parcels within this latter area are currently up for sale, and are currently constrained by being in the Industrial zoning district, which has restrictive use and dimensional standards.

The City Council has authorized a study for expanding Character-Based Zoning to potentially encompass the area bounded by Bartlett Street, the railroad line, the Route 1 Bypass and Hodgson's Brook (the kickoff public meeting for this study is scheduled for September 23. Therefore, the Planning Department proposed that the City consider as an interim measure the rezoning of this area to Character District 4 (CD4). On July 14, 2014, the City Council voted to pass first reading on this proposed rezoning, to schedule a public hearing and second reading for September 22, and to refer the proposal to the Planning Board for a report and recommendation.

The rezoning to Character District 4 was proposed in order to promote a mix of uses at a density comparable to the downtown rather than the limited uses and density that are currently allowed by the Industrial district that applies to most of this area.

On August 12, 2014, Robert Graham, on behalf of Merton Alan Investments, LLC (the owner of the parcel at the intersection of Bartlett and Cate Streets, adjacent to the railroad bridge), indicated that Merton Alan Investments was generally happy with the proposed zoning but requested consideration of a relatively minor change in the allowable building footprint. Rather than a maximum of 10,000 sq. ft. coverage, Mr. Graham suggested that the limit be either 10,000 sq. ft. of rentable building area or 11,000 sq. ft. of gross area.

On August 13, 2014, Attorney Bernard Pelech submitted to the Planning Department a variant of the CD4 zoning on behalf of Portsmouth Land Acquisition (Brian Thibeault), the owner of several parcels in the area proposed to be rezoned. The proposed CD4-C "Urban Bypass District" would allow buildings

of up to 50 feet, or up to 60 feet where there is a workforce housing component comprising at least 10 percent of the residential units in the development. In addition, the CD4-C district would not limit the size of the building footprint (the CD4 district sets a maximum footprint of 10,000 sq. ft.).

The Planning Board held a public hearing on the proposed zoning amendment at its meeting on August 21, 2014. At that meeting, Attorney Pelech and Chris McGinnis, representing Portsmouth Land Acquisition, spoke in opposition of the proposed zoning amendment and requested that the Board postpone its consideration in order to give their client more time to talk to abutters and property owners. Other members of the public, including neighboring property owners, also requested that the process be slowed down to give more opportunity for public input. Issues that were raised at the Planning Board public hearing included building height and design, landscaping, and setbacks from the Route 1 Bypass and residential districts.

Following the close of the public hearing, the Planning Board voted to report back to the City Council that this area should be rezoned from the existing Industrial and Office Research zoning districts, but that the proposed rezoning to Character District 4 (CD4) is not appropriate at this time. The Board recommended that further study is needed to determine the best zoning approach for these parcels.

Since the Planning Board meeting and vote, the property owner's development team has met with staff to discuss their objectives, and as a result it is expected that a new zoning proposal will be submitted on behalf of the owner. A draft of the concept of that proposal is contained in the letter dated September 15, 2014 from Attorney Bernard Pelech to the Honorable Mayor Robert Lister. The new proposed zoning would modify the current Gateway zone under the Gateway Planned Development which allows for special incentives to promote economically and environmentally sustainable land use in the Gateway District.

Given this substantive change of this latest proposal from the advertised CD-4 zoning proposal, I am recommending the following:

***PROPOSED MOTION #1 (to be made after the final speaker at the public hearing):***

***MOVED*** *To continue the public hearing and second reading of the ordinance until a response is received from the Planning Board to the letter addressed to Honorable Mayor Robert Lister from Attorney Bernard Pelech dated September 15, 2014 regarding this rezoning.*

**(NOTE: Under Written Communications, Attorney Bernard Pelech's letter will be referred to the Planning Board for report back.)**

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



3. **Public Hearing and Adoption of Bonding Resolutions:**

3.1 **Public Hearing and Adoption of Proposed Resolutions for Bond Authorization for FY15 City Improvements.** As a result of the August 18, 2014 City Council meeting, under Section IX of the Agenda, I am bringing back for public hearing and adoption the proposed [attached borrowing authorizations](#) identified in the Capital Improvement Plan. As you are aware, Borrowing Resolutions require two readings and adoption, which includes a public hearing and two-thirds vote of the City Council.

A. **Resolution for Borrowing Authorization of up to \$3,475,000 for FY15 Citywide Seawall, Street, and Sidewalk Improvements.**

- **Seawall Repairs and Improvements - \$1,275,000:** *(page 76 & 77 of CIP FY15-20)*

This project will consist of repairing sections of the seawalls that are the property of the City including those in Prescott Park. The proposed projects are based on the recommendation of the Citywide Seawall Condition Study.

- **McDonough Street Area Improvements - \$400,000:** *(page 117 of CIP FY15-20)*

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street area. This project will enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach and is the final phase.

- **Maplewood Avenue Rehabilitation - \$1,300,000:** *(page 124 of CIP FY15-20)*

This project has been initiated by the residents of Maplewood Avenue with the primary purpose to reduce travel speeds, improve pedestrian safety, and eliminate through truck travel. This work will include traffic calming methods, curbing, signage, pavement markings, pedestrian safety amenities, and sidewalk replacement as needed between Woodbury Ave and Route 1 By-Pass southbound ramp and will be coordinated with the water line replacement project.

- **Pease International Tradeport Roadway Rehabilitation - \$500,000:** *(page 125 of CIP FY15-20)*

Per the Municipal Services Agreement between the City and the Pease Development Authority, the City shall provide Public Works services in the non-airfield area of the Tradeport. These services include maintaining

and repairing roads, streets and sidewalks. These funds will provide continuation of the rehabilitation of roadway infrastructure within the Tradeport.

B. **Resolution for borrowing authorization of up to \$750,000 for FY15 School Facilities Improvements:** *(Page 52 of CIP FY15-20)*

- This project funds the replacement of the lighting system that was installed in 1989 for the 7 athletic fields and tennis courts on the Portsmouth High School Campus. The lighting system is now beyond its expected life resulting in component failure as well as bulbs, ballasts and fixtures are no longer being manufactured. An energy efficient lighting upgrade is planned over the next three years.

C. **Resolution for borrowing authorization of up to \$4,800,000 related to Water System Upgrades and Improvements.**

- **Greenland Well Upgrades - \$1,000,000:** *(identified in the FY08 CIP page 173)*

The Water Division has completed a study that has identified upgrades needed at the Greenland Well to improve the reliability and efficiency of this critical resource. The work will involve the installation of another well directly adjacent to the existing structure. Premium efficiency motors, a back-up power supply and a new disinfection system as well as SCADA instrumentation will be included in this work.

- **Maplewood Avenue Waterline Replacement - \$3,300,000:** *(page 138 of CIP FY15-20)*

This project consists of replacing approximately 7,500 feet of 6” and 8” 90 year old waterline on Maplewood Avenue with new 16” cement-lined ductile iron waterline. The replacement would begin at the intersection of Woodbury Avenue and Maplewood Avenue and continue to the intersection of Raynes Avenue and Maplewood. Project will result in a looped water system feed into the central business district which will benefit both fire flows as well as water quality.

- **Water System Pressure-Storage Improvements - \$500,000:** *(page 142 of CIP FY15-20)*

This project consists of design and construction of sections of the water system which have been identified as needing upgrades as part of the water system hydraulic model and master plan update completed in 2013. This funding is for the replacement of the three existing Madbury well pumps and upgrades to the associated pumping equipment; one of the projects identified to address system pressure and reliability.

**D. Resolution for borrowing authorization of up to \$1,000,000 for FY15 Pease Wastewater Treatment Plant Upgrade. (Page 150 of CIP FY15-20)**

- This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950s construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.

*I would recommend that the City Council move the following motions:*

- 1) *Move to adopt a Bond Resolution for City Improvements in the amount of up to \$3,475,000.*
- 2) *Move to adopt a Bond Resolution for School Facilities Improvements in the amount of up to \$750,000.*
- 3) *Move to adopt a Bond Resolution for Water System Upgrades and Improvements in the amount of up to \$4,800,000.*
- 4) *Move to adopt a Bond Resolution for Pease Water Treatment Plant Upgrade in the amount of up to \$1,000,000.*

*Please note that Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council. Action on this item should take place under Section X of the Agenda.*

**4. Third and Final Reading of Proposed Resolutions and Ordinances:**

- 4.1 **Third and Final Reading of Ordinance Amending Chapter 7 Re: Parking Omnibus.** As a result of the August 18, 2014 City Council meeting, under Section X of the Agenda, I am bringing back for third and final reading the [attached annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. This year the omnibus consists of seven ordinances, three that address loading zones and other ordinances that address a three hour parking limit, a one-way street, a taxi stand and no parking.

The [attached amendments to Chapter 7, Vehicles, Traffic and Parking for the Council's](#) consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee between June 3, 2013 and June 2, 2014.

In addition, as requested by Councilor Kennedy, [attached is a report back regarding the parking impact from Omnibus Ordinance changes.](#)

*I recommend the City Council move to pass third and final reading of the proposed ordinance amendments to be incorporated into Chapter 7, Vehicle, Traffic and Parking Ordinance, as presented. Action on this item should take place under Section X of the Agenda.*

## **Consent Agenda:**

1. **Acceptance of Donations to Art-Speak.** Art-Speak has received the following donations in the amount of \$125.00 and Art-Speak requests that the City Council accept the following donations on behalf of Art-Speak:

- Debbie Needleman \$ 25.00
- Nicole Bodoh Jacobson \$ 75.00
- Duncan Craig \$ 100.00

*I would recommend that the City Council move to approve and accept the donations to Art-Speak, as listed. Action on this item should take place under Section XI of the Agenda.*

2. **Acceptance of Membership Dues to Art-Speak.** Art-Speak has received the following Charter Membership Dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak:

- NH Institute of Art \$150.00

Art-Speak requests that the City Council accept the donations on behalf of Art-Speak.

*I would recommend that the City Council move to approve and accept the membership dues to the Piscataqua Arts & Cultural Alliance, a program of Art-Speak, as listed. Action on this item should take place under Section XI of the Agenda.*

3. **Acceptance of Donations to the Coalition Legal Fund.** The City of Portsmouth has received the following donations to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:

- Town of Grantham, NH \$1,000.00
- Town of Moultonborough \$6,500.00

*I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section XI of the Agenda.*

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

1. **Request for Approval of a Proposed Two-Year Agreement between the City of Portsmouth and the Professional Management Association.** The City has reached a Tentative Agreement with the Professional Management Association (PMA) for a two-year agreement from July 1, 2014 to expire on June 30, 2016.

A few of the major items in the Tentative Agreement are as follows:

- 1) Section 4.B (COLA Adjustments) – COLA adjustments according to 10-year rolling COLA average effective July 1, 2014 and July 1, 2015 (provided retroactive payment for July 1, 2014 COLA adjustment will only be paid to employees on the City's payroll at time of final execution of the CBA).
- 2) Section 12 (Medical Coverage) – Union has the option of either moving entirely to the CDHP at 95%/5% premium split, or retaining their current SchoolCare Plans at an 85.5%/14.5% premium split effective July 1, 2014 and an 85%/15% premium split effective July 1, 2015. Regardless of which health insurance option the Union selects, the City's total contribution to health insurance coverage (including any premium, additional tax or assessment) will not exceed the current threshold levels for assessment of the "Cadillac Tax" under the Affordable Care Act.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [A letter from Tom Closson, City Negotiator outlining the major changes to the Professional Management Association Agreement.](#)
- [The PMA Contract showing the insertions and deletions to implement the Tentative Agreement if approved.](#)
- [Cost Analysis of the two \(2\) year agreement.](#)

This Agreement will also cover non-union employees as well.

Also, this proposed Agreement is posted on the City's Website at:  
<http://www.cityofportsmouth.com/hr/contracts-municipal.htm>

*I would recommend the City Council move to accept the proposed contract with the Professional Management Association to expire on June 30, 2016.*

2. **Request for Approval of a Three-Year Non-Supervisory Cafeteria Personnel Proposed Agreement.** The City has reached a Tentative Agreement with the Non-Supervisory Cafeteria Personnel for a three-year agreement from July 1, 2014 to expire on June 30, 2017.

A few of the major items in the Tentative Agreement are as follows:

- 1) Three-year agreement with an annual rolling 10-year COLA of 2% to 5% on July 1, 2014, July 1, 2015 and July 1, 2016.
- 2) Health Insurance – Effective September 1, 2014, or as soon as practicable thereafter, the School Department will offer full-time employees only the Consumer Driven Health plan (CDHP) issued by Cigna Insurance under its SchoolCare Plan of the New Hampshire School Health Care Coalition. The employee’s premium cost share for the CDHP (single, 2-person or family option) will be 5% of the total premium. The School Department’s premium cost share will be 95% of the total premium.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- [A letter from Tom Closson, City Negotiator outlining the changes to the Non-Supervisory Cafeteria Personnel Agreement.](#)
- [The Non-Supervisory Cafeteria Personnel’s Contract showing the insertions and deletions to implement the Tentative Agreement if approved.](#)

Also, this proposed Agreement is posted on the City’s Website at:  
<http://www.cityofportsmouth.com/hr/contracts-school.htm>

The Food Service Program is a self-funding program that pays all the costs to run the program including all salaries and benefits. Therefore, the program will absorb the costs required to implement this contract.

*I would recommend the City Council move to accept the proposed contract with the Non-Supervisory Cafeteria Personnel to expire on June 30, 2017.*

3. **Report Back Re: Proposed Easement at 7 Andrew Jarvis Drive.** The City has negotiated an easement with D.R. Lemieux Builders, Inc. over property at 7 Andrew Jarvis Drive which will allow the City to widen and improve Andrew Jarvis Drive to alleviate congestion at Portsmouth High School ([see attached map](#)). The proposed easement deed was prepared by the Legal Department and is recommended by the Department of Public Works.

At its meeting on August 21, 2014, the Planning Board voted to recommend to the City Council that it accept a permanent easement from D.R. Lemieux Builders, Inc. to make

and maintain roadway, sightline and slope improvements at the intersection of Andrew Jarvis Drive and Lafayette Road.

*I recommend the City Council move to authorize the City Manager to accept a permanent easement from D. R. Lemieux Builders, Inc. at the intersection of Andrew Jarvis Drive and Lafayette Road, as presented.*

4. **Request to Establish a Work Session for Monday, September 29, 2014 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers regarding Wastewater Treatment Plant Update.** I am requesting that the City Council establish a Work Session for Monday, September 29, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding a Wastewater Treatment Plant Update. City Staff will present to the City Council items pertaining to the Peirce Island Wastewater Treatment Facility project. In particular, the presentation will include a progress update on the Peirce Island Wastewater Treatment Facility design, project cost estimates, schedule update as it pertains to the Consent Decree and potential items that may impact NPDES permit compliance. The work session will also include a discussion on Exeter and Stratham's request for potential regional wastewater service. A proposed agenda is provided below:

City Council Work Session on Peirce Island WWTF Project  
September 29, 2014

Suggested Presentation Agenda

1. Design Update
  - a. Design Progress
  - b. Value Engineering
  - c. Cost Estimates
  - d. Schedule
  - e. Construction Impacts
2. Regulatory and Compliance
  - a. Peer Review and River Impairment Listing
  - b. Effluent Blending
3. Exeter and Stratham Request for Service

*I recommend the City Council move to establish a Work Session for Monday, September 29, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding an update on the Peirce Island Wastewater Treatment Facility project.*

5. **Polling Hours for November 4, 2014 State General Election.** Attached is a memorandum from Kelli Barnaby, City Clerk, recommending the polling hours be set from 8:00 a.m. to 7:00 p.m. for the State General Election on November 4, 2014.

*I recommend the City Council move to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State General Election on November 4, 2014.*

- 6 **Update on Middens at Peirce Island.** At its meeting on July 14<sup>th</sup>, the City Council referred a letter from the Peirce Island Committee to me for a report back. In its letter, the Committee recommended that capital plan funds for Peirce Island be used to fund an archaeological study of two middens located on the Island as well as potential remnants of Fort Washington. Middens are deposits containing shells, animal bones, and other refuse that indicate the site of a human settlement, in this case, the two middens found at Peirce Island potentially date from two different periods of the Island's use as a military fort. This work is a follow-on phase of the archaeological investigations that were conducted in preparation for the construction of the Wastewater Treatment Plant. The new investigation is described as elective and has been recommended by the Peirce Island Committee.

Deputy Director of Public Works Brian Goetz and Community Development Director David Moore met with the Peirce Island Committee on September 10, 2014 to review the proposal in preparation for this report back.

As a result of the consultation with the Committee, I recommend the City Council have the City Manager work with staff to implement the recommendation of the Peirce Island Committee. Specifically, I will ask staff to prepare for the site investigations including making preparations for developing an appropriate request for proposals; investigating needed permitting requirements; and assessing opportunities to leverage the use of capital funds with potential grant resources. At the meeting, Deputy Director Goetz explained that a Restoration plan for the Island will be implemented following the completion of the construction on the Wastewater Treatment Plant, currently anticipated to be sometime in 2018. The purpose of the Restoration Plan will be to repair and restore areas on the Island resulting from impacts associated with construction activities and to include improvements to trails and the overall Island environment as deemed appropriate by City Council. City staff recommended and the Committee agreed that the elective archaeological work proposed by the Committee be completed nearer to the completion of the Wastewater Treatment Plant and in preparation for the Restoration Plan activities. Additional information about the Restoration Plan will be provided to the City Council for their input as the project moves forward. Meanwhile, during construction activities, the areas proposed for future exploration will be protected.

*I recommend the City Council move to authorize the City Manager to move forward with the proposed plan of action and schedule as described above.*



## ***Informational Items:***

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 18, 2014. In addition, this can be found on the City's website.
2. **Trustees of the Trust Funds Financial Reports.** For your information, [attached is a copy of the Trustees of the Trust Funds Annual Report, MS-9 and MS-10](#), for fiscal year 2014 ending June 30, 2014.
3. **Public Forum Re: Air Quality.** For your information, a public forum will be held on Tuesday, September 30, 2014 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding the New Hampshire Environmental Services (NHDES) Air Quality Study for the Market Street Marine Terminal ([see attached notice of public forum](#)).
4. **City Council Retreat Draft Agenda.** For your information, [attached is a draft agenda for the City Council Retreat](#) scheduled for Saturday, October 4, 2014 from 9:00 a.m. to 4:00 p.m. in the Levenson Room at the Library.
5. **Character-Based Zoning Phase II Kick-off Meeting.** As you are aware, the Character-Based Zoning Phase II Kick-off Meeting is on Tuesday, September 23, 2014 at 7:00 p.m. in the Eileen Dondero Foley Council Chambers. Following the Kick-off Meeting, the consultant will begin the data collection process and begin preparing for the North End visioning and design charrette which will take place from November 10<sup>th</sup> through the 13<sup>th</sup> at the new Connie Bean Gymnasium located at the Portsmouth Middle School on Parrott Ave. The four-day visioning and design charrette will begin with a public presentation on the first day that will include a hands-on workshop exercise. The second day will include technical meetings as well as an open studio that will allow members of the public to stop in at their convenience to engage in the process and contribute their ideas. The third day will include a pin-up and review session to present alternatives and gather feedback from the public on those alternatives. The final day of the charrette will include a work-in-progress presentation that will describe the preliminary vision plan for the area, explain the elements of the plan, and present other findings and work products developed during the charrette. This presentation also offers the public another opportunity to provide feedback and shape the final vision for each study area.
6. **Update Re: Worth Lot Maintenance, Paving and Lighting Upgrades.** For your information, [attached is a memorandum from Peter Rice, Public Works Director](#), updating the City Council regarding the Worth Lot Maintenance, Paving and Lighting Upgrades.
7. **PDA (Airport) Noise Report for August 2014.** For your information, [attached is memorandum from Sandra McDonough, Airport Operations/Community Liaison](#), regarding the PDA Noise Report for August 2014.

8. **Update on Cemetery Action Plan Steps.** As you are aware, at the July 14, 2014 City Council meeting, I provided the Council with a copy of a Cemetery Action Plan. For your information, in the next few weeks, work will begin on tomb restoration in the North Cemetery, which will be completed by early November. This work will include the use of historically sensitive materials and techniques that will ensure the stability and protection of several chest and hill tombs in North Cemetery. In addition, background work in preparing for a larger rehabilitation project for the Union Cemetery enclosure wall on Maplewood Avenue is taking place; that project, as well as the tomb work, is being completed in coordination with the Portsmouth Historical Society. In addition, the Department of Public Works is coordinating tree and shrubbery maintenance and removal along the fence lines, perimeter walls, and within the North and Union cemeteries. This work, scheduled to be completed this fall, will need to be carefully conducted due to the presence of gravestones and other sensitive cemetery elements beneath some of the trees. In addition to these developments, the Historic Cemetery Trust adopted by the City Council in July has been fully executed. I will continue to provide updates as appropriate.