

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON DECEMBER 19, 2011, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

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

ABSENT: COUNCILOR HEJTMANEK

1. Mayor's Award – Firefighter Russell Osgood (not on agenda) – Mayor Ferrini presented a Mayor's Award to Russell Osgood for his dedication to and support of the late Sarah Fox and her family. Russell accepted the Mayor's Award with appreciation and thanks.
2. Mayor's Award (not on agenda) – Ralph Cresta – Mayor Ferrini presented a Mayor's Award to Ralph Cresta in recognition of his support to the Portsmouth Holiday Parade. Ralph accepted the Mayor's Award with appreciation and thanks.
3. Mayor's Award – Portsmouth High School Football Team – Mayor Ferrini presented Mayor's Awards to the Portsmouth High School Football Team in recognition of winning the Division III State Championship for 2011. The players and coaches accepted the Mayor's Awards with appreciation and thanks.
4. Presentation – Portsmouth High School Holiday Ensemble – The Musical Interlude for Mayor Ferrini's Farewell Ceremony was provided by the Portsmouth High School Holiday Ensemble. Mayor Ferrini played his trumbone with the Holiday Ensemble for the City Council.
5. African Burying Ground Memorial Park, *We Stand in Honor of Those Forgotten* – Deputy City Manager Hayden provided an update on the accomplishments of the African Burying Ground Memorial Park. She also announced that the Committee will be sponsoring a visibility and awareness event on the evening of February 13, 2012 and the world famous Soweto Gospel Choir will perform at Chestnut Street.
6. Farewell Address by Mayor Ferrini – Mayor Ferrini presented his Farewell Address. Mayor Ferrini's Address will be contained in the City Council Minutes.
7. Acceptance of Minutes – December 5, 2011 – Voted to approve and accept the minutes of the December 5, 2011 City Council meeting.
8. Public Comment Session – There were two speakers: Robin Normandeau (Seawall); and Peter Somssich (Waste Water Plans).

9. Public Hearing - Resolution Authorizing a Supplemental Appropriation of up to \$600,000.00 from Undesignated Fund Balance for Necessary Expenditures for Municipal Complex Renovations – A public hearing was held. On a roll call 8-0 voted to adopt the proposed Resolution appropriating a sum of up to \$600,000.00 from undesignated fund balance for the renovations to the Municipal Complex for the relocation of the School Administrative Offices.
10. Acceptance of Grant from Northeast Utilities - \$1,500.00 – Voted to accept and approve the grant, as submitted.
11. Second reading of Ordinance Amending Chapter 7, Article IV - Off-Street Parking, Section 7.402 - Areas Established and Described by the addition of Middle School – Library Parking Lot Off-Street Parking Area. The Proposed Ordinance sets Hourly Limits on Parking in the Lot, Delineates certain Parking Spaces for Library Use and Prohibits Overnight Parking in the Lot (**Postponed from December 5, 2011 City Council meeting**) – Voted that Section 7.402 (l) (3) be amended to read as follows: No parking shall be allowed in the lot between the hours of 11:00 p.m. and 7:00 a.m. at any time, except for the 24 parking spaces directly abutting Parrott Avenue, which spaces shall be vacated no later than 7:00 a.m. Councilor Coviello voted opposed.

Voted to pass second reading as amended. Councilor Coviello voted opposed.

Voted to suspend the rules in order to take up third and final reading.

Voted to pass third and final reading. Councilor Coviello voted opposed.

12. Consent Agenda – Councilor Kennedy requested to remove two events from Greater Portsmouth Chamber of Commerce letter - Thursday, August 2nd at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course and Thursday, November 22nd at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course.

Voted to adopt the Consent Agenda.

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Heidi Roy, National Multiple Sclerosis requesting permission to hold the 2012 Walk MS Portsmouth on Saturday, April 14, 2012 from 10:00 a.m. until 2:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Portsmouth Community Road Race Series 5K Races for 2012 and January of 2013:
- Sunday, January 1st – Great Bay Services – Little Harbour School Course
 - Saturday, May 19th at 9:00 a.m. – YMCA – YMCA Peverly Hill Road Course
 - Saturday, July 7th at 9:00 a.m. – Harbour Trail Road Race - Little Harbour School Course
 - Thursday, August 2nd at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course
 - Saturday, September 15th at 9:00 a.m. – BreastCancerStories.org – Little Harbour School Course
 - Saturday, October 13th at 9:00 a.m. – Community Child Care – Little Harbour School
 - Thursday, November 22nd at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course
 - Tuesday, January 1, 2013 – Great Bay Services – Little Harbour School Course
- (Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Todd Hanson, New Heights requesting permission to hold the 3rd annual St. Paddy's Five Miler on Sunday, March 11, 2012 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Kathryn M. Libby, American Lung Association requesting permission for the 3rd Annual Cycle the Seacoast Ride on Sunday, May 6, 2012 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request for a License from Mari Woods owner of Mari Woods Kitchen Bath Home for property located at 11 Ladd Street to install a projecting sign on an existing bracket ***(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)***

Planning Director Stipulations:

- ***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, shall 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***

- F. Request for a License from Sorassa Soeur owner of Salonista for property located at 90 Fleet Street to install a projecting sign on an existing bracket **(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)**

Planning Director Stipulations:

- **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, shall 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**

- G. Request for a License from Judit Vano-Tydeman owner of Portsmouth Salt Cellar for property located at 7 Commercial Alley to install a projecting sign on an existing bracket **(Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute a License Agreement for this request)**

Planning Director Stipulations:

- **The license shall be approve by the Legal Department as to content and form;**
- **Any removal or relocation of the projecting sign, for any reason, shall 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

13. Letter from Doug Bates, President of Greater Portsmouth Chamber of Commerce requesting permission to hold the Portsmouth Community Road Race Series 5K Races for 2012 – Voted to refer to the City Manager with power and to provide a copy of the letter to the Peirce Island Committee.
- Thursday, August 2nd at 6:00 p.m. – Portsmouth Rotary Club Thunder Chicken – Peirce Island - Prescott Park Course
 - Thursday, November 22nd at 8:30 a.m. – Seacoast Rotary Club Turkey Trot – Peirce Island – Prescott Park Course

14. Letter from Vernis Jackson, Chair, African Burying Ground Committee requesting permission to hold a Visibility and Awareness Event the evening of Monday, February 13, 2012 – Voted to refer to the City Manager with power.

15. Letter and petition from Nancy Brown and Macy Morse, For Seacoast Peace Response requesting Portsmouth joins the Mayors for Peace – Voted to accept and place the letter on file.

Mayor-Elect Spear advised the City Council that he would have this request placed on a future City Council agenda.

16. Letter from Randy Eaton requesting permission to hold a 5K “My Walk for Faith” on Sunday, April 15, 2012, at 1:00 p.m. – Voted to refer to the City Manager with power and to provide a copy of the letter to the Prescott Park Arts Festival.

17. Approval of Superintendent of Schools Contract – Voted to approve the Employment Agreement to expire on June 30, 2016 with Edward McDonough, Superintendent of Schools.

18. Request for Approval of Inter-Municipal Sewer Agreement Re: Town of Rye to extend to Foyes Corner – Voted to approve the aforementioned Inter-Municipal Sewer Agreement, and further, authorize the City Manager to execute the document.

19. Wastewater Regulatory Impasse – On a roll call vote 1-7, motion to set up a meeting with Commissioner Thomas Burack of the New Hampshire Department of Environmental Services and the City Council and request a peer review on behalf of the City with the Commissioner and his associates ***failed*** to pass. Councilor Kennedy voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted opposed.

Move to authorize the City Manager to continue working with the Great Bay coalition through our legislative delegation and other means to: (1) ensure the DES is required to conduct a formal rulemaking proceeding which complies with state law to develop a sound scientific basis for permit limits; (2) agree to go to a secondary treatment plant with the ability to treat to 8 mg/L total nitrogen; and (3) pursue an adaptive management approach to Great Bay Estuary health.

Move to amend the motion to authorize the City Manager to continue working with the Great Bay coalition through our legislative delegation and other means to: (1) ensure the DES is required to conduct a formal rulemaking proceeding which complies with state law to develop a sound scientific basis for permit limits; (2) commit to pursue a design for the Portsmouth wastewater treatment plant that can achieve 8 mg/L total nitrogen; and (3) pursue an adaptive management approach to Great Bay Estuary health. On a roll call 7-1, voted to pass the amendment. Assistant Mayor Novelline Clayburgh, Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.

On a roll call 7-1, voted to pass the motion as amended. Assistant Mayor Novelline Clayburgh, Councilors Lister, Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Councilor Kennedy voted opposed.

Motion as adopted reads as follows: Voted to authorize the City Manager to continue working with the Great Bay coalition through our legislative delegation and other means to: (1) ensure the DES is required to conduct a formal rulemaking proceeding which complies with state law to develop a sound scientific basis for permit limits; (2) commit to pursue a design for the Portsmouth wastewater treatment plant that can achieve 8 mg/L total nitrogen; and (3) pursue an adaptive management approach to Great Bay Estuary health

20. Appointments to be Voted: Voted to appoint Rich DiPentima to the Conservation Commission until April 1, 2012. Mr. DiPentima is filling the unexpired term of Catherine Ennis; appointed Ronald Cypher, Frederick (Ted) Gray and Harold Whitehouse to the Parking and Traffic Safety Committee; appointed Thomas Watson to the Board of Trustees of the Trust Funds until January 1, 2013. Mr. Watson is filling the unexpired term of Brad Lown.

21. Appointment of Joseph Almeida (not on agenda) – Voted to suspend the rules in order to act on the appointment of Joseph Almeida to the Historic District Commission. Voted to appoint Joseph Almeida as a regular member to the Historic District Commission until June 1, 2013. Mr. Almeida is filling the unexpired term of Sandra Dika.

22. Resignation of Sandra Dika, Historic District Commission (not on agenda) – Voted to accept with regret the resignation of Sandra Dika from the Historic District Commission.

Councilor Smith requested that a letter of thanks be sent to Ms. Dika for her years of service to the City of Portsmouth.

23. Traffic & Safety Committee Action Sheet and Minutes of the December 8, 2011 meeting – Voted to approve and accept the action sheet and minutes of the December 8, 2011 Traffic & Safety Committee meeting. Councilor Kennedy voted opposed.

24. Parking Committee Action Sheet and Minutes of the December 8, 2011 meeting – Voted to approve and accept the action sheet and minutes of the December 8, 2011 Parking Committee meeting. Councilor Kennedy voted opposed.

25. Adjournment – At 9:45 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk