

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, FEBRUARY 9, 2004

PORTSMOUTH, NH  
TIME: 7:00PM

At 6:15 p.m., a non-meeting with Counsel was held regarding an update on the coalition.

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

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

### **II. ROLL CALL**

Present: Mayor Sirrell, Councilors Grasso, Ferrini, Marchand, Pantelakos, Hynes, Raynolds, and Whitehouse.

Absent: Assistant Mayor Hanson

### **III. INVOCATION**

Mayor Sirrell asked for a moment of silent prayer.

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

Councilor Marchand led in the pledge of allegiance to the flag.

### **PROCLAMATION**

1. Read Across America – March 2, 2004

Mayor Sirrell presented a proclamation to Diane McGee, Portsmouth Teachers Association President declaring March 2, 2004 as read across Portsmouth day.

### **V. ACCEPTANCE OF MINUTES – JANUARY 26, 2004**

Councilor Pantelakos moved to accept and approve the minutes of the January 26, 2004 City Council meeting. Seconded by Councilor Grasso and voted.

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

Melvin Threfethen presented a petition opposed to the installation of a ramp and float at the McCleod property on Ridges Court.

TJ Wheeler spoke in favor of establishing Ghana as a Sister City. He spoke to the Council regarding his recent visit.

Gene Hill Jr. spoke in favor of establishing Ghana as a Sister City.

Peter Randall spoke in favor of establishing Ghana as a Sister City.

Patrick Graham, Ariel Soucie, and McKenzie Gray requested the City Council to approve the

Student Government Day request.

Councilor Pantelakos moved to suspend the rules in order to take up item X. E. Seconded by Councilor Grasso and voted.

Letter from Ariel Soucie, Student Council President and Mary Carey Foley, Student Council Adviser requesting permission to hold Student Government Day on Wednesday, March 24, 2004. Councilor Grasso moved to refer to the City Manager with power. Seconded by Councilor Pantelakos and voted.

## **VII. PUBLIC HEARING**

### **A. RESOLUTIONS TO INCREASE VETERANS' TAX EXEMPTIONS**

- A.1. VETERAN'S TAX CREDIT
- A.2. DISABLED VETERAN'S TAX CREDIT
- A.3. SURVIVING SPOUSE (VETERAN'S) TAX CREDIT

Mayor Sirrell read the legal notice, declared the public hearing open, and called for speakers.

City Attorney Sullivan advised that Mayor Sirrell, Councilors Grasso, Hynes, and Whitehouse are unable to vote on the veteran's tax credit.

Charles Vaughn said that 1,000 veterans die each week and spoke in favor of the resolution.

Kyle Langlier spoke in support of the surviving spouse tax credit. She feels that the tax credit does not burden the tax rate.

Peter Bresciano spoke in support of the disabled veteran's and surviving spouse tax credits. He said that he would not speak regarding the veteran's tax credit because he currently receives it.

Martin Cameron spoke in support of the tax credits. He feels that the veteran's tax credit is a small amount and that the City Council should approve the credits.

Charles Vaughn spoke in support of the veterans and surviving spouse tax credits. He said that the surviving spouse credit is significant for widow's assistance.

Martin Cameron spoke regarding the process followed to assist a widow. He feels that the credit is important and is needed.

After three calls and no further speakers, Mayor Sirrell closed the public hearing.

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

- A. Acceptance of Grant from the Trust's Health Promotion WELLDollars Grant Program

Councilor Whitehouse moved to accept the \$2,089.50 grant awarded to the City of Portsmouth from the Trust's Health Promotion WELLDollars Grant Program. Seconded by Councilor Grasso and voted.

- B. Acceptance of Police Department Donation from Portsmouth Regional Hospital in the amount of \$1,200 for the Police Honor Guard

Councilor Pantelakos moved to approve and accept the donation to the Portsmouth Police Department as listed. Seconded by Councilor Hynes and voted.

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

- A. First reading of Ordinance amending Chapter 10, Article I, Section 10-102 (A) – Definitions and Article IX, Section 10-903 (B) Illumination and Motion of Signs

Councilor Grasso moved to pass first reading of amended ordinance, as submitted, and schedule a Public Hearing and second reading at the March 1st City Council meeting. Seconded by Councilor Pantelakos.

Councilor Grasso asked the City Manager if the ordinance effects the current signs in place. City Manager Bohenko responded that existing signs are grandfathered.

Councilor Raynolds asked the City Attorney if an existing business with a sign could replace the sign. City Attorney Sullivan responded that the sign could be repaired or maintained only by state law.

Motion passed.

- B. Adoption of Proposed Resolutions to Increase Veterans' Tax Exemptions

- B.1. Veteran's Tax Credit

Councilor Pantelakos moved to adopt the Veteran's Tax Credit Resolution as submitted. Seconded by Councilor Ferrini. On a roll call vote, Councilors Ferrini, Marchand, Pantelakos, and Raynolds voted in favor. Councilors Grasso, Hynes, Whitehouse, and Mayor Sirrell abstained from voting, motion passed.

- B.2. Disabled Veteran's Tax Credit

Councilor Ferrini moved to adopt the Disabled Veteran's Tax Credit Resolution as submitted. Seconded by Councilor Pantelakos and voted.

- B.3. Surviving Spouse (Veteran's) Tax Credit

Councilor Hynes moved to adopt the Surviving Spouse (Veteran's) Tax Credit Resolution as submitted. Seconded by Councilor Pantelakos and voted.

- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 - No Parking Vaughan Street, northerly side from northwest corner of the building at 299 Vaughan Street easterly 20 feet

Councilor Marchand moved to pass third and final reading of amended ordinance, as submitted. Seconded by Councilor Grasso and voted.

- D. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 - No Parking subsection A regarding Porter Street

Councilor Raynolds moved to pass third and final reading of amended ordinance, as submitted. Seconded by Councilor Pantelakos and voted.

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

- A. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the 14<sup>th</sup> Annual Children's Day on Sunday, May 2, 2004

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

- B. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the 27<sup>th</sup> Annual Market Square Day on Saturday, June 12, 2004

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

- C. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to place temporary signage at the Plains and Hislop Park baseball fields during the 2004 baseball season

Councilor Pantelakos moved to authorize the Portsmouth Little League to place temporary signage at the Plains and Hislop Park baseball fields during the 2004 baseball season. Seconded by Councilor Hynes.

Councilor Whitehouse requested that the signs face inside the field.

Motion passed.

- D. Letter from Nancy Normile, Sexual Assault Support Services, requesting permission to hold the 12<sup>th</sup> Annual Walk-a-thon on Sunday, April 18, 2004

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

- F. Letter from Anthony Rahn requesting permission to store his lobster traps on the shore of the North Mill Pond

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

- G. Letter from Jeanine Sylvester, Runner's Alley, requesting permission to hold the 7<sup>th</sup> Annual Runner's Alley/Redhook Brewery Memorial 5k race on Sunday, May 30, 2004

Councilor Grasso moved to refer to the City Manager with power. Seconded by Councilor Raynolds and voted.

- H. Letter from Glenn Normandeau regarding proposed ramp and float for the McCleod Property on Ridge's Court

Councilor Hynes moved to refer to the Planning Board for a report back. Seconded by Councilor Whitehouse.

Councilor Pantelakos moved to table this matter until the next City Council meeting. No second received.

City Attorney Sullivan said that a study was conducted and explained the property area and the public has access to the paved portion. The City would defend its interest in Fernald Court and the public use of the beach.

Councilor Whitehouse said that Fernald and Ridges Courts is used for swimming and the public is concerned about access to the water. If this referred to the Planning Board for a report back then the public should comment on this matter at that time.

Councilor Hynes said that the Planning Board should look and report on this matter.

Councilor Grasso moved to table this item. Seconded by Councilor Whitehouse.

Councilor Hynes withdrew the original motion for a report back. Councilor Whitehouse withdrew the second to the motion.

Councilor Pantelakos feels that the matter should move forward as long as the Planning Board reported back.

City Attorney Sullivan said this matter should be referred to the Planning Board for a report back. He said that it is a policy decision of the City Council whether to issue a letter to allow the McCleod's to file a wetlands application.

Councilor Grasso withdrew the motion to table the item. Councilor Whitehouse withdrew the second to the motion.

Councilor Hynes moved to refer to the Planning Board for a report back. Seconded by Councilor Pantelakos and voted.

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

### **A. CITY MANAGER**

1. Request to Extend License Agreement for Trash Compactor on Ceres Street

City Manager Bohenko explained that he provided a copy of the agreement and recommends approval.

Councilor Whitehouse moved to authorize the City Manager to extend the License Agreement between the City of Portsmouth and Old Ferry Landing, Inc., Poco Diablo, Inc. and Stockpot, Ltd for the period December 1, 2003 through November 30, 2004. Seconded by Councilor

Raynolds and voted. Councilor Raynolds requested that the City Manager investigate increasing the fence size to shelter the compactor from view.

2. Request for Acceptance of Trust Document and Deed Re: Lower State Street Pocket Park

City Manager Bohenko provided the background on this item and said that the Trustees of Trust Funds are holding \$25,000 for maintenance of the park.

Councilor Pantelakos moved to authorize the City Manager to take all necessary steps and to execute any necessary documents to acquire the Lower State Street Pocket Park and establish a trust fund for the maintenance in accordance with the documents which have been presented to the City Council. Seconded by Councilor Raynolds and voted.

3. Easement Deed Re: Light to Illuminate the North Church Steeple

City Manager Bohenko said the easement would allow the North Church to be illuminated by using the Porter Street townhouses and recommended approval.

Councilor Grasso moved to authorize the City Manager to negotiate, execute and record an easement deed that would allow for the illumination of the North Church steeple from the condominiums on Porter Street. Seconded by Councilor Pantelakos and voted. Councilor Ferrini abstained from voting.

4. Approval Process Re: Placement of Telecommunications Equipment on City Property

City Manager Bohenko explained the approval process and the importance of moving quickly on this item and noted this does not include towers.

Councilor Hynes moved pursuant to Section 10-211 (10) of the Zoning Ordinance of the City of Portsmouth all requests for the placement of telecommunications equipment on City property are hereby referred to the City Manager with power to grant those requests which do not involve the construction of new towers or substantial new construction. Further, it is understood that the City Manager will advise the City Council in writing of any new proposed installations prior to final approval. Seconded by Councilor Whitehouse.

Councilor Ferrini questioned the process if the Council had concerns with an antenna. City Manager Bohenko responded that the City Council would advise him and the process would slow down to look at the concerns.

Motion passed.

1. Informational - Preble Way-Crescent Way Streetscape Improvement Project

City Manager Bohenko announced that a public meeting would be held on Thursday, February 12<sup>th</sup> regarding the improvement project.

**B. MAYOR SIRRELL**

1. Appointments

Councilor Grasso moved to appoint Valerie Cunningham, Nackey Scagliotti, Robert Scagliotti, Margaret Sofio, Richard Adams, and David Ewing to the Cemetery Committee. Seconded by Councilor Whitehouse and voted.

Councilor Hynes moved to reappoint John Sullivan to the Planning Board until December 31, 2006. Seconded by Councilor Whitehouse and voted.

Councilor Pantelakos moved to reappoint Ronald Cypher, Fred Gray, Hebert Bunnell, and Ralph DiBernardo to Traffic and Safety until January 1, 2006. Seconded by Councilor Grasso and voted.

Councilor Raynolds moved to appoint Barbara McMillan as Conservation Commission Alternate until April 1, 2006. Seconded by Councilor Whitehouse and voted.

Councilor Hynes moved to appoint William Gladhill to the Economic Development Commission until October 1, 2008. Seconded by Councilor Grasso and voted.

3. Establish Committee in Recognition of Martin Luther King, Jr.

Councilor Raynolds moved to establish a Blue Ribbon Committee to study renaming Pearl Street and appoint Councilor Hynes (facilitator), Eileen Foley, James Splaine, Arthur Hilson, Nate Holloway, Ray Will, Algene Bailey, and Margaret Britton. Seconded by Councilor Ferrini and voted.

Councilor Hynes said the committee would discuss various ways to recognize Dr. King. He said there would be a brainstorming forum and report back to the City Council on their recommendation.


**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Raynolds reported on a recent conference he attended regarding sustainability communities. He spoke to the definition of sustainability, which is the simultaneous pursuit of economic prosperity, environmental quality, and social equity. He offered to distribute information soon and bring initiatives forward for the City Council's consideration.

Councilor Grasso requested that the Council advise her if they are interested in participating in Read Across America Day.

**XIII. ADJOURNMENT**

At 8:50 p.m., moved to adjourn, seconded and voted.

  
Kelli L. Barnaby, City Clerk