

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 21, 2011

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

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

Mayor Ferrini called the meeting to order at 7:13 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 Smith led the Pledge of Allegiance.

PRESENTATION

1. Discover Portsmouth Center Re: Lease

Assistant City Attorney Woodland; Mary Ellen Burke, Executive Director Portsmouth Historical Society; Richard Candee and Josh Scott, Portsmouth Historical Society reviewed the key terms of the proposed lease. Mr. Scott stated they have been in the Discover Portsmouth Center for over 3 years now. He stated the one million dollar (\$1,000,000.00) maintenance repairs needed on the building will require a long term lease so they can procure donors and apply for a loan. He said they need the security of the long term lease to secure a loan. Mr. Candee stated they have lived up to the terms of the short term lease and have met almost all the benchmarks requested and they are here tonight to request a long term lease that will allow them to get a ½ million dollar loan from CDFA to improve the energy conservation in the building. He stated they already have grants in the range of \$45,000.00 plus the \$140,000.00 in City grants through OEP. Mary Ellen Burke, Executive Director stated this lease will allow them to talk to donors with confidence that their investments in the building will last for a long time. She said the lease will allow them to increase their capacity to operate the Discover Portsmouth Center. Assistant City Attorney Sullivan reviewed the proposed lease.

Councilor Smith moved to bring the proposed Lease between the City of Portsmouth and Portsmouth Historical Society back for action at the April 4th City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh. Councilor Kennedy stated she will abstain.

Councilor Dwyer asked what the CDFA loan terms were. Mr. Candee stated the loan is drawn from their stimulus funds. He further stated the loan is a 2%, 10 year loan that is issued for non-profit organizations. He said the loan is against the value of the building. He said its sub-leases and space serves as the security. He said no historical building/treasure would be

threatened. City Manager Bohenko stated this is not a loan the City will be responsible for.

Motion passed. Councilor Kennedy abstained.

2. Fire Commission Re: Staffing

Chief LeClaire stated the Fire Department's FY11 budget is projected to fall approximately \$94,000.00 short. He said this is due to the department's budget being underfunded for the last several years and FY11's appropriation taking an additional hit of 1.46%. He said the shortfall coincides with the 1.46% additional cut.

Chief LeClaire stated the department's overtime account expenditures have remained steady however the overtime accounts for coverage have declined. He said this in conjunction with rising energy prices and escalating fixed costs, has created this shortfall.

Chief LeClaire said he recommended corrective actions to the Fire Commission. He stated the corrective actions choices were to either place an ambulance out of service or to place one of the front-line fire apparatus out of service. He said as the ambulances are manned with two personnel, and are limited in their scope and purpose he recommended that the front-line fire apparatus remain in service. He said this action left the city with only one ambulance when staffing levels fell below 13. He said it also provided for all three stations to retain a staffed engine company for all responses. He said the option of taking an engine out of service would leave one of the city's three stations without a fire engine, effectively closing that station.

Chief LeClaire stated the Fire Commission is requesting a supplemental appropriation to cover the expected shortfall for FY11. He said the corrective actions taken to date will not be enough to head-off the shortfall and further corrective measures will be necessary without additional funding. He said this may mean closing one of the city's fire stations, which is something that neither he nor the Fire Commission recommends or endorses.

City Manager Bohenko stated in order to provide a supplemental appropriation the Council will need a public hearing with a 2/3 vote.

City Manager Bohenko stated we could:

- a. Do a supplemental appropriation to get money from the contingency fund and hold a public hearing on April 4, 2011 and vote that night with a 2/3 vote.
- b. Instruct the City Manager to take the certain amount of money for the next two weeks from the contingency fund and hold a public hearing on April 4, 2011 for supplemental appropriations and vote on that night ; or
- c. Ask Chief LeClaire to make other changes within the Fire Department budget.

Councilor Lister asked if a supplemental appropriation is approved, what would happen next year. City Manager Bohenko stated if the City Council maintained its cap at FY11 budget levels, next year there would be a \$300,000.00 gap.

Councilor Hejtmanek asked if we eliminate an ambulance, we will lose the revenue for that ambulance. Chief LeClaire stated this is correct. He said the loss would be about \$12,000.00 a month net.

Councilor Spear stated the Chief showed the departmental budget as being flat or going down. He said one of the reasons that is causing a drop in staffing is the overtime account. Chief LeClaire stated that every year they try to meet Council's request and the cuts come out in staffing. Councilor Spear said total compensation has been going up in the last 5 years. He said if we were to approve a supplemental appropriation this year and again next year, this will not get us out of the woods. He said he sees increases with less service.

Councilor Kennedy asked where is the volunteer force in the big picture. Chief LeClaire stated volunteers require extensive training and the department does not have the money in the budget to adequately train their full time personnel.

Councilor Coviello asked why the department doesn't keep both vehicles. Chief LeClaire stated the department has 4 fire vehicles and 2 ambulances. He stated it takes three personnel to man a fire vehicle and two personnel to man an ambulance. He stated he will not send a fire vehicle out with only two personnel.

Councilor Kennedy stated we need to seriously look at the pros and cons of keeping Station 3 open. Chief LeClaire stated Station 3 is very important. He stated response time to a fire in that area will increase and when a team is covering a fire in District 3 other districts are uncovered.

Assistant Mayor Novelline Clayburgh asked how many fire and ambulances calls the City had this year. Chief LeClaire stated there have been more fire calls for fires than for ambulances. He also stated that fire vehicles are also sent out for other things besides fires, such as accidents, fuel spills, electrical hazards, technical hazards, EMS, jaws extraction, etc.

Councilor Spear said in the past the Police Department made a command restructuring that resulted in some savings. He asked if this can be undertaken in some way in the Fire Department. Chief LeClaire stated that in each of the three Fire Stations we have two on the Ambulance, three on a Fire Truck and an officer. He said we can't get anymore bare bones than that.

Councilor Lister stated a community gets the Fire Protection that they are willing to pay for. He said he is concerned about not having two ambulances, the stress on the mutual aid, the training of the Fire fighters and he is not anxious to increase response times. He said we hired the Chief to do a job. He said there are not many options available if we want a second ambulance on the road and keep public safety viable.

Councilor Smith moved to fund the ambulance for two weeks from the contingency fund and hold a Public Hearing at the April 4, 2011 City Council meeting for supplemental fund. Seconded by Councilor Hejtmanek.

Councilor Smith said we are taking out an ambulance, which is a revenue source, but the important thing is public safety. He said we need a public hearing to allow the public to be involved. Councilor Dwyer stated she has heard the public wants a second ambulance. Councilor Dwyer asked when Station 3 opened. City Manager Bohenko stated 1998/1999. Councilor Dwyer asked would we maintain the force even if we had only two stations. Chief LeClaire stated he would maintain the roster of personnel. Councilor Coviello asked how many people does the Fire Department employ. Chief LeClaire stated he has 56 floor personnel.

Councilor Coviello stated he will not support the motion. He said we have approved contracts that are more expensive than we want to pay for. He said his decision is not based on the quality of the Fire Department. He said the Chief has done an excellent job managing the situation he has.

Councilor Hejtmanek stated this is a very complex issue. He said it is a problem that has been created over the years. He suggested we approve the interim problem now and deal with the bigger problem with the budget discussions.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini stated he would like to see a more comprehensive detailed discussion now. He said he would like to see a more detailed quantitative analysis with more history on calls per area and understanding overtime numbers as they relate to those types of calls so we can do a more detailed analysis. He said we really don't have a choice in his view.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Councilor Lister stated he is not a fan of supplemental appropriations, however with public safety he feels we need to do something. He stated he would like to see what other alternatives we have.

Councilor Dwyer stated we are not voting on supplemental appropriations, we are voting for the public hearing at the April 4, 2011 City Council meeting. Mayor Ferrini stated that is the motion.

Motion passed on a roll call vote of 8-1. Councilor Coviello voted opposed.

V. ACCEPTANCE OF MINUTES – MARCH 7, 2011

Councilor Smith moved to accept the minutes of the March 7, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.

VI. PUBLIC COMMENT SESSION

Mark Herrholz (Fire Department Staffing) – stated we need the manpower in order to safely maintain the City. He said we have the equipment, give us the manpower to do our job.

Shaun Rafferty (Budget) – stated in these tough times we cannot continue to pay for the wants of the City. He said we are still spending big dollars on projects the residents can't afford. He said we need to decide if all these projects are needs or wants

Bill St. Laurent (Youth Recreation Facility) – stated we need to hold off on building this Youth Recreation Facility. He said we are giving away the Greenleaf Center that would make a great Recreational Facility. He said we need to stop spending money.

Brian Wazlaw (Youth Recreation Facility) – requested the Council not vote in favor of this project. He said the Middle School is being built on a limited site where parking is already a problem. He said the City needs to begin a new Recreation/Aquatic facility. He stated the money being spent could be used to remodel the Connie Bean Center.

Marylou McElwain (Recreation Center) – requested the Council not vote in favor of the Recreation Center/Gymnasium. She said we need to look at other options such as leasing at the Community Campus. She further stated parking is already a big issue in this area.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE III, SECTION 7.321, SUB-SECTION G – SNOW EMERGENCY PARKING BAN

Mayor Ferrini declared the public hearing open and called for speakers. There were no speakers.

Mayor Ferrini declared the Public Hearing closed.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance Amendment to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability.

Councilor Smith moved to accept the Parking Committee's recommendation and pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 4th City Council meeting. Seconded by Councilor Coviello and voted.

- B. Public Hearing/Second reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.321, Sub-section G – Snow Emergency Parking Ban

Councilor Spear moved to pass second reading and schedule a third and final reading of the proposed ordinance amendment to Chapter 7, Article III, Section 7.321, as presented, for the April 4, 2011 City Council meeting. Seconded by Councilor Smith and voted.

- C. Proposed Resolutions Appropriating Funds For The Construction Of A Youth Recreation Facility:

- Resolution Appropriating The Sum Of Five Hundred Twelve Thousand, Seven Hundred Dollars And Fifty-Eight Cents (\$512,700.58) From The Premium The City Received From The Sale Of Its \$17,300,000.00 General Obligation Capital Improvement Bonds For Expenses Relating To The Construction Of A Youth Recreation Facility
- Resolution Authorizing A Supplemental Appropriation From Undesignated Fund Balance For Necessary Expenditures For The Construction Of A Youth Recreation Facility. The City Council Has Determined That The Sum Of One Million Eight Hundred Thousand (\$1,800,000.00) Dollars Be Appropriated To Pay A Portion Of The Costs Of The Construction Of The Youth Recreation Facility

Assistant Mayor Novelline Clayburgh moved to adopt both resolutions as one. Seconded by Councilor Dwyer.

City Manager Bohenko stated 7 or 8 years ago when we were discussing the Connie Bean Center we looked into the Greenleaf facility. He stated we have heard from the residents that they want to keep the recreation facility in the downtown area. He said the people have voiced their wants to have the Recreational facility within walking distance for the children. He stated by using the Middle School site we will be reducing maintenance personnel, facility costs and Athletic Director costs. He said we feel we have filled the intent of the Recreation Study.

Rus Wilson, Athletic Director stated the Connie Bean and Greenleaf facilities and the elementary schools are all very undersized for sports. He stated the Middle and High Schools gymnasium are regulation sized, but times for use as a recreational facility are not available. He said we have been looking at these issues for years and we have spent a lot of money on the Recreation Study and we all came to the same conclusion – it is not practical to stay at the Connie Bean Center and the gymnasium at the Middle School is the most cost effective alternative.

City Manager Bohenko asked Mr. Stokel, Middle School Principle to speak to the dual uses of the extra gymnasium at the Middle School. Mr. Stokel stated the second gymnasium at the Middle School will enhance the PE program at the Middle School and will open up opportunities for the Connie Bean Center with two gymnasiums available on weekends for the Recreational Department. He stated the design of this area was set up to allow the Recreation

Department the use of the two gymnasiums, changing areas, the Health Department for classes and the restrooms. He stated there are great economic possibilities with this design for both the Middle School and the City's Recreation Department. City Manager Bohenko stated there has been a lot of thought put into this matter. He stated if we do not do this, we will lose the opportunity of having a Connie Bean Center in the downtown area.

Assistant Mayor Novelline Clayburgh stated she will vote for this. She stated the City Manager gave a passionate explanation why this project should be approved. She said there are places to park in the area; you just have to walk a short distance. She further stated the Connie Bean Center should be leased and put back on the tax rolls.

Councilor Spear stated he will vote in favor of the motion. He said the economics and construction costs saved are substantial. He further stated there would be other savings by putting the Connie Bean Center back on the tax rolls.

Councilor Dwyer stated there have been over a hundred chances for public comment on this matter during the various boards and commissions involved in this project.

Councilor Coviello stated he will not support the motion due to the way it is being funded. He stated he would like to develop a policy where we would fund Capital Improvements or a portion through review of our parking in the downtown. He said if this money was coming out of new revenue and not tax payer dollars he would support it.

Councilor Kennedy stated she feels there are a lot of "what ifs" and for that reason she will not vote in favor of this motion. She also stated she would not vote for it because it is a gymnasium and not a recreation facility. She stated she wants to see a Recreation Center build for a multi use, multi generational group. She said there is a community campus gym that is not being used. She said this is a want, not a need.

Councilor Lister said this is not a Recreation Center it is a gymnasium. He stated we need to address the parking issue. He stated he will be voting for the second gymnasium.

Councilor Smith stated with what is coming down the pike he cannot support the motion. He said with the push down on funds from Concord, we are going to have an increase in property tax to make up the difference.

Councilor Dwyer stated everyone needs to stand in the future and make these decisions. She stated she feels the City can't pass up the economical situation this project has.

Councilor Hejtmanek stated he can see all the benefits this project has, but it is the budget problems that he sees. He said we are laying off people and raising taxes yet we tell ourselves that everything is wonderful in Portsmouth and New Hampshire. He said we are in the worst of times not the best of times and that is why he is having a hard time voting for this even though he thinks it is a good idea.

Assistant Mayor Novelline Clayburgh moved to postpone the vote until after the Parking Revenue matter is taken up at the April 18, 2011 City Council meeting.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh

Mayor Ferrini stated every decision we make about money is going to go against the economy. He said he feels it would be financially irresponsible to vote against this gym. He said this is a problem solving opportunity for our Community and the case against it is weak at best.

Councilor Spear seconded the motion. Motion passed on a roll call vote of 9-0.

Assistant Mayor Novelline Clayburgh passed the gavel back to Mayor Ferrini

Mayor Ferrini called for a 5 minute break.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

A. Acceptance of Donations to the USS Virginia Fund

- Jean M. Bell and Margaret J. Dewever - \$25.00
- Margaret J. Ibscher & Margaret J. Dewever - \$25.00

(Anticipated action – move to approve and accept the donations for the USS Virginia, as presented)

B. Letter from Doug Bates, President, Greater Portsmouth Chamber of Commerce requesting permission to hang Portsmouth Harbour Trail Flags at 24 key sites for the 2011 season *(Anticipated action – move to refer to the City Manager with power)*****

C. Letter from Robert L. Sutherland Jr., St. John's Lodge #1, requesting permission to hold the annual 5K "Out of Hibernation" Road Race to be held on Saturday, April 23, 2011 *(Anticipated action – move to refer to the City Manager with power)*****

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Letter from Rodney D. Rowland, Director of Facilities, Strawberry Banke, requesting permission to use Haven Park for a brief ceremony to mark the 125th anniversary of Fitz John Porter's vindication from his court martial

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

- B. Letter from Robert L. Sutherland, St. John's Lodge #1, requesting permission to hold a parade to celebrate St. John's Sunday, on Sunday, June 26, 2011

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Adoption of CIP FY 2012 – FY 2017

City Manager Bohenko stated in February the City Council conducted a work session regarding the proposed Capital Improvement Plan for FY 2012-2017. He said in accordance with 7.7 of the City Charter, the City Council conducted a public hearing on this proposed Capital Plan on Monday, March 7, 2011. He said at both of these meetings, a presentation of the proposed Capital Plan was made by the City staff and copies made available to the public.

City Manager Bohenko stated the City Council is required, in accordance with 7.8 of the City Charter, to adopt the Capital Plan before the City Manager submits the proposed FY12 budget to the City Council. He stated he anticipates transmitting his proposed FY12 budget to the Council on or about April 8, 2011.

City Manager Bohenko stated the following amendments are being proposed:

- a) Page 84 – Information Technology. Recommend reducing the Police Department by \$99,000.00. The Police Department is in concurrence with this proposal.

Assistant Mayor Novelline Clayburgh moved to reduce the Police Department by \$99,000.00 for Information Technology. Seconded by Councilor Smith and voted.

- b) Page 92 – Parking Lot Paving. Proposed amendment to eliminate Page 92 Parking Lot Paving proposed \$50,000.00 for Bridge Street Lot for FY12.

Councilor Coviello moved to eliminate Page 92 Parking Lot paving proposed \$50,000.00 for Bridge Street Lot for FY12. Seconded by Councilor Spear.

Councilor Spear stated there are discussions concerning possibly turning this lot into a park. He said eliminating this item would give us time to make a decision as to what we are going to do to this lot over the next year. Councilor Dwyer stated the \$50,000.00 is not to pave it; it is to put aside money each year to pay for it. Steve Parkinson, Public Works Director stated the \$50,000.00 in question is a program similar to our street/sidewalk paving program whereby, we are funding over a period of time, improvements to the various municipal parking lots. He said funding is through the parking fund.

City Manager Bohenko asked Steve Parkinson if it would be possible to reprogram the Parrott Avenue lot for FY12 and the Bridge Street Lot for FY13. Steve Parkinson stated we could. City Manager Bohenko asked if the Parrott Avenue lot is presently scheduled for next year. Steve Parkinson stated he believes it is.

Councilor Coviello and Councilor Spear withdrew there motion and second.

Councilor Spear moved to change the proposed \$50,000.00 for parking lot paving of the Bridge Street Lot to the Parrott Avenue Lot. Seconded by Councilor Coviello and voted.

Assistant Mayor Novelline Clayburgh moved to adopt the Capital Improvement Plan for FY2012 – FY2017 as amended. Seconded by Councilor Smith and voted.

2. PSNH Easement for Middle School Project

City Manager Bohenko stated on November 15, 2010, the Planning Board approved the site plan for the renovation and expansion of the Portsmouth Middle School. He said these improvements included the relocation of a PSNH utility line. He said the new utility service would be placed in an underground conduit. He said the City is required to grant an easement to PSNH for this new underground conduit in order to bring service to the building. He further stated the Legal Department would approve the form of the easement.

Councilor Smith moved to authorize the City Manager to execute an easement to PSNH across property owned by the City of Portsmouth along Parrott Avenue for the purpose of providing utility service to the renovated and expanded Portsmouth Middle School. Seconded by Councilor Dwyer and voted.

3. Report Back Re: Letter from Peter J. Loughlin, Esquire, regarding an offer by Service Credit Union to give Land to the City for a Connector Roadway between Lang Road and Longmeadow Road.

City Manager Bohenko stated the Service Credit Union is planning the development of a corporate headquarters campus at 2995 Lafayette Road (the former site of Ralph's Truck Sales). He said the proposed development project includes the construction of a four-story office building with approximately 100,000 square feet of floor area and extensive landscaping. He said this will be the first project developed under the "Gateway Planned Development" (GPD) provisions of the new Zoning Ordinance, which allow the Planning Board to grant a conditional use permit for a development with more flexible standards than ordinarily apply in the Gateway District. He said any such development must comply with additional standards for sustainability, site and building design, and pedestrian orientation.

City Manager Bohenko stated the Service Credit Union parcel was created through the subdivision of the former Ralph's Trucks parcel into two lots, with the rear lot having frontage on Lang Road. He said in 2003 the Planning Board approved a site plan for a development on the rear parcel, as part of which the owner of the front parcel (which is now the Service Credit Union parcel) entered into a covenant with the City of Portsmouth to reserve a 50-foot strip of land "for future driveway purposes in connection with any further development of" the front lot. He said the purpose of this "driveway" between Lang and Longmeadow Roads was to address

the failure of the intersection at Lafayette and Lang Roads due to left-turning traffic. He said such a connection is part of the State's long-range planning for improvements to the Route 1 corridor, and is shown on the 2008 *US Route 1 Corridor Study*.

City Manager Bohenko stated as a result of ongoing discussions between the applicant and the City, it is now proposed that the roadway connection, including an extension of Longmeadow Road, will be dedicated as a City street. He said the Planning and Legal Departments have been working with the applicant to determine how the construction of these roadways will be financed and coordinated with the development project.

City Manager Bohenko stated the Planning Board voted to grant the Conditional Use Permit and Site Plan Approval for the proposed development, and to recommend that the City Council accept the land as shown on the Site Plans, on such terms and conditions as the Council may deem appropriate.

Assistant Mayor Novelline Clayburgh moved to accept the Planning Board's recommendation to accept the land as shown on the Site Plans, on such terms and conditions as the Council may deem appropriate. Seconded by Councilor Lister and voted.

4. Request for License Re: Tom Hammer Construction, LLC for 138 Congress Street.

City Manager Bohenko stated Tom Hammer Construction LLC seeks a license to complete construction activities at 138 Congress Street. He said the company has been working on the structure since January of 2011 pursuant to an Encumbrance Permit issued by the Inspections Department. He said scaffolding is presently erected.

City Manager Bohenko stated the company now needs more time than initially anticipated, and the Encumbrance Permit is set to expire. He said City staff advised that a license would be required and the company requests a license to use the sidewalk in front of 138 Congress Street for scaffolding and other construction purposes until April 15, 2011.

City Manager Bohenko stated City staff has reviewed the request and has no concerns or objections. If approved, the license would contain provisions for safe passage similar to those already contained in the Encumbrance Permit as well as the usual provisions relative to insurance and the company's right to request of the City Manager an extension for good cause. There is no impact on any parking spaces under this proposed license agreement.

Councilor Smith moved to authorize the City Manager to negotiate and enter into a License Agreement with Tom Hammer Construction, LLC to facilitate construction activities at 138 Congress Street. Seconded by Councilor Lister and voted.

5. Report Back Re: Letter from The Retail Committee of the Greater Portsmouth Chamber of Commerce requesting that the City Council and Planning Board review the Projecting Sign Application Process for Streamlining.

City Manager Bohenko stated when a business requests approval for a sign that projects over a public sidewalk, the business owner must request the City Council grant a license. He said the current City Council policy regarding such requests requires a review and recommendation by the Planning Board prior to action by the City Council. He said depending on the relative timing of a sign application with respect to the Planning Board and City Council meeting schedules, the length of time from application to approval can vary between 4 and 8 weeks (excluding the time period for obtaining a variance, if needed).

City Manager Bohenko stated in practice, these requests are reviewed by staff of both the Inspections Department and the Planning Department before they are presented to the Planning Board for a recommendation to the City Council. He said in cases where a proposed sign does not comply with the standards of the Zoning Ordinance, the request must also be submitted to the Board of Adjustment for a variance before going to the Planning Board. Thus, there are several checks in place to ensure that a proposed sign complies with zoning and does not present any other concerns to the City.

City Manger Bohenko stated in the interest of streamlining the approval process, the Retail Committee of the Chamber of Commerce has requested that the Council consider "having the City's Planning Director review the applications and make recommendations directly to the City Council." Changing the process as requested by the Chamber would not change the level of review, and would reduce the workload on the Planning Department by eliminating one set of reports per sign.

City Manager Bohenko stated the current process is defined by City Council Policy No. 2009-03 – Projecting Sign Policy, adopted in May 2009. He said in order to change the process; the City Council would have to amend the current policy by replacing the Planning *Board* with the Planning *Director* in the following two paragraphs:

- A. Requests for the construction of signs over City property shall be submitted in the first instance to the Planning ~~Board~~ **Director**.
- B. The Planning ~~Board~~ **Director** shall then report ~~its~~ **his** recommendation with respect to the sign to the City Council for approval or denial.

City Manger Bohenko stated at its meeting on March 17, 2011, the Planning Board voted to recommend that the City Council amend its existing Projecting Sign Policy to require review and recommendation by the Planning Director rather than the Planning Board.

Councilor Smith moved to accept the Planning Board's recommendation to amend its existing Projecting Sign Policy to require review and recommendation by the Planning Director rather than the Planning Board. Seconded by Assistant Mayor Novelline Clayburgh and voted.

6. Request of Comcast for Two Easements Over Municipal Property on Hanover Street and Vaughan Mall.

City Manager Bohenko stated Comcast is requesting two easements to place underground conduit from Hanover Street across City property to service buildings at 25 Maplewood Avenue (Coldwell Banker) and 172 Hanover Street (The Page Restaurant).

City Manager Bohenko stated at its meeting on March 17, 2011, the Planning Board reviewed the request and voted to recommend that the City Council grant the two easements as requested.

Councilor Smith moved to accept the Planning Board's recommendation to grant the two easements and authorize the City Manager to execute the necessary documents. Seconded by Assistant Mayor Novelline Clayburgh and voted. Councilor Coviello abstained.

7. Request for a License from Assiah Russell, owner of Puttin' on the Glitz for property located at 40 Market Street to install a projecting sign.

Rick Taintor, Planning Director, outlined the Planning Board's recommendation regarding a request from Assiah Russell owner of Puttin' on the Glitz for property located at 40 Market Street, to install a projecting sign on an existing bracket (re-facing the existing sign).

Rick Taintor stated this request was received by the Planning Department on January 18, 2011, and reviewed by the Planning Board on February 17, 2011. He said the Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

- a. The license shall be approved by the Legal Department as to content and form;*
- b. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- c. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for and reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Assiah Russell, owner of Puttin' on the Glitz to install a projecting sign on an existing bracket (re-facing the existing sign) at 40 Market Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Hejtmanek and voted.

8. Request for a License from Donna Kelly, owner of Tera Afina for property located at 23 Ceres Street to install a projecting sign.

Rick Taintor, Planning Director, outlined the Planning Board's recommendation regarding a request from Donna Kelly owner of Tera Afina for property located at 23 Ceres Street, to install a projecting sign on an existing bracket.

Rick Taintor stated this request was received by the Planning Department on January 27, 2011, and reviewed by the Planning Board on February 17, 2011. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

- a. The license shall be approved by the Legal Department as to content and form;*
- b. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- c. Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Donna Kelly, owner of Tera Afina to install a projecting sign on an existing bracket at 23 Ceres Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Lister and voted.

9. Request for a License from Helen Brosseau, owner of Cheap Chique for property located at 195 State Street to install a projecting sign.

Rick Taintor, Planning Director, outlined the Planning Board's recommendation regarding a request from Helen Brosseau owner of Cheap Chique for property located at 195 State Street, to install a projecting sign. He said the proposed sign would hang from an existing sign on an existing bracket.

Rick Taintor stated this request was received by the Planning Department on January 31, 2011, and reviewed by the Planning Board on March 17, 2011. He said the Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

- a. The license shall be approved by the Legal Department as to content and form;*
- b. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*

- c. *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Helen Brosseau, owner of Cheap Chique to install a projecting sign from an existing sign on an existing bracket at 195 State Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Dwyer and voted.

10. Request for a License from Edward T. Connolly, Jr., owner of Portsmouth Baking Company for property located at 121 Congress Street to install a projecting sign.

Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Edward T. Connolly, Jr., owner of Portsmouth Baking Company for property located at 121 Congress Street, to install a projecting sign on a new bracket. He said this request was received by the Planning Department on February 22, 2011, and reviewed by the Planning Board on March 17, 2011. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

- a. *The license shall be approved by the Legal Department as to content and form;*
- b. *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- c. *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Edward T. Connolly, Jr., owner of Portsmouth Baking Company to install a projecting sign on a new bracket at 121 Congress Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Assistant Mayor Novelline Clayburgh and voted. Councilor Coviello abstained.

B. MAYOR FERRINI

There are no items under this section of the Agenda

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the February 10, 2011 meeting

Councilor Smith stated there were no items that required an ordinance change in these minutes.

Councilor Smith moved to approve and accept the action sheet and minutes of the February 10, 2011 Traffic & Safety Committee meeting, seconded by Councilor Coviello

Councilor Spear said he had a question about an item in the minutes concerning certain roads and large fire trucks having trouble getting down. Councilor Smith stated we are waiting for a report back from the Police Department and the Fire Department. He said during the winter months when we've had a snow storm and cars park on both sides of the street, it made it hard for emergency vehicles to get through.

Motion passed. Councilor Kennedy voted opposed.

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

2. Parking Committee Action Sheet and Minutes of the February 10, 2011 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the February 10, 2011 Parking Committee meeting, seconded by Councilor Coviello.

Councilor Smith stated there were no items that required an ordinance change in these minutes.

Councilor Dwyer asked why valet parking has been turned down in some of these cases. Councilor Smith stated along Bow Street there is another Restaurant coming in which will require parking. He said they are doing a study on doing a Valet Zone. He further stated that when completed another report will come back to the Council.

Motion passed. Councilor Kennedy voted opposed.

Councilor Smith stated the Parking Committee has had some complaints about taxi cabs parking in metered spaces. He stated he attended the Taxi Commission meeting this morning and the Commission is sending out letters to all taxi companies to inform them they are not to park in metered spaced.

3 Parking Impacts – Middle School

Councilor Smith reviewed the report back on the Parking Impacts – Middle School. He stated one occurrence that happens quite often is the softball games in the summer evenings that create a lot of parking problems. He stated starting this summer, those games will not be played there and should ease up some of the congestion.

4. Bike Racks

Councilor Smith reviewed the list of bike racks within the inventory. He said the Parking Committee felt because of the loss of revenue for these spaces, it was a better use to put the bike racks up on some wider sidewalks. Councilor Spear requested to have the City Manager come back at the next meeting or April 18th meeting with a proposed location for a bike rack in a parking space that could be used in a pilot program.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Coviello stated he reviewed the 2010 Attendance Records for various Boards & Commissions and requested a letter go out to anyone with a 60% or lower attendance rate, asking them if they still wish to serve. Mayor Ferrini stated letters would go out.

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

Councilor Smith moved to adjourn at 10:20 p.m. Seconded by Councilor Coviello and voted.

Respectfully submitted:

Dianne M. Kirby
Deputy City Clerk II