

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 21, 2011

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

I. CALL TO ORDER

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.

MAYOR'S AWARD

1. Scarecrows of the Port Committee

Mayor Ferrini presented a Mayor's Award and gifts to the members of the Scarecrows of the Port Committee in recognition of their hard work. John O'Sullivan thanked Mayor Ferrini and the City Council for the award and gifts on behalf of the Committee.

PRESENTATION

1. Update Re: Wastewater Master Plan

Deputy Public Works Director Allen provided a review of the Master Plan effort and regulatory status. He stated that Don Chelton of AECOM is here this evening and will speak to secondary treatment at Peirce Island. Deputy Public Works Director Allen discussed the combined sewer overflow long term control plan and reported that the Lincoln Avenue project is currently underway. He stated that technologies are being reviewed. The regulatory process will require modifications to our Consent Decree.

Mr. Chelton of AECOM stated that they're working with the City to evaluate secondary treatment process. He spoke to the flow chart that will be followed for the pilot program. He said that the sizing of the facility will be to meet the needs of the City. A review of the non-monetary evaluation criteria for site layout hydraulic complexity, ability to stay within fence line for secondary treatment, ability to stay within fence line for future TN treatment and ability to treat high FOG levels.

Peter Rice, City Engineer, discussed costs associated with further details. He spoke to the regional efforts and the complex environmental challenges. He stated that there are currently 29 active communities that are part of the coalition. Engineer Rice said the proposed adaptive management plan allows new information to be incorporated into a watershed management plan. Allows for scientific research, monitoring, and implementation that provide an opportunity to build and measure. Specifically:

- Commits the communities of Exeter, Dover, Newmarket to a Total Nitrogen limit of 8 mg/L which will reduce DIN to pre-1990 levels
- Commits communities to participate in water quality monitoring program to improve scientific understanding of the issues
- Commits communities to participate in eelgrass and shellfish restoration efforts
- Commits communities to participate in non-point pollutions reduction

In closing, the Plan of Action is as follows:

- Complete Targeted Sewer Separation – Underway
- Continue Regional Cooperation – On-going
- Pilot Emerging Technology – Underway
- Preliminary Design & Vendor Selection – Completion 2013
- Final Design Completion – 2014
- Construction Completion – August 2016

Councilor Kennedy asked if the Council should be receiving more presentations. She stated that she would like to know more about the Coalition, its funding and have an opportunity to go and view the treatment plant. She also would like to know what nitrogen limits we are looking at, is it 8 or lower. Councilor Kennedy stated that people have questions and need to feel part of the process. City Manager Bohenko stated we are always interested in receiving comments and that we are following the process step by step. He indicated that it is important to build a plant that is appropriate for the City of Portsmouth. City Manager Bohenko spoke to the quarterly reports that have been provided to the City Council and the number of public presentations that have been held. He indicated that he could schedule a meeting with the new Mayor and City Council to discuss these matters further.

Councilor Dwyer stated that this is a 2 level process that has layers.

Engineer Rice stated that last November there was an opportunity to relocate the plant out at Pease but the regulators did not like that plan and it was decided that the plant should remain at Peirce Island. Engineer Rice reviewed the cost graph with the City Council.

Assistant Mayor Novelline Clayburgh stated that she recalls that a consensus of the Council agreed to move forward with the Peirce Island location and to abandon the Pease site.

City Manager Bohenko stated that if the City Council would like to make a decision to go to the 3 units they need to tell the staff. He said we are trying to follow a methodical process. He suggested placing reports on the process on the website.

Councilor Dwyer suggested that the City create a document where we are on the different areas of the process. She said we should discuss the four areas which are science, policy, legal and regulatory. City Manager Bohenko stated that he will speak with staff and the consultants and create some kind of document. He also stated we will look at holding more meetings, possibly on a monthly basis either in the mornings or early evenings.

Councilor Smith thanked Engineer Rice, Deputy Public Works Director Allen, staff and consultants for the presentation. He would like to see the project pushed out a few more years. City Manager Bohenko stated that we tried to push this out to 2018 or 2020 and the EPA is insisting that we follow the time line to have the plant on line in 2017.

V. ACCEPTANCE OF MINUTES – OCTOBER 17, 2011

Councilor Lister moved to approve and accept the minutes of the October 17, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.

VI. PUBLIC COMMENT SESSION

Raymond Will said he is representing the Salvation Army to speak in support of their request to allow the Christmas Kettles in Market Square. He suggested that this letter be forward to each Board and Commission in order for them to consider volunteering to man a kettle during this Christmas season.

Nike Speltz said that she lives near the island and wants that portion of Sagamore Creek preserved.

Marc Stettner said he was shocked to read that the City is considering closing the parks in the evening. He is against such a proposal because it gives the parks to the criminals that are creating the problems in the park. He addressed the many reasons to keep the park open in the evenings and how it would punish those individuals that enjoy the park.

Josh Johnson spoke opposed to closing the park in the evenings. He said it is a punishment to the law abiding residents and feels it is counter productive.

Elizabeth Battle spoke opposed to the closing of the parks in the evenings. She provided a petition to the City Council containing 66 names which she collected today between 4:00 p.m. and 6:00 p.m. in the downtown. She said that Prescott Park is the crown jewel of the City and should remain open for the public to enjoy.

VII. PUBLIC HEARINGS

A. RESOLUTION REGARDING SOLAR POWER TAX EXEMPTION

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers. There being no speakers, Mayor Ferrini declared the public hearing closed.

B. RESOLUTION TO LEVY PROPERTY TAX ON RIGHT-OF-WAY USE BY UTILITIES

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

Bob Pollard spoke opposed to placing a tax on utilities. He said the residents pay the additional tax and he is strongly opposed to such a tax. He said there are other ways to raise revenues and suggested placing a tax on hotels and food like many other communities.

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

C. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE III – TRAFFIC ORDINANCE – NO THROUGH TRAFFIC BY THE DELETION OF BROAD STREET; COMMERCIAL ALLEY, BETWEEN PENHALLOW STREET AND MARKET STREET; AND VAUGHAN STREET, BETWEEN CONGRESS STREET AND HANOVER STREET

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers. There being no speakers, Mayor Ferrini declared the public hearing closed.

D. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE XI, SECTION 7.1100 – SPEED LIMITS – SUB-SECTION C 15 MPH BY THE ADDITION OF BOW STREET, CHAPEL STREET, AND PENHALLOW STREET

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers. There being no speakers, Mayor Ferrini declared the public hearing closed.

E. HAZARD MITIGATION PLAN UPDATE 2010

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

Fire Chief LeClaire addressed the Hazard Mitigation Plan. He reported that this is one of 2 plans the City must have to qualify for federal grants and natural disaster funds. He outlined the natural hazards that are addressed within the plan. He also stated that the last plan was adopted in 2005.

Dillion Smith, Rockingham Planning Commission, said the plan could potentially help the efforts of storm water in the City and allow the City to seek grants. He said the process is outlined in the document before you this evening and requested the City Council to adopt the updated plan.

There being no speakers, Mayor Ferrini declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from the Lafayette Park Neighborhood Association - \$2,378.57

Councilor Smith moved to accept the donation of \$2,378.57 from the Lafayette Park Neighborhood Association for the purposes of purchasing and installing park benches at the Lafayette Park and Playground. Seconded by Councilor Kennedy and voted.

- B. *Acceptance of \$10,000.00 Grant from State of New Hampshire for NH Arts Satellite Network "pass through" Funds

Assistant Mayor Novelline Clayburgh moved to accept and approve the grant, as submitted. Seconded by Councilor Lister and voted.

- C. Acceptance of Police Department Donations and Grant Award
- Acceptance of Training Grant for Officer Scott Pearl and Officer Eric Kinsman to attend the HITS K-9 training seminar - \$942.67
 - Donation from John Bobbett to the Police Honor Guard - \$5,000.00
 - Donation from Mr. M. Chubrich to the Police Honor Guard - \$18.00

Councilor Smith moved to approve and accept the grant and donations to the Portsmouth Police Department, as listed. Seconded by Assistant Mayor Novelline Clayburgh and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Proposed Resolution regarding Solar Power Tax Exemption

Councilor Coviello moved to adopt the proposed Resolution, as presented. Seconded by Assistant Mayor Novelline Clayburgh and voted.

B. Adoption of Proposed Resolution to Levy Property Tax on Right-of-Way Use by Utilities

Councilor Smith moved to adopt the proposed Resolution, as presented. Seconded by Councilor Dwyer.

Councilor Smith said he agrees with Bob Pollard that this will be a tax on the residents but if other communities are doing this we need to be sure to collect the fee as well.

City Manager Bohenko reported that there are approximately between 40 and 50 communities that have or will adopt the Resolution. He said the legislature would have the power to change this and that this is no different than a motor vehicle tax. He indicated that we would be remised not to bring this before the City Council.

Assistant Mayor Novelline Clayburgh asked about the total revenue we could receive. City Manager Bohenko reported approximately \$234,000.00.

Councilor Dwyer said that there was tremendous pressure for communities to adopt the Resolution. She stated not doing this is saying some people that own land do not need to be taxed.

Councilor Kennedy asked where the revenues would go. City Manager Bohenko stated the funds would go into the General Fund. He indicated that we would set aside the funds because this could go into litigation. He said the funds would be in the Overlay Account and be used if a challenge is brought forward.

Councilor Kennedy asked who would pay for a lawsuit if one was brought forward. City Attorney Sullivan stated if there are a number of communities they would more than likely get together and share the cost.

On a unanimous roll call vote 9-0, motion passed.

Assistant Mayor Novelline Clayburgh moved to suspend the rules in order to take up Item XII. A.5. - Request to Institute Overnight Closure of City Parks. Seconded by Councilor Dwyer and voted.

City Manager Bohenko said he would like to withdraw this item from the agenda this evening but would like Police Chief Ferland to come forward to address the matter. He indicated if we bring the matter back we should consider a public hearing on the issue.

Police Chief Ferland said he was responding to residents concerns in parking in the City during the late evening hours. He stated that he reviewed the data and provided a memorandum to City Manager Bohenko. Chief Ferland reported that he does not feel there has been a great deal of public input and there needs to be more communication in respect to this matter.

Mayor Ferrini said City Manager Bohenko has indicated that this item is being withdrawn. City Manager Bohenko stated that he would discuss with Chief Ferland the best way to get public input on this matter.

Councilor Spear said a public hearing can't hurt but the Recreation Board, Peirce Island Committee and neighborhood groups could provide some outreach and input on this matter.

Councilor Lister said that we need to look at the neighborhood watch. He understands why Chief Ferland came forward but he is pleased that the public came forward to express their concerns regarding the proposal.

City Manager Bohenko stated that we could look at other parks and designate certain areas to be closed in the evenings.

Councilor Smith said he feels we need to do a more targeted approach to designated areas. He said more public input is important.

Councilor Kennedy stated that she would encourage Chief Ferland to communicate with the neighborhood groups.

Councilor Dwyer said she feels that Prescott Park is a different issue. She said she cannot see ever closing Prescott Park but the neighborhood parks are a different area.

City Manager Bohenko said he will speak with Chief Ferland on this matter and develop a strategy.

Mayor Ferrini declared a brief recess at 9:00 p.m. At 9:10 p.m., Mayor Ferrini called the meeting back to order.

- C. First Reading of Ordinance Amending Chapter VII, Article IV - Off-Street Parking, Section 7.402 - Areas Established and Described.

Councilor Smith moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 5, 2011 City Council meeting. Seconded by Councilor Hejtmanek.

Councilor Coviello asked if we could postpone this until after the Transportation Committee meeting.

City Manager Bohenko reported that this is a result of the Board of Library Trustees and the School Board requesting parking at the Library.

Mayor Ferrini said that the ordinance amendment is limited in nature.

Councilor Coviello moved to postpone this Ordinance until the Transportation Committee can meet and discuss this matter. Seconded by Councilor Kennedy.

Councilor Coviello said he understands the intent of the Ordinance but we need input from the Parking Committee. He said we need an overall look at the downtown.

City Manager Bohenko said out of courtesy to the School Board and the Board of Library Trustees the Ordinance should go forward with a public hearing. He said he would have asked representatives from each Board to be present this evening if he knew the Ordinance may be postponed.

Councilor Smith said he would oppose the postponing motion. He said the item was addressed in the Parking Committee minutes. He said this is a parking lot that is specific for the Library and Middle School. He said people are parking in the lot and walking downtown.

Councilor Kennedy said that she agrees with Councilor Coviello and feels that many people live in the area and use the lot for parking and stated her concerns with parking in the evening.

Councilor Dwyer said that this originated with the Joint Building Committee. She said it is part of the entire plan going back several years that the City Council agreed with. She stated that she agrees with the City Manager that the School Board and Board of Library Trustees need the courtesy to move the matter forward to a public hearing. Councilor Dwyer said that this has a long history to it.

Councilor Lister said he agrees with Councilor Dwyer and would not support a postponement.

Councilor Spear said he would support moving forward with a public hearing but may not support moving the ordinance forward after the public hearing.

Assistant Mayor Novelline Clayburgh said as a former School Board member there was a decision that specified there would be parking spaces set aside for the Library and that goes back 10 years. She said that she is adamant that the Library and Middle School have the appropriate spaced needed.

Councilor Coviello said he would oppose his own motion now based on the discussion.

On a roll call 1-8 motion to postpone this Ordinance until the Transportation Committee can meet and discuss this matter failed to pass. Councilor Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted opposed.

On a roll call 8-1, voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 5, 2011 City Council meeting. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.

- D. Second reading of Ordinance Amendment to Chapter 7, Article III – Traffic Ordinance – No Through Traffic by the deletion of Broad Street; Commercial Alley, between Penhallow Street and Market Street; and Vaughan Street, between Congress Street and Hanover Street

Councilor Smith moved to pass second reading and schedule a third and final reading of the proposed Ordinance amendment, as presented, at the December 5, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- E. Second reading of Ordinance Amendment to Chapter 7, Article XI, Section 7.1100 - Speed Limits – sub-section C 15 MPH by the addition of Bow Street, Chapel Street, and Penhallow Street

Assistant Mayor Novelline Clayburgh moved to pass second reading and schedule a third and final reading of the proposed Ordinance amendment, as presented, at the December 5, 2011 City Council meeting. Seconded by Councilor Lister and voted.

- F. Adoption of Hazard Mitigation Plan Update 2010

Councilor Smith moved to adopt the proposed Hazard Mitigation Plan Update 2010, as presented. Seconded by Councilor Lister.

Councilor Kennedy asked what the cost of the plan will be for the City. City Manager Bohenko stated that we are not charged by the Rockingham Planning Commission. The plan allows us to seek grant funds.

Motion passed.

- G. Third and final reading of Ordinance Amending Chapter 7, Article I, Section 7.103, 7.104, and further amend Chapter 1, Article IV, Section 1.412 entitled the Parking and Traffic Safety Committee

Councilor Smith moved to suspend the rules in order to allow for an amendment to the Ordinance. Seconded by Councilor Dwyer and voted.

Councilor Smith moved to amend the Ordinance to add the Public Works Director or designee to the composition of the Committee and reducing the number of resident members from five (5) residents to four (4) residents of the City. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Spear said he is opposed to the amendment because the majority of the members should be the public.

On a roll call 5-4, voted to amend the Ordinance to add the Public Works Director or designee to the composition of the Committee and reducing the number of resident members from five (5) residents to four (4) resident of the City. Assistant Mayor Novelline Clayburgh, Councilors Lister, Dwyer, Smith and Mayor Ferrini voted in favor. Councilors Hejtmanek, Spear, Coviello and Kennedy voted opposed.

Councilor Smith moved to pass third and final reading of the proposed Ordinance, as amended. Seconded by Assistant Mayor Novelline Clayburgh.

On a unanimous roll call 9-0, voted to pass third and final reading of the proposed Ordinance, as amended.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donations to the Coalition Legal Fund
- Town of Jackson - \$250.00
 - Town of Bridgewater - \$1,250.00
- (Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Funds for Art-Speak
- Robin Albert Lehman & Wayne Lehman - \$150.00
 - NH Charitable Foundation Thomas W. Haas Fund - \$2,000.00
- (Anticipated action – move to accept the donations to Art-Speak, as presented, to support Art-Speak’s Art & Economic Prosperity Survey)***
- C. Letter from Patti Maccabe, Arthritis Foundation, requesting permission to hold the 18th Annual Jingle Bell Run and Walk on December 3, 2011 *(new route due to bridge construction arranged through Police Department)* ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Lt. Erin Rischawy, The Salvation Army, requesting permission to place “Christmas Kettles” in Market Square beginning November 18, 2011 through December 24, 2011 ***(Anticipated action – move to refer to the City Manager with power)***

- E. Request for Approval of Pole License – Installation of 4 poles located on State Street for PSNH (***Anticipated action – move to approve the license with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

Councilor Coviello requested to remove Item C. – Letter from Patti Maccabe, Arthritis Foundation, requesting permission to hold the 18th Annual Jingle Bell Run and Walk on December 3, 2011 from the Consent Agenda.

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

- C. Letter from Patti Maccabe, Arthritis Foundation, requesting permission to hold the 18th Annual Jingle Bell Run and Walk on December 3, 2011 (*new route due to bridge construction arranged through Police Department*) (***Anticipated action – move to refer to the City Manager with power***)

Councilor Coviello said during his door to door campaigning residents asked that time limits be put in place for use of amplification during the event.

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

Councilor Coviello requested that City Manager Bohenko put time limits in place for the use of amplification during the event.

Motion passed.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Austin Gallagher requesting the installation of a bike path from Coakley Road to Colonial Drive

Councilor Coviello moved to refer to the Traffic & Safety Committee. Seconded by Councilor Kennedy and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back Re: Letter from Tony LaCava regarding Sale of Property at 95 Mechanic Street

City Manager Bohenko reported that the City Council referred the letter on September 6th to the Planning Board for report back. He further stated that the Planning Board voted unanimously to acquire the land. He said the motion would allow him the authority to start talking with the attorney and he would report back to the City Council.

Councilor Smith moved to approve the aforementioned request as recommended by the Planning Board, and further, authorize the City Manager to negotiate the purchase of this parcel with final approval of purchase price to be made by the City Council. Seconded by Councilor Lister.

Councilor Kennedy said she would not support the motion. She said she requested a property survey of the land before it is acquired. City Manager Bohenko said he could not see spending the money for a survey of the land unless the City Council wanted to move forward with the request.

Motion passed with Councilor Kennedy voting opposed.

2. Report Back Re: Letter from Dexter Legg requesting a License for a New Driveway at 4 Moebus Terrace

City Attorney Sullivan reported that Mr. Legg purchased the property and has the approval of the Planning Board to allow him to utilize access to his property.

Councilor Smith moved to approve the aforementioned License request as recommended by the Planning Board, and further, authorize the City Manager to execute a License Agreement for this request. Seconded by Assistant Mayor Novelline Clayburgh and voted.

3. Report Back Re: Letter from Linda Smith, New Hampshire Department of Transportation, regarding an offer for the Acquisition of Land as required for the Reconstruction of the US Route 1 Bypass

City Manager Bohenko stated that this request was referred to the Planning Board and the recommendation is to authorize the City Manager to negotiate the purchase of this parcel.

Councilor Dwyer moved to approve the aforementioned request as recommended by the Planning Board, and further, authorize the City Manager to negotiate the purchase price to be made by the City Council and execute a temporary slope easement. Seconded by Councilor Lister and voted.

4. Proposed Zoning Ordinance Amendments – Office Research District

City Manager Bohenko requested that Planning Director Taintor come forward and address this matter.

Planning Director Taintor said that the Planning Board determined that rezoning the subject parcels to Gateway would not be advisable. Instead, following the Planning Department's analysis and recommendations, the Planning Board voted unanimously on October 20, 2011, to recommend that the Zoning Ordinance be amended as follows:

- Amend Section 10.531, Table of Dimensional Standards – Business and Industrial Districts, as follows (deletions from existing language ~~stricken~~; additions to existing language **underlined bold**):

	OR
Minimum Lot Dimensions	
Lot Area	3 <u>2</u> acres ¹
Continuous street frontage	300' <u>200'</u> ¹
Depth	300' <u>200'</u> ¹
Minimum Yard Dimensions	
Front	50' ^{1,3}
Side	75' <u>50'</u> ¹
Rear	50'

NA = Not Applicable NR = No Requirement

Notes:

1. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
3. See Section 10.533 for special requirements on Lafayette Road.

- Amend Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as follows:

Use	OR
2.10 Assisted living facility	
2.11 Assisted living center	N <u>P</u>
3.70 Club, fraternal or service organization	N <u>S</u>

In addition to the recommended changes in dimensional standards, the Department recommended that two minor changes be made to the Table of Uses:

- Allow Assisted Living Center (currently prohibited in OR but allowed in the B and GB districts, and in the Gateway district by conditional use permit;
- Allow Club, Fraternal or Service Organization by special exception (currently prohibited in OR but allowed in B, GB and Gateway by special exception, and in CBB without a special exception).

City Manager Bohenko stated that it takes three readings in order to pass an ordinance. With this in mind, there are only two regular City Council meetings after tonight's meeting. In order for this City Council to consider and take action on this proposed Zoning Ordinance Amendment, the Council would need to hold first reading at the December 5th City Council meeting and a public hearing and second reading at the December 19th City Council meeting. In addition, at the December 19th meeting, the Council would need to consider a motion to suspend the rules in order to take up third and final reading of the proposed ordinance in order for this City Council to take action on this matter.

Councilor Smith moved to schedule first reading on the proposed Zoning Ordinance Amendment, as presented, at the December 5, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Coviello moved to amend the motion to take up first reading at the first regular City Council meeting in January, 2012.

City Attorney Sullivan stated that the City Council cannot require another City Council to take a matter up.

Councilor Coviello withdrew his motion.

Councilor Kennedy said she is concerned with moving this matter forward quickly through in December.

Councilor Kennedy moved to forward this matter to the new City Council. Seconded by Councilor Coviello.

City Attorney Sullivan stated that this City Council does not have the authority to move this ordinance to the next City Council in January.

Mayor Ferrini ruled the motion by Councilor Kennedy out of order.

Councilor Dwyer said this neighborhood has always wanted office research for the zone.

Assistant Mayor Novelline Clayburgh asked if the neighborhood is in favor of this ordinance change. Planning Director Taintor said the Planning Board has had several public hearings on this matter and no one spoke opposed from the neighborhood.

Motion passed with Councilors Coviello, Kennedy and Mayor Ferrini voting opposed.

6. Sale of Portsmouth Fire Department Old Engine 6, 1994 International/Central States/RK Quint

Fire Chief LeClaire reported that a local dealer, Greenwood Emergency Vehicles, has found a buyer who has offered \$12,000.00 for Engine #6 in light of the multiple mechanical problems. He stated that due to the current conditions of the old apparatus, he believes the \$12,000.00 is a respectable offer and recommends that the City accept this offer and waive the bidding, public auction requirements.

City Manager Bohenko said in accordance with City Ordinance Section 1.505, property valued at \$500.00 or more must receive approval from the City Council for sale prior to competitive bidding, public auction, or any other means authorized by the City Council. If the sale is authorized by any means other than competitive bidding, or public auction, it must be by a 2/3's vote of the City Council and in accordance with procedures established by the Council.

Councilor Coviello moved to accept the offer and waive the bidding, public auction requirements for the sale of Fire Department Old Engine 6, and authorize the City Manager to proceed with the sale and execute any necessary documents. Seconded by Assistant Mayor Novelline Clayburgh and voted.

7. Purchase of Sagamore Creek Island

City Manager Bohenko said that this would allow the purchase of Sagamore Island for \$21,900.00. He stated that the funds would come from the Conservation Fund which is available for these types of purchases.

Assistant Mayor Novelline Clayburgh moved to accept the Conservation Commission's recommendation to approve the acquisition of the Sagamore Creek Island property Map 227 Lot 2 for the price of \$21,900.00 with the funds to come from the City's Conservation Fund, and further, authorize the City Manager to proceed with the execution of the necessary documents. Seconded by Councilor Kennedy.

Councilor Smith said he would not support the motion. He said we would be taking on an unknown liability. He further state if the owners were to give the land to the City that would be one thing, but he feels the funds could be used in a better fashion.

Motion passed with Councilor Smith voting opposed.

8. Polling Hours for January 10, 2012 Presidential Primary Election

Councilor Smith moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Presidential Primary Election on January 10, 2012. Seconded by Councilor Lister.

Councilor Dwyer said that there needs to be more transportation available for individuals needing to get to the new Ward 2 voting location at the North Church Parish House on Spinney Road. She suggested that additional information be put out to the public to notify them of the new voting location.

Motion passed.

9. Request for St. John's Masonic Association Lot 10-Year Agreement

City Manager Bohenko reported that the funds would be taken from the Parking Impact Fee Fund and recommended that the City Council approve the 10-year agreement.

Councilor Spear moved to authorize the City Manager to enter into a Parking Lot Usage/Maintenance Ten-Year Agreement with St. John's Masonic Association for the period January 1, 2012 through December 31, 2022 and further to compensate St. John's Masonic Association in the amount of \$21,500.00 which shall be taken from the Parking Impact Fee Fund. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Kennedy asked if we could increase the time allowed for parking in the evening hours. Parking and Transportation Director Frederick said the time is restricted due to the Mason Association meetings. City Manager Bohenko said we can discuss extending the hours on the off meeting nights.

Assistant Mayor Novelline Clayburgh said that lot is being used more and more and feels an extension of time is needed. Parking and Transportation Director Frederick said the lot is being used more because the construction workers for the middle school are parking off site.

Councilor Smith asked about the usage of the lot. Parking and Transportation Director Frederick reported the capacity of the lot is 50% and goes up to 67% at peak hours.

Motion passed.

10. Disposal of Surplus Equipment Police Department Uninterrupted Power Supply Battery

City Manager Bohenko reported that the 30 batteries for the backup system were no longer sufficient to adequately supply back up power to critical components of the Police Department and City Hall. This unit has since been replaced with an adequate system. He stated that the old UPS will require major repairs. However, in its current condition it is estimated to be worth \$5,000.00. City Manager Bohenko recommended disposing of the UPS through the bidding process.

Councilor Smith moved to authorize the City Manager to dispose of surplus equipment by the sealed bid process. Seconded by Assistant Mayor Novelline Clayburgh and voted.

11. Report Back Re: Vaughan Street – Traffic Pattern Change

City Manager Bohenko recommended that this matter be referred to the new City Council. He stated that no action is needed and the new City Council will bring the matter forward at a future meeting, therefore the item was withdrawn by City Manager Bohenko.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - John Rice – Reappointment to the Planning Board
 - William Gladhill – Reappointment to the Planning Board
 - Chris Hubbard – Reappointment to the Peirce Island Committee
 - Stephen Philp – Reappointment to the Peirce Island Committee
 - Elisabeth Blaisdell – Appointment to the Sustainable Practices Blue Ribbon Committee
 - Susan Chamberlin – Reappointment to the Zoning Board of Adjustment
 - Arthur Parrott – Reappointment to the Zoning Board of Adjustment

The City Council considered the above listed appointments to be voted on by the City Council at the December 5, 2011 City Council meeting.

2. Appointments to be Voted:
 - Robert Pollard – Reappointment to the Peirce Island Committee
 - Steven Marison – Reappointment to the Peirce Island Committee
 - John McVay – Reappointment to the Peirce Island Committee
 - Richard Smith – Reappointment to the Peirce Island Committee
 - Harold Whitehouse – Reappointment to the Peirce Island Committee
 - John Simon – Reappointment to the Peirce Island Committee
 - John Ricci – Reappointment to the Planning Board
 - James Feehley – Reappointment to the Taxi Commission
 - Paul Ford – Reappointment to the Taxi Commission
 - Peter Bresciano – Reappointment to the Taxi Commission
 - T. Stephen McCarthy – Appointment to the Portsmouth Housing Authority

Councilor Spear moved to reappoint Robert Pollard, Steven Marison, John McVay, Richard Smith, Harold Whitehouse and John Simon to the Peirce Island Committee until December 31, 2013; reappointment of John Ricci to the Planning Board until December 31, 2014; reappointment of James Feehley, Paul Ford and Peter Bresciano to the Taxi Commission until December 31, 2013; and the appointment of T. Stephen McCarthy to the Portsmouth Housing Authority filling the unexpired term of Carlos Castro until April 1, 2015. Seconded by Councilor Smith and voted.

3. Resignations:
 - Tom Rooney from the Mayor's Blue Ribbon Committee on Sustainable Practices
 - Kathy Pearce from the Cable Television and Communications Commission

Councilor Smith moved to accept with regret the resignations of Tom Rooney from the Mayor's Blue Ribbon Committee on Sustainable Practices and Kathy Pearce from the Cable Television and Communications Commission. Seconded by Assistant Mayor Novelline Clayburgh and voted.

Councilor Smith requested that Mayor Ferrini send a letter to Mr. Rooney and Ms. Pearce to thank them for their service to the City.

4. 4th Annual Boards & Commissions Recognition Ceremony

Mayor Ferrini announced that the 4th Annual Recognition of Service to Honor City of Portsmouth former Board and Commission members will be held on Wednesday, November 30, 2011. Light refreshments will be served at 6:30 p.m. in the Portsmouth Room followed by the recognition and awards at 7:00 p.m. in the Eileen Dondero Foley Council Chambers.

5. Reports (not on agenda)

Mayor Ferrini announced that the Annual 2011 Holiday Parade will be held on Saturday, December 3, 2011 at 6:00 p.m. beginning at Plaza 800 through downtown to the South Mill Pond parking lot.

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the October 13, 2011 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the October 13, 2011 Traffic & Safety Committee meeting. Seconded by Councilor Spear and voted.

2. Parking Committee Action Sheet and Minutes of the October 13, 2011 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the October 13, 2011 Parking Committee meeting. Seconded by Councilor Spear.

Councilor Dwyer asked if Action Item 4 regarding 111 Maplewood Avenue on the Parking Committee action sheet would require another type of action. Councilor Smith reported that the Parking Committee voted to implement a pilot program of taking 5 meters out and leaving 5 meters in for a period of 60 days. He further stated that he was not in favor of removing the meters.

Councilor Coviello said that he voted against Action Item 10 regarding Library – Middle School Parking Lot Enforcement on the Parking Committee action sheet and would like it noted for the record.

Motion passed with Councilor Kennedy voting opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Assistant Mayor Novelline Clayburgh announced that the Portsmouth High School football team won the State Championship over the weekend. She also stated that the Drama Department of the High School put on a spectacular production of Beauty and the Beast over the weekend as well.

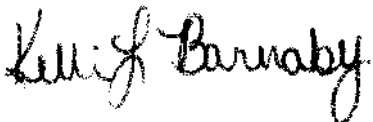
Councilor Coviello said that the Council received information regarding the possible relocation of the School Department Administrative Offices moving to the Municipal Complex and he would not want to see it delayed due to the Capital Improvement Plan budget. City Manager Bohenko said he asked Superintendent McDonough to put the expenses into the Capital Improvement Plan and his intent was to get estimates on the upgrades to the facility. He would try to bring back to the December 5, 2011 Council meeting the request to fund the improvements for the project out of fund balance to address Councilor Coviello's concerns. He did not want to bring the matter forward without prior notice to the City Council.

Councilor Dwyer asked if the City Council would receive a copy of the Parking Capacity Report. City Manager Bohenko said he will look into the request of Councilor Dwyer.

Councilor Kennedy asked if we are doing the renovations because of the increase in students from Dondero School to Little Harbour School. City Manager Bohenko said no. The School Department wanted to push this item off to 2017. He said that this is an opportunity with synergy and the combination of services to make them part of the Municipal Complex and City Offices.

ADJOURNMENT [AT 10:00PM OR EARLIER]

At 10:30 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Lister and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk