At 6:00 p.m. a Work Session was held with the Recreation Board regarding the Comprehensive Recreation Needs Study.

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

Mayor Ferrini called the meeting to order at 7:03 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

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

PRESENTATION:

1. 2010 NH State Champion Little League Team

Mayor Ferrini presented the team with T-shirts and certificates of achievement for another successful season and stated that the City of Portsmouth is very proud of their representation at the Little League World Series.

Little League President Kathy Lynch and the team presented Mayor Ferrini with a ball cap and signed baseball.

Coach Mike Young thanked the Mayor and City Council for their recognition and stated that he is very proud of his team and the City of Portsmouth’s Little League program that has produced several championship teams in recent years.

2. Status of Revaluation – City Assessor Rosann Lentz

City Assessor Lentz gave a brief power point presentation of the 2010 Revaluation for the City of Portsmouth. She reviewed statutory requirements which included an annual adjustment to reflect changes so that all assessments are reasonably proportional and a Five Year Valuation requirement. She explained that the purpose of a five-year reappraisal is to provide a vehicle for the assurance of current, accurate and equitable property assessments, which can help ensure that inefficiencies and inequities in property taxation are greatly reduced. She
continued her presentation highlighting the Pre Reval and Post Reval assessment figures, which are based on sales from April 2008-April 2010, in 4 residential neighborhood groups; Group 1, Little Harbor/South End, Group 2, Rte 1 Bypass Area; Group 3, West of I-95 and Group 4, South Portsmouth. She then reviewed the time line for the 2010 revaluation process stating the next step will be the residential notices of preliminary assessments and hearings scheduled for September. She urged residents to contact her with any questions or concerns and concluded stating that the abatement applications are due to the Assessor’s Office by March 1, 2011.

Councilor Coviello asked how this affects the next budget session. City Manager Bohenko stated that this year’s budget will actually be adjusted as the original figures are an estimate until the rate is set by the State in the fall and usually the figure set is lower.

Councilor Dwyer asked how much has the overall value increased with new valuations. Assessor Lentz stated with the hospital, approximately $50 - $60 million.

V. ACCEPTANCE OF MINUTES - August 16, 2010

Councilor Smith moved to accept the minutes of August 16, 2010 Council Meeting. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

Patricia Taylor - spoke regarding the ball field on Granite Street stating that the Frank Jones Neighborhood Association has asked that no concession stand be allowed at the ball field so as to not compete with the neighborhood businesses and to not have delivery trucks adding extra traffic burden. She continued that Woodbury Avenue was recently narrowed to reduce traffic, but it hasn’t helped. She stated they also asked for a 10:00 p.m. curfew and a locked gate on the parking lot. She stated she doesn’t think any of the Councilors would want this in their back yards. She concluded by stating that she doesn’t want to see the Wentworth School torn down either and wants to maintain the historic district in that area.

Lenore Weiss Bronson - spoke regarding the ball field on Granite Street stating at first she was happy to have it, but feels it has become like Fenway Park and is larger than Fenway Park in some aspects. She stated the concession stand is bigger than her house and the bleachers are only 42’ away from a neighboring house and normally there is a 100’ setback requirement. She stated that there should have been a traffic study done as well because busses will be going to dead-end streets without anywhere to turn around.

Sherry Brandsema - spoke regarding the ball fields stating that the traffic in the area is worse and is already difficult for people to back out of their driveways and is dangerous to the people walking and bicycling. She stated she also doesn’t understand why there needs to be a public address system at the ball field if it is only players that will be there who will already know what is going on.
Jerry Howe, Police Commission Chair - spoke regarding the police union contract on the agenda stating this is the 4th tentative agreement presented to the Council and that concerns raised by the Council last time have been addressed and respectfully asked the Council to approve the contract.

Erik Anderson – spoke regarding the police union contract stating that 85% of the city budget is personnel costs and feels that the public has very little input regarding contracts and aren’t able to view the documents ahead of time. He asked that the Council have further discussion on the contract before voting on it. He concluded by stating that the Council should also listen to the concerns of the Sherburne Road neighbors regarding the back gate.

Will Purcell – asked the Council to support the Traffic and Safety Committee’s recommendation to keep the back gate at Pease closed for the safety of the children and neighbors who walk and bicycle.

Julie Thurber – asked the Council to support the Traffic and Safety Committee’s recommendation to keep the back gate at Pease closed. She stated she has a unique perspective as her house is the last one before the gate and has seen people speed through there when the gate is open and feels it would be an accident waiting to happen.

Manny Garganta – stated even when the military was still on the base, the back gate was kept closed at night. He stated that if the back gate is open, many people will use it as a way to avoid the 3 sets of traffic lights on Route 33.

Martin Cameron – spoke regarding the WWI grave markers thanking the Council for bringing this item back up for reconsideration, especially Councilors Smith and Lister for their involvement. He also thanked Public Works Director Steve Parkinson for his time and effort and also feels that none of this would have happened if it weren’t for the Portsmouth Herald reporters who brought attention to the issue.

Audrey McBride – asked the Council to support the Traffic and Safety Committee’s recommendation to keep the back gate at Pease closed stating that in this day and age when there is an epidemic of childhood obesity the children in her neighborhood are always out playing and riding bikes etc. and is the reason she moved to that neighborhood.

Ruth Griffin – spoke regarding the WWI grave markers stating that they used to learn about that history in school and feels that the appropriate place for the markers are at the original site of the Plains ball field. She stated this is a memorial for people who don’t have a voice.

Mark Brighton – spoke regarding the police union contract stating it is the job of the union to maximize pay and benefits for their members and it is the duty of the Council to say no to increases that the taxpayers can’t afford. He stated the private sector has to pay a significant portion if not all of their insurance premiums and feels that people are lucky to be employed and citizens should not be expected to absorb any more increases.
Bill St. Laurent – stated many years ago the Sherburne Neighborhood presented a petition that asked that the back gate never be opened again and were told that would be the case except in an emergency and feels this should be honored. He asked the audience members who support the traffic and safety committee recommendation to keep the gate closed to stand as there are some there who will not be speaking.

Clark Knowles - supports the traffic and safety committee recommendation to keep the gate closed stating he rides his bike to work and knows that the back gate is a shortcut, but still wants it kept closed.

Kim Kumph – thanked the Council for listening to the neighbors and urged them to keep the back gate closed.

Richard Boutin – also supports keeping the back gate closed stating that he moved there specifically because it was a dead end road and was assured that the back gate would be kept closed.

Councilor Smith moved to suspend the rules to bring item XII.D.2. up on the Agenda. Seconded by Councilor Coviello and voted.

2. Traffic and Safety Committee Action Sheet and Minutes of the August 12, 2010 meeting.

Councilor Smith moved to accept the Traffic and Safety Committee Action Sheet and Minutes of August 12, 2010, seconded by Councilor Lister.

Councilor Smith explained the task of the Traffic and Safety Committee as a Mayor’s Blue Ribbon Committee is to make recommendations to the Council.

Councilor Kennedy moved to split the question to act on Item 8, Sherburne Road, Opening of Back Gate. Seconded by Councilor Coviello and passed on a 6-3 roll call vote. Councilors Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister and Smith voted opposed.

Councilor Kennedy moved to accept and approve the Traffic and Safety Committee recommendation for Item 8, Sherburne Road, Opening of Back Gate, to keep the gate closed. Seconded by Councilor Coviello and voted.

Main motion to accept remainder of Traffic and Safety Committee Meeting Action Sheet and Minutes of August 12, 2010.

Councilor Smith asked Councilor Kennedy to explain why she votes against accepting every Traffic and Safety Committee and Parking Committee meeting minutes and stated that the Councilor does not ask any questions for clarification if she has an issue with the actions.
Councilor Kennedy stated she explained her reasoning when she first began voting opposed which is because she feels if she votes to accept the minutes, it is accepting any actions and recommendations made by the committees before the public has a chance to voice their opinions. She stated no other minutes are accepted by the Council this way and she has spoken with the City Attorney regarding her opposition and still feels it is appropriate.

Councilor Smith stated that any changes and recommendations are not being accepted if they require an ordinance change, which he clearly states with each motion to accept. He continued that if there is an ordinance change required, then it has to go through the whole process including a public hearing, before the Council votes on that change.

**Motion to accept the remainder of the Traffic and Safety Committee minutes and action sheet of August 12, 2010 passed on an 8-1 vote, Councilor Kennedy voted opposed.**

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to bring Item XII.A.2. up on the agenda. Seconded by Councilor Coviello and voted.**

2. **Reconsideration of WWI Monuments Relocations**

City Manager Bohenko explained the background of this issue stating that on June 21, 2010 the Council voted to relocate the monuments to Langdon Park. He stated that since that time, there has been discussion from the public and Veterans Council to reconsider that decision and relocate the monuments to the Plains Field location. He stated that Councilors Lister and Smith, the liaisons to the Veterans Council, worked with himself and Public Works Director Parkinson, to find a feasible location at the Plains Field.

**Assistant Mayor Novelline Clayburgh moved to reconsider previous vote of WWI Monuments relocation. Seconded by Councilor Smith and voted.**

**Councilor Smith moved to relocate the WWI Monuments to the Plains Field as proposed. Seconded by Councilor Lister.**

Councilor Dwyer stated there was a reason that it was voted originally to move them because they were being hit by cars and wonders if it is still a concern. City Manager Bohenko stated that the area has been reconfigured and there will be some sort of barriers to protect the monuments as well.

**Motion to relocate WWI Monuments to Plains Field passed unanimously.**
VII. PUBLIC HEARING

A. Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance.

Planning Director Rick Taintor briefly reviewed the ordinance proposal as mainly a housekeeping item.

Mayor Ferrini opened the public hearing. There were no speakers. Mayor Ferrini closed the public hearing.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Donation from Patricia Lanciani Re: Memorial Bench in the amount of $1,250.00

Councilor Smith moved to approve and accept the donation for a memorial bench in the amount of $1,250.00. Seconded by Councilor Lister and voted.

B. Acceptance of the following grants to the Portsmouth Police Department:

- $226,938.00 – from the Office of Justice programs to fund the Internet Crimes Against Children (ICAC) Task Force Program
- $1,000.00 – from the Henry M. Frechette Memorial Fund, for the general support of the Portsmouth Police Explorer Cadets

Councilor Dwyer moved to approve and accept $226,938.00 grant from the Office of Justice programs and $1,000.00 grant from the Henry M. Frechette Memorial Fund. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Kennedy thanked the Police Department for applying for grants.

Motion passed unanimously.

C. Acceptance of Grant for Household Hazardous Waste Collection

Councilor Coviello moved to accept the grant for Household Hazardous Waste Collection. Seconded by Councilor Lister and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. Second Reading of Proposed Ordinance amending Chapter 10, Article X, Subsection 10.1010 of the Wetlands Protection Ordinance.

Councilor Coviello moved to pass second reading and schedule a third and final reading, as presented, at the September 20th City Council Meeting. Seconded by Councilor Kennedy and voted.
X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

A. Letter from Erik Anderson, New Hampshire Commercial Fishermen’s Association, requesting permission to hold the 2nd Annual “Fish and Lobster Festival” on Saturday, September 25, 2010 at Prescott Park. *(Anticipated action – move to refer to the City Manager with power)*

B. Letter from Marsie Silvestro, A Safe Place, requesting permission to hold a candlelight vigil on Thursday, October 7, 2010 from 6:00 p.m. – 7:00 p.m. at the Vaughan Mall. *(Anticipated action – move to refer to the City Manager with power)*

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

A. Letter from Peter Loughlin, Chair, Mayor’s Blue Ribbon Committee on Trees and Public Greenery commending street improvements at intersection of Market and Deer Streets.

Assistant Mayor Novelline Clayburgh moved to accept and place on file. Seconded by Councilor Smith and voted.

B. Letter from Roland T. Palmatier, Vice President of Central NH Model T Club regarding Model T Ford Club Tour of September 18, 2010.

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

C. Letters in opposition of opening back gate on Sherburne Road:
   - Barbara Wheatcraft and Billy Scritchfield
   - Audrey and Josh McBride
   - George and Julie Thurber
   - Jennifer Loch Fahey, Vice President, Sherburne Civic Association
   - Bill St. Laurent
   - William and Perrie Purcell

Councilor Smith moved to accept and place on file. Seconded by Councilor Coviello and voted.
D. Letter from Tom Morgan regarding Middle School Parking at the Junkins/Parrott Lot

Councilor Coviello moved to accept and place on file, seconded by Councilor Smith.

Councilor Coviello stated that when he received this letter he reviewed the parking report and followed up with Councilor Dwyer, JBC member, for clarification of these concerns and asked her to update the Council.

Councilor Dwyer stated it is an understandable mistake that others have also made that the number of parking spaces were only for teachers, but there are over 94 staff members in total. She stated even the parking consultants had made this mistake at first and hopes that this is now clarified.

Motion to accept and place on file passed unanimously.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER


City Manager Bohenko asked City Negotiator Tom Flygare to review the proposal.

Mr. Flygare reviewed the proposed tentative agreement which would cover a 6-year term from July 1, 2008 – June 30, 2014 and a lump sum payment that would not be added to the base pay. He reviewed adjustments to Health Insurance co-payments, overtime, educational incentive, Donning and Doffing, and other changes to insurances, bereavement leave, longevity, and clothing allowance.

Councilor Hejtmanek moved to reject the Agreement, seconded by Councilor Coviello.

Councilor Hejtmanek stated that the inflation rate is less than 1% for the past 2 years of these negotiations and therefore, he feels the increases are not justifiable, even in a lump sum payment.

Councilor Lister stated there are 3 words that bargaining units don’t like to hear “We’re getting closer”, but he can’t support this proposal.

Councilor Kennedy stated she agrees with Councilor Hejtmanek and also feels the lump sum is an issue.

Mayor Ferrini passed the gavel. Mayor Ferrini stated he can’t support the lump sum payments, but does appreciate the changes that have been made. Assistant Mayor Novelline Clayburgh passed the gavel back to Mayor Ferrini.

Motion to reject the Agreement passed on a 9-0 roll call vote.
2. Reconsideration of WWI Monuments Relocation  (*Taken up earlier in agenda*)

3. Request to Utilize FY 2010 Surplus Funds Re: Restoration of 1950 Mack Fire Engine

A letter from Lawrence J. Yerdon, President of Strawbery Banke was distributed to the Council. The letter was in support of the request for funds to restore the 1950 Mack Fire Engine.

Fire Chief LeClaire reviewed the background of the Fire Engine and its importance to the history of the Fire Department.

City Manager Bohenko explained that by Charter, he could have authorized this transfer but felt it was a unique situation and should be acted on by the Council.

**Assistant Mayor Novelline Clayburgh moved to approve the utilization of $34,000.00 from the FY 2010 Surplus Funds for the purpose of restoring the 1950 Mack Fire Engine. Seconded by Councilor Lister.**

Councilor Coviello asked what the total surplus amount from the Fire Department was. Chief LeClaire stated between $50,000.00 and $60,000.00.

Councilor Lister stated this is a project that has good merit, but doesn’t want the public to be confused that it will be used for salaries.

City Manager Bohenko explained that by Charter, there cannot be any surplus and it needs to go into the fund balance at the end of the fiscal year.

Councilor Lister stated that the history that goes along with this Fire Engine and Chief Kogan who purchased it have a lot of connections with the community and he feels this should be kept as a part of the City’s history.

Councilor Coviello stated he is torn on this issue as he is glad there is a surplus, but $34,000.00 is an amount that was debated in the budget for crossing guards, weed control, etc.

Councilor Kennedy stated she agrees with Councilor Coviello but also understands the historic importance. She stated that there should be some fund raising efforts done and would be in favor of contributing some funding to add to fundraising efforts.

**Councilor Kennedy moved to amend the amount to $10,000.00 with the rest of the money to be raised through fundraising. Seconded by Councilor Hejtmanek.**

Councilor Spear asked if the truck is currently owned by the City. Chief LeClaire stated yes, it has always been owned by the City.
Mayor Ferrini asked what would the value be if it is restored. Chief LeClaire stated that varies on the open market, but it is the value to the community that owns it and feels that it is invaluable to this City.

Councilor Dwyer stated she feels we should take care of the things we own and that this should be restored. She stated she feels there should be clarification of surplus money at the end of the year.

City Manager Bohenko again stated that he has the authority by Charter to make this transfer and that he does work with the Department Heads every year on budget items. He stated that there are years that because of snowfall amounts, overtime, etc. it is more or less than budgeted, but they watch their budgets very closely.

Councilor Smith asked Chief LeClaire what fundraising has already taken place. Chief LeClaire stated T-shirts were sold and there were some significant private donations which have totaled $16,000.00.

Assistant Mayor Novelline Clayburgh stated she will vote no to the $10,000.00 but would like to amend it to $17,000.00. The mover and seconder agreed to the friendly amendment to $17,000.00. Motion failed on a 3-6 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Hejtmanek and Kennedy voted in favor. Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted opposed.

Further discussion on the main motion to approve the utilization of $34,000.00 from the FY 2010 Surplus Funds for the purpose of restoring the 1950 Mack Fire Engine.

Councilor Coviello stated he was torn on this but Councilor Dwyers’ comments regarding taking care of what we own and the fact that the fire department has done some fundraising, he will support the motion.

Councilor Kennedy stated she will not vote in favor of this as the Council just voted against the Police Contract because of the $40,000.00 lump sum payment.

Assistant Mayor Novelline Clayburgh stated she will vote in favor of this because the arts allocation for moving “Rusty” was denied and she applauds the fundraising efforts.

Mayor Ferrini passed the gavel.

Mayor Ferrini stated that he voted in favor of the arts money for the new fire station so he will support this as well.

Assistant Mayor Novelline Clayburgh

Motion passed on a 7-2 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilors Hejtmanek and Kennedy voted opposed.
4. Request for a License from Sagel Urlacher and Kelly Mowrer, owner of Presence of Nature, for property located at 74 Congress Street to install a projecting sign.

Councilor Smith voted to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Sagel Urlacher and Kelly Mowrer, owners of Presence of Nature, to install a projecting sign on an existing bracket at 74 Congress Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Kennedy and voted.

Stipulations:

1. The license shall be approved by the Legal Department as to content and form;

2. Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the city; and

3. 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 from Richard and Linda Harding of 1808 Islington Street for proposed land transfers (easements) with the City of Portsmouth.

Councilor Spear moved to accept the Planning Board’s recommendation as presented and to authorize the City Manager to execute the documents for this request. Seconded by Councilor Lister and voted.

6. Report Back Re: Request to rename the portion of Sherburne Road on the Pease International Tradeport.

Councilor Smith voted to accept the Planning Board’s recommendation, as presented. Seconded by Councilor Lister and voted.

7. Proposed Rezoning of 2700 Lafayette Road (former Fire Station #2) from Municipal District to Gateway District.

Councilor Smith moved to schedule a first reading of the proposed rezoning of 2700 Lafayette Road, as presented, at the September 20th City Council meeting. Seconded by Councilor Coviello.

Assistant Mayor Novelline Clayburgh asked why this doesn’t automatically get rezoned.

Planning Director Taintor explained that it would if it is rezoned to Municipal, but not from Municipal.

Motion voted.
8. Proposed Zoning Ordinance Amendments, Article 5 – Dimensional and Intensity Standards.

Planning Director Taintor explained that these are some items that should have been addressed in the comprehensive revision of the Zoning Ordinance, but were overlooked.

**Councilor Smith moved to schedule a first reading of the proposed Zoning Ordinance amendments to Article 5 – Dimensional and Intensity Standards, as presented, at the September 20th City Council Meeting. Seconded by Councilor Coviello and voted.**

9. Request from the Foundation for Seacoast Health for placement of a sign for the Community Campus at intersection of Lafayette Road and West Road.

**Councilor Smith moved to accept the Planning Board’s recommendation as presented. Seconded by Councilor Hejtmanek and voted.**

**Informational Items**

1. Events Listing
2. Cultural Commission Board Member Update
3. Update on Percentage of Construction at Water Treatment Plant

City Manager Bohenko stated he would like to schedule a time for a tour of the treatment plant and asked for the Council’s preference. Consensus was a Saturday morning at 8:00 a.m. and the City Manager will come back with dates.

Mayor Ferrini asked when there will be an update regarding flaggers. City Manager Bohenko stated at the September 20th meeting.

Councilor Lister commended the City Manager, Police and Fire Chiefs, Superintendent of Schools and other staff for manning the Emergency Management Center during the potential hurricane Earl situation.

**B. MAYOR FERRINI**

1. Letter from Gerald Howe, Chair, Police Commission Re: Steering Committee Membership

Mayor Ferrini stated he appreciates the spirit of cooperation and consideration by the Police Commission regarding the Steering Committee membership.

2. Consideration of Amy Schwartz, Portsmouth Housing Authority

Mayor Ferrini stated this appointment will be voted at the September 20, 2010 Meeting.
C. COUNCILOR LISTER AND COUNCILOR SMITH

1. FY11 Veterans Council Appropriation

Councilor Lister explained that the Veterans Council wanted to make a goodwill gesture to the City for this year only and return the $710.00 appropriation.

Councilor Lister moved to utilize the $710.00 appropriation for the USS Virginia Committee. Seconded by Councilor Kennedy and voted.

D. COUNCILOR SMITH

1. Parking Committee Action Sheet and Minutes of the August 12, 2010 meeting (includes Special Parking Committee Minutes of July 16, 2010)

Councilor Smith moved to accept and place on file the Parking Committee Action Sheet and Minutes of the August 12, 2010 meeting. Seconded by Councilor Dwyer. Motion passed on an 8-1 vote, Councilor Kennedy voted opposed.

2. Traffic & Safety Committee Action Sheet and Minutes of the August 12, 2010 meeting. (Taken up earlier in agenda)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer invited the Council to attend the dedication of the new turf field at the High School before the first football game on Friday night. There will be a barbeque and tailgating as is tradition before the first game of the season.

Councilor Spear asked about setting a date for the goal setting retreat in the fall. City Manager Bohenko will come back with some dates.

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

At 9:25 p.m., Assistant Mayor Novelline Clayburgh moved to adjourn. Seconded and voted unanimously.

Valerie A. French
Deputy City Clerk I