

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MARCH 15, 2010, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR NOVELLINE CLAYBURGH, COUNCILORS LISTER, HEJTMANEK, SPEAR, DWYER, COVIELLO, KENNEDY AND SMITH

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1. At 6:00 p.m., an Anticipated “Non-Meeting” with Counsel was held regarding Litigation – RSA 91-A:2 I (c) and Negotiations – RSA 91-A:2, I (b-c).
2. Acceptance of Minutes – March 1, 2010 – Voted to approve and accept the minutes of the March 1, 2010 City Council meeting.
3. Public Comment Session – There were 33 speakers: James Horrigan (Brick Sidewalks); Grace Flaherty, Frank Snyder, Ken Walsh, Michael Frandzel, Gail Mitchell, Gail Knowles, Jeff Berlin, Larry Drake, Sean Sullivan, Tara Mickela, Alfred Arcidi, Jennifer Zorn, Judy Ringer, Gina Patch, Lee Sullivan, Liz Wright, George Segee-Wright, Sarah Cullen, Chuck Doleac, Kirsten Morella, Jean Robinson, Karen Jacoby, Pamela Shore, Tom Conneen, Mike Chubrich, Richard Orkin, Rachel Haskoven, Carole Helliwell, Charlie Griffin, Petar Ramadanovic, Robert Royem, and Peter Somssich (Indoor Pool).
4. Voted to suspend the rules in order to take up Item IX. F. – Letter and Petitions from “Save the Indoor Portsmouth Pool” (SIPP) citizens group requesting a separate public hearing with regard to the possible closure of the indoor pool.
5. Letter and Petitions from “Save the Indoor Portsmouth Pool” (SIPP) citizens group requesting a separate public hearing with regard to the possible closure of the indoor pool – Voted to conduct a separate public input session after April 9<sup>th</sup> when the City Manager submits his budget to the City Council. City Manager Bohenko will report back with a date for the public input session at the April 5<sup>th</sup> City Council meeting.
6. First reading of Ordinance amending Chapter 10, Article XI, subsection 10.1115.40 and subsection 10.1115.42 – Amount of Payment in Lieu – the fee per space as of January 1, 2010 shall be \$2,000.00 – Voted to pass first reading of the proposed Ordinance amendment, as submitted, and schedule a public hearing and second reading at the April 5<sup>th</sup> City Council meeting. Councilor Dwyer voted opposed.

7. First Reading of Ordinance Deleting Chapter 11, Article III, Section 11.310 –Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel – Moved to approve the first reading of the proposed ordinance as submitted and schedule a public hearing and second reading at the April 5<sup>th</sup> City Council meeting. Voted to suspend the rules in order to allow the Police Chief and Police Commission to address the City Council on this matter. On roll call 4-5, motion to make amendments as recommended by the Police Commission and schedule a public hearing and second reading at the April 5<sup>th</sup> City Council meeting **failed** to pass. Councilors Dwyer, Coviello, Kennedy and Smith voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear and Mayor Ferrini voted opposed. On a unanimous roll call 9-0, voted to pass main motion to approve the first reading of the proposed ordinance as submitted and schedule a public hearing and second reading at the April 5<sup>th</sup> City Council meeting.
8. Consent Agenda – Councilor Smith requested to remove Bach Realty – 21 Brewster Street from item VIII. B. of the Consent Agenda.

Voted to adopt the Consent Agenda.

- A. Letter from Kathy Beebe Keefe, Sexual Assault Support Services, requesting permission to hold the 3<sup>rd</sup> Annual KidSAFE 5k Run/Walk on Pease International Tradeport on Saturday, April 10, 2010 (**Anticipated action – move to refer to the City Manager with power**)
- B. Renewal of Boarding House Permits
- G. Edward Gowen, Jr., 350-352 Hanover Street
  - Paul H. White & Janet White-nay, 278 Cabot Street
- (**Anticipated action – move to approve and authorize the City Manager to issue the aforementioned annual Boarding House permits**)
- C. Acceptance of Donations for Art-Speak for Overnight Art
- Ann Whitney – Architect - \$50.00
  - Laurie Chandler - \$100.00
  - Jonathan & Valerie Sobel - \$100.00
  - Worldly Goods, LLC - \$100.00
  - 100 Market Street, LLC - \$500.00
  - Piscataqua Savings Bank - \$500.00
  - Portsmouth Brewery - \$1,500.00
- (**Anticipated action – move to accept and approve the donations to Art-Speak for Overnight Art, as presented**)

D. Acceptance of Donations for Art-Speak

- Nicholas & Molly Ferrara - \$50.00
- People's United Bank – Ocean Bank - \$250.00

***(Anticipated action – move to accept and approve the donations to Art-Speak for operations, as presented)***

9. Renewal of Boarding House Permits - Bach Realty, 21 Brewster Street – Voted to table the issuance of this permit for a report back from the City Manager at the April 5<sup>th</sup> City Council meeting. Mayor Ferrini and Councilor Kennedy voted opposed.
10. Letter from Cliffe Arrand, Pesce Italian Kitchen & Bar, requesting permission to utilize approximately 500 square feet of the city owned Vaughan Mall for expansion of existing outdoor dining patio for a trial period commencing April 15, 2011 through October 15, 2011 – Voted to refer to the City Manager for report back.
11. Letter from John Chagnon, Ambit Engineering, Inc, requesting permission to place the relocated Seabrook Station siren pole at the Former DPW Facility within the Conservation Easement – Voted to refer to the Planning Board for report back.
12. Letter from Nancy Pollard, Friends of the South End requesting an update on the Peirce Island Sewer Treatment Plant's relocation plan and copies of all reports and figures stemming from the extensive studies of the plant's performance capabilities and the long-range sewer needs of the City – Voted to refer to the City Manager.
13. Sidewalk Obstruction License Application from Sharon Platt, The Antiquarium, requesting to place 3 planters in front of establishment located at 25 Ceres Street – Voted to refer to the City Manager with power.
14. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to place a permanent memorial bench at the Plains Field in the Memorial Grove in memory of Joe Grattan – Voted to refer to the City Manager with power.
15. Adoption of Proposed Capital Improvement Plan (CIP) FY2011-2016 – Voted to adopt the Capital Improvement Plan for FY 2011 – FY 2016.

The City Council agreed that *Page 67 – Jones Avenue Conceptual Master Plan (\$25,000.00)* that \$12,500.00 will remain in the General Fund with the remaining \$12,500.00 to go into the Conservation Fund.

16. Ratify Cable Commission's Proposed Candidates Re: Board of Portsmouth Public Media – Voted to ratify the Cable Commission's proposed Candidates for the initial Board of Portsmouth Public Media.

Board of Directors – Portsmouth Public Media as follows:

Chase Bailey, Frank Cook, C. Daniel Freund, Glenn Gardner, Sara Hamilton, John Herman, Christopher Ostrom, Samuel Peret, Sharon Cuddy Somers, Jack Thorsen, and David Underhill.

17. Appointments to be Considered – The City Council considered the following appointments which will be voted on at the April 5<sup>th</sup> City Council meeting.

- Tim Allison – Reappointment to the Economic Development Commission
- Ron Zolla – Reappointment to the Economic Development Commission
- Jody Record – Reappointment to the Board of Library Trustees
- Megan Tehan – Reappointment to the Board of Library Trustees
- Christina Westfall – Reappointment to the Traffic & Safety Committee

18. Appointment to be Voted – Robert Marchewka – Appointment to the Economic Development Commission – Voted to appoint Robert Marchewka to the Economic Development Commission until October 1, 2012. Mr. Marchewka is filling the unexpired term of William Gladhill.

19. Charge and Appointment of Operational Efficiencies (Blue Ribbon Committee) – Moved the appointment of an Operational Efficiencies Blue Ribbon Committee and accept the charge as prepared by Mayor Ferrini. Voted to amend the membership by the addition of 2 residents to serve on the Committee. Main motion passed as amended.

Charge:

*The OEC shall be charged with determining opportunities for operational efficiencies all departments of city government and reporting to the City Council with findings and/or recommendations for operational efficiencies prior to the commencement of the fiscal 2012 budget process.*

20. Appointment of Rockingham Planning Commission Council Representative – Councilor Kennedy – Mayor Ferrini announced that he has appointed Councilor Kennedy to serve on the Rockingham Planning Commission as the Council Representative until December 31, 2011. Councilor Kennedy is filling the unexpired term of Councilor Dwyer.

21. City Charter Advisory Committee (Blue Ribbon Committee) Draft Membership and Charge – Moved the appointment of a City Charter Advisory Blue Ribbon Committee and accept the charge as prepared by Mayor Ferrini. Voted to amend the motion to include a sunset date for the Committee to be June 30<sup>th</sup> with a report back to the City Council. Main motion passed as amended.

Charge:

*The CCAC shall be charged with determining public interest in potential changes to the City Charter and with presenting to the City Council such proposed changes arising from public interest. The CCAC shall hold at least one public hearing regarding proposed changes at the beginning of their deliberations and at least one public hearing at the end of their deliberations after a report out of their findings and/or recommendations, if any. The Committee shall sunset on June 30<sup>th</sup> with a report back to the City Council.*

22. Informational Article - Vouchers cut Malden's Controversial Garbage Fees – Councilor Spear said this article was supplied for informational purposes.
23. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.
24. Youth Recreation Center – Middle School – On a roll call 5-4, voted to commit to covering design costs of up to \$136,000.00 which will only be necessary if no contingency amount is remaining in the architects' contract at the end of the design phase. The source of design funding can be fund balance. Councilors Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek and Kennedy voted opposed.
25. Policy Discussion Re: Tax Rate – The City Council agreed to hold a work session in order to discuss this matter further.
26. Wastewater Treatment Plant – City Manager Bohenko reported that the Quarterly Report on the Wastewater Treatment Plant will be provided at the April 5<sup>th</sup> City Council meeting.
27. Policy Regarding Brick Sidewalks – The City Council agreed to have a City Council Policy drafted regarding Brick Sidewalks to come back for review after adoption of the budget takes place.
28. Adjournment – At 10:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk