

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 20, 2007

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

At 6:15 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding personnel – RSA 91-A II (a).

I. CALL TO ORDER

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

II. ROLL CALL

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

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.

MAYOR’S AWARDS

1. Recognition of Ellen Fineberg and David Adams for Years of Service on the Historic District Commission

Mayor Marchand presented a Mayor’s Award and gift to Ellen Fineberg in appreciation for her years of service to the City and the Historic District Commission. Ms. Fineberg thanked the City Council for allowing her to serve her community and looks forward to serving again in the future.

Mayor Marchand announced that David Adams was unable to attend this evening and his Mayor’s Award will be sent to him.

PRESENTATION

1. Pay and Display Parking Meters Pilot Program – Jon Frederick, Parking Manager

Parking Manager Frederick provided a presentation and overview of the Pay and Display Parking Meter that will be used in a Pilot Program starting September 6, 2007. He informed the City Council that 6 machines would be used in the Pilot Program and installed at the following locations: 2 on Bow Street, 2 on Pleasant Street and 2 at the Worth Parking Lot. He reviewed the process that would be followed by individuals using the machines and provided the City Council with a copy of the printed receipt from the machine. Mr. Frederick also demonstrated how the credit card option would be used.

He further explained that if a machine is not working properly a signal would be sent to the parking personnel via cell phone to notify them. Mr. Frederick also advised the City Council that the ticket printed by the machine would need to be displayed on the windshield. Councilor Pantelakos expressed concern with individuals having to display the ticket in the windshield.

Councilor Whitehouse said that in Manchester where this machine is being used he heard that there were issues with the machines functioning during below zero temperatures. He asked that this issue be addressed in the maintenance contract for the machines. Mr. Frederick advised the City Council that Manchester has not experienced any problems with the machines in the past year. City Manager Bohenko said that with this pilot program we will make a list of any issues we experience, and have them made a part of the maintenance agreement.

Councilor Pantelakos said it will be important for us to advertise the need for individuals to place the ticket in their windshield.

V. ACCEPTANCE OF MINUTES – JULY 16, 2007

Councilor Whitehouse moved to approve and accept the minutes of the July 16, 2007 City Council meeting. Seconded by Councilor Pantelakos and voted.

VI. PUBLIC COMMENT SESSION

William Mortimer spoke in support of the Police Commission and his years of service to the Police Department and Police Commission. He advised the City Council that there was no complaint filed therefore, no investigation is held. He spoke to the leak of the memorandum, which is a serious breach of security that comprises an investigation. The current Police Commissioners are honorable men and have a great deal of integrity. He urged the City Council to keep the Police Commission because of its value to the community.

Tony Coviello spoke in support of the Planned Unit Development ordinance and urged the City Council to move it forward in the process.

Bob Pollard said that the Police Commission form of government has worked effectively in the past and he supports its continuation.

Eric Spear spoke regarding the Market Street renovation schedule. He said that the area is congested and suggested removing one lane of parallel parking and 12 parking spots. Mr. Spear said that pedestrian benches and tables could be installed to work towards a more walkable community, as recommended in the Master Plan.

Rebecca Emerson said that the Police Commission has kept information from the public and that sexual assault is a crime. She spoke opposed to the Police Commission not having a public comment session as part of their meetings to allow the public to provide input on areas of interests or concern. Ms. Emerson also expressed her opposition to the report not being available on the website for public review and that the department has lost her and other residents trust. She spoke in support of the abolishment of the Police Commission.

Bill St. Laurent said that the matter of whether to abolish the Police Commission should be placed on the ballot. He said that more people should come forward to speak on this matter and a public hearing should be held to allow for further public input.

Ruth Griffin, former Police Commission Chair, spoke in support of the Police Commission and said it is an integral part of the community. She addressed the history of the Police Commission and the need for its continuation.

VII. PUBLIC HEARINGS

- A. NH ROUTE 33 – BRIDGE REPLACEMENT OVER B & M RAILROAD (STATE PROJECT #10665 AND FED. PROJECT #BRF-018-2 (66) CONCERNING THE PUBLIC NECESSITY FOR OBTAINING PERMANENT EASEMENTS OR OTHER REAL PROPERTY INTERESTS IN CONNECTION WITH THE PROJECT

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

City Manager Bohenko requested Traffic Engineer Finnigan and City Attorney Sullivan address the project and public hearing requirements.

City Attorney Sullivan explained the legal requirements for the taking of land by eminent domain. He advised the City Council if the Resolution is passed this evening an outside appraisal of the land will take place. If the process does not result in an agreement to obtain the property the City would have to file a declaration of taking of the property. City Attorney Sullivan informed the City Council that staff would come back to the Council before a declaration of taking occurs.

Traffic Engineer Finnigan spoke to the engineering aspects of the project. Ms. Finnigan used a chart to outline the project and the properties in question. She discussed the various components such as physical barriers, alignment shifts, turn signals, etc. She informed the City Council of the easements needed for the project, with a total impact of 240,000 square feet.

City Manager Bohenko reported that this is a \$8,000,000.00 project with 90% coming from State and Federal funding and the remaining 10% from local dollars.

Ruth Griffin, Portsmouth resident, spoke in support of the project and reconstruction of the bridge. She expressed concern with Saint Mary and Calvary Cemeteries and potential impact. She said that none of the graves should be disturbed during the project and all areas of the project need to be handled with sensitivity. She asked if there would be access and egress to the cemeteries. She advised the City Council that the bridge is made of granite and asked what would happen to the granite during the dismantling of the bridge, will it be City property or the property of the State.

Greg (unaudioable), Portsmouth resident, asked the definition of a slope easement and its effect on elevation.

Attorney Michael Kostiew, representing the Stokel family, said that the Stokel family's property has joint access to the property in question. He advised the City Council that this access has been enjoyed for over 150 years and losing access would cause significant damages. He requested that the City Council take these matters into consideration.

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

Traffic Engineer Finnigan said that the graves would be well protected and undisturbed. She said that the first access would be closed but they are looking into another location for access. The elevation would be 1 to 1 and the issue of the granite would be reviewed and an answer would be provided.

B. ORDINANCE AMENDING CHAPTER 9 – MISCELLANEOUS PUBLIC WELFARE BY THE ADDITION OF A NEW ARTICLE VIII ENTITLED BOARDING HOUSES

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

City Attorney Sullivan said the ordinance came forward through the action of Assistant Mayor Ferrini and the neighborhood. He explained that anyone wishing to operate a boarding house would be required to come before the City Council and request an annual license.

Charles (unaudioable), Portsmouth resident, said that he supports regulating boarding houses but feels this would regulate rooming houses and not boarding houses. He said that this ordinance could be questioned and fought.

Beth Shepard-Rabadam, Portsmouth resident, advised the City Council that she is representing the neighborhood. She informed the City Council that there are quality of life issues and thanked the Council for responding to the concerns of the neighborhood. This is the last neighborhood in the City which allows boarding houses. She spoke in support of the ordinance and the spirit which provides a framework for the management and maintenance of these facilities.

Brian Hogan, Portsmouth property owner, said the issues relative to his property have been addressed. He advised the City Council that his property is zoned commercial and it has always been a rooming house. Mr. Hogan said if the neighbors were experiencing problems he would have preferred they contacted him for a resolution. He spoke opposed to the ordinance and said that if the boarding house is closed his tenants will no longer have a place to live. He advised the City Council that his property meets hotel and dormitory requirements of the zoning ordinance. Mr. Hogan expressed concern relative to sections of the ordinance and the term reasonable interference, and the permit being non-transferable. He said if his license is not renewed, it would affect his livelihood. In closing, Mr. Hogan asked the City Council to take his concerns into consideration.

Patty Reed, Portsmouth resident, said that this ordinance is targeting Mr. Hogan's property. She informed the City Council that she resides in the building and it is clean and there is a manager on-site. She expressed her opposition to the ordinance.

Caroline Loeder, Portsmouth resident, said that this ordinance is not against Brewster Street, and it serves as a platform for other boarding houses that may come into the City. If individuals are operating within the parameters of the ordinance there is nothing to be concerned about.

Brian Hogan, Portsmouth property owner, asked for answers to his questions before the public hearing is closed.

City Attorney Sullivan said Mr. Hogan is correct, he has brought his property into compliance but the City had to file suit against Mr. Hogan and reported that there were 160 violations. City Attorney Sullivan reviewed the definition of a boarding house as follows:

The term Boarding House shall apply to any residential structure in which rooms are rented, leased or otherwise made available to tenants where such rooms do not contain separate bathroom facilities.

City Attorney Sullivan said if the property was sold the permit would not be transferable. Unreasonable Interference would mean if a neighbor feels that the boarding house interfered with the use or occupancy of their property.

Brian Hogan, Portsmouth property owner, said no one should have the right to dictate an individual's future or livelihood. He advised the City Council that he feels this ordinance is a violation of his rights.

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

- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.335 – USE OF PARKING LOT ITEM D DELETED IN ITS ENTIRETY AND AMENDING CHAPTER 7, ARTICLE IX, SECTION 7.9 – PENALTIES, FORFEITURES AND SEPARABILITY AMENDING SECTION 7.901 BY THE ADDITION OF A NEW ITEM H – 72 HOURS PARKING RESTRICTIONS

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Request to Authorize the City Manager to Apply for Grants for the Safe Routes to School Committee

Councilor Whitehouse moved to authorize the City Manager to apply for a grant for the Safe Routes to School Committee. Seconded by Councilor Smith.

Councilor Dwyer said that some things listed in the grant we may or may not apply for and the list of items that qualify for the grant is comprehensive.

Councilor Smith advised the City Council that there is a total of \$1,000,000.00 available with each community limited to \$100,000.00. He informed the City Council that the Committee will prioritize our needs.

Councilor Pantelakos said that the list includes funding for bike racks and asked how that relates to the grant. Councilor Smith said that the grant would address infrastructure and non-infrastructure needs. Councilor Smith said we need to review safety issues.

Motion passed.

B. Acceptance of National Endowment for the Arts Grant

Assistant Mayor Ferrini moved to accept the \$12,000.00 National Endowment for the Arts grant award and authorize the City Manager to oversee its administration. Seconded by Councilor Grasso and voted.

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item IX. C. - Second reading of Ordinance amending Chapter 9 - Miscellaneous Public Welfare by the addition of a new Article VIII entitled Boarding Houses. Seconded by Councilor Grasso and voted.

IX. C. Second reading of Ordinance amending Chapter 9 - Miscellaneous Public Welfare by the addition of a new Article VIII entitled Boarding Houses

Assistant Mayor Ferrini moved to pass second reading and schedule third and final reading at the September 17, 2007 City Council meeting. Seconded by Councilor Grasso.

Assistant Mayor Ferrini thanked the neighborhood and Beth Shepard-Rabadam for the input received relative to the ordinance. He said that requiring a permit for a boarding house is well within the rights of the City Council. The ordinance will ensure that the welfare of the community is served.

Councilor Whitehouse expressed concern with the ordinance not requiring a contact person to live within 30 to 40 minutes commuting time. Assistant Mayor Ferrini said he believes the contact information in the current form of telecommunication is efficient to meet the communication we need.

City Attorney Sullivan spoke to other instances where this ordinance would apply. Councilor Dwyer said that this ordinance would apply to many situations. City Attorney Sullivan said that this is a new ordinance therefore; we have no history to refer to and the ordinance would allow a grace period for buildings to come into compliance.

Councilor Smith asked if the permit was granted in a business name rather than an individual if it would be transferable. City Attorney Sullivan said the permit would be transferable if it was granted in a business name. Councilor Smith asked if individuals would need to apply now. City Attorney Sullivan said that the permit would need to be secured by January 1, 2008.

Councilor Dwyer expressed concern relative to the definition language. She asked if the ordinance would apply by a certain scale because people provide rooms for rent. City Attorney Sullivan suggested adding language after the word which in definition to read: *“more than (insert number).”*

Councilor Smith said if a permit is not granted how long would individuals be allowed to locate new housing. He also expressed concern with this ordinance applying to Cross Roads House. City Attorney Sullivan said if Cross Roads meets the definition of number of rooms, then the ordinance would apply.

Councilor Reynolds said that this ordinance provides the City Council with oversight by requiring a permit. He said that this community also needs this type of housing.

Councilor Grasso moved to amend Section 9.801 – Definitions – by inserting *“more than 3”* following the word *“which”*.

Section 9.801 – Definition:

Shall read as follows:

The term Boarding House shall apply to any residential structure in which more than 3 rooms are rented, leased or otherwise made available to tenants where such rooms do not contain separate bathroom facilities.

Motion seconded by Councilor Dwyer.

Councilor Grasso said that she feels one or two rooms would be reasonable but more than three is not just family.

Amendment passed.

Councilor Pantelakos said according to the ordinance a permit must be issued on January 1, 2008 and expressed concern with meeting that requirement and having something in place to protect the neighbors, residents and property owners. Assistant Mayor Ferrini said that we identify the properties affected by the ordinance and make sure that they are in the permitting process. City Attorney Sullivan said he feels that Assistant Mayor Ferrini statement is fair.

Councilor Smith said he is concern with this ordinance affecting Cross Roads House. He said he wants to ensure that the property owner would not be held responsible for the actions of the tenant. Councilor Hynes said that Cross Roads is a Corporate Facility and has several distinctive approvals to serve the homeless. Councilor Dwyer said that she feels the definition would apply to Cross Roads. She said that the ordinance requires the property owner to maintain the property. Councilor Smith said he brought the issue of Cross Roads forward because the City Council needs to consider if they do not meet the requirements of the ordinance, they would need to be closed down.

Assistant Mayor Ferrini said he does not feel the ordinance would be detrimental; there is discretion in how we use the permit and the enforcement of the ordinance. He said that no facility would be closed down, the City and Cross Roads could set bench marks.

City Manager Bohenko said it is important to realize that the City has worked with Cross Roads and they must be in compliance with City regulations as well as State.

Councilor Grasso said that the City Council could grant a conditional permit.

Main motion passed as amended.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10, Article I, Section 10-102 – Definitions – Light Industry and Chapter 10, Article XV, by the creation of a new Section 10-1508 entitled Non-Residential Planned Unit Development (PUD-NR)

Councilor Reynolds moved to pass first reading and schedule a public hearing and second reading at the September 17, 2007 City Council meeting. Seconded by Councilor Whitehouse.

Assistant Mayor Ferrini moved to suspend the rules in order to amend the ordinance at first reading. Seconded by Councilor Dwyer and voted.

Assistant Mayor Ferrini moved to amend Chapter 10, Item 2, Article XV, Section F – Dimensional and Intensity Regulations, Item (1) to change under “Any Use”, the front yard dimension from 50 feet to 75 feet; and further, to amend Chapter 10, Item 2, Article XV, Section G – Access, Circulation and Parking, Item (7) by striking Item 7 regarding the Planning Board’s discretion to waive parking requirements. Seconded by Councilor Dwyer.

Councilor Pantelakos said that she would vote against the ordinance, and feels it should remain as is. The Council should respect the feelings of the neighborhood and residents.

On a roll call 6-3, voted to pass the amendments. Assistant Mayor Ferrini, Councilors Dwyer, Reynolds, Whitehouse, Smith and Hynes voted in favor. Councilors Grasso, Pantelakos and Mayor Marchand voted opposed.

Councilor Smith said he does not support the ordinance but would allow for a public hearing to receive public input.

Main motion passed as amended. Councilor Grasso and Pantelakos voted opposed.

- B. Adoption of Resolution Regarding the Public Necessity for the City to Condemn Certain Property along Greenland Road (Route 33) in the Vicinity of the Railroad Bridge to Facilitate the Reconstruction of the Railroad Bridge and Roadway

Councilor Pantelakos moved to adopt the aforementioned Resolution, as submitted. Seconded by Councilor Grasso.

City Manager Bohenko advised the City Council that we will conduct an appraisal of the properties and try to negotiate easements.

City Attorney Sullivan informed the City Council that this starts the process, and if the City fails to negotiate a resolution the City files a declaration of taking and the City Council will be kept abreast of the situation.

Councilor Grasso asked how long the project would take. Traffic Engineer Finnigan advised the City Council that it would be two construction seasons.

Motion passed.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.335 – Use of Parking Lot Item D deleted in its entirety and amending Chapter 7, Article IX, Section 7.9 – Penalties, Forfeitures and Separability amending Section 7.901 by the addition of a new Item H – 72 Hour Parking Restrictions

Assistant Mayor Ferrini moved to pass second reading of the amended ordinance as recommended by the Parking Committee and schedule third and final reading at the September 17, 2007 City Council meeting. Seconded by Councilor Smith and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from The Portsmouth Halloween Parade Committee requesting permission to hold the 13th Annual Halloween Parade on Wednesday, October 31, 2007 at 7:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)
- B. Acceptance of Donation for the New Library Building Fund
 - Peter M. and Catherine C. Okhuysen - \$300.00 (*Fulfills pledge*)

(Anticipated action – move to approve and accept the donation to the New Library Building Fund)

Assistant Mayor Ferrini moved to adopt the Consent Agenda. Seconded by Councilor Smith and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Paul McEachern requesting License Agreements between the City and March Twenty-Two, LLC Re: 58 & 68 State Street

City Manager Bohenko advised the City Council that the staff has no issues with the proposal.

Councilor Pantelakos moved to authorize the City Manager to extend the License Agreement for 58 State Street and enter into a License Agreement for 68 State Street. Seconded by Councilor Grasso and voted.

- B. Request from Kimberly Buxton, Bellman's Portsmouth, for a sidewalk obstruction license to place 1 A-frame sign in front of establishment

Councilor Grasso moved to refer to the City Manager with power. Seconded by Councilor Whitehouse and voted.

- C. Request from Alison Tucker, Gulliver's Inc., for a sidewalk obstruction license to place 1 A-frame sign in front of establishment

Assistant Mayor Ferrini moved to refer to the City Manager with power. Seconded by Councilor Whitehouse and voted.

- D. Request from Ed Shiembob, Aroma Italian Café, for a sidewalk obstruction license to place 1 A-frame sign in front of establishment

Councilor Whitehouse moved to refer to the City Manager with power. Seconded by Assistant Mayor Ferrini and voted.

- E. Letter and Petition from The Frank Jones Farm Neighborhood Group opposing the rezoning of areas of the neighborhood for commercial development

Councilor Pantelakos moved to refer the letter and petition to the Planning Board to place on file. Seconded by Assistant Mayor Ferrini.

Councilor Dwyer said that the Planning Board has addressed the issue and did not approve the rezoning request.

Councilor Whitehouse said that it is just a rumor that the Wentworth School would be demolition. City Manager Bohenko said that PMAC and Exchange City are viable uses for the building. He informed the City Council that it is not in the best interest of the City to relinquish the land.

Motion passed.

- F. Letter from Eric Spear requesting a change in the Capital Improvement Plan to the Market Street Expansion & Pedestrian Improvements Project

Assistant Mayor Ferrini moved to refer to the Traffic & Safety Committee for report back. Seconded by Councilor Pantelakos.

City Manager Bohenko informed the City Council that there may not be a need for a report back, as it would be addressed in the minutes of the Traffic & Safety Committee. Assistant Mayor Ferrini requested Councilor Smith review the minutes from the Traffic & Safety Committee when they come before the City Council for acceptance and approval.

Councilor Dwyer said that we need to establish an appropriate formula for downtown parking, as many boards are dealing with parking issues. She suggested that the Economic Development Commission, Planning Board and the Parking Committee meet to review the overall view of the parking issues.

Councilor Smith advised the City Council that this matter would go before the Traffic & Safety Committee and then the Parking Committee would review the proposal. He also informed the City Council that the Parking Committee is reviewing downtown parking issues to allow for better utilization.

City Manager Bohenko informed the City Council that an engineering firm will be creating a model of the parking and traffic flows of the downtown.

Councilor Reynolds spoke to the request and limiting parking on one side. He said to reduce the number of parking spaces is a concern, and we need to think about what makes downtown special. Councilor Reynolds said that we need to consider pedestrian traffic flow in the downtown and spoke in support of the theory and its consideration by the City Council.

Councilor Pantelakos said that the Traffic & Safety Committee needs to take great consideration on how the Fire Department would get down to the businesses if necessary, and said that she feels the proposal is dangerous.

Councilor Hynes said widening a sidewalk is great if there are enough people to make use, but when eliminating parking you need to consider what it would do to the businesses on the opposite side of the street. He questioned the value of widening the sidewalk permanently.

Mayor Marchand said he feels that this will be good for the downtown businesses.

Motion passed.

- G. Letter from Paul Sorli, Portsmouth Gas Light Co., requesting that Eric Spear's proposal for the creation of a Broad Walk on Market Street be referred to the Traffic & Safety Committee for study

Councilor Smith moved to accept and place the letter on file. Seconded by Councilor Whitehouse and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Report Back Re: Vendor Times

City Manager Bohenko informed the City Council after discussion with various individuals, the best way to deal with this matter may be to prohibit vending times between midnight and 7:00 a.m. This would require an ordinance amendment.

Councilor Whitehouse moved to authorize the City Manager to bring back for first reading at the September 17, 2007 City Council meeting the attached proposed ordinance amendment, as submitted. Seconded by Councilor Grasso.

Councilor Whitehouse requested that City Clerk Barnaby notify each vendor of the proposed ordinance.

Motion passed.

2. Request for First Reading Re: Storm Water Ordinance

City Manager Bohenko advised the City Council that the consultant has stated the proposed ordinance conforms to the requirements. This ordinance should be adopted by year-end to meet regulatory requirements.

Councilor Grasso moved to authorize the City Manager to bring forward for first reading a proposed Storm Water Ordinance for the September 17, 2007 City Council meeting. Seconded by Assistant Mayor Ferrini.

Councilor Dwyer said that there is a plan for public education and the City Council needs to be part of the process. City Manager Bohenko said before the public hearing there would be an explanation of storm water and then the ordinance. He advised the City Council that a full explanation will be provided to the City Council. Councilor Dwyer said that it is important that we explain the process to the public.

Motion passed.

Assistant Mayor Ferrini to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Smith and voted. Councilor Grasso voted opposed.

3. Request for First Reading Re: State Revolving Loan Bond Issue for Rye Line Pumping Station Upgrades

City Manager Bohenko informed the City Council that the Sewer Division is requesting authorization to participate in the State Revolving Loan Fund (SRF) program for the Rye Line Wastewater Pumping Station and Sewer System Improvements Project. The project has been identified in the Capital Improvement Plan and construction costs are estimated at \$1,500,000.00.

Councilor Smith moved to authorize the City Manager to bring back for first reading at the September 17, 2007 City Council meeting a proposed resolution for a State Revolving Loan Bond Issue for the Rye Line Pumping Station Upgrades. Seconded by Assistant Mayor Ferrini and voted.

4. Letter from Housing Authority Re: Proposed Re-Use of Lafayette School for Elderly Housing

City Manager Bohenko advised the City Council that the Portsmouth Housing Authority is proposing, along with its affiliated development group, (The PHA Housing Development Limited) to lease the property from the City of Portsmouth for \$1.00 a year and to develop it into at least ten (10) one-bedroom units of elderly housing for tenants that earn 60% or less than the area median income who are over fifty-five (55) years of age. The Housing Authority would like to hold a lease on the building for ninety-nine (99) years. He suggested that the City Council conduct a work session with the Housing Authority prior to the October 1, 2007 City Council meeting.

Councilor Hynes moved to establish a Work Session at 6:00 p.m. at the October 1, 2007 City Council meeting with Portsmouth Housing Authority regarding their proposal. Seconded by Councilor Smith.

Councilor Smith inquired as to the Request for Proposals (RFP) that was to be done for the Lafayette School. City Manager Bohenko advised the City Council after the RFP for the Library we did not believe that the City would receive successful proposals. City Manager Bohenko said if this current proposal is not accepted the City could sell the land with the building or take the building down. Councilor Smith said he would like to review the proposal from the Housing Authority rather than preparing an RFP.

Councilor Dwyer spoke in favor of conducting a work session with the Housing Authority. She requested that the Housing Authority address their financial liabilities as it relates to 60% of median income and work force housing.

Motion passed.

Informational Items

1. Report Back Re: Pumpkin Festival

Councilor Pantelakos spoke regarding the report back from the Trustees of the Trust Fund regarding the request to hold a Pumpkin Festival. She said that she was disappointed that they are not in favor of holding the event, which she feels would benefit the City and its residents. Councilor Pantelakos asked City Attorney Sullivan if the Trustees of the Trust Fund have the exclusive rights to deny such a request. City Attorney Sullivan said that the City owns the park and the Trustees of the Trust Fund with the permission of the Council has administered the park. Councilor Pantelakos said she does not feel that the event should have been denied.

2. 201 Wastewater Master Plan

Councilor Whitehouse requested an update on the 201 Master Plan. City Manager Bohenko said in order to comply with the City's new Peirce Island Wastewater Treatment Facility's National Pollutant Discharge Elimination System (NPDES) Permit, the City is conducting a comprehensive Wastewater Master Plan (WMP). This master plan includes an update of the City's 201 Wastewater Facilities Plan as well as the City's Combined Sewer Overflow Long Term Control Plan. This WMP has public outreach and regional outreach components. The project is a three-year effort to identify and study feasible alternatives and recommend a final plan for secondary treatment of wastewater that will protect valuable natural resources and comply with Clean Water Act regulations. The City has hired the engineering team of Weston & Sampson of Portsmouth, NH and Brown and Caldwell of Andover, MA, to prepare the Wastewater Master Plan. Councilor Whitehouse said he feels that a three year study is too far out. City Manager Bohenko said that there are reasons why the three years is necessary.

B. MAYOR MARCHAND

1. Resignation

- Clifford Taylor – Economic Development Commission – effective immediately

Councilor Whitehouse moved to accept with regret the resignation of Clifford Taylor from the Economic Development Commission effective immediately. Seconded by Councilor Pantelakos and voted.

Councilor Whitehouse requested that a thank you letter be sent to Mr. Taylor for his years of service on the board.

2. Appointments to be Voted:

- Phyllis Eldridge – Trustee of the Trust Fund
- Derek Durbin – Zoning Board of Adjustment (Alternate)

Councilor Grasso moved to appoint Phyllis Eldridge to the Trustees of the Trust Fund filling the unexpired term of Jameson French until January 1, 2009. Ms. Eldridge's appointment becomes effective September 1, 2007. Seconded by Councilor Pantelakos and voted.

Councilor Grasso moved to appoint Derek Durbin as an Alternate to the Zoning Board of Adjustment filling the unexpired term of Carol Eaton until December 1, 2007. Ms. Eaton was appointed as a regular member. Seconded by Councilor Pantelakos and voted.

3. *Cruise Ship Committee – Appointment of Members

Mayor Marchand appointed the following individuals to serve on the Blue Ribbon Cruise Ship Committee: Councilor Smith, City Council Representative; Donald Coker, Robin Whitaker, Geno Marconi, PJ Johnson and an ex-officio member to be appointed by City Manager Bohenko. Mayor Marchand announced that this Committee will expire on December 1, 2007.

Councilor Smith said that three questions would be considered by the Cruise Ship Committee:

- Can we bring cruise ships into Portsmouth
- Where would the cruise ships dock
- Who would be responsible for recruiting cruise ships

4. *Reports

Mayor Marchand announced that the Little League 9-10 years old and 11-12 years old are State Champions. Assistant Mayor Ferrini asked that the teams be brought in to be recognized by the City Council.

C. ASSISTANT MAYOR FERRINI

1. *City Manager's Evaluation

Assistant Mayor Ferrini announced that the City Council has concluded its annual evaluation of City Manager John Bohenko's job performance over the past year. The City Council reviewed all aspects of his duties as City Manager including but not limited to:

- General Administration
- Administrative Management
- Program Responsibilities
- Public Policy Responsibilities
- Relationships
- Personal Skills and Traits
- Goals

He further reported that the City Council finds that the City Manager's overall performance continues to be "excellent to exceptional" in all categories.

Councilor Pantelakos moved to accept the City Manager's Evaluation as presented. Seconded by Councilor Grasso and voted.

D. COUNCILOR SMITH

1. *Ordinance Regulating Skateboards

Councilor Smith on behalf of the Safe Routes to School Committee requested that City Attorney Sullivan and the Police Department work together to modify the ordinance regulating skateboards as a possible allowed use in the downtown. He advised the City Council that skateboards and scooters are another method of transportation for kids to school.

2. Traffic & Safety Committee Action Sheet and Minutes of the August 9, 2007 meeting

Councilor Whitehouse moved to approve and accept the action sheet and minutes of the August 9, 2007 Traffic & Safety Committee meeting. Seconded by Councilor Dwyer and voted.

3. Parking Committee Action Sheet and Minutes of the August 9, 2007 meeting

Councilor Hynes moved to approve and accept the action sheet and minutes of the August 9, 2007 Parking Committee meeting. Seconded by Assistant Mayor Ferrini and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse announced after 31 years of service as an elected official he has decided not to seek re-election to the City Council.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 10:30 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor Smith and voted.



Kelli L. Barnaby, CMC
City Clerk