

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 6, 2010

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

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

Mayor Ferrini called the meeting to order at 7:00 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 Hejtmanek led the Pledge of Allegiance.

## PRESENTATION

1. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project – Jim Nocas and John Tabor

Jim Nocas began by explaining that this is a pilot program which means to enhance citizen input to the Council on critical issues. He stated this is one way to bring people into the loop so that decision makers can decide what is ultimately best and will include a broad range of people. He continued that study circles are not the only way to get people's opinions, i.e. editorials, constituent contact, public hearings, but feels that typically these are used for single issues. He stated that the study circle will attempt to do what the Council does, but does not take their place. He explained that they will offer a "Budget 101" opportunity for the community to learn specifics about how the budget works and to understand the complexities. He stated they will also attempt to control the demographics of the study circles with representative groups. He stated the biggest difference between this process and elections is the deliberation component which people can offer their opinions and challenge decisions respectfully.

John Tabor explained the rationale is proposing study circles for the budget process is similar to that of the Master Plan and Middle School study circles. He stated that they understood that it was the Planning Board and School Board's job, but it allowed citizen input and deliberation. He stated it is now the same with the budget challenges and will make the information productive and useful. He stated the City of Portsmouth already has transparency and good deliberations, but it is difficult to hold down the tax rate because of what is passed by the State. He then referred to the Sample Budget Report Templates that will allow citizens to rank services at various level of budget funding with a point system instead of using dollar amounts. He referred to the City of Philadelphia, Pennsylvania as an example of how these budget study circles were successful. He stated it allows deliberations to be focused and instead of individual opinions, they will work as a group towards a solution.

Councilor Coviello stated he is unsure of the point system being used instead of dollar amounts as he feels that the dollar amount shows the actual impact. Mr. Noucas and Mr. Tabor explained the point values assigned to dollar amounts would allow each solution to any gaps in the budget would be addressed with points.

Councilor Coviello asked if the Council would be allowed to observe, if not participate in, the process. Mr. Noucas stated that there would be a Steering Committee and they would ask the groups if they were comfortable with observation, but it is typically not allowed.

Councilor Hejtmanek also questions the point system. He stated that the Council makes policy decisions to come up with savings i.e. waiting for 3" of snow instead of 2" for plowing, etc. and feels uncomfortable with citizens making those recommendations.

Mr. Tabor stated that the city staff will help develop guidelines.

Councilor Lister stated several years ago he was involved in the study circle process as a facilitator, but found that the study circles were not representative of certain groups and would like to know how they will ensure they will be representative. Mr. Noucas stated there will be an outside consultant who will help balance the demographics. He stated not everyone will be able to participate this time, but this is a pilot program and he feels the process at least attempts to be representative.

Assistant Mayor Novelline Clayburgh stated she is also concerned with the makeup of the circles in that certain neighborhoods or income groups won't be represented. She stated she would also want to make sure that people understand that this would only be one element of the Council decision making process.

Councilor Dwyer stated she feels that study circles are great for divergent ideas and when creative problem solving is needed. She stated this would be a non-parallel process in the timing of the Council budget schedule and wonders how this would work. Mr. Tabor stated that the Group would ask for the same information that the City Manager gets from the Department Heads to present the budget to the Council and then would be able to understand the impact of reckoning the revenue side with the services or staff that may be lost.

Councilor Spear stated he is not in favor of the way this has been presented. He stated that last year was a challenging budget and they didn't know in December that the hot subject would be the pool. He stated he is concerned with the long-term benefit of the process and is concerned that the Council and staff are very business during the Spring with the budget and wonders if this would be more beneficial in the Fall so it would be more abstract, or if it was done in the Spring, they could perhaps focus on one or two hot button issues like the pool group did and come back with innovative solutions. Mr. Noucas stated that the values and priorities are long term and it is not just a numbers game. He stated that the most important part of this is the information "Budget 101" piece that will come first. He stated he would be happy to get that portion done.

Councilor Hejtmanek stated he is on the Police Steering Committee and they are currently finding a consultant and there are 80 pages of analysis and it is complicated. Mr. Noucas stated the police department is governed by experts and reports but what is missing is what the citizens want.

Councilor Smith stated the study circles with the Master Plan process was successful and feels that more public input is needed. He stated he is frustrated with the public hearing process as there is no give and take between the citizen and the Council and he only gets input via phone calls or out in public. He asked if the Council would be able to at least be involved with the discussion portion. Mr. Noucas explained that the past part of the process is for each study circle to prepare a written report to the City Council and to provide an oral report as a part of the public process. He stated the Council would be able to ask questions at that point. Councilor Smith stated that numbers change during the budget process and wonders how that would be accommodated. Mr. Noucas explained that the Council will be able to look at the last column of the budget report template and see what the priorities are and how they can accomplish achieving them.

Councilor Kennedy thanked them for coming and feels that citizens need to be informed not only at the city level, but the County level as well. She stated she agrees with Councilor Spear that there are some big items she would hope could be a focus, i.e. assessments and parking. She cited the recreation report as having been presented but wonders about the follow up to those recommendations. She stated it is important to make sure that we have a cross-section representation on the study circles and for those who can't participate, at least give them the "Budget 101".

Councilor Lister stated the end result is that the Council is the governing body. He continued that he likes the idea of input from both sides, but other groups will also want to give their input and wonders how we can create a dialog with all of those groups.

Noucas stated they hope to get the other group to participate and get away from a single issue and realize that there are a lot of issues.

Councilor Coviello asked City Manager Bohenko if the staff will be able to accommodate the workload. Mr. Bohenko stated the staff will prepare the "Budget 101" information, i.e., expenditures, operating, non-operating, revenue, etc. He stated they will give a one or two night commitment and then will step back. He stated they will provide resources as needed but would like the requests made formally through his office.

Councilor Dwyer again stated her concern with creating a parallel process with the Council and stated she finds it challenging to find the questions needed to get valuable information after 7 years of participation. She stated she likes Councilor Kennedy's ideas of focusing on topics, but wouldn't want people to spend a lot of time on this and not have it be useful. Mr. Noucas stated that it would be abstract if the process stopped at a certain place, but it then goes further asking the why and how to accomplish the recommendations. He stated this is complex, but feels we have to start somewhere. He stated that participatory budget processes are being used everywhere and there are a lot of different ways to do it. Mr. Tabor stated when people have to make choices there are real discussions on priorities.

Mayor Ferrini stated for clarification he would like to understand how the demographic representation will be achieved. He continued that although he understands that study circles are usually closed, he feels that in the spirit and intent of a democratic process and in keeping with right to know, these should be open and not confidential sessions. Mr. Noucas stated that in the past they have been confidential sessions and feels that this adds to the candor of these discussions.

Mayor Ferrini stated this item will be brought up for a vote following the public comment session.

#### **V. ACCEPTANCE OF MINUTES – AUGUST 2, 2010 AND NOVEMBER 22, 2010**

**Councilor Spear moved to accept the minutes of August 2, 2010 and November 22, 2010. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

#### **VI. PUBLIC COMMENT SESSION**

Robert Hassold – Thanked the Portsmouth Police Department for the great job they do keeping the city safe and crime at a minimum. He stated they took an oath to service and protect but feels that the employees of the Police Department need to realize how fortunate they are to have jobs as many people have lost their jobs, homes and healthcare benefits. He continued that the recession has impacted the earning power of small businesses as well as the cost of health care insurance. He stated that the tax rate keeps going up and it is hard for people to keep their homes. He stated the police contract is a hug white elephant and they should be embarrassed and are out of touch with reality. He stated they should adjust their spending and try to keep jobs instead of eliminating positions when the 0% budget is implemented. He concluded by stating that the citizens will be watching closely and will remember this vote at election time.

Charlie Griffin – spoke opposed to the budget study circles stating the city will be forming a partnership with the Portsmouth Listens group and the Council and inherently they will believe their proposal is the best. He continued that he is concerned that the City Manager is making staff available for them and wonders if he will do that for other groups as well. He stated that they will be unable to get the demographics they are looking for to serve on the committee and feels that they should demonstrate how they will achieve equal representation before being approved by the City Council. He concluded by stating, “if it ain’t broke, don’t fix it”.

Rich Duddy – spoke regarding the proposed paramedic intercept services with the Town of Greenland stating that he would like to see this sent back to the Fire Commission for further study, or only have a one-year agreement pending further study. He stated he is concerned with the coverage at Station 3 and continued that this is the first time he has heard of a city trying to take work away for outside agencies. He concluded by stating that he is concerned about the impact on the ambulance services when there is a 0% increase in the fire budget.

Mark Brighton – spoke regarding the budget study circles stating he has serious concerns in regards to the demographics. He stated what is more important that who will be included, is who will not be included. He stated he also is concerned with the idea of assigning points instead of dollar amounts stating that dollar amounts are more impactful and feels that the

council will almost be forced to take their recommendations. He concluded by stating he came tonight to speak in favor, but after hearing the full presentation, he is not in favor.

Bill St. Laurent – spoke of several costly issues on the agenda including the police contract which he feels will have ramifications for years to come and will impact other union contracts. Secondly, he feels that the Town of Greenland Intercept Services contract will increase the overtime in our Fire Department. Thirdly, he discussed the 99 year lease agreement with the Historic Society stating that the city will be paying for the upkeep and heating of the building and feels the public needs to know this. Finally, he discussed the budget study circles, stating that Portsmouth Listens has the right to do that, but they should be doing on their own and if the Council votes in favor of this, they will be endorsing them, which they have never done for the Taxpayer Association.

Erik Anderson – spoke regarding the police contract stating that the public is becoming more informed but feels the benefits in the contract are becoming guaranteed and should be changed. He stated that 3 minutes is not enough time to make his comments on this contract. He stated that there have been comments that this contract will mean reducing the workforce, but he feels this should be a separate issue and that it is unfair that jobs will be sacrificed for tenured people.

Corey MacDonald – spoke regarding the police contract explaining the history of the negotiations over the past 2 years with 5 proposals. He stated that more concessions have been made with this proposal and gave several examples. He stated that they are not afraid of public scrutiny, but is astounded by the misinformation that has been spread. He stated that many of the issues being cited on the Taxpayer Association website are red herrings and no longer pertain to anyone currently serving on the police department.

Warren Goddard – spoke regarding the police contract stating that his social security income remains the same but the Council keeps raising taxes. He stated that the vote on the union contract will show which Councilors are under the influence of terrorists.

Norm Olsen – thanked the Police Department for keeping the city safe and also thanked the 4 Councilors who have stood up to the flawed contract. He stated that regardless of how many sick and/or vacation days they get, it is still more than the private sector. He continued by stating that the COLA increases and benefits are unsustainable. He concluded by appealing to the Councilors who have indicated voting in favor of the contract to change their vote to no.

David Kish – spoke regarding the police contract stating he feels that this contract represents the worst in city government. He stated that the amount of time given to the public to review the contract was not enough. He then cited budget figures of salaries and W-2 salary figures stating that the W-2 figures show the real story. He continued by stating that the contract being retroactive to 2008 means we are paying for work already paid for and that by adopting the contract, it will mean laying off younger officers. He concluded by citing various issues in the contract and urged the Council to vote no.

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up agenda item XI.B.2. for Council action. Seconded by Councilor Coviello and voted.**

2. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

**Mayor Ferrini moved to proceed with the proposed Study Circles as presented and to authorize the City Manager to provide the necessary staff support staff as available and necessary. Seconded by Councilor Coviello.**

Councilor Lister stated he is looking for more information on demographics as expressed in Mr. Griffins' comments before voting.

Councilor Smith stated he supports study circles, but also would like the demographics issue laid out, which may require another presentation. He stated that the study circles on the Middle School are still questioned as to their representation.

Councilor Dwyer stated she feels that study circles are better for divergent thinking. She stated she likes the public education aspect of the proposal.

Councilor Coviello stated he will support the motion because it is a pilot program and we need to allow them to take the steps to see what information comes from it.

Councilor Kennedy stated she is torn and also feels that study circles are for broader ideas. She stated the public does need support and knowledge of the process but wants to make sure that people are represented or they will only get more frustrated.

Councilor Hejtmanek stated he supports the educational piece, but is concerned with the cost and the demographics. He stated he wants it clearly understood that the Council can reject any recommendations.

Assistant Mayor Novelline Clayburgh stated she wants to see refinement regarding the demographics but does like the idea of more public input into the process. She stated she looks at it as another tool but also wants it clarified that the Council is not obligated. She stated she has spoken with Mr. Tabor regarding an application he has developed for potential members.

**Councilor Smith moved to table item to next meeting to allow the proposing group to come back with answers regarding how they will achieve representative demographics in the Study Circles. Seconded by Councilor Kennedy and passed on a 9-0 roll call vote.**

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up agenda item XI.A.2. for Council action. Seconded by Councilor Lister and voted.**

2. Report Back Re: Town of Greenland Paramedic Intercept Services

**Assistant Mayor Novelline moved to accept the recommendation of the Fire Commission and to authorize the City Manager to execute the appropriate documents with the Town of Greenland, regarding paramedic intercept services. Seconded by Councilor Lister.**

Fire Chief LeClaire explained that this is something that already exists except that now the City of Portsmouth will be the first in line if a patient requires paramedic level care. He stated the Town of Greenland will maintain their current system but will no longer use the Exeter based paramedic services they currently use because it covers most of Rockingham County. He concluded by stating that the City of Portsmouth will receive the revenue for providing the service.

Councilor Kennedy asked what happens when Station 3 gets called out. Chief LeClaire stated they never call back for overtime unless there is a long term transport involved. Councilor Kennedy asked if this will cost the City of Portsmouth anything. Chief LeClaire stated that an ALS call is \$1,200.00 and does not cost the City of Portsmouth anything.

Councilor Smith asked if there is a time limit on this agreement. City Attorney Sullivan stated that there will be an agreed upon time or a provision to end the agreement.

**Motion voted.**

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up agenda item XI.A.1. for Council action. Seconded by Councilor Lister and voted.**

1. Approval of Portsmouth Police Ranking Officers Association Tentative Agreement

**Councilor Smith moved to approve the Portsmouth Police Ranking Officers Association Tentative Agreement. Seconded by Councilor Lister.**

At the request of City Manager Bohenko, City Negotiator Tom Flygare, reviewed the Police Ranking Officers Association Tentative Agreement. He explained that another elected body, the Police Commission, approves the contract which starts with contracts that have existed for decades. He stated that once benefits are established it is not easy to remove them. He stated there are costs that are out of the City's control i.e. retirement. He concluded by stating by law, unions cannot strike and bargaining in good faith is essential to both sides.

Councilor Coviello asked about the health insurance increase of 2%. Mr. Flygare stated Comp 100 and Blue Choice will have an increased co-pay of 2% and Matthew Thornton will have a 1% increase.

Assistant Mayor Novelline Clayburgh asked how the State is involved with benefits. Mr. Flygare stated there is no State requirement to provide health benefits to employees, it is a negotiated benefit. He stated there is a retirement requirement.

Councilor Dwyer stated that people have had some basic questions regarding this issue i.e. why this is done by collective bargaining and they also don't understand that this only affects a portion of the police department. Mr. Flygare explained the history of the Employee Public Relations Act from 1975 stating that it is mandatory that the city is obligated to negotiate if the employees formed a union. Councilor Dwyer asked Mr. Flygare to explain the retirement issue. Mr. Flygare explained that this is something that is out of the City's control as all employees are subject to the NH State retirement system and determines the percentage to be paid by the City. He further explained that the NH law is unique in that it takes the "best" 3 years of employment, which includes overtime, details, etc. to base retirement payments to the employee and is why some employees looked like they were getting large payouts. He stated that in 1996 the city negotiated that out of the contracts so there are just a few people left that fall under this condition.

Councilor Smith stated he also received calls and asked for an explanation of the "evergreen" clause. Mr. Flygare explained that COLA increases are not ever-greened in the contracts, but step increases are required to be ever-greened as of July 2008, but the City of Portsmouth has always had this policy anyway. He stated that this was in place for public policy reasons and explained that because we want to keep the newer employees that are being trained and gaining experience, the step increases allow us to keep them.

Councilor Smith asked why the public doesn't have longer to review the contracts.

Mr. Flygare stated the contract is approved by another elected body first and then sent to the Council.

Councilor Coviello stated that retirement is out of our control, but we can lower the rates of pay, overtime, details etc. that it is based on. Mr. Flygare stated we don't control the formula, but the statement is correct.

Councilor Dwyer asked Mr. Flygare to explain COLA. Mr. Flygare explained that the US Dept. of Labor issues an index based on the Boston/Brockton/Nashua population area which is what is used in this contract. He further explained that the annual changes are based on a 10 year rolling average from November to November and we will know the current rate in mid-December.

Mayor Ferrini asked under which law we are required to continue to pay when a contract has expired. Mr. Flygare stated that the Supreme Court ruling against going on strike requires employers to maintain the status quo including benefits. However, if premiums go up, then the co pay will go up by that percentage.

Councilor Hejtmanek asked if the evergreen clause requires us to go back to June. Mr. Flygare replied no.

Councilor Spear stated that we are facing challenging budget years this year and next, will receive no federal and state help, and probably see some layoffs. He stated that adopting this contract that will cost more money will result in even more layoffs.

Councilor Dwyer stated that is an important point and is at the heart of what some people's concerns are with this contract. She stated that both the Police Chief and the Commission



have acknowledged that to be true and did the School Board when they passed the teacher's union contract. She stated that she is not sure why we would treat this contract differently than the teacher's contract and feels that the police contract timing is bad because of the economy, but they police department knows they have to absorb this increase.

Councilor Coviello stated that this works this year but there is no plan in place to stop it and the effects on next year and the year after that. He stated it is true that it applies to all departments and there will be a 0% tax increase this year, but we shouldn't have to wait for the State to act and should take action ourselves. He stated the State blames the cities for allowing the details, etc. He stated it is not fine that it will take 30 years to correct itself and feels that the younger, newer employees would rather have their jobs than this contract. He stated he doesn't understand the mindset of not being concerned with another person losing their job.

Councilor Smith stated he is in favor. He stated there are misconceptions out there about people getting paid hundreds of thousands of dollars stating that those people are gone. He stated that the matrix report showed that the only cost factor we could control was overtime and the Council set the rules. He stated they have turned down many contracts because there was not enough overtime reform. He explained that there are many dedicated officers working every holiday, they have to finish a call even if it is at the end of their shifts and have to go to court, etc. He continued to address various other concerns that people have mentioned including uniforms, sick leave, etc. He stated he is glad that he went through the Citizen Police Academy to see what they do and encouraged others to enroll as well. He stated that there is not a salary increase in this contract, there is a COLA and the reason they are getting that is that the Council said if they continued to faithfully negotiate in good faith, they would receive it. He stated that this is the one union that did continue to negotiate and only includes 16 ranking officers.

Councilor Lister thanked Mr. Flygare for his information stating he feels it was important for the public to hear it. He stated this has been a long process and no doubt we need contract reform. He stated that there is a balance between responsibility to the taxpayers and in services. He continued that this contract has been negotiated in good faith with the rules set by the Council and we can't change the target in the middle of the process. He concluded that there is an opportunity to address the retirement system through legislation.

Councilor Hejtmanek stated he is not supporting the contract. He stated he appreciates the police department, but feels that the private sector doesn't get automatic pay increases, 63 days off a year, retirement at age 45, etc.

Councilor Kennedy stated that everyone is worried about people losing jobs and the question is do we deal with it now or later. She stated she feels it should be now. She stated she doesn't want to lose the younger officers, but cuts will happen because citizens have said they can't afford it. She stated she chose not to go to the press with some of the other Councilors, but she thought she would still get calls from people supporting the contract. She stated she did not but got calls from people who are hurting out there.

Assistant Mayor Novelline Clayburgh stated she has learned about contracts over her last 3 years on the City Council and that it has been over the last 30 years that these benefits have

been negotiated. She stated she has witnessed the back and forth process and feels we can't undo 35 years at once, it has to be done gradually. She stated back in 1996 when the Council did away with the accumulated sick leave payback, it was a big deal and it was for new hires, not current employees. She stated that is what we need to continue to do, make reforms to new hires and not make drastic changes at the last minute to people getting ready to retire. She thanked the Portsmouth Taxpayer Association for their input as well. She stated that there are still 4 – 5 unions that still need to be settled and the Council laid out the guidelines in 2008. She stated that we need to continue good faith bargaining under those rules and then push for reform in 2014. She stated that Chief Ferland stated he could work with this contract and she has faith in him and the Commission to do so. She stated that Councilor Smith has an idea about the retirement costs that should be looked into as well.

Councilor Coviello asked for clarification as to when the contract is available for the public to review. City Manager Bohenko stated that there are 2 parts to the process; the Police Commission passes the contract and it goes to the Council to discuss cost items in a non-public session. Councilor Coviello asked if we can announce it is available after the Police Commission votes. City Manager Bohenko stated we could, but there is another step and he doesn't want the public to be misinformed.

Discussion ensued regarding misinformation.

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

Mayor Ferrini stated that many people have called him as well. He stated that early on in the process he agreed with the arguments of the public/private sector differences. However, at this point, concessions have been made in conjunction with the guidelines set by the Council and was negotiated in good faith. He stated that it is true that settling this may lead to layoffs, but not settling will still result in that and they will have to deal with the outcome of these decisions. He stated he won't take the cop out that legislative action will fix this, but if there was legislation put in place, it will. He stated he feels that it is better governance to settle. He concluded by stating he is proud of the Council for their civility and well-informed discussion.

**Motion to approve the Portsmouth Police Ranking Officers Association Tentative Agreement passed on a 5-4 roll call vote. Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Dwyer and Smith voted in favor. Councilors Hejtmanek, Spear, Coviello and Kennedy voted opposed.**

*Recessed/Reconvened 10:00 p.m. to 10:10 p.m.*

**Councilor Coviello moved to suspend the rules to allow the meeting to go past 10:00 p.m. Seconded by Councilor Kennedy and voted.**

**Councilor Kennedy moved to suspend the rules to move up agenda items XI.A.5. and XI.A.6. for Council action. Seconded by Councilor Coviello and voted.**

5. Greenleaf Recreation Center Lease to Portsmouth Housing Authority

**Councilor Smith moved to authorize the City Manager to negotiate and execute a three-year lease of the Greenleaf Recreation Center to the Portsmouth Housing Authority for the purpose of operating a community recreation center open to the general public with an emphasis on serving the residents of the nearby Wamesit Place housing development. Seconded by Councilor Kennedy.**

Assistant Mayor Novelline Clayburgh stated she is one of the founders of the Friends Project, and that group has really enjoyed using this facility for various activities i.e. basketball and dances, and feels it is a wonderful place.

Councilor Kennedy stated it is a great opportunity to have on-site staffing as well.

City Manager Bohenko thanked Ruth Griffin of the Portsmouth Housing Authority and Community Development Director David Moore for their efforts on this agreement.

**Motion voted.**

6. Discover Portsmouth Center – One-Year Lease Extension

**Councilor Smith voted to authorize the City Manager to negotiate and execute a one-year lease extension of the former public library property for the Portsmouth Historical Society, such extension to include an adjustment to parking and utilities. Seconded by Councilor Kennedy.**

City Manager Bohenko clarified that even if the building wasn't used by the Historical Society, the City would still have to heat it. He stated that he admires Mr. Candee for making the Discover Portsmouth Center into something we can be proud of.

Councilors Lister and Smith also acknowledge Mr. Candee's efforts and encourage people to visit the center.

**Motion voted.**

**VII. APPROVAL OF GRANTS/DONATIONS**

A. Authorization for Portsmouth Regional Hospital to Accept Ventilators for Emergency Preparedness Purposes

**Councilor Smith moved to authorize Portsmouth Regional Hospital to accept, maintain and deploy the respiratory equipment on its behalf. Seconded by Councilor Kennedy and voted.**

- B. Acceptance of the 2010 Justice Assistance Grant to the Police Department from The Bureau of Justice Assistance - \$18,208.00

**Councilor Smith moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Kennedy and voted.**

Councilor Smith thanked the Police Department for applying for grants.

- C. Acceptance of Donation for Historic Markers

**Assistant Mayor Novelline Clayburgh moved to accept and expend \$525.00 in donations from the Frank Jones Farm Neighborhood for the design, fabrication and installation of an historic marker about Frank Jones & Maplewood Farm. Seconded by Councilor Lister and voted.**

### **VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances

**Assistance Mayor Novelline Clayburgh moved to pass first reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a public hearing and second reading at the December 20, 2010 City Council meeting. Seconded by Councilor Smtih and voted.**

- B. First reading of Ordinance amending Chapter 7, Article II, Taxicabs – of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced

**Assistant Mayor Novelline Clayburgh moved to pass first reading for the Taxi Ordinances, as recommended by the Taxi Commission, and schedule a public hearing and second reading at the December 20, 2010 City Council meeting. Seconded by Councilor Lister and voted.**

- C. Third and Final reading of Ordinance amending Chapter 10, Article 5, Section 10.517 – Rooftop Appurtenances and Other Rooftop Features

**Assistant Mayor Novelline Clayburgh moved to pass third and final reading on the proposed Ordinance amendment, as presented. Seconded by Councilor Smith and voted.**

### **IX. CONSENT AGENDA**

#### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Acceptance of Donations for Art-Speak for Overnight Art
- Thomas & Annabelle Cocchiario - \$100.00
  - Leanne Spees - \$100.00

***(Sample motion – move to accept and approve the donations to Art-Speak for Overnight Art, as presented)***

- B. Acceptance of Donations for Art-Speak
- Paul McEachern - \$50.00
  - Olde Port Properties - \$100.00
  - Precision Auto Service - \$150.00
  - Elisabeth & Jeffrey Robinson - \$25.00
  - Joyce Volk - \$25.00

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

**At the request of Councilor Smith, Item C was removed from the Consent Agenda.**

**Councilor Coviello moved to adopt items A and B of the Consent Agenda. Seconded by Councilor Dwyer and voted.**

- C. Letter from Heidi Roy, National Multiple Sclerosis Society requesting permission to hold the 2011 Walk MS Portsmouth on Saturday, April 16, 2011 from 10:00 a.m. – 2:00 p.m.

**Councilor Smith moved to refer to the City Manager with power and to instruct the organization to remove all signs at the end of the event. Seconded by Councilor Coviello and voted.**

**X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

*(There were no items under this section of the agenda)*

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

1. Approval of Portsmouth Police Ranking Officers Association Tentative Agreement  
*(Action taken previously)*
2. Report Back Re: Town of Greenland Paramedic Intercept Services  
*(Action taken previously)*
3. Report Back Re: Vision Appraisal Online

City Manager Bohenko explained that there is an approximate \$2,800.00 a year charge to put this on-line and that it will take about 2 weeks to put it on the web once the contract is finalized. He explained that there have been some privacy issues raised and that is why he put this on the agenda.

**Councilor Smith moved to authorize the City Manager to bring this matter back at the December 20, 2010 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Kennedy asked if people will be allowed to opt out of being on-line. City Manager Bohenko stated that is what they are looking into.

**Motion passed.**

4. Proposal to Remove Deed Restrictions on Connie Bean

**Councilor Coviello moved to authorize the City Manager to commence legal action to relieve the Connie Bean Center from the deed restrictions that limits its reuse. Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Smith stated he agrees with this action but wants to ensure that the Connie Bean name is attached to wherever the new recreation center is located. Mayor Ferrini stated he agrees.

**Motion voted.**

5. Greenleaf Recreation Center Lease to Portsmouth Housing Authority  
*(Action taken previously)*
6. Discover Portsmouth Center – One-Year Lease Extension  
*(Action taken previously)*
7. Request for a License from Jane Gee, owner of janegee for property located at 10 Ladd Street to install a projecting sign

At the request of City Manager Bohenko, Planning Director Rick Taintor reviewed the stipulations to the License Agreement.

**Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Jane Gee, owner of janegee, to install a projecting sign on a new bracket at 10 Ladd Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

8. Proposal to Rename a Segment of Winchester Street

At the request of City Manager Bohenko, Planning Director Rick Taintor explained the reason for renaming this section of Winchester Street. He explained that back in 2001 as a part of the E-911 process it was proposed to be renamed, but at the time the neighbors were opposed. He stated that now, there is an address issue with a subdivision and the change needs to be made. City Manager Bohenko clarified that nobody currently lives on the section of Winchester Street that will be changed.

**Councilor Smith moved to accept the Planning Board's recommendation, as presented, that the segment of Winchester Street between Lafayette Road and the first corner to be renamed "Cardinal Lane". Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Coviello asked why it will be called Cardinal Lane. Councilor Smith stated back then the Planning Board came up with a list of names for City streets and was approved through that process. Councilor Coviello asked if that list was cross-referenced with the Historical Society. Councilor Smith replied yes.

**Motion voted.**

9. Albacore Way Street – Acceptance of Deed and Acceptance of Public Street

At the request of City Manager Bohenko, Planning Director Rick Taintor reviewed the acceptance of Albacore Way Street as a public street.

**Assistant Mayor Novelline Clayburgh moved to accept the Planning Board's recommendation, as presented. Seconded by Councilor Smith and voted.**

**Informational Items**

1. Events Listing
2. Economic Development Commission Agenda and Minutes
3. Public Meeting Notice Re: Public Undeveloped Land Assessment

**B. MAYOR FERRINI**

1. FY12 Budget Guidelines

Mayor Ferrini stated that the FY12 budget guidelines were provided as a memorandum in the Council packet and were a result of the Council Retreat on November 20<sup>th</sup>.

**Councilor Spear moved to approve the FY12 Budget guidelines drafted at the November 20, 2010 Council Retreat. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

City Manager Bohenko stated that these will be included at the upcoming Committee of the Whole work session to be held December 13, 2010.

2. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project  
(Action taken previously)
3. \*Reports (None)

**C. COUNCILOR DWYER**

1. \*Joint Building Committee Update

Councilor Dwyer stated that work continues on Granite Street because the weather has been good allowing underground work. She stated that the Planning Board approved the site review on November 18<sup>th</sup> as the drainage issues have been resolved to their satisfaction. She continued that they are close to determining the final costs and are looking at places where money can be saved and that they thought they would be spending \$450,000.00 on bricks but have determined that they won't be needed. She stated that there are ideas that are still coming forward and they continue to check out those ideas. She stated that the interior issues are beginning to be addressed as well i.e. technology, hardware etc. and they are working with staff. Finally she stated that Dan Hartrey has been serving as a part-time Clerk of the Works on the project but they will need him to begin full time soon.

Councilor Lister asked about the slate roof. Councilor Spear stated that has been a challenging issue in trying to match it because the roofline is so visible, but the slate will be totally replaced with asphalt and shingles. Councilor Lister stated that is a very historical roof. Councilor Dwyer stated they are trying to save the slate.

Assistant Mayor Novelline Clayburgh asked if they will be discussing the second gym soon. Councilor Dwyer stated that this could be discussed at a meeting in January. City Manager Bohenko concurred.

**D. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the November 18, 2010 meeting

Councilor Smith asked that Item 3, Martingale Wharf be removed to separate action.

**Councilor Smith moved to accept the remainder of the Traffic and Safety Committee Action Sheet and Minutes of the November 18, 2010 meeting. Seconded by Assistant Mayor Novelline Clayburgh. Motion passed on an 8-1 vote. Councilor Kennedy voted opposed.**

Councilor Smith explained that the Martingale Wharf project was accepted with stipulations that there would be no valet station and there would be more of a bump out to allow for public assembly on Bow Street.

**Councilor Smith moved to accept the action taken by the Traffic and Safety Committee on Item 3, Martingale Wharf. Seconded by Assistant Mayor Novelline Clayburgh. Motion passed on a 7-1 vote. Councilor Kennedy voted opposed. Councilor Coviello abstained.**

2. Parking Committee Action Sheet and Minutes of the November 18, 2010 meeting

At the request of Councilors Smith and Spear, actions on the 3 items of the Parking Committee meeting of November 18, 2010 were taken separately.



**Councilor Smith moved to accept action taken by the Parking Committee on Item #1, Acceptance of October 14, 2010 minutes. Seconded by Assistant Mayor Novelline Clayburgh and voted 8-1. Councilor Kennedy voted opposed.**

**Councilor Smith moved to accept action taken by the Parking Committee on Item #2, Martingale Wharf. Seconded by Councilor Dwyer and voted 7-1. Councilor Kennedy voted opposed. Councilor Coviello abstained.**

**Councilor Smith moved to accept action taken by the Parking Committee on Item 3, Free Holiday Parking. Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Spear stated he is concerned with the loss of \$90,000.00 in revenue for those 3 weeks. Jon Frederick, Parking Manager, confirmed that the revenue is estimated at approximately \$30,000.00 per week.

Councilor Spear stated that metering is meant to enable turnover in the downtown as turnover means more customers. He stated this also discourages garage parking.

Councilor Kennedy asked why this is now 3 weeks instead of 2 weeks. Councilor Smith stated they did 3 weeks last year and explained to extend the downtown shopping into the New Year holiday as well. He stated the holiday parking has been implemented for 20 years.

Councilor Kennedy asked how many days is the parking garage filled during the holidays. Parking Manager Frederick stated it is usually full on Thursdays, Fridays and Saturdays preceding Christmas and also on First Night.

Councilor Coviello stated that he will support this because it has already been published in the paper, but feels this should have been discussed earlier.

**Motion passed on a 7-2 vote, Councilors Kennedy and Spear voted opposed.**

## **XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Kennedy asked when the assessment manual will be done. City Manager Bohenko stated it will be ready on December 20<sup>th</sup>, although it technically isn't due until January 1<sup>st</sup>.

## **XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**Councilor Smith moved to adjourn at 10:55 p.m. Seconded by Councilor Coviello and voted.**

Respectfully submitted:

Valerie A. French  
Deputy City Clerk I