

**Portsmouth**  
**Parking & Traffic Safety Committee**  
8:00 A.M. – February 2, 2017  
City Hall – Eileen Dondero Foley City Council Chambers

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**ON-SITE COMMITTEE:** There will be no site visit this month.

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AGENDA

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. ACCEPTANCE OF THE MINUTES**

**IV. FINANCIAL REPORT**

**V. PUBLIC COMMENT (15 MINUTES)**

**VI. NEW BUSINESS**

No new business

**VII. OLD BUSINESS/ACTION ITEMS**

- A. Report back on interim parking restriction recommendations on Middle Street at Union Street.
- B. Report back on truck restrictions on Banfield Road and a recommendation for revision of the current ordinance.
- C. Report back on request for 15-minute parking spaces for Profile Coffee Bar and Optima Bank; comprehensive report back on all 15-minute spaces in the downtown.
- D. Report back on temporary crosswalk and bump-out on Islington Street at White Heron Café.

**VIII. PUBLIC COMMENT**

**IX. MISCELLANEOUS**

**ADJOURNMENT**

City of Portsmouth  
 Parking Related Revenues

**Unaudited**

Percentage of Fiscal Year Complete 50.00%
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Totals Thru  
 December 31, 2016

**FY 17**

Parking Meter Fees  
 Meter Space Rental  
 Meter In Vehicle  
 Parking Garage Revenue  
 Garage Passes  
 Pass Reinstatemt  
 Vaughan St Parking Facility  
 Parking Violations  
 Immobilization Administration Fee  
 Summons Admin Fee

FY 17	TOTALS	BUDGETED	% of Budget
	1,268,013	2,055,000	61.70%
	67,496	70,000	96.42%
	38,855	85,000	45.71%
	1,123,147	2,125,000	52.85%
	590,040	1,050,000	56.19%
	1,515	2,500	60.60%
	7,500	15,000	50.00%
	388,745	715,000	54.37%
	9,470	15,000	63.13%
	175	3,000	5.83%
<b>Total FY 17 Parking</b>	<b>3,494,956</b>	<b>6,135,500</b>	<b>56.96%</b>

	<b>BUDGETED</b>	
	(3,723,195)	61% Transfer to Parking Fund
	2,412,305	39% Funds Remaining in Gen Fund

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: Nancy Colbert Puff, Deputy City Manager

FROM: Eric B. Eby, P.E., Parking and Transportation Engineer *EE*

DATE: January 24, 2017

SUBJECT: Report Back on Interim Parking Restriction Recommendation at Middle Street and Union Street Intersection

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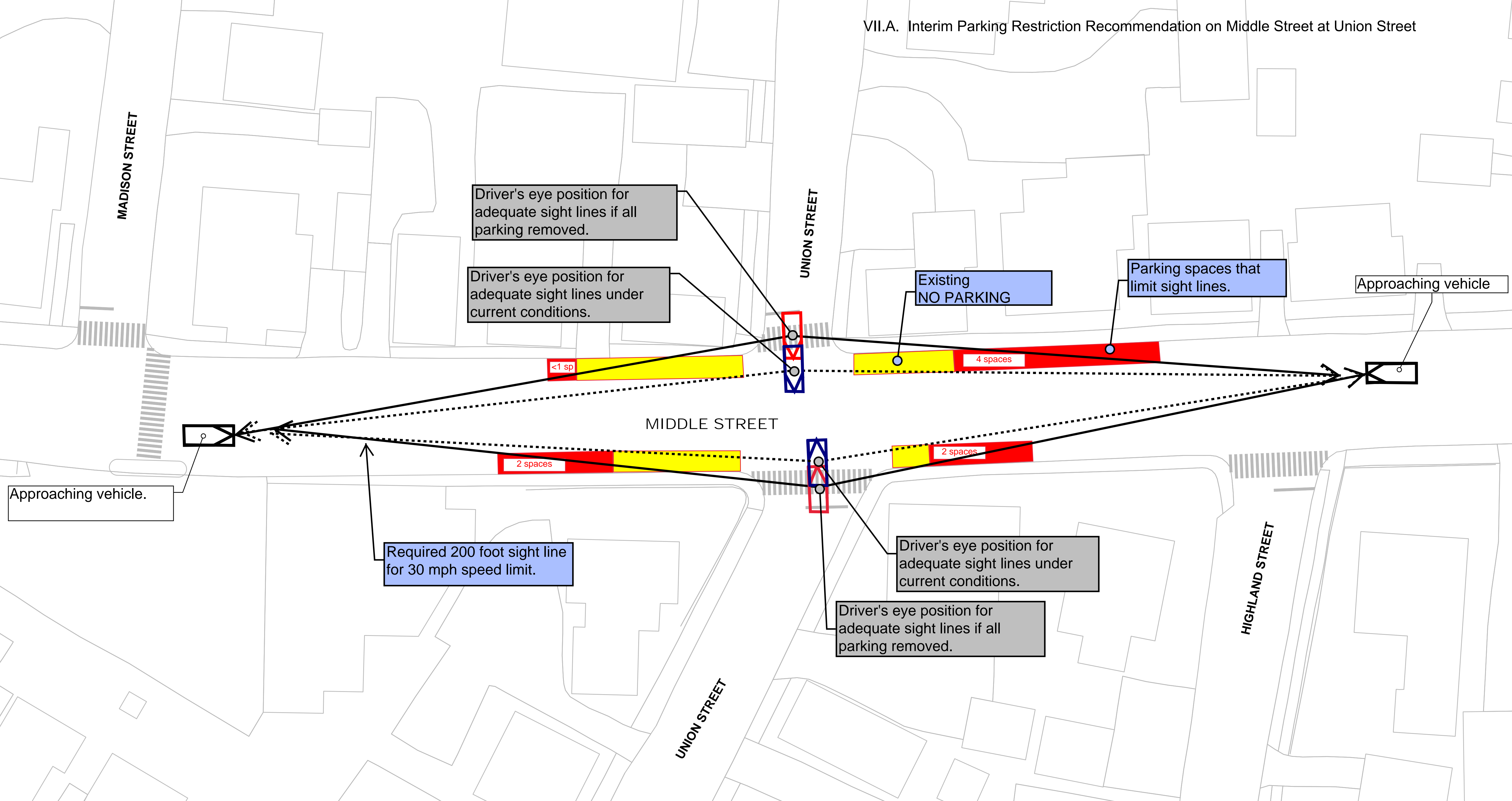
At their January 5, 2017 meeting, the Parking and Traffic Safety Committee requested a report back on interim parking restrictions at the intersection of Union Street and Middle Street. The intent of the parking restrictions would be to help improve safety at the intersection immediately, rather than waiting until parking is removed as part of the proposed bike lane project later this year. City staff has revisited the intersection, measured sight lines at the intersection, and determined the number and location of on-street parking spaces that would need to be removed to provide adequate sight lines at the intersection.

Required sight lines at the intersection are determined based on the speed of traffic on Middle Street. The average speed of traffic on Middle Street was recorded at 25 mph, with a posted speed limit of 30 mph. To be conservative, sight lines of 200 feet, sufficient for speeds of 30 mph, were used for this analysis.

The attached plan shows the existing NO PARKING areas on Middle Street as yellow rectangles. The red rectangles represent the additional NO PARKING areas needed to provide the 200-foot sight lines from as far back as possible on Union Street. The blue vehicle and the dashed lines represent the vehicle location for adequate sight lines under existing parking conditions. The red car and solid lines represent the farthest vehicle location for adequate sight lines if NO PARKING areas are expanded to the maximum beneficial extent. Any parking space removal beyond this point would not improve sight lines as other physical features, such as buildings and walls, would then limit sight lines. The graphic shows that if NO PARKING areas are expanded, vehicles will not have to creep out quite as far into the intersection to obtain adequate sight lines. The plan also shows that a maximum total of 8 on-street parking spaces would need to be removed to provide the best possible sight lines from Union Street.

The determination of how many on-street parking spaces to remove under existing conditions comes down to a decision on balancing the demand of on-street parking versus the desire to not have to creep out into the intersection from the side street. Under existing conditions, the required sight lines are available when a vehicle creeps forward to align its driver's eye with the driver's side of vehicles parked on-street. At this point, the vehicle is sticking out into the travel lane but not necessarily blocking Middle Street traffic. This is a common practice at many intersections in the City where on-street parking is allowed. Based on the low volume of traffic entering the intersection from the west leg of Union Street, the low number of crashes at this intersection, and the need for on-street parking on Middle Street, it is recommended that 2 spaces on the outbound side of Middle Street, and 1 space on each side of the inbound side of Middle Street be removed as an interim measure to improve the sight lines from Union Street. This would allow vehicles turning from Union Street to only have to stick their bumper out as far as the outside edge of parked cars on Middle Street, rather than having to stick out into the travel lanes on Middle Street.

VII.A. Interim Parking Restriction Recommendation on Middle Street at Union Street



City of  
Portsmouth  
*Department of Public Works*



**MEMORANDUM**

TO: Nancy Colbert Puff, Deputy City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer *EE*

DATE: January 24, 2017

SUBJECT: Report Back on Banfield Road Truck Prohibition

At their July 7, 2016 meeting, the PTS Committee voted to have City staff review the history and intent of the truck restriction ordinance and report back on recommended changes to the ordinance to clarify where and when trucks are excluded. City staff has worked with the City Clerk as well as the City Attorney to research and understand the history and intent of past changes to the ordinance. All pertinent City Council meeting minutes and action items relating to the truck restriction ordinance are attached to this memo. The last major changes to the truck restriction ordinances took place in 1996. Prior to December 1996, Section 7.702 of the ordinances listed the streets where trucks were prohibited unless one of four exceptions were met. Those four exceptions were listed in Section 7.703 and consisted of the following: 1) where necessary to conduct business at a destination point accessible only through use of restricted streets; 2) emergency vehicles; 3) trucks owned or operated by the City, Public Utilities, or any contractors while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City; 4) residential home delivery vehicles. Trucks were prohibited from the entire length of Banfield Road subject to the exceptions of Section 7.703. Trucks were also prohibited from Peverly Hill Road unless starting or ending on Peverly Hill Road, Banfield Road or Greenleaf Avenue.

In December 1996, Sections 7.701, 7.702, 7.703, 7.704 and 7.705 were replaced in their entirety with a new Section 7.701 that designated certain streets as through truck routes, which allowed trucks at all times under all conditions; and Sections 7.702A and B that provided a list of streets that allowed trucks only for limited use or local deliveries. Limited use was defined as the four exceptions previously listed under the old Section 7.703. Local deliveries were defined as a trip that began and ended somewhere in the City. With these changes, Banfield Road was listed as a local delivery route and Peverly Hill Road was included as a through truck route.

According to correspondence from the City Attorney dated February 21, 1997, City Councilor Hanson felt that the wording of the new ordinance did not accurately reflect the intent of the City Council in voting to adopt the same. Councilor Hanson believed that the City Council did not intend to delete the old section 7.702 that listed truck prohibited streets. Rather, he believed the

intent was only to delete Peverly Hill Road from the list of prohibited streets in Section 7.702 and keep all the others in the list. Therefore, on February 24, 1997, the City Council voted to restore the deleted sections of the ordinance, but to delete from those sections any reference to Peverly Hill Road. This change would also have reinstated the truck prohibition for the entire length of Banfield Road.

However, when the old ordinance sections were restored, the old section 7.703 listing the four exceptions was not restored, and the new section 7.702A listing the limited use exceptions was deleted. In addition, the new list of local delivery routes was **not** deleted but the definition of a local delivery **was** deleted. The only exceptions in the current ordinance are for local delivery routes, but the definition of a local delivery is not included. Therefore, as currently written, Banfield Road is listed twice, once in Section 7.702 as prohibiting all trucks and again in Section 7.704 as allowing trucks for local deliveries.

To remedy this confusing situation, City staff recommends that the current Section 7.704 Local Delivery Routes be deleted, and the old Section 7.703 Exceptions be restored. This will clarify which streets are prohibited to trucks, and the exceptions that are allowed. This would have the effect of prohibiting trucks on the entire length of Banfield Road subject to the four exceptions previously mentioned. No other streets would be affected, as no other street in the local delivery route listing is also listed in the prohibited street listing.

THIS DOES NOT INCLUDE THE AMENDMENTS MADE BY THE CITY COUNCIL AT THE MEETING OF NOVEMBER 19, 1996. ATTACHED IS THE ACTION SHEET FROM THE COUNCIL MEETING OF NOVEMBER 19, 1996 WHICH OUTLINES THE AMENDMENTS MADE BY THE CITY COUNCIL.

XIE

ORDINANCE #

11/19/1996

Report 1 of 10

THE CITY OF PORTSMOUTH ORDAINS:

Delete in Chapter 7, Article VII - TRUCK AND BUS TRAVEL, Section 7.701 - PROHIBITED ON CERTAIN STREETS; Section 7.702 - TRUCK TRAFFIC PROHIBITED; Section 7.703 - EXCEPTIONS; Section 7.704 - ENFORCEMENT, Section 7.705 - PENALTY in their entirety and replace with the following:

That Chapter 7, Article VII - TRUCK AND BUS TRAVEL, Section 7.701, THROUGH TRUCK ROUTES: The following routes are designated for through truck traffic. No through truck traffic is permitted on any other City streets.

US I-95 in its entirety;  
US Route 1 to its intersection with US Route 1 Bypass;  
US Route 1 bypass in its entirety;  
NH Route 16 in its entirety;  
Spaulding Traffic Circle;  
NH 33 from City line to intersection with Greenland Road and Borthwick Avenue;  
Borthwick Avenue in its entirety;  
Lang Road in its entirety;  
Gosling Road from NH 16 to Woodbury Avenue;  
Woodbury Avenue from City line with Newington to intersection with Market Street;  
Market Street from intersection with Woodbury Avenue to intersection of Russell Street;

(References to limited access highways include entrance & exit ramps)

Section 7.702: LIMITED USE AND LOCAL DELIVERY

- A. On streets which do not permit through truck traffic, the following types of limited truck use shall be allowed:
1. That which is necessary to the conduct of business at a destination point accessible only through use of restricted streets .
  2. Emergency vehicles: The operation of emergency vehicles upon any street in the City.
  3. Public Utilities, Etc.: The operation of trucks owned or operated by the City, Public Utilities, any contractors or material man, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.
  4. Residential Home Delivery Vehicles: the operation of delivery trucks actually engaged in making residential deliveries.

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- B. The following streets are designated to serve as local delivery routes. Their status is determined based upon: 1) their intersection with a through truck route, 2) their importance in ensuring residential deliveries, 3) their importance in ensuring deliveries to business or industrial uses where no other access is practical.

Heritage Avenue in its entirety;  
Constitution Avenue in its entirety;  
Banfield Road from intersection of Heritage Avenue to intersection of Peverly Hill Road;  
Peverly Hill Road in its entirety;  
Middle Road from intersection of Borthwick Avenue & NH 33 to Lafayette Road;  
South Street from Lafayette Road to Sagamore Avenue;  
Sagamore Avenue from intersection of South Street to City line with Rye;  
Wentworth Road in its entirety;  
Lafayette Road from intersection with US Route 1 and US Route 1 Bypass to Middle St;  
Middle Street in its entirety;  
Maplewood Avenue in its entirety;  
Woodbury Ave. from Intersection with Maplewood Ave. to intersection with Market St.;  
Woodbury Avenue from intersection US I-95 off ramp to intersection with Dennett St.;  
Dennett St. from Woodbury Avenue to intersection of Bartlett Street;  
Bartlett Street to Islington Street;  
Islington Street in its entirety;  
Daniel Street in its entirety;  
Congress Street in its entirety;  
State Street from intersection of Middle Street to Memorial Bridge;  
Marcy Street in its entirety;  
New Castle Avenue in its entirety;  
Market Street from intersection of Russell Street to Hanover Street;  
Hanover Street from Market Street to Maplewood Avenue;  
Deer Street from Maplewood Avenue to Market Street; and,  
Russell Street in its entirety.

#### Section 7.703: ENFORCEMENT

The City Manager shall cause those streets which are through truck routes and local delivery routes to be posted to give notice that this Ordinance is in effect. Where applicable, the City Manager shall coordinate sign posting with the New Hampshire Department of Transportation.

#### Section 7.704: PENALTY

Any person who violates the provision of Section 7.701 shall be fined not more than \$100 for each offense.

Section 7.706: TRUCK OR BUS PARKING has been renumbered to be 7.705.

Section 7.706a; LIMITED OPERATION OF TRUCK DIESEL ENGINES AND/OR REFRIGERATION UNITS has been renumbered to be 7.706.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED

\_\_\_\_\_  
Mayor Eileen Foley

CITY COUNCIL APPROVAL:

\_\_\_\_\_  
Kelli Scott, City Clerk

TO : THADDEUS JANKOWSKI, ACTING CITY MANAGER  
FROM : KELLI L. SCOTT, CITY CLERK  
RE : ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON (TUESDAY) NOVEMBER 19, 1996 COUNCIL CHAMBER, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE  
PRESENT: MAYOR FOLEY, ASSISTANT MAYOR SIRRELL, COUNCILORS GRASSO, LAFOND, HANSON, HYNES, GALLO, PANORI AND BOWLES  
ABSENT : NONE

- .....
1. At 6:30PM, an Anticipated Non-Public Session was held regarding Collective Bargaining Issues.
  2. Presentation - Mayor's Award to Nancy Stone and Kevin Evans for the Northeast Passage - Mayor Foley presented Nancy and Kevin with the Mayor's Award.
  3. Public Comment Session - There were four speakers: Ray Will (Salvation Army Kettle); Peter Bresciano (Refuse-to-Energy Facility); Ginny Weeks (Curbing on Maplewood Avenue); and Ed Lawrence (Fiscal & Financial Situation).
  - ★ 4. Public Hearing - Ordinance amending Chapter 7, Article VII - Truck and Bus Travel, Section 7.701 - Prohibited on certain streets, Section 7.702 - Truck Traffic Prohibited, Section 7.703 - Exceptions, Section 7.704 - Enforcement, Section 7.705 - Penalty - Delete in their entirety and replace with new text (Through Truck Route System & Local Delivery Route System) - Held a Public Hearing.

On a roll call 7-2, voted the following amendments:

✓ Amend Chapter 7, Article VII, section 7.701 by adding the following sentence: "Truck is defined as any vehicle with more than one rear axle for purposes of this Ordinance."

✓ Amend Chapter 7, Article VII, Section 7.701 by adding the following sentences: "Through truck traffic is defined as that which has a point of origin and a point of destination outside the City of Portsmouth. Local delivery traffic shall consist of that originating in Portsmouth at a business and/or originating at a business and having a point of destination in the City of Portsmouth."

✓ Amend Chapter 7, Article VII, Section 7.702b to delete "Middle Road from intersection of Borthwick Avenue and NH Route 33 to Lafayette Road," and replace with: "Route 33 at the intersection of Route 33 and Borthwick Avenue/Greenland Road to South Street to Lafayette Road."

ACTIONS TAKEN AT THE CITY COUNCIL MEETING  
NOVEMBER 19, 1996  
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*Amend Chapter 7, Article VII, Section 7.703 by adding: "The Chief of Police shall cause enforcement of this Ordinance to occur through local, county and state law enforcement sources."*

*Amend Chapter 7, Article VII, Section 7.703 by adding: "A plan of through truck routes and local delivery routes shall be kept on file at the City Clerk's Office and the Portsmouth Police Department."*

Assistant Mayor Sirrell, Councilors Grasso, Lafond, Hanson, Hynes, Bowles and Mayor Foley voted in favor. Councilors Gallo and Panori voted opposed.

On a roll call vote 6-3, motion to amend Section 7.701 by the addition of Peverly Hill Road failed to pass. Councilors Grasso, Lafond and Hanson voted in favor. Assistant Mayor Sirrell, Councilors Hynes, Gallo, Panori, Bowles and Mayor Foley voted opposed.

On a roll call 7-2, voted to pass second reading of the Ordinance as amended and hold third and final reading at the first Council meeting in December. Assistant Mayor Sirrell, Councilors Grasso, Lafond, Hanson, Hynes, Bowles and Mayor Foley voted in favor. Councilors Gallo and Panori voted opposed.

5. Petition from the residents of Cutts Street regarding the re-naming of Cutts Street - Voted to hold a Public Hearing relative to the re-naming of Cutts Street and Dearborn Lane.
6. Letter from Virginia Weeks regarding the Historic District boundaries - Voted to refer to the Planning Board.
7. Letter from Karen Bettencourt, Pro Portsmouth, requesting permission to extend the 20th Anniversary celebration of Market Square Day to Sunday, June 15, 1997 - Voted to refer to the City Manager with power.
8. Street Paving Status Report - No action required.
9. Update on TRI Computer Report - No action required.
10. Computerized Constituent Tracking System - No action required.
11. Report on CAD-Tech Position - No action required.
12. Transfer of funds relative to Pease expenditures - Voted to authorize the expenditure of \$100,000 from FY 96/97 Contingency Fund.
13. Report - Mayor Foley reported she is still seeking volunteers to participate in the Future of Portsmouth Committee that was recently established.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX

PORTSMOUTH, NH

DATE: TUESDAY, NOVEMBER 19, 1996

TIME: 7:00PM

At 6:30PM, an Anticipated Non-Public Session was held regarding Collective Bargaining Issues.

I. CALL TO ORDER

Mayor Foley called the meeting to order at 7:00PM.

II. ROLL CALL

PRESENT: Mayor Foley, Assistant Mayor Sirrell, Councilors Grasso, Lafond, Hanson, Hynes, Gallo, Panori and Bowles

ABSENT: None

III. INVOCATION

Mayor Foley asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Gallo led in the Pledge of Allegiance to the Flag.

PRESENTATION - MAYOR'S AWARD TO NANCY STONE AND KEVIN EVANS FOR THE NORTHEAST PASSAGE

Mayor Foley presented Nancy and Kevin with the Mayor's Award. She said that they cycled over 3,725 miles and raised \$20,000 for the Northeast Passage.

Nancy and Kevin thanked Mayor Foley and the Council for the award.

V. PUBLIC COMMENT SESSION

Ray Will said that he is working with the Salvation Army in soliciting volunteers to contribute their time in ringing the bell for the giving kettles. He said that the Salvation Army really appreciates the support it receives from the City Council for the giving kettle drive.

Peter Bresciano discussed the cost of cleaning up the Refuse-to-Energy Facility and the cost of the ash testing. He said that Bruce Guy, Acting Finance Director, has requested in a memorandum that the a budget be established for the cleanup.

Ginny Weeks spoke concerned regarding the curbing that was removed along Maplewood Avenue for the resurfacing of the road. She asked when the City would be putting that back in place.

Ed Lawrence spoke regarding the law relative to the dispersing of land owned by the Federal Government. He said that the City has not been treated fairly relative to the land at the former Pease Air Force Base. He said he is shocked at how much money the City has spent in trying to get the land back. He said that the City cannot give up their fight in getting back the land that is ours.

**VI. PUBLIC HEARING**

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE VII - TRUCK AND BUS TRAVEL, SECTION 7.701 - PROHIBITED ON CERTAIN STREETS, SECTION 7.702 - TRUCK TRAFFIC PROHIBITED, SECTION 7.703 - EXCEPTIONS, SECTION 7.704 - ENFORCEMENT, SECTION 7.705 - PENALTY - DELETE IN THEIR ENTIRETY AND REPLACE WITH NEW TEXT (THROUGH TRUCK ROUTE SYSTEM & LOCAL DELIVERY ROUTE SYSTEM)**

Mayor Foley read the Legal Notice, declared the Public Hearing open and called for speakers. She announced that Assistant City Attorney Cuddy will provide a brief explanation of the Ordinance.

Assistant City Attorney Cuddy said that the Ordinance divides truck routes into 3 sections. She said that signs will be placed throughout the City indicating through truck streets. She said that the plans will be kept on file in the City Clerk's Office as well as the Police Department for the public to view. She said that the Ordinance is not designed to be a remedy to existing neighborhoods. She said over time the Ordinance may require some fine tuning once it has been put into place.

Dave Holden, Planning Director, said that the Planning Board worked on the through route truck system. He said that the Ordinance is designed to make a positive system. He said during the Planning Board Public Hearing residents expressed their concerns that some neighborhoods may receive more than their share of truck traffic with this Ordinance.

Councilor Hanson addressed some amendments to the Truck Ordinance that will be voted on this evening in order to make individuals aware before speaking regarding the Ordinance.

Assistant Mayor Sirrell asked Dave Holden if he has received a reply from the Flight Line Station and the Exit 3 Truck Stops regarding placing signs at the exits explaining where they are located.

Dave said that he expects a respond soon.

Mayor Foley opened the Public Hearing and called for speakers.

Paul McEachern said he is representing Hanscom's Truck Stop. He said that the City really does not need to regulate trucks. He said that people are trying to make a living and where will the City stop. He said the Ordinance does not allow a turn around from one exit to the other on the ByPass. He said that the City Council needs to take a hard look as to whether the City wants to regulate truck traffic.

Kathy Anania expressed her concern with truck traffic in the City.

Mildred Grady said that more roads need to be made available other than Ocean Road. She said that the trucks are bothering more people on Ocean Road than it is on Peverly Hill Road. She said that Peverly Hill Road should be opened up to truck traffic.

Brian Lighthouse spoke opposed to the Ordinance. He said he feels that Peverly Hill Road should be open to truck traffic rather than trucks having to travel down Lafayette Road.

Jim Colburn said he has a problem with lost trucks that travel on Woodbury Avenue. He said that signage is an issue that needs to be addressed.

Dave Palumbo thanked the Traffic & Safety Committee as well as the Council for not allowing trucks to travel on Echo Avenue. He said that the State will not allow the signage for Echo Avenue to be moved towards the highway because the City has not adopted a truck route.

Edward Hayes said that this Ordinance will effect some businesses in the City. He spoke concerned regarding the posting of signs.

Justin Caramagno spoke in favor of the Ordinance and said that he feels truck traffic does need to be regulated in the City. He said that the Ordinance splits the truck traffic equally in the City. He said that the Ordinance will require some fine tuning but it does address this serious problem.

Judy DeNucci expressed her concerns with the Ordinance and how it would effect the coach bus services in the City.

Donald LaTala said because Ocean Road is a State road they have no recourse. He said it is unfair that truck traffic is prohibited on Peverly Hill Road.

Marvin Betts asked for more signage on Middle Road. He suggested that signage be placed at exit 3 alerting people that there are 7 exits for the City. He said that he is in favor of the Ordinance.

Geno DeNucci spoke against the Ordinance. He suggested that the City lower the speed limit for the trucks. He said that truck drivers pay a great deal of taxes and they have a job to do.

Ed Lawrence said that trucks should have a lower speed limit. He said the Ordinance should be tabled in order to address some of the suggestions made by individuals this evening.

Lorena Arnold said that the Ordinance should be passed this evening. She said action needs to take place sooner than later.

Peter Loughlin said he is representing Clifton Wentworth. He said that the City Council needs to find a common ground. He said that the Ordinance will directly effect Mr. Wentworth's business. He suggested that Greenleaf Avenue be used for truck traffic.

**CITY COUNCIL MEETING**

**NOVEMBER 19, 1996**

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Joe Ludwick said that the Ordinance will restore and give back their residential status again. He urged the Council to pass the Ordinance.

Martin Cameron thanked the City staff for the time in putting this Ordinance together. He spoke concerned regarding the hazardous cargo trucks coming into the City. He said they should be kept out of the City because they are not serving the needs of the City and present a danger. He said by the Council voting to prohibit truck traffic on Peverly Hill Road it shifted the problem onto Ocean Road. He said therefore the problem with the truck traffic was not solved it was just moved from one location to another.

William Burke, Police Chief, said that the Ordinance reflects a positive effect to truck traffic with the proper signage put into place. He said that enforcement of the Ordinance will be difficult at best.

Judy DeNucci said that the Chamber of Commerce and Seacoast Business has tried very hard to get a motor coach business in this City and she is concerned with how this Ordinance will effect that business.

After three calls and no further speakers, Mayor Foley declared the Public Hearing closed.

At 8:40PM, Mayor Foley declared a brief recess. At 8:55PM, Mayor Foley called the meeting back to order.

Councilor Lafond moved to suspend the rules in order to take up Item IX B - Second reading of Ordinance amending Chapter 7, Article VII - Truck and Bus Travel, Section 7.701 - Prohibited on certain streets, Section 7.702 - Truck Traffic Prohibited, Section 7.703 - Exceptions, Section 7.704 - Enforcement, Section 7.705 - Penalty - Delete in their entirety and replace with new text (Through Truck Route System & Local Delivery Route System). Seconded by Councilor Hanson and voted.

Councilor Hanson moved amendments 1-6 as follows:

1. *Amend Chapter 7, Article VII, Section 7.701 by adding the following sentence: "Truck is defined as any vehicle with more than one rear axle for purposes of this Ordinance."*
2. *Amend Chapter 7, Article VII, Section 7.701 by adding the following sentences: "Through truck traffic is defined as that which has a point of origin and a point of destination outside the City of Portsmouth. Local delivery traffic shall consist of that originating in Portsmouth at a business and/or originating at a business and having a point of destination in the City of Portsmouth."*
3. *Amend Chapter 7, Article VII, Section 7.702b to delete "Middle Road from intersection of Borthwick Avenue and NH Route 33 to Lafayette Road," and replace with: "Route 33 at the intersection of Route 33 and Borthwick Avenue/Greenland Road to South Street to Lafayette Road."*



**CITY COUNCIL MEETING**

**NOVEMBER 19, 1996**

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4. *Amend Chapter 7, Article VII, Section 7.703 by adding: "The Chief of Police shall cause enforcement of this Ordinance to occur through local, county and state law enforcement sources."*
5. *Amend Chapter 7, Article VII, Section 7.703 by adding: "A plan of through truck routes and local delivery routes shall be kept on file at the City Clerk's Office and the Portsmouth Police Department."*
6. *Amend Section 7.701 by the addition of Peverly Hill Road*

**Seconded by Councilor Lafond.**

**Councilor Grasso said we need to allow people to get around the City to conduct business.**

**Assistant Mayor Sirrell said she is concerned with whether Greenleaf Avenue can handle truck traffic.**

**Councilor Bowles suggested tabling this until the next meeting to allow for more clarification.**

**Councilor Bowles moved to divide question in order to take amendments 1-5 separate from amendment 6. Seconded by Assistant Mayor Sirrell and voted.**

**Councilor Hanson moved amendments 1-5 as outlined earlier. Seconded by Councilor Lafond. On a roll call vote 7-2, amendments 1-5 passed. Assistant Mayor, Councilors Grasso, Lafond, Hanson, Hynes, Bowles and Mayor Foley voted in favor. Councilors Gallo and Panori voted opposed.**

**Councilor Hanson moved to amend Section 7.701 by the addition of Peverly Hill Road. Seconded by Councilor Lafond. On a roll call vote 6-3, motion failed to pass. Councilors Grasso, Lafond and Hanson voted in favor. Assistant Mayor Sirrell, Councilors Hynes, Gallo, Panori, Bowles and Mayor Foley voted opposed.**

**Councilor Hanson moved to pass second reading of the Ordinance as amended and hold third and final reading at the first Council meeting in December. Seconded by Councilor Lafond. On a roll call vote 7-2, motion passed. Assistant Mayor Sirrell, Councilors Grasso, Lafond, Hanson, Hynes, Bowles and Mayor Foley voted in favor. Councilors Gallo and Panori voted opposed.**

**VII. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS**

- A. **Petition from the residents of Cutts Street regarding the re-naming of Cutts Street**

**Councilor Lafond moved to refer to the Planning Board. Seconded by Councilor Hanson.**

**Assistant Mayor Sirrell said that she has received a number of calls on changing the name of the Cutts Street. She said that a Public Hearing should be held through the City Council in order to receive public input.**

**Mayor Foley said that there is a problem because not everyone was notified on all streets. She said that we should hold a Public Hearing through the Council.**

**Councilor Grasso said she is concerned with the people that have already begun changing their addresses based on the changes voted on by the Council at a previous meeting.**

**Dave Holden, Planning Director, said that there was no requirement to notify all the people that would be effected by the changes.**

**The Acting City Manager asked how we should handle this matter.**

**Dave recommended sending this back to the Planning Board from them to handle the notification to the residents.**

**Councilor Hanson said we do not have to do them all just Cutts Street and Dearborn Lane.**

**Mayor Foley said that the City can take care of the notification.**

**Councilor Lafond withdrew his motion and Councilor Hanson his second.**

**Assistant Mayor Sirrell moved to hold a Public Hearing relative to the re-naming of Cutts Street and Dearborn Lane. Seconded by Councilor Lafond and voted.**

**B. Letter from Virginia Weeks regarding the Historic District boundaries**

**Councilor Lafond moved to refer to the Planning Board. Seconded by Assistant Mayor Sirrell and voted.**

**C. Letter from Karen Bettencourt, Pro Portsmouth, requesting permission to extend the 20th Anniversary celebration of Market Square Day to Sunday, June 15, 1997**

**Councilor Lafond moved to refer to the Acting City Manager with power. Seconded by Assistant Mayor Sirrell and voted.**

**VIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**1. Street Paving Status Report**

**The Acting City Manager briefly went over the street paving status report.**

**Councilor Lafond asked if the cost to date is accurate.**

**The Acting City Manager said it would not reflect invoices that have not been paid.**

**Assistant Mayor Sirrell thanked Steve Parkinson, Public Works Director, for the work that has been done on Islington Street.**

**2. Update on TRI Computer Report**

**The Acting City Manager said that the report has been delayed until the end of January.**

**3. Computerized Constituent Tracking System**

**The Acting City Manager briefly went over the system and how it works. He said that the system is currently being used in the City Manager's office only. He said that he would like to see this system by other City departments in the future.**

**4. Report on CAD-Tech Position**

**The Acting City Manager said that the draftsman position will not be filled for this year and the position will be reviewed during the budget process this Spring.**

**5. Transfer of funds relative to Pease expenditures**

**The Acting City Manager said he would like the remainder of the request approved. He said that there is \$45,000 outstanding and there could be another \$50,000 needed to be expended in December.**

**Councilor Gallo moved to authorize the expenditure of \$100,000 from FY 96/97 Contingency Fund. Seconded by Councilor Lafond.**

**Councilor Hanson suggested authorizing \$50,000 this evening and have the Acting City Manager come back to the Council for the additional \$50,000 when it is needed.**

**Motion passed.**

**Councilor Gallo said this is a commitment on the part of the City.**

**B. MAYOR FOLEY**

**1. Reports**

**Mayor Foley reported that she is still seeking volunteers to participate in the Future of Portsmouth Committee that was recently established.**

**2. "Manning" of the Salvation Army Giving Kettle**

**Mayor Foley announced that the City Council will be volunteering to ring the Salvation Army Giving Kettle Bell on Monday, December 2, 1996.**

**C. ASSISTANT MAYOR SIRRELL**

**1. FEMA Funds**

**Assistant Mayor Sirrell requested that Steve Parkinson, Public Works Director, report back on how many businesses and homeowners disaster housing grants were issued in Portsmouth. She also requested that Steve seek funds for repairs and improvements for future floods in the City and report back on available FEMA Funds.**

**3. Drainage System**

**Assistant Mayor Sirrell requested that Steve Parkinson, Public Works Director, review the following Capital Budget items listed on page 32 and report back on when the projects should be done: (1) EFS-3 - Peirce Island Bridge 24" force main replacement, (2) EFS-6 - B&M Property Brick Box and main replacement to Borthwick Avenue and (3) EFW-8 - State Street main upgrade.**

**Steve Parkinson, Public Works Director, said that there are a number of projects that he has proposed over the years. He said he is looking into a mitigation program to help with the funding.**

**Assistant Mayor Sirrell suggested holding a Work Session on this matter.**

**4. Letter of Recognition for City Employees (Not on agenda)**

**Assistant Mayor Sirrell requested that Mayor Foley and the City Council send a letter of recognition to the City employees for the outstanding job they did with the recent rain storm.**

**2. Update on Brewster Street**

**Assistant Mayor Sirrell said that the last update she received from the Acting City Manager was on October 30, 1996. She said that she has not been advised if a source of funding has been located for the sewer line update. She asked for an update on the SRF.**

**Steve Parkinson, Public Works Director, reported that the catch basins have been completed. He said that Dave Allen, City Engineer, is working on the pump station design.**

**Assistant Mayor Sirrell advised the Acting City Manager that we need to located a source of funding for the pump station.**

**D. COUNCILOR HANSON**

**1. Traffic & Safety Committee minutes and action sheet of October 17, 1996**

**Councilor Hanson moved to accept the action sheet and minutes of October 17, 1996 Traffic & Safety Committee meeting. Seconded by Councilor Lafond and voted. Councilor Panori voted opposed.**

**Councilor Hanson moved to refer to the City Attorney to draft an Ordinance for first reading which would adopt an absolute 25MPH City-Wide speed limit. Seconded by Councilor Lafond and voted. Councilor Panori voted opposed.**

**Councilor Hanson moved to authorize the approval of funds out of contingency, to proceed with proposed upgrading of stop signs. Seconded by Councilor Lafond and voted.**

**E. COUNCILOR HYNES**

**1. Neighborhood Report**

**Councilor Hynes moved to approve the funding for a consultant relative to the noise abatement at Hanscom's Truck Stop and the Seatrade Facility in the amount of \$10,845 from the Contingency Fund. Seconded by Assistant Mayor Sirrell and voted.**

**2. Portsmouth Technology Park**

**Councilor Hynes briefly explained what the Technology Park would be doing. He said the park will be designed to handle Fortune 500 businesses research and development. He said the company will provide 800 jobs for the area. He said the company is requesting to use UDAG funds to complete a feasibility study for the project. He suggested providing a grant to the company contingent upon them providing a financial statement.**

**Mark Kelliher, Bureau Chief of Community & Economic Development, said he hopes that the City will embrace the initiative of this project. He said that the Economic Development Commission has voted to adopt the concept.**

**Councilor Hanson said before voting on this he would prefer having a Work Session in order to be provided with additional information.**

**Councilor Lafond moved to hold a Work Session with the Economic Development Commission and the interested parties on Monday, November 25, 1996 at 7:00PM. Seconded by Councilor Hanson.**

**Councilor Panori said she has a problem with supporting a UDAG grant for this without being provided with additional information.**

**Motion passed.**

**Assistant Mayor Sirrell moved to suspend the rules in order to continue the meeting beyond 10:30PM. Seconded by Councilor Grasso. On a roll call 6-3, motion passed. Assistant Mayor Sirrell, Councilors Grasso, Hanson, Hynes, Bowles and Mayor Foley voted in favor. Councilors Lafond, Gallo and Panori voted opposed.**

**3. Economic Development**

**Councilor Hynes withdrew this item.**

**F. CITY ATTORNEY**

**1. Mariner's Village Update**

**Mark Kelliher, Bureau Chief of Community & Economic Development, provided a brief status report on Mariner's Village, now known as Osprey Landing. He said there are currently 329 units at Osprey Landing. He said that the percentage of units leased is ahead of what was expected. He said that 51% of the units were guaranteed to be affordable housing units.**

**Assistant Mayor Sirrell requested a report back from Tom Hogan, City Assessor, on how much will be going on the present fiscal year tax rolls relative to Osprey Landing.**

**2. Renovations of Central Fire Station (Not on agenda)**

**The City Attorney reported that due to the renovations to the Central Fire Station the operations will be moved to the Army National Guard on McGee Drive on a temporary basis. He said that in order for this to take place the City Council will need to authorize the Acting City Manager to negotiate and sign an agreement with the Army National Guard.**

**Councilor Hanson moved to authorize the Acting City Manager to negotiate and sign an agreement with the Army National Guard to relocate the Central Fire Station on a temporary basis. Seconded by Councilor Lafond and voted.**

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

**A. First reading of Ordinance amending Chapter 5, Article VI, Section 5.601 - Ambulance Service Costs**

**Councilor Grasso moved to table the Ordinance. Seconded by Councilor Gallo and voted.**

**C. Third and final reading of Ordinance amending Salary Schedule for Local 1386 to establish a CAD Tech - Grade 8**

**Councilor Lafond moved to pass third and final reading. Seconded by Councilor Panori and voted.**

**X. MISCELLANEOUS/UNFINISHED BUSINESS**

**A. Contingency Expense Approval**

**1. Aries Engineering - Refuse-to-Energy Plant Closure - \$21,095.15**

**Councilor Lafond moved to approve from the Contingency Fund. Seconded by Councilor Hanson.**

**The City Attorney said that this will allow Aries Engineering to prepare a closure plan.**

**Councilor Lafond asked when the plan will be done.**

**The City Attorney responded sometime in the Spring.**

**Motion passed.**

**Councilor Grasso requested that the Acting City Manager provide a report on the history of the Contingency Fund since July 1, 1996 for the next Council meeting.**

**XI. ADJOURNMENT**

**At 11:00PM, Councilor Hanson moved to adjourn. Seconded and voted.**

**KELLI L. SCOTT, CITY CLERK**

ARTICLE VII - TRUCK AND BUS TRAVEL

Section 7.701 - PROHIBITED ON CERTAIN STREETS

It shall be unlawful to operate through trucks and/or buses over and along the streets and routes as set forth in Section 7.702.

Section 7.702 - TRUCK TRAFFIC PROHIBITED

A. It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.703 of this Article.

1. Adams Avenue (Adopted 1/25/88)
2. Banfield Road (Adopted 11/20/84)
3. Broad Street (between South Street and Jones Avenue).
4. Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
5. Cate Street
6. Chestnut Street (from Congress Street to Porter Street) (Adopted 1/15/90)
7. Circuit Road
8. Cleveland Drive (Adopted 1/25/88)
9. Coolidge Drive (Adopted 1/25/88)
10. Dennett Street (Between Bartlett Avenue to Maplewood Avenue)
11. Dwight Avenue (Adopted 1/25/88)
12. Echo Avenue (Adopted 12/4/95)
13. Edgewood Road (Adopted 1/25/88)
14. Farm Lane (Adopted 5/5/86)
15. Fillmore Road (Adopted 1/25/88)
16. F. W. Hartford Drive (Adopted 1/25/88)
17. Garfield Road (Adopted 1/25/88)
18. Granite Street
19. Grant Avenue (Adopted 1/25/88)
20. Greenleaf Avenue, between Peverly Hill Road and the Rt.1 Bypass. (Amended 4/15/96)
21. Harding Road (Adopted 1/25/88)
22. Hayes Place (Adopted 1/25/88)
23. Hoover Drive (Adopted 1/25/88)
24. Mangrove Street
25. McKinley Road (Adopted 1/25/88)
26. Myrtle Avenue (between Dennett St and the Maine/New Hampshire Interstate so-called)
27. Nixon Park (Adopted 1/25/88)
28. Peverly Hill Road (except for trucks with a point of origin or a point of destination on Peverly Hill Road, Banfield Road or Greenleaf Avenue) (Amended 4/15/96)
29. Pickering Street (Adopted 10/29/90)
30. Polk Avenue (Adopted 1/25/88)
31. Profile Avenue
32. Ranger Way
33. Rockhill Avenue
34. Sherburne Road (Adopted 9/25/89)
35. Taft Road (Adopted 1/25/88)
36. Taylor Lane (Adopted 1/25/88)
37. Thornton Street (between Woodbury Avenue and Bartlett Street)
38. T.J. Gamester Avenue (Adopted 1/25/88)
39. Truman Place (Adopted 1/25/88)
40. Van Buren Avenue (Adopted 1/25/88)
41. Wilson Road (Adopted 1/25/88)
42. Woodbury Avenue, between Market Street and Dartlott Street (Adopted 12/10/95)

0000# 30 - 1996: delete // VII/sections 7.701, 7.702, 7.703, 7.704 and 7.705 in their entirety and replace with (see attached).  
 (Adopted 12/2/1996)



**B. NO RIGHT HAND TURN, TRUCKS ONLY (COMMERCIAL TRUCKS)**

1. From Daniel Street onto Market Street (Adopted 4/15/85)

**Section 7.703: EXCEPTIONS**

- A. The operation of trucks upon any street where necessary to the conduct of business at a destination point accessible only through use of restricted streets set forth in Section 7.702.
- B. Emergency vehicles: The operation of emergency vehicles upon any street in the City.
- C. Public Utilities, Etc.: The operation of trucks owned or operated by the City, Public Utilities, any contractors or material man, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.
- D. Residential Home Delivery Vehicles. The operation of delivery trucks actually engaged in making residential deliveries. (Adopted 4/15/96)

**Section 7.704: ENFORCEMENTS**

- A. The City Manager shall cause those streets upon which traffic is prohibited to be clearly sign posted to give notice that this Ordinance is in effect.
- B. No person shall be charged with violating the terms of this Ordinance by reason of operation of a truck or bus upon a street wherein such travel is prohibited unless appropriate signs are posted on such street.

**Section 7.705: PENALTY**

Any person who violates the provision of Section 7.701 shall be fined not more than \$100 for each offense.

**Section 7.706: TRUCK OR BUS PARKING**

It shall be unlawful for any person to park any truck or bus any size on the following streets:

- A. Hancock Street: either side (Adopted 10-21-85)
- B. Woodbury Avenue: westerly side from Route #1 Bypass bridge to Boyd Road.

Section 7.706-A: LIMITED OPERATION OF TRUCK DIESEL ENGINES AND/OR REFRIGERATION UNITS

- A. It shall be unlawful for the type of trucks designated in Section 7.702 to operate their diesel engines or refrigeration units for more than fifteen (15) minutes while resting or refueling at any service station, truck stop, or truck rest or repair area located on the Route 1 By-Pass within the City of Portsmouth. All owners of business establishments which supply diesel fuel, repair or other services to the above-designated trucks shall put notice of this ordinance in a prominent place on the interior and exterior of their establishments.
- B. Any person who violates any provision of Section 7.706-A shall be fined not more than \$50.00 for each offense.

(Section 7.706-A Adopted As Amended 1/07/1991)

Section 7.707: DEFINITION

Construction sites shall mean and include any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place. It shall also include areas upon which repairs, reconstruction, or additions are being made to existing streets and public ways within the City of Portsmouth and shall include the construction of new streets, roadways, the repair, reconstruction, or addition of new bridge or overpass surfaces and shall also include those areas where backfilling is being performed and will include travel to and from areas where fill material is being obtained or disposed of. (Adopted 12-10-84)

Section 7.708: CONDITION OF CONSTRUCTION SITES

The property owners, whether they be public or private, and the prime contractors in charge of any construction site as defined in this ordinance shall maintain the construction site in such a manner that litter, cement, plastic, building materials, or any other construction materials will be prevented from being carried by the elements to adjoining premises or to roadways within the construction site or to roadways on which construction vehicles travel for the purpose of obtaining or dumping any type of construction material. All litter or any other type of construction material as defined above shall be picked up at the end of each work day and placed in such containers as will prevent the material from being carried by the elements to adjoining premises or roadways. (Adopted 12-10-84)

Section 7.709: VEHICLES DROPPING CONTENTS ON STREETS

It shall be unlawful for any person, company, or business to transport in any vehicle or by any other means or manner, any loose material or articles likely to sift, fall, spill, or be blown about on any public street, alley, or other public way within the City of Portsmouth. In the event of any of the contents of such vehicles being blown, scattered, or dispersed in any way upon any public street, alley, or other public way or place within the City, the person in charge of said vehicle shall immediately gather up or cause to be gathered up any such blown or scattered material. In the event that such material cannot be gathered up in a reasonable manner, then such person in charge of said vehicle shall cause the area to be cleaned by the use of such other means as may be required to clean the area. (Adopted 12-10-84)

Section 7.710: COVERING OF VEHICLE LOADS REQUIRED

It shall be unlawful for any person, business, or company transporting any materials mentioned in the above sections to transport any vehicle load without a cover to prevent the contents of said load to sift, fall, spill, or be blown about on any public street, alley, or other public way within the City of Portsmouth. (Adopted 12-10-84)

Section 7.711 PENALTY

Any person, business or company violating any provision of the above Sections 7.708 through 7.710 shall be fined not less than \$100 for each offense. A separate offense shall be deemed to be committed for each day on or which violation occurs or continues to occur. (Adopted 12-10-84)

11/0/10/96 C. Grass's motion to have 1st rdg to have a consensus of the CC undertake the necessary steps to implement an expanded Thru Truck Route Sys & a Local Delivery Rte Sys by erecting necessary signage in conjunction w/ state & to review existing ordinances for continued applicability.  
ORDINANCE # 38-1996

THE CITY OF PORTSMOUTH ORDAINS:

- 1st rdg passed 10/21/96 (32)
- 2nd rdg 11/19/96 (4) as amended
- 3rd/ final 12/2 (30) as amended

Delete in Chapter 7, Article VII - TRUCK AND BUS TRAVEL, Section 7.701 - PROHIBITED ON CERTAIN STREETS; Section 7.702 - TRUCK TRAFFIC PROHIBITED; Section 7.703 - EXCEPTIONS; Section 7.704 - ENFORCEMENT, Section 7.705 - PENALTY in their entirety and replace with the following:

That Chapter 7, Article VII - TRUCK AND BUS TRAVEL, Section 7.701, THROUGH TRUCK ROUTES: The following routes are designated for through truck traffic. No through truck traffic is permitted on any other City streets.

- US I-95 in its entirety;
- US Route 1 to its intersection with US Route 1 Bypass;
- US Route 1 bypass in its entirety;
- NH Route 16 in its entirety;
- Spaulding Traffic Circle;
- NH 33 from City line to intersection with Greenland Road and Borthwick Avenue;
- Borthwick Avenue in its entirety;
- Lang Road in its entirety;
- Gosling Road from NH 16 to Woodbury Avenue;
- Woodbury Avenue from City line with Newington to intersection with Market Street;
- Market Street from intersection with Woodbury Avenue to intersection of Russell Street;

(References to limited access highways include entrance & exit ramps)

Section 7.702: LIMITED USE AND LOCAL DELIVERY

- A. On streets which do not permit through truck traffic, the following types of limited truck use shall be allowed:
  1. That which is necessary to the conduct of business at a destination point accessible only through use of restricted streets.
  2. Emergency vehicles: The operation of emergency vehicles upon any street in the City.
  3. Public Utilities, Etc.: The operation of trucks owned or operated by the City, Public Utilities, any contractors or material man, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the City.
  4. Residential Home Delivery Vehicles: the operation of delivery trucks actually engaged in making residential deliveries.

- B. The following streets are designated to serve as local delivery routes. Their status is determined based upon: 1) their intersection with a through truck route, 2) their importance in ensuring residential deliveries, 3) their importance in ensuring deliveries to business or industrial uses where no other access is practical.

Heritage Avenue in its entirety;  
Constitution Avenue in its entirety;  
Banfield Road from intersection of Heritage Avenue to intersection of Peverly Hill Road;  
Peverly Hill Road in its entirety;  
Middle Road from intersection of Borthwick Avenue & NH 33 to Lafayette Road;  
South Street from Lafayette Road to Sagamore Avenue;  
Sagamore Avenue from intersection of South Street to City line with Rye;  
Wentworth Road in its entirety;  
Lafayette Road from intersection with US Route 1 and US Route 1 Bypass to Middle St;  
Middle Street in its entirety;  
Maplewood Avenue in its entirety;  
Woodbury Ave. from Intersection with Maplewood Ave. to intersection with Market St.;  
Woodbury Avenue from intersection US I-95 off ramp to intersection with Dennett St.;  
Dennett St. from Woodbury Avenue to intersection of Bartlett Street;  
Bartlett Street to Islington Street;  
Islington Street in its entirety;  
Daniel Street in its entirety;  
Congress Street in its entirety;  
State Street from intersection of Middle Street to Memorial Bridge;  
Marcy Street in its entirety;  
New Castle Avenue in its entirety;  
Market Street from intersection of Russell Street to Hanover Street;  
Hanover Street from Market Street to Maplewood Avenue;  
Deer Street from Maplewood Avenue to Market Street; and,  
Russell Street in its entirety.

#### Section 7.703: ENFORCEMENT

The City Manager shall cause those streets which are through truck routes and local delivery routes to be posted to give notice that this Ordinance is in effect. Where applicable, the City Manager shall coordinate sign posting with the New Hampshire Department of Transportation.

#### Section 7.704: PENALTY

Any person who violates the provision of Section 7.701 shall be fined not more than \$100 for each offense.

Section 7.706: TRUCK OR BUS PARKING has been renumbered to be 7.705.

Section 7.706a; LIMITED OPERATION OF TRUCK DIESEL ENGINES AND/OR REFRIGERATION UNITS has been renumbered to be 7.706.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED

\_\_\_\_\_  
Mayor Eileen Foley

CITY COUNCIL APPROVAL: *as amended*  
*12-2-96*

\_\_\_\_\_  
Kelli Scott, City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: DECEMBER 2, 1996

PORTSMOUTH, NH  
TIME: 7:00PM

I. CALL TO ORDER

Mayor Foley called the meeting to order at 7:25PM.

II. ROLL CALL

PRESENT: Mayor Foley, Assistant Mayor Sirrell, Councilors Grasso, Lafond, Hanson, Hynes, Gallo, Panori and Bowles

ABSENT: None

III. INVOCATION

Mayor Foley asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Panori led in the Pledge of Allegiance to the Flag.

Mayor Foley announced that there will be no Public Informational Hearing this evening regarding the Library. She said that the Public Informational Hearing will take place at the December 16, 1996 Council meeting and everyone will be given an opportunity to speak at that time. She requested that everyone save their comments relative to the Library until the next Council meeting.

V. VOLUNTEER COMMITTEE REPORTS

A. PDA REPRESENTATIVES - PETER LOUGHLIN & WILLIAM WAGNER

Peter announced that the PDA will be meeting on December 19, 1996 to discuss the City of Portsmouth proposal.

Bill informed the Council that the PDA passed the same motion that the City Council did relative to the nitrate issue. He said that the PDA will be providing the Council with a report in the future regarding the nitrate issue. He said that the PDA will come forward with the money for the nitrate analyzer.

VI. ACCEPTANCE OF MINUTES - AUGUST 19, 1996

Assistant Mayor Sirrell moved to accept the minutes of August 19, 1996. Seconded by Councilor Grasso.

**CITY COUNCIL MEETING**

**DECEMBER 2, 1996**

**PAGE 2**

Assistant Mayor Sirrell informed the Acting City Manager that many employees are inquiring on the status of the computer purchasing program.

The Acting City Manager said that the City is currently exploring options that would not require a supplemental appropriation in the budget for this program.

Motion passed.

**VII. PUBLIC COMMENT SESSION**

Karen Bettencourt & Deb Hanson, Pro Portsmouth, Deb said that Pro Portsmouth would like to present each City Council member with a First Night Button.

Ken Murphy requested that the City Council table the issue of the Eastwood Drive Homeowners Association until the December 16, 1996 Council meeting.

Councilor Hanson suggested that the issue be taken up by the Council at the first Council meeting in January due to the Public Informational Hearing on the Library at the next Council meeting.

Martin Cameron said that Ocean Road residents appeared at the last Council meeting to ask for help regarding the truck traffic. He said the residents requested that the Council allow truck traffic on Peverly Hill Road in order to alleviate some of the problems on Ocean Road. He said that the City Council needs to be considerate and fair to all residents in the City. He said all the City has done is move one traffic problem to another area in the City.

Mildred Grady said that Peverly Hill Road should be opened to truck traffic. She urged the Council to consider the residents of Ocean Road when voting on the Truck Ordinance.

Paula Glynn said that the no truck signs should be removed from Peverly Hill Road.

Ginny Weeks asked various questions regarding the Truck Ordinance.

Ruth Griffin asked if Councilor Lafond will be discussing the 1895 building this evening.

Mayor Foley said that there will be no discussion relative to the 1895 building this evening.

**VIII. PUBLIC HEARINGS**

- A. **PUBLIC INFORMATIONAL HEARING REGARDING THE REQUEST OF WATER COUNTRY FOR ZONE CHANGE (WATER COUNTRY IS PRESENTLY ZONED INDUSTRIAL AND THEY ARE REQUESTING IT BE ZONED GENERAL BUSINESS)**

Mayor Foley read the legal notice, declared the Public Hearing open and called for speakers.



**CITY COUNCIL MEETING**

**DECEMBER 2, 1996**

**PAGE 3**

**Dick Samuels** said that he is requesting that the land be zoned General Business from Industrial. He said that currently his business has 10 year round employees and 340 seasonal. He said that Water Country is an export business which provides new money into the local economy and growth. He said that his business reinvests their money back into the City. He said that the City could rezone the 14 acres to General Business with restrictive covenants. He urged the City Council to approve his request.

Councilor Hanson asked Mr. Samuels if he would be willing to have an agreement with the City for a right of first refusal when Water Country is sold.

Mr. Samuels responded affirmatively.

Councilor Hanson said that there is a drain on the ambulance services to Water Country during the summer and asked Mr. Samuels if he would be willing to pay for the ambulance services if the individual refuses to be transported to the hospital.

Mr. Samuels responded affirmatively.

**Ray Will** said that he was the only member of the Planning Board to vote against the rezoning request of Mr. Samuels. He said that the expansion will only create two additional full time jobs. He said that the expansion will create additional traffic in the area and neighborhood problems. He said that industrial land is more valuable.

**William Devine** urged the City Council not to rezone the land. He suggested that Water Country try to purchase a portion of the land that is not being used in the South Gate Plaza. He said that if the Council votes to rezone the land that a clause be put into the agreement that once the business is sold the land revert back to its original use.

**Martin Cameron** spoke opposed to the rezoning request. He said that industrial land is very valuable and the City should not give it away.

**Dave Holden**, Planning Director, said that the Planning Board has considered the request and recommends that the request be approved. He said that the Planning Department has requested that the Council deny this request. He briefly went over the reasons why the Planning Department is opposed to the zoning change. He said that the expansion will create a greater impact on traffic in the area.

Councilor Hanson asked Dave if Mr. Samuels made all of the information available to the Planning Department.

Dave responded affirmatively.

Councilor Panori asked if this issue came up through the Master Plan and Zoning Ordinance.

Dave responded affirmatively and the Planning Board left the land industrial.

**Councilor Hynes said that the City is losing its industrial land and said he is against rezoning any future land from industrial.**

**Councilor Grasso said that the City needs to preserve its industrial land and do what is best for the City as a whole.**

**Peter Loughlin said that Mr. Samuels is asking for 14 acres to be rezoned. He said that Water Country is an existing successful business and a significant taxpayer. He said that Water Country does not and will not take away from West Road and it is more appropriate for the land to be used for what is being proposed. He urged the City Council to approve this concept.**

**Assistant Mayor Sirrell said that Water Country has been an exceptionally business and she will vote in favor of the zoning change.**

**Councilor Panori said that she cannot support the rezoning request. She said if the zoning change was going to be made it should have been made during the changes in the Zoning Ordinance and Master Plan.**

**Ray Will said that Water Country is a great neighbor but zoning is about land use. He said that industrial land is more valuable to the City.**

**Peter Bresciano said that there is a great deal of traffic now on Lafayette Road with an expansion to Water Country it will continue to increase. He said that the City cannot send traffic to other areas because it will just move the problem from one area to another. He said that the traffic issue needs to be addressed.**

**Andrew Michaud said that he has worked at Water Country for the last 10 years and the Samuels are great people to work for.**

**After three calls and no further speakers, Mayor Foley declared the Public Hearing closed.**

**Councilor Hanson moved to suspend the rules in order to add Water Country to the agenda as Item XI F - Consideration of Resolutions and Ordinances. Seconded by Assistant Mayor Sirrell. On a roll call voted 5-4, motion failed to pass. Assistant Mayor Sirrell, Councilors Hanson, Bowles and Mayor Foley voted in favor. Councilors Grasso, Lafond, Hynes, Gallo and Panori voted opposed.**

**Councilor Hanson said that he will have this item on the next agenda under his name.**

- B. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO FOUR HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$485,000) FOR CENTRAL FIRE STATION REHABILITATION, SEYBOLT BUILDING/HVAC SYSTEM, POOL DEHUMIDIFICATION SYSTEM, TRAFFIC SIGNAL REPLACEMENT AND PARKING METER REPLACEMENT AS INDICATED IN THE FISCAL YEAR 1997 CAPITAL IMPROVEMENTS PROGRAM**

**Mayor Foley read the legal notice, declared the Public Hearing open and called for speakers. After three calls and no speakers, Mayor Foley declared the Public Hearing closed.**

**C. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.209 - TAXI INSPECTOR'S DUTIES**

**Mayor Foley read the Ordinance, declared the Public Hearing open and called for speakers. After three calls and no speakers, Mayor Foley declared the Public Hearing closed.**

**D. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, SECTION 7.240 D (PROHIBITING SMOKING IN TAXICABS)**

**Mayor Foley read the Ordinance, declared the Public Hearing open and called for speakers. After three calls and no speakers, Mayor Foley declared the Public Hearing closed.**

**At 9:00PM, Mayor Foley declared a recess. At 9:15PM, Mayor Foley called the meeting back to order.**

**IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS**

**A. Letter from Carol Connery, regarding the City of Portsmouth**

**Councilor Gallo moved to accept and place the letter on file. Seconded by Councilor Grasso and voted.**

**B. Letter from Matthew Lamstein requesting to adopt the portion of Church Street that runs along the east side of the South Church and adopt the circle right past the swimming pool at Peirce Island**

**Councilor Lafond moved to the refer to the Acting City Manager with power. Seconded by Councilor Gallo and voted.**

**C. Letter from John R. Chagnon regarding license request for 100 Market Group, Ltd.**

**Councilor Lafond moved to refer to the Planning Board. Seconded by Councilor Gallo and voted.**

**D. Letter from Karen Bettencourt, Pro Portsmouth, requesting to display their float from the Christmas parade at City Hall Complex from December 7, 1996 - December 31, 1996**

**Councilor Lafond moved to refer to the Acting City Manager with power. Seconded by Councilor Gallo and voted.**

**X. REPORT AND COMMUNICATIONS FROM CITY OFFICIALS**

**B. MAYOR FOLEY**

**2. Reports**

Mayor Foley announced that the Christmas Parade will be held on Saturday, December 7, 1996, at 11:00AM.

**1. Appointments**

The City Council considered the appointments of three individuals to the Citizens Advisory Committee for the Community Development Block Grant Plan. These appointments will be voted on by the City Council at the next Council meeting.

**A. CITY MANAGER**

**1. Supervisory Management Alliance Contract**

Councilor Hanson moved to table pending a Non-Public Session prior to the next Council meeting. Seconded by Councilor Grasso and voted.

**2. Meter Enforcement - 1996/1997 Christmas Season**

The Acting City Manager said that the has been done in the past to allow for free parking in the downtown area two weeks before Christmas.

Councilor Lafond said that the meter maids will still enforce the two hour parking limit.

Assistant Mayor Sirrell moved to forego Meter Enforcement in the downtown area from Monday, December 6, 1996 through Friday, December 27, 1996, with the stipulation that the two-hour parking limit will be enforced to preclude all day parking. Seconded by Councilor Bowles and voted.

**3. Acquisition of Stetson Property**

The Acting City Manager recommended that this matter be referred back to the Planning Board before the City Council votes.

Attorney Loughlin said that the Planning Board has approved this.

Councilor Lafond moved to refer to the City Attorney to negotiate the deed and deed restrictions with a report back to the Council at the next Council meeting. Seconded by Assistant Mayor Sirrell.

**CITY COUNCIL MEETING**

**DECEMBER 2, 1996**

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The City Attorney said that the City will get a deed with the restriction that the property be maintained in perpetuity as open space.

Councilor Lafond requested that the Assessor report back at the next Council meeting on the value of the land with the restrictions.

Motion passed.

Assistant Mayor Sirrell asked if the acquisition account has been set up.

The Acting City Manager responded affirmatively.

**4. HUD Annual Assessment Report of Portsmouth CDBG Program**

The Acting City Manager said that HUD is required to do an annual assessment of the CDBG Program. He said that the program received a great assessment.

**5. Pease Presentation (not on agenda)**

The Acting City Manager requested that the Council vote to hold a presentation at the next Council meeting regarding the City's Proposal on Pease.

Councilor Hanson moved to hold a presentation at the next Council meeting regarding the City's Proposal on Pease. Seconded by Councilor Gallo and voted.

Councilor Lafond asked the Acting City Manager the status of the Outside Auditor's Report.

The Acting City Manager said that the Outside Auditor's are late getting the report to the City Council.

Councilor Lafond requested that the Acting City Manager provide a status report on the Outside Auditor's Report along with the Constructive Service Comments.

Councilor Hanson requested that the Acting City Manager report back on the status of the memorandum from Julie Glover, Risk Management/Personnel/Purchasing, dated October 28, 1996, regarding the Property Liability Insurance premiums.

Councilor Hanson requested that the Acting City Manager report back on the reimbursement of funds from FEMA.

**C. COUNCILOR LAFOND**

**1. 1895 Building**

Councilor moved to suspend the rules in order to take up Item X E.1. - Construction of new Public Library Building. Seconded by Councilor Bowles and voted.

**Councilor Lafond moved to table Items X C.1. - 1895 Building and X E.1. - Construction of new Public Library building until the next Council meeting. Seconded by Assistant Mayor Sirrell and voted.**

**Councilor Lafond moved to hold a Public Informational Hearing at the next Council meeting on the disposition of the 1895 Building in relation to a new Library. Seconded by Assistant Mayor Sirrell.**

**Councilor Hanson asked if the City will abide by the Historic District Commission.**

**Councilor Lafond said that the City will go by the Zoning Ordinance.**

**Councilor Bowles asked if the City is regulated the same was as a developer.**

**The City Attorney said no. He said that the City Council is the ultimate policy maker in the City and the disposition of the 1895 building is a major policy decision that the City Council will need to make.**

**Councilor Gallo requested that the City Attorney provide a written outline of the process the Council could follow regarding the policy making decision relative to the Library at the next Council meeting.**

**Motion passed.**

**D. COUNCILOR HANSON**

- 1. Cost of upgrading Stop Sign's 3 year program for 1st year cost to be appropriated from contingency for year one, with years 2 & 3 to be budgeted out of Public Works Department budget**

**Councilor Hanson said that there are a number of signs that need to be upgraded in the City. He said the Public Works Department have developed a 3 year program for the upgrade of these signs.**

**Councilor Hanson moved to approve the first phase of the upgrade of signs in the amount of \$17,646.47 from the Contingency Fund. Seconded by Councilor Lafond and voted.**

**Councilor Grasso asked the Acting City Manager if he has completed her request for a report on the Contingency Fund.**

**The Acting City Manager said that he will be providing that to her shortly.**

**Councilor Lafond suggested that the old stop signs be donated to a non-profit organization.**

**CITY COUNCIL MEETING**

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2. **Truck Route petitions; since the Council voted not to post Peverly Hill Road as approved truck route perhaps a compromise may be to "Remove negative signs and remove prohibition from Ordinance giving this road the same status as Ocean & Middle Roads**

**Councilor Hanson said that this item will be taken up later in the agenda under Consideration of Resolutions and Ordinances.**

**COUNCILOR BOWLES**

1. **Redhook Water Service (not on agenda)**

**Councilor Bowles moved that the City Manager be authorized to negotiate and execute an agreement with Redhook Brewery to allow Redhook a direct connection to municipal water from the Madbury reservoir, under the following terms and conditions:**

1. **That the water be made available to Redhook for production purposes only;**
2. **That the water be provided to Redhook at the same rate which would be paid by a similar water user located elsewhere in the City;**
3. **That the water service be terminable at the option of the City in the event that the City should no longer be obligated under the provisions of the Municipal Service Agreements with the PDA to provide water service to the Pease International Tradeport;**
4. **That the City's obligation to provide water from the Madbury Reservoir to Redhook terminates after five years;**
5. **That the Redhook agreement should not be considered as a precedent requiring the City to provide Madbury water to any other water users at the Pease International Tradeport;**
6. **Any other terms or conditions deemed necessary or desirable by the City Manager.**

**Seconded by Councilor Gallo. On a unanimous voice vote, motion passed.**

**E. PLANNING DEPARTMENT**

2. **Request of Eastwood Drive Homeowners Association for trash pickup and snowplowing**

**Councilor Hanson moved to table until the first Councilor meeting in January of 1997. Seconded by Councilor Lafond and voted.**

**CITY COUNCIL MEETING**

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3. **City Council Referral - Request to close off the exit from the Route One ByPass onto Myrtle Avenue**

**Councilor Hanson moved to hold a Public Hearing on the closure of Myrtle Avenue at the second Council meeting in January of 1997 and table the Request to close off the exit from the Route One By-Pass onto Myrtle Avenue until the Public Hearing is held. Seconded by Assistant Mayor Sirrell and voted.**

4. **City's Park and Ride Lot located off Greenland Road**

**David Holden, Planning Director, briefly went over his memorandum dated November 25, 1996.**

**Councilor Lafond moved to approve the report submitted by David Holden, Planning Director, dated November 25, 1996. Seconded by Councilor Panori and voted.**

5. **Transportation Issues - Seacoast MPO Meeting (not on agenda)**

**David Holden, Planning Director, announced that the Public and the City Council are invited to attend a joint meeting of the Seacoast MPO and the Salem Plaistow Windham MPO on December 11, 1996 at 7:30PM in the Council Chambers.**

**F. POLICE DEPARTMENT**

1. **Taxi Operator Licenses**

**Councilor Hanson moved to approve the licenses. Seconded by Councilor Lafond and voted.**

**XI. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. **First reading of Ordinance amending Chapter 5, Fire Department and Prevention Regulations, Article VI, Section 5.601 - Ambulance Service Costs**

**Councilor Hanson moved to pass first reading and hold a Public Hearing and second reading the first Council meeting in January. Seconded by Councilor Lafond and voted.**

- B. **Adoption of Resolution authorizing a Bond Issue of up to Four Hundred Eighty Five Thousand Dollars (\$485,000) for Central Fire Station Rehabilitation, Seybolt Building/HVAC System, Pool Dehumidification System, Traffic Signal Replacement and Parking Meter Replacement as indicated in the Fiscal Year 1997 Capital Improvements Program**

**Councilor Gallo moved to adopt the Resolution. Seconded by Councilor Panori. On a unanimous roll call 9-0, motion passed.**



**CITY COUNCIL MEETING**

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- C. Second reading of Ordinance amending Chapter 7, Article II, Section 7.209 - Taxi Inspector's Duties**

**Councilor Lafond moved to pass second reading and hold third and final reading at the next Council meeting. Seconded by Councilor Gallo and voted.**

**Councilor Hanson moved to suspend the rules in order to continue the meeting beyond 10:30PM. Seconded by Councilor Bowles and voted.**

- D. Second reading of Ordinance amending Chapter 7, Article II, Section 7.240D (prohibiting smoking in taxicabs)**

**Councilor Hanson moved to pass second reading and hold third and final reading at the next Council meeting. Seconded by Assistant Mayor Sirrell and voted. Councilor Panori voted opposed.**

- E. Third and final reading of Ordinance amending Chapter 7, Article VII - Truck and Bus Travel, Section 7.701 - Prohibited on Certain Streets, Section 7.702 - Truck Traffic Prohibited, Section 7.703 - Exceptions, Section 7.704 - Enforcement, Section 7.705 - Penalty - Delete in their entirety and replace with new text (Through Truck Route System & Local Delivery Route System)**

**Councilor Hanson moved to amend Section 7.701 to include Peverly Hill Road. Seconded by Councilor Lafond. On a roll call vote 7-2, motion passed. Assistant Mayor Sirrell, Councilors Grasso, Lafond, Hanson, Hynes, Bowles and Mayor Foley voted in favor. Councilors Gallo and Panori voted opposed.**

**Councilor Hanson moved to pass third and final reading of the Ordinance as amended. Seconded by Councilor Lafond.**

**Councilor Panori said that this Ordinance is just pitting one neighborhood against another.**

**Motion passed with Councilors Gallo and Panori voting opposed.**

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**Assistant Mayor Sirrell moved to hold an Anticipated Non-Meeting with Counsel in order to discuss 98 Brewster Street and 33 Holmes Court on Monday, December 9, 1996 at 6:30PM. Seconded by Councilor Panori and voted.**

**Councilor Grasso moved to hold the second Council meeting in February of 1997 on February 24, 1997. Seconded by Assistant Mayor Sirrell and voted.**

**CITY COUNCIL MEETING**

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**XIII. ADJOURNMENT**

**At 11:00PM, Councilor Lafond moved to adjourn. Seconded and voted.**

**KELLI L. SCOTT, CITY CLERK**

ARTICLE VII - TRUCK AND BUS TRAVEL

2/24/1997

Report 6 of 10

Section 7.701 - PROHIBITED ON CERTAIN STREETS

It shall be unlawful to operate through trucks and/or buses over and along the streets and routes as set forth in Section 7.702.

Section 7.702 - TRUCK TRAFFIC PROHIBITED

A. It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.703 of this Article.

1. Adams Avenue (Adopted 1/25/88)
2. Banfield Road (Adopted 11/28/84)
3. Broad Street (between South Street and Jones Avenue).
4. Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
5. Cate Street
6. Chestnut Street (from Congress Street to Porter Street) (Adopted 1/15/90)
7. Circuit Road
8. Cleveland Drive (Adopted 1/25/88)
9. Coolidge Drive (Adopted 1/25/88)
10. Dennett Street (Between Bartlett Avenue to Maplewood Avenue)
11. Dwight Avenue (Adopted 1/25/88)
12. Echo Avenue (Adopted 12/4/95)
13. Edgewood Road (Adopted 1/25/88)
14. Farm Lane (Adopted 5/5/86)
15. Fillmore Road (Adopted 1/25/88)
16. F. W. Hartford Drive (Adopted 1/25/88)
17. Garfield Road (Adopted 1/25/88)
18. Granite Street
19. Grant Avenue (Adopted 1/25/88)
20. Greenleaf Avenue, between Peverly Hill Road and the Rt.1 ByPass. (Amended 4/15/96)
21. Harding Road (Adopted 1/25/88)
22. Hayes Place (Adopted 1/25/88)
23. Hoover Drive (Adopted 1/25/88)
24. Mangrove Street
25. McKinley Road (Adopted 1/25/88)
26. Myrtle Avenue (between Dennett St and the Maine/New Hampshire Interstate so-called)
27. Nixon Park (Adopted 1/25/88)
28. Peverly Hill Road (except for trucks with a point of origin or a point of destination on Peverly Hill Road, Banfield Road or Greenleaf Avenue) (Amended 4/15/96)
29. Pickering Street (Adopted 10/29/90)
30. Polk Avenue (Adopted 1/25/88)
31. Profile Avenue
32. Ranger Way
33. Rockhill Avenue
34. Sherburne Road (Adopted 9/25/89)
35. Taft Road (Adopted 1/25/88)
36. Taylor Lane (Adopted 1/25/88)
37. Thornton Street (between Woodbury Avenue and Bartlett Street)
38. T.J. Gamester Avenue (Adopted 1/25/88)
39. Truman Place (Adopted 1/25/88)
40. Van Buren Avenue (Adopted 1/25/88)
41. Wilson Road (Adopted 1/25/88)
42. Woodbury Avenue, between Market Street and Bartlett Street (Adopted 12/18/95)

ORD # 7 - 1447 Restore deleted Sec. 1.101 and 1.102A to the Ordinance; delete from those Sections any reference to Peverly Hill Road; and, re-number accordingly adopted 2-24-97 as amended.

Amended 2/24/97

ARTICLE VII - TRUCK AND BUS TRAVEL

Section 7.701 - PROHIBITED ON CERTAIN STREETS

It shall be unlawful to operate through trucks and/or buses over and along the streets and routes as set forth in Section 7.702.

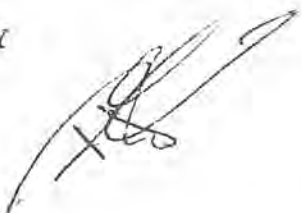
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18. Granite Street
19. Grant Avenue (Adopted 1/25/88)
20. Greenleaf Avenue, between Peverly Hill Road and the RL1 ByPass. (Amended 4/15/96)
21. Harding Road (Adopted 1/25/88)
22. Hayes Place (Adopted 1/25/88)
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CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM

TO: ALEX HANSON, CITY COUNCILOR  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: TRUCK THRU ROUTE ORDINANCE  
DATE: February 21, 1997



This memorandum follows the conversation which we held subsequent to the Council meeting on February 3, 1997, concerning the recently adopted truck route ordinance. That ordinance was adopted by the City Council on December 2, 1996. In general, the ordinance had the effect of creating voluntary truck routes through the City. Additionally, one sentence of the ordinance had the effect of deleting a provision of existing ordinance, (Section 7.701 and 7.702 A) which listed forty-two (42) streets on which thru truck traffic was prohibited. One of the forty-two (42) streets was Peverly Hill Road.

You have now advised me of your belief that the wording of the ordinance as written does not accurately reflect the intent of the City Council in voting to adopt the same. Specifically, it is your belief that the Council did not intend to delete all forty-two (42) of the streets on which truck traffic was prohibited from the ordinance book. Rather, you indicated that the Council intended to delete only Peverly Hill Road from the thru truck prohibition and to keep in place that prohibition on the remaining forty-one (41) streets.

Assuming the accuracy of the foregoing, you have now requested the recommendation of the Legal Department as to the most efficient manner for the Council to restore the prohibition against truck traffic on the forty-one (41) streets. My review of Robert's Rules of Order suggests that the most efficient parliamentary mechanism to accomplish that result would be a motion, "to amend something previously adopted" (see generally Section 34). The most important descriptive characteristic of that motion is that

it requires two-thirds (2/3) vote of the Council unless notice of intent to make the motion, stating the complete substance of the proposed change, has been given at a previous meeting. If the Council is amenable to such a motion, the following would accomplish the requested goal:

MOTION

I move that the ordinance relating to truck and bus travel adopted by the City Council on December 2, 1996, be amended by restoring the deleted Sections 7.701 and 7.702A to the Ordinances of the City, and deleting from those sections any reference to Peverly Hill Road.

I further move that the City Clerk be requested to renumber all provisions of Article VII Section 7 of the Ordinances of the City of Portsmouth so as to effectuate the intent of the Council vote of December 2, 1996, as amended by this Motion.

If the foregoing Motion should pass by a two-thirds (2/3) majority, or by a simple majority after appropriate notice, the effect would be to restore the prohibition against truck traffic on all those streets where the prohibition previously existed, with the sole exception of Peverly Hill Road.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: FEBRUARY 24, 1997

PORTSMOUTH, NH  
TIME: 7:00PM

At 6:00PM, an Anticipated Non-Public Session was held regarding the Portsmouth Association of Clerical Employees (NEA/NH) Contract - Collective Bargaining Issues.

At 6:15PM, a Work Session was held regarding the Islington Street Improvement Plan.

I. CALL TO ORDER

Mayor Foley called the meeting to order at 7:00PM.

II. ROLL CALL

PRESENT: Mayor Foley, Assistant Mayor Sirrell, Councilors Grasso, Lafond, Hanson, Hynes, Gallo, Panori and Bowles.

ABSENT: None

III. INVOCATION

Mayor Foley asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Lafond led in the Pledge of Allegiance to the Flag.

V. VOLUNTEER COMMITTEE REPORT

A. NEW LIBRARY BUILDING COMMITTEE - JOHN O'LEARY

John reported that the Committee reviewed Mr. Hughes proposal and feels the City would not be best served by accepting the proposal. The Committee feels that Mr. Hughes does not offer the volume and amount of expertise that other designers have to offer the City. He said that the Committee will not bring in a recommendation for the City to spend \$9 million for the construction of a new Library. He said that Mr. Hughes proposal does not include the cost of furnishings. He said that the Committee will continue to provide updates on the project to the Council on a continually basis.

Councilor Lafond moved to suspend the rules in order to take up Item X D.1. - New Library. Seconded by Councilor Bowles.

Councilor Hanson moved to amend the motion by including Item X J.1. - Certification of Petition submitted by the Association of Portsmouth Taxpayers. Seconded by Assistant Mayor Sirrell and voted.

**Main motion passed as amended. Councilor Gallo voted opposed.**

**D. COUNCILOR LAFOND**

**1. New Library**

**Councilor Lafond said that once an architect is hired then we will know what will be included in a new Library and an informative decision can be made. He said the City will have constant interaction with the designer.**

**Councilor Lafond moved that the Administration be instructed to retain a suitable architect for the preparation of final engineering and design plans suitable for bidding the construction of a new library at the Municipal Complex in a manner consistent with prior votes of the City Council and subject to the instruction to the architect that the overall construction cost of the library building (including furnishings) should not exceed seven million dollars, (\$7,000,000). Seconded by Councilor Bowles.**

**Councilor Gallo said that the Library issue is causing people to take sides and argue among one another. He said that we are arguing over something that has not been decided. He said that Councilor Lafond's suggestion is reasonable and will allow debate.**

**Councilor Hynes said that he agrees with Councilors Lafond and Gallo but do we want to hire an architect that we have not determined whether the petition will allow us to go forward. He said he feels there is no benefit to passing this motion until a decision is made relative to the referendum.**

**Councilor Bowles asked if Councilor Lafond's motion passes will we move into Phase II.**

**The City Attorney said that if the motion passes negotiations will take place with Gund.**

**Councilor Bowles said that he does not feel that Gund should be used in Phase II.**

**Assistant Mayor Sirrell said that she will not vote to ignore the citizens of this City by voting in favor of this motion.**

**Councilor Gallo said that the taxpayers will not be ignored but may be provided with something to give a real understanding of what this project is.**

**Councilor Hanson said that the Public Hearing should be held on the referendum question before passing this motion.**

**Councilor Hynes said we need to determine if the majority of the residents of Portsmouth want to spend the money to build a new Library.**

**On a roll call vote 6-3, motion passed. Councilors Grasso, Lafond, Gallo, Panori, Bowles and Mayor Foley voted in favor. Assistant Mayor Sirrell, Councilors Hanson and Hynes voted opposed.**



**Councilor Hanson moved to authorize \$25,000 from the appropriated \$558,000 for an architect study of the Dan Hughes Proposal. Seconded by Councilor Hynes.**

**Councilor Lafond said every time we turn around someone wants a piece of the \$600,000. He said that this is nothing more than a stalling tactic.**

**Councilor Hanson said if additional funds are needed for the architect based on the expenditure of the \$25,000 the City Manager can come back to request additional monies.**

**On a roll call vote 5-4, motion failed to pass. Assistant Mayor Sirrell, Councilors Hanson, Hynes and Mayor Foley voted in favor. Councilors Grasso, Lafond, Gallo, Panori and Bowles voted opposed.**

**J. CITY CLERK**

**1. Certification of Petition submitted by the Association of Portsmouth Taxpayers**

**The City Clerk briefly went over her memorandum dated February 21, 1997, regarding the certification of the petitions. She reported that the Association of Portsmouth Taxpayers have acquired 10% of the number of voters who voted at the last regular Municipal election. Therefore, in accordance with the City Charter the City Council is required to schedule a Public Hearing within thirty (30) days and following the Public Hearing must vote on the measure.**

**Councilor Hanson moved to hold a Special City Council meeting and Public Hearing on March 24, 1997, shall the following question be placed on the ballot for the Municipal Election on November 4, 1997, as a non-binding referendum: "Should the City of Portsmouth construct a new Library." Seconded by Councilor Gallo.**

**Councilor Hanson requested that the meeting be televised for the public to view.**

**Councilor Panori said that we need to be clear on the topic of the Public Hearing.**

**Councilor Gallo said that some questions have been answered on the Library. He said the issue is should the City build a new Library and whether that question should be placed on the ballot as a non-binding referendum.**

**Councilor Grasso said that we need to stick to the question on the petition.**

**Assistant Mayor Sirrell said that we need to allow the people to speak on this issue.**

**Councilor Panori said that the taxpayers submitted a petition on a specific question and that is the topic of the Public Hearing.**

**The City Clerk verified with the City Council and City Attorney what the legal notice would read in the newspaper.**

On a unanimous roll call 9-0, motion passed.

Councilor Hanson moved to approve \$25,000 from the Contingency Fund for a preliminary plan design by Mr. Hughes. Seconded by Councilor Hynes.

John O'Leary said that Mr. Hughes contractors do not provide the expertise necessary to design a Library.

Mr. Hughes said that in his proposal it clearly states that Mr. Pridham will be involved in the process of design and build of the new Library. He said that his contractors provide over 60 years of expertise between them. He said with his proposal local contractors will build the Library and do a better job than Gund.

On a roll call vote 5-4, motion passed. Assistant Mayor Sirrell, Councilors Grasso, Hanson, Hynes and Mayor Foley voted in favor. Councilors Lafond, Gallo, Panori and Bowles voted opposed.

VI. ACCEPTANCE OF MINUTES - JANUARY 27, 1997

Assistant Mayor Sirrell moved to accept the minutes of January 27, 1996. Seconded by Councilor Grasso.

Councilor Bowles moved to amend the minutes of page 4 - William McCoomb should read *William McQuilkin* - on page 16 second paragraph Councilor Gallo is listed as maker of the motion and as second to the motion should read *Councilor Gallo as maker of the motion and Councilor Panori as second to the motion*. Seconded by Councilor Gallo and voted.

Main motion passed as amended.

VII. PUBLIC COMMENT SESSION

Dan Schwaegerle said that the Portsmouth Advocates feel that the Library Building Committee reasons for disapproving of the Dan Hughes proposal are vague. He said that the Committee needs to state specific reasons for their opposition of the proposal. He said that he does not understand why the costs figures are so different between the Gund proposal and the Hughes proposal. He said that the Portsmouth Advocates support the design of the Hughes proposal for a new Library.

Ginny Weeks said that two sections of Mr. Barber's fence have been removed. She said in accordance with the Zoning Ordinance Mr. Barber should have been required to erect a six foot stockade fence. She said that there needs to be more enforcement measures of the Zoning Ordinance.

Mayor Foley said that the playground is not being sold as part of the Lafayette School just the building.

**CITY COUNCIL MEETING**

**FEBRUARY 24, 1997**

**PAGE 5**

**George Remick** said that the park at Lafayette School is the largest utilized park in the City. He said that the Council should delay the opening on the RFP because it states that the land which is part of the playground will be sold.

The City Attorney said the notice listed the entire lot because that is the only lot because there is not a current subdivision. He said that a subdivision will be created to divide the land. He said a further list of terms and conditions will be handed out at the mandatory pre-proposal site walk and walk through of the structure. He said that the City is not obligated to accept a bid and the City Council will determine what bid to accept and the size of the lot that is needed will be determined and then a subdivision will occur. He reported that the petitioner will need to request some zoning relief and will need to include that in the proposal they submit to the City.

**Ann O'Sullivan** said that the City Council has an accountability to the people of this City. She said the City Council knows of the problems with the sewerage system and nothing has been done to correct it. She said that she holds the City responsible for the problems she is facing. She said that she has requested a federal investigation on whether the City applied or received funds for the sewerage issues and used them on something other than what they were intended for.

**Peter Bresciano** said that the tone of the City Council is the same as the previous Public Hearing that was held regarding the Library. He said he urges people to state their comments by saying the reasons they support the referendum are as follows. He said that way people should not be told they are not speaking to the issues of the Public Hearing. He expressed his thanks to all residents that signed the petition and the City Clerk for the work in verifying all the signatures.

**Ed Lawrence** said that the residents expressed their views by signing the petition. He said that the City Council needs to appreciate the democratic process. He said that the residents want the City Council to listen to their needs and views.

**Bill Devine** said the City needs to start considering the maintenance and repairs to our roads and sidewalks. He said the City is eligible for funds through the RCCAP but they are not getting the sufficient representation needed at the meetings in order to apply for the funding.

He said he is not opposed to selling the Lafayette School but the City needs to be careful of what goes into the building. He said the City needs to consider the neighborhoods when selling the property.

**Hugh Jenks**, Friends of the South End Committee, said that the Committee is pleased that a reconstruction of Gates Street will occur this summer. He said Portsmouth is a shining example of historic renaissance. He said that the Committee urges the Council to include the burial of the overhead utility wires as part of the project of Gates Street.

At 9:00PM, Mayor Foley declared a recess. Mayor Foley called the meeting back to order at 9:20PM.

PROCLAMATION - BLACK HISTORY MONTH

Mayor Foley read the Proclamation and proclaimed February as Black Heritage and History Month.

VIII. PUBLIC HEARINGS

A. **RESOLUTION WHICH WOULD ADOPT ELDERLY EXEMPTIONS FROM REAL ESTATE TAXATION, BASED UPON ASSESSED VALUATION, FOR QUALIFYING INDIVIDUALS IN THE FOLLOWING EXEMPTION AMOUNTS:**

- |    |  |           |
|----|--|-----------|
| 1) | For a person 65 years of age, up to 74 years of age, inclusive | \$ 50,000 |
| 2) | For a person 75 years of age, up to 79 years of age, inclusive | \$ 75,000 |
| 3) | For a person 80 years of age, or older                         | \$100,000 |

Mayor Foley read the legal notice, declared the Public Hearing open and called for speakers.

The City Attorney said over the course of time the NH Legislation adopted a number of exemption laws. He said that Portsmouth has always adopted the most generous exemption. He said the Legislation determined in 1997 every Municipality would be required to readopt new exemptions. He said that there is a default exemption if the Municipalities do not adopt one of the new exemption laws. He said the Resolution before the City Council is the recommendation of the City Assessor.

Barbara Hayes, Wilson Road, said that individuals should be able to meet with the Assessor's Office to have the exemption explained to them. She said that there are a number of questions that people will have and there are different variables that should be taken into consideration when granting or denying an exemption.

Peter Bresciano, O'Leary Place, spoke in favor of the Resolution. He said maybe the City should consider granting more to the elderly.

Grace Whitehouse, Madison Street, spoke in favor of the Resolution and urged the City Council to adopt the Resolution. She said that the exemption enables her to keep her home.

Harold Whitehouse, Humphreys Court, spoke in favor of the Resolution. He said that many elderly have a very difficult time making ends meet on what little economy they receive. He said this exemption will provide his mother with relief and urged the Council to adopt the Resolution.

Martin Cameron, Ocean Road, spoke in favor of the Resolution and urged the City Council to adopt the Resolution.

After three calls and no further speakers, Mayor Foley declared the Public Hearing closed.

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- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.329 - NO PARKING - BY THE ADDITION OF CUTTS AVENUE, NORTHERLY SIDE**

**Mayor Foley read the legal notice, declared the Public Hearing open and called for speakers. After three calls and no speakers, Mayor Foley declared the Public Hearing closed.**

- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 - LIMITED PARKING - 15 MINUTES - BY THE ADDITION OF JUNKINS AVENUE, EASTERLY SIDE ACROSS FROM FARMERS' MARKET, BETWEEN THE HOURS OF 8:00AM TO 12 NOON ON SATURDAY MORNINGS WHEN THE FARMERS' MARKET IS IN SESSION**

**Mayor Foley read the legal notice, declared the Public Hearing open and called for speakers. After three calls and no speakers, Mayor Foley declared the Public Hearing closed.**

- D. ORDINANCE AMENDING SALARY SCHEDULE FOR PROFESSIONAL MANAGEMENT ASSOCIATION TO INCLUDE COMMUNICATIONS SUPERVISOR - GRADE 11**

**Mayor Foley read the legal notice, declared the Public Hearing open and called for speakers. After three calls and no speakers, Mayor Foley declared the Public Hearing closed.**

**IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS**

- A. Letter from James Kenny, Wenberry Associates, regarding Haven Court**

**Councilor Lafond moved to refer to the Planning Board. Seconded by Councilor Grasso and voted.**

- B. Letter from Robert E. Padian regarding traffic lights, Islington Street**

**Councilor Hanson moved to accept and place the letter on file. Seconded by Councilor Lafond and voted.**

- C. Letter from Attorney John Alhgren regarding parking issues downtown**

**Councilor Lafond moved to accept and place the letter on file. Seconded by Councilor Hanson and voted.**

- D. Letter from Richard Walent, Harbour Treats, requesting permission to place 4 tables and 8 chairs in front of his establishment**

**Councilor Lafond moved to refer to the Acting City Manager with power. Seconded by Councilor Bowles and voted.**

**CITY COUNCIL MEETING**

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- E. Letter from Frances Murdock regarding Dog Ordinance**

**Councilor Hanson moved to accept and forward the letter to the Police Commission. Seconded by Councilor Panori and voted.**

- F. Letter from Sheri Todd, Southeast NH Habitat for Humanity, requesting permission to hold a walk-a-thon on Saturday, April 19, 1997**

**Councilor Lafond moved to refer to the Acting City Manager with power. Seconded by Assistant Mayor Sirrell and voted.**

- G. Letter from Cullan Spiller, Cabot Street Area Neighborhood Association, requesting permission to hold a Winterfest on Cabot Street on Saturday, March 1, 1997**

**Assistant Mayor Sirrell moved to refer to the Acting City Manager with power. Seconded by Councilor Lafond and voted.**

**Assistant Mayor Sirrell requested that the Acting City Manager have the Police Chief and Fire Chief part of the process.**

- H. Letter from John Andrews, NHMA, regarding the Public Utilities Commission's study of how the electric utility industry in NH can be deregulated**

**Councilor Hanson moved to accept and place the letter on file. Seconded by Councilor Lafond and voted.**

- I. Letter from Charles Noon regarding the hiring of a new City Manager and recognition of the Acting City Manager**

**Assistant Mayor Sirrell moved to accept and place the letter on file. Seconded by Councilor Panori and voted.**

**X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

- 1. Portsmouth Association of Clerical Employees (NEA/NH) Contract**

**Councilor Grasso moved to approve the contract. Seconded by Councilor Panori and voted.**

**2. Anteroom outside the Council Chambers**

The Acting City Manager said that last fall a committee was established of employees to explore the possibilities of improving the anteroom outside the City Council Chambers. He said that a number of complaints were received regarding the appearance of the room. He briefly went over the report which outlined the various recommendations. He said that the expenditure of the funds does not required City Council approval because the funds are available from CIP funds from last year which were encumbered from a year ago.

Councilor Hanson moved to accept the report. Seconded by Assistant Mayor Sirrell and voted.

**3. Brackett Road Sewer**

The Acting City Manager briefly went over the memorandum from David Allen, City Engineer, dated February 20, 1997. He said that he will send a letter to Mr. Tucker outlining the options that are contained in the memorandum.

**4. Peirce Island Boat Launch**

The Acting City Manager briefly went over the memorandum from Rus Wilson, Recreation Director, dated February 18, 1997. He said that the Recreation Department will begin collecting boat launching fees beginning this spring and summer. He said that a shack for the attendant will need to be built.

Councilor Panori said that the fees will be collected for non-residents only.

Councilor Gallo suggested having RSVP's maintain the booth in the same manner of the Parking Garage.

Councilor Lafond suggested having the School Building Trades students be asked to build the booth.

**B. MAYOR FOLEY**

**1. Appointments**

The City Council considered the appointments of Thomas Conneen to the Board of Adjustment and Paige Roberts to the Vision Committee. These appointments will be voted on at the next Council meeting.

**C. ASSISTANT MAYOR SIRRELL**

**1. Snow Removal Ordinance**

**Assistant Mayor Sirrell moved to void parking tickets and towing charges from the snow emergency parking ban that was called on February 17, 1997. Seconded by Councilor Hanson.**

**Councilor Lafond asked where the funds will come from to pay for this expenditure. He said he will vote against the motion. He said that the recommendation two years ago was to establish a parking ban from November - April as other communities do. The City decide that they would not do that but put a parking ban into effect when it snowed. He said that people should know enough to get their vehicles off the street when it starts to snow. He said that he does not want to micro-manage the City departments.**

**Councilor Panori said that she agrees with Councilor Lafond. She said that the current Ordinance was the will of the people. She said that the City Council spent a great deal of time establishing this Ordinance. She said when it snows people need to get their vehicles off of the street.**

**Councilor Gallo said he will vote against the motion. He said that it was a judgment call by the Public Works Department and the City Council should not question the decision made.**

**Councilor Grasso said in many communities you must keep your vehicles off the streets from November - April. She said people need to know enough to get their vehicles off of the streets when it snows. She said the Council should not undermine the department heads of the City. She said that this will be a bad precedent to start rebating the tickets and towing charges.**

**Councilor Hynes said he does not feel it was a fair call of the Ordinance to put the parking ban in place. He said he will vote in favor of the motion. He suggested that the Ordinance be made more specific.**

**The Acting City Manager said that \$4,500 for tickets would need to be refunded.**

**Councilor Grasso said she wants to know where the money will come from to refund these tickets and towing charges.**

**On a roll call vote 5-4, motion passed. Assistant Mayor Sirrell, Councilors Hanson, Hynes, Bowles and Mayor Foley voted in favor. Councilors Grasso, Lafond, Gallo and Panori voted opposed.**

**Councilor Hanson moved to appropriate the funds for the reimbursement of the parking tickets and towing charges from the Contingency Fund. Seconded by Councilor Lafond and voted.**



**2. Lafayette School Bid Proposal**

Assistant Mayor Sirrell said that the City Attorney answered her questions when he provided a report earlier this evening.

**3. Neighborhood Report**

Assistant Mayor Sirrell announced that the City-Wide Neighborhood Committee will be meeting on Wednesday, March 19, 1997, at 7:00PM in the Council Chambers. She said the main topic on that agenda will be addressing the noise problems in the downtown area. She said she has requested that the Committee look into establishing a curfew for the downtown area.

**4. Report back from Public Works regarding FEMA & Drainage problems in City**

Assistant Mayor Sirrell said she would like to know if FEMA could provide funds for the people of the Fells Road area. She said she would like to know what it will cost to correct the drainage problems on Cass Street, Fells Road, and Brewster Street.

The Acting City Manager said many of the costs have been included into the long range plan for the CIP budget.

Steve Parkinson, Public Works Director, said that he has submitted an application for mitigation for Fells Road, Cass Street catch basin, and Brewster Street, and will hear back at the end of March.

Assistant Mayor Sirrell requested a report back from Steve Parkinson, Public Works Director, on the drainage problems in the City and how we should address them.

Steve said that the City received \$5.2 million from a State Revolving Fund to update master plan. He said he could provide a spread sheet on how he thinks the projects will fall. He said the people can apply individually for funds from the storm. He said that there is a mitigation fund to correct existing problems to prevent flooding in the future.

**E. COUNCILOR HANSON**

**1. Truck Thru Route Ordinance**

Councilor Hanson moved that the Ordinance relating to truck and bus travel adopted by the City Council on December 2, 1996, be amended by restoring the deleted Sections 7.701 and 7.702A to the Ordinances of the City, and deleting from those sections any reference to Peverly Hill Road. Further move that the City Clerk be requested to renumber all provisions of Article VII Section 7 of the Ordinances of the City of Portsmouth so as to effectuate the intent of the Council vote of December 2, 1996, as amended by this motion. Seconded by Councilor Lafond and voted.

F. COUNCILOR HYNES

1. Report on new outpatient clinic veterans hospital

Councilor Hynes announced on March 3, 1997, a Veterans Clinic will open on Pease International Tradeport. He provided a brief overview of the care that will be provided at the clinic.

2. Report on Greenland Road Neighborhood Petition

Councilor Hynes reported that the Petition was faxed to the Governor last week. He said that they are waiting for an appointment to present the Petition to the Governor in person. He said that we need to present to the State the needs of the neighborhoods and the needs of the City.

Councilor Lafond moved to suspend the rules in order to continue the meeting beyond 10:30PM. Seconded by Assistant Mayor Sirrell and voted. Councilors Lafond, Gallo and Panori voted opposed.

G. COUNCILOR GALLO

2. 179 Burkitt Street "Paper Street"

Councilor Gallo moved to authorize the Acting City Manager to abandon the portion of the paper street on Burkitt Street that effects Mr. Howard. Seconded by Councilor Grasso and voted.

1. Gates Street - Underground Utilities

Councilor Gallo said he yields to Councilor Bowles who has this item on under his name.

H. COUNCILOR BOWLES

2. Reconstruction of Gates Street

Councilor Bowles said that there is a problem with getting the utilities underground.

Steve Parkinson, Public Works Director, said that PSNH is gathering figures of what it will cost to put the utilities underground. He said that he will be meeting with NYNEX to discuss the utilities. He said that it looks as though the City will have to pay for the utilities to be placed underground.

Councilor Gallo said that Gates Street is an appropriate street to start with the placement of underground utilities.

**1. NH State Park & Ride: Status Report**

**Councilor Bowles said that a great deal of work has been done on this issue. He said that the City will be working with other communities towards a regional plan. He said that the NH DOT has agreed to meet again to discuss this matter.**

**I. CITY ATTORNEY**

**1. Kearsarge Mill Condominium**

**The City Attorney said that there may be an encroachment of approximately four feet. He said that there is a sale pending on the building but this issue needs to be resolved prior to the sale taking place.**

**Councilor Lafond moved to refer to the Acting City Manager with power. Seconded by Councilor Panori and voted.**

**K. PLANNING DEPARTMENT**

**1. Status Report - Sale of the Former Lafayette School**

**Dave Holden, Planning Director, briefly went over his memorandum dated February 7, 1997. He said that the Planning Board does have some concerns on the subdivision and the recreational use of the parcel.**

**2. Project to improve the City's Park and Ride Site located off NH 33**

**The City Council agreed to send a letter to the NH DOT indicating that it would be appropriate to include this project with the discussions of the Regional Park and Ride Facility.**

**3. City Council Referral - Letter from Ciborowski Associates regarding the donation of a parcel of land located on Lafayette Road**

**Dave Holden, Planning Director, reported that the Planning Board has recommended that the City Council accept the above parcel by the City for conservation purposes.**

**Councilor Hanson moved to accept this parcel of land for conservation purposes. Seconded by Councilor Lafond and voted.**

**4. City Council Referral - Conservation Ordinance**

**Dave Holden, Planning Director, reported that the Planning Board has recommended that the City Council pass a Conservation Ordinance.**

**CITY COUNCIL MEETING**

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**Councilor Hanson moved to have the City Attorney draft a Conservation Ordinance for first reading at the next Council meeting. Seconded by Councilor Lafond and voted.**

- 5. City Council Referral - Letter from Steve Feld, Harborplace Properties, regarding dangerous proposed construction of wood frame building in the Central Business District**

**Dave Holden, Planning Director, reported that the addition is being reviewed by the City's land use boards. He said an appeal of the HDC approval has been schedule for the March 18, 1997, meeting of the BOA. He said that the application is tabled at the TAC level until the HDC appeal process has been exhausted. He said that the Planning Board will have the final review of the application.**

**Councilor Lafond requested a report back from the Planning Board on their review of the application.**

- 6. Seacoast MPO - Submission of the City's ISTEAs Applications for Funding FY '01 to FY '07**

**Dave Holden, Planning Director, said that there are eleven applications that need the support of the City Council.**

**Councilor Panori moved to support the series of eleven ISTEAs Applications. Seconded by Councilor Hynes and voted.**

- 7. Coast 2000 Program Review**

**Councilor Hanson moved to direct the Planning Board and the Economic Development Commission to participate jointly in COAST's on-going efforts to complete this Program View. Seconded by Councilor Grasso and voted.**

- 8. NH DOT Public Hearing on Expanding the Bridge over Sagamore Creek**

**Dave Holden, Planning Director, briefly went over his memorandum dated February 20, 1997. He said that the City Council may wish to indicate its concerns, if any, regarding the proposal to place a sidewalk on the westerly side of US Route 1 in the area between Mirona Road and Peverly Hill Road. He reported that the installation of this sidewalk may necessitate the removal of some vegetative plantings, especially in the vicinity of the Yoken's Conference Center.**

**Councilor Lafond moved that the sidewalk remain on the easterly side of Lafayette Road. Seconded by Councilor Grasso and voted.**

**XI. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amending Chapter 7, Article VII, Section 7.336 - Left Hand Turns (Prohibited) - Jewell Court onto Islington Street**

Assistant Mayor Sirrell moved to pass first reading and hold a Public Hearing and second reading the second Council meeting in March. Seconded by Councilor Lafond and voted.

- B. Adoption of Resolution which would adopt elderly exemptions from real estate taxation, based upon assessed valuation, for qualifying individuals in the following exemption amounts:**

- |    |  |           |
|----|--|-----------|
| 1) | For a person 65 years of age, up to 74 years of age, inclusive | \$ 50,000 |
| 2) | For a person 75 years of age, up to 79 years of age, inclusive | \$ 75,000 |
| 3) | For a person 80 years of age, or older                         | \$100,000 |

Councilor Hanson said that a guideline should be established requiring individuals to qualify for the exemption bi-annually.

The City Attorney said that the Statute reads that an individual needs to qualify on an annual basis.

Councilor Hanson moved to adopt the Resolution. Seconded by Councilor Lafond and voted. Councilor Hynes abstained.

- C. Second reading of Ordinance amending Chapter 7, Article III, Section 7.329 - No Parking - by the addition of Cutts Avenue, northerly side**

Councilor Lafond moved to pass second reading and hold third and final reading at the next Council meeting. Seconded by Councilor Grasso and voted.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.326 - Limited Parking - 15 Minutes - by the addition of Junkins Avenue, easterly side across from Farmers' Market, between the hours of 8:00AM to 12 Noon on Saturday mornings when the Farmers' Market is in session**

Councilor Hanson moved to pass second reading and hold third and final reading at the next Council meeting. Seconded by Councilor Lafond and voted.

- E. Second reading of Ordinance amending Salary Schedule for Professional Management Association to include Communications Supervisor - Grade 11**

Councilor Grasso moved to pass second reading and hold third and final reading at the next Council meeting. Seconded by Councilor Hanson and voted.

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**Councilor Hanson requested that the Acting City Manager bring back second reading of the Ordinance amending Salary Schedule for Non-Union to Establish a Human Resources Director - Grade 18 at the next Council meeting. (Ordinance was tabled at the October 7, 1996 Council meeting).**

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

**A. Contingency Expense Approval**

**1. Interpreting Services - \$60.00**

**Councilor Lafond moved to approve the expenditure of \$60.00 from the Contingency Fund for Interpreting Services. Seconded by Councilor Grasso and voted.**

**XIII. ADJOURNMENT**

**At 11:15PM, Councilor Grasso moved to adjourn. Seconded and voted.**

**KELLI L. SCOTT, CITY CLERK**

ARTICLE VII: TRUCK AND BUS TRAVEL

11/9/1998  
Report 8 of 10

Section 7.701: PROHIBITED ON CERTAIN STREETS

It shall be unlawful to operate through trucks and/or buses over and along the streets and routes as set forth in Section 7.702. (Amended 2/24/97)

Section 7.702: TRUCK TRAFFIC PROHIBITED (Amended 2/24/97)

It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.703 of this Article.

1. Adams Avenue (Adopted 1/25/88)
2. Banfield Road (Adopted 11/28/84)
3. Broad Street (between South Street and Jones Avenue).
4. Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
5. Cate Street
6. Chestnut Street (from Congress Street to Porter Street) (Adopted 1/15/90)
7. Circuit Road
8. Cleveland Drive (Adopted 1/25/88)
9. Coolidge Drive (Adopted 1/25/88)
10. Dennett Street (Between Bartlett Avenue to Maplewood Avenue)
11. Dwight Avenue (Adopted 1/25/88)
12. Echo Avenue (Adopted 12/4/95)
13. Edgewood Road (Adopted 1/25/88)
14. Farm Lane (Adopted 5/5/86)
15. Fillmore Road (Adopted 1/25/88)
16. F.W. Hartford Drive (Adopted 1/25/88)
17. Garfield Road (Adopted 1/25/88)
18. Granite Street
19. Grant Avenue (Adopted 1/25/88)
20. Greenleaf Avenue, between Peverly Hill Road and the Rt. 1 ByPass. (Amended 4/15/96)
21. Harding Road (Adopted 1/25/88)
22. Hayes Place (Adopted 1/25/88)
23. Hoover Drive (Adopted 1/25/88)
24. Mangrove Street
25. McKinley Road (Adopted 1/25/88)
26. Myrtle Avenue (between Dennett St. and the Maine/New Hampshire Interstate so-called)
27. Nixon Park (Adopted 1/25/88)
28. Pickering Street (Adopted 10/29/90)
29. Polk Avenue (Adopted 1/25/88)
30. Profile Avenue
31. Ranger Way
32. Rockhill Avenue

Ord. #32 - 1998 - Section 7.701 - Prohibited on Certain Streets deleted in its entirety & replaced with new language.  
 Sec. 7.703 - Penalty deleted in its entirety.  
 Sec. 7.712 - Penalty language amended.  
 Adopted 11/9/98

33. Sherburne Road (Adopted 9/25/89)
34. Taft Road (Adopted 1/25/88)
35. Taylor Lane (Adopted 1/25/88)
36. Thornton Street (between Woodbury Avenue and Bartlett Street)
37. T.J. Gamester Avenue (Adopted 1/25/88)
38. Truman Place (Adopted 1/25/88)
39. Van Buren Avenue (Adopted 1/25/88)
40. Wilson Road (Adopted 1/25/88)
41. Woodbury Avenue, between Market Street and Bartlett Street (Adopted 12/18/95)

**Section 7.703: PENALTY**

Any person who violates the provision of Section 7.701 shall be fined not more than \$100 for each offense. (Adopted 12/2/96)

**Section 7.704: LOCAL DELIVERY ROUTES**

- A. The following streets are designated to serve as local delivery routes. Their status is determined based upon: 1) their intersection with a through truck route, 2) their importance in ensuring residential deliveries, 3) their importance in ensuring deliveries to business or industrial uses where no other access is practical.

Heritage Avenue in its entirety;

Constitution Avenue in its entirety;

Banfield Road from intersection of Heritage Avenue to intersection of Peverly Hill Road;  
Peverly Hill Road in its entirety;

Route 33 at the intersection of Route 33 and Borthwick Av/Greenland Rd to South St to Lafayette Road;

South Street from Lafayette Road to Sagamore Avenue;

Sagamore Avenue from intersection of South Street to City line with Rye;  
Wentworth Road in its entirety;

Lafayette Road from intersection with US Route 1 and US Route 1 ByPass to Middle St;

Woodbury Avenue from intersection US I-95 off ramp to intersection with Dennett St.;

Dennett Street from Woodbury Avenue to intersection of Bartlett Street;

Bartlett Street to Islington Street;

Islington Street in its entirety;

Daniel Street in its entirety;

Congress Street in its entirety;



**Section 7.712: PENALTY**

Any person, business or company violating any provision of the above Sections 7.708 through 7.711 shall be fined not less than \$100 for each offense. A separate offense shall be deemed to be committed for each day on or which violation occurs or continues to occur.  
(Adopted 12/10/84)

## ARTICLE VIII: HAZARDOUS MATERIALS

**Section 7.801: LIQUIFIED PETROLEUM, LIQUIFIED NATURAL GAS, METHYL METHACRYLATE, OR ANY FLAMMABLE LIQUID AS DEFINED BY THE NATIONAL FIRE PROTECTION ASSOCIATION.**  
(Amended 8/05/85)

**ROUTES TO BE TAKEN:** Unless there is some type of emergency existing and there is no practical alternative, a motor vehicle which

- A. is designed to transport 4,000 or more gallons of liquified petroleum, liquified natural gas, methyl methacrylate, or any flammable liquid as defined by the National Fire Protection Association; and
- B. contains liquified petroleum, liquified natural gas, methyl methacrylate, or any flammable liquid as defined by the National Fire Protection Association, or the vapor fumes of any;

must be operated over only the following routes and in accordance with all State and Federal regulations on the transportation of hazardous materials:

1. Interstate 95;
2. Spaulding Turnpike (Route #16);
3. Route #1 Bypass between Portsmouth Traffic Circle and Interstate Bridge;
4. Route #101 (west of Interstate 95)
5. Barberry Lane and that portion of Islington Street and Greenland Road necessary to connect Barberry Lane to Interstate 95 by the most direct route  
(Adopted 5/4/92).

Operating convenience is not a basis for determining whether it is practical to operate a motor vehicle in accordance with this Section.

**Section 7.802: LIQUIFIED PETROLEUM, LIQUIFIED NATURAL GAS, METHYL METHACRYLATE, OR ANY FLAMMABLE LIQUID AS DEFINED BY THE NATIONAL FIRE PROTECTION ASSOCIATION;**  
(AMENDED 8/5/85)

**PARKING AND STANDING:** No motor vehicle described in Section 7.801 shall be parked or left standing within the limits of the City of Portsmouth, except for valid public safety reasons requiring such motor vehicle to be parked or left standing or for refueling of such motor vehicle. Immediately upon completion of refueling or elimination of the public safety reason requiring a stop, such vehicles shall continue on their way.

1st rdg 10/5/98  
PH/2nd rdg 10/19/98  
3rd /7:00 11/9/98

ORDINANCE # 32 - 1998

THE CITY OF PORTSMOUTH ORDAINS  
That Chapter 7, Article VII - TRUCK AND BUS TRAVEL, Section 7.701  
**PROHIBITED ON CERTAIN STREETS** of the Ordinances of the City of  
Portsmouth be deleted in its entirety and replaced with the following.

**Section 7.701 PROHIBITED ON CERTAIN STREETS**

Notwithstanding any other provision of this ordinance, no tractor - trailer  
truck may travel on the following streets at any time for any reason.

- 1. Woodbury Avenue from Dennett Street to Bartlett Street.

Be it further ordained that Section 7.703 PENALTY be deleted in its  
entirety.

Be it further ordained that Section 7.712 PENALTY be amended to read as  
follows (deletions stricken additions bolded).

**Section 7.712**

Any person, business or company violating any provision of ~~the above~~  
~~sections 7.708 through 7.711~~ this Article VII shall be **fin**ed ~~not less than~~ **up to**  
\$100 for each offense. A separate offense shall be deemed to be committed for  
each day ~~on or~~ **in** which a violation occurs or continues to occur.

The City Clerk shall properly alphabetize and/or re-number the ordinance  
as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby  
deleted.

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Evelyn Sirrell, Mayor

ADOPTED BY COUNCIL:

Nov. 9, 1998

\_\_\_\_\_  
Kelli Scott, City Clerk

CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, NOVEMBER 9, 1998

PORTSMOUTH, NH  
TIME: 7:00PM

At 6:30p.m., an Anticipated "Non-Meeting" with counsel was held regarding contract negotiations.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:00p.m.

II. ROLL CALL

PRESENT: Mayor Sirrell, Councilors Hynes, Marconi, Wagner, Grasso, Whitehouse, Pantelakos and Bowles

ABSENT: Assistant Mayor Hanson

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Wagner led in the Pledge of Allegiance to the Flag.

PROCLAMATION – HIRE A VETERAN WEEK – NOVEMBER 9 –14, 1998

Mayor Sirrell presented the Proclamation to James Roland, Veterans Employment Representative proclaiming November 9, 1998 – November 14, 1998 as Hire a Veteran Week.

Mr. Roland thanked Mayor Sirrell and the entire City Council for honoring the Veterans with this Proclamation.

PRESENTATION – PEIRCE ISLAND COMMITTEE – GERRY HOWE

Gerry provided a brief presentation relative to the Peirce Island Committee Master Plan. He said that the Committee is focusing on working with the Council on the implementation of the plan. He said the Committee unanimously adopted the master plan. He requested that the Council consider the document and vote on the plan this evening.

V. ACCEPTANCE OF MINUTES – OCTOBER 19, 1998

Councilor Wagner moved to accept the minutes of October 19, 1998. Seconded by Councilor Marconi and voted.

**VI. PUBLIC COMMENT SESSION**

**Evelyn Marconi** presented a petition against the development of Peirce Island. She said that Peirce Island should remain in its present state.

**Bill Scott** spoke on behalf of the Children's Museum regarding the development of Peirce Island. He said that this is a land issue matter not a political matter. He said a Work Session should be held to discuss if a building should be placed on Peirce Island.

**Jack Kelley** congratulated Gerry Howe and the Peirce Island Committee for their hard work on the development of the master plan. He expressed the concern of many residents with the increase of traffic in the south end. He said the area is an accident waiting to happen. He said the area is a safety hazard and is too congested.

**Bill Hubbard** said he is representing the Coastal Conservation. He said they are in favor of the Peirce Island Master Plan. He said Peirce Island is the only location that allows wheelchair accessibility for fishing. He said that Peirce Island is the crown of our coastal resources.

**Melvin Alexander** said he owns that paint store adjacent of the parking garage. He said he has a number of concerns with the expansion of the garage. He said he was not aware that the feasibility study had been completed on the garage.

**Ruth Griffin** asked that the City Council to consider Peirce Island as it is today. She expressed concern with developments in the City. She said Peirce Island should remain the one place in the City that remains for the Portsmouth people.

**Richard DeChard**, President of the Residents of the South End Area, said that the residents feel that Peirce Island is the front and back yard for their properties. He thanked the committee for their work on this matter.

**Peter Bresciano** thanked all the veterans for their service to the Country. He thanked the Peirce Island Committee for their work on the master plan. He said that the Association of Portsmouth Taxpayers do not support the development of Peirce Island. He said this is a land and planning issue. The quality of life for the neighborhoods would be diminished with any development of Peirce Island.

**Milane LaRoy** said the lot being proposed to use for the expansion of the garage would only create 240 spaces. She said she feels that the amount of money it will cost to create only 240 spaces is high. The businesses downtown need more parking and of the 240 spaces, 150 spaces will be devoted for the building developed at 100 Market Street. She said she feels that this is unfair to the businesses owners' downtown and the City needs to address the parking issue in a fair manner for all that are involved.

Nancy Clayburgh, Dryden Robertson & Katie Leith, spoke on behalf of PEP2000. She said that the Dondero, Little Harbour and New Franklin Schools are in need of new playgrounds. She said PEP2000 are asking for the City to match the funds for the new playgrounds. The playgrounds will need to be installed by September 1999 for the new school year. They urged the Council to support PEP2000 and its cause.

Councilor Whitehouse moved to accept the Pierce Island Master Plan and provide a copy to the Recreation Department and Planning Board. Seconded by Councilor Bowles and voted.

## VII. PUBLIC HEARINGS

### A. ORDINANCE AMENDING CHAPTER 3 BY THE ADDITION OF A NEW ARTICLE VII, ENTITLED DRUG FREE ZONES

Mayor Sirrell read the legal notice, declared the Public Hearing open and called for speakers.

Ted Connors, Portsmouth Housing Authority, spoke in favor of the Ordinance and urged the City Council to adopt the Ordinance. He said this Ordinance is needed and will deter the sale of drugs in the housing areas. He said this would make the neighborhoods a better place to live.

After three calls and no further speakers, Mayor Sirrell declared the Public Hearing closed.

Councilor Wagner moved to suspend the rules in order to take up Item VIII B. – Second reading of Ordinance amending Chapter 3 by the addition of a new Article VII entitled Drug Free Zones. Seconded by Councilor Bowles and voted.

Councilor Wagner moved to pass second reading and hold third and final reading at the November 23, 1998 Council meeting. Seconded by Councilor Bowles and voted.

Mayor Sirrell said that she has requested that the City Manager have the Drug Free Zone signs erected 1000 feet as permitted by law in the neighborhoods.

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

### A. First reading of Resolution Authorizing Bonding of up to \$4,000,000 for the expansion of the High-Hanover Parking Garage

Councilor Hynes moved to authorize first reading on resolution to bond up to \$4,000,000 for the expansion of the High-Hanover Parking Garage, and to establish a Public Hearing and second reading at the November 23, 1998, City Council meeting. Seconded by Councilor Grasso.

Councilor Grasso requested that the City Manager provide an explanation of the Ordinance at the November 23, 1998 Council meeting.

The City Manager said that this would start the process. Prior to the Work Session on Monday, November 16, 1998 the City Council will be reviewing proposals for the expansion of the garage. In order to pass the resolution it requires a two-thirds vote of the Council. The City has reviewed the parking issues over the last 18 months. He said the expansion would create 240 spaces. He announced that the City received a \$2,000,000 grant for seven trolleys, which will assist in the parking issues as well.

On a unanimous roll call vote 8-0, motion passed.

- C. Third and final reading of Ordinance amending Chapter 7, Article II, Section 7.218B – Rates for Taxi Fares

Councilor Whitehouse moved to pass third and final reading. Seconded by Councilor Pantelakos.

On a roll call vote 5-3, motion passed. Councilors Hynes, Whitehouse, Pantelakos, Bowles and Mayor Sirrell voted in favor. Councilors Marconi, Wagner and Grasso voted opposed.

Councilor Bowles said he voted in favor of the Ordinance because the Taxi Commission worked hard on this issue. He said that he is concerned with the deregulation of taxi fares. He feels that this entire business should be deregulated. He advised the Council at a later date he will propose to eliminate the requirements of permits and fares, however, safety and health issues would remain under the control of the City. He said he would like to see a free enterprise system.

- D. Third and final reading of Ordinance amending Chapter 7, Article VII, Section 7.701 – Truck and Bus Travel Prohibited on Certain Streets

Councilor Grasso moved to pass third and final reading. Seconded by Councilor Whitehouse and voted.

- E. Third and final reading of Ordinance amending Chapter 10, Article II, Section 10-208 – Uses in Business Districts – To create a permitted use of property in the Business District under which mixed uses (Office Retail and Residential) to be encouraged when at least one third of the total gross floor area was devoted to non-residential use and the maximum residential density did not exceed 2,500 square Feet per unit

Councilor Pantelakos moved to pass third and final reading. Seconded by Councilor Whitehouse.

On a roll call vote 6-2, motion passed. Councilors Hynes, Wagner, Whitehouse, Pantelakos, Bowles and Mayor Sirrell voted in favor. Councilors Marconi and Grasso voted opposed.

**IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS**

- A. Letter from Cathie Long, Emerson Hovey Post #168 VFW, requesting that the City Council waive any future parade permit fees for Veterans Day and Memorial Day

**Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Councilor Marconi and voted.**

**B. Letter from Margaret Pickering regarding speed enforcement on Ocean Road**

**Councilor Grasso moved to refer the letter to the Police Chief requesting that the Police Department periodically patrol the area for speed enforcement. Seconded by Councilor Pantelakos.**

**Councilor Wagner moved to amend the motion to refer the letter to the State Department of Transportation. Seconded by Councilor Marconi and voted.**

**Main motion passed as amended.**

**C. Letter from Padraic Ladd requesting to purchase City owned land which abuts 487 Cutts Avenue**

**Councilor Grasso moved to refer to the Planning Board for a report back to the City Council. Seconded by Councilor Bowles and voted.**

**Councilor Wagner requested that the Planning Board report back on the general concept of purchasing City owned land.**

**X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

**1. Request to amend agreement with the Seacoast Growers' Association**

**The City Manager asked the City Council to act on the Agreement. He said that the Seacoast Growers' Association has requested the amendment to allow them to remain at the Parrott Avenue lot. He outlined the proposed conditions that have been negotiated with the Seacoast Growers' Association.**

- 1. That the Seacoast Growers' Association would hire a police officer on a weekly basis to control traffic and illegal parking at the market.**
- 2. That the hours of operation of the market would change from 8:30a.m. – 1:00p.m. to 8:00a.m. – 12:00 noon.**
- 3. That the Seacoast Growers' Association would pay the City of Portsmouth \$100 per week for the use of the spaces, and that the money be set aside for plantings and clean up of the area subsequent to the market's operation.**
- 4. That the Seacoast Growers' Association remains at the present number of 48 spaces and would not increase that number in the future.**



**CITY COUNCIL MEETING**

**NOVEMBER 9, 1998**

**PAGE 6**

5. That the agreement be for one year, and in November 1999, we will review the situation and also evaluate the possibility of relocating the market to the lower lots of the Municipal Center (old helicopter pad).
6. That the Seacoast Growers' Association would be willing to donate \$5000 to the City of Portsmouth for the 1998 season to restore the grass which has been disrupted at the Parrott Avenue location, and that the 1999 season grass restoration can be paid from the Seacoast Growers' Association's weekly fees.
7. That the Seacoast Growers' Association would continue to limit craft vendors to a maximum of 20% of total vendors and, in the future they may consider limiting the Portsmouth market to just agriculture and food.

He said this is a fair compromise and urged the City Council to approve the amendments as outlined.

Councilor Grasso moved to amend the agreement between the Seacoast Growers' Association and the City of Portsmouth dated April 29, 1998, in accordance with the stipulations outlined by the Manager. Seconded by Councilor Whitehouse.

Councilor Grasso asked what is the timetable by which the weekly fees for the restoration of the season grass would start.

The City Manager said he would work with the Seacoast Growers' Association to establish the payments on a monthly basis.

Mayor Sirrell passed the gavel to Councilor Hynes.

Mayor Sirrell stated that she is pleased with the compromise and the final agreement.

Councilor Hynes passed the gavel back to Mayor Sirrell.

Motion passed.

**2. Funding Request for a Study on the Economic Impact of a Statewide Property Tax**

The City Manager said on Wednesday, October 21, 1998, Lisa Shapiro of the firm of Gallagher, Callahan & Gartrell, made a presentation regarding the proposed study on the impact of a Statewide Property Tax. He said the annual impact on Portsmouth would be approximately 7.5 million dollars that would have to be sent to Concord for redistribution to other towns. This would mean an approximate \$5.50 increase in the tax rate. He urged the Council to approve the funding request of \$5,000 for this study.

Councilor Hynes moved to authorize the expenditure of \$5,000 from contingency to help fund an economic impact study of the statewide property tax. Seconded by Councilor Pantelakos.

Councilor Pantelakos said it is important to fund this study.

**Councilor Grasso said this would have an obvious impact on the community.**

**Motion passed.**

**4. Pease Development Authority Request to Increase the SRF Loan for the Wastewater Treatment Plant at the Tradeport**

**The City Manager briefly went over his memorandum dated November 6, 1998 on this matter. He said the PDA is requesting to apply to the state to increase the amount of the SRF Loan on the Wastewater Treatment Plan from 6.3 million dollars to 6.6 million dollars. The final stage of the Pease WWTP upgrade involves reconstructing the outfall to increase the dilution and meet current EPA guidelines. The work was originally scheduled for the winter of 1997-1998, was delayed due to additional requirements imposed by the EPA. After redesign to meet the new requirements, the project was advertised and bids were received on September 9, 1998. The redesign and delay in construction has resulted in the cost exceeding the 7.3 million-project budget by approximately \$300,000.**

**Councilor Bowles moved to approve the request of the Pease Development Authority to increase the amount of the SRF loan for the Pease Wastewater Treatment Plant from 6.3 to 6.6 million dollars. Approval of this extension of the SRF loan is contingent upon the acceptance of the PDA's Board of Directors of the conditions outlined in the October 27, 1998, letter from Attorney Sullivan to George R. Meyer. Seconded by Councilor Pantelakos.**

**Councilor Whitehouse asked the City Manager if this would effect our bond rating.**

**The City Manager said no.**

**On a unanimous roll call vote 8-0, motion passed.**

**3. Request to Bag Downtown Parking Meters during Holiday Season**

**The City Manager said that the Chamber of Commerce feels that the issue of bagging meters be placed on hold but recommended the foregoing of meter enforcement as in previous years.**

**Councilor Wagner moved to forego Meter Enforcement in the downtown area from Tuesday, December 15, 1998 through Friday, December 25, 1998, with the stipulation that the two-hour parking limit will be enforced to preclude all day parking. Seconded by Councilor Grasso and voted.**

**Councilor Whitehouse requested that more advertising be done to inform the public of the foregoing of meter enforcement during the holiday season.**

**The City Manager said the informational item regarding sewer surcharge complaint from neighbors on lower Thornton Street has been resolved and the bolts have been removed from the sewer cover. The situation will be monitored and also included as part of our 201 Facilities Plan as a priority item.**

**B. MAYOR SIRRELL**

**1. Funding Request of PEP2000**

**Mayor Sirrell passed the gavel to Councilor Hynes to chair this portion of the Council meeting.**

**Mayor Sirrell moved to commit funding up to \$75,000 for the PEP2000 playground project. Funding would be made available after April 1, 1999. Further, the funding will be made on a matching dollar for dollar basis up to \$75,000 maximum. Seconded by Councilor Bowles.**

**Mayor Sirrell said she has attended the meetings on this issue and they have worked very hard on this matter. She said kids utilize the playgrounds after school hours and these upgrades are necessary.**

**Councilor Bowles said this project is needed and spoke in favor of the funding request.**

**Councilor Marconi asked if the motion needs to include where the funds will come from.**

**The City Manager said no, not at this time. He will identify where the funding will come from during the fourth quarter after the review of the budgets.**

**Councilor Wagner said he would like to see the funding comes from the CIP funding of \$300,000.**

**Councilor Grasso commended the three individuals that spoke during the Public Comment Session for taking on this project.**

**On a unanimous roll call vote 8-0, motion passed.**

**Councilor Hynes passed the gavel back to Mayor Sirrell.**

**2. Rental of Meter Bags**

**Mayor Sirrell said that she would be requesting a Work Session on this matter in the future to discuss the Ordinance regarding Construction Permit.**

**Councilor Hynes moved to hold a Work Session to discuss Chapter 7, Article I, Section 7.114 Construction Permit Ordinance. Seconded by Councilor Pantelakos.**

**Councilor Wagner requested that the City Manager and Mayor Sirrell work on developing an agenda for this meeting and recommended changes to the Ordinance if needed.**

**Councilor Marconi said that she would like to see other parking issues discussed during this Work Session. She asked the City Manager if the Parking Clerk would be present at this Work Session.**

**The City Manager said he would consider it.**

**Motion passed.**

**3. Blue Ribbon Committee on Dogs/Appointments**

**Councilor Bowles moved to suspend the rules in order to vote on the appointments of the Blue Ribbon Committee on Dogs. Seconded by Councilor Whitehouse and voted.**

**Councilor Bowles moved to appoint the following individuals to the Blue Ribbon Committee on Dogs: Gregory Hansen, Mimi Clark, Rick Becksted, Eric Weinrieb, Bernard Pelech, Geoffrey Crosby, Midge (Margery) Leiter, Thanasis A. Tournas, Roger Corriveau, Councilor Beatrice Marconi, Chairman, Councilor John Hynes, Rus Wilson, Recreation Director and a Police Officer (to be named). Seconded by Councilor Pantelakos and voted.**

**Councilor Marconi announced that the Blue Ribbon Committee on Dogs will be meeting on Tuesday, November 17, 1998 at 7:00p.m. in Room 211 at City Hall.**

**4. Appointments**

**The City Council considered the appointment of Jeanne Rosadina to the Proactive Investments for MicroEnterprises (PRIME) Program. This appointment will be voted on at the November 23, 1998 Council meeting.**

**Councilor Wagner moved to appoint Donald Coker as an alternate to the Planning Board filling the unexpired term of Raymond Will until December 31, 1998. Seconded by Councilor Whitehouse and voted.**

**Councilor Whitehouse moved to appoint Raymond Will as a regular member to the Planning Board filling the unexpired term of Carl Roediger until December 31, 2000. Seconded by Councilor Grasso and voted. Councilor Bowles voted opposed.**

**Councilor Grasso moved to appoint Heather Mazzaglia to the Board of Library Trustees until October 1, 2001. Seconded by Councilor Bowles and voted.**

**Mayor Sirrell announced that Nate Holloway needs to resign from the Zoning Board of Adjustment due to health reasons.**

**Councilor Whitehouse moved to accept with regret the resignation of Nathaniel Holloway from the Zoning Board of Adjustment. Seconded by Councilor Grasso and voted.**

**5. Schedule Work Session for Children's Museum**

**Mayor Sirrell said that she received a letter from Denise Doleac requesting a Work Session with the Council on this matter.**

**The City Council agreed to hold a Work Session on Tuesday, January 4, 1999.**

**6. Reports**

Mayor Sirrell announced that the Christmas Parade would be held on Saturday, December 5, 1998. The theme for the parade is the 375<sup>th</sup> Anniversary with the songs of the seasons.

Councilor Whitehouse requested to bring up Informational Item 8 – Letter from Joel Look requesting that the City Council object to the elimination of Channel 8, WMTW, from MediaOne channel lineup.

Councilor Whitehouse moved to refer the letter to the Cable Commission to review this matter and report back to the Council. Seconded by Councilor Grasso and voted.

**C. COUNCILOR GRASSO**

**1. Report from the 375<sup>th</sup> Anniversary Committee**

Councilor Grasso provided the City Council with a handout announcing the 375<sup>th</sup> Anniversary Gala, which will be held on Friday, November 20, 1998 at 6:30p.m. – Midnight at the Frank Jones Center.

**D. COUNCILOR BOWLES**

**1. Request Work Session with Children's Museum**

Action on this matter took place earlier in the Council meeting under Mayor Sirrell.

**XI. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Whitehouse said that the 90-day period has expired for a report back from the Traffic & Safety Committee relative to the Ordinance for No Parking on Marcy Street – both sides from Salter Street to New Castle Avenue.

The City Manager said that this matter would be on the November 23, 1998 Council meeting agenda.

**XII. ADJOURNMENT**

At 9:00p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor Grasso and voted.

**KELLI L. SCOTT, CITY CLERK**

## ARTICLE VII: TRUCK AND BUS TRAVEL

### Section 7.701: PROHIBITED ON CERTAIN STREETS

Notwithstanding any other provision of this ordinance, no tractor – trailer truck may travel on the following streets at any time for any reason.

1. Maplewood Avenue from Central Avenue to Woodbury Avenue
2. Woodbury Avenue from Dennett Street to Bartlett Street.

### Section 7.702: TRUCK TRAFFIC PROHIBITED

It shall be unlawful for any truck with a box, body or platform of over 12 feet in length to use the following streets subject to the exceptions of Section 7.704 of this Article.

1. Adams Avenue
2. Banfield Road
3. Broad Street (between South Street and Jones Avenue).
4. Burkitt Street (between Dennett Street and the Maine/New Hampshire Interstate so-called).
5. Cate Street
6. Chestnut Street (from Congress Street to Porter Street)
7. Circuit Road
8. Cleveland Drive
9. Coolidge Drive
10. Dennett Street (Between Bartlett Avenue to Maplewood Avenue)
11. Dwight Avenue
12. Echo Avenue
13. Edgewood Road
14. Farm Lane
15. Fillmore Road
16. F.W. Hartford Drive
17. Garfield Road
18. Granite Street
19. Grant Avenue
20. Greenleaf Avenue (between Peverly Hill Road and the Rt. 1 Bypass)
21. Harding Road
22. Hayes Place
23. Hoover Drive
24. Mangrove Street
25. Maplewood Avenue (from Central Avenue to Woodbury Avenue)
26. McKinley Road
27. Myrtle Avenue (between Dennett St. and the Maine/New Hampshire Interstate so-called)
28. Nixon Park
29. Pickering Street
30. Polk Avenue

31. Profile Avenue
32. Ranger Way
33. Rockhill Avenue
34. Sherburne Road
35. Taft Road
36. Taylor Lane
37. Thornton Street (between Woodbury Avenue and Bartlett Street)
38. T.J. Gamester Avenue
39. Truman Place
40. Van Buren Avenue
41. Wilson Road
42. Woodbury Avenue, between Market Street and Bartlett Street

**Section 7.703: BUS TRAFFIC PROHIBITED ON CERTAIN STREETS**

Notwithstanding any other provision of this ordinance, no bus may travel on the following streets at any time for any reason.

1. Ceres Street (all public sections).

**Section 7.704: LOCAL DELIVERY ROUTES**

- A. The following streets are designated to serve as local delivery routes. Their status is determined based upon: 1) their intersection with a through truck route, 2) their importance in ensuring residential deliveries, 3) their importance in ensuring deliveries to business or industrial uses where no other access is practical.

Heritage Avenue in its entirety;

Constitution Avenue in its entirety;

Banfield Road from intersection of Heritage Avenue to intersection of Peverly Hill Road;  
Peverly Hill Road in its entirety;

Route 33 at the intersection of Route 33 and Borthwick Ave/Greenland Rd to South St to Lafayette Road;

South Street from Lafayette Road to Sagamore Avenue;

Sagamore Avenue from intersection of South Street to City line with Rye; Wentworth Road in its entirety;

Lafayette Road from intersection with US Route 1 and US Route 1 ByPass to Middle St;

Woodbury Avenue from intersection US I-95 off ramp to intersection with Dennett St.;

Dennett Street from Woodbury Avenue to intersection of Bartlett Street;

Bartlett Street to Islington Street;

Islington Street in its entirety;  
Daniel Street in its entirety;  
Congress Street in its entirety;  
State Street from intersection of Middle Street to Memorial Bridge;  
Marcy Street in its entirety;  
New Castle Avenue in its entirety;  
Market Street from intersection of Russell Street to Hanover Street;  
Hanover Street from Market Street to Maplewood Avenue;  
Deer Street from Maplewood Avenue to Market Street; and,  
Russell Street in its entirety.

**Section 7.705: ENFORCEMENT**

The City Manager shall cause those streets which are through truck routes and local delivery routes to be posted to give notice that this Ordinance is in effect. Where applicable, the City Manager shall coordinate sign posting with the New Hampshire Department of Transportation.

The Chief of Police shall cause enforcement of this Ordinance to occur through local, county and state law enforcement sources.

A plan of through truck routes and local delivery routes shall be kept on file at the City Clerk's Office and the Portsmouth Police Department.

**Section 7.706: VACANT**

**Section 7.707: TRUCK OR BUS PARKING**

It shall be unlawful for any person to park any truck or bus any size on the following streets:

- A. Hancock Street: either side
- B. Woodbury Avenue: westerly side from Route #1 Bypass bridge to Boyd Road.



**Section 7.708: DEFINITION**

Construction sites shall mean and include any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place. It shall also include areas upon which repairs, reconstruction, or additions are being made to existing streets and public ways within the City of Portsmouth and shall include the construction of new streets, roadways, the repair, reconstruction, or addition of new bridge or overpass surfaces and shall also include those areas where backfilling is being performed and will include travel to and from areas where fill material is being obtained or disposed of.

**Section 7.709: CONDITION OF CONSTRUCTION SITES**

The property owners, whether they be public or private, and the prime contractors in charge of any construction site as defined in this ordinance shall maintain the construction site in such a manner that litter, cement, plastic, building materials, or any other construction materials will be prevented from being carried by the elements to adjoining premises or to roadways within the construction site or to roadways on which construction vehicles travel for the purpose of obtaining or dumping any type of construction material. All litter or any other type of construction material as defined above shall be picked up at the end of each work day and placed in such containers as will prevent the material from being carried by the elements to adjoining premises or roadways.

**Section 7.710: VEHICLES DROPPING CONTENTS ON STREETS**

It shall be unlawful for any person, company, or business to transport in any vehicle or by any other means or manner, any loose material or articles likely to sift, fall, spill, or be blown about on any public street, alley, or other public way within the City of Portsmouth. In the event of any of the contents of such vehicles being blown, scattered, or dispersed in any way upon any public street, alley, or other public way or place within the City, the person in charge of said vehicle shall immediately gather up or cause to be gathered up any such blown or scattered material. In the event that such material cannot be gathered up in a reasonable manner, then such person in charge of said vehicle shall cause the area to be cleaned by the use of such other means as may be required to clean the area.

**Section 7.711: COVERING OF VEHICLE LOADS REQUIRED**

It shall be unlawful for any person, business, or company transporting any materials mentioned in the above sections to transport any vehicle load without a cover to prevent the contents of said load to sift, fall, spill, or be blown about on any public street, alley, or other public way within the City of Portsmouth.

**Section 7.712: PENALTY**

Any person, business or company violating any provision of this Article VII shall be fined up to \$100 for each offense. A separate offense shall be deemed to be committed for each day in which a violation occurs or continues to occur except as follows:

- A. The penalty for parking on a sidewalk in the Central Business District pursuant to Section 7.315 shall be \$25.00 per violation.

VII.C. Report back on request for 15-minute parking spaces at Profile Coffee Bar & Optima Bank; report back on all 15- minute spaces in downtown

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: Nancy Colbert Puff, Deputy City Manager

FROM: Eric B. Eby, P.E., Parking and Transportation Engineer *EE*

DATE: January 19, 2017

SUBJECT: Report Back on 15-Minute Parking Spaces in Downtown Portsmouth;  
Recommendation on Requests from Profile Coffee Bar and Optima Bank

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In response to frequent requests from businesses for 15-minute parking spaces in downtown Portsmouth, and to provide an update on all existing 15-minute parking spaces, City staff has conducted a comprehensive review of all existing 15-minute spaces, as well as a recommendation on the latest requests from Profile Coffee Bar on Portwalk Place and Optima Bank & Trust on Daniel Street.

There currently is a total of 42 15-minute spaces in and around downtown Portsmouth. The locations of the spaces are shown on the attached graphic. All but 12 of the spaces are metered. The following is a list of the spaces and any recommendations for changes or modifications. For all 15-minute spaces that will remain, it is recommended that the meter heads be replaced with the new digital meter heads that will alert Parking Enforcement Officials of a violation, so that more efficient enforcement and turnover of the spaces can occur. The new meters will also allow for time of day changes, meaning the 15 minute restriction could be for certain hours of the day; the meters could then be switched to longer time intervals when the 15-minute restriction is not needed.

Location	Number of Spaces	Recommendation/Comment
Bow Street	1 at Ceres Street	Keep, near Izzy's Ice Cream, high usage
	1 at Daniel Street	Remove, Optima Bank has moved
Cabot Street	2	Keep, for Cabot Street Market use
Congress Street	2 at Fleet Street	Keep, high usage
	2 at High Street	Keep, high usage
Daniel Street	4 at Post Office	Keep, high usage
	7 at Market Square	Keep, high usage
Deer Street	1 at Market Street	Remove, business has moved
Hanover Street	5 across from parking garage	Keep, high usage
	1 at Fleet Street	Remove, bank has closed
High Street	3 at Congress	Keep, high usage
Islington Street	1 at 404 Islington	Keep, used by Martin Hill Inn
	1 at 371 Islington	Keep, also used as bus stop
Maplewood Avenue	2 at Vaughn Street	Keep, high usage
Marcy Street	4 at Sanders Market	Keep, update signs
Market Street	1 at Market Square	Keep, high usage
State Street	2 at Washington Street	Keep, high usage
	1 at Pleasant Street	Keep, high usage
South Street	1 at Mount Vernon Street	Keep, for market use
<b>Total</b>	<b>42</b>	<b>Keep 39</b>

With regards to the request for one 15-minute space on Portwalk Place in front of Profile Coffee Bar, City staff recommends approval of the request, as there are no other short-term spaces in the area. However, as this is a high demand parking area, time of day restrictions should be included, so that the space can be used for longer term parking when the coffee shop does not need the space after it closes at 6 PM.

With regards to the request for two 15-minute spaces on Daniel Street for the new Optima Bank location, City staff recommends approval of one space on Daniel Street, as there are four other 15-minute spaces within 300 feet of the bank. The 15-minute restriction should also be limited to coincide with the bank's business hours of 8:30 AM to 5:00 PM. If the one 15-minute space is approved, it is also recommended that the existing 15-minute parking space on Bow Street near the old Optima bank building be changed to a 3-hour space, in order to provide more longer term parking for the area.




Two unmetered spaces on Maplewood Avenue.

Two unmetered spaces on Islington Street and Cabot Street in West End.

Four unmetered spaces on Marcy Street at Sanders Market.

One unmetered space on South Street at Napoli Market.

**Legend**  
**Time Limit**  
 15

Downtown Parking Map- 15 Minutes Parking Spaces

Map prepared by Portsmouth Department of Public Works  
U:\Projects\0263\15 minutes parking\15\_minutesParkingSpaces  
Printed January 25 , 2017

City of  
Portsmouth  
*Department of Public Works*



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**MEMORANDUM**

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TO: Nancy Colbert Puff, Deputy City Manager

FROM: Eric Eby, P.E., Parking and Transportation Engineer *EE*

DATE: January 24, 2017

SUBJECT: Report Back on Islington Street Temporary Crosswalk at Albany Street

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In response to a request by the White Heron Café for a permanent crosswalk across Islington Street at Albany Street, the PTS Committee voted in July 2016 to recommend a temporary crosswalk and bump out at that location for a 30-day trial period. The trial period was further extended for an additional 30 days, to the end of October 2016. The trial period allowed City staff a chance to set up traffic cameras to record traffic, pedestrians and all other users of the roadway at and near the crosswalk. The results and findings of the observations are summarized in this memo.

Islington Street at Albany Street consists of three travel lanes, two heading towards the Bartlett Street intersection, and one heading towards downtown. Due to the high volume and speed of traffic on Islington Street, as well as the long crossing distance, a crosswalk across Islington Street requires some type of treatment to make the crossing safer. The bump out was chosen as it reduces the crossing distance and limits the speed and number of lanes on Islington Street.

While watching the video of traffic during the trial period, City staff made several observations:

- Pedestrians were able to cross much more quickly and safely using the crosswalk.
- Traffic yielded to pedestrians when they were waiting to cross.
- Pedestrians would walk up from the Bartlett Street intersection to use the temporary crosswalk rather than waiting for the pedestrian signal at the Bartlett Street intersection.
- Half of the pedestrians using the crosswalk were not patrons of the White Heron Café.
- Traffic turning in and out of the parking lot between White Heron and the barbershop had less of an effect on Islington Street traffic flow due to the bump out.
- Trucks that stop in the right lane on Islington Street when making deliveries, were protected by the bump out.
- Queues from the traffic signal at Bartlett Street would occasionally extend back past the crosswalk, but this occurred only about 10 percent of the time during the peak traffic periods. At all other times, the queues did not extend back to the crosswalk.
- Queues did not extend back as far as Dunkin' Donuts. Traffic congestion at that location was caused by traffic turning in and out of Dunkin' Donuts.

- Trucks were still able to turn left from Albany Street onto Islington Street, but the in-street pedestrian crossing sign was an impediment. The sign was shifted and then removed during the trial period to allow for easier turns from Albany Street.
- Traffic waiting to turn left into Albany Street from Islington Street would occasionally hold up traffic behind them, due to the bump out.
- Vehicles turning in and out of the Sunoco station and other driveways were sometimes blocked by the stopped traffic, but the traffic would clear fairly quickly.
- Vehicle speeds approaching the crosswalk appeared to be somewhat slower due to the bump out and crosswalk.
- Bicyclists sometimes would travel through the bump out, and other times would share the lane with traffic.
- Once the crosswalk and bump out were removed, vehicles were observed traveling faster in the right lane than the middle lane; congestion at the White Heron parking lot had more of an effect on Islington Street traffic flow; and pedestrians had a more difficult time crossing the three lanes as they were not sure if all lanes of traffic would stop for them.

Feedback received from the public was split fairly evenly between those who liked the crosswalk and those who did not.

From a review of the video data during the trial period, as well as video data taken after the crosswalk and bump out were removed, City staff recommends that a permanent crosswalk and bump out at this location be included in the design plans that are currently underway for the reconstruction of Islington Street. Fine tuning of the design will allow for safer use of the area for bicycles as well as pedestrians.