

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
MONDAY, MAY 17, 2004

PORTSMOUTH, NH
TIME 7:00 PM

At 6:30 p.m., a non-meeting with Counsel was held.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:10 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Hanson led in the pledge of allegiance to the flag.

PROCLAMATION

1. Bike to Work and Bike to School Week – May 16, 2004 – May 22, 2004

Councilor Raynolds read the proclamation declaring May 16, 2004 – May 22, 2004 as bike to work and bike to school week. Mayor Sirrell presented the proclamation to Cameron Wake of the Seacoast Area Bicycle Routes.

V. ACCEPTANCE OF MINUTES – MAY 3, 2004

Assistant Mayor Hanson moved to accept and approve the City Council minutes of the May 3, 2004 meeting. Seconded by Councilor Grasso and voted.

VI. PUBLIC COMMENT SESSION

Harold Ecker spoke against the JFK building being demolished in order to construct a new library at the site.

Peter Bresciano spoke regarding the inefficient signage for north bound on the Route 1 bypass. He recommended that the city contact the Department of Transportation relative to installation of proper signage for the location.

Connie Boyle spoke against the proposed ordinance for no parking on Hancock Street on the northerly side from Marcy Street a distance of 115 feet.

Gloria Guyette spoke against the proposed ordinance for no parking on Hancock Street on the northerly side from Marcy Street a distance of 115 feet. She also spoke against buses idling and traveling up Marcy Street. She requested that the city issue parking stickers for residents in the Historic District.

VII. PUBLIC HEARINGS

A. PROPOSED FY JULY 1, 2004 THROUGH JUNE 30, 2005 BUDGET

City Manager Bohenko provided a PowerPoint presentation on the budget. He discussed the FY04 major expenditure delays that affect the FY05 budget. He reported that the adequate educational funding grants have been cut by \$704,779.00. He spoke to the municipal and school budgets remaining below the consumer price index over the last five years. He addressed the estimated revenues for FY05. He said that this budget is proposing a twenty two-cent increase on the tax rate.

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

Martin Cameron said since the city no longer has to send \$4.1 million to the state for the statewide property tax the residents should receive a reduction in taxes. He also spoke opposed to the revaluation process in the city.

Susan Denenburg spoke in favor of having the foreign language program back into the elementary schools but the funding is not adequate. She said it is important to emphasis this program with the younger children.

Peter Bresciano said he wants his taxes reduced but he does not want to see a reduction in the services he receives. He said the major portions of the budgets are salaries and benefits. He challenged residents to find a place where the budget could be reduced.

Tim LeFebvre asked what the City Council contingency plan is if the statewide property tax is brought back. City Manager Bohenko said that the City Council would need to review the budgets to find places to make reductions. He said there could be a drastic reduction in employees or increases in taxes. Mr. LeFebvre said that pay increases for employees should be based on merit. He said that the Council needs to find compassion for the taxpayers.

Blair McCracken said that this budget reflects an 8% increase. He said that the City Council should not take the statewide property tax absence and roll it back into the budget. He said that the increase in the budget is above the level of inflation.

Helen Steele spoke against the increase in the budget. She said it is important for the City Council to hold the line and the savings from the statewide property tax should not be rolled back into the budget.

Ann Marie Kent asked if there are benchmarks with other communities to see where we fall in terms of revenues and the tax rate.

Beth Gross-Santos spoke in favor of the foreign language program that has been added back into the elementary schools. She said that the funding should be increased. She said it is important that we do not fall behind other local communities with this program.

Jerry Hejtmanek said he was shocked regarding the budget increase. He feels the employee contracts make up a major part of the budget and he is opposed to those increases. He said 20% of the residents are retired and need to be considered and the solution is to run things more effectively and efficiently. He asked that reductions be made.

Liz Bratter said that the budget increases each year, the city needs to operate as a business, and raises should be issued based on merit and look towards alternative health insurance benefits. She said many people in her neighborhood have moved because of the taxes. She recommended outsourcing some of the labor to help with costs.

Harold Ecker said that revenues need to rise, as the taxes are too high.

At 9:05 p.m., Mayor Sirrell called a recess and at 9:20 p.m., the meeting was called back to order.

Rick Becksted spoke opposed to the budget increases as well as the statewide property tax.

Bill St.Laurent said the budget should be reduced and the retired property owners cannot afford tax increases and the increase is unacceptable.

Bill McQuillen spoke in favor of the budget because the services were maintained and departments are working harder with fewer funds.

Rick Becksted Jr. said relief is needed as taxes have increased \$5,000 on his property in two years.

Bill St.Laurent asked how the City would handle the scenario if the statewide property tax returned.

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

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.327 – LIMITED PARKING – TWO HOURS – WASHINGTON STREET: NORTHERLY SIDE BETWEEN STATE STREET AND COURT STREET

Mayor Sirrell read the legal notice, declared the public hearing open, and called for speakers. After three calls and no further speakers, Mayor Sirrell closed the public hearing.

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 explained the resolution as it allows the City to borrow funds when the funds are unavailable due to the time difference with tax billing.

Councilor Grasso moved to pass first reading and hold a public hearing and adoption of the Resolution at the June 21, 2004 City Council meeting. Seconded by Councilor Pantelakos and voted.

- B. First reading of Ordinance amending Chapter 10, Article I, Section 10-102 – Definitions and Section 10-208, Table 4

Assistant Mayor Hanson moved to table the ordinance until after a work session is held. Seconded by Councilor Hynes.

Councilor Ferrini moved to amend the motion to pass first reading and consider setting a public hearing and second reading after the June 14th Work Session with the Planning Board. Seconded by Councilor Pantelakos.

Councilor Pantelakos feels the public hearing should come before the Work Session.

Assistant Mayor Hanson said he requested that the item be tabled to ask the necessary questions.

Councilor Grasso supports the tabling motion and the Master Plan needs to be reviewed.

Councilor Hynes spoke in favor of the Work Session.

City Manager Bohenko said the City Council could take an unofficial consensus to see if they want to bring this item back for a first reading.

Councilor Marchand spoke in support of the tabling motion, as he would like to hear the Planning Board's input.

Councilor Ferrini requested statistics for the work session regarding residential uses in districts.

Councilor Raynolds inquired about a moratorium on development. City Attorney Sullivan said only with passage of first reading and scheduling a public hearing and second reading in the future.

Assistant Mayor Hanson said the City Council needs to review the master plan before making any decisions. He said the City Council should have a clean ordinance for first reading because this is a complex process.

Councilor Pantelakos said that there is too much development in the downtown area.

Councilor Grasso said that she is not comfortable voting for a first reading without setting a public hearing.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell does not agree with converting commercial property to residential in the downtown business district.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

Councilor Ferrini withdrew his motion and Councilor Pantelakos withdrew her second to the motion.

On a roll call vote 5-4, motion to table the ordinance until a work session is held failed to pass. Mayor Sirrell, Councilors Ferrini, Marchand, Pantelakos, and Reynolds voted opposed. Councilors Grasso, Hynes, Whitehouse, and Assistant Mayor Hanson voted in favor.

Councilor Ferrini moved to pass first reading of amended ordinance, as submitted, and schedule a public hearing and second reading at the June 21st City Council meeting. Seconded by Councilor Pantelakos, motion passed on an 8-1 roll call vote. Assistant Mayor Hanson voted opposed.

- C. Second reading of Ordinance amending Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – Washington Street: northerly side between State Street and Court Street

Councilor Whitehouse moved to pass second reading of amended ordinance, as submitted and hold a third and final reading in June. Seconded by Councilor Grasso and voted.

- D. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Hancock Street: northerly side of Hancock Street from Marcy Street a distance of 115 feet

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

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Gary Dodds & Eric Weinrieb, Portsmouth Rotary Club, requesting permission to hold the 12th Annual Thunder Chicken 5k Road Race on Thursday, August 5, 2004

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

- B. Letter from Gail Bradbard, Cabot House, requesting permission to use the adjacent street to Cabot House Parking Lot for the 10th annual Tent Sale on June 18th through June 20th and closure of the alley on June 19th from 6:00 a.m. to 7:00 p.m.

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

- C. Letter from Wendell Belmont requesting a proclamation to dedicate and rename the Big Rock Park as the Louise Belmont Memorial Park

Councilor Grasso moved to refer to the City Manager with power. Seconded by Councilor Whitehouse. City Attorney Sullivan noted that City Council Rule 44 requires a work session before renaming a park. Councilor Grasso withdrew her motion and Councilor Whitehouse withdrew his second to the motion.

Councilor Grasso moved to hold a work session to discuss this request. Seconded by Councilor Pantelakos and voted.

- D. Letter from Stephen Alie opposed to increasing parking fees and rates in the central business district

Assistant Mayor Hanson moved to accept and place on file. Seconded by Councilor Hynes and voted.

Councilor Whitehouse noted that this should be discussed during the budget process.

- E. Letter from John Thyng, New Hampshire for Health Care, requesting permission to hold a rally at Prescott Park followed by approximately 500 area residents walking over the Memorial Bridge on Saturday, June 19, 2004 to call attention to health care issues

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

John Thyng noted this is a national event to recognize health care issues and would work with all necessary departments. He said participants would be shuttled to the downtown area to alleviate parking concerns.

Motion passed.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of the Collective Bargaining Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilians Employee Association, IBPO

City Manager Bohenko recommended approval of the agreement.

Councilor Hynes moved to approve this five year contract commencing July 1, 2003 through June 30, 2008 with the Portsmouth Police Civilians Employee Association, IBPO. Seconded by Councilor Whitehouse and voted.

Assistant Mayor Hanson moved to suspend the rules in order to continue the meeting past 10:30 p.m. Seconded by Councilor Whitehouse and voted.

2. Newcastle Avenue Reconstruction (Docks)

City Attorney Sullivan noted do to the reconstruction of Newcastle Avenue many docks need to be removed and the City Council never gave permission for the docks to be placed on City property. He advised that the owners were informed of the scenario and an agreement was reached to have the docks removed by December 31st. He reviewed the proposed agreement.

Councilor Whitehouse said the docks have never been restricted in the past and requested an addition to the agreement stating “under no circumstances will these docks or floats be posted as private property.”

City Attorney Sullivan explained the liability issues regarding the proposed amendment.

Councilor Raynolds believes public access should remain.

Assistant Mayor Hanson moved to authorize the City Manager to proceed as recommended. Seconded by Councilor Pantelakos.

Councilor Whitehouse moved to amend the motion by the addition of a letter E to the recommendations stating under no circumstances will these docks or floats be posted as private property. Seconded by Councilor Raynolds.

Councilor Grasso said she is opposed to the amendment because of the potential liability issues.

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

Councilor Raynolds suggested constructing a municipal dock and charge fees and further recommended holding a work session to discuss this matter. City Manager Bohenko responded that parking and the cost to construct a dock would need to be considered.

Councilor Pantelakos agreed with the City Manager’s recommendations.

City Attorney Sullivan explained that the agreement with the terms would be presented to the City Council for final approval.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said some of the docks have been neglected.

Main motion passed with Councilors Raynolds and Whitehouse voting opposed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

3. Tour of Cottage Hospital

City Manager Bohenko requested that the June 14th Work Session begin at 7:00 p.m. with a tour of the Cottage Hospital at 6:00 p.m.

Assistant Mayor Hanson moved to hold a City Council work session on June 14, 2004, beginning at 6:45 p.m. in Conference Room A regarding the renaming of Big Rock Park followed by a joint meeting with the Planning Board at 7:00 p.m. in Council Chambers regarding an ordinance amendment to Chapter 10, Article I, Section 10-102 – Definitions and Section 10-208, Table 4. Seconded by Councilor Grasso and voted.

4. Reschedule City Council Meeting

Assistant Mayor Hanson moved to reschedule the City Council meeting of June 7, 2004 until Tuesday, June 8, 2004. Seconded by Councilor Ferrini and voted.

5. Request for Approval of Pole License Agreement #63-406

Councilor Whitehouse moved to approve the request from PSNH for pole license agreement #63-406 as recommended by the Public Works Department. Seconded by Councilor Pantelakos and voted.

6. Final Budget Review Work Session (not on agenda)

The City Council agreed to hold a final budget review work session at 6:30 p.m. in Conference Room A on June 3rd or June 10th. City Manager Bohenko will finalize the date.

B. MAYOR SIRRELL

1. Appointment/Resignation from Economic Development Commission

The following were considered and will be voted on at the June 8th meeting: Reappointment of David Adams and Richard Katz, Historic District Commission.

Mayor Sirrell advised that the Peirce Island Committee membership will be reduced therefore Mr. Levine's application would not be voted at this time.

Mayor Sirrell announced the resignations of Richard Smith, Peirce Island Committee and Stephen Alie, Economic Development Commission.

2. Reports - Hosting the USS Montpelier

Mayor Sirrell reported that Portsmouth would be the host for the USS Montpelier when it arrives at the shipyard.

C. COUNCILOR PANTELAKOS

1. *Closure of Parking Lot at JFK

Councilor Pantelakos requested that the City consider closing the JFK parking lot due to safety considerations and liability. She suggested a gate at the entrance and bring this proposal back for review.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

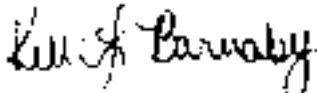
Mayor Sirrell moved to install a fence on the perimeter line of Richards Avenue at the JFK site. Seconded by Councilor Grasso.

Assistant Mayor Hanson suggested a snow fence. City Manager Bohenko suggested he provide a cost estimate for the fencing at the next meeting before the City Council votes on this matter.

Motion passed.

XI. ADJOURNMENT

Councilor Pantelakos moved to adjourn at 11:15 p.m. Seconded by Councilor Whitehouse and voted.



**KELLI L. BARNABY
CITY CLERK**