

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 20, 2010

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

### **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 Hejtmanek led the Pledge of Allegiance.

## **PRESENTATIONS**

### **1. Update on Indoor Pool**

Recreation Director Rus Wilson stated there are several members of SIPP in the audience and he then reviewed the history of SIPP to date. He explained that last budget year when the indoor pool budget was proposed to be reduced, SIPP members came forward and asked for time to come up with a plan to continue operations. He stated they were given 18 months which will end on 01/01/2011. He further explained some of the adjustments that have been made to date. He stated they are not fully self-sufficient, but are 70% at this point with a new membership cycle to begin 01/01/2011.

Lisa Arakelian, Indoor Pool Office Manager then gave an overview of the membership and various programs offered at the indoor pool. She stated they are also doing various fundraising events and feels that everything is going very well and thanked everyone for their support.

Tom Conneen, president of SIPP stated he remains engaged in the process and feels that there has been a healthy and productive collaboration with the city staff, especially Rus Wilson and Judie Belanger. He stated that the numbers that have been achieved thus far are very favorable, especially since the pool was closed for 2 months. He concluded that there is more to be accomplished and they remain committed to see it through.

- ### **2. African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten***
- Letter from Vernis Jackson, Chair, African Burying Ground Committee, requesting the City Council appropriate \$100,000.00 in Urban Development Action Grant (UDAG) funding for the African Burying Ground Memorial Park

Deputy City Manager Cindy Hayden recognized several members of the African Burying Ground Committee present in the audience and then reviewed the history of the African Burying Ground committee efforts to this point. She explained that the City Council recently approved the design of the memorial which will be similar to other memorial parks in the city with a cost estimated at 1 million to 1.2 million dollars. She stated the next phase will be fundraising and explained that it is very important for the City to commit to the UDAG funding which can leverage other funding, the same as occurred with the Steeple project. She further explained that UDAG means Urban Development Action Grants which are federal loans to private development projects which are then repaid to the local government, which are then to be used for Community Development projects such as this.

Vice Chair Mary Bailey reviewed the historic significance of the African Burying Ground site going back to records from the 1700's and petitions for freedom filed with the NH legislature, which were ignored. She reviewed the Chestnut Street area where the memorial will go and explained that the abutters support this memorial. She stated that this raises many complex, emotional issues and the memorial entitled "We Stand in Honor of Those Forgotten" will ensure that we never forget those buried beneath. She stated that this project is supported by many community members and leaders as well as hands on involvement of the children and explained that fundraising will be an important phase. She thanked everyone for their support.

### 3. Operational Efficiencies Report Back

Councilor Hejtmanek, Chair of the Operational Efficiencies Committee explained that the Blue Ribbon Committee was appointed by Mayor Ferrini in March of 2010. At that time, the Committee was charged with determining opportunities for operational efficiencies in all departments of City Government and reporting back to the City Council with findings and/or recommendations for operational efficiencies prior to the commencement of the fiscal 2012 budget process. He thanked current members Dana Levenson and Steve Marchand, School Board representative members, Rebecca Emerson, Carol Chellman and Kent LaPage, and Council representatives Bob Lister and Ken Smith. He also thanked School Superintendent Ed McDonough and School Business Administrator Steve Bartlett as well as the various city staff members who have attended the meetings. He explained that this may not necessarily result in immediate cost savings, but is meant to look at long term efficiencies through operational changes that improve services to benefit the taxpayer. He concluded by stating that it is also important to note that the School Board is the authority that runs the school system and makes the decisions regarding education and classrooms.

Community Development Director David Moore explained the three key considerations of the committee to this point including; Departmental missions to improve efficiency operations between the School and the various municipal departments, i.e. outside maintenance, legal services, human resources, library services, etc. Also, cost savings and improved services which may over time create efficiencies that lead to a positive financial impact. Finally, he discussed collective bargaining agreements which are referenced in Appendix A and include implications for potential operational changes through collective bargaining.

Next, Rus Wilson, Recreation Director, Bob Sullivan, City Attorney, Dianna Fogarty, Human Resources Director, Dave Allen, Deputy Public Works Director, Steve Bartlett, School Business Administrator, Mary Ann List, Library Director and Jon Frederick, Parking Manager

each reviewed the existing cooperation and potential efficiencies related to each of their respective departments as outlined in the interim report.

Councilor Hejtmanek stated that at this point we will need to reconstitute the committee and have the Mayor appoint some new members going forward.

Mayor Ferrini thanked the committee for their hard work and City Manager Bohenko thanked David Moore for coordinating the committee's efforts.

## **V. ACCEPTANCE OF MINUTES – DECEMBER 6, 2010**

**Councilor Smith moved to accept the minutes of the December 6, 2010 Council meeting. Seconded by Councilor Coviello and voted.**

## **VI. PUBLIC COMMENT SESSION**

Peter Bresciano – spoke regarding assessments stating he has a list of 12 properties on FW Hartford Drive which he can provide assessment for based on square footage and not sales. He continued that the right questions haven't been asked regarding assessments and feels that there are answers to be had if the right questions are asked.

Suzanne Delaney, Portsmouth Criterium Race Director – discussed the highlights of past races and stated that several of the races have been filled up already online. She stated that they have worked with area businesses to get them more involved in the days events and she thanked the City for beautifying the city streets.

Bill St. Laurent, President of the Association of Portsmouth Taxpayers – discussed a segment that appeared on "60 Minutes" which predicts the financial ruin of the USA within a year due to retirement and benefits costs. He stated the City Council needs to act now and renegotiate all city employment contracts to include 401K plans and higher insurance co-pays. He concluded by stating that speakers should be allowed more than 3 minutes to speak.

Dan Stolworth, Master of St. John Masonic Lodge – gave a brief history of the Masons which were founded in 1736 and announced that they will be celebrating their 275<sup>th</sup> anniversary in 2011. He presented Mayor Ferrini with a commemorative ornament which he accepted with thanks and appreciation.

Melinde Lutz Sanborn, President of the American Society of Genealogists – stated she is fortunate that she and her son are able to find the burial sites of their ancestors and feels it is important for the 200 souls buried on Chestnut Street to be given their memorial. She asked the Council to approve the \$100,000.00 UDAG funding.

Mark Brighton – spoke regarding the study circles, stating he is in favor of study circles but doesn't feel that the city has to sanction them. He said 80-100 people can engage in discussions on their own. He stated they will still be able to get all of the public information that the Council receives during the budget process, but if they were to receive more than that, then other groups should also be getting that information.

Jeff Cooper, member of Portsmouth Listens Steering Committee – spoke in favor of the study circles stating that there are other municipalities where this has worked well. He further stated that the other groups are also welcome to the discussions and feels that although there are some that don't support them, others do. He stated that this will be a neutral process with no hidden agenda. He asked the Council to vote in favor.

Jim Lee, member of the Seacoast Board of Realtors – spoke in favor of putting the assessment information on-line.

Bob McElwain- spoke in favor of the African Burying Ground UDAG funding.

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up Item XII.C.1. on the Agenda for Council action. Seconded by Councilor Smith and voted.**

1. African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten*

**Councilor Dwyer moved to authorize the expenditure of \$100,000.00 from the Urban Development Action Grant Fund (UDAG) for the African Burying Ground project. Seconded by Councilor Lister.**

Councilor Dwyer stated that this is the type of project that UDAG is intended and that most of these funds will be used for infrastructure costs. She stated that 3 different Councils have continued to move this project forward and now it is time to take the next step.

Councilor Coviello stated he has thought a lot about this because of the cost but feels that if anyone found out there was something buried on their property inappropriately, they would do something about it. He stated we can honor the past and the sacrifices of the people buried on that site.

Councilor Lister stated he is familiar with UDAG funding in other projects and stated he is honored to have the community coming forward with this worthy project.

Assistant Mayor Novelline Clayburgh stated she supports this and wants everyone to understand what UDAG funds are as they are federal loans which are to be paid back to the city, who then turn around and spend it on city projects. She stated this is the perfect project for these funds.

**Motion voted.**

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up Item XII.B.1. on the Agenda for Council action. Seconded by Councilor Coviello and voted.**

1. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project (*Tabled from the December 6, 2010 City Council meeting*)

**Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.**

***Councilor Smith moved to remove item from the table. Seconded by Mayor Ferrini and voted.***

***Mayor Ferrini moved to proceed with the proposed Study Circles as presented and to authorize the City Manager to provide the necessary staff support as available and necessary. Seconded by Councilor Coviello.***

Mayor Ferrini referred to the memorandum dated December 15, 2010 from John Tabor and Jim Noucas, Co-Chairs of Portsmouth Listens which addresses the concerns the Council expressed regarding the proposed study circles, specifically the demographics section. He stated they have offered up a process which will be both representative and inclusive. He stated he will support the original motion to proceed with the study circles as presented,

Councilor Lister thanked Mr. Noucas and Mr. Tabor for addressing the demographics issue. He stated he supports the study circle concept but feels they should be used for targeted issues. He stated under the Charter the City Council is responsible for the budget.

Councilor Spear stated he is unclear as to the relationship with the study circle process and the city government and what is expected from the staff. City Manager Bohenko stated that the city had similar involvement with other major projects i.e. the Sewer project, in that we explain the technical aspects to the citizens. He stated that once the budget process information has been explained to anyone who wants to attend the Budget 101 sessions, the staff will no longer be involved. He stated that any budget information provided to the Council during the process will also be available to the public. He stated that the Budget 101 sessions will be videotaped as well.

Councilor Kennedy stated she is a firm believer of study circles but the one job the Council has is to determine the bottom line of the budget. She stated that she does like the Budget 101 idea but doesn't feel this needs to be tied with the study circles. She would like to see the study circles concentrate on more specific issues i.e. sustainability, transportation, parking, etc. She stated the Council is obligated to listen to all citizens equally.

Councilor Smith stated he has worked with study circles in the past, specifically on the Master Plan, which worked well. He stated the city staff gave them the information and tools and he feels this would be the same thing, but that this information is available to all of the public and the Council shouldn't be sanctioning just one group. He stated he will support the process, but not the sanctioning by the City.

Councilor Coviello stated he agrees with the comments and stated he would like to go forward with just the Budget 101 sessions so that all groups and all citizens have the same access to the information and be able to ask questions of the staff. City Manager Bohenko stated the staff has been talking about a process to educate the public prior to the study circle proposal so they would move ahead with it.

Councilor Dwyer stated it is good to look at the fundamentals of government but doesn't want to confuse or be confused that it is the Council's job to do the budget. She stated she would like people to take part in the Budget 101 process and then form groups if they would like to. She stated she likes the idea of stepping up public interaction.

Councilor Hejtmanek stated he also likes the idea of the Budget 101 and public access to the information but doesn't want the Council to sanction any one group.

**Councilor Coviello moved to amend the motion to read: "proceed with Budget 101 and authorize the City Manager to provide the necessary staff support as available and necessary". Seconded by Councilor Kennedy.**

*Discussion ensued to clarify the motion to amend.*

**Motion to amend passed on an 8-1 roll call vote. Mayor Ferrini voted opposed.**

Councilor Smith stated we need to find another way for the public to provide input as the 3 minutes allowed at the Public Comment Session is not enough. He continued that the Council needs to make themselves available for more give and take discussions. He stated if the study circles go forward, they will come back with reports and they will need more time to present the information.

Mayor Ferrini stated he will support the motion as amended to go forward with the Budget 101 informational session, but stated any report received by study circles now will not be given to the Council as a presentation.

Councilor Coviello stated that we should ensure that the information is publicly available in an equitable way. i.e. Channell 22, and that Councilors should make themselves available to attend the meetings. City Manager Bohenko stated we need to be careful with offering up Channel 22 for all groups due to scheduling issues. Councilor Coviello stated he just has trouble with favoring on group over another.

**Main motion as amended passed on a 9-0 roll call vote.**

## **VII. PUBLIC HEARINGS**

### **A. ORDINANCE OF AMENDMENTS TO CHAPTER 7 – VEHICLES, TRAFFIC PARKING OMNIBUS ORDINANCES**

At the request of City Manager Bohenko, Parking Manager Frederick, reviewed the proposed amendments to Chapter 7 of the City Ordinances.

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers. After no speakers, Mayor Ferrini declared the public hearing closed.

### **B. ORDINANCE AMENDING CHAPTER 7, ARTICLE II, TAXICABS – OF THE ORDINANCES OF THE CITY OF PORTSMOUTH BE STRICKEN IN ITS ENTIRETY AND REPLACED**

At the request of City Manager Bohenko, City Attorney Sullivan reviewed the proposed amendments to the Taxicabs section of Chapter 7 of the City Ordinances.

Councilor Lister thanked Attorney Sullivan for his guidance and availability at the Taxi Commission meetings and stated that the goal is to balance taxi businesses making a living and ensuring the safety of our citizens.

Mayor Ferrini read the legal notice, declared the public hearing open and called for speakers. After no speakers, Mayor Ferrini declared the public hearing closed.

### **VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Donations to the Coalition Legal Fund
- Town of Grantham - \$1,000.00
  - Town of Center Harbor - \$500.00

**Councilor Smith moved to approve and accept the donations, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Kennedy and voted.**

- B. Acceptance of Grant for Curbside Recycling Bins

**Councilor Smith moved to accept and expend a \$2,100.00 grant for the purpose of curbside recycling bins, seconded by Councilor Dwyer and voted.**

### **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. Second reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances

**Councilor Smith moved to pass second reading for the proposed changes to Chapter 7 of the Vehicles, Traffic Parking Omnibus Ordinances, as recommended by the Parking Committee, and hold third and final reading at the January 3, 2011 City Council meeting. Seconded by Councilor Coviello.**

Councilor Kennedy asked how many hours of parking are being lost as we had been able to use the spot after 7:00 p.m. Parking Manager Frederick stated approximate 11 hours per day. He continued to explain that the spaces used by the taxis at Fatbelly's would free up 2 spaces elsewhere in the City that the taxis wouldn't be occupying. Councilor Kennedy stated that there would actually be a total of 44 hours of parking being given away. Parking Manager Frederick further explained the parking situation stating that the taxi companies frequently request more taxi stands and feels that this addition totaling 5 taxi stands will satisfy their needs. Councilor Kennedy stated she has a hard time with what this is doing to the taxpayer by giving up a space here and a space there and losing parking hours.

Councilor Smith clarified that the valet space actually allows for the turnover of 20-30 cars which frees up many spaces.

**Motion passed on an 8-1 vote. Councilor Kennedy voted opposed.**

- B. Second reading of Ordinance amending Chapter 7, Article II, Taxicabs – of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced

**Assistant Mayor Novelline Clayburgh moved to pass second reading for the Taxi Ordinance, as recommended by the Taxi Commission, and schedule third and final reading at the January 3, 2011 City Council meeting. Seconded by Councilor Coviello and voted.**

X. CONSENT AGENDA

***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce, requesting permission to hold the 2011 Community Road Race Series as follows:
- YMCA 5K – Saturday, May 14<sup>th</sup> at 9:00 a.m.
  - Harbour Trail Road Race 5K – Saturday, July 9<sup>th</sup> at 9:00 a.m.
  - Rotary Club of Portsmouth Thunder Chicken 5K – Thursday, August 4<sup>th</sup> at 6:00 p.m.
  - Breast Cancer Stories 5K – Saturday, September 17<sup>th</sup> at 9:00 a.m.
  - Seacoast Rotary Club Turkey Trot 5K – Thursday, November 24<sup>th</sup> at 8:30 a.m.
- (Anticipated action – move to refer to the City Manager with power)***

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

Councilor Smith asked that they be reminded to remove all signs after the events.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Susanne Delaney, The Portsmouth Criterium, requesting permission to hold The Portsmouth Criterium event on Sunday, September 18, 2011

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

- B. Letter from Peter Bresciano regarding Vision Property Record Cards posted on the website

**Councilor Coviello moved to accept and place on file. Seconded by Councilor Lister.**

Mayor Ferrini clarified that when something is placed on file that means no further action will be taken. He further explained that sometimes there is a request for further action in the letter which the Council may or may not vote to take.

Councilor Coviello stated he read the concerns addressed in the letter and feels that we won't get a perfect world, but does feel that this will be helpful to people to get details before coming to City Hall.

**Motion voted.**

- C. Letter from Richard Gamester, Chair Portsmouth Fire Commission regarding Budget Citizen Deliberation Pilot Program

**Councilor Coviello moved to accept and place on file. Seconded by Councilor Kennedy.**

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini stated that the last paragraph states that the Fire Commission has no desire to participate.....etc. He stated he sympathizes with their position, but he hopes they will consider participating in the Budget 101 process.

**Motion voted.**

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

#### **City Manager's Items Which Require Action**

1. Report Back Re: Vision Appraisal Online

**Councilor Coviello moved to authorize the City Manager to proceed with retaining Vision Appraisal Systems to place assessing information online, as presented, and to fund from FY11 contingency. Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Spear stated that he had asked about people being able to opt out and would like that answer. City Manager Bohenko replied that yes the Assessor can remove names.

Councilor Lister stated he will be voting against this as he is concerned with security.

Assistant Mayor Novelline Clayburgh stated she was reluctant until she heard that citizens can opt out and wonders how they should let the city know that want to be left off. City Manager Bohenko stated people should put their request in writing to the Assessor so there is a record for the files.

Councilor Smith stated he also has some concerns with security and although he understands that the Board of Realtors would be in favor because it makes their jobs easier, he would like to be able to hear from people with more than 3 minutes to speak their concerns.

Councilor Kennedy stated she feels this is important for people to get their information together when filing for abatements. She stated that there is a cost involved after printing the first 5 pages at the Assessors' office. She continued that most of the information is already available on-line but not the price line information from the Assessor which people need. She stated that other communities already do this and feels we should as well.

**Motion passed on a 7-2 vote. Councilors Lister and Smith voted opposed.**

2. Proposed Bonding for Wastewater Treatment Preliminary Engineering and Long-Term Control Plan Implementation

**Councilor Smith moved to authorize the City Manager to bring back for first reading at the January 3, 2011 City Council meeting, a bonding resolution for up to \$3,000,000.00 for treatment plant engineering and equipment performance testing and long-term control plan implementation, as presented. Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Kennedy asked if we will get information back from the EPA and State DES before going forward with any expenditures for Cass Street and wonders if these items should be separated. City Manager Bohenko stated this is only to authorize him to move forward with bringing back a first reading of a bonding resolution, but he expects to get information back in the next couple of weeks and feels that the items should not be separated as we will be expected to go forward once we get the go ahead from the EPA. He stated that Cass Street will not be done until the next construction season.

**Motion voted.**

3. Request for Approval of PSNH Pole License and Easement for Granite Street Ballfield

**Assistant Mayor Novelline Clayburgh moved to grant PSNH's Petition and Pole License #63-0502 and authorize the City Manager to negotiate and grant an easement to PSNH to provide service to the Granite Street Ballfield. Seconded by Councilor Coviello and voted.**

4. Request for Approval of Comcast License Agreement

**Councilor Smith moved to approve the request from Comcast for a Petition and Conduit License Agreement, as recommended by the Public Works Department and authorize the City Manager to negotiate and execute the Agreement. Seconded by Assistant Mayor Novelline Clayburgh.**

Councilor Coviello asked how big of a trench cut this will be and how long will it take. Deputy Public Works Director Allen stated that they have identified the corridor and there will be a narrow trench and it will be done fairly quickly.

**Motion voted.**

### **Informational Items**

1. Events Listing

Councilor Smith asked for an update on the Connie Bean Center timeline. City Manager Bohenko stated they are currently working with another agency, but if any developers are interested, they should give their names to the City Manager's office and he will keep a list. He stated he will follow the Council's wishes to proceed with an RFP or directly

negotiate with an entity in regards to placement or disposal of the facility. Assistant Mayor Novelline Clayburgh asked for clarification that the Connie Bean Center will be relocated before anything else is done with the building. City Manager Bohenko stated it is up to the Council.

Councilor Kennedy asked when the Assessment manual that is now completed will be available on the web. City Manager Bohenko stated as soon as possible and there will also be 3 copies available at the library, 2 of which can be checked out.

**B. MAYOR FERRINI**

1. Proposed Study Circles Re: Budget Citizen Deliberation Pilot Project (*Tabled from the December 6, 2010 City Council meeting*)  
(Action previously taken)

**C. COUNCILOR DWYER**

1. African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten*  
(Action previously taken)

**D. COUNCILOR COVIELLO**

1. \*Placing Proposed and Existing Employment Contracts on the Web

Councilor Coviello asked when this information can be put on the web.

Councilor Lister asked if there would be any legal ramifications. City Attorney Sullivan stated once the contracts have been approved, they become public information.

City Manager Bohenko stated he will put all employment contracts on the web including his own.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

The Mayor and City Council wished everyone a Merry Christmas and Happy New Year.

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

**Councilor Coviello moved to adjourn at 9:27 p.m. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

Respectfully submitted:

Valerie A. French  
Deputy City Clerk I