

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 19, 2011

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

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

Mayor Ferrini called the meeting to order at 7:05 p.m.

### **II. ROLL CALL**

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

Absent: Councilor Hejtmanek

### **III. INVOCATION**

Mayor Ferrini asked everyone to join in a moment of silent prayer in memory of Sarah Fox former Portsmouth firefighter who recently passed away.

### **IV. PLEDGE OF ALLEGIANCE**

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

### **MAYOR'S AWARDS**

1. Firefighter Russell Osgood (not on agenda)

Mayor Ferrini presented a Mayor's Award to Russell Osgood for his dedication to and support of the late Sarah Fox and her family. Russell accepted the Mayor's Award with appreciation and thanks.

2. Ralph Cresta (not on agenda)

Mayor Ferrini presented a Mayor's Award to Ralph Cresta in recognition of his support to the Portsmouth Holiday Parade. Ralph accepted the Mayor's Award with appreciation and thanks.

3. Portsmouth High School Football Team

Mayor Ferrini presented Mayor's Awards to the Portsmouth High School Football Team in recognition of winning the Division III State Championship for 2011. The players and coaches accepted the Mayor's Awards with appreciation and thanks.

## **PRESENTATIONS**

### 1. Portsmouth High School Holiday Ensemble

The Musical Interlude for Mayor Ferrini's Farewell Ceremony was provided by the Portsmouth High School Holiday Ensemble. Mayor Ferrini played his trombone with the Holiday Ensemble for the City Council.

### 2. African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten* – Cindy Hayden, Deputy City Manager

Deputy City Manager Hayden provided an update on the accomplishments of the African Burying Ground Memorial Park. She also announced that the Committee will be sponsoring a visibility and awareness event on the evening of February 13, 2012 and the world famous Soweto Gospel Choir will perform at Chestnut Street.

### 3. \*Farewell Address by Mayor Ferrini

In my last meeting with this City Council, I appreciate the opportunity to speak for a few moments to thank some people and to offer some thoughts on the direction of the City of Portsmouth.

I must first and foremost thank my wife, Jane, for her years of patient and kind support, as I have been absent from our home for many hours in my work on behalf of the citizens of Portsmouth. I must thank my children, Eddy and Lucy, who were patient and understanding about their father not always being there.

I also thank all of the good people at my law office, Wyskiel, Boc, Tillinghast & Bolduc. Without their understanding and support, I would not have been able to do my job as Mayor. My firm has been committed to public service for many years and for that I am thankful.

I thank the citizens of Portsmouth for giving me the opportunity to serve and for making that opportunity better by their constant participation in our vibrant city government. I am thankful to City staffers, Joanna Diemer and Ann Sharpe, for helping me execute the Office of Mayor and making sure that I was where I was supposed to be on time. I would like to thank City Clerk Kelli Barnaby for her many hours of assistance in ensuring that our committee process and our meetings were orderly and well managed. I also thank City Attorney, Bob Sullivan, for his assistance and wise counsel. I thank my good friend and the fine City Manager of Portsmouth, John Bohenko, as well as all city staff, our Police, Fire and School Departments for their hard work on behalf of the citizens of Portsmouth.

The quality services we enjoy are a direct result of our fine management and staff and a City government that truly believes in working with its citizens to achieve a common good with responsive government. I offer my heartfelt thanks to all of the City Councilors, Assistant Mayors, Jack Blalock and Nancy Novelline Clayburgh, and all other elected officials with whom I have served over the years. I want to recognize my friend, Jerry Hejzmanek, who cannot be with us tonight, for his years of service to the City. And finally, I particularly want to thank my good friend Chris Dwyer for encouraging me to run for City Council years ago.

The City of Portsmouth continues to face challenges as a result of a difficult economy and particular pressures on the public sector arising out of State retirement obligations and other stressors on all levels of government. In the past four years, this City Council has been able to constructively engage all of the constituencies involved in managing government's obligations under these difficult pressures with some grace and dignity. We have had many people in the conversation.

This is one of the great things about Portsmouth. Many people are involved in our democracy and as I move on, new people will refresh our democracy. That is how the founding fathers of our country envisioned it and it is the healthiest way for a democratic government to proceed. An elective government without constant and new participation by its citizenry becomes stale and ineffective. It becomes unresponsive to new ideas.

Years ago when I ran for City Council it was my belief that we should have many people involved in our government, both to help run our government and comment on how it might operate better. I believe that is now a strong tradition in the City and it is my sincere belief that it will continue into the future.

We really have no choice. With pressures on local, state and federal governments, we will have to continue to be creative at the local level to deliver services that our citizens want at a price they can afford. I believe that we have continually achieved this and our city finances are strong. In fact, they are more than strong. The City's AA+ bond rating, as well as its significant recognition as a leader amongst municipalities for having a quality financial position is absolutely essential as we continue to rebuild our infrastructure, our schools and maintain our City in a manner that the citizens have come to expect. We need to continually improve our community. From the fine Middle School under construction to the outstanding efforts of our community to create the African Burying Ground memorial, I am proud our community sees the value of such important improvements.

When a City fails to reinvest in itself, it starts to atrophy, and if the trend is not reversed, it can wither and die. Real estate values drop. Economic development slows down and people no longer want to come to the community. We do not want this to happen.

We are fortunate to have substantial economic development, as well as a diverse and interesting citizenry that makes our community such a pleasant place in which to live and work. We have unique economic development opportunities, even in this difficult economy. We must remember that most communities are not so fortunate.

While we must be careful with economic development from a land use and zoning prospective to ensure that development conforms to our ideas about Portsmouth, we must remember that tax rates have gone up significantly in surrounding communities because of an inability to sustain an economic base. Economic development is crucial in keeping residential taxes down.

Last year we were able to reduce taxes and over the last four years, our tax rates have increased at an average of less than 1.5% per year. This is far below the rate of inflation and it is far below the rate of tax increase in most communities. Have we done this by cutting services? Well, we have not reduced services significantly yet, but we have reduced a significant amount of the city's work force. Over the last three years, we have reduced our city work force by 9%. I am concerned that further travel down this path will erode our services. The discussion about Fire Station Three is, I fear, just the beginning.

Our recent tax policy has been difficult to sustain in a poor economy. As we go forward, I believe we will have to cut services to sustain minimal tax increases. I don't know if that is the best thing for our community, but it is where we will trend in the immediate near future. We need to keep our community engaged and involved in these decisions about the direction of our City.

Going forward, our community needs a civil and well informed public conversation more than ever. We have a culture of civility, with discussions based on ideas and data, as opposed to the politics of personal attack, which we see unfold so unfortunately on the national stage. We typically do better than that in Portsmouth and we need to keep doing better than that in order to strengthen the quality community in which we wish to live. I have no doubt that we would not have been as effective as we have been in managing recent difficult financial concerns without the continual involvement of our citizenry in a civil and productive discussion. If our community conversation devolves into name calling and personal attacks, we will not enjoy the well informed governing process which citizens have seen in recent years.

I wish the new City Council, Mayor-elect Spear and Assistant Mayor-elect Lister the best of luck in facing these challenges. I am confident that you will continue the best of what we see in Portsmouth government to ensure that the community receives quality government services at a reasonable price. Even though I know this is a tall order, I have confidence that the community, the council and all of our elected officials understand that the only way to proceed and to make our community better is to stay engaged and work together.

In closing, my campaign slogan was: "We're in this together!", and indeed we are. We must trust each other, we must respect each other and we must all work as hard as we can for the City of Portsmouth to continue to make this one of the best small cities in which to live in the United States of America.

Thank you all for the opportunity to serve with you and I wish you all a happy Holiday Season. God bless you and your families.

## **V. ACCEPTANCE OF MINUTES – DECEMBER 5, 2011**

**Councilor Smith moved to approve and accept the minutes of the December 5, 2011 City Council meeting. Seconded by Councilor Lister and voted.**

## **VI. PUBLIC COMMENT SESSION**

Robin Normandeau spoke regarding the seawall construction on the corner of Pickering Street and Mechanic Street. She expressed her concern regarding the design and its elimination to access the water. She provided the City Council with 39 responses from the neighborhood opposed to the elimination to access the water.

Peter Somssich spoke regarding the upgrades to the wastewater treatment plant. He said there is a need for a time line and cost factors. Mr. Somssich expressed concern with the City challenging the Environment Protection Agency.

## **VII. PUBLIC HEARING**

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF UP TO \$600,000.00 FROM UNDESIGNATED FUND BALANCE FOR NECESSARY EXPENDITURES FOR MUNICIPAL COMPLEX RENOVATIONS

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

Superintendent McDonough and Public Works Director Parkinson spoke on the appropriation for the renovations to the Municipal Complex for the relocation of the School Administrative Offices. Superintendent McDonough said that this is an investment with long term benefits. He spoke to the operational efficiency that will occur from this relocation. Public Works Director Parkinson reviewed the renovations to the 4<sup>th</sup> floor of the Municipal Complex. He said the project is anticipated to be completed by June which is an ambitious time line but he feels can be achieved.

With no speakers, Mayor Ferrini declared the public hearing closed.

## **VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Grant from Northeast Utilities - \$1,500.00

**Councilor Smith moved to accept and approve the grant, as submitted. Seconded by Councilor Lister and voted.**

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

- A. Second reading of Ordinance Amending Chapter 7, Article IV - Off-Street Parking, Section 7.402 - Areas Established and Described by the addition of Middle School – Library Parking Lot Off-Street Parking Area. The Proposed Ordinance sets Hourly Limits on Parking in the Lot, Delineates certain Parking Spaces for Library Use and Prohibits Overnight Parking in the Lot ***(Postponed from December 5, 2011 City Council meeting)***

City Manager Bohenko said that City Attorney Sullivan has put together a set of motions to allow for the City Council to create 24 parking spaces directly abutting Parrott Avenue.

City Attorney Sullivan explained that the ordinance as originally presented is before the City Council at this time. He said the City Council could amend the Ordinance or move forward without any changes. He further stated that the City Council will need to suspend the rules to allow third and final reading this evening to adopt the Ordinance before the end of this Council term.

**Councilor Smith moved that Section 7.402 (I) (3) be amended to read as follows: No parking shall be allowed in the lot between the hours of 11:00 p.m. and 7:00 a.m. at any time, except for the 24 parking spaces directly abutting Parrott Avenue, which spaces shall be vacated no later than 7:00 a.m. Seconded by Assistant Mayor Novelline Clayburgh and voted. Councilor Coviello voted opposed.**

**Councilor Smith moved to pass second reading as amended. Seconded by Assistant Mayor Novelline Clayburgh and voted. Councilor Coviello voted opposed.**

**Councilor Smith moved to suspend the rules in order to take up third and final reading. Seconded by Councilor Lister and voted.**

**Councilor Smith moved to pass third and final reading. Seconded by Councilor Lister and voted. Councilor Coviello voted opposed.**

- B. Adoption of Resolution Authorizing a Supplemental Appropriation of up to \$600,000.00 from Undesignated Fund Balance for Necessary Expenditures for Municipal Complex Renovations

**Councilor Smith move to adopt the proposed Resolution appropriating a sum of up to \$600,000.00 from undesignated fund balance for the renovations to the Municipal Complex for the relocation of the School Administrative Offices. Seconded by Councilor Dwyer.**

City Manager Bohenko reported that funding for this supplemental appropriation would come from undesignated fund balance. He said that this would be a good use of fund balance given that it is a non-recurring expense and it implements a major initiative outlined in the City Council's Operational Efficiency Blue Ribbon Committee report.

Superintendent McDonough reported that 13 people will be relocated to the Municipal Complex and there is a potential to grow in the building.

Councilor Coviello asked about savings with the consolidation of employees with the move to the Municipal Complex. City Manager Bohenko said that the School Department's move here will have a savings and that amount will be brought forward in the future. He said over time there will be things done to create efficiencies. He further stated right now we have direct savings and believe it will be better from an operational stand point. City Manager Bohenko also reported that Conference Room B will be converted to the Board Room for the School Board. He said we will share the conference room as we do with all other rooms in the Municipal Complex.

Councilor Kennedy asked about the use of the \$2.2 million dollar bond premium and using it to lessen the burden to the taxpayers. City Manager Bohenko said we can discuss that during our review of the Capital Improvement Plan and use of additional fund balances. He said the one criteria is that it is a non-recurring expense.

Councilor Kennedy asked how long we have to spend the money. Finance Director Belanger responded 2 years.

Councilor Dwyer said she wants to make sure that the Resolution includes for the Board Room recording. City Manager Bohenko said yes.

**On a roll call 8-0 voted to adopt the proposed Resolution appropriating a sum of up to \$600,000.00 from undesignated fund balance for the renovations to the Municipal Complex for the relocation of the School Administrative Offices.**

## **X. CONSENT AGENDA**

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

- A. Letter from Heidi Roy, National Multiple Sclerosis requesting permission to hold the 2012 Walk MS Portsmouth on Saturday, April 14, 2012 from 10:00 a.m. until 2:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Portsmouth Community Road Race Series 5K Races for 2012 and January of 2013:
- Sunday, January 1<sup>st</sup> – Great Bay Services – Little Harbour School Course
  - Saturday, May 19<sup>th</sup> at 9:00 a.m. – YMCA – YMCA Peverly Hill Road Course
  - Saturday, July 7<sup>th</sup> at 9:00 a.m. – Harbour Trail Road Race - Little Harbour School Course
  - Thursday, August 2<sup>nd</sup> at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course
  - Saturday, September 15<sup>th</sup> at 9:00 a.m. – BreastCancerStories.org – Little Harbour School Course
  - Saturday, October 13<sup>th</sup> at 9:00 a.m. – Community Child Care – Little Harbour School
  - Thursday, November 22<sup>nd</sup> at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course
  - Tuesday, January 1, 2013 – Great Bay Services – Little Harbour School Course
- (Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Todd Hanson, New Heights requesting permission to hold the 3<sup>rd</sup> annual St. Paddy's Five Miler on Sunday, March 11, 2012 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Kathryn M. Libby, American Lung Association requesting permission for the 3<sup>rd</sup> Annual Cycle the Seacoast Ride on Sunday, May 6, 2012 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for a License from Mari Woods owner of Mari Woods Kitchen Bath Home for property located at 11 Ladd Street to install a projecting sign on an existing bracket ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)***

**Planning Director Stipulations:**

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



- ***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***

- F. Request for a License from Sorassa Soeur owner of Salonista for property located at 90 Fleet Street to install a projecting sign on an existing bracket ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)***

**Planning Director Stipulations:**

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

- G. Request for a License from Judit Vano-Tydeman owner of Portsmouth Salt Cellar for property located at 7 Commercial Alley to install a projecting sign on an existing bracket ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)***

**Planning Director Stipulations:**

- ***The license shall be approve by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and***
- ***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 adopt the Consent Agenda. Seconded by Councilor Lister.**

Councilor Kennedy requested to remove two events from Greater Portsmouth Chamber of Commerce letter - Thursday, August 2<sup>nd</sup> at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course and Thursday, November 22<sup>nd</sup> at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course.

**Motion passed.**

Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Portsmouth Community Road Race Series 5K Races for 2012

- Thursday, August 2<sup>nd</sup> at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course
- Thursday, November 22<sup>nd</sup> at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course

**Councilor Kennedy moved to refer to the City Manager with power and to provide a copy of the letter to the Peirce Island Committee. Seconded by Councilor Coviello and voted.**

#### **XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS**

- A. Letter from Vernis Jackson, Chair, African Burying Ground Committee requesting permission to hold a Visibility and Awareness Event the evening of Monday, February 13, 2012

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

- B. Letter and petition from Nancy Brown and Macy Morse, For Seacoast Peace Response requesting Portsmouth joins the Mayors for Peace

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

Councilor Smith said he feels this matter should be brought forward to the new City Council.

Mayor-Elect Spear advised the City Council that he would have this request placed on a future City Council agenda.

**Motion passed.**

- C. Letter from Randy Eaton requesting permission to hold a 5K "My Walk for Faith" on Sunday, April 15, 2012, at 1:00 p.m.

**Councilor Smith moved to refer to the City Manager with power and to provide a copy of the letter to the Prescott Park Arts Festival. Seconded by Councilor Kennedy and voted.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

1. Approval of Superintendent of Schools Contract

City Manager Bohenko said he would recommend that the City Council approve the Superintendent of Schools Contract.

**Councilor Lister moved to approve the Employment Agreement to expire on June 30, 2016 with Edward McDonough, Superintendent of Schools. Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Smith said he would support the contract but would have liked discussion on the Superintendent moving into the district.

Assistant Mayor Novelline Clayburgh thanked Superintendent McDonough for his service to the School Department. She said when he first came here he took a 3% reduction because of the financial conditions we faced.

Councilor Kennedy thanked Superintendent McDonough for taking status quo in the first year of the new contract.

Councilor Coviello said he appreciates the work of Superintendent McDonough and said that he is pleased with the changes in health insurance and retirement that are contained within the new contract.

**Motion passed.**

2. Request for Approval of Inter-Municipal Sewer Agreement Re: Town of Rye to extend to Foyes Corner

City Manager Bohenko asked Deputy Public Works Director Allen to speak on this matter.

Deputy Public Works Director Allen said that this agreement will allow the City sewer to extend into Rye from Odiorne Point Road to Foyes Corner. He said an agreement has been worked out with the Town of Rye and the City of Portsmouth and any improvements will be at the expense of the Town of Rye. He further stated that this agreement is in line with our Waste Water Master Plan and the State will look upon this favorably.

**Councilor Smith moved to approve the aforementioned Inter-Municipal Sewer Agreement, and further, authorize the City Manager to execute the document. Seconded by Councilor Coviello and voted.**

3. Wastewater Regulatory Impasse

City Manager Bohenko spoke to the extensive memorandum which is before the Council on this matter. He requested that City Engineer Rice come forward and address this matter.

City Engineer Rice said we all value and make sure that the environment is protected. He stated that we have worked with the Great Bay Coalition for a number of years and we are disappointed that the DES has rejected the items brought forward and with the cost requirements of the regulatory process. He discussed the adaptive plan permits the communities are following to upgrade their waste water facilities in the next 5 years. City Engineer Rice said that these levels they're requesting bring us back to our 1990 levels and will be of significant cost to the communities and its residents. He stated that we want a fully transparent review of the science to show what the appropriate levels should be.

City Manager Bohenko said the area of costs is significant and if we go to 3 mg/L it will have to include storm water. He said that this issue needs to be addressed as a group regionally.

Councilor Dwyer asked that the formal rule making process be reviewed. Assistant City Attorney Woodland reviewed the process and discussed the need for a public hearing. She stated that this is the process we have been looking for all along to get all the information out there.

City Engineer Rice said the number of nitrogen limits is a huge issue and we need to challenge the rule now.

Mayor Ferrini stated that we need answers to the following questions:

- What is the cost of a plant at 8 mg/L
- What is the cost of a plant at 3 mg/L
- What is the difference to the rate payers between an 8 mg/L and 3 mg/L

City Engineer Rice said it would be \$40,000,000.00 for a plant at 8 mg/L and \$80,000,000.00 at 3 mg/L. The cost to the rate payer is two and half times. He said it would be approximately a 20% increase.

City Manager Bohenko said we need to look at our commercial and hospitality expenses. City Engineer Rice stated that this could cause businesses not to choose to locate here in the City.

**Councilor Kennedy moved to set up a meeting with Commissioner Thomas Burack of the New Hampshire Department of Environmental Services and the City Council and request a peer review on behalf of the City with the Commissioner and his associates. Seconded by Councilor Smith for discussion purposes.**

Councilor Lister asked what the alternative is to a meeting. City Manager Bohenko said we would just keep waiting. He said we want them to go through the rule making as required by State law.

Councilor Coviello said he would not support the motion. He appreciates tonight is to give staff direction as a policy making board.

Councilor Kennedy said she feels it is important to push for the peer review.

Councilor Dwyer said she understands the intent and it is a political intent around a scientific approach.

**On a roll call 1-7, motion failed. Councilor Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted opposed.**

**Councilor Coviello moved to authorize the City Manager to continue working with the Great Bay Coalition through our legislative delegation and other means to: (1) ensure the DES is required to conduct a formal rulemaking proceeding which complies with state law to develop a sound scientific basis for permit limits; (2) agree to go to a secondary treatment plant with the ability to treat to 8 mg/L total nitrogen; and (3) pursue an adaptive management approach to Great Bay Estuary health. Seconded by Councilor Lister.**

Councilor Kennedy said that she would opposed the motion.

Councilor Dwyer said the commitment to design a facility to 8 mg/L is a logical approach.

**Councilor Coviello moved to amend the motion to authorize the City Manager to continue working with the Great Bay coalition through our legislative delegation and other means to: (1) ensure the DES is required to conduct a formal rulemaking proceeding which complies with state law to develop a sound scientific basis for permit limits; (2) commit to pursue a design for the Portsmouth wastewater treatment plant that can achieve 8 mg/L total nitrogen; and (3) pursue an adaptive management approach to Great Bay Estuary health. Seconded by Councilor Smith.**

Discussion followed regarding the footprint of the facility and the fence line. Councilor Coviello said that the fence line does not drive our decision.

**On a roll call 7-1, voted to pass the amendment. Assistant Mayor Novelline Clayburgh, Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.**

Councilor Spear spoke regarding his trip last October to Stockholm which won the title of greenest capital in Europe. He explained how their waste water treatment plant works. He said that they would not go below 10 mg/L because it is too costly.

**On a roll call 7-1, voted to pass the motion as amended. Assistant Mayor Novelline Clayburgh, Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.**

***Motion as adopted reads as follows: Voted to authorize the City Manager to continue working with the Great Bay coalition through our legislative delegation and other means to: (1) ensure the DES is required to conduct a formal rulemaking proceeding which complies with state law to develop a sound scientific basis for permit limits; (2) commit to pursue a design for the Portsmouth wastewater treatment plant that can achieve 8 mg/L total nitrogen; and (3) pursue an adaptive management approach to Great Bay Estuary health.***

**B. MAYOR FERRINI**

1. Appointments to be Voted:
  - Rich DiPentima – Appointment to the Conservation Commission
  - Ronald Cypher – Appointment to the Parking & Traffic Safety Committee
  - Frederick (Ted) Gray – Appointment to the Parking & Traffic Safety Committee
  - Harold Whitehouse – Appointment to the Parking & Traffic Safety Committee
  - Thomas R. Watson – Appointment to the Trustees of the Trust Funds

**Councilor Smith moved to appoint Rich DiPentima to the Conservation Commission until April 1, 2012. Mr. DiPentima is filling the unexpired term of Catherine Ennis; appointed Ronald Cypher, Frederick (Ted) Gray and Harold Whitehouse to the Parking and Traffic Safety Committee; appointed Thomas Watson to the Board of Trustees of the Trust Funds until January 1, 2013. Mr. Watson is filling the unexpired term of Brad Lown. Seconded by Councilor Lister and voted.**

2. Appointment of Joseph Almeida (not on agenda)

**Councilor Smith moved to suspend the rules in order to act on the appointment of Joseph Almeida to the Historic District Commission. Seconded by Councilor Lister and voted.**

**Councilor Smith moved to appoint Joseph Almeida as a regular member to the Historic District Commission until June 1, 2013. Mr. Almeida is filling the unexpired term of Sandra Dika. Seconded by Councilor Coviello and voted.**

3. Resignation of Sandra Dika, Historic District Commission (not on agenda)

**Councilor Smith moved to accept with regret the resignation of Sandra Dika from the Historic District Commission. Seconded by Councilor Lister and voted.**

Councilor Smith requested that a letter of thanks be sent to Ms. Dika for her years of service to the City of Portsmouth.

**C. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the December 8, 2011 meeting

**Councilor Smith moved to approve and accept the action sheet and minutes of the December 8, 2011 Traffic & Safety Committee meeting. Seconded by Councilor Dwyer.**

Councilor Smith reported that Traffic & Safety is still awaiting recommendations from the Police, Fire and Public Works Departments regarding the Atlantic Heights emergency route. He said he would like to have another emergency route to come out of Michael Succi Drive.

Councilor Coviello asked about the citizen request to reconsider a four way stop at Thornton Street and Burkett Street. Councilor Smith said that this has been reviewed several times. He further stated that we can't meet the warrants required and you cannot use a stop sign to control speed.

**Motion passed with Councilor Kennedy voting opposed.**

2. Parking Committee Action Sheet and Minutes of the December 8, 2011 meeting

**Councilor Smith moved to approve and accept the action sheet and minutes of the December 8, 2011 Parking Committee meeting. Seconded by Councilor Coviello and voted. Councilor Kennedy voted opposed.**

### **XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

**At 9:45 p.m., Assistant Mayor Novelline Clayburgh moved to adjourn. Seconded by Councilor Lister and voted.**



Kelli L. Barnaby, CMC/CNHMC  
City Clerk