

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON JANUARY 22, 2013, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SPEAR, ASSISTANT MAYOR LISTER, COUNCILORS KENNEDY, NOVELLINE CLAYBURGH, LOWN, DWYER AND THORSEN

ABSENT: COUNCILORS COVIELLO AND SMITH

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1. Presentation - Report Back Re: Donations for Veterans Memorial in Memorial Park – Deputy City Manager Allen provided a brief presentation on the Veterans Memorial to the entrance of the Memorial Bridge. The presentation included the layout and details for the Memorial which are in the conceptual phase. The funding for this Memorial has been donated by Jim & Laurie Teetzel.
2. Presentation - Basing KC-46A at Pease – Lt. Col. Bill Sylla, Lt. Col. Strider Sulley, and Maj. Joel Johnson of the NH Air National Guard provided a Presentation on Basing the KC-46A at Pease Air National Guard Base. The program will deliver the first 18 tankers in FY17 and Pease is contending for 12 planes.
3. **Voted** to suspend the rules in order to take up a Resolution of Support for the Basing of the KC-46A at Pease Air National Guard Base.
4. Resolution of Support for the Basing of the KC-46A at Pease Air National Guard Base – **Voted** to accept the Resolution of Support for the Basing of the KC-46A at Pease Air National Guard Base, as presented.
5. Presentation Comprehensive Annual Financial Report (CAFR) – Scott McIntyre of Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2012 (Annual Audit) – Scott McIntyre of Melanson, Heath & Company provided a Presentation on the Comprehensive Annual Financial Report of the City of Portsmouth for the Year Ending June 30, 2012.
6. Acceptance of Minutes – January 7, 2013 – **Voted** to approve and accept the minutes of the January 7, 2013 City Council meeting.
7. Public Comment Session – There were 7 speakers: Karina Quintans (21 Brewster Street); John McGee, Jr. (Robin Rousseau); Marylou McElwain, Bob Shouse, Ralph DiBernardo (Building Height Ordinance Exemption); Mark Brighton (4% Budgets); and Paul Mannle (Censure).
8. Acceptance of Grant for Art-Speak – **Voted** to accept a grant to Art-Speak to be used for operational support of Art-Speak, as presented.

9. Acceptance of Police Department Grants:

- Grant from Police Standards and Training in support of Deputy Chief Corey MacDonald's attendance at the Senior Management Institute for Police at Boston University - \$1,000.00
- Grant from the Fuller Foundation, Inc. to provide training and equipment to investigators and prosecutors - \$5,000.00

**Voted** to approve and accept the grants to the Portsmouth Police Department, as listed.

10. First Reading of Proposed Ordinance Amendment to Chapter 1, Article XIV, Section 1.14 – Municipal Fund Balance – **Voted** to pass first reading and schedule a public hearing and second reading on the proposed Fund Balance Ordinance, at the February 4, 2013 City Council meeting.

11. Third and Final Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Article 5 – Dimensional and Intensity Standards, Section 10.535 – Dimensional Standards in the Central Business Districts, Relating to the Height Requirements in the CBA and CBB Districts – Moved to pass third and final reading of the proposed Ordinance, as presented.

**Voted** to suspend the rules in order to take up an amendment at third reading.

On a roll call 5-2, **voted** to amend the ordinance by removing the paragraph which reads "This shall not apply to any application which has been the subject of notice by the Zoning Board of Adjustment after June 1, 2012, and prior to the first legal notice of the second reading and public hearing on this amendment at the City Council". Assistant Mayor Lister, Councilors Kennedy, Dwyer, Thorsen and Mayor Spear voted in favor. Councilors Novelline Clayburgh and Lown voted opposed.

**Voted** to pass third and final reading of the proposed Ordinance, as amended.

12. Consent Agenda – Voted to adopt the Consent Agenda.

- A. Acceptance of Donation to the Coalition Legal Fund:
- Town of Carroll - \$1,000.00
- (Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)***
- B. Acceptance of Donations to Recreation Department in the amount of \$610.00 in memory of Thomas Leary:
- Robert D. and Mary F. Stella - \$20.00
  - Catherine E. and Dennis P. Fitzgerald - \$25.00
  - Franzoso Revocable Living Trust, Eugene R. Franzoso, Trustee & Colleen R. Franzoso Trustee - \$25.00
  - Charity Lower and Matthew Maniates - \$25.00
  - James G. Sullivan - \$25.00

- Jerold R. Tostenson - \$40.00
- Alexander N. Bouzakine and Elena V. Bouzakina - \$50.00
- Liberty Mutual Commercial Insurance Leadership Team - \$100.00
- The Electric Barn, Inc. - \$100.00
- Creek Athletic Club - \$100.00
- Ernestine L. Morrow - \$100.00

***(Anticipated action – move to approve and accept the donations to the Portsmouth Recreation Department, as listed)***

- C. Letter from Deirdre Barrett and Kimberly McGlinchey, ECO Club Advisors of Portsmouth High School, requesting permission to hold the 3<sup>rd</sup> Annual “Run for the Sol” 5k Road Race in collaboration with great Bay Community College on Saturday, May 11, 2013 from 1:00 p.m. – 3:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Jeanine Sylvester, Runner’s Alley, LLC, requesting permission to hold the 16<sup>th</sup> Annual Runner’s Alley/Redhook Brewery Memorial 5k on Sunday, May 26, 2013 at 11:00 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Calvin Sanborn, AIDS Response Seacoast, requesting permission to hold the 17<sup>th</sup> Annual Seacoast AIDS Walk and Dog Walk on Sunday, May 5, 2013 from 10:00 a.m. – 5:00 p.m., further permission to place 5 temporary 2’ by 4’ A-frame signs to mark the route ***(Anticipated action – move to refer to the City Manager with power)***
- F. Request for Approval of Pole License to install 150 feet of underground conduit located on Vaughan Street ***(Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)***
13. Letter from Carl Walton and Paul Schurman, Veterans of Foreign Wars, regarding consideration for Tenancy of former U.S. Army Reserve Center on Cottage Street – **Voted** to refer to the City Manager for report back.
14. Letter from Attorney John Bosen regarding Easement Deed from the City of Portsmouth for property located at 582 Greenside Avenue – **Voted** to authorize the City Manager to negotiate and execute an easement deed from the City to Alan S. Van Wert and Cheryl L. Jameson for the purpose of allowing the single family residence located at 582 Greenside Avenue to remain in its current location, notwithstanding its minor encroachment into the municipal right-of-way at that location.

15. Report Back Re: Zoning for Assisted Living Facilities (Postponed from the January 7, 2013 City Council meeting to the January 22, 2013 City Council meeting) – Move to authorize the City Manager to bring back for first reading the proposed Zoning Ordinance amendment, as presented, at the February 4, 2013 City Council meeting.

On a roll call 4-3, **voted** to postpone to a date uncertain to be set following a presentation on this matter. Assistant Mayor Lister, Councilors Kennedy, Dwyer and Thorsen voted in favor. Councilors Novelline Clayburgh, Lown and Mayor Spear voted opposed.

16. Elderly and Disabled Exemptions – **Voted** to authorize the City Manager to proceed with Option A and bring back Resolutions for first reading at the February 4, 2013, City Council meeting. *Option A adjusts the income and asset levels for both the elderly and disabled taxpayers by the November to November CPI of 2.0%.*
17. Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2013 License Agreement – **Voted** to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2013, as presented. Councilor Novelline Clayburgh abstained from voting.

*Appendix 1 – Farmers' Market Map will be changed to reflect Section C as Public Parking and Section E as Vendor Parking.*

18. Proposed Lease of 299 Vaughan Street for a Public Parking Lot – **Voted** to authorize the City Manager to enter into an agreement between the City of Portsmouth and Cathartes Development to lease a public parking lot for 89 spaces at 299 Vaughan Street.
19. Proposed Payment in Lieu of Taxes (PILOT) Re: Betty's Dream – **Voted** to authorize the City Manager to proceed with the PILOT and settlement of this issue.
20. Acquisition of Easements Re: McDonough/Brewster Streets – **Voted** to accept an easement from Mr. Ahlgren as may be negotiated.

**Voted** to schedule a public necessity to be held at the next City Council meeting on February 4, 2013 to acquire easements from Pan Am Railways through the eminent domain process.

21. Request to Establish a Work Session Re: Letter and Petition of Islington Creek Neighborhood Association regarding the Boarding House at 21 Brewster Street – **Voted** to establish a work session on Monday, February 4, 2013 at 6:00 p.m., prior to the regular City Council meeting, regarding the report back on 21 Brewster Street Boarding House.
22. Request to Establish a Work Session Re: Wastewater – **Voted** to establish a work session on Tuesday, February 19, 2013 at 6:00 p.m., regarding wastewater.
23. Appointments to be Voted – **Voted** to appoint Alison Hamilton to the Citizens Advisory Committee and the reappointment of Anthony Blenkinsop to the Planning Board until December 31, 2015.

24. Report Back from Committee Re: Robin Rousseau – On a roll call 5-2, **voted** to accept the Report from the Committee. Assistant Mayor Lister, Councilors Novelline Clayburgh, Lown, Dwyer and Mayor Spear voted in favor. Councilors Kennedy and Thorsen voted opposed.
25. Request for Closure of Chestnut Street on February 20, 2013 Re: African Burying Ground Candlelight Memorial – **Voted** to authorize the City Manager to close Chestnut Street on the evening of February 20, 2013 for the African Burying Ground Candlelight Memorial, and further to authorize the City Manager to take whatever actions necessary to implement this event.
26. Miscellaneous/Unfinished Business – Councilor Dwyer requested a report back from the Parking Traffic & Safety Committee regarding a parking garage.
- Councilor Kennedy requested a report back on the Senior Transportation Program.
27. Wentworth Connections (Not on agenda) – **Voted** to have Mayor Spear write a letter to Wentworth Connections on the status of the funding they committed to support elderly services.
28. Adjournment – At 10:00 p.m., **voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk