

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON SEPTEMBER 1, 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

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1. At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.
2. Presentation - 2009 NH State Champion Little League Team – State Representative Jacqueline Cali-Pitts presented the Little League Team with a Proclamation in recognition of their 2009 NH State Championship title. Mayor Ferrini presented Mayor's Awards and t-shirts to the players and coaches for their outstanding season.
3. Presentation – 2009 NH State Champion Babe Ruth 13-year old Team – State Representative Jacqueline Cali-Pitts presented the Babe Ruth 13-year old Team with a Proclamation in recognition of their 2009 NH State Championship title. Mayor Ferrini presented Mayor's Awards and t-shirts to the players and coaches for their outstanding season.
4. Proposed Amendment to Building Code Ordinance – Richard Hopley, Chief Building Inspector – Chief Building Inspector Hopley provided a presentation on proposed amendments to the Building Code Ordinance.  
  
Voted to establish first reading of these amendments for the September 14, 2009 City Council meeting.
5. Acceptance of Minutes – August 3, 2009; August 10, 2009 and August 17, 2009 – Voted to approve and accept the minutes of the August 3, 2009; August 10, 2009 and August 17, 2009 City Council meetings.
6. Public Comment Session – There were 14 speakers: Gerald Howe; John Golumb; Bill St. Laurent; John Russo; Dave Ferland; Erik Anderson, Timothy Cashman; Corey MacDonald; Eric Kinsman; Tim Black (Police Contracts); Heather Sneff; Andy Gagnon; Rachel Forest; and Peter Egelston (Sidewalk Obstruction Request of Robert Loechler).
7. Voted to suspend the rules in order to take up Items XI. A.1. – XI. A-3. - Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Patrolman's Union; Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association; and Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association.

8. Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Patrolman's Union – On a roll call vote 4-5 motion to accept the contract, as presented **failed** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.
9. Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association – Voted to table the contract for action by the Police Civilian Employees Association Union.
10. Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association – On a roll call vote 4-5 motion to accept the contract, as presented **failed** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.
11. Acceptance of Homeland Security Grant Program Award to the Portsmouth Fire Department - \$11,279.00 – Voted to approve and accept the grant to the Portsmouth Fire Department, as listed.
12. Acceptance of Grant from the Office of Juvenile Justice and Delinquency Prevention for the ARRA CAC Task Force Program to the Portsmouth Police Department - \$475,306.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
13. Acceptance of Donations for the Explorer Cadet Post
  - Charitable Division of the Rotary Club - \$3,000.00
  - Portsmouth Crimeline, Inc - \$1,000.00
  - Tech Enterprise - \$75.00

Voted to approve and accept the donations to the Portsmouth Police Department, as listed.
14. Acceptance of Donation to the PAL Summer Basketball Program from the Strider Sulley family - \$25.00 – Voted to approve and accept the donation to the Portsmouth Police Department, as listed.
15. Acceptance of Donation from Betty LaBranche Real Estate, Inc. to National Night Out 2009 - \$50.00 – Voted to approve and accept the donation to the Portsmouth Police Department, as listed.
16. Acceptance of Grant from the NH Highway Safety Agency for the Portsmouth SMART Radar Trailer - \$6,000.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
17. Acceptance of Grant from the NH Highway Safety Agency for the Portsmouth Laser Radar Speed Control Program - \$1,635.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.

18. Acceptance of Grant from the Office of Justice Program for Internet Crimes Against Children Task Force Program - \$215,000.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.

19. Acceptance of Donation to the summer PAL Basketball Program

- Portsmouth Detective Rochelle Jones - \$100.00
- Ms. D. Bushe - \$10.00

Voted to approve and accept the donations to the Portsmouth Police Department, as listed.

20. Consent Agenda – Voted to adopt the Consent Agenda.

- A. Letter from Pawn Nitichan and Taylor Ferguson, City Year New Hampshire, requesting permission to hold the 2009-2010 City Year New Hampshire Opening Day on Thursday, October 1, 2009, from 12:00 p.m. to 1:30 p.m. in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Nicole Gregg, New Hampshire Film Festival, requesting permission to use the Connie Bean Center gymnasium and lobby for the NH Film Festival October 15, 2009 – October 18, 2009 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Renewal of Sidewalk Obstruction Licenses with no changes from last year
- Choozy Shooz / Le Club Boutique – 1 A-Frame sign
  - 3 West Provisions, Inc. – 1 A-Frame sign

***(Anticipated action – move to refer to the City Manager with power)***

21. Letter from Michael Harvell and Patricia Lynch, The Music Hall, requesting that a section of Chestnut Street in front of the theater (between Congress Street and Porter Street) be renamed Music Hall Way – Voted to refer to the Planning Board for report back.

22. Letter from Brian Codagnone, The Sports Museum at TD Garden in Boston, requesting permission to explore the possibility of establishing a maritime museum in the South Meeting House – Voted to refer to the City Manager for report back.

23. Sidewalk Obstruction License Request of Robert Loechler – Moved to deny the request. Voted to send the request to the City Manager for a report back with a recommendation for a possible location and time for this activity to occur. Assistant Mayor Blalock and Councilor Spear voted opposed. Main motion passed with Assistant Mayor Blalock and Councilor Novelline Clayburgh voting opposed.

24. Proposed Work Session with the Trustees of the Trust – Voted to establish a work session prior to the regular meeting on Monday, October 19, 2009 regarding this matter.

25. Request for Approval of Pole License Agreements #63-0467 and #63-0468 – Voted to approve these requests from PSNH for Pole License Agreements #63-0467 and #63-0468, as recommended by the Public Works Department.

26. Request for a License from Ted Mountzuris of The Page for property located at 172 Hanover Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations:

- a) *to recommend **against** approval of a license unless and until the Board of Adjustment grants a variance to allow the aggregate sign area to exceed the maximum for the lot; and*
- b) *to recommend that if a license is approved, the projecting sign may only be illuminated by external illumination*

27. Request for a License from Samantha Finigan and Whitney, co-owners of Gus & Ruby Letterpress, LLC for property located at 206 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 Samantha Finigan and Whitney, co-owners of Gus & Ruby Letterpress, LLC to install a projecting sign at 206 Market Street and further authorize the City Manager to execute a License Agreement for this request.

- a) *The license shall be approved by the Legal Department as to content and form;*
- b) *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- c) *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*

28. Request for a License from Jason Scott for property located at 78 Congress Street to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Jason Scott to install a projecting sign at 78 Congress Street and further authorize the City Manager to execute a License Agreement for this request.

- a) *The license shall be approved by the Legal Department as to content and form;*
- b) *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- c) *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*

29. Request for a License from Benjamin Nutter Architects for property located at 10 Commercial Alley, Suite 3 to install a projecting sign – Voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Benjamin Nutter Architects to install a projecting sign at 10 Commercial Alley, Suite 3 and further authorize the City Manager to execute a License Agreement for this request.
- a) *The license shall be approved by the Legal Department as to content and form;*
  - b) *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
  - c) *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*
30. Report Back Re: Donation of Conservation Land on Banfield Road – Voted to accept the recommendation of the Planning Board to accept the donation of the conservation land on Banfield Road.
31. Request for Special City Council Meeting on Monday, September 21, 2009 – Voted to establish a Special City Council meeting on Monday, September 21, 2009 to commence at 6:30 p.m. in Conference Room A.
32. Proposed Stimulus Grant Re: Water System Improvements totaling \$55,000.00 – Voted to authorize the City Manager to bring back for first reading the aforementioned SRF grant at the September 14, 2009 City Council meeting.
33. Request to Expand Membership of Safe Routes to School Committee – On a roll call vote 4-5 motion to accept the recommendation of the Safe Routes to School Committee to create three at-large positions **failed** to pass. Councilor Novelline Clayburgh, Dwyer, Spear and Mayor Ferrini voted in favor. Assistant Mayor Blalock, Councilors Smith, Kennedy, Hejtmanek and Pantelakos voted opposed.
34. Appointments to be Considered:
- Ryan Baker – Appointment to Citywide Neighborhood Steering Committee
  - James Horrigan – Reappointment to Conservation Commission
  - George Melchior – Reappointment to Historic District Commission (Alternate)
  - Calvin Couch – Reappointment to Housing Endowment Fund Advisory Board
  - Jeff McLean – Appointment to Portsmouth Economic Development Loan Program
  - **Joli Foucher – Appointment to Safe Routes to School (At-Large member) – Withdrawn based on previous vote regarding expansion to membership of Safe Routes to School Committee**
  - Drew Martin – Appointment to Blue Ribbon Committee on Sustainable Practices
  - Brett Pasinella – Appointment to Blue Ribbon Committee on Sustainable Practices

The City Council considered the above referenced appointments which will be voted on at the September 14, 2009 City Council meeting.

35. Resignation – Everett Eaton from PEDLP – Voted to accept with regret the resignation of Everett Eaton from PEDLP.

Councilor Smith requested that a letter be sent to Mr. Eaton in recognition of his years of service to the PEDLP Committee.

36. Middle School Joint Building Committee (Not on agenda) – Mayor Ferrini announced that the composition of the Middle School Joint Building Committee will be three School Board Members, three City Council Members, one representative from the Library and two Public Members. Application forms for the Public Members are available at the City Clerk's Office or online at [www.cityofportsmouth.com](http://www.cityofportsmouth.com). Mayor Ferrini and School Board Chair Shuldman request that applicants submit a resume or curriculum vitae. Applications will be accepted at the City Clerk's Office until 4:30 p.m. on Wednesday, September 9, 2009. He informed the City Council that final candidates' names will be presented to the School Board at its September 22, 2009 meeting and the City Council at its October 5, 2009 meeting.

37. Parking Committee Action Sheet and Minutes of the August 13, 2009 meeting – Voted to approve and accept the action sheet and minutes of the Parking Committee August 13, 2009 meeting. Councilor Kennedy voted opposed.

38. Proposed Amendment to Taxi Ordinance – Voted to bring back Proposed Amendment to Section 7.210 – Permits and Inspections Required of the Taxi Ordinance for first reading at the September 14, 2009 City Council meeting.

39. Request to Establish a Work Session on Parking Master Plan – Voted to hold a Work Session prior to the November 16, 2009 City Council meeting at 6:00 p.m. regarding the Parking Master Plan.

40. Miscellaneous/Unfinished Business – Councilor Smith requested City Manager Bohenko provide a list of all surplus municipally owned buildable land.

41. Adjournment – At 10:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk