

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 4, 2007

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA: 91-A:2, I (b-c).

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:10 p.m.

II. ROLL CALL

Present: Mayor Marchand, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Hynes

Absent: Assistant Mayor Ferrini

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

1. Portsmouth High School Boys' Tennis Team Class I Title Champions

Mayor Marchand read the Proclamation recognizing the 2007 Portsmouth High School Boys' Tennis Team perfect 17-0 season and congratulating them on winning the Class I State Championship title. Mayor Marchand presented the Proclamation to Coach Dana Levenson who accepted it with thanks and appreciation.

2. Market Square Day 30th Anniversary

Councilor Whitehouse read the Proclamation declaring June 9, 2007, as the 30th Anniversary of Market Square Day. Mayor Marchand presented the Proclamation to Executive Director Barbara Massar who accepted it with thanks and appreciation.

PRESENTATION

1. Annual Report from Art-Speak – Russ Grazier

Mr. Grazier provided the Annual Report of Art-Speak to the City Council. He advised the City Council that the City has been recognized for its arts and culture and spoke to the various events that have taken place in the last year as well as those that will continue in the future. He addressed the Funding for Art Ordinance passed by the City Council recently. Mr. Grazier informed the City Council that Art-Speak continues to seek non-taxpayer funds to implement the goals of the Master Plan.

V. ACCEPTANCE OF MINUTES – MAY 7, 2007

Councilor Whitehouse moved to approve and accept the minutes of the May 7, 2007 City Council meeting. Seconded by Councilor Smith and voted.

Councilor Grasso moved to suspend the rules in order to take up Items XII. A.3. - Authorization to Utilize up to \$50,000.00 from Contingency Fund Re: Fire Department FY07 Budget and XII. A.8. - Request to Extend Agreement between City of Portsmouth and Art-Speak. Seconded by Councilor Reynolds and voted.

XII. A.3. Authorization to Utilize up to \$50,000.00 from Contingency Fund Re: Fire Department FY07 Budget

City Manager Bohenko advised the City Council that Fire Chief, Christopher LeClaire, has indicated that due to training and equipment for the new fire boat, the Fire department's budget could be at a deficit at year-end.

In order to mitigate this deficit, Chief LeClaire has initiated a spending freeze for all non essential items. In addition, since January 1, 2007, Chief LeClaire has not filled the 14th firefighter position at night if a vacancy occurs.

The deficit could be as high as \$60,000 as projected by Chief LeClaire; however, this will be determined by the amount of emergency recall and leave coverage overtime used in the next several weeks.

Due to the fact that this projected deficit was caused by one-time expenditures, City Manager Bohenko said he is recommending reserving up to \$50,000 from current year contingency to cover this projected deficit. In the event that final year-end balances come in at a deficit less than \$50,000, the unused portion will be placed back into available contingency funds.

Councilor Grasso moved to authorize the City Manager to reserve up to \$50,000.00 from the current year contingency to cover the Fire Department deficit. Seconded by Councilor Pantelakos.

Councilor Whitehouse said he would support the motion however; he has questions regarding several items listed under expenditures. He requested a breakdown of three expenses, itemizing each item and where the expenditure was used for the following: Compass & Binoculars, Boat Rescue Equipment and Buoy and rope.

Councilor Dwyer said that some of the items will require expenses in the future and asked if they are included in the budget. Chief LeClaire said that the funding has been included in the budget.

City Manager Bohenko advised the City Council that Chief LeClaire will be attending the Pease Development Authority meeting on June 14, 2007 to seek funding of training for shipboard fire fighting.

Councilor Raynolds spoke to the Coast Guard no longer providing shipboard fire fighting and that responsibility lies with the municipalities.

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

XII. A.8. Request to Extend Agreement between City of Portsmouth and Art-Speak

City Manager Bohenko advised the City Council that the City entered into the original agreement in 2005 and the City provided seed funds in the amount of \$20,000 from the UDAG fund as match for grants and in-kind contributions to support Art-Speak's operations. In turn, Art-Speak leveraged these funds four times over while playing an important role in development of the Cultural Section of the City's Master Plan and the Percent for Art Ordinance.

Recently, the City Council authorized an additional \$20,000 in UDAG funds to offset the Art-Speak Coordinator's contractual services. This has been matched by a grant from the NH Charitable Foundation as well as with smaller donations for projects such as the recent forum on Implementation of the City's Percent for Art Ordinance and the Americans for the Arts Economic Prosperity Study. Through the unique relationship with Art-Speak, the City of Portsmouth has led the way in New Hampshire in acknowledging and quantifying the creative sector of the local economy. By creating and supporting the activities of a quasi-public agency like Art-Speak, Portsmouth has found an innovative solution in a time of growing budget constraints and increasing demands on City personnel. Going forward, Art-Speak is committed to raising additional public and private funds to meet the terms of the agreement.

Councilor Dwyer moved to authorize the City Manager to extend the agreement from July 1, 2007 through June 30, 2008. Seconded by Councilor Grasso.

Councilor Whitehouse requested that the extension include the date of the original agreement. City Manager Bohenko advised Councilor Whitehouse that the date of the original agreement would be added to the extension.

Motion passed.

VI. PUBLIC COMMENT SESSION

David LaFevers said that he is petitioning the City Council for a quieter Market Square. He suggested that the City either enforce the noise ordinances already in place, or create a noise ordinance for the downtown area. He addressed the three areas of concern as follows: motorcycle noise, car radios that blast our streets day and night; and the noise the drunks create at night after the bars close. He urged the City Council to assist with the problems that he has outlined in terms of noise in the downtown. Mr. LaFevers provided a copy of his letter to City Clerk Barnaby. Mayor Marchand requested that City Clerk Barnaby provide each member of the City Council with a copy of the letter submitted by Mr. LaFevers.

Nancy LaFevers reiterated the comments of her son David, and requested assistance of the City Council in addressing the noise issues in the downtown. She said that the noise from motorcycles, car radios and from individuals leaving the bars in the evening make it difficult to enjoy all the downtown has to offer.

Joel Carp spoke regarding the ongoing issues relating to the Port and its operations. He said that the scrap metal operation should not be allowed to continue at the Port. He urged the City Council to attend the public hearing next week by the legislature regarding the Port and requested that they become involved.

Tom Carroll asked the City Council to stay proactive on the issues relating to the Port and its operations. He said that the City Council should not be happy with just the \$30,000.00 PILOT (Payment in lieu of taxes).

Dick DeChard, Portsmouth Advocates, spoke regarding the vacancies on the Historic District Commission. He expressed concern with the City Council removing the experience from the Commission due to the 10-year term limit being reached by two of the members. Mr. DeChard requested that the City Council assure quality of the Historic District Commission and suggested phasing out members over time that have met the 10-year term limit.

Pat DeShaies thanked the City Council for the improvements to the downtown with lighting and brick sidewalks. She said it is ascetically offensives to see motorcycles parking on the brick sidewalks and they do not belong there. She said she likes to see the area enjoyed and used but not abused.

VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING BORROWING IN ANTICIPATION OF REVENUES AND TAXES IN THE AMOUNT OF \$16,000,000.00

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko said as the Council is aware, by state laws, the City bills for property taxes twice a year in arrears. For example, the first half tax bill in FY08 will be issued in October and is not due until December 1, 2007 even though our fiscal year starts on July 1, 2007. Similarly, the second half bill is not due until June 1, 2008. He said because property taxes constitute our single largest source of revenue, this lag in billing may cause a temporary cash flow problem for us in both the beginning and the middle of the fiscal year. If necessary, this resolution would allow us to borrow money on a short-term basis until the property taxes come in.

After three calls and no speakers, Mayor Marchand declared the public hearing closed.

B. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING – FLEET STREET: WESTERLY SIDE FROM CONGRESS STREET TO A POINT 135 FEET IN THE NORTHERLY DIRECTION

Mayor Marchand read the legal notice, declared the public hearing open and called for speaker.

Councilor Smith advised the City Council that this ordinance was brought forward by the Traffic & Safety Committee for consideration.

After three calls and no speakers, Mayor Marchand declared the public hearing closed.

C. PROPOSED RE-USE OF THE PAUL A. DOBLE ARMY RESERVE CENTER FOR MUNICIPAL USE, SUCH AS A RECREATION FACILITY OR POLICE STATION

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers.

Deputy City Manager Hayden spoke regarding the BRAC process and the public input that has been received regarding the re-use of the Paul A. Doble Army Reserve Center. She discussed the City Council's vote to move forward with a municipal re-use of the property, such as a Recreation Facility or Police Station. She reviewed the re-use plan that was created and spoke regarding the process that included the City considering if they wanted a homeless component. She said that the City Council decided not to pursue that direction.

Alec McEachern, Portsmouth resident, thanked the City Council for listening to the concerns of the neighborhood. He advised the City Council that he has no favorite between recreational or police station re-use. Mr. McEachern said he feels that there is a need for recreational use and indoor courts. He informed the City Council that athletics are important to our younger generations and said with additional courts more kids could become involved in athletics. Mr. McEachern suggested that the existing recreational facility could be sold and the funds from the sale of the property could be used for the creation of the new facility.

Mark Mattson, Portsmouth resident, echoed the comments of Mr. McEachern and said he would favor a recreational use for the property. He advised the City Council that the pattern of use would be similar if the property was used as a recreational facility from its current status.

Adam Hegi, Portsmouth resident, thanked the City Council for voting to re-use the property for municipal use. He spoke in support of the creation of a recreational center at the location. Mr. Hegi advised the City Council that there would be sufficient parking at the location. He also suggested that the current building could be removed for the creation of a park or ball field which, would be in line with the City's Master Plan.

After three calls and no further speakers, Mayor Marchand declared the public hearing closed.

Councilor Pantelakos said that she would like to address the comments made during the public comment session regarding the noise in the downtown area. Councilor Pantelakos requested that City Attorney Sullivan review the law that was passed last year by the State relative to the noise created by motorcycles and radios in vehicles and refer the information to the Police Department. She also requested motorcycles be prohibited from parking on the brick sidewalks in the downtown.

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation from Lynne and David Weihrauch in the amount of \$390.00 for the planting of a red oak tree in Langdon Park in honor of Sandra Elizabeth Richardson

Councilor Grasso moved to approve and accept the donation from Lynne and David Weihrauch, as listed. Seconded by Councilor Pantelakos and voted.

- B. Acceptance of Police Department Donations in support of the PAL Summer Girls Basketball League:
- \$100.00 from Elite Sports Performance, LLC
 - \$100.00 from Chubrich & Harrigan, P.A.
 - \$100.00 from The Eyeglass Shop, P.L.L.C.
 - \$100.00 from Spectrum by Design, Inc.
 - \$100.00 from the Portsmouth Police Ranking Officers Association
 - \$100.00 from Nurse Audit, Inc.
 - \$100.00 from The Green Monkey, L.L.C.

Councilor Pantelakos moved to approve and accept the donations to the Portsmouth Police Department, as listed. Seconded by Councilor Dwyer and voted.

- C. Acceptance of Police Department Donations to support the Police Honor Guard
- \$500.00 from the Portsmouth Police Ranking Officers Association
 - \$500.00 from Gerald Howe and Jocelyn Frechette
 - \$2,000.00 from Mr. Karl Hahn

Councilor Hynes moved to approve and accept the donations to the Portsmouth Police Department, as listed. Seconded by Councilor Pantelakos and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing a Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects

Councilor Pantelakos moved to pass first reading to authorize bonding in the amount of two million five hundred thousand dollars (\$2,500,000.00) for street, sidewalk and bridge replacement projects and schedule a public hearing and adoption at the June 25, 2007 City Council meeting. Seconded by Councilor Grasso.

Councilor Grasso requested that City Manager Bohenko outline the projects which are included in this bonding resolution.

City Manager Bohenko advised the City Council that the following projects are part of this resolution:

- 1) Market Street Sidewalk Expansion/Improvements - \$350,000.00

This project will fund the replacement of existing concrete sidewalks with brick, installation of period lighting, resetting of granite curbing and the installation of landscaping (trees) where appropriate. The sidewalk width will increase to accommodate the pedestrian volumes in this area. These improvements will be on Market Street from Market Square to the intersection with Hanover Street and Bow Street.

- 2) NH33/B&M RR Bridge Replacement - \$800,000.00

This project includes engineering and construction to replace the Rt 33 Bridge over the B&M rail lines. Included is the reconstruction of the roadway approaches on Rt 33 from Griffin Road to Peverly Hill Road. The estimate for this project is \$8,000,000 with the City share at 10% and the Federal/State share at 90%.

- 3) Scott Avenue Bridge Replacement - \$350,000.00

This project provides funding to replace the Scott Avenue Bridge in conjunction with the rehabilitation of the Memorial Bridge. The current 5-span bridge will be replaced with a 2-span structure that will open up the area under the bridge to the waterfront providing the City additional opportunities for access. Current estimate of cost is \$1,750,000 with the City share at 20% and the Federal/State share at 80%.

4) Woodbury Avenue Traffic Calming Improvements - \$1,000,000.00

The primary purpose of this project is to reduce travel speeds, improve pedestrian safety and eliminate through truck travel in the Woodbury Avenue Corridor between Bartlett Street and the Market Street Extension. Work will include traffic calming methods (reduced width travel lanes and bump-outs), curbing, signage, pavement markings, pedestrian safety amenities and sidewalk replacement as needed.

Councilor Grasso asked if these projects would be completed in one year. City Manager Bohenko advised the City Council that some of the projects may take two to three years to complete, but he needs authorization to enter into construction agreements.

Councilor Reynolds requested that City staff consider adding a bicycle strip lane to the roadway for the Woodbury Avenue project.

Councilor Whitehouse said that he would approve the motion but advised the City Council that he is opposed to the funding of the Market Street Sidewalk Expansion/Improvements.

Motion passed.

B. First reading of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY08 School Building Improvements

Councilor Dwyer moved to pass first reading to authorize bonding in the amount of five hundred thousand dollars (\$500,000.00) for school building improvements and schedule a public hearing and adoption at the June 25, 2007 City Council meeting. Seconded by Councilor Pantelakos.

City Manager Bohenko advised the City Council that this is the first year we have included this in the Capital Improvement Program. He said that the School Department needs to look at improvements each year to avoid major costs. Attached is a memorandum from Stephen T. Bartlett, Business Administrator, requesting funding of up to five hundred thousand dollars (\$500,000.00) for FY08 School Building Improvements as follows:

- 1) \$74,500.00 for the PHS Athletic Complex drainage, irrigation and press box projects.
- 2) \$275,000.00 for roof replacement and repair projects at Dondero Elementary and Portsmouth Middle School.

- 3) \$150,500.00 for window and door replacement projects at Little Harbour Elementary, New Franklin Elementary, Portsmouth Middle School and the Sherburne School.

Councilor Smith asked City Manager Bohenko if the School Department is obligated to spend the funds on the projects listed. City Manager Bohenko said that is correct. He advised the City Council that he approves the releasing of funds to proceed with the projects.

Councilor Whitehouse requested that City Manager Bohenko provided him with a report indicating what type of windows and when they were replaced at the Middle School.

Motion passed.

- C. Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00

Councilor Grasso moved to adopt the Resolution for FY08 authorizing borrowing in anticipation of revenues and taxes in the amount of \$16,000,000.00. Seconded by Councilor Whitehouse and voted.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction

Councilor Whitehouse moved to pass second reading and hold a third and final reading at the June 25, 2007 City Council meeting. Seconded by Councilor Smith and voted.

- E. Third and final reading of Ordinance amending Chapter 1, Article IX, Section 1.901 – Conflict of Interest by the amendment to Mandatory Financial Disclosure in Article IX, and the addition of a new Section 1.902 – Election Candidate Financial Disclosure

Councilor Hynes moved to pass third and final reading of the amended ordinance, as submitted. Seconded by Councilor Pantelakos.

Councilor Whitehouse said he does not feel this ordinance is necessary. He also expressed concern with the City Clerk having the time to monitor this during elections.

Motion passed with Councilor Whitehouse voting opposed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

There are no items under Consent Agenda this evening

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Phelps Dieck and Deb Weeks, The Green Monkey, requesting an extension of the license for their dumpster located on Church Street for the term length of The Green Monkey restaurant which is November 2013

City Manager Bohenko advised that The Green Monkey is requesting a six-year renewal, and City staff does not recommend this length of time for any dumpster renewal. He recommended the continuance of an annual renewal for dumpster licenses.

Councilor Pantelakos moved to approve the annual renewal of the dumpster license. Seconded by Councilor Grasso.

Councilor Smith requested that City Manager Bohenko look into the issuance of two year license agreements. City Manager Bohenko said that he would review the request and said that all agreements would need to be done in the same method.

Motion passed.

- B. Letter from Deborah Phillips requesting an extension of the license for her dumpster located on Church Street

Councilor Pantelakos moved to approve the annual renewal of the dumpster license. Seconded by Councilor Grasso and voted.

- C. Letter from Dawn Burnett, PNF Realty, Inc., on behalf of Peter Floros and the State Street Saloon requesting an extension to the licenses for their dumpsters located on Church Street

Councilor Pantelakos moved to approve the annual renewal of these dumpster licenses. Seconded by Councilor Hynes and voted.

- D. Letter from Mike Schwartz, Accountability Coalition, requesting permission to hold a public forum on health care plans of the candidates for US President at the Vaughn Walking Mall on June 24, 2007 from 12:00 p.m. – 3:30 p.m.

Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Councilor Reynolds.

City Manager Bohenko said that he would like to see Vaughn Mall utilized more for events.

Motion passed.

- E. Request from Penelope Brewster, Ceres Bakery, for a sidewalk obstruction license for the placement of 2 tables and 10 chairs in front of establishment (*This is an amendment to the original license which approved the placement of 4 benches. The benches have been removed and replaced with 2 tables and 10 chairs*)

Councilor Whitehouse moved to refer to the City Manager with power. Seconded by Councilor Pantelakos.

Councilor Smith requested that the area be closely monitored because at times people are forced out into the street from individuals stretching out across the sidewalk. He said that this is a narrow sidewalk and creates a hazard for individuals utilizing the sidewalk.

Councilor Dwyer said that ascetic consideration needs to be given to items placed on City sidewalks. She indicated that the seating chosen distracts from the area and its charm.

City Manager Bohenko said that we encourage people to use better ascetic looking furniture but a request should not be denied based on that factor. He advised the City Council that we will discuss this matter with the owners.

Councilor Smith said that the chairs and tables need to stay up against the building. Councilor Raynolds said he echoes the comments and concerns expressed by Councilor Smith.

Motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Adoption of Proposed Re-Use of the Paul A. Doble Army Reserve Center for Municipal Use, such as a Recreation Facility or Police Station

City Manager Bohenko advised the City Council that he is seeking action on the adoption of the Proposed Re-Use of the Paul A. Doble Army Reserve Center for Municipal Use, such as a Recreation Facility or Police Station.

Councilor Hynes moved to adopt the Reuse Plan and Homeless Application and recommend that the Department of Army transfer the Paul A. Doble Army Reserve Center parcel to the City of Portsmouth for a municipal re-use. Seconded by Councilor Smith.

Councilor Dwyer said any person reading the application, not being a part of the meetings would ask how the City Council came to the conclusion for municipal re-use of the property. She expressed concern with the City Council moving forward with a municipal re-use rather than housing. She asked why the Council thought a recreation or police station re-use would be better than housing. She inquired if we the City would be given a second opportunity to look at housing if this proposal is denied.

Deputy City Manager Hayden advised Councilor Dwyer that there is no requirement under BRAC law to list how the City Council reached their decision to move forward with a municipal re-use. She said that BRAC wants to ensure that the re-use is clean and that the City balanced the need of the housing component.

Motion passed with Councilor Dwyer voting opposed.

2. Request to Establish Work Session with Portsmouth Historical Society Re: Old Library Re-use

City Manager Bohenko advised the City Council that the Portsmouth Historical Society (PHS) is requesting a work session regarding the Old Library Re-use. He spoke to the copy of the proposal that has been provided to the City Council. He advised the City Council that the organization proposes a collaborative re-use of the facility with the larger goal of creating "a new kind of museum of the city's past and present with exhibits, digital multi-media and collaborative programming for both residents of the seacoast and out-of-town visitors to make far better use of the city's many historical, arts and cultural opportunities." The proposal envisions a venue for historic exhibits (including a memorial hall concept), cultural event ticketing, tourist programs and community meeting space opportunities. It also envisions potentially leasing the Benedict House to a local non-profit and incorporation of the remnants of the Old State House into a rebuilt connector between the Academy Building and the Benedict House.

While the proposal meets some of the submittal requirements, it fails to include the required project proforma demonstrating financial ability. In addition, the desired re-use implementation schedule is potentially problematic as the plan proposes to initially lease only a portion of the vacant building for \$1/year. In the proposal, the PHS requests additional dialogue with the city and potential collaborators regarding development finance and feasibility and a three-step phased development process spanning late 2007-2012. Because it was the only proposal received, it seems appropriate that the City Council have an opportunity to review the document and discuss how to move forward with the building complex.

Councilor Smith moved to establish a work session for the City Council meeting on August 6, 2007 at 6:00 p.m., with the Portsmouth Historical Society, to review their proposal regarding the re-use of the old library. Seconded by Councilor Whitehouse.

Councilor Grasso requested that an invitation to attend the work session be extended to the members of the Save the Old State House Blue Ribbon Committee.

Councilor Dwyer requested more information be brought forward regarding the funding.

Motion passed.

4. Joint Use Agreement with UNH to Facilitate the Crossing of the City's Water Line Easement in Madbury

City Manager Bohenko advised the City Council that the University of New Hampshire owns property in Madbury, New Hampshire, known as the Kingman Farm. The City has an existing waterline which extends from the Bellamy Reservoir in Madbury to Portsmouth and crosses the Kingman Farm. The City has an easement for its waterline over the Kingman Farm.

UNH intends to install a 12" bio-gas pipeline over the City's existing 24" waterline. In order to facilitate the bio-gas pipeline crossing, the parties seek to enter a Joint Use Agreement and file a recorded plan. This Agreement puts all parties on notice of the exact location of the waterline, the biogas pipeline and the relationship between the two.

The City is not giving up any rights under its present easement. It is for the purpose of going on record regarding the relative obligations of both parties to cooperate, to share information and to coordinate regarding construction and maintenance activities in the area.

Councilor Grasso moved to authorize the City Manager to negotiate and enter into a Joint Use Agreement with the University of New Hampshire for purposes of facilitating the crossing of UNH's bio-gas pipeline. Seconded by Councilor Smith and voted.

5. Request to Establish Friends of the South End Trust

City Manager Bohenko informed the City Council that The Friends of the South End (FOSE) is interested in creating and providing initial funding to a trust, "to purchase, plant and maintain flowers, shrubs and trees in the City's Prescott Park".

Councilor Hynes moved to establish a Trust for the Friends of the South End and authorize the City Manager to execute the appropriate document. Seconded by Councilor Whitehouse.

Councilor Whitehouse asked City Attorney Sullivan if he could vote on this matter as he serves on The Friends of the South End. City Attorney Sullivan said he would only need to abstain if he had a pecuniary interest.

Motion passed.

6. Report Back Re: Entry Steps at 466 Dennett Street

City Manager Bohenko advised the City Council that the owners are unable to construct their entry way without encroaching upon City property. He said that there is no impact on the City by authorizing the request.

Councilor Smith moved to accept the aforementioned recommendation of City staff and grant the homeowner's request. Seconded by Councilor Whitehouse and voted.

7. Approval of Proposed Labor Day / Peace Treaty Parade

City Manager Bohenko advised the City Council that he has worked with Peter Somssich regarding a date for the proposed Labor Day / Peace Treaty Parade. He spoke to the letter from Peter Somssich and Paul O'Connor, Co-Chairs of the proposed Labor Day / Peace Treaty Parade, which they are requesting to take place on Sunday, September 23, 2007.

Councilor Pantelakos moved to approve the Labor Day / Peace Treaty Parade, as presented. Seconded by Councilor Grasso and voted.

9. Referral to Planning Board Re: Exchange of Property Interests

City Manager Bohenko asked for approval.

Councilor Grasso moved to refer the proposed conveyance of interests in real estate (Riverwalk) between the City of Portsmouth and DiLorenzo Real Estate LLC to the Planning Board for report back. Seconded by Councilor Dwyer and voted. Councilor Smith voted opposed.

City Manager Bohenko advised the City Council that on Monday, June 18, 2007 at 6:30 p.m., there will be a combined work session between the City Council and School Board regarding a report back on Study Circles.

B. MAYOR MARCHAND

1. Appointments to be Voted:

- Kathleen Pearce – Cable Television and Communications Commission
- Jonathan Wyckoff – Historic District Commission
- Sandra Dika – Historic District Commission
- Tracy Kozak – Historic District Commission

Councilor Whitehouse moved to reappoint Kathleen Pearce to the Cable Television and Communications Commission until April 1, 2010. Seconded by Councilor Pantelakos and voted.

Councilor Hynes moved to appoint Jonathan Wyckoff effective July 1, 2007 as a regular member to the Historic District Commission until June 1, 2010. Mr. Wyckoff will be filling the expired term of David Adams. Seconded by Councilor Pantelakos and voted.

Councilor Grasso moved to reappoint Sandra Dika effective July 1, 2007 to the Historic District Commission until June 1, 2010. Seconded by Councilor Pantelakos and voted.

Councilor Pantelakos moved to appoint Tracy Kozak effective July 1, 2007 to the Historic District Commission until June 1, 2010. Ms. Kozak will be filling the expired term of Ellen Fineberg. Seconded by Councilor Whitehouse and voted.

Councilor Pantelakos asked if there are any stipulations on how many committees you can serve on in the City. City Attorney Sullivan advised Councilor Pantelakos that there is not.

Mayor Marchand said that he would like Councilors to make him aware in the future if someone is being recommended for appointment that currently serves on a committee.

2. *Upcoming Appointment Vacancies for the month of June
 - Historic District Commission – 1 Alternate

Mayor Marchand announced that the Historic District Commission is seeking an Alternate to serve on the Commission. Mayor Marchand urged anyone wishing to apply to submit an application with the City Clerk's office or the Mayor's Office. Also, individuals can download applications from the City's website.

C. COUNCILOR DWYER

1. Right-of-Way Re: Bedford Way

Councilor Dwyer said that this report is in her role as the Council representative to the Planning Board. Councilor Dwyer advised the City Council that she will be placing this matter on the next City Council agenda seeking the City Council to remove the stipulation that the Portsmouth Housing Authority endorses the joint use concept as proposed by the proposal for use in a workforce housing project that would allow the Housing Partnership to share a portion of the easement to enter Bedford Way.

2. Request to Conduct Work Session Re: Master Plan Update

Councilor Dwyer said that she would like to request that the City Council schedule a work session to receive an update on the Master Plan. She said that people are confusing the study circles with the Master Plan, and they are not the same.

Councilor Smith said he agrees with the recommendation of Councilor Dwyer. He said he would request that the Planning Board Chair attend the work session.

Councilor Pantelakos said that many residents are concerned and confused as to the study circles purpose.

Councilor Smith said the Master Plan is a Planning Board document and will remain as such.

Councilor Dwyer moved to establish a work session on June 25, 2007 at 6:00 p.m. in order to receive an update on the Master Plan. Seconded by Councilor Smith and voted.

D. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the May 10, 2007 & May 24, 2007 meetings

Councilor Smith moved to approve and accept the action sheet and minutes of the May 10, 2007 Traffic & Safety Committee meeting. Seconded by Councilor Pantelakos.

Councilor Dwyer asked if the Islington Creek Neighborhood discussion was the intent to have the discussion in a connected way to the RFP that is currently out for the study of Islington Street or was it a report to update people. Councilor Smith said that we are reviewing traffic uses and how they would be tied into the RFP in the future.

Motion passed.

Councilor Smith moved to approve and accept the action sheet and minutes of the May 24, 2007 Traffic & Safety Committee meeting. Seconded by Councilor Whitehouse.

Councilor Smith reported that the Deer Street issue came forward by the Parking Committee as well. He advised the City Council that this was an area that they reviewed as part of the Westin project and that this matter will go before the Planning Board.

City Attorney Sullivan advised the City Council that the Planning Board will make a stipulation that nothing happens relative to the changes to Deer Street without the Westin project moving forward.

Motion passed.

2. Parking Committee Action Sheet and Minutes of the May 10, 2007 meeting

Councilor Hynes moved to approve and accept the action sheet and minutes of the May 10, 2007 Parking Committee meeting. Seconded by Councilor Pantelakos and voted.

Councilor Whitehouse inquired regarding the issue relating to the driveway permit for 62 Deer Street. City Attorney Sullivan reported that both the City Council and Planning Board have denied the drive way permit and the issue was taken to court. City Attorney Sullivan advised the City Council that a court order was issued directing the City to allow Mr. Lowell to locate his driveway at 62 Deer Street which the City has appealed to Supreme Court. City Attorney Sullivan informed the City Council that the Westin project will cause further traffic issues that will need to be considered in the decision to allow the permit to be issued for the driveway.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse read sections of the letter from Bill St. Laurent, President, Association of Portsmouth Taxpayers, regarding the budget.

XIV. ADJOURNMENT

At 9:30 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor Pantelakos and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC
City Clerk