

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JUNE 21, 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

1. At 5:45 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).
2. At 6:30 p.m., a Work Session was held regarding Downtown Portsmouth Zero Waste Project.
3. Presentation – Single Stream Recycling – Public Works Director Parkinson provided a brief update on the Single Stream Recycling Program.
4. Acceptance of Minutes – June 7, 2010 – Voted to approve and accept the minutes of the June 7, 2010 City Council meeting.
5. Public Comment Session – There were 20 speakers: Brad Lown, Steve Lozan, John Durkin, Matt Taylor, Jim Archibald, Michael Megliola, William Pingree, Clyde Logue, Craig Sieve, Peter Weeks and Joe Golter (Sagamore Grove Zoning); Steven Lyons and Matt Dwyer (Fact Finder Report – 1386); Ralph DiBernardo (Continuing Care Retirement Community); Erik Anderson and William St. Laurent (Contracts); Richard Brooks and Harold Whitehouse (WWI Monuments); Stephanie Seacord (Preserve America Resolution); and Martin Cameron (Water Bills).
6. Acceptance of Donation from Marie-Helene James for a Bench in Memory of her son Eric James - \$1,000.00 – Voted to approve and accept the donation for a bench in memory of Eric James, as listed.

Energy Grant Award for Discover Portsmouth Center – Voted to authorize the City Manager to accept and expend a \$140,000.00* (*Corrected 08/17/2010) grant from the TRC Environmental Corporation for energy upgrades to the former Library Building at 10-30 Middle Street.

7. Voted to suspend the rules in order to take up Items XI. A.1. – A.3. - Approval of Steve Griswold, Deputy Fire Chief's Employment Agreement; Approval of David Ferland, Police Chief's Employment Agreement; and Approval of Stephen Dubois, Deputy Police Chief's Employment Agreement. Councilor Coviello voted opposed.

8. Approval of Steve Griswold, Deputy Fire Chief's Employment Agreement – Voted to approve this Employment Agreement to expire on March 1, 2012 with Steve Griswold, Deputy Fire Chief, as presented. Councilor Coviello voted opposed.
9. Approval of David Ferland, Police Chief's Employment Agreement – Voted to approve this four (4) year Employment Agreement to expire on June 30, 2014 with David Ferland, Police Chief, as presented. Councilor Coviello voted opposed.
10. Approval of Stephen Dubois, Deputy Police Chief's Employment Agreement – Voted to approve this four (4) year Employment Agreement to expire on June 30, 2014 with Stephen J. DuBois, Deputy Police Chief, as presented. Councilor Coviello voted opposed.
11. Third and final 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" – On a roll call 6-3, voted to pass third and final reading of the proposed Ordinance and zoning map, as submitted. Assistant Mayor Novelline Clayburgh, Councilors Hejtmanek, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilors Lister, Spear and Kennedy voted opposed.
12. Consent Agenda – Voted to adopt the Consent Agenda.
 - A. Letter from David Hallowell, Portsmouth Maritime Folk Festival, requesting permission to hold the Maritime Folk Festival on Saturday, September 25, 2010 – Sunday, September 26, 2010 (***Anticipated action – move to refer to the City Manager with power***)
 - B. Letter from Chris Curtis, The Music Hall, requesting permission to close Chestnut Street from Congress to Porter Streets for the Annual Telluride by the Sea Weekend Celebration Friday, September 24, 2010 – Sunday, September 26, 2010 (***Anticipated action – move to refer to the City Manager with power***)
13. Letter from Ralph and Linda DiBernardo requesting to separate the capital expenditure and the use fee associated with waste water treatment by making the capital expenditure a tax – Voted to accept and place the letter on file. Councilor Smith requested that the City Council receive a copy of the City Manager's bullet points regarding this request.
14. Letter from Jeremy Bell, Isles of Shoals Steamship Company, requesting that 4 to 6 parking meters be bagged on the Sheraton side of Market Street immediately adjacent to their lot on Saturdays from mid-June through Labor Day with the City fee being waived – Voted to grant the request as submitted by Isles of Shoals Steamship Company. Councilor Kennedy abstained from voting on this matter.

15. Review of Fact Finder's Report of AFSCME Local 1386 – Voted that the Fact Finder's Report be rejected because this does not achieve the goals of the City Council in the area of overtime. Councilor Dwyer abstained from discussion on this issue.
16. Report Back Re: Central Veterans Council request to relocate the WWI Monuments to Langdon Park – Moved to authorize the City Manager to implement the relocation of the WWI Monuments to Langdon Park as recommended by the City Council liaisons and City staff. Motion to table this matter indefinitely ***failed*** to pass. Main motion passed.
17. Request to Extend Art-Speak Memorandum of Understanding (MOU) – Voted to authorize the City Manager to extend the MOU with Art-Speak from July 1, 2010 through June 30, 2011.
18. Report Back Re: Request to make the Ceres Street Waterfront Pocket Park a non-smoking area – Moved to accept the recommendation of the City Attorney, regarding this matter. On a voice vote 7-2, motion to amend that would create the area in front of the dumpster enclosure to also be designated non-smoking ***failed*** to pass. Councilors Lister and Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Hejtamenak, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted opposed. Main motion passed.

Recommendation:

- *Smoking is banned in the Park area with a designated smoking area in the area directly in front of the dumpster enclosure. A smoking material receptacle would be provided at the location. Formal enforcement, if necessary, would likely be found through the trespass provision of the criminal code because smokers would be instructed to leave the Park. Failure of the smokers to leave the Park would constitute trespass.*
19. Report Back Re: Big Brothers Big Sisters request to hold the Seacoast Stiletto Sprint – Voted to refer this matter to the City Manager with power.
 20. Report Back and Request to Establish Work Session Re: Continuing Care Retirement Community (CCRC) – Voted to schedule a work session on June 28, 2010 at 6:30 p.m. to further discuss the proposed Continuing Care Retirement Community zoning amendments.
 21. Authorize Sale of former Fire Station 2 through Auction Process – Voted that the City retain the services of Paul McInnis Inc. for the proposed auction sale.
 22. Proposed Economic Revitalization Zone (ERZ) for Commerce Way – Voted to authorize the City Manager to submit an application to the New Hampshire Department of Resources and Economic Development for approval of the Commerce Way Business Park Area as an Economic Revitalization Zone (ERZ).
 23. Request to Dispose of Surplus Vehicles – Voted to authorize the City Manager to dispose of surplus vehicles and other equipment by the sealed bid process.

24. Request to Establish Public Hearing Re: Prime Wetlands Designation – Voted to schedule a public hearing regarding the designation of prime wetlands for the July 19, 2010 City Council meeting.
25. Preserve America Community Resolution – Voted to adopt the Preserve America Community Resolution, as presented.
26. Wastewater Master Plan Update – City Manager Bohenko announced that a public update session on the Wastewater Master Plan will be held on Wednesday, June 23, 2010 at 6:30 p.m. in the Levenson Room of the Library.
27. Cable Television Public Access Charitable Trust Appointment of Councilor Jerry Hejtmanek – Voted to appoint Councilor Jerry Hejtmanek to the Cable Television Public Access Charitable Trust.
28. Appointments to be Considered – The City Council considered the following appointments which will be voted on by the Council at the July 19, 2010 City Council meeting.
- Eva Powers – Appointment as an Alternate to the Conservation Commission
 - Elissa Hill Stone – Appointment as an Alternate to the Conservation Commission
29. Appointments to be Voted - Voted to appoint Kelvin Edwards to the African Burying Ground Blue Ribbon Committee; the reappointment of Joseph Almeida, Tracy Kozak and Jonathan Wyckoff to the Historic District Commission; and reappointment Steven Berg and Christine Lukacz to the Portsmouth Housing Endowment Fund Advisory Board as indicated below.
- Kelvin Edwards – Appointment to the African Burying Ground Blue Ribbon Committee
 - Joseph Almeida – Reappointment to the Historic District Commission until June 1, 2013
 - Tracy Kozak – Reappointment to the Historic District Commission until June 1, 2013
 - Jonathan Wyckoff – Reappointment to the Historic District Commission until June 1, 2013
 - Steven Berg – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board until June 21, 2011
 - Christine Lukacz – Reappointment to the Portsmouth Housing Endowment Fund Advisory Board until June 1, 2012
30. Middle School Progress Report – Councilor Dwyer provided a progress report on the Middle School. No action required.
31. Traffic & Safety Committee Action Sheet and Minutes of the June 10, 2010 meeting – Voted to approve and accept the action sheet and minutes of the June 10, 2010 meeting.

32. Miscellaneous/Unfinished Business – Councilor Lister requested that Mayor Ferrini send a letter to the School Board requesting a copy of budget adjustments.

33. Adjournment - At 9:35 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk