

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 5, 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

1. At 5:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
2. Presentation – Board and Commission Quarterly Reports – Recreation Board and Conservation Commission – Carl Diemer, Chair of the Recreation Board provided an update on the Recreation Board and copies of the 2010 Recreation Department Summer Programs. Steve Miller, Chair of the Conservation Commission provided a brief report on the Conservation Commission and spoke to the adoption of the new Zoning Ordinance and its impact on the Commission.
3. Presentation – Quarterly Report Wastewater Treatment – Dave Allen, Deputy Public Works Director and Peter Goodwin, Consultant provided a detailed quarterly report of the Wastewater Treatment and the master plan components.
4. Acceptance of Minutes – March 15, 2010 – Voted to approve and accept the minutes of the March 15, 2010 City Council meeting.
5. Public Comment Session – There was one speaker: Adam Leech (Goodbye).
6. Public Hearing - 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 – Held a public hearing. Voted to pass second reading of the proposed Ordinance Amendment, as submitted, and schedule a third and final reading at the April 19th City Council meeting. Councilor Dwyer voted opposed. Voted to suspend the rules in order to take up third and final reading of the ordinance this evening. Voted to pass third and final reading of the ordinance. Councilor Dwyer voted opposed.
7. Public Hearing - 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 – Held a public hearing. Moved to approve second reading of the proposed ordinance, as submitted, and schedule a third and final reading at the April 19th City Council meeting.

On a roll call vote 3-6, motion to table the ordinance for review by the Traffic & Safety Committee and report back **failed** to pass. Assistant Mayor Novelline Clayburgh, Councilors Lister and Smith voted in favor. Councilors Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted opposed.

On a roll call 8-1, voted to amend the ordinance by retaining the opening preamble of Section 8.605 – Uniformed Police Officers Required with the deletion of Items A & B. Item C will now become A with an amendment in the first sentence that the word *or* become **and** as well as *determines* shall read **determine**. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmenak, Spear, Dwyer, Kennedy, Smith and Mayor Ferrini voted in favor. Councilor Coviello voted opposed.

On a unanimous roll call 9-0, voted to adopt the main motion as amended.

8. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.
9. International Food Protection Training Institute Grant Acceptance – Voted to accept and expend the grant from the International Food Protection Training Institute in the amount of \$1,500.00 to fund training and travel expenses for the Health Inspector to attend the NSF plan review and food equipment standards training.
10. Acceptance of PSNH Grant for Art-Speak - \$5,000.00 – Voted to accept and approve a grant in the amount of \$5,000.00 from PSNH to Art-Speak for operational support.
11. Acceptance of Seacoast Evacuation Planning Project Grant – Voted to accept and approve a grant from the State of New Hampshire Homeland Security Grant Program, as presented.
12. Consent Agenda – Councilor Smith withdrew Item E – Letter from Deborah Bouchard-Smith, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area from October 15, 2010 – November 2, 2010 and Item H. 2010 Omnibus Sidewalk Obstruction Renewals from the Consent Agenda.
13. Letter from Deborah Bouchard-Smith, Scarecrows of the Port, requesting permission to place scarecrows in designated locations throughout the Portsmouth Downtown Area from October 15, 2010 – November 2, 2010 – Voted to refer to the City Manager with power. Councilor Smith abstained from voting on this matter.
14. 2010 Omnibus Sidewalk Obstruction Renewals – Voted to refer to the City Manager with power. Councilor Smith abstained from voting on this matter.

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

- A. Letter from Mike Young, President of Portsmouth Babe Ruth, requesting permission to install temporary signage at Leary Field for the 2010 baseball season (***Anticipated Action – move to refer to the City Manager with power***)
- B. Acceptance of Donation to the Peirce Island Committee from Little Samson Productions - \$729.33 (***Anticipated Action – move to approve and accept the donation to the Peirce Island Committee, as listed***)
- C. Acceptance of Donation to the Portsmouth Fire Department for the purchase of Co-Oximeter from Colwen Management and Portsmouth Hilton Garden Inn - \$500.00 (***Anticipated Action – move to approve and accept the donation to the Fire Department, as listed***)
- D. Acceptance of Donations for Art-Speak for Overnight Art
- First Giving \$46.99
 - Educational Planning, Alison Forbes \$100.00
 - Grubb & Ellis/Coldstream Real Estate Advisors \$100.00
 - Margaret Talcott & L. Scott Scharer \$100.00
 - First Foods LLC (Anneke Jans) \$200.00
 - Sunrise Rotary Charitable Corporation \$1,500.00
- (***Anticipated Action – move to accept and approve the donation to Art-Speak for Overnight Art, as presented***)
- F. Letter from Josh Pierce, Seacoast Area Bicycle Routes, requesting permission to hold a commuter breakfast from 7:00 a.m. – 10:00 a.m. on Friday, May 21, 2010 at Popovers in Market Square. SABR also requests that the City Council officially recognize May 21, 2010 as Bike/Walk to Work Day in Portsmouth (***Anticipated Action – move to refer to the City Manager with power***)
- G. Letter from Meghan Roche, March of Dimes, requesting permission to hold the 2010 Seacoast March for Babies on Saturday, May 15, 2010 (***Anticipated Action – move to refer to the City Manager with power***)

16. Letter from David Topham, Bike-Walk Alliance of New Hampshire, requesting permission to use Portsmouth as part of the route on Sunday, May 16, 2010 – Voted to refer to the City Manager with power.

17. Letter from Peter Floros and Eli Sokorelis, State Street Saloon, requesting an extension to the Dumpster Licenses on Church Street – Voted to refer to the City Manager with power.

18. Letter from Deb Weeks, The Green Monkey Restaurant, requesting an extension to the Dumpster License on Church Street – Voted to refer to the City Manager with power.

19. Letter from Julie Slayton Frank, South Church, requesting a renewal of the Dumpster License on Church Street – Voted to refer to the City Manager with power.
20. Report Back Re: Renewal of Boarding House Permit for Bach Realty, 21 Brewster Street (Tabled from the March 15, 2010 City Council meeting) – Voted to renew the Boarding House License for Bach Realty, 21 Brewster Street for calendar year 2010.
21. Establish a Work Session Re: Tax Rate Policy Discussion – Voted to establish a work session for Monday, April 12, 2010 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers, regarding a tax rate policy discussion.
22. Public Input Session Re: Pool – Voted to establish the public input session for Monday, April 19, 2010 at 6:00 p.m. prior to the regular City Council meeting.
23. Proposed Expansion of Membership at Spinnaker Point Adult Recreation Center – Voted to authorize the City Manager to enter into the Amendment 1 to the Field House Management Agreement as presented.

Provisions:

- *The City may authorize up to three hundred (300) persons who are either bona fide taxpayers of the City of Portsmouth or individuals who work within City to become members of the Spinnaker Point Recreation Center.*
 - *The addition of these non-resident members shall be conducted incrementally such that after the addition of each one hundred (100) non-resident members, there will be a sixty (60) day grace period during which no further non-resident memberships will be authorized. During that sixty (60) day period, the City and the Spinnaker may assess the impact of the one hundred (100) new non-resident members. This pattern shall be followed until such time as there are a total of no more than three hundred (300) non-resident members;*
 - *If at any time during any grace period, either the City or Spinnaker should so notify the other party, then no further non-resident membership shall be authorized;*
 - *The membership fee for all non-resident members shall be twice the fee for resident members, as the fee may be adjusted from time-to-time; and*
 - *At any time subsequent to December 31, 2011, either party may reopen this provision of the Field House Agreement regarding non-resident memberships. In any event of such re-opener, the parties agree to negotiate in good faith to resolve any issues which have been identified by the other party*
24. Acceptance of Easement at 70 Lafayette Road –Voted to authorize the City Manager to accept an easement from James Genimatas and Beverly J. Genimatas of 70 Lafayette Road.

25. Report Back Re: City Purchase of land from John Cronin – Voted to accept the recommendation of the Planning Board that the City accept the land by donation, or acquire it for a nominal sum.

26. Appointments to be Considered – The City Council considered the following appointments which will be voted on at the April 19, 2010 City Council meeting.

- Stephen Philp – Appointment to the Peirce Island Committee
- Kathleen Bergeron – Appointment to the Citywide Neighborhood Steering Committee
- Kent Kirkpatrick – Appointment to the Traffic & Safety Committee
- Harold Whitehouse – Appointment to the Traffic & Safety Committee

27. Appointments to be Voted – Voted the reappointments of Tim Allison and Ron Zolla to the Economic Development Commission until October 1, 2013; the reappointment of Jody Record and Megan to the Board of Library Trustees until October 1, 2012; and the reappointment of Christina Westfall to the Traffic & Safety Committee until January 1, 2012.

28. Charge and Appointment of Operational Efficiencies (Blue Ribbon Committee) – Mayor Ferrini announced that Rebecca Emerson, Carol Chellman, Kent LaPage will serve as the School Board Representatives to the Committee and Superintendent Ed McDonough will serve as the School Department Ex-officio. Steve Marchand will serve as the Resident Representative to the Committee.

29. Parking Committee Minutes and Action Sheet of the March 11, 2010 meeting – Voted to approve and accept the minutes and action sheet of the March 11, 2010 Parking Committee meeting. Councilor Kennedy voted opposed.

30. Miscellaneous/Unfinished Business

Councilor Dwyer announced that the JBC will be holding a public meeting on April 28th at the Library in the Levenson Room from 5:00 p.m. – 6:30 p.m. for a presentation of the final draft of the schematic design and site plan for the Middle School.

Councilor Kennedy announced on Thursday, April 8, 2010 at 5:00 p.m. at the Sheraton Hotel NOAA will be meeting with local fishermen to discuss new regulations.

Mayor Ferrini announced that the City Manager will be holding a press conference on Friday, April 9th at 2:30 p.m. to present the FY11 Budget in the City Manager's Conference.

Assistant Mayor Novelline Clayburgh congratulated Councilor Dwyer on receiving the UNH Granite State Award for community service.

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

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk