

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JUNE 8, 2009, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR BLALOCK, COUNCILORS NOVELLINE CLAYBURGH, DWYER, SMITH, KENNEDY, SPEAR, HEJTMANEK AND PANTELAKOS

1. At 6:00 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.
2. Presentation – Mayor’s Award – Mayor Ferrini presented a Mayor’s Award and gift to Robin McIntosh for her dedication with various projects and years of service to the City of Portsmouth. Ms. McIntosh thanked the Mayor and City Council for this award.
3. Presentation – Mayor’s Awards to Portsmouth High School Girls’ Tennis Team – State Champions – Mayor Ferrini presented Mayor’s Awards and t-shirts to the State Champion Portsmouth High School Girls’ Tennis Team. Coach Olsen thanked Mayor Ferrini and City Council for this recognition.
4. Acceptance of Minutes – May 11, 2009 and May 18, 2009 – Voted to approve and accept the minutes of the May 11, 2009 and May 18, 2009 City Council meetings.
5. Public Comment Session – There was one speaker: Jacquelyn Gravelle (Portsmouth Association of Clericals in Education’s Tentative Agreement).
6. Public Hearing - Ordinance amending Chapter 7, Article IV, Section 7.408 – Peirce Island Boat Launch Overnight Parking – Held a public hearing. Moved to pass second reading and schedule a third and final reading at the June 22, 2009 City Council meeting, as submitted. Voted to amend Item E of the ordinance to read as follows: "*The vehicle and/or vessel shall remain unoccupied for the duration of the permitted time.*" Main motion passed as amended.
7. Public Hearing - Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00 – Held a public hearing. On a unanimous roll call 9-0, voted to adopt the Resolution, as presented.
8. Voted to suspend the rules in order to take up Item XII. A.6. – Memorandum of Understanding (MOU) and Agreement between City and Art-Speak.
9. Memorandum of Understanding (MOU) and Agreement between City and Art-Speak – Voted to authorize the City Manager to extend the agreement from July 1, 2009 through June 30, 2010.

10. Acceptance of Donations to the Coalition Legal Fund

- Town of Rye - \$1,000.00
- Town of Bridgewater - \$1,200.00
- Town of Newington - \$2,000.00

Voted to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund.

11. Acceptance of Stormwater Utility Feasibility Study Grant - \$27,500.00 – Voted to accept and expend a \$27,500.00 DES grant for the purpose of a stormwater utility feasibility study and authorize the City Manager to execute any documents which may be necessary for this grant contract.

12. Acceptance of US Fish and Wildlife Service Funding - \$5,000.00 – Voted to accept and expend a \$5,000.00 grant from the U.S. Fish and Wildlife Service, Partners in Wildlife Program for the purpose of restoring a section of shoreline along the North Mill Pond.

13. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.344 – Use of Roller Skates, Coasters and Skateboards – On a roll call vote 3-6, motion to reconsider second reading to allow for further amendments to the ordinance ***failed*** to pass. Councilors Novelline Clayburgh, Dwyer and Hejtmanek voted in favor. Assistant Mayor Blalock, Councilors Smith, Kennedy, Spear, Pantelakos and Mayor Ferrini voted opposed.

On a roll call 6-3, voted to pass third and final reading of the proposed ordinance, as submitted. Assistant Mayor Blalock, Councilors Smith, Kennedy, Spear, Pantelakos and Mayor Ferrini voted in favor. Councilors Novelline Clayburgh, Dwyer and Hejtmanek voted opposed.

14. Consent Agenda – Councilor Pantelakos requested to remove Item X. A. – Letter from Laurie Mantegari, Greater Portsmouth Chamber of Commerce, requesting permission to hold the 14th Annual Harbor Trail Road Race on Saturday, July 11, 2009; further request that vehicles be prohibited from parking on Parrott and Junkins Avenues after business hours Friday, July 10, 2009 from the Consent Agenda.

15. Letter from Laurie Mantegari, Greater Portsmouth Chamber of Commerce, requesting permission to hold the 14th Annual Harbor Trail Road Race on Saturday, July 11, 2009; further request that vehicles be prohibited from parking on Parrott and Junkins Avenues after business hours Friday, July 10, 2009 – Voted to refer to the City Manager with power.

Voted to adopt the Consent Agenda as presented.

- B. Acceptance of Donation from the Portsmouth Police Ranking Officers Association in support of the Portsmouth Explorer Cadets in the amount of \$100.00 (***Anticipated action – move to accept and approve the donation to the Portsmouth Explorer Cadets, as listed***)

16. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce regarding Market Square Informational Kiosk – Voted to refer to the City Manager for report back to the City Council. City Manager Bohenko informed the Council that this matter would be brought to the Planning Board for an advisory review.

17. Request for Approval of Five (5) Separate Collective Bargaining Agreements to Expire June 30, 2014

- Supervisory Management Alliance's Tentative Agreement

Voted to adopt the Supervisory Management Alliance's Tentative Agreement to expire on June 30, 2014.

- Portsmouth Association of Clericals in Education's Tentative Agreement

Voted to adopt the Portsmouth Association of Clericals in Education's Tentative Agreement to expire on June 30, 2014.

- Custodial Supervisors' Tentative Agreement

Voted to adopt the Custodial Supervisors' Tentative Agreement to expire on June 30, 2014.

- Portsmouth Paraprofessional Association's Tentative Agreement

Voted to adopt the Portsmouth Paraprofessional Association's Tentative Agreement to expire on June 30, 2014.

- Association of Portsmouth School Administrator's Tentative Agreement

Voted to adopt the Association of Portsmouth School Administrator's Tentative Agreement to expire on June 30, 2014.

18. Shoreland Exemption for Poco Deck Relocation – Voted to authorize the City to make a formal request to the NHDES seeking an exemption from the Comprehensive Shoreland Protection Act for Map 106 Lot 48 and Map 106 Lot 49 and to take any further action that may be necessary to secure an exemption for this property.

19. Exchange of Property Interests Between the City and Portsmouth Navigation Corporation – Voted to accept the recommendation of the Planning Board and authorize the City Manager to execute the required documents for the conveyance of the property between the City and Portsmouth Navigation Corporation.

20. Reduction to Prescott Park Dock Seasonal Rental Rates – Voted to adopt the Prescott Park Dock Seasonal Rental Rates, as approved by the Trustees of the Trust Fund.

21. Request to Enter into a Revised License Agreement Re: 68 State Street – Voted to authorize the City Manager to negotiate and enter into a revised license agreement for purposes of facilitating construction activities at 68 State Street. Mayor Ferrini abstained from voting.
22. Proposed Policy Re: Public Gathering in Market Square – The City Council agreed to have the City Manager bring back the aforementioned proposed policy to the June 22, 2009 City Council meeting for action.
23. Proposed Repairs to South Meeting House – Voted to authorize expenditures up to \$200,000.00 from the Urban Development Action Grant Fund for the repairs listed:

Repairs recommended by committee and City Staff:

- *The replacement of the roof*
 - *The clock tower needs structural work for its long-term viability*
 - *The building needs to be completely painted and some clapboards require replacement*
 - *The building currently has no insulation and needs insulation installed*
 - *The area around the building needs new pavement*
 - *The area around the building needs to be landscaped*
24. Request for Approval of PSNH Pole Licenses #63-0475 and #63-0476 – Voted to approve the request from PSNH for Pole License Agreements #63-0475 and #63-0476, as recommended by the Public Works Department.
 25. Request for Approval of TCG New Jersey AT&T License Agreement – Voted to approve the request from TCG New Jersey, Inc. a subsidiary of AT&T, for a Petition and Conduit License Agreement for underground utility crossing the end of Echo Avenue, as recommended by the Public Works Department.
 26. Request for a License from Jodie Curtis of Re-Enhabit, LLC, for property located at 15 Daniel Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Jodie Curtis of Re-Enhabit, LLC to install a projecting sign at 15 Daniel Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Recommendations:

- *That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,*
- *That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works*

27. Request for a License from Michael Labrie of Riverhouse Restaurant Group, LLC, for property located at 53 Bow Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Michael Labrie of Riverhouse Restaurant to install a projecting sign at 53 Bow Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Recommendations:

- *That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,*
- *That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works*

28. Request for a License from Joe Hickey of Blue Athletic, Inc. for property located at 67 Bow Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Joe Hickey of Blue Athletic, Inc., to install a projecting sign at 67 Bow Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Recommendations:

- *That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,*
- *That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works*

29. Proposed Half-Day Work Session Re: Review of Proposed Zoning Ordinance – Voted to establish a half-day work session with a date to be determined by Mayor Ferrini to review the proposed zoning ordinance.

30. Economic Revitalization Zone Tax Credit Request Re: High Liner Foods – Voted to authorize the City Manager to submit an application to the New Hampshire Department of Resources and Economic Development for approval of the Borthwick Avenue area as an Economic Revitalization Zone (ERZ).

Councilor Dwyer requested that this matter be referred to the Planning Board for informational purposes.

31. Appointments to be Considered - The City Council considered the following appointments to be voted on at the June 22, 2009 meeting.
- Elena Maltese – Reappointment to the Historic District Commission
 - Jeffrey Mountjoy – Reappointment to the Portsmouth Housing Endowment Fund
 - Arlene Corriveau – Appointment to Peirce Island Committee
 - Harold Hapgood – Appointment to Peirce Island Committee
 - Heather Hurtt – Appointment to the Recreation Board
 - Carl Diemer – Reappointment to the Recreation Board
 - Kathy Birse Siegel – Reappointment to the Recreation Board
32. Appointment to be Voted – Maryann Blanchard – Appointment as Regular member to the Conservation Commission – Voted to appoint Maryann Blanchard as a regular member to the Conservation Commission until April 1, 2012. Maryann will be filling the expired term of Skye Maher who did not seek reappointment.
33. City Council Policy #2009-01 Re: Board & Commission Quarterly Reports – Mayor Ferrini announced that the presentation of quarterly reports would take place at the September 14, 2009 City Council meeting.
34. Status Update on Portsmouth Middle School – No action required. Mayor Ferrini informed the Council that we continue to monitor the State of New Hampshire budget process.
35. Traffic & Safety Committee Action Sheet and Minutes of the May 14, 2009 meeting – Voted to approve and accept the action sheet and minutes of the May 14, 2009 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.
36. Parking Committee Action Sheet and Minutes of the May 14, 2009 meeting – Voted to approve and accept the action sheet and minutes of the May 14, 2009 Parking Committee meeting. Councilor Kennedy voted opposed.
37. Adjournment – At 9:00 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk