

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 5, 2010

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

At 5:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Ferrini called the meeting to order at 7:10 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Smith and Kennedy

III. INVOCATION

Mayor Ferrini asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Kennedy led in the Pledge of Allegiance to the Flag.

PRESENTATIONS

1. Board and Commission Quarterly Reports – Recreation Board and Conservation Commission

Carl Diemer, Chair of Recreation Board provided a brief status update on the Recreation Board. He supplied the City Council with copies of the 2010 summer programs. Mr. Diemer informed the City Council that the Recreation Board is awaiting the Comprehensive Recreational Study which should be completed by the end of the month.

Steve Miller, Chair of the Conservation Commission provided a brief report on the Commission and the newly adopted Zoning Ordinance relative to the environmental portions of the ordinance. He announced that the Commission is looking for two alternates to serve and urged anyone interested in applying to submit their application to the Mayor's Office or the Office of the City Clerk.

2. Quarterly Report Wastewater Treatment

Dave Allen, Deputy Public Works Director, reviewed the Quarterly Update of the Wastewater Master Plan and its components. He reported that currently they are focusing on treatment options and permit limits.

Peter Goodwin outlined the NPDES Permit Limits as follows:

- Current NPDES permit requires secondary treatment
- NH DES and EPA have indicated a total nitrogen limit will be included in next permit
- Potential future limits may be as low as 3 mg/L total nitrogen (may not be reliably achieved in cold climates)

He reported that permit limits drive technology selection, cost and size of the Wastewater Treatment Facility.

He spoke to the regulatory timeline as follows:

- 2005 EPA Issued Draft NEPDES permit with 301 (h) waiver
- June 2007 – Secondary treatment permit issued
- September 2007- Administrative Order issued by EPA
- June 2008 – EPA and DES Treatment technology workshop
- July 2008 – EPA/DES Bio-solids technology workshop
- August 2008 – EPA/DES CSO workshop
- December 2008 – EPA/DES Status Meeting ice storm meeting
- March 2009 – Meeting with DES concerning Nutrient Criteria
- May 2009 – DES states 8 mg/L TN limit for Great Bay WWTFs
- August 2009 – City enters in Consent Decree with EPA/DES
- September 2009 – EPA/DES WMP status meeting present 8mg/L TN
- October 2009 – EPA/DES Dye Study (results not received until Feb 2010)
- December 2009 – Alternatives Analysis submitted to EPA
- December 2009 – EPA indicates 8 mg/L TN limit unsupportable
- January 2010 – EPS/DES citing anti-degradation indicate Pease Outfall issue
- February 2010 – Receive DES comments on draft alternatives report
- March 2010 – Alternative Analysis Supplemental submission (EPA comments on draft alternatives report received after submission)
- March 2010 – City Staff briefed by regional and national EPA

The Regulatory Summary is as follows:

- City has completed five studies since 1997
- The City must construct a new WWTF
- Consent Decree requires submission of complete draft Master Plan by June 1, 2010 with final submission September 1, 2010
- The WWTF must be designed to treat to the required permit limits, which are yet to be determined
- Direction on permit limits from regulators has been constantly evolving
- The City will continue to work with regulators to clarify the permit limits

He indicated that the City has had 10 City Council quarterly updates since 2007. In addition, he announced on April 27, 2010 a Public Input Meeting will be held.

He reviewed the affordability analysis. Based on EPA Guidance for Financial Capability Assessment and Schedule Development:

- Used to negotiate schedule for WMP
- Analysis Approach
 - Impact to residents: total sewer-related costs as percent of median household income
 - Financial capability of the City: socioeconomic, financial and debt considerations
- EPA affordability threshold is 2% of median household income

The current WWTF alternatives are to expand the Pease facility or upgrade Peirce Island facility. It should be noted however, that regulatory and construction issues may impact ability to stay within the fence line.

Mr. Goodwin reported on the different costs involved between Pease and Peirce Island.

In conclusion, the following are the steps in moving forward:

- ❖ June 1, 2010 – Draft Wastewater Master Plan to EPA
- ❖ September 1, 2010 – Final Wastewater Master Plan Includes Final Implementation Schedule
- ❖ Pursue regulatory clarification
- ❖ Additional Public Input meeting scheduled for April 27, 2010

Councilor Kennedy asked if we have looked at hooking a pipe up and bringing it down through the river. Deputy Public Works Director Allen said it is a cost of \$1,000.00 per foot for the pipe and that was not an option considered due to the cost.

Councilor Dwyer asked if we would have stormwater overflow no matter what we did. Mr. Goodwin said that is correct.

Mayor Ferrini asked if the rates had commercial properties included. Mr. Goodwin said it does include commercial properties. Mayor Ferrini asked if in the future those costs could be broken out and individualized. Mr. Goodwin said it could be done in the future.

Councilor Kennedy asked about the potential impact to Fort Washington. Mr. Goodwin advised Councilor Kennedy that we won't know those impacts until the permit is before the EPA.

Councilor Lister inquired as to the life expectancy of the new facility. Mr. Goodwin replied normally it is 50 years.

Mayor Ferrini said that the Council does not want to see a deal that needs approval by the Council in a short amount of time. He said they would need the opportunity to review the data before making a decision. City Manager Bohenko said that the staff is willing and able to do that and every time we submit our technical memorandum we are at the direction of the EPA and DES on this matter. The best information available will be provided to the City Council.

V. ACCEPTANCE OF MINUTES – MARCH 1, 2010

Councilor Smith moved to approve and accept the minutes of the March 1, 2010 City Council meeting. Seconded by Councilor Lister and voted.

VI. PUBLIC COMMENT SESSION

Adam Leech, Portsmouth Herald, informed the City Council and staff that he would be leaving the Portsmouth Herald to take a new position. He said he enjoyed working with everyone and reporting the news of the City.

VII. PUBLIC HEARINGS

- A. 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

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers.

Planning Director Taintor said that the current requirement for the unmet parking fee was adopted with the new Zoning Ordinance and became effective on January 1, 2010. He said the fee adopted was \$5,000.00 and we are now recommending that it be reduced to \$2,000.00. If this regulation is adopted, some businesses downtown will be paying less than they did last year under the ordinance.

Larry McManus read a letter from Attorney Robert Shaines that reads as follows: *Parking does not so much benefit downtown businesses as it does the citizens and visitors who want to be downtown. Viability of the downtown depends on vitalized businesses, including restaurants. To single out any class of business for a parking impact fee is counter-productive and just plain wrong. Vital businesses can pay rents and/or real estate taxes which benefit every tax-payer in Portsmouth. Parking is a revenue producing business for the City. If the Central Business District is to remain a revenue producer for the City, it must remain vitalized with businesses that want to come. There are numerous vacancies in first floor store fronts and upper story office space in Portsmouth. To exact a penalty in the guise of an illegal and unconstitutional impact fee on new restaurants is simply beyond any rational explanation. Downtown businesses are the cogs in the wheel of municipal prosperity.*

After no further speakers, Mayor Ferrini declared the public hearing closed.

- B. 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

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko informed the City Council that Public Works Director Parkinson and Police Chief Ferland will be providing a presentation on this ordinance.

Public Works Director Parkinson provided the City Council with the NH DOT Flaggers and Uniformed Officer Use in Work Zones Guidelines and the American National Standards for Flagger Control. He addressed the various qualifications and regulations as outlined in the standards for flagger control. He spoke to the development of a permitting process through the Public Works Department. It is important to keep in mind the purpose is to provide a safe and secure work zone on a regular basis.

Police Chief Ferland spoke to the amendment to the ordinance provided to the City Council. He said the existing ordinance could be interpreted that every road that had construction would require a detail. He further added that State roads have been deleted because they would be exempt from the City permitting process. In addition, a few streets at the Pease Tradeport have been added to the ordinance because of traffic volume. He urged the City Council not cloud the decision on this matter with emotion. Chief Ferland said in matters of public safety the City is best served by police officers.

Police Commissioner Howe said he has reviewed the ordinance and the City Council needs to consider public safety for its residents and visitors when making a decision on this matter.

Jeffrey Graham, Manchester, NH provides traffic control services in New Hampshire. His business provides many flaggers to work construction zones and things operate in a secure and safe environment. He spoke in favor of the ordinance before the Council this evening.

Jim Tower, North Hampton, said he has worked in the City of Portsmouth on the streets and uses many flaggers for jobs and it did not work. He spoke in support of police officers remaining and feels the City is better served by an officer than a flagger.

Officer Timothy Black, Greenland, NH said there are many contractors that share the comments to keep police officers for the jobs but are uncomfortable to come here and speak this evening. The City is opening itself up to liability by not using officers and going with flaggers. He addressed retirement costs how it relates to details and said the figures provided by the City are much different than the figures he has developed. He spoke in favor of Chief Ferland's amendment and urged the City Council to make their decision based on facts.

Officer David Keaveay said it is difficult to make ends meet living in this City and there are not a large number of new officers coming to this community. He said flagging provides an opportunity for an officer to earn some additional money to help them financially. He expressed concern with the City using flaggers versus police officers.

Jim Coughneour spoke in favor of police officers continuing flagging in the City. He said people have more respect for an officer than a flagger and the community is better served and safer by the use of police officers.

Bill St. Laurent said police officers have a monopoly on flagging in this City. The City should move forward with flaggers versus officers and save the City money in retirement costs built up by officers being used for flagging at construction jobs.

Name inaudible, Newmarket, NH said flagging is a safety issue in the United States and over 300 officers die each year doing traffic details. He urged the City Council to consider the safety for the police officers and to continue to provide the service of an officer for the safety of the community and its residents.

Erik Anderson said it is difficult to rebut safety issues and they need to be considered when making a decision on this matter. He urged the City Council to leave the emotion out of the decision and consider only the safety issues.

John Connors said police officers do not make a great deal of money flagging. He said there are safety issues to consider with not using officers. The City Council needs to consider that there are 15 traffic lights in the downtown which is more than the seacoast area.

Auxiliary Officer Dan Ellis said not every officer is getting paid with money going towards their retirement fund. He said that on an average there are 8 auxiliary officers used as flaggers for jobs throughout the City. He urged the City Council to consider public safety when making their decision on this matter.

Mayor Ferrini declared the public hearing closed with no further speakers.

Mayor Ferrini declared a brief recess at 9:05 p.m. At 9:15 p.m., Mayor Ferrini called the meeting back to order.

Councilor Coviello moved to suspend the rules in order to take up Item IX. B. - Second 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. Seconded by Councilor Lister and voted.

IX. B. Second 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

Councilor Spear 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. Seconded by Councilor Hejtmanek.

Councilor Smith said in light of the information provided he feels this matter should go the Traffic & Safety Committee for their review. He said that this is a safety issue not a budget issue. Further, the item should be tabled and referred to the Traffic & Safety Committee for report back.

Councilor Smith moved to table the ordinance for review by the Traffic & Safety Committee and report back. Seconded by Assistant Mayor Novelline Clayburgh.

Assistant Mayor Novelline Clayburgh asked about the makeup of the Traffic & Safety Committee.

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.

Councilor Spear said the ordinance saves money and provides the public safety.

Councilor Lister said he is concern with public safety and feels we need to have police officers on duty but we could use well trained flaggers.

Councilor Dwyer moved 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. Seconded by Councilor Spear.

Assistant Mayor Novelline Clayburgh said she likes the amendment because it allows police officers or flaggers. She feels it is a good compromise.

Councilor Coviello said he would not support the motion because you would be putting the Public Works Director and the Police Chief in difficult positions if they do not agree. Councilor Kennedy said she likes the amendment and believes we have professionals that will work together on a matter of disagreement. Councilor Hejtmanek said he would support the amendment.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said we should keep a report of items that are not in agreement as a means of data collection for our reference in the future.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

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.

Councilor Spear moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Coviello and voted.

VIII. APPROVAL OF GRANTS/DONATIONS

A. International Food Protection Training Institute Grant Acceptance

Councilor Smith moved 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. Seconded by Councilor Kennedy and voted.

B. Acceptance of PSNH Grant for Art-Speak - \$5,000.00

Councilor Smith moved to accept and approve a grant in the amount of \$5,000.00 from PSNH to Art-Speak for operational support. Seconded by Councilor Kennedy and voted.

C. Acceptance of Seacoast Evacuation Planning Project Grant

Councilor Smith moved to accept and approve a grant from the State of New Hampshire Homeland Security Grant Program, as presented. Seconded by Councilor Kennedy and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. Second 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

Councilor Smith moved 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. Seconded by Councilor Lister and voted. Councilor Dwyer voted opposed.

Councilor Coviello moved to suspend the rules in order to take up third and final reading of the ordinance this evening. Seconded by Councilor Spear and voted.

Councilor Coviello moved to pass third and final reading of the ordinance. Seconded by Councilor Lister and voted. Councilor Dwyer voted opposed.

X. 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.

- 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
(Anticipated Action – move to refer to the City Manager with power)

Assistant Mayor Novelline Clayburgh moved to refer to the City Manager with power. Seconded by Councilor Coviello and voted. Councilor Smith abstained from voting.

- H. 2010 Omnibus Sidewalk Obstruction Renewals – See Attached Listing
(Anticipated Action – move to refer to the City Manager with power)

Councilor Coviello moved to refer to the City Manager with power. Seconded by Councilor Kennedy and voted. Councilor Smith abstained from voting.

A MOTION WOULD BE IN ORDER 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***)

Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. 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 (***Sample motion – move to refer to the City Manager with power***)

Councilor Smith moved to refer to the City Manager with power. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- B. Letter from Peter Floros and Eli Sokorelis, State Street Saloon, requesting an extension to the Dumpster Licenses on Church Street

Councilor Smith moved to refer to the City Manager with power. Seconded by Councilor Lister and voted.

- C. Letter from Deb Weeks, The Green Monkey Restaurant, requesting an extension to the Dumpster License on Church Street

Councilor Smith moved to refer to the City Manager with power. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- D. Letter from Julie Slayton Frank, South Church, requesting a renewal of the Dumpster License on Church Street

Councilor Smith moved to refer to the City Manager with power. Seconded by Councilor Lister and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back Re: Renewal of Boarding House Permit for Bach Realty, 21 Brewster Street (*Tabled from the March 15, 2010 City Council meeting*)

Councilor Smith moved to renew the Boarding House License for Bach Realty, 21 Brewster Street for calendar year 2010. Seconded by Councilor Kennedy and voted.

2. Establish a Work Session Re: Tax Rate Policy Discussion

Councilor Dwyer moved 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. Seconded by Councilor Smith and voted.

3. Public Input Session Re: Pool

Councilor Smith moved to establish the public input session for Monday, April 19, 2010 at 6:00 p.m. prior to the regular City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.

4. Proposed Expansion of Membership at Spinnaker Point Adult Recreation Center

City Manager Bohenko reported in June of 2001, the City of Portsmouth entered into a Lease Agreement with the Spinnaker Point Condominium Association to lease their field house and adjacent property for the purposes of establishing an adult recreation center for Portsmouth residents.

He said over the past nine (9) years, the City's Recreation Department has successfully run this adult recreation center with membership averaging one thousand four hundred (1,400) residents per year. As part of the original Agreement, the Spinnaker Point Condominium Association restricted use of the property to individuals who were at least eighteen (18) years of age and City residents.

City Manager Bohenko informed the City Council that presently, seventy-five (75%) percent of the expenses for the operation of Spinnaker Point are recovered from annual dues that residents pay. (Estimated \$170,000.00 in revenue for FY10) In discussing this matter with the Fee Committee and Rus Wilson, it was determined that every attempt should be made to make Spinnaker Point one hundred (100%) percent self-sufficient.

He reported during the past nine (9) years that we have run the facility, many non-residents that work in the City or own property in the City have requested to become members. It was determined that we should approach the Spinnaker Point Condominium Association Board of Directors to determine if they would allow us to amend our existing Agreement to allow for non-residents who are either bona fide taxpayers of the City of Portsmouth or individuals who work within the City to become members of the Spinnaker Point Recreation Center.

City Manager Bohenko said approximately one (1) month ago, the Recreation Director and he met with the Spinnaker Point Condominium Association Board of Directors and presented our request to extend additional three hundred (300) memberships to non-residents that would meet the criteria as previously described.

He advised the Council that the Spinnaker Point Condominium Association has agreed to our request with the following provisions:

1. 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;
2. 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;
3. 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;
4. 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
5. 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.

He said if approved by the City Council, this Amendment would allow us to proceed to try to expand our revenue base at Spinnaker Point. It should be noted that by adding only one hundred fifty (150) non-resident members at Three Hundred and Thirty-six (\$336.00) Dollars per year (twice the residential rate), then Spinnaker Point would be one hundred (100%) percent self-sufficient.

Councilor Smith moved to authorize the City Manager to enter into the Amendment 1 to the Field House Management Agreement as presented. Seconded by Assistant Mayor Novelline Clayburgh.

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.*

Councilor Coviello expressed concern with the non-resident members shall be twice the fee for resident members and whether that figure is too high. Councilor Dwyer feels that this will go well. City Manager Bohenko said we will evaluate the price and if changes need to be made, they will be made.

Motion passed.

5. Acceptance of Easement at 70 Lafayette Road

City Manager Bohenko said we are asking for acceptance of an easement at 70 Lafayette Road for the former Lafayette School.

Assistant Mayor Novelline Clayburgh moved to authorize the City Manager to accept an easement from James Genimatas and Beverly J. Genimatas of 70 Lafayette Road. Seconded by Councilor Lister and voted.

6. Report Back Re: City Purchase of land from John Cronin

City Manager Bohenko said at the December 21st City Council meeting, the Council referred the request from John Cronin, regarding the purchase of 3.24 acres of his property located at 56 Lois Street, to the Planning Board for report back to the City Council. Mr. Cronin subsequently requested an opportunity to present the proposal to the Conservation Commission before the Planning Board's recommendation was presented to the City Council. The Conservation Commission received the proposal at its March 10th meeting, but Commission members did not support using City funds to acquire the parcel. The Commission did not vote on this issue and did not formally propose or recommend any action on this property.

City Manager Bohenko said based on the Conservation Commission meeting, the Planning Board voted at its March 18th meeting to reaffirm its previous recommendation. The Planning Board voted on January 21, 2010 to recommend that the City accept the land by donation or acquire it for a nominal sum.

Councilor Coviello moved to accept the recommendation of the Planning Board that the City accept the land by donation, or acquire it for a nominal sum. Seconded by Councilor Dwyer and voted.

City Manager Bohenko said Geno Marconi, Director of the Division of Ports and Harbors and Donald Coker, Chairperson of the Piscataqua Maritime Commission, have announced that the Tall Ship event is scheduled for Memorial Day weekend (May 28 through 31, 2010). They are requesting that the Tall Ship event be held at the fishing pier and unless there is a concern with the location, he will advise them to proceed.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - 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

The City Council considered the above referenced appointments which will be voted on at the April 19, 2010 City Council meeting.

2. Appointments to be Voted:
 - 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

Assistant Mayor Novelline Clayburgh moved 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. Seconded by Councilor Coviello and voted.

3. Charge and Appointment of Operational Efficiencies (Blue Ribbon Committee) (*See Attached*)
 - Rebecca Emerson, School Board Representative
 - Carol Chellman, School Board Representative
 - Kent LaPage, School Board Representative
 - Ed McDonough, School Department Ex-officio
 - Steve Marchand, Resident Representative

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.

C. COUNCILOR SMITH

1. Parking Committee Minutes and Action Sheet of the March 11, 2010 meeting

Councilor Smith moved to approve and accept the minutes and action sheet of the March 11, 2010 Parking Committee meeting. Seconded by Councilor Lister and voted. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer announced that the JBC will be holding a public meeting on April 28th at the Portsmouth High School Little Theater 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.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 10:30 p.m., Assistant Mayor Novelline Clayburgh moved to adjourn. Seconded by Councilor Spear and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk