

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, JANUARY 17, 2012

PORTSMOUTH, NH
TIME: 6:00 PM [or thereafter]

At 6:00 p.m. a Work Session was held regarding City Council Rules and Orders.

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

Mayor Spear called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen.

III. INVOCATION

A moment of silence was held in memory of City Negotiator Tom Flygare who had passed away earlier in the day.

IV. PLEDGE OF ALLEGIANCE

Councilor Smith led the Pledge of Allegiance.

PRESENTATIONS

1. Presentation to former City Councilor Jerry Hejtmanek

Mayor Spear presented former City Councilor Jerry Hejtmanek with a City of Portsmouth Chair in recognition of his service on the City Council and to the citizens of Portsmouth.

Mr. Hejtmanek accepted the gift with appreciation and thanked the Mayor and City Council, previous Mayor and City Council, city staff and all of the citizens who had voted for him in his previous elections.

2. Chamber of Commerce Re: Annual Dinner Downtown Location

Chamber of Commerce President Doug Bates and Committee member Renee Plummer gave a brief presentation explaining their request to hold the Annual Chamber of Commerce Dinner on Pleasant Street. Mr. Bates explained the idea is to celebrate the many great things about the City of Portsmouth by holding it on "One of the Top Ten Green Streets in America" according to the American Planning Association. The dinner is to be held on August 8, 2012 from 5:00 – 9:00 p.m. and will host 400 people at 2 very long tables. He stated that there will be no music or entertainment other than the event itself which will be catered by Foster's Clam Bake.

Discussion ensued regarding who will be invited to attend as Mr. Bates explained that it is a Chamber of Commerce event with the ticket costing \$85.00 a piece and is open to the public. At Councilor Coviello's suggestion that the venue be widened to both sides of the street, not including the sidewalk, Mr. Bates stated that they would like the additional room but the idea is not to be disruptive to the businesses in the area.

Councilor Coviello moved to suspend the rules in order to take up Item X.D. of the agenda. Seconded by Councilor Dwyer and voted.

- D. Letter from Doug Bates, Greater Portsmouth Chamber of Commerce, requesting permission to close Pleasant Street from State Street to Congress Street on Wednesday, August 8, 2012 for conducting the 2012 Greater Portsmouth Chamber of Commerce Annual Dinner

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

V. ACCEPTANCE OF MINUTES (*There were no minutes for acceptance*)

VI. PUBLIC COMMENT SESSION

Mayor Spear opened the public Comment Session:

Shaun Rafferty – discussed making appointments to committees stating that it is necessary for an open government to represent diverse views and feels that if the Mayor is solely responsible for choosing committee appointments then those chosen may be more sympathetic to the Mayor's views on issues. He stated that it is also important to have different Council representatives on the various committees in order to get new views and ideas. Finally he asked that when a Councilor abstains from voting due to a "conflict of interest" he would like that conflict stated publicly for full disclosure.

Norm Olsen – began by congratulating the new council on their election and stated that he would like them to continue the tradition of the last Council to ask the City Manager to present a zero increase budget as well as to continue taking a stand against union positions that are not good for the citizens. He stated that there is a lack of communication during the negotiation process and feels that the department heads are perceived as being union defenders and should take measures to not be perceived as such, even if they are. He concluded by stating that whenever the discussion of raises comes up, COLA is represented as not being a raise, but a raise is a raise.

John Fairbairn – Discussed the City debt levels stating that according to the CAFRA reports, the debt is \$10,000 for every man, woman and child.

Seeing no one else wishing to speak, Mayor Spear closed the public comment session.

- **ADOPTION OF CITY COUNCIL RULES AND ORDERS**

Councilor Lown moved to adopt existing rules 1-46 with the exception of Rule 23 to be acted upon separately, seconded by Councilor Coviello.

Councilor Lown stated that the Council needs rules and without them it falls back to Rule 40, Roberts Rules of Order, but many of the rules are specific to this Council and most don't seem to have any issues

Councilor Thorsen asked what happens to Rule 23 if it isn't adopted. City Attorney Sullivan stated that Rule 23 will disappear.

Councilor Kennedy stated she will vote against this motion if Rule 23 disappears as this is what governs our boards and commissions appointments.

Councilor Dwyer stated as a friendly clarification of the motion, she feels it is the intention to still vote on Rule 23, but separately. Councilor Lown stated that is his intention.

Motion to adopt Rules 1-46 with the exception of Rule 23 passed unanimously.

Councilor Lown moved to adopt existing Rule 23 as follows, seconded by Councilor Coviello.

Rule 23, Committee Nomination – “The Mayor shall nominate all committees, subject to the approval of the Council. All nominations shall be laid on the table until the next regularly scheduled Council meeting.”

Councilor Lown explained that with this existing rule, the Council has veto power of any of the nominations so he doesn't understand why this needs to be changed and add another layer of the process.

Assistant Mayor Lister stated he is not in favor of the existing Rule 23 and explained that other Councils have discussed changing this in the past. He stated that it allows more diversity in the membership when other people are involved in the decision process.

Councilor Dwyer stated she has served on many committees and feels that there is a benefit to having a broader appointment process.

Councilor Smith stated he is also against existing Rule 23 stating that it is important to remember that the City of Portsmouth does not have a strong Mayor form of government so there should be more input from the Council and a more open process. He stated that this would introduce fresher ideas and more citizen participation. He also feels that the Councilors who sit on the committees have a better understanding of the qualifications needed for those committee appointments.

Councilor Novelline Clayburgh stated that there are 41 committees on the list with the exception of the Fire and Police Commissions and feels this needs to be a more democratic process with more involvement in the process.

Councilor Coviello stated he will vote in favor of existing Rule 23 in order to move the process along but with the understanding that we can continue to work on how the process can be changed in the future.

Councilor Lown stated he feels there will be more problems created with the new rule 23 i.e. more deadlocks, more secrecy, and will be less workable.

Motion to adopt existing Rule 23 FAILED on a 4-5 roll call vote. Councilors Coviello, Lown, Thorsen and Mayor Spear voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer and Smith voted against.

Councilor Novelline Clayburgh moved to amend Rule 23, as stated below, seconded by Councilor Kennedy.

Rule 23 – Committee Nomination – “At the first Council meeting of the year, Councilors will bring forward their requests for committees. If there is a multiple request for a committee, a one-minute explanation of why a councilor would like to sit on that committee will be given. A closed vote will be taken by the Council, and the votes will be counted by the City Clerk.

The Councilor on a committee will bring forward the names of citizens who are interested in being on said committee. Those individuals must have completed the application process through the City Clerk’s office. The Council will vote on the recommendation at the next regularly scheduled Council meeting.”

Councilor Coviello asked what happens if there is a 3-way tie for Councilor appointments, or if no one wanted the position. Councilor Novelline Clayburgh stated that this did happen when she was on the School Board, which this process is based upon, and there was discussion held to come to a conclusion. She stated the same would go if no one volunteered to be appointed.

Councilor Kennedy stated that she seconded this motion and is in favor because she feels that the appointment process needs to be faster as she has seen citizen volunteers wait for months to be appointed, specifically to the Peirce Island Committee. She stated that this process will be more open and in the public view. She urged people to fill out applications for board appointments.

Councilor Thorsen stated he opposed the motion because the Mayor should have the power of appointment in order to have the Mayor who is the highest vote getter to guide the process. He stated he feels the Mayor would develop a consensus with the other Councilors as well as continue to take suggestions. He stated we are stripping the Mayor of any power of appointment except for his one vote on the Council and he does not agree with that. He stated it is also important to note that this procedure would set up an ad-hoc appointment

process and would be haphazard without prior discussion and voting at a meeting on the spot.

City Attorney Sullivan clarified that the proposed Rule 23 would not affect those Mayor appointments as directed by State RSA nor those that have no Council representative on a particular board or commission per the presented Matrix. He stated the default would be the normal Roberts Rules of Orders which would mean the Mayor would make the nomination and the Council would then vote to approve that nomination. He stated that the Mayor would basically have to agree to go along with the Rule so that the recommendation produced by the rule would be the recommendation that he would make.

Councilor Dwyer stated that the Mayor could also question the recommendation and therefore makes it a more public process.

Councilor Novelline Clayburgh clarified that her thought process when drafting this amendment she was thinking of the committees listed on the Matrix that referred to Rule 23, and the others would go through the normal ordinance process of 3 readings and a public hearing.

Discussion ensued.

Motion passed on a 5-4 roll call vote, Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Dwyer and Smith voted in favor. Councilors Coviello, Lown, Thorsen and Mayor Spear voted opposed.

VII. APPROVAL OF GRANTS/DONATIONS

A. *2012 New Hampshire Coastal Program – Grant Proposal

Councilor Dwyer moved to authorize the City Manager to apply for, accept and expend funds up to \$30,000.00 from the Department of Environmental Services, Coastal Program to conduct a working waterfront study. Seconded by Assistant Mayor Lister and voted.

B. *Acceptance of Grant Funds from the Gulf of Maine Council on the Marine Environment and the Northeast Regional Ocean Council Re: Coastal Resilience

Councilor Dwyer moved to accept grant funds up to \$30,000.00 from the U.S. Gulf of Maine Association and give authority to the City Manager to expend funds and execute all necessary documents in conjunction with the proposed Portsmouth Coastal Resilience Initiative, seconded by Councilor Novelline Clayburgh.

Councilor Kennedy asked if there are matching funds required of the City of Portsmouth. City Manager Bohenko stated yes, \$2,500.00 matching funds will be set aside for City Master Planning and \$3,500 for in-kind services for a total of \$6,000.00 At the request of Councilor Kennedy, he asked Environmental Planner Peter Britz, to further explain the purpose of the grant.

Peter Britz, Environmental Planner, explained that this grant will allow the City to analyze the potential impacts of climate change-induced storm surges and sea-level rise on municipal facilities and sensitive areas within Portsmouth's coastal areas. He further stated that this work will enable Portsmouth to develop specific recommendations for inclusion in the citywide Master Plan and revise our local regulations to better address the potential coastal hazards associated with climate change.

Motion passed.

Councilor Coviello moved to suspend the rules in order to take up City Manager Action Item 2. Seconded by Councilor Novelline Clayburgh and voted.

2. Proposed Water and Sewer Lines Re: Strawberry Banke

Deputy Public Works Director Dave Allen explained that Strawberry Banke approached the City to work with the City on an arrangement that would allow for the upgrades to the water and sewer lines within the museum area based on the desire of their Board to develop certain buildings within their property to become rental income properties. He explained that the plan includes the replacement of approximately 860 linear feet of water main and 200 linear feet of sewer main which were originally part of the City's system and had come under the ownership and operation of Strawberry Banke when the area became the museum. He continued that the estimated cost is \$45,000.00 which would be paid back by Strawberry Banke over a 10 year period.

City Manager Bohenko stated that this arrangement has been made with other entities in the city in the past and this will result in improvements to the City's infrastructure, acquire easements for the City, and put some of this property back on the tax rolls.

Councilor Dwyer asked if this will be coordinated with other sewer work. Deputy Public Works Director Allen stated this will be done in the spring with our in-house workforce prior to other projects.

Councilor Kennedy stated she supports this as it will help Strawberry Banke stay afloat in these economic times by being able to rent out living space.

Councilor Smith moved to authorize the City Manager to proceed with negotiating an agreement with Strawberry Banke for the purposes of the installation of new water and sewer lines with Strawberry Banke and to authorize the City Manager to execute the agreement, seconded by Councilor Novelline Clayburgh.

Councilor Novelline Clayburgh stated that this is a brilliant idea and is glad we are working with a non-profit. She stated she is proud of Strawberry Banke being in our City and feels this is a win/win situation.

Councilor Thorsen stated that the economic benefit alone is worth doing this.

Motion passed.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances, Section 7A.406 – Horse Drawn Carriages spaces on Pleasant Street and Section 7.330 – by eliminating the No Parking Area on State Street between Court Place and Church Street to install 4 new meter spaces and Ordinance cleanup measures

Councilor Coviello moved to pass first reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and schedule a public hearing and second reading at the February 6, 2012 City Council meeting, seconded by Assistant Mayor Lister.

Mayor Spear asked the City Manager to explain the term “omnibus” for the new Councilors and others who may be unfamiliar with the term.

City Manager Bohenko explained that in order to help businesses out with various parking issues, the Parking Committee can vote to implement pilot programs to see if the issues can be resolved without going through the codification process, which takes time. He stated if it is found not to work out, then the Parking Committee can reverse the pilot program, but if it works then it will be forwarded to the Council to become a part of the ordinance. He stated that he feels this has been very successful and has helped make the process smoother.

Councilor Smith stated he agrees with the City Manager that this has sped up the process and made it smoother, for instance in this case of the horse drawn carriage spaces being able to be implemented for the business more quickly than waiting for the ordinance process.

Motion passed.

- B. First reading of Amendment to Chapter 7, Article III, Section 7.330 – No Parking – Junkins Avenue both sides

Councilor Smith moved to pass first reading for the proposed Ordinance amendment, as recommended by the Parking Committee, and schedule a public hearing and second reading at the February 6, 2012 City Council meeting, seconded by Councilor Novelline Clayburgh.

Councilor Kennedy asked why it is necessary to prohibit parking along all of Junkins Avenue.

Parking and Transportation Manager Jon Frederick explained that it is a width issue as the widest part of Junkins Avenue is 27’9” and it doesn’t allow the required 8.5’ parallel parking space and 10’ travel lane required each way.

Councilor Coviello asked if we eliminate the sidewalks will it meet the requirements. Mr. Frederick stated that would require the area to be redesigned and he can't speak to that at this time.

Councilor Lown stated he hasn't seen anyone park there before and wonders why it is an issue. Mr. Frederick explained that when the Farmer's Market is open, it becomes a problem.

Discussion continued regarding other configurations that may still allow parking, with Mr. Frederick explaining that any variation of the recommended footage requirements would need discussion.

Councilor Dwyer stated that this is a water view and pedestrian area so she doesn't want to see cars parked along either side.

Councilor Lown asked if there will need to be signage erected to enforce the no parking. Mr. Frederick stated yes. Councilor Lown stated he will vote in favor of moving this forward to a public hearing but doesn't want a bunch of "No Parking" signs put up.

Motion passed.

IX. CONSENT AGENDA

Councilor Lown moved to adopt the Consent Agenda Items A-H as presented. Seconded by Assistant Mayor Lister and voted.

- A. Acceptance of Donations to the Coalition Legal Fund
- Town of Carroll - \$1,000.00
 - Town of Waterville Valley - \$1,000.00
 - Town of Sugar Hill - \$500.00
- (Anticipated action – move to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Police Department Donations
- Donation from Mr. M. Foye to the Portsmouth Police Explorers - \$200.00
 - Donation from the Friends of the South End neighborhood group to the Portsmouth Police Explorers - \$300.00
- (Anticipated action – move to approve and accept the donations to the Portsmouth Police Department, as listed)***
- C. Letter from Peter Floros, PNF Realty, Inc., requesting to extend the license to keep the dumpster currently in place on Church Street ***(Anticipated action – move to refer to the City Manager with power)***

- D. Request for a License from Scott and Michelle Massida, owner of Michelle's on Market Square for property located at 10 Market Street to install a projecting sign ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Scott and Michelle Massida, owner of Michelle's on Market Square to install a projecting sign at 10 Market Street and, further, authorize the City Manager to execute a License Agreement for this request)***

Planning Director's 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, will 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***

- E. Request for a License from Carolyn and Christopher Erickson, The Aland Realty Group and Eport Antiques and Furnishings for property located at 175 Market Street to install a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carolyn and Christopher Erickson, owner of The Aland Realty Group and Eport Antiques and Furnishings to install a projecting sign at 175 Market Street and, further, authorize the City Manager to execute a License Agreement for this request)***

Planning Director's 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, will 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. Letter from Donald Allison, Eastern States 20 Mile, requesting permission to hold the Eastern State 20 Mile Road Race on Sunday, March 25, 2012 **(Anticipated action – move to refer to the City Manager with power)**
- G. Letter from Barbara Kautz, AIDS Response Seacoast, requesting to hold the 16th Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 6, 2012 from 10:00 a.m. to 5:00 p.m. **(Anticipated action – move to refer to the City Manager with power)**
- H. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events in 2012:
- Children’s Day, Sunday, May 6th from Noon – 4:00 p.m.
 - The 35th Annual Market Square Day Festival & 10K Road Race, Saturday, June 9th
 - The 10th Annual Summer in the Street Music Series, Saturday evenings from 5:00 p.m. – 9:30 p.m. on June 23rd, June 30th, July 7th, July 14th, July 21st, July 28th (rain date August 4th)
- (Sample motion – move to refer to the City Manager with power)**

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jennifer Fecteau, Port City Nissan, requesting the installation of an electric vehicle charging station at the High Hanover parking garage for electric vehicles

Councilor Novelline Clayburgh moved to suspend the rules to allow Jennifer Fecteau to address the Council. Seconded by Councilor Kennedy and voted.

Jennifer Fecteau of Port City Nissan and Nissan Motor Corp. explained that they are requesting the installation of an electric vehicle charging station at the High Hanover parking garage for electric vehicles, including the Nissan LEAF which is powered by a Lithium-Ion battery, much the same way as a cellular phone and therefore, requires periodic charging. She stated that the LEAF was designed to have an effective range of 100 miles under ideal conditions i.e., flat roads, 70 degrees, with colder temperatures and uneven roads eroding this range. She stated that when a customer wants to purchase a Nissan LEAF, Nissan requires first that the customer have an outside company called Aerovironment survey their house and give them an estimate for the cost of installation of the home charging station. The cost is estimated to be approximately \$2000 and a federal tax credit compensates eligible LEAF owners for half of the cost. She concluded by stating that charging stations will also be available at participating Nissan dealerships.

Councilor Dwyer asked how many cars the charging station will accommodate at a time. Ms. Fecteau stated that it will charge one car at a time, but there will be 2 spaces made available for the station.

Councilor Thorsen asked how long it will take to charge. Ms. Fecteau stated that a full charge takes approximately 7 hours, but the idea of the charging station is to allow people to stop and eat at a restaurant and/or shop for a few hours and then go on their way. Councilor Thorsen stated that it sounds like the station would be tied up for most of the day.

City Manager Bohenko stated that this is a gift and if there is more demand for this service, then the City can install more as a part of our continued sustainability efforts.

Assistant Mayor Lister asked if there is a lot of maintenance required for this recharging station and also, will there be advertising allowed on it. City Manager Bohenko stated there will be no advertisement allowed as is our policy.

Ms. Fecteau addressed the maintenance issue stating that these stations are all over the State of California and have so far been virtually maintenance free.

Councilor Kennedy clarified that there will also be a charging station at the Nissan Dealership and wonders if there could be a sign directing people there if the one at the parking garage is being used.

Councilor Smith asked what the operating costs will be, how will this be paid for by the customer, and is there potential for them to pay with a credit card at some point.

City Manager Bohenko stated that we will be looking at the power usage and adding it to the fee for those spaces.

Jon Frederick stated that regarding the credit card payments, some units do allow for that but they are more costly and this one is a single unit that does not have that capability.

Councilor Thorsen stated that this is a great idea and feels that the Parking and Traffic Safety Committee will determine the charge in order to be profitable or at least break even.

Councilor Coviello moved to accept the gift of a charging station from Port City Nissan. Seconded by Assistant Mayor Lister and voted.

- B. Letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC, request to appear before the City Council regarding renovations to the exterior of the property located at 172 Hanover Street, to remove the glass atrium located on the Vaughan Mall side of property

Councilor Kennedy moved to refer to the Planning Board for report back. Seconded by Councilor Novelline Clayburgh and voted.

- C. Letter from Portsmouth Fire Commissioners requesting a supplemental appropriation to the FY12 Fire Department Budget in the amount of \$150,000.00

Councilor Novelline Clayburgh moved to refer to a public hearing on February 6, 2012 the request for a supplemental appropriation to the FY12 Fire Department Budget in the amount of \$150,000.00 with funds to be drawn from Undesignated Fund Balance, seconded by Assistant Mayor Lister.

City Manager Bohenko explained that if it is specified to come from undesignated fund balance, it must be referred to a public hearing and then receive a 2/3 vote. He continued that if it comes out of the Contingency Fund, the City Manager technically can spend the money without Council action but because this is a hot-button issue, he would put it to a Council vote anyway. It would not require a public hearing and would only require a majority vote.

Discussion ensued regarding the funds being tied to a particular funding source and other potential sources.

Councilor Smith stated he supports Station 3 being open but he would also like to ask that the Fire Chief and Fire Commission come back with some creative fees such as charging for false alarms as the Police Department does. He stated it is important to let the public speak on this.

Councilor Thorsen stated that he is confused with this being an emergency request because it has gone through the budget process previously so it was known that the amount of money allocated at the time was not going to carry through the year.

Assistant Mayor Lister stated that this is a very controversial issue and has heard from citizens that are concerned with the response times. He commended the Fire Department for their outreach to the neighborhoods to teach CPR and safety classes. He stated that we need both short-term and long-term solutions and need to hear ideas from the Fire Chief so they don't have to come back to the Council.

Councilor Coviello asked if the Bond Rating Agencies look at the City using undesignated fund balance negatively. City Manager Bohenko stated that if it happens on a regular basis then yes. He continued that if it is used on recurring expenses, it would create a budget gap with no property tax to offset it.

Discussion ensued regarding the motion and whether it should be amended or not.

Councilor Lown asked what types of demands may be made on the contingency fund and what is the likelihood of needing to use it. City Manager Bohenko stated the Contingency Fund amount has decreased over the years from \$400,000.00 to \$250,000.00 so if we use \$150,000.00 for the Fire Department, then that will leave \$100,000 through then end of FY12, so it would be cutting it close.

Councilor Smith reviewed the background of the Station 3 issue for Councilor Thorsen stating the Chief was very clear that this could happen and when it came back for a supplemental request, the Council at the time decided to wait and see how long we could keep it open, but it is not a surprise that this is back again.

Councilor Kennedy stated she would like to know three things; first, how much money has been saved with the fireman putting the earned time disability in their contract. Secondly, from Chief LeClaire, she would like a written opinion regarding a volunteer unit and why or why it won't work or an auxiliary fire unit as she has had many people ask about that possibility. Finally, she would like a written, professional opinion from Chief LeClaire as to why or why not to keep open Station 3.

Councilor Coviello stated he disagrees with Councilor Smith's statements as to Fire Station 3 stating that Chief LeClaire was clear and the Council gave them the budget that they could manage. He stated he agrees with Councilor Kennedy and would also like the Chief to clear up some of the misconceptions out there.

Councilor Dwyer stated that her feeling was that some Councilors did feel that the Fire Department needed to be funded at a higher level with the understanding that we would need to establish long term solutions as well. She stated that another issue that she feels is being confused is the buildings versus the crews available to staff them.

Councilor Thorsen stated he attended an information session held by the Fire Department and found it to be very informative. He stated he will support the motion to refer the issue to a public hearing.

Motion passed.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action

1. Elderly & Disabled Exemptions

City Manager Bohenko stated he has presented 2 options for the Council to choose from with Option A being a 2.9% adjustment and Option B being a 3.6% adjustment. He stated whichever the Council wished to move forward with will come back for a first reading on February 6th and then a public hearing and adoption on February 21st.

Councilor Coviello moved to authorize the City Manager to bring back a Resolution for "Option A" for a first reading on February 6, 2012, seconded by Assistant Mayor Lister.

Councilor Lown stated that currently 139 people receive the exemption and when he was out campaigning he saw a lot of people that were hurting and this gives some people a little break so that they can stay in their homes and allows our population to remain diverse.

Councilor Dwyer stated that our aging population is going to continue to be an issue and wants to point out that the revenue we are losing on these exemptions is 3 times more than the Fire Department is asking for and to remember that these issues are related.

Councilor Smith agrees with Councilor Dwyer that the aging population needs to be looked at and to keep in mind that this tax burden gets spread to the rest of the taxpayers.

Councilor Coviello clarified that this 2.9% increase would be based on the CPI which is the same one used for our labor agreements.

Councilor Kennedy stated she is in favor of supporting seniors since we spent 35 million on the middle school so we need to keep that in perspective. She continued that a lot of the calls she has gotten regarding Fire Station 3 have been from seniors so agrees that these issues are connected.

Councilor Novelline Clayburgh stated that the disabled population is also getting older and we need to keep in mind that they will need housing in the future as well especially with State funding dwindling more and more.

Councilor Thorsen stated he is in favor of tax breaks for the elderly and disabled, but also is in favor of reducing the burden of all taxpayers.

Motion passed.

3. Ratification of City Council Policies

Councilor Kennedy moved to ratify the list of Council Policies as presented, seconded by Councilor Lown.

Councilor Smith stated that his vote is abstained for the policy regarding flags as his store participates in that policy.

Councilor Coviello moved to divide the question by removing policy 2010-02 – Brick Sidewalks, seconded by Councilor Dwyer.

Councilor Coviello explained that he was the initiator of the policy back when the Historic District was expanded and it was the policy that brick sidewalks were to be installed in any Historic District designated area. He stated that since that time it has been brought to the attention of the HDC that brick sidewalks are impractical for certain well traveled areas and are very costly to maintain as well, so he would like to revert back to the original area.

Discussion ensued regarding the need to do this and it was determined that it was already the policy.

Motion to divide the question FAILED on a 4-5 roll call vote. Councilors Coviello, Lown, Dwyer and Thorsen voted in favor. Assistant Mayor Lister, Councilors Kennedy, Novelline Clayburgh, Smith and Mayor Spear voted opposed.

Motion to ratify Council Policies as presented passed.

4. Request to Renew Lease Agreement for Sons of Italy

Councilor Kennedy moved to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2012 through March 31, 2013, seconded by Councilor Smith.

Motion passed on a 7-0 vote, Councilors Coviello and Novelline Clayburgh abstained as they are members.

Informational Items

1. Events Listing
2. Retreat Agenda
3. *Web Video Playback

Mayor Spear declared a recess at 9:20 p.m. and resumed the meeting at 9:30 p.m.

B. MAYOR SPEAR

1. Resignation of Gary Lowe from the Sustainability Committee

Councilor Smith moved to accept the resignation of Gary Low from the Sustainability Committee with regret and appreciation of service. Seconded by Councilor Kennedy and voted.

2. *Appointment of City Council Representatives:

In accordance with newly adopted Rule 23, the following appointments were made:

- Taxi Commission – Councilor Lown
- Peirce Island Committee – Councilor Kennedy
- Parking & Traffic Safety Committee – Councilor Smith
- Historic District Commission – Councilor Jack Thorsen
- Planning Board – Nancy Clayburgh received 5 votes, Councilor Coviello received 4 votes.
- Joint Building Committee – Councilors Novelline Clayburgh and Smith
- Economic Development Commission – Councilors Dwyer and Thorsen

After some discussion regarding procedure for appointments to remaining committees, Mayor Spear stated he will meet with the City Attorney to determine the best course of action and address it at the next Council meeting.

Councilor Smith asked for clarification on the Transportation Policy Committee which was appointed by the previous Mayor and City Council with a sunset date of April 15, 2012. City Attorney Sullivan stated that this committee would remain in effect until the sunset date without further Council action.

Councilor Kennedy asked for clarification if Councilors should continue to attend meetings they previously were appointed to until new appointments are made. Mayor Spear stated yes.

C. ASSISTANT MAYOR LISTER

1. *Sunday Parking

Assistant Mayor Lister moved to request the City Attorney to come back with an Ordinance at the February 6, 2012 City Council meeting to amend the enforcement of Sunday Parking to take place from Memorial Day through Labor Day only, seconded by Councilor Lown.

Councilor Coviello asked if we should wait until the parking study is presented. Councilor Dwyer clarified that the study is scheduled to be presented on January 23, 2012.

Councilor Lown would like to know the impact on revenue that this change will have and Councilor Thorsen asked to have the impact of eliminating Sunday parking totally.

Motion voted.

D. COUNCILOR KENNEDY

1. *Senior Citizen Center

Councilor Kennedy stated that she has received calls from senior citizens who are upset with the closing of the Senior Center and wants to know what the City will do for them to replace these activities.

City Manager Bohenko stated there has been a group formed to look at this issue with representatives from the Mark Wentworth Home, the Portsmouth Regional Hospital, Friends of the South End and Councilor Novelline Clayburgh was asked to serve by Mayor Spear as well as himself. He stated this group has met several times and have begun to gather information which will be reviewed by a nationally known consultant on this issue. They are taking inventory of what is available for seniors and the locations in regards to health and wellness and transportation issues. He stated that it is an impressive group of people.

Councilor Novelline Clayburgh agreed that it is an impressive group of people who have the passion, experience and expertise to address this community issue. She stated that the Beacon Hill Project in Boston is an example of the outcome of such an effort.

Councilor Kennedy asked what the time frame is as people are looking for somewhere to go. She also would like to know what is happening with the building that previously held the senior center.

City Manager Bohenko stated an initial report is due in early March and it is intended to be a model for Portsmouth and surrounding towns. He stated that the Mark Wentworth Home owns the Parrott Avenue building and is putting it on the market and will utilize the money to back into services.

Councilor Dwyer stated that Living Innovations have stepped up to try and fill in the gaps in the mean time and believes that they have a list of the people who previously participated at the Senior Center. She stated that there are various facilities throughout the city that anyone is welcome to visit. She stated that State and Federal funds are going away so things will be changing and municipalities will need to get together to provide these services.

Councilor Coviello moved to suspend the rules to continue the meeting past 10:00 p.m. Seconded by Councilor Dwyer and voted.

2. *Request to Establish a Wastewater Treatment Plant Building Committee

Councilor Kennedy moved to request the City Attorney to come back with an ordinance to establish a Wastewater Treatment Plant Building Committee to consist of 2 citizens and 2 City Councilors.

City Attorney Sullivan explained that the expenditure of funds is up to the City Manager with the only exception being a State Law establishing Joint Building Committees when the School Board and City are co-terminus. He stated there could be a sub-committee formed in an advisory capacity but would not require an ordinance change.

City Manager Bohenko stated that there have been other similar advisory committees for the Fire Station, Library, etc. but it is the City Manager who is responsible to expending the funds. He stated he does welcome an advisory committee with a good cross-section of representation to get the information out to the public.

Mayor Spear stated that no motion is necessary and the City Attorney will bring back a recommendation for the advisory committee.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer stated that she has attended the upcoming Elected Officials Workshop in the past and urged people to attend if possible as it is very informative.

Councilor Novelline Clayburgh stated she saw that the City Manager has directed the Department Heads to present a 2.9% budget and asked when the Council will get involved in the discussion.

City Manager Bohenko stated that he will discuss this at the upcoming Council Retreat and explained that the process begins with the City Manager and Department Heads and then the budget is presented to the Council in April.

Councilor Kennedy clarified that the City Manager's direction to the Department heads is a guideline.

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

Councilor Coviello moved to adjourn at 10:18 p.m. Seconded by Councilor Kennedy and voted.

Respectfully submitted:

Valerie A. French,
Deputy City Clerk