

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 4, 2013

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

At 5:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Litigation – RSA 91-A:2 I (c).

At 6:00 p.m., a Work Session was held to receive a report back on a letter and petition of Islington Creek Neighborhood Association regarding boarding house.

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

Mayor Spear called the meeting to order at 7:15 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 Thorsen led the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – JANUARY 22, 2013

Assistant Mayor Lister moved to approve and accept the minutes of the January 22, 2013 City Council meeting. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

Mark Brighton spoke regarding the budget and its relation to the inflation rate. He stated that the 4% guideline for the budget does not create a challenge for departments. He spoke opposed to the 4% guideline and stated there should be a zero increase.

VII. PUBLIC HEARINGS

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2014-2019 (*Action on this matter will be taken at the February 19, 2013 City Council meeting*)

City Manager Bohenko addressed the process followed in preparing the Capital Improvement Plan and reported that the Planning Board approved and is recommending a \$1.5 million plan. He recommended that the Council adopt the CIP at the February 19, 2013 City Council meeting. City Manager Bohenko had staff members provide a presentation to the City Council of the CIP for FY2014-2019.

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

Harold Whitehouse, Portsmouth resident, spoke to the funding of \$25,000.00 for the Fire Department to be used for the restoration of the old steam pumper.

Dick Barkley, Portsmouth resident, said that we live in difficult times and we need to know what the priorities are in the CIP. He stated there are many needs the City has and the taxpayers need to support them but the priorities need to be reviewed.

No further speakers remaining, Mayor Spear declared the public hearing closed.

**B. ORDINANCE AMENDING CHAPTER 1, ARTICLE XIV, SECTION 1.14 –
MUNICIPAL FUND BALANCE**

Finance Director Belanger provided a presentation on the Unassigned Fund Balance Ordinance and the five fund balance classifications. She stated that this ordinance amendment is being looked at to achieve an AAA bond rating and reviewed the various increases that we have received to our rating over the years. She reported on the rating criteria and stabilization funds we have created. Director Belanger informed the City Council that Bedford is the only community in New Hampshire that has an AAA rating. She stated that the amendment would be to not go under 10% of annual appropriations with a goal of 17% for our unassigned fund balance.

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

Dick Barkley, Portsmouth resident, said the City takes on large capital projects and the Council needs to decide if the City is outliving its means. He stated it is important for the City to look forward to where we will go as a major City in New Hampshire.

No further speakers remaining, Mayor Spear declared the public hearing closed.

**C. CONCERNING THE PUBLIC NECESSITY FOR OBTAINING PERMANENT
AND TEMPORARY EASEMENTS AND TO PROCEED AS MAY BE
NECESSARY WITH AN EMINENT DOMAIN ACTION. THE PROPERTY
INVOLVED IS OWNED BY PAN AM RAILWAYS/BOSTON & MAINE RAILROAD
OFF OF BARTLETT STREET, MAP 164, AND LOT 004**

Assistant City Attorney Woodland and Public Works Director Parkinson reviewed this matter with the City Council. Director Parkinson reported that this is Phase 3 of the McDonough Street project and how we deal with the drainage in that area. Assistant City Attorney Woodland informed the Council that the railroad prefers that the City go through the eminent domain process.

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

Shelley Tamis, Portsmouth resident, said that she owns the property located at 98 Brewster Street which has been subject to drainage issues and flooding since 1997. She spoke to the financial burden this has placed on her over the years and the need for this project to be completed.

Nancy Johnson, Portsmouth resident, spoke in favor of this process and the impact it has on the area. She also spoke to the need for the area to be re-graded.

No further speakers remaining, Mayor Spear declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Police Department Grants and Donations:

- Grant from the State of New Hampshire Department of Safety for the Part II Local Law Enforcement Radio Interoperability Initiative - \$25,332.88
- Grant from the State of New Hampshire Department of Justice in support of the DV/SA Victim Advocate for the Police Department - \$50,000.00
- Donations to the Police Cadet Explorer Post:
 - Mr. J. Page - \$135.00
 - Ms. J. Spear - \$35.00
 - Mr. F. Mastan - \$50.00

Councilor Lown moved to approve and accept the grants and donations to the Portsmouth Police Department, as listed. Seconded by Assistant Mayor Lister and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

Elderly Exemption at 2%

Single	\$35,176.00 increase of \$690.00
Married	\$43,393.00 increase of \$851.00
Asset Limit of	\$117,257.00 increase of \$2,299.00

Councilor Lown moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 19, 2013 City Council meeting. Seconded by Assistant Mayor Lister.

Mayor Spear stated that this would be a 2% increase to the elderly exemption.

Councilor Kennedy moved to amend the Asset Limit from \$117,257.00 to \$125,000.00. Seconded by Councilor Novelline Clayburgh.

City Manager Bohenko asked Councilor Kennedy if the amendment would include the disabled exemption as well. Councilor Kennedy responded affirmatively.

Councilor Lown said he understands the amendment and it is a balance between people that have low income and assets in the City. He said this affects very few people and every dollar increased that money comes from the other taxpayers.

Councilor Dwyer said she has difficulty just picking an arbitrary number without knowing more on the basis for making decisions. She said that the Council needs to have a more in-depth discussion on this matter.

Councilor Smith indicated he would not support this amendment until we know how many people it would affect. City Manager Bohenko said there is no way of knowing that number until next year after individuals have filed for the exemptions.

On a voice vote 2-7, motion to amend the Asset Limit from \$117,257.00 to \$125,000.00 **failed** to pass. Councilors Kenney and Novelline Clayburgh voted in favor. Assistant Mayor Lister, Councilors Coviello, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted opposed.

Main motion passed.

- B. First reading of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Disabled Exemption at 2%

Single	\$35,176.00 increase of \$690.00
Married	\$43,393.00 increase of \$851.00
Asset Limit of	\$117,257.00 increase of \$2,299.00

Councilor Lown moved to pass first reading and authorize the City Manager to bring back for public hearing and adoption the proposed Resolution at the February 19, 2013 City Council meeting. Seconded by Assistant Mayor Lister.

Councilor Kennedy said people are trying to put money away to care for family because people are living a longer period of time.

Councilor Novelline Clayburgh recommended that this be reviewed next year. City Manager Bohenko responded affirmatively.

Motion passed.

- C. Second Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance

Councilor Novelline Clayburgh moved to pass second reading and hold third and final reading on the proposed Fund Balance Ordinance, at the February 22, 2013 City Council meeting. Seconded by Assistant Mayor Lister.

City Manager Bohenko stated at the Council Retreat it was a goal of the Council for the City to try and reach AAA bond rating. He said it is his intent to come forward with a policy if this ordinance is passed.

Councilor Coviello stated that an AAA bond rating is a great goal but we want the financial position that goes along with that.

Motion passed.

- D. Adoption of Resolution concerning the Public Necessity for obtaining Permanent and Temporary Easement sand to proceed as may be necessary with an Eminent Domain Action. The Property Involved is owned by Pan Am Railways/Boston & Maine Railroad off of Bartlett Street, Map 164, and Lot 004

Councilor Smith moved to adopt the Resolution attached. Seconded by Councilor Coviello.

Councilor Thorsen stated he is typically opposed to the eminent domain process but feels this is necessary, in this matter.

Motion passed.

X. CONSENT AGENDA

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

- A. Request for Approval of Pole License to install 3 poles located on Sagamore 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)***
- B. Acceptance of Donations to Recreation Department in the amount of \$180.00 in memory of Thomas Leary:
- PHS Class of 1958 Club Girls - \$30.00
 - Priscilla Syphers - \$50.00
 - Appzero Software, Inc. - \$100.00
- (Anticipated action – move to approve and accept the donations to the Recreation Department, as listed)***
- C. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the Annual Portsmouth Maritime Folk Festival on Saturday, September 28, 2013 and Sunday, September 29, 2013 ***(Anticipated action – move to refer to the City Manager with power)***

- D. Letter from Kelly Sicard, Breathe New Hampshire, requesting permission to hold the 28th Annual Seacoast Bike Tour on Saturday, May 18, 2013 and Sunday, May 19, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- E. Letter from Gale Auclair, American Lung Association, requesting permission to hold the 4th Annual Cycle the Seacoast Ride on Sunday, May 5, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- F. Letter from Thomas Martin, The Portsmouth Criterium, requesting permission to hold the Portsmouth Criterium Bike Race on Sunday, September 8, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- G. Letter from Kristen Lyons, Sexual Assault Support Services, requesting permission to hold the 5th Annual 5k to Keep Kids SAFE on Sunday, May 19, 2013 at 11:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Attorney Bernard Pelech regarding Rezoning request for property located at 678-680 Maplewood Avenue

Councilor Lown moved to refer to the Planning Board for report back. Seconded by Councilor Kennedy and voted. Councilor Smith abstained from voting on this matter.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Report Back Re: Former U.S. Army Reserve Center on Cottage Street

City Manager Bohenko stated that the Department of the Army has confirmed that there are no Public Benefit Conveyance programs that would result in a VFW receiving the Doble property.

Councilor Smith moved to send a letter advising the Veterans of Foreign Wars and the American Legion that their requests are not feasible due to the Base Realignment and Closure Act. Seconded by Councilor Coviello and voted.

- 2. Request for Approval on Teacher's Retirement Incentive

City Manager Bohenko recommended the Council approve the request.

Councilor Dwyer moved to approve the request from the Portsmouth School Board to offer a retirement incentive to teachers, as presented. Seconded by Councilor Kennedy and voted.

Informational Items

- Report Back Re: Change of “Trick or Treat” Date

City Manager Bohenko reported the Recreation Board would not support changing the date of “trick or treat”.

- Update Senior Transportation Program

City Manager Bohenko announced that an update on the Senior Transportation Program would be provided on Tuesday, February 19, 2013, during the Council meeting.

- City Council Work Session Re: Sewer/Water Rate Study

City Manager Bohenko reminded the City Council of the Work Session on Monday, February 11, 2013, at 6:30 p.m. in the Eileen Dondero Foley Council Chambers would be held to discuss the Sewer/Water Rate Study.

B. MAYOR SPEAR

1. Appointments to be Considered:
 - Kelly Weinstein – Citywide Neighborhood Steering Committee
 - Lisa Louttit – Peirce Island Committee
 - J. Robert Shouse - Blue Ribbon Committee on Sustainable Practices

The City Council considered the above listed appointments that will be voted on at the February 19, 2013 City Council meeting.

2. Resignation – Paul S. Ford as the Taxi Industry Liaison to the Taxi Commission

Councilor Lown moved to accept with regret the resignation of Paul Ford from the Taxi Commission and requested a letter of thanks be sent to Mr. Ford for his years of service to the City. Seconded by Councilor Kennedy and voted.

3. Status of the proceeds from the Sale of 127 Parrott Avenue formerly the Senior Center

Mayor Spear advised the City Council that the letter of response from William Henson, The Mark Wentworth Home is located in the packet for reference. No action is required.

C. COUNCILOR SMITH

1. Report Back and Update Status of Parking Traffic & Safety Committee Parking Garage Site Selection

Councilor Smith reported that more informational meetings will be held by the Parking Traffic & Safety Committee on this matter. He also stated that he would schedule a public meeting but not an official meeting for the downtown businesses and residents because some people do not feel comfortable coming to City Hall.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Coviello requested City Manager Bohenko report back on what steps would need to be taken to create a free bus service loop from the Bethel Church to Market Square to the parking lot on Vaughan Street. City Manager Bohenko stated he would work with COAST on this matter and provide the report back at a future meeting.

Councilor Thorsen stated that he would bring forth a motion at the next Council meeting to reduce the Capital Improvement Plan to \$1.2 million.

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

At 10:00 p.m., Assistant Mayor Lister moved to adjourn. Seconded by Councilor Novelline Clayburgh and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk