

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON AUGUST 3, 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, HEJTMANEK AND PANTELAKOS

ABSENT: COUNCILOR SPEAR

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1. At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.
2. Mayor's Award – Sharon Jones – Mayor Ferrini presented a Mayor's Award to Sharon Jones for her outstanding singing performance during the Fourth of July fireworks. Ms. Jones accepted the award with thanks and appreciation.
3. Presentation - Cable Television and Communications Commission Re: Proposed Public Access Charitable Trust - John Gregg, Chair – John Gregg, Chair of Commission, reviewed the creation of a Proposed Public Access Charitable Trust. Assistant City Attorney Suzanne Woodland presented the rules for the Charitable Trust and advised the City Council that the City needs a vehicle for funds to be placed for the access channels. She also spoke to the need of establishing an Advisory Board for the Charitable Trust.
4. Presentation - Proposed Consent Decree with United States Environmental Protection Agency and New Hampshire Department of Environmental Services – Dave Allen, Deputy Public Works Director provided an update on the Master Plan and Assistant City Attorney Woodland discussed the Proposed Consent Decree. Deputy Public Works Director Allen reviewed the scope of work that has been completed, which remains on-going as well as future work that needs to be done. Assistant City Attorney Woodland spoke to the development of this complex Consent Decree and the relationship between the Decree and our Master Plan. She advised the City Council that the estimated costs for a new treatment plant is around \$55,000,000.00.
5. Acceptance of Minutes – July 20, 2009 – Voted to approve and accept the minutes of the July 20, 2009 City Council meeting.
6. Public Comment Session – There were nine speakers: Attorney Charles Griffin, Dianne Lavoie, Michael Donah, Bill Mortimer, Phil Geraci, Jill Tapscott, Don Pexton (Toyota Dealership); Martin Cameron and Bill St. Laurent (Public Access Channel).

7. Cable Television and Communications Commission Re: Proposed Public Access Charitable Trust – Voted to suspend the rules in order to take action on this item. Voted to establish the Cable Television Public Access Charitable Trust; and further voted to authorize the City Manager to exercise the City's rights under the Cable Franchise Renewal Agreement such that fees from the Comcast Franchise Renewal Agreement above the baseline of \$360,000.00 be directed to the Cable Television Public Access Charitable Trust.
8. Proposed Consent Decree with United States Environmental Protection Agency and New Hampshire Department of Environmental Services – Voted to suspend the rules in order to take action on this item. Voted to authorize the City Manager to finalize and execute the proposed Consent Decree with USEPA and NHDES.
9. Acceptance of Donation to the Coalition Legal Fund – Town of Lincoln - \$2,000.00 – Voted to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund.
10. Third and final reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described of the Ordinances of the City – Hanover-Fleet Street Off-Street Parking Area (High Hanover Parking Garage) – Voted to pass third and final reading of the proposed Ordinance, as submitted.
11. Letter from Peter Donovan requesting permission for the installation of a memorial bench for Carl Collins – Voted to refer to the City Manager with power.
12. Letter from Paul Cincotta, Packard Development, regarding Banfield Road Conservation Land – Voted to refer to the Planning Board for report back.
13. Letter from Wendy McCoolle, CelebratePink, requesting permission to hold a 5k Road Race & Walk on Saturday, September 19, 2009 at 9:00 a.m. – Voted to refer to the City Manager with power.
14. Letter from Lisa Mure, Community Health Institute, requesting permission to set up a table and two chairs for the purpose of collecting surveys from community members in the Vaughan Mall on Wednesday, August 12, 2009 from 3:00 p.m. – 7:00 p.m. – Voted to refer to the City Manager with power.
15. Non-Union Employee Contract Standards – Voted to accept the non-union employee contract standards review.
16. Pease Tradeport Economic Revitalization Zone – Voted to authorize the City Manager to submit an application to the New Hampshire Department of Resources and Economic Development for approval of Pease Tradeport as an Economic Revitalization Zone (ERZ).

17. Report Back Re: Request by Mario Giberti to purchase City-owned Land – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations regarding the request of Mario Giberti to purchase City-owned land known as Assessor Map 233, Lot 133 on Barberry Lane.

Planning Board Stipulations:

- *The City should retain long-term ownership of the subject lot for potential future recreational use, either as a neighborhood park or in connection with recreational use of the rail corridors*
- *If the Council determines that private use is appropriate, disposition should be through a ground lease and only for passive uses, including landscaping. No structures should be permitted on the lot. Lease payments should be based on the equivalent tax revenue based on assessed valuation*

18. Request for a License from Robert Sevigny owner of The Paper Patch for property located at 36 Market Street to Install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Robert Sevigny owner of The Paper Patch to install a projecting sign at 36 Market Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Recommendations:

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

19. Request for a License from Deb Orlando, owner of Phly LLC for property located at 222 State Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Deb Orlando owner of Phly LCC to install a projecting sign at 222 State Street and further authorize the City Manager to execute a License Agreement for this request.

Planning Board Recommendations:

- *The license shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

20. Proposed Letter of Support Re: Bridge Grant – Voted to send the proposed letter to the Maine Department of Transportation and the New Hampshire Department of Transportation in support of the proposed Transportation Investment Generating Economy Recovery (TIGER) Discretionary Grant Piscataqua River Bi-state Multimodal Transportation improvements between Portsmouth, NH and Kittery, Maine. Further to remove the following language from the last paragraph of the letter as follows: *“as well as the Port facilities.”*

21. Adjournment – At 9:15 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk