

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JUNE 7, 2010

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

At 6:00 p.m. a Non-Public Session was held pursuant to RSA 91-A:3, II (i) for Consideration of Matters Related to Emergency Functions.

At 6:30 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA-91-A:2, I (b c).

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

Mayor Ferrini called the meeting to order at 7:10 p.m.

II. ROLL CALL

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

III. INVOCATION

Mayor Ferrini asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Novelline Clayburgh led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – MAY 10, 2010 AND MAY 17, 2010

Councilor Smith moved to approve and accept the minutes of the May 10, 2010 and May 17, 2010 City Council meetings. Seconded by Councilor Lister and voted.

VI. PUBLIC COMMENT SESSION

Mayor Ferrini announced due to the number of speakers the Public Comment Session will be limited to 1 ½ minutes per speaker for a total of 45 minutes for the session.

Sue Butcofski spoke in support of The Red Ginger's request for tables and chairs in front of their establishment.

Erik Anderson requested that the City Council lower the tax rate and to consider residents ability to pay.

Jim Noucas, Portsmouth Listens, announced that America Speaks will hold a National discussion on our federal budget on June 26, 2010. He further informed the City Council that 20 cities across the country were selected with Portsmouth, NH being one of them. He said that all 20 meeting sites will be linked together by satellite and webcast to create a true National Town Meeting. Participants will learn about the issue from experts, deliberate locally, and share their ideas with others across the nation.

Willow Moranhas spoke opposed to The Red Ginger's request for tables and chair in front of their establishment. She spoke to a vote by the Zoning Board of Adjustment back in 2007 that would not allow seating inside of the establishment. She said it is a neighborhood store not a café and should remain as such.

Mitch Shuldman said if the City Council cuts the school budget by another \$400,000.00 it would cause significant reductions in services and programs. He said it is a concern when the City Council has no problem tapping into Fund Balance for the Indoor Pool funding but is willing to cut school programs and services. He urged the City Council not to cut the school budget further.

Patrick Ellis spoke to the importance of the school budget programs and services. He said that the City Council needs to support educating our children. He urged the City Council to approve the funding request of the School Department.

Mimi Clark spoke in support of The Red Ginger's request for tables and chairs in front of their establishment. She said that the sidewalk area is larger and could support the placement of tables and chairs.

Marylou McElwain thanked the City Council for the time and consideration of the request by The Red Ginger. She said the neighbors would like to ensure that any license issued is in the name of The Red Ginger's owner and not the building.

Bob McElwain said he is a direct abutter to The Red Ginger and requested that the tables and chairs be placed directly against the building. He said he is in favor of the compromise reached by the neighbors and The Red Ginger for granting this request.

Ian Moodie spoke in support of The Red Ginger's request for tables and chairs in front of their establishment.

Natalie Hassold said the meeting held among the neighbors, The Red Ginger and the City went very well and the compromise that was reached is agreeable to all. She said it is important that The Red Ginger follow all the stipulations as required by the City.

Ann Weston spoke in support of The Red Ginger's request for tables and chairs. She urged the City Council to approve the request as submitted.

Butch Beede spoke in support of The Red Ginger's request for tables and chairs.

John Bouchard asked the City Council to support the School budget as presented. He said there needs to be a strong value in education.

Susan Alex spoke in support of The Red Ginger's request for tables and chairs.

Bill St. Laurent, Association of Portsmouth Taxpayers, asked the City Council to vote opposed to the budget. He said there should be a zero increase to the tax rate. He said it is important that the City Council consider what the budget increase will be next year when considering this budget.

Mark Brighton said that the teacher's contract was fairly negotiated and should be granted. He said that classroom sizes are not relative after third grade. He said that 37 teachers could be eliminated without affecting the quality of education in the school system.

Lori Lampert spoke in support of after school programs. She urged the City Council to support the school budget.

Xanthin Gray spoke in support of The Red Ginger's request for tables and chairs. She also expressed her support for the school budget and said that the City Council needs to consider our children's future.

Tom Smart spoke in support of The Red Ginger's request for tables and chairs.

Mindy Puckett, owner of The Red Ginger said she is trying to work with the neighbors and feels the compromise will work for everyone involved. She presented the City Council with a petition with several hundred signatures in support of her request for tables and chairs.

Sean Tracey spoke in support of The Red Ginger's request for tables and chairs. He said it would be a nice addition to the neighborhood.

Norm Olsen said the budget is five to six times higher than last year. He said that the City Council has let the department heads off the hook. The City Council needs to consider taxpayers interest when approving the budget.

Christopher Cook said that The Red Ginger has remarkably high quality items. He said that he supports their request for tables and chairs and urged the Council to approve their request.

Jared Iverson said he would support a higher budget for the School Department. He said education is important for the future and any further reductions would cripple the department.

Kathleen Logan spoke in support of The Red Ginger's request for tables and chairs. She said that the neighborhood and businesses have come together to make a compromise and urged the support of the City Council.

Kathleen Fitzgerald, Newington, NH, said she is a student at Portsmouth High School and urged the City Council to support the school budget. She expressed her concern with further reductions and the affect it would have on the Music Department. She urged the City Council to support the School Budget and Music in Our Schools.

Melissa Provost spoke in support of the School Department budget. She said that class size is important. She stated that higher class sizes affect children's ability to learn.

Paul Ricard spoke in support of the school budget and said that we are behind other schools in our learning. He expressed his opposition to further cuts to the school budget.

VII. PUBLIC HEARINGS

A. RESOLUTION AUTHORIZING BORROWING IN ANTICIPATION OF REVENUES AND TAXES IN THE AMOUNT OF \$16,000,000.00

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

City Manager Bohenko stated that the City bills for property taxes twice a year in arrears. The first half tax bill in FY11 will be issued in October and is not due until December 1, 2010 even though our fiscal year starts on July 1, 2010. Similarly, the second half bill is not due until June 1, 2011.

City Manager Bohenko reported that property taxes constitute our single largest source of revenue; this lag in billing may cause a temporary cash flow problem for us in both the beginning and the middle of the fiscal year. If necessary, this resolution would allow us to borrow money on a short-term basis until the property taxes come in.

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

B. ORDINANCE AMENDING CHAPTER 10, ARTICLE IV, SECTION 10.420 – DISTRICT LOCATION AND BOUNDARIES THAT THE FOLLOWING LOTS BE REZONED FROM WATERFRONT BUSINESS (WB) TO SINGLE RESIDENCE B (SRB): ASSESSORS MAP 201, LOTS 3, 4, 5, 6, 7 AND 8 (1-6 SAGAMORE GROVE); AND THAT THE ZONING MAP BE REVISED ACCORDINGLY AS SHOWN ON THE EXHIBIT TITLED “SAGAMORE GROVE WATERFRONT BUSINESS DISTRICT – PROPOSED ZONING”

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

City Manager Bohenko requested Planning Director Taintor make a brief presentation on this ordinance for the City Council.

Planning Director Taintor reported that this issue was referred to the Planning Board and with the use of a map he pointed out the area that would be rezoned. He advised the City Council in the last 40-50 years the property has not been used for Waterfront Business. He said Single Residence B will bring the area more into conformance and recognize existing uses.

Glenn Normandeau said he is familiar with the area and is opposed to the rezoning request. He said we need a small working area and the zoning should remain Waterfront Business.

Peter Weeks spoke on behalf of the 4 residents of Sagamore Grove's rezoning request. He reported that all 6 properties are primary residence with one being used as a rental property. He stated that 3 of the 6 properties do not have access to the water and 3 lots do not meet the dimensional requirements for a Waterfront Business. In addition, he informed the Council that the lots have not been used as Waterfront Business and should be rezoned as Single Residence B.

Francesca Marconi-Ferland said that it is important for the Sagamore Grove zoning to remain Waterfront Business due to the navigational channel. She said that if the area is rezoned the Army Corp of Engineers could deem that the area does not meet the requirements to be a navigational channel.

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

VIII. APPROVAL OF GRANTS/DONATIONS

A. NH Department of Health and Human Services Grant

Councilor Coviello moved to authorize the City Manager to apply for, accept and expend a \$3,000.00 grant from the NH Department of Health and Human Services to support the Greater Portsmouth Public Health Network's Medical Reserve Corps Unit efforts. Seconded by Councilor Smith and voted.

B. Acceptance of Grant from the NH Department of Highway Safety to the Portsmouth Police Department for Portsmouth DWI Hunter Patrols - \$2,475.00

Councilor Lister moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Smith and voted.

C. Acceptance of Grant from the NH Department of Highway Safety to the Portsmouth Police Department for a seat belt campaign - \$4,125.00

Councilor Smith moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Coviello and voted.

- D. Acceptance of Grant from the NH Department of Justice to the Portsmouth Police Department for Enforcing Underage Drinking Laws - \$9,732.00

Councilor Lister moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Smith and voted.

- E. Acceptance of Grant from the NH Department of Justice to the Portsmouth Police Department for the victim/witness advocate position - \$31,772.00 (*This is an in-kind match for FY11 only*)

Councilor Coviello moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Smith and voted.

Councilor Coviello moved to suspend the rules in order to take up Item XII. A.2. - Report Back Re: The Red Ginger, LLC request for Tables, Chairs and 1 A-frame sign in front of establishment (*Tabled from the May 17, 2010 City Council meeting*). Seconded by Councilor Kennedy and voted.

- XII. A.2. Report Back Re: The Red Ginger, LLC request for Tables, Chairs and 1 A-frame sign in front of establishment (*Tabled from the May 17, 2010 City Council meeting*)

City Manager Bohenko reported that the original request has been modified to 2 tables and 6 chairs. He said that City staff met with the neighborhood and the owner of The Red Ginger and everyone is in agreement with the modification.

Councilor Smith moved to remove the item from the table. Seconded by Councilor Kennedy and voted.

Councilor Smith moved to approve a Sidewalk Obstruction License with the aforementioned stipulations for The Red Ginger, LLC, 261 South Street. Seconded by Assistant Mayor Novelline Clayburgh.

Stipulations:

- ***The two (2) benches located partially on City property will be removed***
- ***A maximum of two (2) tables, no more than 27 inches in diameter***
- ***A maximum of six (6) chairs in total, typically three (3) chairs per table***
- ***All tables and chairs are to be brought inside the building at end of the store's business day***
- ***The placement of the tables is to be as shown on the plan***
- ***One (1) flag located as shown on the plan***

- ***The above items will be allowed by temporary license on City property as shown for a five (5) week trial period concluding July 19th. At that time, the issue will come back before the City Council and assuming no neighborhood concerns are raised, a license will be issued.***
- ***The license should be revocable at any time if the applicant fails to comply with these criteria or impedes public passage on the city sidewalk***

Councilor Kennedy requested that the license be granted to the owner only. City Manager Bohenko said that is City policy.

Councilor Dwyer said she supports the idea of a neighborhood gathering place. She has followed this property through the Zoning Board of Adjustment process and would like an explanation of how this matter can come to the City Council for a change to be granted. City Attorney Sullivan reported that the Zoning Ordinance regulates the use of the property. He said that the decision made by the BOA was for the condominium units and this is an issue regarding the use of the sidewalk which is regulated by the City Council.

City Manager Bohenko advised the Council that he will monitor any items brought forward regarding the tables and chairs and will provide a report back to the City Council. He further stated that the licenses are granted on an annual basis to the owners of the business.

Motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Budget Resolutions for Fiscal Year July 1, 2010 through June 30, 2011 (FY2011)

Resolution #7-2010 – General Fund Expenditures

Municipal	\$15,444,772.00
Police	\$ 8,438,673.00
Fire	\$ 6,722,490.00
School	\$37,163,638.00
Transfer to Indoor Pool	\$ 155,000.00
Collective Bargaining Contingency	\$ 900,000.00
<u>Non-Operating</u>	<u>\$17,739,519.00</u>
Total	\$86,564,092.00

Councilor Smith moved to adopt Resolution #7-2010 – General Fund Expenditures. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Hejtmanek moved to amend the FY2011 School Budget to \$36,244,503.00. Seconded by Councilor Coviello.

Councilor Hejtmanek spoke to the struggles we are all facing with the economy and said that the School Department needs to be reduced further.

Councilor Lister said he would vote opposed to the amendment. He said that education must be the priority in this community. He spoke in support of the 2.8% increase requested by the School Department.

Assistant Mayor Novelline Clayburgh spoke opposed to the amendment. She thanked the departments for working so hard on this budget. She stated that the economy is a real concern and feels we need to support all the budgets. Assistant Mayor Novelline Clayburgh said that a successful School Department helps with property values.

Councilor Smith said he would vote opposed to the amendment because he feels it is irresponsible. He stated that we are in this situation because of revenues being taken away from the City by the State. The economy is difficult but the State continues to push costs down to the communities. Councilor Smith asked if these further reductions were made what would be impacted.

Councilor Coviello said he has 2 children that will be in the school system next year and this has left him conflicted. He said the issue is not what we spend but how we spend our funds. He said a flat budget would mean a \$900,000.00 reduction. He stated that \$400,000.00 could come from the COLA increase with the contracts. Councilor Coviello said he supports a level funded school budget.

Councilor Kennedy said as an educator she would not vote for the amendment. She spoke to the additional \$64,860.00 worth of reductions brought forward by the School Department this evening. Councilor Kennedy said that she brought forward reductions that the School Department could make that would not reduce programs and services or the educational process. She stated that we owe this to the community. In addition, she suggested that the Council have a full year review of the budget not just 4 months.

Councilor Dwyer said that she would not support the amendment and would offer her own amendment after this matter is voted upon. She said it is important that we look at what we can afford for a quality education. She indicated that the School Department is aware that some adjustments need to be made.

Councilor Spear said the increase requested by the School Department is higher than the rate of inflation. He spoke to his hesitation in raising taxes and putting off hard decisions make them more difficult in the future. He said he would support the amendment.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini thanked everyone for their work on this budget and said that it has been a collective endeavor. He stated that he would not support the amendment.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

On a roll call vote 4-5, motion to amend the FY 2011 School Budget to \$36,244,503.00 failed to pass. Councilors Hejtmanek, Spear, Coviello and Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Lister, Dwyer, Smith and Mayor Ferrini voted opposed.

Councilor Dwyer moved to amend the FY2011 School Budget to \$36,904,000.00. Seconded by Councilor Kennedy.

Councilor Dwyer said that this amendment represents a 1.82% increase to last years School Department budget. She indicated that the amendment would be a reduction of \$259,638.00.

Assistant Mayor Novelline Clayburgh indicated that she would support the amendment because she does not feel there are votes to make the number any different. She said that \$259,638.00 is not an exorbitant amount and she was looking for a tax rate of around a \$.60 increase and this would be a \$.62 increase.

Councilor Lister said he is between a rock and a hard place with this amendment. He said he does not know if the Council is in support of a 2.5% increase to the School Department budget. He stated that education needs to be a priority with the community.

Councilor Smith said he applauds the Police, Fire and Municipal Department for their efficiencies. He urged residents to contact their representatives in Concord to have our share of revenues returned to the City. He stated that he would support the amendment as well.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said that the amendment made by Councilor Dwyer is reasonable. He said that the City Council does not feel that there is any fat in the budgets but it is about a person's ability to pay. He said he supports the amendment. He said that the educators have it in their ability to keep class sizes at the level they wish.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

On a roll call 6-3, voted to amend the FY2011 School Budget to \$36,904,000.00. Assistant Mayor Novelline Clayburgh, Councilors Lister, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilors Hejtmanek, Spear and Kennedy voted opposed.

At 9:15 p.m., Mayor Ferrini declared a brief recess. At 9:30 p.m., Mayor Ferrini called the meeting back to order.

Mayor Ferrini said the new number for the School Department will be \$36,904,000.00 with a tax rate of \$17.71 which represents a \$.62 increase. Mayor Ferrini outlined the numbers represented in the budget based on the amendment to the School Department.

Municipal	\$15,444,772.00
Police	\$ 8,438,673.00
Fire	\$ 6,722,490.00
School	\$36,904,000.00
Transfer to Indoor Pool	\$ 155,000.00
Collective Bargaining Contingency	\$ 900,000.00
<u>Non-Operating</u>	<u>\$17,739,519.00</u>
Total	\$86,304,454.00

On a roll call 7-2, voted to adopt Resolution #7-2010 as amended. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilors Spear and Kennedy voted opposed.

Resolution #8-2010 – Municipal Fees

Councilor Coviello moved to adopt Resolution #8-2010 – Municipal Fees. Seconded by Assistant Mayor Novelline Clayburgh and voted.

Resolution #9-2010 – Sewer Fund Expenditures

Councilor Coviello moved to adopt Resolution #9-2010 – Sewer Fund Expenditures. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Kennedy said we need to look at a lower rate for people that use less water under the tier rates.

Motion passed.

Resolution #10-2010 – Water Fund Expenditures

Councilor Coviello moved to adopt Resolution #10-2010 – Water Fund Expenditures. Seconded by Councilor Lister and voted.

Resolution #11-2010 – Special Revenues for Necessary Expenditures and Designated Fund Balances

Councilor Smith moved to adopt Resolution #11-2010 – Special Revenues for Necessary Expenditures and Designated Fund Balances. Seconded by Councilor Coviello and voted.

Resolution #12-2010 – Investment Policy

Councilor Kennedy moved to adopt Resolution #12-2010 – Investment Policy. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- B. Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00

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

- C. Second reading of Ordinance amending Chapter 10, Article IV, Section 10.420 – District Location and Boundaries that the following lots be rezoned from Waterfront Business (WB) to Single Residence B (SRB): Assessors Map 201, Lots 3, 4, 5, 6, 7 and 8 (1-6 Sagamore Grove); and that the Zoning Map be revised accordingly as shown on the exhibit titled “Sagamore Grove Waterfront Business District – Proposed Zoning”

Councilor Coviello moved to pass second reading and establish a third and final reading for the proposed Ordinance and zoning map, as presented, at the June 21, 2010 City Council meeting. Seconded by Councilor Dwyer.

Councilor Coviello said that this request has been well vetted by the Planning Board because of the lack of access.

Councilor Kennedy said she would vote opposed to the motion. She said that this is a beginning to the end of waterfront property. She stated that we need to look at the future and asked the City Council to consider this matter carefully before taking any action.

Councilor Dwyer said she would support the motion and that she listened to the Planning Boards discussion on this matter.

Councilor Lister said he would vote opposed to the motion based on the information outlined by Councilor Kennedy.

Councilor Spear asked what the procedure would be for granting a variance. City Attorney Sullivan reviewed the process by which a variance is granted by the Zoning Board of Adjustment. Councilor Spear stated that he has given more thought to the amendment and he would vote opposed to the motion.

Councilor Dwyer spoke in favor of the request for rezoning the area. Councilor Smith also stated that he would vote in favor of the rezoning.

On a roll call 5-4, voted to pass second reading and establish a third and final reading for the proposed Ordinance and zoning map, as presented, at the June 21, 2010 City Council meeting. Assistant Mayor Novelline Clayburgh, Councilors Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilors Lister, Hejtmanek, Spear and Kennedy voted opposed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Donations to the Fire Department for restoration of the 1950 Mack Fire Truck
- Baybutt Construction Corporation - \$500.00
 - Paul T. Wentworth - \$500.00
 - Granite State Minerals, Inc. - \$5,000.00
- (Anticipated Action – move to approve and accept the donations to the Fire Department for the restoration of the 1950 Mack Fire Truck, as listed)***
- B. *Acceptance of Donations for Art-Speak for Overnight Art
- Jane James - \$250.00
 - McHenry Architecture - \$250.00
 - Peter Michaud (for the Warner House Association) - \$250.00
- (Anticipated Action – move to accept and approve the donations to Art-Speak for Overnight Art, as presented)***
- C. *Acceptance of Donations for Art-Speak for Coordinator’s Contract
- Sunrise Rotary Charitable Corporation - \$500.00
- (Anticipated Action – move to accept and approve the donation to Art-Speak for the Coordinator’s Contract, as presented)***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Sean and Lina Tracey supporting The Red Ginger request for tables and chairs in front of their establishment

Councilor Smith moved to accept and place the letter on file. Seconded by Councilor Lister and voted.

- B. Letter from Priscilla Paisley, Portsmouth Elks Lodge #97, requesting permission to install a stone monument at the Leary Field flag pole dedicating it to the youth of Portsmouth

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

- C. Letter from Jack Blalock, President Old Ferry Landing; and John Golumb, President of Pocos requesting that the Ceres Street Waterfront Pocket Park be designated as a non-smoking public area

Councilor Smith moved to refer to the Legal Department for report back. Seconded by Councilor Coviello and voted.

- D. Letter from Deb Weeks, The Green Monkey Restaurant, requesting to amend the original request approved by City Council on April 5, 2010 to remove 1 grease drum and replace with one 2-yard dumpster and 3 eco-movement totes for composting and recycling

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

- E. Letter from Jeffrey Clifford, Altus Engineering, Inc., regarding Proposed Land Transfer for property located on 1808 Islington Street

Councilor Smith moved to refer to the Planning Board for report back. Seconded by Councilor Coviello and voted.

- F. Letter from Briana Marshall, Big Brothers Big Sisters, requesting permission to close Fleet Street in between Congress Street and State Street on Friday, August 20, 2010 from 3:30 p.m. – 4:30 p.m. in order to hold the Seacoast Stiletto Sprint

City Manager Bohenko said that he would recommend a report back to the City Council regarding this matter at the June 21, 2010 meeting.

Councilor Kennedy moved to refer to the City Manager for report back at the June 21, 2010 City Council meeting. Seconded by Councilor Smith and voted.

- G. Letter from Karina Quintans, Downtown Portsmouth Zero Waste Project, requesting a work session with the City Council on June 21, 2010 regarding the Zero Waste Project with proposed locations for the stations, followed by a vote of the City Council

Councilor Smith moved to hold a Work Session with the Downtown Portsmouth Zero Waste Project on Monday, June 21, 2010 prior to the City Council meeting. Seconded by Councilor Lister.

Councilor Kennedy said that she supports the request for a work session on this matter.

Councilor Dwyer asked if the spots will require licenses. City Manager said during the Work Session the City Council will discuss the concept and we will identify the areas on a map.

Motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Approval of Christopher LeClaire, Fire Chief's Employment Agreement

City Manager Bohenko said that this a five year Employment Agreement with Fire Chief Christopher LeClaire. The Employment Agreement will expire on June 30, 2014 and complies with all the City Council guidelines.

Councilor Smith moved to approve this five (5) year Employment Agreement to expire on June 30, 2014 with Christopher LeClaire, Fire Chief, as presented. Seconded by Councilor Lister and voted.

3. Report Back Re: Leahy Landscaping, Inc. request to install an irrigation system within the public right-of-way

Councilor Coviello moved to approve a Revocable License to Leahy Landscaping, 1600 Woodbury Avenue and authorize the City Manager to execute the License Agreement. Seconded by Councilor Smith and voted.

Councilor Coviello moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Kennedy and voted.

4. Request for a License from Heather Lassard, owner of Tulips for property located at 62 Market Street to install a projecting sign

Planning Director Taintor outlined the recommendation of the Planning Board along with the conditions for the license.

Assistant Mayor Novelline Clayburgh moved to approve the request of Heather Lassard, owner of Tulips for property located at 62 Market Street, to install a projecting sign on a new bracket subject to the granting of a variance by the Board of Adjustment, and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Coviello and voted.

Conditions:

- ***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***

5. Request for a License from Ann Hopenioassei, owner of Esta for property located at 67 Bow Street to install a projecting sign

Planning Director Taintor reported to the City Council that the sign request complies with all zoning requirements.

Councilor Coviello moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Ann Hopenioassei, owner of Esta, to install a projecting sign on an existing bracket at 67 Bow Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Dwyer and voted.

Conditions:

- ***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***

6. Acceptance of Drainage Easement at 1179 Maplewood Avenue

City Manager Bohenko spoke to the schedule of improvements for the area.

Assistant Mayor Novelline Clayburgh moved to accept the Planning Board's recommendation and authorize the City Manager to accept a drainage easement from David W. Mitchell and Pamela A. Richard to facilitate scheduled improvements to Maplewood Avenue. Seconded by Councilor Coviello and voted.

7. Request for Approval of Pole Licenses #63-0482 and #63-0483

Councilor Smith moved to approve the request from PSNH for pole license agreements, #63-0482 and #63-0483, as recommended by the Public Works Department. Seconded by Councilor Coviello and voted.

City Manager's Informational Items

- Report Back Re: Central Veterans Council request to relocate the WWI Monuments in Langdon Park

City Manager Bohenko reported that he will be meeting with the Central Veterans Council to discuss the relocation of the WWI Monuments to Langdon Park. He further stated that he would provide his report back to the City Council at the June 21, 2010 meeting.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Kelvin Edwards – Appointment to the African Burying Ground Blue Ribbon Committee
 - Joseph Almeida – Reappointment to the Historic District Commission
 - Tracy Kozak – Reappointment to the Historic District Commission
 - Jonathan Wyckoff – Reappointment to the Historic District Commission
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board
 - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board

The City Council considered the above referenced appointments which will be voted on by the Council at the June 21, 2010 City Council meeting.

2. Appointments to be Voted:
 - Kathy Pearce – Reappointment to the Cable Television and Communication Commission
 - James Melfi – Reappointment to the Citywide Neighborhood Steering Committee
 - Sharon Morrison – Reappointment to the Citywide Neighborhood Steering Committee

Assistant Mayor Novelline Clayburgh moved to reappoint Kathy Pearce to the Cable Television and Communication Commission until April 1, 2013; the reappointment of James Melfi and Sharon Morrison to the Citywide Neighborhood Steering Committee until April 1, 2012. Seconded by Councilor Lister and voted.

3. Operational Efficiencies Blue Ribbon Committee – Appointment of Dana Levenson

Mayor Ferrini announced that he is appointing Dana Levenson Chair of Economic Development Commission to serve on the Operational Efficiencies Blue Ribbon Committee.

C. COUNCILOR SPEAR

1. *"Portsmouth Budget – Portsmouth Listens"

Councilor Spear said that the budget process has been involved and transparent. He stated that the budget document is a statement of values for the City Council and the community. He further stated that he would like to have a discussion on priorities and values along with more dialogue with residents on the process. Councilor Spear said he feels that the budget process should begin in the fall.

Councilor Dwyer said she supports an increase in dialogue but does not feel that the Portsmouth Listens model is the way to get to that.

Councilor Lister said that Portsmouth Listens would not be his choice. He would like to have a retreat among the City Council to discuss various issues.

Councilor Kennedy discussed her item relative to the Portsmouth Taxpayers' Association Budget Information. She said that the budget goes beyond the Council; it is for the entire community. She stated that she would like to see the work of the Association of Portsmouth Taxpayers' on the budget acknowledged. She said the items should be reviewed to see if there is something we can use for the process. Councilor Kennedy said that the Association of Portsmouth Taxpayers' and the WAVE group should be brought to the table and work together on the budget process.

Assistant Mayor Novelline Clayburgh said her concern with study circles is that it is not an entire representation of the City. She proposed having the Citywide Neighborhood Committee become involved in the budget process.

D. COUNCILOR KENNEDY

1. *Sewer Water Treatment Plant Re: Future meeting to review plan

Councilor Kennedy requested that a meeting be held by the Public Works Department with residents in order to review the Sewer Water Treatment Plant plan. City Manager Bohenko advised the City Council that he would arrange for a meeting.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said he would like to go back to the budget process discussion. He said study circles are a fine tool however, the City Council is elected to make the decisions relative to the budget. He said there needs to be balance in the process.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Councilor Spear said he would like to have a City staff member attend the America Speaks National discussion on our federal budget on June 26, 2010.

E. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the May 13, 2010 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the May 13, 2010 Traffic & Safety Committee meeting. Seconded by Councilor Coviello and voted. Councilor Kennedy voted opposed.

2. Parking Committee Action Sheet and Minutes of the May 13, 2010 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the May 13, 2010 Parking Committee meeting. Seconded by Councilor Coviello and voted. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Ferrini thanked the City Council, City Staff and the City Manager for working together on the budget.

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

At 10:15 p.m., Councilor Coviello moved to adjourn. Seconded by Councilor Spear and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk