

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JUNE 7, 2010, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR FERRINI, ASSISTANT MAYOR NOVELLINE CLAYBURGH, COUNCILORS LISTER, HEJTMANEK, SPEAR, DWYER, COVIELLO, KENNEDY AND SMITH

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1. At 6:00 p.m., on a unanimous roll call 9-0, voted to enter into a Non-Public Session pursuant to RSA 91-A:3, II (i) for consideration of matters related to emergency functions. On a unanimous roll call 9-0, voted to seal the minutes of the Non-Public Session pursuant to RSA 91-A:3, II (i). On a unanimous roll call 9-0, voted to come out of Non-Public Session.
2. 6:30 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
3. Acceptance of Minutes – May 10, 2010 and May 17, 2010 – Voted to approve and accept the minutes of the May 10, 2010 and May 17, 2010 City Council meetings.
4. Public Comment Session – There were 29 speakers: Sue Butzofski, Willow Maranhas, Mimi Clark, Marylou McElwain, Bob McElwain, Iain Moodie, Natalie Hassold, Anne Weston, Butch Beede, Susan Alex, Xanthin Gray, Tom Smart, Mindy Puckett, Sean Tracey, Christopher Cook, and Kathleen Logan (The Red Ginger); Erik Anderson, Mitch Shuldman, Patrick Ellis, Jared Iverson, John Bouchard, Bill St. Laurent, Mark Brighton, Lori Lampert, Norm Olsen, Kathleen Fitzgerald, Melissa Provost and Paul Ricard (School Budget) and Jim Noucas (Portsmouth Listens – National Budget Dialogue).
5. Public Hearing – Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00 – Held a public hearing. Voted to adopt the Resolution, as presented.

6. Public Hearing - 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” – Held a public hearing. 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.
7. NH Department of Health and Human Services Grant – Voted 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.
8. Acceptance of Grant from the NH Department of Highway Safety to the Portsmouth Police Department for Portsmouth DWI Hunter Patrols - \$2,475.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
9. Acceptance of Grant from the NH Department of Highway Safety to the Portsmouth Police Department for a seat belt campaign - \$4,125.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
10. Acceptance of Grant from the NH Department of Justice to the Portsmouth Police Department for Enforcing Underage Drinking Laws - \$9,732.00 – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
11. 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) – Voted to approve and accept the grant to the Portsmouth Police Department, as listed.
12. Voted 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*).
13. 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) – Voted to remove the item from the table. Voted to approve a Sidewalk Obstruction License with the aforementioned stipulations for The Red Ginger, LLC, 261 South Street.

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 19<sup>th</sup>. 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*

14. Resolution #7-2010 – General Fund Expenditures – Moved to adopt Resolution #7-2010 – General Fund Expenditures. 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. 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. 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.
15. Resolution #8-2010 – Municipal Fees – Voted to adopt Resolution #8-2010 – Municipal Fees.
16. Resolution #9-2010 – Sewer Fund Expenditures – Voted to adopt Resolution #9-2010 – Sewer Fund Expenditures.
17. Resolution #10-2010 – Water Fund Expenditures – Voted to adopt Resolution #10-2010 – Water Fund Expenditures.
18. Resolution #11-2010 – Special Revenues for Necessary Expenditures and Designated Fund Balances – Voted to adopt Resolution #11-2010 – Special Revenues for Necessary Expenditures and Designated Fund Balances.
19. Resolution #12-2010 – Investment Policy – Voted to adopt Resolution #12-2010 – Investment Policy.

20. Consent Agenda – Voted 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)***

21. Letter from Sean and Lina Tracey supporting The Red Ginger request for tables and chairs in front of their establishment – Voted to accept and place the letter on file.

22. 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 – Voted to refer to the City Manager with power.

23. 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 – Voted to refer to the Legal Department for report back.

24. 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 – Voted to refer to the City Manager with power.

25. Letter from Jeffrey Clifford, Altus Engineering, Inc., regarding Proposed Land Transfer for property located on 1808 Islington Street – Voted to refer to the Planning Board for report back.

26. 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 – Voted to refer to the City Manager for report back at the June 21, 2010 City Council meeting.
27. 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 – Voted to hold a Work Session with the Downtown Portsmouth Zero Waste Project on Monday, June 21, 2010 prior to the City Council meeting.
28. Approval of Christopher LeClaire, Fire Chief's Employment Agreement – Voted to approve this five (5) year Employment Agreement to expire on June 30, 2014 with Christopher LeClaire, Fire Chief, as presented.
29. Report Back Re: Leahy Landscaping, Inc. request to install an irrigation system within the public right-of-way – Voted to approve a Revocable License to Leahy Landscaping, 1600 Woodbury Avenue and authorize the City Manager to execute the License Agreement.
30. Request for a License from Heather Lassard, owner of Tulips for property located at 62 Market Street to install a projecting sign – Voted 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.

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

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*

32. Acceptance of Drainage Easement at 1179 Maplewood Avenue – Voted 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.

33. Request for Approval of Pole Licenses #63-0482 and #63-0483 – Voted to approve the request from PSNH for pole license agreements, #63-0482 and #63-0483, as recommended by the Public Works Department.

34. Appointments to be Considered - The City Council considered the following appointments which will be voted on by the Council at the June 21, 2010 City Council meeting.

- 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

35. Appointments to be Voted – Voted to reappoint Kathy Pearce to the Cable Television and Communication Commission; the reappointment of James Melfi and Sharon Morrison to the Citywide Neighborhood Steering Committee as indicated below.

- Kathy Pearce – Reappointment to the Cable Television and Communication Commission until April 1, 2013.
- James Melfi – Reappointment to the Citywide Neighborhood Steering Committee until April 1, 2012.
- Sharon Morrison – Reappointment to the Citywide Neighborhood Steering Committee until April 1, 2012.

36. 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.

37. Portsmouth Budget – Portsmouth Listens & Portsmouth Taxpayers’ Association Budget Information – No action required.
38. 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.
39. Traffic & Safety Committee Action Sheet and Minutes of the May 13, 2010 meeting – Voted to approve and accept the action sheet and minutes of the May 13, 2010 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.
40. Parking Committee Action Sheet and Minutes of the May 13, 2010 meeting – Voted to approve and accept the action sheet and minutes of the May 13, 2010 Parking Committee meeting. Councilor Kennedy voted opposed.
41. Adjournment – At 10:15 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk