

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 20, 2010

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

At 6:00 p.m. a Work Session was held regarding the Downtown Parking Report.

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

Mayor Ferrini called the meeting to order at 7:00 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 Lister led in the Pledge of Allegiance to the Flag.

PRESENTATION

African Burying Ground Committee

Deputy City Manager Cindy Hayden gave a brief overview of the African Burying Ground Committee history and work to this point. She explained that this has been a challenging and rewarding process because of the enormity of the task to decide how to honor those buried at the Chestnut Street site which is in the midst of traffic, etc. She stated that despite the challenges, the African Burying Ground Committee have come up with a design that they are very happy with and the next phase will be the fund raising. She stated they will be seeking pro-bono services and reaching out to foundations etc, but the first step is to seek a substantial gift by the city which helps leverage private contributions. She introduced Jerome Meadows of Meadowlark Studios in Savannah Georgia, the artist commissioned to design the memorial.

Mr. Meadows stated he is honored to have been selected and is proud to be a part of this memorial on sacred ground. He then reviewed a slideshow presentation of the proposed memorial. He concluded by introducing Vernis Jackson, Chair of the Committee.

Ms. Jackson thanked the Council for their time and stated that the Trust is on the agenda and hopes they will support their efforts to help raise funds for the project. She explained that the goal is to restore the site as sacred ground and is also an opportunity for Portsmouth to recognize this history and to show that these unnamed people are remembered. She concluded by reciting the "I Stand" passages that will appear on the memorial with the audience standing in support.

Councilor Dwyer moved to suspend the rules to take up Item XII.A.1. Seconded by Councilor Smith and voted.

1. Approval of African Burying Ground Trust

Councilor Smith moved to authorize the City Manager to execute the Trust as presented. Seconded by Councilor Lister and voted.

V. ACCEPTANCE OF MINUTES – September 7, 2010

Assistant Mayor Novelline Clayburgh moved to accept the minutes of September 7, 2010. Seconded by Councilor Lister and voted.

VI. PUBLIC COMMENT SESSION

Mimi Clark – presented a written statement regarding Durgin Square Parking Lot and other areas in Portsmouth which have had trees removed leaving the areas to look like wastelands. She wonders who gives permission to remove these trees and if the policy can be changed.

Bill St. Laurent – spoke regarding the Fire Commissions request to rescind the funding for the restoration of the Mack Fire Truck. He stated this shows that they were listening to the public and to the taxpayers and he hopes that the Council will accept this and put the money back into the general fund.

Willow Maranhas – spoke in favor of the change to the City Ordinance regarding the CCRC. She stated we should have available some senior housing that provide continuing care. She stated the proposed site on Borthwick Avenue allows easy access to the hospital and doctor offices and feels there would be little impact on the traffic.

Al LaPanne – spoke regarding the Sherburne Back Gate stating he has received calls from people who signed the petition in favor of opening the gate wondering why the Council voted to keep it closed.

Erik Anderson – spoke regarding collective bargaining units which make up a large component of the city obligations. He stated that the public has little opportunity to review the proposals when presented but was pleased at the last meeting when the Council sent the proposal back to the Police Commission. He feels the Council should continue discussions and should find a way to include the public in the process before any voting takes place.

Mark Brighton – stated that he found it interesting that the city spent \$9,000.00 for a temporary repair on State Street to accommodate a bike race. He also strongly urged the city to make more information available on-line so that the public has access to usable information.

VII. PUBLIC HEARING

- A. Proposed Ordinance amending the City Ordinances, Chapter 10 - Zoning Ordinance, by creating a new Section 10.740 – Continuing Care Retirement Community.

Atty. Malcolm McNeill representing Borthwick Forest LLC - gave an overview of the proposal to rezone Office/Research to a CCRC district stating that this proposal applies to all OR districts and not just the 38 acres off of Borthwick Avenue, although that has been the most publicized and discussed. He explained that this proposed amendment has morphed from senior housing to all phases of care and stated that the Planning Department has made all of the changes with which Councilors have expressed concern. He then addressed the concerns point by point including; Compliance with the Master Plan, Spot Zoning, Fiscal Impacts, Under Current Use, Hiring outside consultants, Traffic, Traffic Impacts on Islington Street, Avoidance of Taxes (if become non-profit), Open Space, Set-back Impact on Abutters, Compatibility with Residential Uses, Density, profitable units vs. non-profitable unit pro ration, wetland impact, preference to Portsmouth residents; demographics impact, Adverse public safety impacts, Adverse impact on hospital services (hospital is in favor of project), Amenities and services to residents of facility and finally, hope that if it remains OR it will go undeveloped as it has the last 19 years. He concluded by stating that this will all be controlled by conditional use and the bottom line is that his clients are Portsmouth residents who wish to further the goals of the Master Plan and provide needed senior services.

Zelita Morgan, Portsmouth resident – spoke against the CCRC ordinance proposal stating she is not against the concept but that it will have a negative impact on demographics. She stated that there are websites that advocate senior citizens lobbying against certain issues. She stated that she wants to maintain the sustainable aspect of the Master Plan i.e. people versus buildings and urged the Council to not lose sight of the people of Portsmouth.

Bill St. Laurent, Portsmouth resident, member of the Taxpayers Association - stated that this is spot zoning and feels that the current OR zoning would attract businesses and more jobs than the CCRC and that the CCRC would be a bigger burden on city services and resources.

Mary Lou McElwain, Portsmouth resident – stated she feels the CCRC is a good concept but this is an expensive proposal. She stated she would like to see more slides showing specifics of the project and is also concerned with the affect of the facility of water/sewer services. She stated that the citizens need to know the full impact.

Ted Connors, Newington resident - stated he served many years on the Portsmouth Housing Authority and that when people are looking to downsize they don't want to have to leave Portsmouth and feels that this will give them a place to go.

Mitchell Shuldman, Portsmouth resident – stated he had not been following this issue much until recently when someone approached him regarding the potential impact to the schools. He stated when the school board did the research regarding the middle school it was discussed that the skewing of the demographics up or down was dependent on City Council decisions. He stated as more retired senior citizens move into the city and fewer families with children, there is a concern that the senior citizens may be less willing to support funding for

schools. He asked the Council to take more time to consider potential future impacts and take a more balanced approach to verify the numbers.

Mary Ellen Dunham, York Maine resident – currently is a administrator at a senior living center in Hampton and stated that she has previously lived and worked in Portsmouth. She stated there is a great need for this service and that people will leave the city if they can't find what they want.

Jennifer Padgett, Portsmouth resident - stated she is in favor of the CCRC as she feels that people are living in their homes beyond the point of safety because they have no options. She stated with a CCRC facility, seniors are provided with transportation to doctor's appointments, don't have to maintain their yards, having underground parking etc. which is a much safer environment.

Ruth Griffin, Portsmouth resident – stated that as a member of the Portsmouth Housing Authority she has some insight on this issue. She stated she is in favor of the CCRC because PHA already has a waiting list of over 500 people and those are for who qualify. She continued that those who don't qualify often have to look at other towns i.e. Riverwoods in Exeter, for a facility that offers what they need. She stated that she listened to Atty McNeill and stated that they have made every adjustment that the city has asked of them and urged the Council not to turn their backs on the senior citizens of Portsmouth.

Lee Pearl, resident of Greenland – stated she is a taxpayer of Portsmouth and urged the Council to pass the CCRC as she feels it will benefit future generations as well.

Paul Mannle, Portsmouth resident – distributed a handout entitled "Comparative Fiscal Tax Impact" regarding the Proposed Development CCRC Per Unit Valuation versus the Real Comparison – August 2010. He proceeded to outline his reasons for opposing the CCRC stating that it is against the City's Master Plan which requires the city to do a study and not the developer as was done in this case. He feels that this ordinance is an extreme example of spot zoning as the city has revised it several times to give that allusion. He continued by stating that the Council should be listening to the citizens of Portsmouth above all and that this has no public benefit to Portsmouth or its residents. He addressed the traffic concerns as well stating that the city appears more concerned with the people who may live here rather than those that already do. He then stated that there was poor due diligence in verifying the numbers and cited supposed errors of the City Assessor's office. He stated that there is a deed on file at the Rockingham County Registry of Deeds which gives the owner of the parcel unlimited use of city water. He stated he has tried to sit down with the city over the past 2 ½ years to address his concerns but has not been called back to do so. He then submitted a petition with 410 signatures of people opposed to the CCRC zoning amendment. He concluded by stating that he has been told he is Don Quixote, but he refuses to believe that the "fix is in".

John Whiteman, Portsmouth resident – stated there are 2 issues that he would like addressed. First the traffic on Islington Street which is already one of the worst streets for speeding and access and the CCRC will only make it worse. Secondly, he addressed affordability stating he finds it hard to believe that people will be able to sell their houses for \$300,000 and live on social security will be able to afford to live at that facility.

Ralph Dibernardo, Portsmouth resident – asked that people who speak be required to state their address as there are people who are presenting themselves as current Portsmouth residents that may not be. Next he stated he had planned to address the zoning ordinance proposal and not the specific project, but was concerned that Mr. McNeill indicated that if it was approved they would write a check for the change of use. He continued by addressing various issues with the proposed project including the size, stating that it is larger than the Elwyn Park neighborhood, but the land is much smaller and that the buildings will be 3-4 stories and will block out the sun on Islington Street. He continued that there will be a major impact on utilities and services. He then addressed the skilled care nursing units which are not being provided in enough facilities because of the cost to run them. He feels that they are being added at a minimum amount to pacify public officials. He continued addressing various access, traffic safety, size, etc. issues stating that Mr. Mannle presented good research that seriously contradicts what has been presented. He urged the Council to pay attention to the older neighborhoods.

Dennis Minard, Portsmouth resident – stated he is against the CCRC as there is no city sewerage out there and the closest one is at capacity and there is also no storm water drainage out there. He stated the drainage problem is causing erosion and there is a problem with mosquito control. He then discussed the traffic concerns on Islington Street and the railroad tracks that are involved in the area. He then addressed water rights, natural gas lines and radio towers that he feels also need to be looked into before anything is done.

Matt Wirth, Portsmouth resident – stated he is in favor of the CCRC stating that it is important to take care of our elderly who have been living in larger homes and need to downsize and they want to stay in Portsmouth. He stated that this facility would be near the hospital and doctors office and feels the city needs more diversity.

Mark Stebbins, Portsmouth resident – stated he is one of the “evil developers” and wants to address some of the negative comments presented. He stated he and Michael Kane are Portsmouth residents who have been developing in Portsmouth for 20 years. He stated they produce high-quality developments that go above and beyond requirements including certified silver LEAD certified buildings. He stated that they always deliver on their promises and take great pride in what they do. He then addressed some of the points presented. First, he explained that it was not their preference to have the 2nd access onto Islington Street and that it was the Planning staff who proposed it as an emergency access. Secondly, regarding demographics, he stated that the real problem is not enough housing for young working people in the city. He stated that elderly people are staying in their homes because they don't want to leave Portsmouth and don't qualify for the elderly housing. He stated this has no relevance to voting blocks as Exeter has one of the finest school systems in the State and has the Riverwoods facility. He addressed leaving the zoning as OR because it would bring more jobs etc, stating that he is in the business of building office buildings and nobody is looking to do that now. He continued stating that we need to provide our middle class and affluent seniors with options when they want to downside and feels we have an obligation to take care of all of our senior citizens. Finally, regarding the unlimited water access issue, he stated that his attorneys have looked for that provision and have found nothing to support that claim. He stated if it does come up, it is not their intention to not pay for their water usage.

Dennis MacCallum, Portsmouth resident – stated he represents the 410 people who signed the petition and doesn't want his intelligence insulted by representing this as a zoning amendment and not for a specific CCRC project. He continued by disputing the argument that there is a need for this facility in Portsmouth and listed several other facilities in the area. He commended Councilor Kennedy for raising the issue of the economic study that should have been commissioned by the City and not the developer as per the Master Plan. He stated that you can find an "expert" that will testify to anything and that if there was any negative feedback, it wouldn't see the light of day.

Erik Anderson, Portsmouth resident – stated there are a variety of issues that remain unanswered and unresolved. He stated he would like to think the Council would want a clear conscience and not pass this without getting the answers. He stated that the Planning Board is also not at full capacity as there is a member under a state of recusal.

Jeff Cooper, Portsmouth resident – stated he has listened to both sides before making his decision and he is in favor of the CCRC stating that the Borthwick site is an appropriate use for that facility but wants to make sure it is a tax generator and affordable for its residents.

Richard Rash, Portsmouth resident – stated he has a problem with the proximity of the project to residential areas as well as the density of 400 units on 3-4 floors. He stated that Islington Street should be an emergency access only and urged the Council to make a rationale decision.

Jim Melfi, Portsmouth resident – stated he is against the CCRC as there are still too many unanswered questions. He stated that the city needs to make something on this project but isn't sure that it will. He stated that he finds it interesting that Mr. McNeill, who is a paid representative, made sure he was the first to speak and took up a lot of the time making everyone else wait. He asked the Council to think about the citizens of Portsmouth when making their decision.

Philip Scarponi, Portsmouth resident – stated that Paul Mannle presented solid points and figures that show that this is not in the best interest of the city and definitely not for that neighborhood.

Martin Cameron, Portsmouth resident – stated he is also concerned with the size of the proposed CCRC facility and its affect on the sewer system. He stated that the sewer bills are expected to rise and it is the rise in the nitrogen level that is the concern not the extra capacity. He stated that this facility is 24 hours a day and office space is only 8-10 hours a day of water/sewer usage. He concluded by stating when he looks down the road, all he sees is disaster.

Lenore Weiss Bronson, Portsmouth resident – stated that we are talking about apples and oranges in relation to the overall zoning issue and the specific project. She is concerned with the adjustment of the ordinance from the 35 acre requirement to a 5 acre requirement which means many other areas of the city would be vulnerable to this possibility as well. She then continued by addressing the issue of the lack of skilled care units overall. She related an example of someone she knows being called to move her elderly mother from her current facility because they no longer will provide the skilled care. She stated that this needs to be

thoroughly addressed before approving this project to ensure that they cannot eliminate those units after approval.

Mayor Ferrini called for a recess at 9:38 p.m. Meeting reconvened at 9:45 p.m.

Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up Item IX.C. on the agenda. Seconded by Councilor Coviello and voted.

C. Second Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, by creating a new Section 10.740 – Continuing Care Retirement Community.

Councilor Spear moved to pass second reading regarding proposed amendments to the Zoning Ordinance as presented. Seconded by Councilor Coviello.

Assistant Mayor Novelline Clayburgh moved to amend by limiting the number of units to not more than 200. There was no second to the motion.

Councilor Hetjmanek moved to amend by having the City Attorney and Staff draft language to provide at least 20% total assisted living/skilled nursing units to be pro rata as constructed. Seconded by Councilor Spear.

Discussion ensued regarding whether amending ordinance would table the item automatically or allow more discussion.

Councilor Lister stated he wants to vote on this tonight and doesn't support the amendment.

Councilor Dwyer stated this speaks to the full continuum of care which we currently do not have in this city.

Councilor Kennedy stated that the fact we are trying to do this at 10:00 p.m. tells her we don't have enough information to make a decision. She stated that it is clearly stated on page 27 of the Master Plan that a study should have been done by the city on this area. She stated she was thinking that she could make amendments to be able to vote on this because she agrees that we shouldn't have to move people at the end of their lives. She stated she is perplexed that after 3 ½ years and we are still looking at the numbers. She stated she still would like to see the deeds in question.

Assistant Mayor Novelline Clayburgh stated she won't support the amendment or the ordinance but commends the developers for their work and the speakers for coming to speak.

Motion to amend failed on a 4-5 roll call vote. Councilors Hejtmanek, Spear, Dwyer and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Coviello, Kennedy and Smith voted opposed.

Mayor Ferrini stated after hearing both sides, both sides make sense but he feels that we do have elderly in houses who can afford to live in this type of facility and is a service we need to provide.

Councilor Hejtmanek agrees that there is a need for a CCRC in Portsmouth. He stated that he would like to have had the language included to address affordability but was told it wasn't possible, but we should allow those who can afford to live there to do so. He stated this will generate revenues in excess of the costs and will not affect taxpayers negatively. Lastly, he stated we are voting on a zoning change and not the project so the point against it can go before the Planning Board.

Councilor Lister stated he will not support this as he feels we need to take care of our neighborhoods and the elderly residents that already are here. He stated he feels that this will be a strain on our city services and traffic.

Councilor Dwyer stated she will support this and agrees with Councilor Hejtmanek. She stated she lives near the Sunbridge facility and the traffic has not been an issue. She stated she has a relative who lives at Riverwoods on social security and it would be nice to have this in Portsmouth. She feels that the revaluation shows that property values have been retained. Also, she feels the proportion of units for assisted living and skilled care is important and could be addressed through the site review process. She stated she hopes that the entrance on Islington Street can be avoided and would have liked the Planning Director address some of the misinformation that was stated this evening. She concluded by stating that regarding the negative voting block for school funding, people are moving to Exeter and the schools have benefited as Exeter also has affordable workforce housing.

Councilor Coviello stated that there was an implication that the Council doesn't do their homework, but that isn't true and he doesn't feel that the decision to pass this or not should be based on the tax revenue issue. He then gave some examples of inconsistencies in Mr. Mandle's numbers. He stated we also do not have sewer quantity problems, but sewer quality problems. Finally regarding the comment that senior citizens will vote against schools, he is wondering at what age he will start hating children and feels that as a city, we contribute highly to the schools.

Councilor Smith thanked everyone for their information and feels that it is difficult to separate the zoning issue from the project, but this didn't come before the Councilor by the developer, it came from the Planning Board. He stated it bothers him to think that we don't want others to come live in Portsmouth when most everyone on the Council is from somewhere else and are here because they love this city. He stated he would like to be able to have his own parents come here when the time comes and currently we are losing long-term residents because they have no options. He stated that this ordinance will allow the city to move forward for a new style of housing.

Motion to pass second reading and refer to a third and final reading on October 4, 2010 passed on a 6-3 roll call vote. Councilors Hejtmanek, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister and Kennedy voted opposed.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of NH State Council on the Arts Education Grant.

Councilor Smith moved to accept the NH State Council on the Arts Education Grant as presented. Seconded by Councilor Coviello and voted.

- B. Acceptance of Donation to the Coalition Legal Fund
• Town of Bridgewater - \$1,250.00

Assistant Mayor Novelline Clayburgh moved to approve and accept the donation as listed to be placed in the Coalition Legal Fund. Seconded by Councilor Coviello and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4, Section 10.420 – District Location and Boundaries and the Zoning Map. (Rezoning of Former Fire Station 2)

Councilor Smith moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance and Map, as presented, at the October 4, 2010 City Council Meeting. Seconded by Councilor Coviello and voted.

- B. First Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 - Zoning Ordinance, Articles 4 and 5.

Councilor Smith moved to pass first reading and schedule a public hearing and second reading of the proposed ordinance, as presented, at the October 4, 2010 City Council Meeting. Seconded by Councilor Coviello and voted.

- C. Second Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 - Zoning Ordinance, by creating a new Section 10.740 – Continuing Care Retirement Community.
(ACTION TAKEN UNDER PUBLIC HEARING PORTION OF AGENDA)

- D. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, Subsection 10.1010 of the Wetlands Protection.

Assistant Mayor Novelline Clayburgh moved to pass the third and final reading for the proposed amendments to the Zoning Ordinance as presented. Seconded by Councilor Coviello and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Cash Donation of \$66.67 for Art-Speak. ***(Anticipated action – move to accept and approve the donation to Art-Speak for general operations, as presented)***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Ben Anderson, Co-Chair, 2010 Fishtival Steering Committee, Prescott Parks Arts Festival, requesting \$1,000.00 in support of the 2nd annual NH Fish and Lobster Festival, September 25, 2010.

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

- B. Letter from Mark D. Herrholz, Secretary, Portsmouth Professional Fire Fighters Local 1313, regarding Donations raises for Muscular Dystrophy through annual Boot Drive Campaign.

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

- C. Letter from Jerry Tostenson regarding Portsmouth's Comprehensive Recreational Needs Study.

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

Councilor Dwyer asked the City Attorney if this Recreation Needs Report is a legally binding Master Plan. City Attorney Sullivan clarified that it is not unless the Council adopts it as such. He stated there may have been a misunderstanding in his conversation with Mr. Tostenson.

Motion to accept and place letter on file passed.

- D. Letter from Pam Langone requesting permission to hold wedding ceremony at Peirce Island.

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

- E. Letter from Joseph Almeida requesting license to relocate construction fence line at 10 State Street

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

- F. Letter from Melissa Clark, Field Director, Every Child Matters, requesting permission to hold a mock rally in Market Square on October 2, 2010 at 3:15 p.m.

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

- G. Letter from Richard Gamester, Chair, Board of Fire Commissioners, withdrawing request for surplus funds to complete restoration of City's 1950 Mack Fire Engine.

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action

1. Approval of African Burying Ground Trust
(*ACTION TAKEN UNDER PRESENTATION PORTION OF AGENDA*)
2. Masonic Parking Agreement

Assistant Mayor Novelline Clayburgh moved to authorize the City Manager to enter into a Parking Lot Usage/Maintenance Agreement with St. John's Masonic Association for the period of January 1, 2011 through December 31, 2011 and further to compensate St. John's Masonic Association in the amount of \$21,500.00 which shall be taken from the Parking Impact Fee Fund. Seconded by Councilor Dwyer.

Councilor Smith asked that a report be included with next year's agreement request to show the utilization of the lot. He stated if the usage is low, we shouldn't be paying to use it.

Motion passed.

Councilor Smith moved to suspend the rules to allow the meeting to go past 10:00 p.m.. Seconded by Councilor Spear and voted.

3. Report Back on Date for Goal Setting Retreat

Council Consensus was to hold the Goal Setting Retreat on Saturday, November 20, 2010 at 8:00 a.m.

4. Establish Date for Tour of Water Treatment Plant

Council Consensus was to hold the tour of the Water Treatment Plant on Saturday, October 30, 2010 at 8:30 a.m. Council will meet at City Hall and be transported to site.

5. Polling Hours for November 2, 2010 State General Election

Councilor Smith moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the State General Election on Tuesday, November 2, 2010. Seconded by Councilor Lister and voted.

6. Request for a License from Yalcin Kaya, owner of Kaffee Vonsolln for property located at 79 Daniel Street to install a projecting sign.

Councilor Smith moved to accept the recommendation of the Planning Board with the usual stipulations and approve the request of Yalcin Kaya, owner of Kaffee Vonsolln to install a projecting sign on a new bracket at 79 Daniel Street and further authorize the City Manager to execute a license agreement for this request. Seconded by Councilor Coviello and voted.

7. Request for License from John and Anglea Foddrill, owner of Bliss for property located at 85 Market Street to install a projecting sign.

Councilor Smith moved to accept the recommendation of the Planning Board with the usual stipulations and approve the request of John and Anglea Foddrill, owners of Bliss property to install a projecting sign on a new bracket at 85 Market Street and further authorize the City Manager to execute a license agreement for this request. Seconded by Councilor Coviello and voted.

Informational Items

1. Events Listing
2. Report Back Re: Flaggers
3. Meeting Notice Re: South Mill Street and Mechanic Street
4. Status of Safe Routes to School Programs

Councilor Spear stated he was glad the report regarding flaggers was done and would like to see this done annually. Councilor Smith would like to include expenses and revenues related to the flaggers.

B. MAYOR FERRINI

1. Appointments to be Voted:
 - Amy Schwartz, Portsmouth Housing Authority (Term to expire 04/01/2014)

Assistant Mayor Novelline Clayburgh moved to approve the appointment of Amy Schwarts to the Portsmouth Housing Authority. Seconded by Councilor Lister and voted.

2. Appointments to be Considered:
 - James J. Feehley – Taxi Commission
3. Resignations:
 - Lyz Boudreaux – Peirce Island Committee
 - Paul E. Harvey – Economic Development Commission

Councilor Smith moved to accept the resignations with regret and send letters of appreciation of service. Seconded by Assistant Mayor Novelline Clayburgh and voted.

Mayor Ferrini urged the public to submit applications for boards and commissions.

C. COUNCILOR DWYER

1. *Update on Middle School Project

Councilor Dwyer began by stating that everyone seems pleased with the artificial turf at the high school field. Next she stated that regarding the Granite Street project, the abatement of asbestos has been ongoing and they will begin taking down the building with the materials to be recycled. Also, she stated that there were several speakers at the last public comment session who spoke regarding the ball field on Granite Street and as those are recreation related concerns, they have been referred to Recreation Director Rus Wilson who will meet with the abutters. Next, she stated that the JBC decided not to go forward with their meeting with the Planning Board in September because of the drainage issue that came up, but will go to the Planning Board in October. She concluded by stating regarding the “percent for the Arts” they are looking to reflect the history of the building as opposed to restoring it.

2. *Establishment of Transportation Committee

Councilor Dwyer stated that at the last meeting there was discussion and confusion regarding the Ad Hoc Traffic and Safety Committee and Parking Committee and feels that these subjects are discussed frequently in this city. She stated she would like to see these 2 committees be combined as one regular committee to enlarge the discussion. She stated this would involve an ordinance change, but wanted to get the idea out there and perhaps discuss it at a work session or the council retreat.

Mayor Ferrini stated this will be added to the Retreat agenda for discussion.

D. COUNCILOR COVIELLO

1. Naming Fields

Councilor Coviello stated he has received 2 requests regarding the naming of the Granite Street ball field and had asked the City Manager for clarification on this matter and whether this was a city property or school property.

City Attorney Sullivan stated that it falls under the School Board if the field is attached to a school building and to the City if it is a separate field.

E. COUNCILOR KENNEDY

1. *Revaluation

Councilor Kennedy stated that the south end neighborhood was hit hard by the revaluation and she has been getting lots of calls and wants clarification of how to answer the questions. She stated she would like a review of the assessing process and also a list of what people who request meetings with the Assessor need to bring with them. She stated she also wants to know if there is any support being offered to elderly residents and new families who may not know what to do. She stated when she went to her meeting with the Assessor she was only told what time to be there, that it would take 20 minutes and she would meet with the Assessor or an appraiser. She also is looking for clarification as to how the assessor came up with numbers that differ from one end of the street to the other.

Mayor Ferrini clarified that the Assessor gave a presentation on September 7th.

Councilor Kennedy stated that she wants Step 2 in the process explained and feels that the Council may now have questions that they didn't have before.

City Manager Bohenko stated that every time a revaluation is done people have questions and they have tried to make this information available with pamphlets and on the website. He stated he will have the Assessor available at the October 4th meeting.

Councilor Kennedy stated that she would like to hear from the Assessor again as when this happened 10 years ago they were old that it was rough then because it had been a long time but it wasn't supposed to happen again because of the new State laws requiring it to be done more frequently.

City Manager Bohenko stated that if they had annual reviews they would be required to hold public hearings annually as well, so we do a percentage each year.

Councilor Dwyer stated she supports hearing from the Assessor again as she has had to make some assumptions when answering questions and she feels it will be helpful to see how the neighborhoods are changing.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Smith referred to the letter presented by Mimi Clark during the public comment session stating these developments were approved with the conditions of adding trees etc. and now they are taking them down, and wants clarification of who gave them the authority to do so.

City Manager Bohenko stated he would look into it.

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

Councilor Smith moved to adjourn at 10:55 p.m. Seconded by Councilor Coviello and voted.

Valerie A. French

Deputy City Clerk I

INFORMATIONAL ITEMS

1. Notification that the Site Review Technical Advisory Committee Minutes of the August 3, 2010 meetings are available on the City's website for your review
2. Notification that the Conservation Commission Minutes of the July 14, 2010 and August 11, 2010 meetings are available on the City's website for your review
3. Notification that the Historic District Commission Minutes of the July 7, 2010 and July 14, 2010 meetings are available on the City's website for your review