

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MAY 20, 2002

PORTSMOUTH, NH  
TIME: 7:00PM

### **I. CALL TO ORDER**

Assistant Mayor Hanson called the meeting to order at 7:00 p.m.

### **II. ROLL CALL**

Present: Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Pantelakos, Whitehouse, Marconi and St. Laurent (7:05 p.m.)

Absent: Mayor Sirrell

### **III. INVOCATION**

Assistant Mayor Hanson asked everyone to join in a moment of silent prayer.

### **IV. PLEDGE OF ALLEGIANCE**

Councilor Whitehouse led in the Pledge of Allegiance to the Flag.

### **V. PUBLIC COMMENT SESSION**

Mark Ayotte, spoke regarding a violation of Article IV, Section 3 of the US Constitution relative to the boundary lines between Portsmouth, NH and Kittery, ME. He said that the residents of the City have a right to know the proper boundary lines between the two states. He said that it is the City's duty to look into this matter.

Norman Canwell, resident of Rochester, NH also urged the City of Portsmouth to pursue the boundary line issues between Portsmouth, NH and Kittery, ME.

Ed Lawrence, said he is concerned with the lack of action by the City to clean up the South Mill Pond. He said that this is a health issue that needs to be addressed.

David Schirmer, spoke regarding the South Street rehabilitation project and his opposition to bump outs being placed along South Street. He said that bump outs are put in place to make the road appear narrower therefore, vehicles will lower their speeds. He said that it is expensive to install the bump outs and could cause difficulty with snow removal. He suggested erecting a four way stop at the corner of Junkins Avenue and South Street, which would slow the traffic down and cut down the cost of the rehabilitation project.

## VI. PUBLIC HEARINGS

### A. PROPOSED FY JULY 1, 2002 THROUGH JUNE 30, 2003 BUDGET

City Manager Bohenko provided a presentation on the proposed FY 03 Budget. He advised the City Council that this is his sixth budget he has prepared for the City and that this was the most difficult budget he has had to put together. He said that the Joint Budget Committee came up with a guideline for a 3% increase for the budget. He reviewed the various programs we have established to provide fiscal stability within the budget. He said that the City would be sending \$3.7 million to the State which is up \$1.7 million from FY 02. He said if the statewide property tax was never put into effect we could have paid for the New Library without seeking funding or could have hired additional 50 employees. He also expressed concern with the rising cost of the County tax. The estimated tax rate for FY 03 is \$33.15 for an increase of \$1.82 with \$1.05 going to the statewide property tax and county tax. He reported that the City would be sending \$7.6 million outside of the City for the statewide property tax and the county tax. He thanked all the departments for their cooperation in preparing the budget, the Joint Building Committee and the Finance Department for their assistance with the preparation of the FY 03 budget.

Assistant Mayor Hanson read the legal notice declared the Public Hearing open and called for speakers.

Paul Sorli, Portsmouth business owner said that his vehicle has been vandalized in the last two months and asked what the Police Department is doing to patrol the downtown area.

Police Chief Russ reported that additional officers currently patrol the downtown area during the summer months and if the budget is limited to only a 3% increase the downtown patrols would need to be scaled back to only two officers.

Ed Lawrence, Portsmouth resident spoke regarding the consumer price index of Boston being used to establish cost of living increases. He said that the residents cannot afford the increase taxes because they are already over burdened.

City Manager Bohenko advised Mr. Lawrence that employees contracts indicate that cost of living increases shall be based on the Boston based consumer price index.

Ed said that people would move out of the City because of the increase in the tax rate.

Kate Pratt, County Commissioner, spoke regarding the increase in the County tax and advised the City Council that the County provides nothing but services for all the towns and cities located in Rockingham County. She said that the City of Portsmouth requires more services than they pay for.

Peter Bresciano, Portsmouth resident said over the last 4 years the tax rate has increased a \$1 because of the statewide property tax, which is effecting the budget. He said that next years budget would be worse and require major cuts to services and employees. He said if the City Council decides to increase the Police Department budget over the 3% guideline than another Public Hearing should be held to receive input from the residents. He suggested that the City Manager look into establishing a program to deal with the overtime costs in the Police and Fire Departments.

Thanasis Tournas, Portsmouth resident said that the proposed budget is reasonable and spoke in support of it. He said it is unfortunate that the State dictates how much money we need to send them for the statewide property tax.

After three calls and no further speakers, Assistant Mayor Hanson declared the Public Hearing closed.

Assistant Mayor Hanson said that Mayor Sirrell would like to thank everyone for the cards, flowers and best wishes during her recovery period.

#### B. ORDINANCE AMENDING CHAPTER 1, ARTICLE III, SECTION 1.3 – BOARDS

Assistant Mayor Hanson read the legal notice declared the Public Hearing open and called for speakers.

City Manager Bohenko said that this amendment would allow election officials to serve as members of the Board of Adjustment and Planning Board.

City Attorney Sullivan concurred with City Manager Bohenko's explanation of the amendment to the ordinance.

Ed Lawrence, Portsmouth resident asked if the appointment process would change as a result of this ordinance amendment.

City Attorney Sullivan advised Mr. Lawrence that the appointment process would remain same.

After three calls and no further speakers, Assistant Mayor Hanson declared the Public Hearing closed.

### VII. APPROVAL OF GRANTS AND DONATIONS

#### A. Community Development Block Grant (CDBG)

City Manager Bohenko announced that the City would be receiving \$829,000 from the US Department of Housing and Urban Development this year.

Councilor Whitehouse moved to accept a Community Development Block Grant in the amount of \$829,000 from the US Department of Housing and Urban Development. Seconded by Councilor Marconi and voted.

### VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

#### A. First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000

City Manager Bohenko said that this resolution is past annually because we bill our taxes in arrears. This allows us to borrow up to \$16,000,000 to alleviate any cash flow problems that may arise until taxes are collected.

Councilor Pantelakos moved to pass first reading and hold a Public Hearing and adoption of the Resolution at the June 3, 2002 City Council meeting. Seconded by Councilor Grasso and voted.

B. Second reading of Ordinance amending Chapter 1, Article III, Section 1.3 – Boards

Councilor Pantelakos moved to pass second reading and hold third and final reading at the June 3, 2002 City Council meeting. Seconded by Councilor St. Laurent.

Councilor Lown moved to amend the ordinance by the addition of the following language after ward official ***“election official and checklist supervisors”***. Seconded by Councilor Grasso.

Councilor Whitehouse asked if this amendment would require another Public Hearing.

City Attorney Sullivan said that the proposed amendment does not change the intent of the ordinance, therefore another Public Hearing is not necessary.

Councilor Marconi said that this ordinance is not necessary and we are setting a precedence by passing it.

On a roll call vote 7-1, amendment to ordinance passed. Councilors Grasso, Lown, Hynes, Pantelakos, Whitehouse, St. Laurent and Assistant Mayor Hanson voted in favor. Councilor Marconi voted opposed.

Councilor Grasso said that she would vote against the ordinance because people make choices and this individual could have resigned as a Board of Registrar to continue serving on the Planning Board.

Councilor Lown said that this ordinance would not effect the person that brought the issue to the attention of the Council but it would clear the path for the future.

Main motion passed as amended. Councilors Grasso and Marconi voted opposed.

**IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS**

A. Letter from Stephanie Johnson, Seacoast Striders, requesting permission to hold the Annual Seacoast Striders Walk on Saturday, July 13, 2002

Councilor Hynes moved to refer to the City Manager with power. Seconded by Councilor Whitehouse.

Councilor Whitehouse requested a copy of the letter be sent to the Trustees of the Trust Fund for their information.

Motion passed.

- B. Request for Approval of Sidewalk Obstruction License for The Genip Tree, 1 A-frame sign with no changes from last year

Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Councilor Marconi and voted.

- C. Letter from Jameson French, Trustees of Trust Funds, urging the City not to allow usage of a Paper Street next to Haven Park

Councilor Grasso moved to refer to the Planning Department and Planning Board. Seconded by Councilor St. Laurent and voted.

- D. Letter from David Schirmer and other South Street residents requesting reconstruction considerations on South Street

City Manager Bohenko said that the City has been working on this project since 1999. He advised the City Council that there have been a number of meetings with the neighborhood to discuss the project. He said the major concern expressed of the neighborhood is speeding along South Street, therefore bump outs were designed to slow down traffic. He said that he would hold another meeting with the neighborhood that he would attend along with Public Works Director Parkinson and Engineer Technician Richter. He also advised the Council that the project would not be put out to bid until additional input is received from the neighborhood and he would bring the issue back before the City Council for a report back.

Councilor St. Laurent moved to refer to the City Manager for a report back. Seconded by Councilor Grasso.

Councilor Lown said that Marylou McElwain is here this evening and would like to be given the opportunity to speak to the issue. The City Council did not vote to allow Ms. McElwain to speak. Councilor Lown requested that the residents of Brackett Lane receive copies of notices regarding this project.

Councilor St. Laurent requested that the City Council receive notification of the meeting with the neighborhood.

Motion passed.

- E. Letter from Portsmouth High School Music Boosters requesting recipes for a cookbook fundraiser

Councilor Grasso moved to accept and place the letter on file. Seconded by Councilor Pantelakos and voted.

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

### **A. CITY MANAGER**

1. Report back from Planning Board Re: Request to Redesignate a Paper Street Known as Franklin Avenue to Webster Way

City Manager Bohenko said that the Planning Board is recommending that the Paper Street known as Franklin Avenue be renamed to Webster Way. He advised the Council that there is only one home located on this street. He informed the City Council that the Emergency Communications Center in Concord did not approve of the name of Daniel Webster Way, which was originally suggested because it is too similar to Daniel Street that currently exists in the City.

Councilor Grasso moved to redesignate a paper street known as Franklin Avenue to Webster Way which is acceptable to the Websters and recommended by the Planning Board. Seconded by Councilor Pantelakos and voted.

2. Request of Pheasant Ridge Farm to Vend at the Municipal Complex

City Manager Bohenko said that Pheasant Ridge Farm is not a member of the Seacoast Growers Association, therefore they cannot be part of Farmers' Market. He said if the City Council approves of Pheasant Ridge Farm vending at the Municipal Complex he would request that a license agreement be prepared to make them an at will tenant.

Councilor Whitehouse moved to authorize the City Manager to draft an agreement between the City and Pheasant Ridge Farm for the purpose of vending of farm products on Saturday mornings at the Municipal Complex. Seconded by Councilor Lown.

Councilor Marconi spoke against the motion.

City Manager Bohenko advised the City Council that Pheasant Ridge Farm made a formal request to become a member of Seacoast Growers Association and was denied.

Councilor St. Laurent asked if Pheasant Ridge Farm could continue vending at the Parrott Avenue site after Farmers' Market is moved to the Municipal Complex.

City Manager Bohenko responded affirmatively.

Councilor St. Laurent expressed concern with the approval of Pheasant Ridge Farm to relocate to the Municipal Complex would open up requests for other vendors to locate at the Municipal Lot.

Councilor Lown said he understands the concerns expressed, however the concerns could be addressed in the license agreement.

Councilor Hynes said once a special exemption is made for one person it would be difficult to prevent others from vending at the Municipal Complex.

Assistant Mayor Hanson said that this agreement could cause people to drop out of the Seacoast Growers Association to become a vendor of the City and locate their business at the Municipal Complex.

On a roll call vote 5-3, motion ***failed*** to pass. Councilors Lown, Pantelakos and Whitehouse voted in favor. Councilors Grasso, Hynes, Marconi, St. Laurent and Assistant Mayor Hanson voted opposed.

Informational Item #4 – Letter from F. Robert Shannehan, concerned with the loud speaker noise at Prescott Park

Councilor Whitehouse requested that a copy of the letter be sent to the Board of Trustees of Trust Fund for their consideration.

## **B. MAYOR SIRRELL**

### 1. Acceptance of Donation received for the New Library Building Fund

Councilor Grasso moved to accept the \$50 contribution in memory of Marge Morley from the Portsmouth Library Staff for the New Library Building Fund. Seconded by Councilor St. Laurent and voted.

### 2. Appointments

The City Council considered the various appointments to be voted on at the next City Council meeting: Jarett Celli and Louis Vinciguerra reappointment to the Cable Commission; Richard Gray reappointment to the Housing Endowment Fund Advisory Board; Jackie Pitts reappointment to the Recreation Board. The following individuals to be appointed to the Blue Ribbon Committee on Dogs: City Council Representative Laura Pantelakos; Eric Weinrieb; Frank Roth; Thanasis Tournas; Mimi Clark and Midge Leiter. The following individuals to be appointed to the Blue Ribbon Committee on Youth: Chairman Tylene Jousse; Co-Chair Mayor Evelyn Sirrell; Jim Noucas, Kate Leith; Karen Dandurant; Lt. Janet Chaplain, Lyonel Tracy; Robert Lister; Barry Foley; Michael McKenney; Charlton Dobson; Tana Hoffman; and Sandra Khin.

### 3. Establishment of Budget Work Session (Not on agenda)

Councilor Hynes moved to schedule a Budget Work Session on Tuesday, June 4, 2002 at 6:30 p.m. in Conference Room A. Seconded by Councilor St. Laurent and voted.

## **XII. ADJOURNMENT**

At 9:10 p.m., Councilor Hynes moved to adjourn. Seconded and voted.

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KELLI L. BARNABY, CITY CLERK