

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 22, 2012

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

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

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

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

V. ACCEPTANCE OF MINUTES *(There will be no minutes on for acceptance)*

VI. PUBLIC COMMENT SESSION

Tom Carroll spoke regarding the Port of NH and the scrap metal operations. He asked the City Council to join in the fight to keep the scrap metal piles away from the fence. He stated it's dangerous and there are toxic issues relating to its operation. Mr. Carroll urged the City Council to write a letter opposed to the pile being relocate back to the fence and to request the PDA hold a meeting regarding this matter.

Catherine Reddington spoke opposed to the building of a parking garage at the Worth Lot site. She stated that her business would not survive during the construction period of a garage at the site due to the removal of parking. She also expressed her and other women's apprehension of going into the parking garage in the evening. Ms. Reddington urged the City Council to reconsider the parking report.

Natalie Roman-Nelson spoke opposed to the Worth Parking Lot site being used for the construction of a new parking garage. She said the lengthy construction period would have a negative effect on the businesses in the Vaughan Mall and surrounding area. The City needs to address the long term parking problem but putting a new parking garage at the Worth Lot site will not do that, it would only add to the congestion in the area.

Joel Carp expressed his opposition with the scrap metal operations at the Port. He stated that the PDA has stonewalled this matter long enough and spoke to the health issues associated with the operation of the scrap pile. Mr. Carp requested that the City Council request the PDA to have a meeting to resolved the problems with the operations of the scrap metal at the Port.

Bruce Davidson spoke regarding the Port operations with the scrap metal. He said that if the operations are moved next to the fence it would be 60 yards from his home. He urged the Council to request the PDA meet with the City on this matter.

Ed Solimine agreed with comments made regarding the scrap metal operations at the Port. He said that this is a serious matter that needs to be resolved and urged the City Council to assist with these issues.

Susan Denenberg urged the City Council to vote on the tier parking ordinance. She asked if the Council has considered whether Portsmouth Listens could help with transportation and parking issues in the City.

Assistant Mayor Lister stated he serves as the PDA Representative to the Council and thanked those for speaking this evening on the scrap metal operations at the Port. He spoke to the process that the PDA has followed on this matter and at the last meeting City Manager Bohenko requested the PDA have a meeting on this matter and feels that a meeting will take place. City Manager Bohenko said he has requested a meeting to outline the history of the working Port. He said that the PDA has said they would request the PDA Director hold such a meeting. He also stated that this meeting would take place in the Chambers and be televised.

Councilor Novelline Clayburgh asked if the City Council has any power in the final decision made on the matter of the Port. City Manager Bohenko said a presentation needs to happen with the Director of the Port to explain their requirements. He said we need a full history on what has happened at the Port.

Councilor Dwyer said Mr. Carp has a good point and suggested that 2 meetings should be held and the meetings should take place sooner than later.

Councilor Smith asked if City Manager Bohenko needs a letter from the City Council requesting such a meeting. City Manager Bohenko stated he would convey the feelings of the Council to the PDA.

Councilor Kennedy said that the Director of the Port stated he wanted to work with the City Manager on having such a meeting to address this matter.

Councilor Thorsen asked City Attorney Sullivan what powers the City has on this area and its mitigation. City Manager Bohenko said it is important to have a presentation to address all the issues.

VII. PUBLIC HEARING

- A. PROPOSED ORDINANCE WHICH WOULD AMEND THE ZONING ORDINANCE, CHAPTER 10, TO REZONE 143 DANIEL STREET (FORMER CONNIE BEAN PROPERTY) FROM MUNICIPAL TO CENTRAL BUSINESS B (CBB) AND ALSO, TO PLACE THAT PROPERTY IN THE DOWNTOWN OVERLAY DISTRICT (DOD)

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

Planning Director Taintor provided a brief overview of the ordinance. He stated the need to rezone the property as it is being sold and the requested zoning change would match the zoning in the area.

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
 - Town of Moultonborough - \$6,500.00

Councilor Smith moved to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Novelline Clayburgh and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Proposed Ordinance amending Chapter 7, Article IX, Section 7.901 (E) – Penalties of the City Ordinances to amend Section 7.105 (A) Parking Violation – Expired Meter Fine Amount from \$10.00 to \$15.00

Assistant Mayor Lister moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the November 13, 2012 City Council meeting. Seconded by Councilor Kennedy and voted.

- B. Second Reading of Proposed Ordinance which would amend the Zoning Ordinance, Chapter 10, to Rezone 143 Daniel Street (former Connie Bean Property) from Municipal to Central Business B (CBB) and also, to place that property in the Downtown Overlay District (DOD)

Councilor Smith moved to pass second reading and refer to a third and final reading of the proposed Ordinance Amendments, as presented, at the November 13, 2012 City Council meeting. Seconded by Councilor Coviello.

Councilor Kennedy said there are issues with the height of buildings in the City and in various zones of the historic district a building can surpass 60 feet and expressed her concerns. She asked that the City Council look into this matter. City Manager Bohenko stated that staff has looked at this and the Planning Board is reviewing this matter as well. He said it is an issue that the staff is concerned with and does not know if this is the right place to have a discussion. City Manager Bohenko also stated that the staff and Planning Board will address the unintended consequences with this ordinance.

Councilor Kennedy said she would vote opposed to the motion and ordinance because we need to look at the zoning issues first. She also expressed her concern with a building being constructed at a height over 60 feet.

Councilor Novelline Clayburgh asked if the motion could be amended to be subject to new zoning regulations coming forward in the near future. City Manager Bohenko said the Council could put a restriction on the sale of the Connie Bean Center.

Councilor Coviello said he would support the motion and it is a building code issue. He also stated he does not feel the property could take advantage of the height like Portwalk has. Councilor Coviello said he shares the concerns of Councilor Kennedy.

Planning Director Taintor address the matter briefly and stated that the zoning allows for flexibility and variety in roof lines. He said that this has been in effect since 1995.

Assistant Mayor Lister expressed his concern with the height issues as well.

Motion passed with Councilor Kennedy voting opposed.

- C. Third and final reading of Various Housekeeping Amendments to the City's Code of Ordinances.
- Chapter 1, Article VI – RESIDENCY REQUIREMENTS – delete in its entirety
 - Chapter 3, Article I, Section 3.111 – HOGS – delete in its entirety
 - Chapter 5, Article I, Section 5.102 – RESIDENTS OF THE CITY – delete in its entirety
 - Chapter 5, Article I, Section 5.103 – AGE LIMIT – delete in its entirety
 - Chapter 6, Article VI – DANCING – delete in its entirety
 - Chapter 9, Article II – SUNDAY ORDINANCES – delete in its entirety

Councilor Kennedy moved to pass third and final reading of the proposed Ordinance Amendments and attach it to the newly requested appendix in the City's Ordinance Book. Seconded by Assistant Mayor Lister and voted.

- D. Third and final reading of Ordinance Amendment to Chapter 7, Article I, Section 7.102 – Parking Meter Zones
- Downtown High Occupancy Zone: Parking shall be at the rate of one dollar fifty cents (\$1.50) per hour in the following areas:
 1. Daniel Street, starting at Chapel Street through to Market Square
 2. Bow Street, starting at Chapel Street through to Market Street
 3. Congress Street, starting at Market Square through to Chestnut Street
 4. Pleasant Street, starting from Court Street through to Market Square
 5. Market Street, starting from Moffatt-Ladd House through to Market Square

- Parking in all other parking meter zones shall be at the rate of one dollar (\$1.00 per hour)

Councilor Novelline Clayburgh moved to pass third and final reading of the proposed Ordinance Amendments, as presented. Seconded by Councilor Lown and voted. Assistant Mayor Lister voted opposed.

X. CONSENT AGENDA

- A. Letter from Jacqui Bryan and Marci Francis, Susan G. Komen Race for the Cure, requesting permission to hold the Annual Susan G. Komen New Hampshire Race for the Cure 5K on Saturday, May 11, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Caroline Piper and Dave Anderson, Friends of the South End, requesting permission to hold the Annual Fairy House Tour Event on Saturday, September 21st and Sunday, September 22nd 2013 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Karen Butz Webb, Executive Director, Project Safety Association, requesting permission to hold the 2nd Annual Project Safety 5K Road Race on Saturday, September 28, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- D. Request for Approval of Pole License to install/replace an underground conduit system located on Farm Lane (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- E. Request for Approval of Pole License to install/replace an underground conduit system located on Griffin Road (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- F. Request for License from Jamie Belilah owner of Jamie Belilah Expert European Skin Care, for property located at 85 Daniel Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jamie Belilah owner of Jamie Belilah Expert European Skin Care, for a projecting sign at property located at 85 Daniel Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, 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 signs, 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 License from Rita Fabbriatore owner of Pickwick's Mercantile, for property located at 64 State Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Rita Fabbriatore owner of Pickwick's Mercantile, for a projecting sign at property located at 64 State Street on a new bracket and, further, authorize the City Manager to execute License Agreements for this request***)

Planning Director's Stipulations:

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, 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 signs, 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***

Assistant Mayor Lister moved to adopt the Consent Agenda. Seconded by Councilor Kennedy and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Billie Tooley requesting permission to donate a bench for placement in Haven Park on Pleasant Street in parent's memory.

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

Councilor Kennedy stated she would need to abstain from voting on this matter.

City Manager Bohenko said he would work with the Public Works Department on this matter.

Councilor Thorsen asked who is responsible for upkeep and removal of the bench, if required. City Manager Bohenko said if the bench becomes worn it would be removed.

Motion passed, with Councilor Kennedy abstaining from the vote.

- B. Letter from Christopher McInnis, Trustee, Portsmouth City Investment Realty Trust, Airgead Realty Trust & Talam Realty Trust, requesting Change in Zoning of 678 and 680 Maplewood Avenue and 261 Myrtle Avenue

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

- C. School Department 2012 Progress Report

Assistant Mayor Lister moved to accept the report and place it on file. Seconded by Councilor Coviello and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Proposed Portwalk Licenses and Easements

City Manager Bohenko requested that City Attorney Sullivan speak to this matter.

City Attorney Sullivan reported that these are fairly routine in nature. He reviewed the Easement and License Agreement, Parking Space License and Sidewalk License Agreement and the Non-Exclusive Easement to Construct Temporary Support of Subsurface Construction. He explained that these documents relate to Phase III of the Portwalk Development. He reviewed each of the Agreements in detail.

Easement and License Agreement

This document would allow Portwalk to construct roof overhangs (cornices) in City airspace at six (6) locations. Construct doors which would swing into the public right-of-way or airspace in two (2) locations.

Parking Space License and Sidewalk License Agreement

This agreement would authorize the use by Portwalk of six on-street parking spaces on Hanover Street, two on-street parking spaces on Deer Street and all of the sidewalks abutting the property on Hanover Street, Maplewood Avenue and Deer Street for construction purposes. The use of those areas would be required to be in conformance with a Construction Management and Mitigation Plan (CMMP) which the City administration will negotiate and enter into with Portwalk. The License would be for a 24 month construction period.

Non-Exclusive Easement to Construct Temporary Support of Subsurface Construction

This document the City would give Portwalk the authority to utilize a construction method for the project which would consist of numerous steel rods to be drilled underneath City streets surrounding the project for the purpose of upholding subsurface walls during the early construction stages. After their use for this purpose the steel rods would be abandoned in place beneath the City streets. This will be the first time such a construction method has been utilized in the City of Portsmouth. It should be noted this method has been used elsewhere. In particular we have reviewed an agreement under which the City of Boston authorized the Brigham and Women's Hospital to utilize this construction method for hospital construction in 2012. The use of these steel rods (called tie-backs) has been thoroughly examined by the City's Public Works Department. An outside consultant, R.W. Gillespie & Associates, Inc. has opined that the method can be utilized without damage to City property. An important facet of the agreement is that the current property owner, and all future property owners, will be liable to indemnify and hold the City harmless from any damage or claims caused by use of the construction method or by the fact that the steel rods will remain underneath the City streets even subsequent to construction of the new building.

In addition, these agreements have been reviewed and approved by the City's Planning, Public Works and Legal Departments.

Councilor Coviello move to authorize the City Manager to execute and deliver an Easement and License Agreement; a Parking Space License and Sidewalk License Agreement and a Non-Exclusive Easement to Construct Temporary Support of Subsurface Construction for the benefit of Parade Office LLC, as presented. Seconded by Councilor Kennedy.

Councilor Dwyer asked if the plan allows for an independent review or inspections. City Attorney Sullivan stated that an inspection has been done by R.W. Gillespie & Associates, Inc. Councilor Dwyer asked if there is room for inspections at key points in the development.

Councilor Coviello said the building code requires specific inspections placed upon the schedule of construction which would have been followed by the engineers.

Deputy City Manager Allen said in the R.W. Gillespie & Associates, Inc., report it references inspections during the construction and paid by Portwalk.

Councilor Coviello asked who would be responsible if we hit tie-backs. Public Works Director Parkinson said it is hard to say if issues will occur in the future with the angle they are using. City Attorney Sullivan stated that the owners would be responsible and we are indemnified.

Public Works Director Parkinson advised the City Council that the tie-backs will be abandoned still in the ground. Councilor Kennedy asked what the other alternatives are. She expressed concern with the deterioration of the tie-backs in the future and if a fund could be established for retrieving funds for damages.

Councilor Coviello moved to suspend the rules in order to allow Tim Levine, Developer of the project to address the City Council. Seconded by Councilor Kennedy and voted.

Mr. Levine explained the placement of the rods and that they would last at least 100 years. He reported that these rods are so deep in the ground that he does not believe any construction could go deep enough to reach the rods. City Manager Bohenko said the City could ask the applicant to work with us in creating an account for this in the future. He said he would like to speak with Public Works Director Parkinson and others on this matter further. City Manager Bohenko reported that the intent of the fund would be if we have a problem and need funds available. He asked Mr. Levine if they would be acceptable to a fund being created.

Assistant Mayor Lister moved to amend the agreement to include a cash account in an amount and time period set by the City Manager being secured by the site review improvement. Seconded by Councilor Kennedy.

Attorney Loughlin, Representing Portwalk addressed the Council and indicated he spoke with Ernie Carrier who worked on the Service Credit Union regarding tie-backs. He stated that Mr. Carrier advised him that tie-backs are used all the time and are routine in developments. Attorney Loughlin said in tight areas as this, there really are no other alternatives.

Councilor Coviello stated that he is trying to protect residents from any future costs. He said he has no problem with steel put in the ground and he does not want to rush to a cash account but inquired as to whether a bond should be put in place for \$50,000.00.

City Manager Bohenko said he was trying to meet the intent of Councilor Kennedy when suggesting the creation of a cash account.

Councilor Lown said we do not need a cash account or bond. He stated that the indemnified clause is appropriate.

Councilor Smith said that tie-backs are used often and are common practice in some communities.

Councilor Thorsen stated he does not want to see the City getting into the practice of requiring bonds or cash accounts for projects.

Councilor Coviello asked if the project is bonded. City Attorney Sullivan said there is a bond for the Site Review improvements.

Councilor Kennedy stated we have never been asked for tie-backs before and inquired of Public Works Director Parkinson how often we go below 5 feet. Public Works Director Parkinson responded it depends where we are in the City and what we are trying to accomplish.

Councilor Novelline Clayburgh said she would not support the amendment where the agreement does indemnify and makes the future owner responsible for any issues that arise.

Assistant Mayor Lister said the intention of the amendment was to give the City Manager flexibility. He stated he would move the amendment to the Site Review agreement as part of the motion.

On a roll call 7-2, voted to amend the agreement to include a cash account in an amount and time period set by the City Manager being secured by the site review improvement. Assistant Mayor Lister, Councilors Coviello, Kennedy, Lown, Dwyer, Smith and Mayor Spear in favor. Councilors Novelline Clayburgh and Thorsen opposed.

Councilor Thorsen asked City Attorney Sullivan if the indemnification clause extends beyond what is listed in the agreement for liabilities and how do we capture that effect. City Attorney stated this does not require property owners to do anything and whoever was obstructing would have to deal with it and file for damages.

Councilor Dwyer said she wants to ensure that Public Works Director Parkinson is comfortable with the agreement or if language needs to change. Public Works Director Parkinson indicated that he was comfortable with the agreement.

Discussion followed.

On a roll call 8-1, voted to pass the main motion as amended. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted in favor. Councilor Kennedy voted opposed.

2. Proposed Refinancing of Osprey Landing

City Manager Bohenko reported this is to refinance Osprey Landing and outlined the restructuring of the loan.

Councilor Coviello moved to authorize the City Manager to negotiate and execute any and all documents of any type necessary to implement the refinancing and restructuring of the mortgage indebtedness to the City of Portsmouth of Inishmaan Associates L.P. as described in a letter dated October 1, 2012 addressed to City Attorney Robert P. Sullivan from Attorney John M. Sullivan. Seconded by Councilor Novelline Clayburgh and voted.

3. Spinney and Middle Road Easements and Transfers

City Manager Bohenko spoke to the lot line changes and the property interests are shown on maps provided to the Council.

Councilor Novelline Clayburgh moved to authorize the City Manager to accept the easements and conveyances relative to the subdivision and site plan approval granted to Paul Sanderson, Trustee for property located off of Spinney Road and Middle Road. Councilor Lown recused himself from the vote on this matter. Seconded by Assistant Mayor Lister and voted. Councilor Lown recused himself from the vote on this matter.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Karina Quintans to the Planning Board (alternate)
 - Robert Marchewka reappointment to the Economic Development Commission
 - Jeffrey Mountjoy reappointment to the Housing Endowment Fund

The City Council considered the above referenced appointments which will be voted on at the November 13, 2012 City Council meeting.

City Manager's Informational Item

3. *Report on waiver of City Council referrals to the Planning Board under City Ordinance, Chapter 11, Article VI (leases, licenses, temporary easements)*

Planning Director Taintor reported when the Zoning Ordinance was enacted in December 2009, a section of the previous Zoning Ordinance was deleted and moved to the City's general Ordinances with some wording changes. The relocated section was the provision requiring the City Council to refer certain proposed actions to the Planning Board for review and report back. He stated the wording changes were too expansive and have resulted in conflicts with established City procedure regarding licenses, leases and temporary easements.

In addition, the revised City Ordinance allows the Planning Board to waive any City Council referral required by the City Ordinance. Therefore, at its meeting on September 20, 2012, the Planning Board voted to waive all referrals from the City Council to the Planning Board for leases of land with a lease term less than 5 years, all leases of buildings, all temporary easements and all licenses, and to make this waiver retroactive to December 21, 2009.

Councilor Dwyer said the effect now is there are a number of things that were never referred to the Planning Board before.

Councilor Smith said he likes referring things to the Planning Board on the disposal of land and the Planning Board puts together a matrix which he would like that information to continue.

City Manager Bohenko said the City Council would still refer long term licenses. He said that minor licenses were never referred in the past.

2. Appointments to be Voted:
 - Appointment of Francesca Marconi Fernald to the Peirce Island Committee
 - Appointment of George Melchior to the Historic District Commission as a regular member (*currently an alternate*)
 - Reappointment of John Leith to the Portsmouth Housing Authority (Considered at the April 16, 2012 Council Meeting).

Councilor Kennedy moved to appoint Francesca Marconi Fernald to the Peirce Island Committee until December 31, 2013. Seconded by Councilor Smith and voted.

Councilor Kennedy moved to appoint George Melchior to the Historic District Commission as a regular member until June 1, 2015. Seconded by Councilor Smith and voted. (Mr. Melchior is currently as alternate to the Historic District Commission).

Councilor Novelline Clayburgh moved to reappoint John Leith to the Portsmouth Housing Authority until April 1, 2017. Seconded by Councilor Smith and voted. (Appointment was considered by the City Council at the April 16, 2012 meeting).

3. Resignation:
 - James Feehley from the Taxi Commission

Councilor Smith moved to accept with regret the resignation of James Feehley from the Taxi Commission with a letter of thanks for his service to the City. Seconded by Councilor Novelline Clayburgh and voted.

C. ASSISTANT MAYOR LISTER

1. Proposed Amendments to the City Manager's Employment Agreement

Assistant Mayor Lister reported subsequent to the evaluation of the City Manager, the City Council requested that the Evaluation Committee discuss with City Manager Bohenko his Employment Agreement. The Committee was interested in seeing if the City Manager would extend his Employment Agreement for three (3) years, which would expire on June 30, 2017. He further stated as part of the discussion, the Committee discussed with the City Manager his compensation. The Evaluation Committee is recommending that the City Manager's salary effective November 1, 2012 be \$143,000.00.

In addition, it also provides that the City will contribute 16% of the employee's salary in a 457 Deferred Compensation Plan. Presently, the City contributes approximately 6% into this plan. This amount has not changed since 1999.

Assistant Mayor Lister moved to authorize the Mayor to execute the following Amendments to the City Manager's Employment Agreement:

- **Effective November 1, 2012, the Employee salary will be \$143,000.00, Commencing July 1, 2013 and every July 1st thereafter through July 1, 2016, the Employee will receive a COLA Adjustment based on the 10-year rolling average of the CPI for the Boston/Brockton/Nashua Index**
- **Effective November 1, 2012, the City will contribute 16% of the Employee's salary in a 457 Deferred Compensation Plan**
- **Term of Agreement to be extended by three (3) years to expire June 30, 2017**

Further, that all other terms and conditions of the City Manager's Employment Agreement dated May 8, 2009 shall remain in full force and effect. Seconded by Councilor Novelline Clayburgh.

Councilor Novelline Clayburgh stated the City is fortunate to have John Bohenko as our City Manager. She spoke to the success of the City under his leadership. Councilor Novelline Clayburgh said that John is very talented and she is so happy to keep him here in the City of Portsmouth until 2017.

Assistant Mayor Lister said he echoes Councilor Novelline Clayburgh's comments. He commended City Manager Bohenko for his work and stated we have kept a talented individual here.

Councilor Coviello said things improved in this City in 1997 and that is when John Bohenko became our City Manager. He said he appreciates the work of the City Manager and the compensation package is well deserved.

Councilor Dwyer also echoed the comments of Councilor Novelline Clayburgh. She acknowledged that this increase does not represent the great work that John has done for the City of Portsmouth.

Councilor Lown said the City is successful with John Bohenko and many Councilors felt that he was worth more than this and John would not take it. He said we are very lucky to have John Bohenko as our City Manager.

Councilor Smith said he has had the privilege of working with John Bohenko from day one. He always has the best interest of the City at heart. He further stated we use to be a junk bond community, now we are the same rating as the federal government. He said John Bohenko is not part of the retirement system and we need to make sure we keep him in this City.

Councilor Thorsen said he has been very vocal on many contracts and one of his issues was with retirement. He said this contract does not have any defects with retirements. He further stated that this is the best constructed contract he has seen thus far.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said he agrees with everything that has been said regarding City Manager Bohenko. He said the City Manager will have been here for over 20 years at the end of his contract. He spoke to the City's success with City Manager Bohenko and said everything in the contract is well deserved.

Assistant Mayor Lister returned the gavel to Mayor Spear.

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

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 9:10 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk