

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JUNE 6, 2011, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR NOVELLINE CLAYBURGH, COUNCILORS LISTER, HEJTMANEK, SPEAR, DWYER, COVIELLO, KENNEDY AND SMITH

1. At 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
2. Presentations - Resolution Re: National Guard Association of New Hampshire – William Sylla – Mr. Sylla provided a brief presentation regarding basing the new tanker aircraft KC-46A at Pease Air National Guard Base.

Voted to suspend the rules in order to take action on this matter. Voted to adopt the resolution, as submitted.

3. Mayor Ferrini announced that the Portsmouth High School Percussion Ensemble will perform at 8:00 p.m.
4. Acceptance of Minutes – May 2, 2011 and May 9, 2011 – Voted to accept and approve the Minutes of the May 2, 2011 and May 9, 2011 City Council meetings.
5. Public Comment Session – There were two speakers: Jennifer LeBarge Seabrooke and Paul Mannle (Fire Station 3/Budget).
6. Public Hearing – Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes Not to Exceed Sixteen Million Dollars (\$16,000,000.00) – Held a Public Hearing. Voted to adopt the Resolution as presented.
7. Acceptance of Police Department Grants as follows:
 - NH Dept. of Highway Safety for a series of three (3) Sobriety Checkpoints - \$9,900.00
 - NH Dept. of Highway Safety for DWI/DUI Patrols - \$6,050.00
 - NH Dept. of Highway Safety for DWI Hunter Patrols - \$2,475.00
 - NH Dept. of Highway Safety for Red Light Running Enforcement - \$6,050.00
 - NH Dept. of Highway Safety for Pedestrian Patrols - \$6,050.00
 - NH Dept. of Highway Safety for Speed Enforcement Patrols - \$6,050

Voted to approve and accept the grants to the Portsmouth Police, Department, as listed.

8. Acceptance of Donations to the Police Explorer Cadet Post and Academy as follows:
- Mr. and Mrs. O. Thagard - \$250.00
 - Mr. J. Page - \$200.00

Voted to approve and accept the donations to the Portsmouth Police Department, as listed.

9. Acceptance of Donation for African Burying Ground Fundraising Costs – Voted to accept and expend a donation of \$114.95 from Jane James for fundraising soft costs associated with the African Burying Ground Memorial Park.
10. Resolution #7-2011 – General Fund Expenditures – Moved to adopt Resolution #7 – General Fund Expenditures. Moved to amend the bottom line figure of the Police Department by adding \$50,000.00; and further amend the bottom line figure of the Fire Department by adding \$150,000.00. On a roll call vote 2-7, motion **failed** to pass. Councilors Dwyer and Smith voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Coviello, Kennedy and Mayor Ferrini voted opposed. On a unanimous roll call 9-0, voted to adopt Resolution #7 – General Fund Expenditures.
11. Presentation - Mayor's Award - PHS Percussion Ensemble – The 2011 World Champion Portsmouth High School Percussion Ensemble performed for the City Council. Mayor Ferrini presented Mayor's Awards and a gift to the members of the PHS Percussion Ensemble as well as the chaperones. Steve Cirillo, Director of the ensemble thanked everyone for their support throughout the year.
12. Resolution #8-2011 – Municipal Fees – On a roll call 8-1, voted to adopt Resolution #8 – Municipal Fees. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor. Councilor Smith voted opposed.
13. Resolution #9-2011 – Sewer Fund Expenditures – On a roll call 8-1, voted to adopt Resolution #9 – Sewer Fund Expenditures. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor. Councilor Smith voted opposed.
14. Resolution #10-2011 – Water Fund Expenditures – On a roll call 8-1, voted to adopt Resolution #10 – Water Fund Expenditures. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor. Councilor Smith voted opposed.
15. Resolution #11-2011 – Special Revenues for Necessary Expenditures and Designated Fund Balances – On a unanimous roll call 9-0, voted to adopt Resolution #11 – Special Revenues for Necessary Expenditures and Designated Fund Balances.
16. Resolution #12-2011 Investment Policy – On a unanimous roll call 9-0, voted to adopt Resolution #12 – Investment Policy.

17. Third and final reading of proposed Ordinance amending Chapter 10, Article 4, Section 10.420 – (District Location and Boundaries) Rezoning of Land at 54 Rogers Street from Municipal (M) to Mixed Residence Office (MRO) - and Zoning Map referenced in Chapter 10 – Voted to pass third and final reading on the proposed Ordinance, as presented.
18. Consent Agenda – Councilor Smith requested that Item C. - Letter from Aerial Sillanpaa on behalf of the merchants on Deer Street to display “Deer Street Open” Flags during normal business hours be removed from the Consent Agenda.
- A. Letter from David Hallowell, Portsmouth Maritime Folk Festival requesting permission to hold the Maritime Folk Festival on Saturday, September 24, 2011 and Sunday, September 25, 2011 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Cynthia Yates-Rybczyk, Alzheimer’s Association requesting permission to hold the Walk to End Alzheimer’s at Wentworth Connections on Saturday, September 24, 2011 at 10:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

Voted to adopt the Consent Agenda.

19. Letter from Aerial Sillanpaa on behalf of the merchants on Deer Street to display “Deer Street Open” Flags during normal business hours (***Anticipated action – move to refer to the City Manager with power***) – Voted to refer to the City Manager with power. Councilor Smith abstained from voting.
20. Letter from Attorney John McGee, Jr., Flynn & McGee, P.A. Re: the Boundary Issue – Arthur MacDonald Trust - Portsmouth Middle School Boundary – Voted to refer to the Planning Board for a report back.
21. Letter from Philip Cohen and Stephanie Krenn, Co-Chair AHANA, regarding Emergency Access for the Atlantic Heights Area Neighborhood – Voted to refer to the Traffic & Safety Committee for a report back.
22. Petition from Portsmouth residents to express displeasure with the “street art” and requesting future public review and discussion with the Arts Council before future displays in the City – Voted to accept and place the letter on file.
23. Letter from Jennifer Wilhelm regarding the decision to remove the understory from several areas on Peirce Island – Voted to refer to the Peirce Island Committee for a report back to the City Council.
24. Letter from Ann Harman requesting the installation of a bench in memory of Suzette (King) LaFleur downtown near the North Church – Voted to refer to the City Manager with power.

25. Area Service Agreement for The District Restaurant for Use of City Owned Property on Vaughan Mall for Outdoor Seating with Alcohol Service (Previously Approved for Pesce Italian Kitchen) – Voted to authorize the City Manager to enter into the attached Area Service Agreement with The District Restaurant for outdoor liquor service on City land in Vaughan Mall.
26. Report Back Re: Item #2, Clough Drive, of the Traffic & Safety Committee Action Sheet and Minutes of the April 14, 2011 Meeting – Voted to accept the staff report back as presented regarding Clough Drive and to approve and accept Item #2 – Clough Drive of the action sheet and minutes of the April 14, 2011 Traffic & Safety Committee meeting.
27. Planning Board Report Back on City Council Referral: Rezoning of Land between Bartlett Street and the US Route 1 Bypass – Voted to accept the Planning Board's report back regarding this matter as presented. Councilor Coviello abstained from voting on this matter.

Planning Board Recommendation

- *The City Council take no action on the request for rezoning as JASK Realty Trust no longer wished to pursue the rezoning.*

28. Planning Board Report Back on City Council Referral: Letter from John Chagnon, P.E., Ambit Engineering, Re: Acceptance of Land in Connection with a Subdivision Located Off Kearsarge Way – Voted to accept the Planning Board's report back regarding this matter as presented.

Planning Board Recommendation

- *The City Council accepts the land shown as Lot A, subject to an agreement to be approved by the Legal Department, regarding operation and maintenance of the storm water management system.*

29. Planning Board Report Back on City Council Referral: Sale of the Connie Bean Center – Voted to accept the Planning Board's report back and dispose of the Connie Bean Center by sale or long-term lease.

30. Memorandum of Agreement Re: Great Bay Estuary Study – Voted to approve the Memorandum of Agreement, as submitted, and authorize the City Manager to execute this Agreement.

31. Report Back Re: the Request from John Tinios, Owner of Popovers on the Square, for use of City Owned Property for Outdoor Seating with Alcohol Service & Revised Proposal for Alcohol Service and Seating Plan (submitted via e-mail 6/6/2011) – Voted to refer to the City Manager for review and report back to the City Council at the June 20, 2011 meeting.

32. Appointments to be Considered – The following appointments were considered and will be voted at the June 20, 2011 City Council meeting.
- Richard Katz – Reappointment to the Historic District Commission
 - Nancy Beach – Reappointment to the Cable Television and Communications Commission
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
33. Appointments to be Voted – Voted to reappoint Cristy Cardoso to the Citywide Neighborhood Committee until April 1, 2014 and reappoint Kathleen Birse Siegel to the Recreation Board until April 1, 2014.
34. Parking Committee Action Sheet and Minutes of the May 12, 2011 meeting – Voted to accept and approve the action sheet and minutes of the May 12, 2011 Parking Committee meeting. Councilor Kennedy voted opposed.
35. Adjournment – At 9:20 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk