

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 4, 2010

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

At 6:00 p.m. a Non Meeting with Counsel was held regarding Litigation – RSA 91-A: 2, I (c)

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

Mayor Ferrini called the meeting to order at 7:08 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATION

Update of Revaluations – City Assessor Rosann Lentz

City Assessor Rosann Lentz reviewed a slide show presentation regarding the Governance of Assessor which mandates that there “...shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.” She explained the various reports that she is required to submit to the State Department of Revenue in relation to the revaluation.

Finance Director Judie Belanger reviewed the difference between budget adoption and tax rate setting. She explained that once the budget is adopted by the City, there are still several factors that go into setting the actual tax rate which the city doesn't have any control over. City Assessor Lentz concluded by reviewing the 5 most asked questions from taxpayers and explained the Appeal process.

Councilor Kennedy stated someone she knew called the Assessor's office on September 23rd and was told that there was now a waiting list to meet with the Assessor to review their assessment. City Assessor Lentz stated that is correct, they will call people on the list when cancellations occur but she will meet with everyone after the tax rate is set.

Councilor Kennedy asked if there was some type of street index as she is confused as to how different streets are taxed and she didn't see a map on the web. City Assessor Lentz stated that it is not by street but by neighborhood. She stated that she hasn't put the map on the web

because it is too small to read, but has a large map in her office.

Councilor Kennedy asked when the analysis report will be out. City Assessor Lentz stated she has until January 1st.

Councilor Kennedy asked if the range can go between 90 – 110%, why they are doing 100%. City Assessor Lentz explained that after the revaluation is done, there is a 6 month time period they can continue to evaluate.

Councilor Dwyer asked how the neighborhood boundaries are established as she has heard of houses being different even on the same streets. City Assessor Lentz explained that it is usually within certain school districts and cited the Little Harbor School as being a school district that many people tell realtors to look for properties within.

Assistant Mayor Novelline Clayburgh stated she has received calls from unsatisfied residents that have gone up over 3 times and wonders how this can happen. She doesn't understand how someone on a fixed income that could afford their taxes previously, now won't be able to. City Assessor Lentz stated that if there is an increase then there may have been changes to the property since the last evaluation. She also explained that the last revaluation was done in 2006 before the more stringent guidelines were in effect and now she has no choice but to bring the value up to within 5%. She stated unfortunately taxation is not based on the ability to pay.

Councilor Lister asked are there some issues that she can relate to the public to avoid people being surprised in the future. City Assessor Lentz stated that the buyers create the market and again, want to live in certain school districts. She stated as far as avoiding swings in the future, she would need to discuss that with the City Manager as it would require more staffing to be able to do the revaluations every 2 years instead of 5, but this adds more to her administrative duties.

Councilor Dwyer asked what the highest percentage of increases are and what are the lowest. City Assessor Lentz stated the median was 5%, some were at 0% or slightly lower and some went up 50% mostly by the waterfront. Councilor Dwyer clarified that nobody went up 300% as was previously stated. City Assessor Lentz stated that some may have been a little higher than 50% increase. Councilor Dwyer asked if those are the ones that they will go back and analyze to see why. City Assessor Lentz stated again that this is all market driven and she had 400 sales which she based her revaluations on.

Councilor Kennedy asked if the 400 sales could be added to the website as well as the manual that the Assessor is required to produce. City Assessor Lentz stated that the 400 sales are already on the website and as far as the manual, she has until January 1st to complete it. Councilor Kennedy continued stating that people are confused with the process and how the numbers were arrived at. She stated that she feels there should be some plan in place to avoid this from happening again. She stated that the elderly and new families need to know where to go for help. City Assessor Lentz stated that she agrees but again, this is mandated by State law and there are some exemptions available, but there are no exceptions.

City Manager Bohenko stated that as the City Assessor has explained, we are constrained by the laws. He stated the way to change this is legislatively and suggested that there be some discussion by the Council regarding advocating changes to legislation.

Councilor Kennedy asked Finance Director Belanger to explain the effect of commercial property dropping and resident property increasing. Finance Director Belanger stated the tax rate will be the same, but there will be that shift to residential. City Manager Bohenko stated that residential now makes up 56% where it used to be 42%.

Councilor Smith asked if there are sales in a neighborhood between revaluations, can a citizen come in and see the Assessor to get an adjustment. City Assessor Lentz stated if she did that for one she would have to do it for everyone which would basically result in another revaluation. She explained that the sales analysis is done every April and shows her the ratios. She stated she can make statistical adjustments at any time, but still has to generate the same reports.

Councilor Coviello asked if it is possible for property values to go up but still have their taxes go down. City Assessor Lentz stated yes.

V. ACCEPTANCE OF MINUTES – September 20, 2010

Councilor Lister moved to accept the minutes of September 20, 2010. Seconded Assistant Mayor Novelline Clayburgh by and voted.

VI. PUBLIC COMMENT SESSION

Charlie Griffin – spoke in opposition to the CCRC zoning amendment stating it goes against the Master Plan and is spot zoning. He stated that it has been stated that the ordinance can be passed and then changed afterwards, but it would not be retroactive to whatever has been done in the meantime.

Robert Padian – spoke in favor of the CCRC stating that if nothing is built in that field it will remain a mosquito factory. He stated he is in favor of bringing new people to Portsmouth, which is a city.

Shaun Rafferty – spoke in opposition to the CCRC stating there is confusion as to what the changes will mean and the facts and figures that have been presented are from the developer and should have come from the City. He stated there should be more public dialogue in which instead of just stating opinions, residents could get questions answered.

Ralph Dibernardo – cited an editorial in the Herald which called for a moratorium on the CCRC for the reasons that have been given by residents for the last 3 years. He stated this should be set aside until all of the answers are given. He stated that the Planning Board couldn't decide on this issue and it only came before the Council at the request of the Planning Staff.

Colleen Romano – stated she was disheartened to hear that 3 Councilors had said that they would not change their minds but still hopes that she is not speaking on a closed book. She stated that the traffic issue is enormous and the fact that the lowest age of the residents at the

CCRC would be 62 and therefore would still probably be working, will add to this problem. She stated the traffic will increase on Route 1 which is a State Road and wonders who will take care of this traffic.

Laura Mannle – stated she was one of the 410 signatures on the petition submitted against the CCRC and feels that this petition was ignored. She stated the Council asks for public input, but they aren't listening. She stated that this is a flawed ordinance that was built around a development and urged the Council to start over.

Al Romano – stated he is opposed to the CCRC project due to traffic coming out on the Rte 1 bypass and also pedestrians don't have a safe place to cross the highway.

Barbara Massar, Executive Director, Pro Portsmouth – spoke regarding her letter on the agenda requesting funding for First Night fireworks and ice sculptures. She stated that Portsmouth's first night is one of 2 remaining in New Hampshire and is the only one between Boston and Portland and Portland no longer has one either. She stated this is an important event in the City and urged the Council to support this request.

Bonnie Hatch – stated there hasn't been enough research or study done on the CCRC and urged the Council to table it.

Robin Normandeau – stated she feels the Public Hearing process was flawed because Mr. Cameron was not allowed any deviation from the subject but Mr. Stebbins spoke about everything but the subject. She also feels that there is a conflict of interest with Council Dwyer mentioning her mother being in such a facility. She concluded by reading the definition of Conflict of Interest. (*Councilor Dwyer clarified that her mother has passed away.*)

Patricia Cruthers – stated she is opposed to the CCRC ordinance proposal.

Robin Bettencourt – stated she agrees with the majority of speakers and is against the CCRC.

Rebecca Emerson – stated she understands that some Councilors have made up their minds but asks that the speakers' words not fall on deaf ears. She asked what is the harm of slowing down the process and get this done right the first time. She gave some examples of other projects and issues in the city that were worked out through City/community working together. She concluded by stating that the City of Portsmouth is poor in green space and it is important to give this due diligence and not pass this ordinance this evening.

Angelynne Koromilas Hinson – stated she has been a resident of Portsmouth for 20 years and doesn't come to speak to the Council often. She stated she is doing so this evening as she has signed 2 separate petitions against the CCRC which she feels would have spurred enough concern to not pass this ordinance. She stated this vote will have serious consequences and change the character of the neighborhood. She asked the Council to please listen to the citizens and consider the long term impact.

Helen Steele – stated that all of the speakers before her have put a lot of thought and study into this issue. She stated her concern is the Council itself and conflict of interest. She stated this should be put on hold and studied more.

Ruth Griffin – stated she supports the third and final reading of the CCRC ordinance regardless of the Portsmouth Herald's report of her comments at the last public hearing. She stated she did not mean to imply that if senior citizens didn't qualify for public housing, they wouldn't qualify for anything. She asked that the Council pass the ordinance as presented.

Joe Moretti, speaking on behalf of his mother regarding property revaluation – stated that her assessment went up 241% and is not waterfront property. He stated he spoke to a tax professional who indicated to him that the assessment seemed based on potential value and not on market value.

David Adams – spoke against the CCRC ordinance stating that it is spot zoning. He stated that the Office/Research zone has the potential for adding jobs. He stated that this is a diverse and walkable community but putting this elderly care facility out by itself does nothing to contribute to either of those.

Lenore Weiss Bronson – stated that no one she has spoken to is in favor of the project or the zoning change itself and feels that if the Council votes on this it should be by the mandate of current Portsmouth residents.

Norm Olsen – spoke regarding the property assessments. He thanked Councilor Spear and Kennedy for their votes against the budget and Councilor Hejtmanek for voting against the school budget. He also thanked Councilor Coviello for voting against the golden contracts of the city employees stating these all relate to the assessments and taxes going up. He stated that 2/3 of the property assessments went up and it is due to the full force spending of the Council and the State budget being balanced by city assessments as well.

Duncan MacCallum – stated he agrees with previous speakers opposing the CCRC stating it is spot zoning and the data submitted was inherently suspect as it came from the developer, especially regarding the tax revenue that would be generated.

Kathleen Logan – stated she agrees with everyone else opposed to the CCRC stating that there is too much confusion regarding the ramifications of the project.

Malcolm McNeill – representing Borthwick Forrest LLC, - began by stating that the allegations of conflict of interest should be rooted in fact and feels that Councilor Kennedy's previous proposed amendments made the ordinance more like spot zoning. He stated that this has been before the city for 3 ½ years and has not been a rushed process.

Mary Lou McElwain – stated she is against the CCRC at the proposed location although she feels it is a good concept. She stated that 3 ½ - 4 years of discussion is not too long to discuss something that is impacting neighborhoods and also impacts the rest of the city's resources.

Erik Anderson – stated this rezoning issue is not American vs. Un-American and feels this is about the Council and due diligence. He stated that he hopes that this will be tabled or voted down until the public concerns are satisfied.

Patricia Cummings, Administrator for Edgewood Nursing Home – explained that her facility provides services to people of all income levels with the higher income patients off-setting the low income patients. She stated there is a fear that the CCRC will put their facility out of balance as this has happened in other communities and once those beds are taken away there is no place else for these people to go.

Michael Willets, representing the Clipper Home - stated their facility provides the same services as a CCRC without taking a \$200,000.00 deposit. He stated that Portsmouth cannot sustain another CCRC as he has never filled his facility to capacity and he feels that people shouldn't be selling their homes in this bad economy to get into this type of facility.

Mark Brighton – stated at the last meeting the fact was raised that there were water rights in the deed wasn't known and wonders what else may come out that has been overlooked. He stated there were 410 people who signed a petition against the CCRC and they may have 410 different reasons for their opposition but it is not insignificant. He stated there were only 213 petitioners against the Smutty Nose project which was defeated and feels the Council needs to listen to the citizens.

Hollis Broderick – stated he feels threatened by the City with the recent revaluation. He stated he bought a dump property which was assessed at \$349,000.00 and now it is valued at \$800,000.00 which he feels is unfair. He stated that people are being forced out of their homes.

Mark Stebbins – spoke regarding the CCRC stating that they spent 3 years at the Planning Board with dozens of public hearings where questions were answered. He stated the zoning ordinance in front of them is very different from the one that was proposed which only contained assisted living units. He stated that there is also much more open space and less traffic than there would be if it were an office building and the setbacks are also larger for the CCRC.

Kirsten Cunningham – spoke regarding the assessment stating that she has the same concerns as Mr. Broderick. She stated that she is a former realtor and stated that the current assessment is above what people would pay for her home. She stated that she reviewed the 400 sales that were used for comps and none of them were in her neighborhood.

Michael Richards – spoke regarding the request for funding of the fireworks and ice sculptures for first night. He stated it is difficult to secure funding in these economic times, but if first night doesn't have the fireworks and ice sculptures it will result in lower attendance of the event which is also bad for the economy of the city.

Michael Kane – thanked the Council for all of the hours they have put into the CCRC ordinance.

Robert McDowell, spoke regarding the assessments stating he listened to the Assessor's presentation and feels it is not based on any credible data and that there are inconsistencies throughout the community. He stated that the assessments are being driven by runaway spending and it will be challenged in Concord or Brentwood.

Peter Bresciano – stated that the attitudes and mind set of the Council hasn't changed even though some of the faces have. He gave an example of the Library project of how the community worked together to get the right facility. He stated for the CCRC there have been a multitude of speakers who have expressed their concerns and he feels that the Council should listen to them.

Mayor Ferrini called for a recess at 8:45 p.m. Meeting reconvened at 8:50 p.m.

Mayor Ferrini stated there were a couple of people who still wished to speak.

Tom Smart – stated he agrees with the people who have spoken against the CCRC stated that as a person who bikes to work, the extra traffic that would be added would make his route unsafe.

Holly Lasher – stated she has been a resident for 26 years and when she first came here was surprised when she was told that this was a city even though there are only 20,000 people. She stated that this city is too small for a CCRC facility.

Susan Battey - stated she is against the CCRC and wonders how long it will be before it becomes a non-profit facility since all of the rest of them are. She stated she is also concerned with the demographics and adding 400 more elderly residents. She stated she is concerned with the impact on schools and the poor.

VII. PUBLIC HEARING

- A. Proposed Ordinance amending the City Ordinances, Chapter 10 - Zoning Ordinance, Article 4, Scion 10.420 – District Location and Boundaries and the Zoning Map. (Rezoning of Former Fire Station 2.

Mayor Ferrini opened the Public Hearing. Seeing no one wishing to speak, the public hearing was closed.

- B. Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4 and 5.

Mayor Ferrini opened the Public Hearing. Seeing no one wishing to speak, the public hearing was closed.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
 - Town of Hampton Falls - \$1,000.00

Councilor Smith moved to approve and accept the donation as listed to be placed in the Coalition Legal Fund. Seconded by Councilor Kennedy and voted.

- B. Acceptance of Land and Water Conservation Fund (LWCF) Grant Funding – Peverly Hill Road/Route 33 Property

Councilor Kennedy moved to authorize the City Manager to apply for, accept and expend a Land and Water Conservation Fund (LWCF) grant of up to \$100,000. from NH DRED to be used toward the acquisition cost of the 107-acre Stokel property on Peverly Hill Road/Route 33 and for the development of recreation fields and conservation uses on this parcel. Seconded by Councilor Coviello and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4, Section 10.420 – District Location and Boundaries and the Zoning Map. (Rezoning of Former Fire Station 2)

Councilor Smith moved to pass second reading and schedule a third and final reading of the proposed Ordinance and Map, as presented, at the October 18, 2010 City Council Meeting. Seconded by Councilor Coviello and voted.

- B. Second Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 - Zoning Ordinance, Articles 4 and 5.

Councilor Smith moved to pass second reading and schedule a third and final reading of the proposed ordinance, as presented, at the October 18, 2010 City Council Meeting. Seconded by Councilor Coviello and voted.

- C. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 - Zoning Ordinance, by creating a new Section 10.740 – Continuing Care Retirement Community.

Councilor Coviello moved to postpone the vote indefinitely, seconded by Councilor Kennedy.

Councilor Coviello stated that he agrees with the ordinance as written but is concerned with the lack of public buy-in. He stated he feels we need to get the independent study done and discuss it at the Council retreat.

Assistant Mayor Novelline Clayburgh stated she will not support this motion to postpone as the issue has been discussed and studied for 3 ½ years and feels this needs to be put to rest. She addressed Mr. Kane, Mr. Stebbins and Atty. McNeill stating that they have had many successful projects in the city and she thanked them for all they have done but she cannot support this one.

Councilor Lister stated he agrees and feels that we need to listen to the citizens. He stated he would like to move the question.

Councilor Dwyer stated this is an interesting motion and she will support it. She stated she was on the Planning Board when this was first brought up but feels that Mr. Brighton captured

the right thought in that 410 people may have 410 different reasons to oppose this. She stated there have been 9 public hearings on the issue, but understands that if people have just started following the issue, then they are unaware of all of the work that has already gone into it. She then listed the questions that have been answered throughout the process. She stated she is unsure what independent studies are needed and concluded that this is a vote on zoning and not on the particular project.

Assistant Mayor Novelline Clayburgh stated that regarding the independent studies, who will pay for them and again stated that this has been studied to death.

City Attorney Sullivan clarified that if this motion to table is passed, then the 3rd reading of the ordinance will not have taken place and it will have to be brought back again with notice, or with a 2/3 vote to suspend the rules. He stated the ordinance will die at the end of the Council term if no action is taken.

Motion to table indefinitely FAILED on a 4-5 roll call vote. Mayor Ferrini, Councilors Dwyer, Coviello and Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear and Smith voted opposed.

Councilor Smith moved to pass the third reading regarding proposed amendments to the Zoning Ordinance as presented. Seconded by Councilor Kennedy.

Councilor Kennedy moved to suspend the rules to introduce amendments. Seconded by Councilor Coviello. Motion FAILED on a 4-5 roll call vote. Mayor Ferrini, Councilors Dwyer, Coviello and Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear and Smith voted opposed.

Councilor Smith stated that there is a lot of misinformation out there on this issue i.e., sewerage capacity, free water for the developers, etc. He stated it has been said that senior citizens won't support the school system but that wasn't the case in Exeter. He stated this has been reviewed and his only issue had been the access onto Islington Street which can still be addressed by the Planning Board and Traffic and Safety Committee. He stated this is a unique ordinance whereas the Planning Board can still say no. He stated there is the concern with the ambulance service being overrun, but reminded everyone that this is a revenue source. He stated that the argument that we shouldn't bring more people to Portsmouth is not good when most of the Council have also come from other places to live here.

Assistant Mayor Novelline Clayburgh reviewed her reasons for not supporting the CCRC proposal including the size, the affordability for Portsmouth residents, the impact on other nursing home facilities, demographic balance, etc. She stated we should concentrate on affordable housing for younger families.

Councilor Dwyer stated she also believes in affordable housing and stated she was an advocate for the workforce housing initiative. She stated that nobody speaking against the CCRC came out to speak in favor of affordable housing at the time. She stated if the City owned this parcel of land it would be different but we don't. She stated this leaves more green space and consolidates services for people.

Councilor Coviello stated that this is not an easy decision but feels that the questions have all been answered. He continued that it is hard to make a decision on what is right for the city when there are 410 people against it and he has to weigh the benefits to the city when making his decision.

Councilor Kennedy stated she has tried every angle to support this while considering the citizens concerns. She stated she is really impressed with everyone who has shown their concern for their city and she is concerned with having enough beds for people at the end of their lives.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini stated he will support the motion but not without having listened to and having sensitivity to people's concerns, but because we have many elderly who live in Portsmouth who would use this facility. He stated the appeal of the project is not an issue, but the appeal of the zoning is. He continued that we provide housing for our poor seniors but not for our mid-high income seniors. He stated we have a duty to our citizens who live here an opportunity to stay here. He concluded by stating that the input was sincere on both sides and although it may be scary to see a large development, the CCRC will provide opportunity for seniors to stay here.

Assistant Mayor Novelline Clayburgh passed the gavel back to Mayor Ferrini.

Motion to pass third reading regarding proposed amendments to the Zoning Ordinance as presented FAILED on a 4-5 roll call vote. Mayor Ferrini, Councilors Dwyer, Coviello and Smith voted in favor. Assistant Mayor Novelline Clayburgh, councilors Lister, Hejtmanek, Spear and Kennedy voted against.

X. CONSENT AGENDA

There were no items under this Section of the Agenda.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Peter J. Loughlin, Attorney representing Service Credit Union, regarding Ordinance amendment proposal to Chapter 10, Section 10.517, Roof Appurtenances and Other Rooftop Features.

Councilor Coviello moved to refer to the Planning Board for a report back. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- B. Letter from Bill St. Laurent, President, Association of Portsmouth Taxpayers, regarding contract negotiations.

Councilor Coviello moved to accept and place letter on file. Seconded by Councilor Lister and voted.

- C. Letter from Barbara Massar, Prop Portsmouth, Inc. regarding Funding of Fireworks and Outdoor Activities (First Night Portsmouth).

Councilor Spear moved to accept and place the letter on file. Seconded by Councilor Coviello.

City Manager Bohenko stated he wants clarification as to whether this item is being placed on file or if it is also approving the request for funding.

City Attorney Sullivan explained that it needs to be specific in the motion that the funding is being approved.

Motion to accept and place the letter on file passed.

- D. Request to hold Annual Portsmouth Halloween Parade

City Manager Bohenko stated that there is a route change in this years' request that he wanted to make the Council aware. He stated there is a representative from the Parade organization if they have any questions. He stated he has met with staff and they feel it is doable.

Councilor Coviello moved to refer to the City Manager with power. Seconded by Councilor Lister.

Councilor Coviello asked if State Street will be paved by then. City Manager Bohenko stated it will not be paved but it will be passable. Councilor Coviello asked if there have been any conversations with the neighbors on the new route. City Manager Bohenko stated he knows that the Peirce Island Committee is in favor of it.

Assistant Mayor Novelline Clayburgh moved to suspend the rules to allow Trevor Bartlett to address questions from the Council. Seconded by Councilor Coviello and voted.

Councilor Kennedy asked if this occurs at the same time as another event.

Mr. Bartlett stated the parade is on Sunday and the other event is on Friday and Saturday.

Councilor Coviello asked about communication with the neighbors.

Mr. Bartlett stated that this route impacts fewer neighbors than the previous route.

Assistant Mayor Novelline Clayburgh asked what time the event will be over. Mr. Bartlett stated the parade will end around 8:15 p.m. and the drummers play for about 20 minutes longer.

Councilor Kennedy thanked Mr. Bartlett for putting this event on and stated that the Prescott Park organizers are glad to have it there.

Motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action

1. Request for First Reading of Proposed Bonding Resolution of up to Six Million Four Hundred Thousand Dollars (\$6,400,000.) for Capital Improvement Projects Identified in FY 2011 Budget.

Assistant Mayor Novelline Clayburgh moved to authorize the City Manager to bring back for first reading at October 18th City Council meeting, a bonding resolution for up to Six Million Four Hundred Thousand Dollars (\$6,400,000.) for the projects, as presented. Seconded by Councilor Lister and voted.

2. Request for First Reading of Proposed Bonding Resolution for the sum of Five Hundred Thousand (\$500,000) for Lease Purchase to Replace Fire Engine Number 6.

Councilor Coviello moved to authorize the City Manager to bring back for first reading at October 18th City Council meeting, a bonding resolution appropriating the sum of Five Hundred Thousand Dollars (\$500,000.), for a lease purchase of a Fire Apparatus to replace Fire Engine Number 6, as presented. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Lister asked if Engine #6 is paid in full. City Manager Bohenko stated yes.

Councilor Lister asked if there is any trade-in value.

Fire Chief Chris LeClaire stated they research all trade-in and resale values. He explained that the last truck was purchased by a private dealer, but this time there has been no interest so it will be put out to bid like any other surplus vehicle.

Councilor Kennedy asked if there was any sharing with the Town of Newington.

Chief LeClaire stated that is a dead issue and explained how the new truck will be added to the current vehicle line-up.

Motion passed.

3. Request for First Reading Re: HDC Membership

City Attorney Sullivan explained that the current ordinance requires a Planning Board member be a member of the Historic District Commission. He stated that with the time commitment involved for the Planning Board and then the additional commitment to the HDC, it is difficult to find someone willing to serve in that capacity. He explained that the proposed ordinance with change the wording from "shall" to "may" include a member of the Planning Board which is allowed by State statute.

Councilor Coviello moved to accept the Planning Board's recommendation and authorize the City Manager to bring back for first reading at the October 18, 2010 City Council meeting, an amendment to the City Ordinance, as presented.

4. Request for Approval of Pole License #63-0495.

Councilor Smith moved to approve the request from PSNH for pole license agreement, #63-0495, as recommended by the Public Works Department. Seconded by Assistant Mayor Novelline Clayburgh and voted.

Informational Items

1. Events Listing

B. MAYOR FERRINI

1. Appointments to be Voted:
 - James J. Feehley, Taxi Commission (Term to expire 12/31/2011)

Assistant Mayor Novelline Clayburgh moved to approve the appointment of James Feehley to the Taxi Commission. Seconded by Councilor Coviello and voted.

C. COUNCILOR DWYER

1. *Update on Middle School Project

Councilor Dwyer stated that things are moving along quickly and that the former Wentworth School building is now gone and they are now going through the process of sorting and recycling material. Next she addressed the drainage issue stating there was a meeting with engineering firms and city staff to make sure that this is fully addressed and coordinated with the Lincoln Avenue sewer separation project. She stating this is taking more time and therefore they will not be going to the Planning Board until November. Thirdly, she stated there will be a meeting on October 20th at the High School with curriculum teachers and history advocates to discuss incorporating the histories of the Middle and Wentworth Schools into the curriculum.

Councilor Hejtmanek asked for clarification of the cost overrun of the Granite Street project. Councilor Dwyer stated that there was a cost overrun on that project but there was a savings on the High School Athletic field so they are still ¼ of a million to the good.

D. COUNCILOR SMITH

1. Parking Committee Action Sheet and Minutes of the September 9, 2010 meeting

Councilor Smith moved to accept and place on file the Parking Committee Minutes of the September 9, 2010 meeting. Seconded by Councilor Spear.

Councilor Kennedy asked that the term “handicapped” be substituted with “disability” whenever possible.

Motion passed on an 8-1 vote, Councilor Kennedy voted opposed.

2. Traffic and Safety Committee Action Sheet and Minutes of the September 9, 2010 meeting

Councilor Smith moved to accept the Traffic and Safety Committee Action Sheet and Minutes of the September 9, 2010 meeting. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Dwyer asked if the recommendation to redirect busses from Richards Ave to Junkins Avenue for the new Middle School could be started sooner than later. Councilor Smith stated it was not a part of that discussion. Councilor Lister stated they can't do it yet because there is a physical limitation with the current school.

Councilor Lister thanked Councilor Smith for these action sheets and minutes to keep the Council updated on these issues especially now that they will be discussing this at the upcoming Council Retreat.

Motion passed on an 8-1 vote, Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

There was no Miscellaneous/Unfinished Business.

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

Councilor Smith moved to adjourn at 10:00 p.m. Seconded by Councilor Coviello and voted.

Valerie A. French
Deputy City Clerk I