

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 2, 2003

PORTSMOUTH, NH  
TIME: 7:00PM

At 6:30 p.m., a work session was held regarding the FY04 Proposed Budget.

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

Mayor Sirrell called the meeting to order at 7:35 p.m.

### **II. ROLL CALL**

Present: Mayor Sirrell, Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Pantelakos, Whitehouse, Marconi and St. Laurent

### **III. INVOCATION**

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

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

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

### **MAYOR'S AWARD – ZACH KEYC RE: VOLUNTEER FOR LITTLE LEAGUE TEAMS**

Mayor Sirrell presented a Mayor's Award to Zach Keyc in appreciation for his volunteerism with the Little League.

### **V. ACCEPTANCE OF MINUTES – MAY 19, 2003**

Councilor St. Laurent moved to accept and approve the City Council minutes of the May 19, 2003 meeting. Seconded by Councilor Grasso and voted.

### **VI. PUBLIC COMMENT SESSION**

Jennifer Slade spoke on the success of the Spring Tag Sale held downtown on May 18<sup>th</sup> and thanked the City Council for their approval for this event.

Harold Ecker said that every member of the City Council should be allowed to express his or her opinion on an issue. He spoke opposed to the demolition of the JFK building for the construction of a new library.

Leah Caswell discussed the recent meeting relative to the Section 106 process for the new library. She said that during the meeting the Bridge Street location was discussed as a site for the new library. She said that the site does not contain ledge as previously reported. She expressed her opposition to the proposed motion by Mayor Sirrell relative to the library.

Boyd Morrison spoke in support of the Bridge Street location for the new library. The Bridge Street location would stimulate economic growth and development for the City. He expressed his opposition to the demolish of the former JFK for the construction of a new library.

Peter Bresciano applauded the School and Municipal Departments for presenting a 0% increase budget. He said that the City Council needs to think of the residents and their ability to pay taxes. He said that there are a number of residents that are on fixed incomes and don't qualify for the exemptions because of their assets.

Claudi Morner spoke in support of the new library as well as Mayor Sirrell's proposed motion. She said that we have been working to build a new library for a very long time and we need to move forward on the project. She said that the majority of the residents are in favor of a new library being constructed at the Parrott Avenue location.

Ned Reynolds spoke in support of a new library and constructing it at the Parrott Avenue location. He provided the City Clerk with a list of individuals that have signed a petition in favor of the construction of a new library and the Parrott Avenue site. He said every year that the City delays building a library is another year that the residents are not receiving the benefits of a new library. He urged the City Council to move forward with the construction of a new library.

## **VII. PUBLIC HEARING**

### **A. RESOLUTION AUTHORIZING BORROWING IN ANTICIPATION OF REVENUES AND TAXES IN THE AMOUNT OF \$16,000,000**

City Manager Bohenko explained the purpose of the Resolution. He said that the Resolution allows the City to have cash on hand if there is a need because we bill our taxes in arrears.

Mayor Sirrell read the legal notice, declared the Public Hearing open, and called for speakers. After three calls and no speakers, Mayor Sirrell declared the Public Hearing closed.

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

### **A. Acceptance of Grant for Goodwin Park Monument Work**

Councilor Grasso moved to accept the \$5,000 grant and authorize the City Manager to comply with all grant terms and reporting requirements. Seconded by Councilor Marconi and voted.

### **B. Acceptance of Grant for Blue Ribbon Committee for Cemeteries' Foundation**

Councilor Whitehouse moved to accept the \$3,000 grant awarded to the City of Portsmouth from the Greater Piscataqua Community Foundation. Seconded by Councilor Marconi and voted.

C. Acceptance of Police Department Grants/Donations

1. Grant from the NH Office of Highway Safety for Portsmouth DWI Saturation Patrols

Councilor Grasso moved to approve and accept the grant to the Portsmouth Police Department as listed. Seconded by Councilor Marconi and voted.

2. Grant from the NH Department of Safety for incident command training

Councilor Grasso moved to approve and accept the grant to the Portsmouth Police Department as listed. Seconded by Councilor Marconi and voted.

3. Donations for the Portsmouth Police Department Honor Guard

Assistant Mayor Hanson moved to approve and accept the donations for the Portsmouth Police Department Honor Guard. Seconded by Councilor Marconi.

Councilor St. Laurent stated for the record that most of the donations are made in memory of Paul Connors.

Motion passed.

4. Donation from the South Maine, Portland Chapter, Harley Owners Group for Family Services Division juvenile programs

Councilor Grasso moved to approve and accept the donations for the Family Services Division juvenile programs. Seconded by Councilor Marconi and voted.

5. Donation of exercise equipment from Vision Fitness

Councilor Whitehouse moved to approve and accept the donation. Seconded by Councilor Marconi and voted.

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amending Chapter 5, International Fire Code; Chapter 12, International Building Code and Chapter 15, International Plumbing Code

Assistant Mayor Hanson moved to pass first reading and hold a Public Hearing and second reading at June 16, 2003 City Council meeting. Seconded by Councilor Marconi and voted.

Councilor St. Laurent requested because of the size of the ordinance that the City Council hold onto the materials relative to this ordinance so that copies do not have to be made for the second and third readings.

- B. First reading of Amendments to Chapter 7 – Vehicles, Traffic Parking (Omnibus Parking Ordinance April 20, 2002 – April 17, 2003)
1. Chapter 7, Article VI, Section 7.601 – Truck Loading/Unloading Zones Established
  2. Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – Bridge Street: both sides from Hanover Street to Deer Street
  3. Chapter 7, Article III, Section 7.329 – Limited Parking – Four Hours – Bridge Street: southerly side from Islington Street to Hanover Street
  4. Chapter 7, Article IV, Section 7.402 – Areas Established, Designated, and Described – Bridge Street Off-Street Parking Area
  5. Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes – Deer Street: Two spaces in front of the building located at 28 Deer Street
  6. Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – Deer Street: all except for two spaces in front of 28 Deer Street

Assistant Mayor Hanson moved to pass first reading of the actions to be incorporated into the Parking Ordinance, as presented, and establish a Public Hearing and second reading at the June 16, 2003 City Council meeting. Seconded by Councilor Whitehouse and voted.

- C. First reading of Ordinance amending Chapter 7 – Vehicles, Traffic Parking, Section 7.904 – Summons Administration Fee, Section 7.1004 – Towing or Immobilization of Motor Vehicles for Non-Payment of Parking Fines and Section 7.901 - Penalties

Councilor Whitehouse moved to pass first reading of amended ordinances, as submitted, and hold a Public Hearing and second reading at the June 16, 2003 City Council meeting. Seconded by Councilor St. Laurent and voted.

Councilor Pantelakos asked for a moment of personal privilege. She said that Senator Clegg informed her that the City would be receiving \$4,000,000 in funding for a career center because of the efforts of Peter Torrey our School Business Administrator. The City of Portsmouth was competing with the City of Nashua for this funding.

Assistant Mayor Hanson said the City of Portsmouth hopes that the City of Nashua is successful in their funding for their career center through House Bill 160.

At 8:10 p.m., Mayor Sirrell declared a brief recess. Mayor Sirrell called the meeting back to order at 8:20 p.m.

D. Adoption of Budget Resolutions for Fiscal Year July 1, 2003 - June 30, 2004 (FY 2004)

Councilor Lown moved to adopt the City Manager's 0% budget and supplement the budget by \$250,000 to be divided equally by the Police and Fire Departments. Seconded by Councilor St. Laurent.

Councilor Lown said the amount of money the City sends to the State and County is up 58% and this is an extremely difficult year for the City.

Assistant Mayor Hanson spoke opposed to the motion because he does not want to see Fire Station 2 closed and cause response time to double. He said he also does not want to see police officers losing their jobs. He commended the School Department for their leadership.

Councilor St. Laurent commended all departments for their work in preparing this difficult budget. He spoke in favor of the motion and said if a Fire Station needs to be closed he would prefer to see Station 3 closed over Station 2.

Councilor Grasso said that there were reasons stated by Fire Chief LeClaire why Station 2 would be closed over Station 3. She said that she opposes this motion and feels we need to address the needs of the Fire and Police Departments.

Councilor Marconi spoke opposed to the motion and said we need to consider the public safety needs of the residents.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that this budget is very difficult and she does not want to see anyone laid off.

On a roll call vote 6-3, motion **failed to pass**. Mayor Sirrell, Councilors Grasso, Hynes, Pantelakos, Marconi, and Assistant Mayor Hanson voted opposed. Councilors Lown, Whitehouse, and St. Laurent voted in favor.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

1. Resolution #1 – General Fund Expenditures

Municipal	\$25,818,523
Police	6,345,579
Fire	4,813,880
School	26,251,496
<u>Total</u>	<u>\$63,229,478</u>

Assistant Mayor Hanson read the Resolution. Assistant Mayor Hanson moved to adopt the Resolution. Seconded by Councilor Grasso.

Councilor Lown spoke against the Resolution because it will increase the City taxes an additional five cents. He said that the state wide property tax is resulting in this donor community reducing its staff in the School Department.

Councilor Hynes said that this is a sound and fair Resolution. He said it eliminates future expenditures for rehiring and training.

Councilor Whitehouse said he is opposed to the Resolution. He said as a member of the Joint Budget Committee we all agreed on a zero based budget to be a goal. The School Department spent many hours deliberating their budget to come in at a 0% increase as well as the Municipal Departments. He said if there is a need for additional funding departments could come back to the City Council to request a supplemental increase.

Councilor St. Laurent spoke opposed to the Resolution and said he concurs with the comments made by Councilors Lown and Whitehouse. He said we need to think of the residents and their ability to pay taxes.

Councilor Marconi said that this Resolution is absolutely necessary and you cannot compare the School with the Fire and Police Departments. She said that the School Department needs to be commended and they will be back next year to fill the gaps left from this budget.

Assistant Mayor Hanson said that we need to remember the increases to the Fire and Police Departments that were beyond their control. The increase in retirement and health insurance costs. He said no one is happy with this budget but the money simply isn't there.

Councilor Grasso said that residents would need to tell the City Council what services they could do without in order to make cuts.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said the two most important departments are the Police and Fire. She said if she is Mayor next year she will make sure that the Fire Department have their 14 firefighters.

On a roll call vote 6-3, motion passed. Mayor Sirrell, Councilors Grasso, Hynes, Pantelakos, Marconi, and Assistant Mayor Hanson voted in favor. Councilors Lown, Whitehouse, and St. Laurent voted opposed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Resolution #2 – Sewer Fund Expenditure

Total Budget Sum \$9,981.026

Sewer user charge effective July 1, 2003 is \$4.60

Councilor Grasso read the Resolution. Councilor Grasso moved to adopt the Resolution. Seconded by Councilor St. Laurent and voted.

3. Resolution #3 – Water Fund Expenditure

Total Budget Sum \$7,792,853

Water user charge effective July 1, 2003 is \$1.55

Councilor St. Laurent read the Resolution. Councilor St. Laurent moved to adopt the Resolution. Seconded by Assistant Mayor Hanson.

Councilor Whitehouse asked if this would be an increase in the water rate.

City Manager Bohenko said this is a ten-cent increase and the first increase in three years.

Motion passed.

4. Resolution #4 – Special Revenues for Necessary Expenditures

Councilor Hynes read the Resolution. Councilor Hynes moved to adopt the Resolution. Seconded by Councilor St. Laurent and voted.

5. Resolution #5 – Investment Policy

Councilor Lown read the Resolution. Councilor Lown moved to adopt the Resolution. Seconded by Councilor Grasso and voted.

6. Resolution #6 – Municipal Fees

Councilor St. Laurent read the Resolution. Councilor St. Laurent moved to adopt the Resolution. Seconded by Councilor Grasso and voted.

City Manager Bohenko thanked all the department heads and City Council for their hard work with preparing this budget. He said since the implementation of the statewide property tax, the City has sent 12.6 million dollars to the State.

E. Adoption of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000

Assistant Mayor Hanson moved to adopt the resolution. Seconded by Councilor Grasso. On a unanimous roll call vote 9-0, motion passed.

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

A. Requests for Sidewalk Obstruction Licenses

1. Portsmouth Provisions – 1 A-frame sign

Councilor Whitehouse moved to refer to the City Manager with power. Seconded by Councilor St. Laurent and voted.

2. 43 Degrees North – 2 tables and 4 chairs

Assistant Mayor Hanson moved to refer to the City Manager with power. Seconded by Councilor Hynes and voted.

- B. Letter from Ted Alex, Portsmouth Rotary Club, inviting the City Council to attend the July 10<sup>th</sup> Rotary meeting

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

- C. Letter from Thanasia Tournas suggesting that the City Council implement a time/term limit on all participants serving on commissions, blue ribbon committees and other volunteer and non-elected appointments

Assistant Mayor Hanson moved to accept and place the letter on file. Seconded by Councilor Grasso and voted.

- D. Letter from Jeff Levin and Kay Drought expressing their opposition to another voter referendum regarding the library

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

- E. Letter from Tara and Ken Olson requesting permission to construction a fence on city-owned property

Assistant Mayor Hanson moved to refer to the Planning Board for a report back. Seconded by Councilor Lown and voted.

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

### **A. CITY MANAGER**

#### **1. Use of FY03 Contingency Funds**

City Manager Bohenko said that the City Council agreed at their May 21<sup>st</sup> work session to provide the Police Department with an additional \$25,000 for police training.

Assistant Mayor Hanson moved to authorize the City Manager to utilize \$25,000 from the FY03 Contingency Account for Police Department training. Seconded by Councilor Whitehouse.

Councilor Lown said that he would vote against this motion because the City does more training than is required by the State.

Motion passed with Councilor Lown voting opposed.

#### **2. Work Session – June 9<sup>th</sup> Re: Holiday Parade**

City Manager Bohenko said that there are some scheduling issues and asked if this work session could be delayed until a later date.

Councilor St. Laurent suggested holding the work session before a City Council meeting rather than a separate night.

Councilor Whitehouse moved to cancel the June 9<sup>th</sup> work session regarding the holiday parade. Seconded by Councilor St. Laurent and voted.

### **B. MAYOR SIRRELL**

#### **1. Construction of New Library**

Mayor Sirrell passed the gavel at Assistant Mayor Hanson.

Mayor Sirrell moved to authorize the City Manager to negotiate any agreements, comply with any applicable state, federal and local regulations, and otherwise take any and all steps necessary, which may include demolition of the JFK/Armory Building subsequent to the completion of the Section 106 review process, to bring about the construction of a new public library at that site in accordance with prior votes of the City Council. Seconded by Councilor Pantelakos.

Mayor Sirrell explained that the democratic process was followed and in November 1999, the citizens said they wanted a new library. She felt that we cannot change the decision of the people based on a few opposing parties.

Councilor Pantelakos agreed with Mayor Sirrell and said we have been trying to build a new library for the last twenty-two years.

Councilor Marconi made a parliamentary inquiry to the City Attorney as to where it indicates that the Mayor may make a motion. City Attorney Sullivan said that the Mayor has the authority to make a motion by passing her gavel, which relinquishes her position as chair in Robert's Rules and Orders. Councilor Marconi felt that the motion was inappropriate and that the motion gives all the control to the City Manager and takes away from the City Council.

Councilor St. Laurent spoke opposed to the motion because there are too many conflicts with the proposed new site.

Councilor Whitehouse said that this motion gives the City Manager too much power and takes the control away from the City Council.

Councilor Hynes said that the majority has voted in favor of a new library and we should not allow a minority group to cause any further delay.

Councilor Lown applauded the Mayor for acting on this matter. He said that most people want this library at the Parrott Avenue location.

Councilor Lown moved to amend the main motion by the addition of the following language after the words review process, *"provided that the New Library Building Committee takes no action on June 11th to consider another site."* and the addition of the following language at the end of the main motion, *"the City Manager shall consult with the City Council as he deems necessary."* Seconded by Councilor St. Laurent.

On a roll call vote 6-3, amended motion failed to pass. Mayor Sirrell, Councilors Grasso, Hynes, Pantelakos, St. Laurent and Assistant Mayor Hanson voted opposed. Councilors Lown, Whitehouse and Marconi voted in favor.

City Manager Bohenko said that he would not act until all steps under the Section 106 process are complete and he would keep the City Council informed.

On a roll call vote 6-3, main motion passed. Mayor Sirrell, Councilors Grasso, Lown, Hynes, Pantelakos and Assistant Mayor Hanson voted in favor. Councilors Whitehouse, Marconi and St. Laurent voted opposed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

## 2. Appointments/Resignation

Assistant Mayor Hanson moved to accept with regret and appreciation of service the resignation from Maija Hibbard from the Historic District Commission. Seconded by Councilor St. Laurent and voted.

3. Reports

Mayor Sirrell announced that the Portsmouth Elks Lodge would be celebrating Flag Day on Sunday, June 15<sup>th</sup> beginning at 11:00 a.m.

**C. ASSISTANT MAYOR HANSON**

1. Traffic and Safety Committee Action Sheet and Minutes of the May 15, 2003 meeting

Assistant Mayor Hanson moved to accept and approve the Traffic and Safety Committee action sheet and minutes of the May 15, 2003 meeting. Seconded by Councilor Marconi and voted.

2. Parking Committee Action Sheet and Minutes of the May 15, 2003 meeting

Assistant Mayor Hanson moved to accept and approve the Parking Committee action sheet and minutes of the May 15, 2003 meeting. Seconded by Councilor Marconi and voted.

**D. COUNCILOR LOWN**

1. Study Circle Update

Councilor Lown requested that City Manager Bohenko consider the recommendations of the Study Circle for the Capital Improvement Plan. He also requested that the manager report back on the legality of adding a line to the tax bill where individuals could select a voluntary donation to a City fund and look into a non-resident fee for Spinnaker Point memberships.

**E. COUNCILOR HYNES**

1. Comcast Contract

Councilor Hynes spoke to the Comcast Contract.

2. Railroad – Newburyport to Portsmouth

Councilor Hynes announced that the State Legislative Study Committee will be meeting in the Council Chambers Thursday, June 13th at 7:00 p.m. to discuss railroad services.

**F. COUNCILOR WHITEHOUSE**

1. Request of City Attorney Re: Library

Councilor Whitehouse requested that City Attorney Sullivan report back with proper language for a referendum question to appear on the November ballot regarding the location of the new library.

**G. COUNCILOR MARCONI**

Councilor Marconi moved to postpone the construction of the new library until May 1, 2004. Seconded by Councilor Whitehouse.

Councilor Marconi said that delaying the building of the new library is only fair due to the tough economic times that we are faced with. She said that she is not against a new library however, she is opposed to spending seven million dollars to construct a new library at this time.

On a roll call vote 7-2 motion failed to pass. Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Pantelakos, St. Laurent, and Mayor Sirrell voted opposed. Councilors Whitehouse and Marconi voted in favor.

**XIII. ADJOURNMENT**

At 10:15 p.m., Councilor Grasso moved to adjourn. Seconded and voted.



**KELLI L. BARNABY  
CITY CLERK**