

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 2, 2009

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

At 6:00PM an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations.

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:15 p.m.

II. ROLL CALL

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

Absent: Councilor Pantelakos

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Blalock led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. Music in Our Schools Month

Councilor Smith read the Proclamation declaring March as Music in Our Schools Month.

2. Youth Art Month

Councilor Spear read the Proclamation declaring March as Youth Art Month.

3. Red Cross Month

Councilor Kennedy read the Proclamation declaring March as Red Cross Month.

PRESENTATION

1. Fishing Fleet Committee Report

Mayor Ferrini thanked Councilor Kennedy and the Fishing Fleet Committee members for their hard work on this report. Councilor Kennedy thanked everyone for their efforts and introduced Committee Chair Erik Anderson to review the report with the City Council.

Erik Anderson, Chair of the Committee reviewed the Fishing Fleet Committee Report with the City Council. He spoke to the reduction in groundfish fisheries over the years due to accruing regulations that have resulted in negative consequences and actions. He reviewed the economic contribution strictly from a sales perspective based on 2007 data as follows:

- | | | |
|--------------|-------------------------|-------------------------|
| • Groundfish | Sales (\$3,413,690.00) | Value (\$15,047,906.00) |
| • Lobster | Sales (\$13,087,839.00) | Value (\$25,032,594.00) |

Mr. Anderson said that the City of Portsmouth is geographically located and postured as a waterfront community. He spoke to the economic benefit that distinguishes itself from other communities competing for tourist trade. The range of additional value added to the economic benefit ranges from \$14,851,376.00 - \$41,253,822.00. He reported that the Committee is seeking to develop promotional events in concert with established organizations that could be new or complement other events in the City. The committee has selected September 12, 2009 as a date to conduct an event for the promotion of local seafood. It will be called "Local Fish & Lobster Fest – 2009." The committee is also seeking approval of the City Council to adopt a resolution that recognizes the value of the commercial fishing industry to the City of Portsmouth and requests the city engage in issues relevant to the health and well being of the fishing industry.

In addition, the committee also requests the City Council to extend the time frame of the committee. He said that further work is needed for an additional year in an official capacity. The committee recognized that there was an opportunity to explore and develop promotion of the local fishing industry through established initiatives of the "Buy and Eat Local" theme. This effort is not complete and is the reason for the committee and additional participants to continue discussions to accomplish this task. In closing, Mr. Anderson said the committee would like the City Council to give support, in any manner appropriate, to promote the work of the committee in its "Buy and Eat Local" initiative.

Councilor Dwyer asked that the City Council be provided a copy of the proposed resolution to review and consider. Councilor Kennedy advised the City Council that she would provide the City Council with a copy of the resolution for consideration at the next City Council meeting.

Councilor Novelline Clayburgh said the report was very informative and would support the extension to continue the committee.

Councilor Kennedy thanked Mr. Anderson for his efforts and work on the committee as well as the local fishermen that participated.

V. ACCEPTANCE OF MINUTES – FEBRUARY 9, 2009

Councilor Novelline Clayburgh moved to approve and accept the minutes of the February 9, 2009 City Council meeting. Seconded by Councilor Smith and voted.

VI. PUBLIC COMMENT SESSION

Bill St. Laurent, President of the Association of Portsmouth Taxpayers, thanked the City Council for setting a guideline of a zero percent budget. He also commended City Manager Bohenko for instituting a hiring freeze. Mr. St. Laurent expressed concerns with the stimulus package and said he does not want to see the City in future debt. In closing, he recommended that the City contracts not include cost of living adjustments for one year.

VII. PUBLIC HEARING

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2010-2015

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

City Manager Bohenko said in accordance with Section 7.7 of the City Charter, a Public Hearing on the proposed Capital Improvement Plan for FY2010-2015 is being held this evening. The City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits his budget to the City Council. He informed the City Council that he anticipates transmitting his proposed FY2010 budget to the Council on or about April 10, 2009. Given that projected date, he suggested the City Council adopt the proposed Capital Improvement Plan at the March 16th meeting. In addition, in accordance with the Charter, the Council could adopt the CIP no later than the April 6th City Council meeting.

City Manager Bohenko reported that in FY10 the Planning Board and he are proposing the City Council appropriate \$800,000.00 for the General Fund portion of the Capital Plan. He said it should be noted that projects that are bonded require a separate vote by the City Council and a public hearing with a two-thirds vote of the Council. He said those projects that are identified in the out years, FY11-15 are for planning purposes with actual funding not required in FY10. He informed the City Council that there may be some projects that we will be seeking stimulus funding.

Various staff members provided a presentation of the Capital Improvement Plan reviewing the projects and the requests for funding.

Bob Hassold spoke opposed to the funding for the pay and display parking meters. He said that the City Council needs to consider the human element with the meters. He also spoke to the difficulty people are having accessing the meters this winter by having to climb over snow banks. Mr. Hassold suggested that the meter system not be used during snow and ice storms. In addition, he requested that the City Council roll back the hours of enforcement from 7:00 p.m. to 5:00 p.m.

George McQuilken informed the City Council that he has received over 250 signatures on a petition opposing the pay and display meter system. He expressed concern relative to the recommended pay and display system and urged the City Council to hold a public hearing to receive comment from the public regarding the proposed system.

Karina Quintans spoke in support of the installation of new sidewalks in the Islington Creek neighborhood. She asked members of the neighborhood to stand in an effort to show their support for the funding of sidewalks in their area.

Diane McGee spoke to her difficulty in accessing the pay and display meters. She said that the new meters are keeping her from going downtown and asked the City Council to consider individuals with disabilities and their inability to walk and access the meters.

Natalie Hassold spoke opposed to the pay and display meters. She said that there are many issues with the system and recommended that the city explore other systems available. Ms. Hassold suggested that the City Council reduce the enforcement hours from 7:00 p.m. to 5:00 p.m.

Peter Somssich said technology does not work unless people want it to work and the best way to get people to like it is to make it look like the old system. He said that he is not sure that the pay and display system is right for the City of Portsmouth and more feed back should be received. Mr. Somssich said he would support the City Council holding a public hearing on the matter.

Erik Anderson thanked the City Manager for preparing this comprehensive Capital Improvement Plan. He spoke to the debt forecast and its increase in 2013-2017. He expressed concern with an increase in the water rates over the next several years. He addressed the project to install new bleachers for the School Department and said he would oppose funding that project at this time. In addition, he addressed the funding for rolling stock and suggested the removal of \$25,000.00 for the Peirce Island Master Plan.

Bill St. Laurent said that the City Council should conduct a public hearing on the pay and display meters. He expressed concern with costs related to the downtown Wi-Fi system and the number of requests for funding of master plan studies contained in the Capital Improvement Plan.

Mary Ann Young spoke opposed to the new pay and display system.

Jack Dougherty, Eliot, Maine, spoke opposed to the pay and display system. He said that the system is inconvenient and not welcoming. Mr. Dougherty expressed concern with the use of credit cards by the system and the potential for security issues.

Tony Coviello spoke regarding the building of a parking garage on Court Street behind the Central Fire Station. He informed the City Council that he had his friend Christian Luz of Lansing Melbourne Group review the site. He reported Mr. Luz indicated that the site does hold a great deal of potential which would create between 550 and 700 spaces. He recommended that the City Council place additional funding in the Capital Improvement Plan for a parking study at a cost of approximately \$30,000.00.

Martin Cameron spoke opposed to the pay and display meters. In addition, he questioned why the Police Department has to send out printing jobs to an outside company. He said the department should have a printer that can handle the printing needs of the department.

Peter Somssich said that funding should be included in the Capital Improvement Plan for upgrades to the bridge on Middle Road.

After three calls and no further speakers, Mayor Ferrini requested a motion to continue the public hearing until the March 16th City Council meeting.

Councilor Novelline Clayburgh moved to continue the public hearing until the March 16, 2009 City Council meeting. Seconded by Councilor Kennedy and voted.

At 9:15 p.m., Mayor Ferrini declared a brief recess. At 9:25 p.m., Mayor Ferrini called the meeting back to order.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation from CrimeStoppers, Inc. to the Citizen's Police Academy in the amount of \$5,894.00

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

(There are no items on this section of the Agenda)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation from O'Briens II, Inc., to the Fire Department in the amount of \$100.00 ***(Anticipated action – move to approve and accept the donation to the Fire Department, as listed)***
- B. Letter from Stacy Baker Chilicki, The Seacoast Repertory Theatre, requesting permission to hold the 43rd Annual Bow Street Fair on Saturday, July 18, 2009 and Sunday, July 19, 2009 from 10:00 a.m. – 5:00 p.m., and further request Bow Street be closed to all vehicle traffic starting at midnight on Friday, July 17, 2009 until Sunday, July 19, 2009 at 7:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Jeanine Sylvester, Runner's Alley, requesting permission to hold the 12th Annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 24, 2009 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***

- D. Letter from Frank Nappo, The Seacoast Family YMCA, requesting permission to hold a 5k Road Race on Saturday, April 18, 2009 at 10:00 a.m. (**Anticipated action – move to refer to the City Manager with power**)
- E. Letter from Mike Young, Portsmouth Babe Ruth League, requesting permission to install temporary signage at Leary Field for the 2009 baseball season from May through August (**Anticipated action – move to refer to the City Manager with power**)
- F. Letter from Robert Sutherland, St. John's Lodge, requesting permission to hold the "Out of Hibernation" 5k Road Race on Saturday, April 25, 2009 (**Anticipated action – move to refer to the City Manager with power**)
- G. Letter from Shaun Rafferty regarding skateboarding on public streets (**Anticipated action – move to accept and place the letter on file**)
- H. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the following events:
- 32nd Annual Market Square Day Festival & 10k Road Race on Saturday, June 13, 2009
 - 7th Annual Summer in the Street Music Series, Saturday evenings from 5:00 p.m. – 9:30 p.m. on June 27, July 4, 11, 18, 25 and August 1, 2009

(Anticipated action – move to refer to the City Manager with power)

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Laurel Crawford, Empower Yoga Center, LLC, requesting permission to install a projecting sign at 63 Market Street (**Sample motion – move to refer to the Planning Board for report back**)

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

- B. Petition from George McQuilken and individuals regarding the Pay and Display Parking Meters

Mayor Ferrini advised the City Council that no action is required for this matter.

- C. Letter from Dr. Mitchell Shuldman, School Board Chair, announcing the selection of Mr. Ed McDonough as the new Superintendent of Portsmouth Schools effective July, 2009

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

- D. Letter from Attorney Bernard Pelech representing JASK Realty Trust regarding Rezoning of Land between Bartlett Street and the US Route 1 By-Pass (***Sample motion – move to refer to the Planning Board for report back***)

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

- E. Letter from Erik Anderson, Fishing Fleet Committee, requesting permission to hold a “Local Fish and Lobster Fest - 2009” on Saturday, September 12, 2009 at Peirce and Four Tree Islands and adjacent activity at the Portsmouth Fish Pier

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Consideration of New Appointment to Rockingham Planning Commission/Metropolitan Planning Organization

City Manager Bohenko informed the City Council that Anthony Blenkinsop, has offered to serve as one of the City’s four representatives to the Rockingham Planning Commission/Metropolitan Planning Organization. If appointed, Mr. Blenkinsop would replace Brian Gregg, who resigned due to time constraints.

Councilor Smith moved to appoint Anthony Blenkinsop to the Rockingham Planning Commission/Metropolitan Planning Organization as a City representative. Seconded by Councilor Dwyer and voted.

- 2. Report Back from Planning Board Re: 10 Commercial Alley License Request to Erect a Sign over a Public Right-of-Way

City Manager Bohenko requested that the City Council accept the recommendation with stipulations as outlined by the Planning Board.

Councilor Smith moved to accept the Planning Board's recommendation to approve a License to erect a sign over a public right-of-way at 10 Commercial Alley with the following stipulations:

- ***That the request shall be subject to a municipal license and this license shall be approved by the Legal Department as to content and form, it should be revocable by the City and if an encroachment needs to be removed or relocated for any purpose, it will be done at no cost to the City; and,***
- ***That any resulting disturbance of a sidewalk, street or other public infrastructure shall require its restoration at no municipal cost and subject to review and acceptance by the Department of Public Works***

Motion seconded by Councilor Dwyer and voted.

3. Report Back from Planning Board Re: Request to Name a Downtown Street after the City's Second Poet Laureate Robert Dunn

City Manager Bohenko requested that the City Council accept the recommendation of the Planning Board.

Councilor Smith moved to accept the Planning Board's recommendation as follows:

- ***That Robert Dunn's name should be reviewed for possible street naming use by the Police Department's dispatch center; and,***
- ***If appropriate, Robert Dunn (or some variation) shall be added to the Emergency Operation Center's list of approved street names***

Motion seconded by Assistant Mayor Blalock and voted.

4. Request to Establish a Work Session Re: Hiring Freeze/Status of Budget/Stimulus Funds

City Manager Bohenko said he has implemented a temporary hiring freeze until the City Council is able to establish a work session on how they would like to proceed with vacancies. He informed the City Council that we will need to discuss those vacancies that it is necessary to fill immediately as compared to others that need to wait until after the completion of the budget, as well as information coming out as it relates to the stimulus funds that may be passed from the State to localities.

Councilor Smith moved to establish a work session on Monday, March 9, 2009 at 7:00 p.m. in the Eileen Dondero Foley Council Chambers and invite the School Board, Fire Commission and Police Commission. Seconded by Councilor Dwyer and voted.

5. Report Back from Recreation Board Re: Little League request to place a Beverage Machine at Central Little League

City Manager Bohenko informed the City Council that the Recreation Board is recommending granting the request with stipulations.

Councilor Novelline Clayburgh moved to accept the Recreation Board's recommendation to approve the placement of a beverage machine at Central Field Little League with the following stipulations:

- ***The machine will be in place Mid-April through October,***
- ***The machine will be "boxed in" with a wooden structure with a matching color to the rest of the buildings at the site,***
- ***The machine will not be illuminated at all at any time,***
- ***The machine be secured to prevent vandalism/theft; and,***
- ***The machine offer only water (no "soft drinks" or "sport drinks")***

Motion seconded by Councilor Smith.

Councilor Smith said he agrees with the stipulations but expressed concern with not allowing the machine to carry sport drinks and/or juice. He said that the field has a water fountain; therefore he does not see the need to have a machine that only offers bottled water. He suggested referring the matter to the City Manager with power. City Manager Bohenko said if the stipulations cannot be agreed upon the Council should deny the request.

Councilor Kennedy informed the City Council that her school district has a machine that carries bottled water and there is a high demand for it.

Councilor Smith moved to amend the motion and remove the stipulation that the machine offer only water (no "soft drinks" or "sport drinks"). Motion received no second.

Motion passed with Councilor Smith voting opposed.

6. Report Back Re: Workforce Housing Trust

City Manager Bohenko reported that on January 26th the City Council voted to accept the final report and recommendations of the Blue Ribbon Committee on Housing titled "A Road Map to Affordable Housing" dated November 18, 2008. The report contains a series of recommendations and the Council requested a report back on one of the Report's high priority/immediate recommendations, which is the development of a Workforce Housing Trust Fund. He recommended that the City Council authorize him to bring back the Workforce Housing Trust Fund document for action at the March 16, 2009 City Council meeting.

Councilor Dwyer moved to authorize the City Manager to bring back the Workforce Housing Trust Fund document for a vote at the March 16, 2009 City Council meeting. Seconded by Councilor Smith.

Councilor Dwyer spoke in support of the trust but asked if the City Council would have a role in Item #8 that reads as follows: *The Trustees may receive contributions to the corpus of the Trust from the City of Portsmouth or from any other person or entity making contributions thereto. Except, however, the Trustees shall not be required to accept any contributions deemed inappropriate by the Trustees.* City Attorney Sullivan said that this is standard language.

Councilor Dwyer questioned the disposition of any real estate that could be left to the trust and would like to have the option of using the property as workforce housing rather than liquidating funds.

City Manager Bohenko said a stipulation could be added to refer the matter to the Planning Board prior to disposition. City Attorney Sullivan advised Councilor Dwyer that language could be added to address her concerns.

Councilor Hejtmanek spoke regarding the definition of workforce housing and asked how restrictive it is in terms of the earning level being between 80% and 120% of median family income. City Attorney Sullivan informed Councilor Hejtmanek that the percentage could be changed.

Councilor Dwyer said it would be helpful to add a separate percentage from rental and home ownership.

Motion passed.

City Manager's Informational Items

City Manager Bohenko said he wanted to inform the City Council that the Trustees of the Trust Fund Proposed Revision to Prescott Park Dock Policy will be on for action at the March 16, 2009 City Council meeting. He informed the Council that the major proposed changes to the policy would be to have a seasonal dock rental in which no more than ten (10) slips would be available for the seasonal rental rate. The primary reason for the seasonal rental provision in their policy would be to raise additional revenue on a consistent basis. That additional revenue is estimated to be approximately \$30,000 per year and would be placed in a capital reserve fund for improvements to the docks.

Councilor Spear spoke regarding the registration at the Recreation Department for swimming lessons. He informed the City Council that this is a very popular program and many individuals are left out because it is a first come first served policy. He suggested that the Recreation Department establish a lottery system for the program.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Grace Lessner – Appointment to Board of Library Trustees
 - Bill Southworth – Appointment to Cable Television & Communications Commission
 - Norman Patenaude – Reappointment as Alternate to the Planning Board
 - Steven Berg – Reappointment to PEDLP Review Committee
 - Laura Montville – Reappointment to PEDLP Review Committee
 - Tara Trafton – Reappointment to PEDLP Review Committee
 - Jean Ward – Appointment to Safe Routes to School – St. Patrick's School Representative
 - Ronald Cypher – Appointment to Traffic & Safety Committee

The City Council considered the above referenced appointments that will be voted on at the March 16, 2009 meeting.

2. Appointment to be Voted:
 - Robin Rousseau – Reappointment to Zoning Board of Adjustment

Councilor Smith moved to reappoint Robin Rousseau as an Alternate to the Zoning Board of Adjustment until December 1, 2013. Seconded by Councilor Kennedy and voted.

3. Resignations
 - John McGee, Jr. – Blue Ribbon Committee on the African Burial Ground
 - Edward Hayes – Economic Development Commission
 - Jonathan Bailey – Traffic & Safety Committee

Councilor Smith moved to accept with regret the resignations of John McGee, Jr. from the Blue Ribbon Committee on the African Burial Ground, Edward Hayes of the Economic Development Commission and Jonathan Bailey from the Traffic & Safety Committee. Seconded by Councilor Kennedy and voted.

Councilor Smith requested thank you letters be sent to Mr. McGee, Mr. Hayes and Mr. Bailey for their years of service to the City.

4. *Update on Portsmouth Middle School

Mayor Ferrini said that there may be a possibility of the use of stimulus funds for the new middle school. He said that we will continue to update the community on the stimulus funds and a vote would take place on the middle school once we know if any stimulus funds could be used towards the new middle school.

C. COUNCILOR SPEAR

1. *Monthly Financial Report

Councilor Spear suggested that the City Manager review the financial reports with the Council on a monthly basis. Mayor Ferrini said the matter could be added to the City Council agenda each month. City Manager Bohenko said the Charter requires he provide quarterly reports and the City Council should note that the reports do not close out the month. Councilor Dwyer said she feels that this is a great idea and would like City Manager Bohenko review the reports with the Council on a monthly basis.

D. COUNCILOR KENNEDY

1. *Fishing Fleet Committee

Councilor Kennedy thanked the City Council for approving the request for the “Local Fish and Lobster Fest – 2009” event. She also advised the City Council that she will be placing the proposed resolution under her name for action at the next Council meeting.

Councilor Kennedy moved to extend the Fishing Fleet Blue Ribbon Committee for one year from this date. Seconded by Councilor Novelline Clayburgh.

Councilor Dwyer said she feels that the committee should have a plan of action and specific objectives before a vote takes place to extend it for one year. She recommended looking at the entire Martine industry.

Mayor Ferrini said as Chair of the Council he can request that a motion be written for action and there is a variety of things to consider with a charge for the committee.

Councilor Spear said there would be no problem coming up with the objective. He said that there are many things that the committee would still like to accomplish.

Councilor Spear moved to amend the motion to have Councilor Kennedy provide a written motion relative to this matter for the March 16, 2009 City Council meeting. Seconded by Councilor Smith and voted.

Main motion passed as amended.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Smith requested that Mayor Ferrini and the City Council review the attendance records at the March 16, 2009 City Council meeting. Councilor Dwyer said that there are some individuals that are missing a third or more of the meetings. Mayor Ferrini said he would have a discussion with members that have attendance issues regarding their commitment to the board and/or commission.

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

At 10:00 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Pantelakos and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk