

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JUNE 6, 2005

PORTSMOUTH, NH  
TIME: 6:30 PM

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

Mayor Sirrell called the meeting to order at 6:30 p.m.

### **II. ROLL CALL**

Present: Mayor Sirrell, Assistant Mayor Grasso, Councilors Ferrini, Marchand (6:50 p.m.), Pantelakos, Hynes, Raynolds, Whitehouse and St. Laurent

### **III. INVOCATION**

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

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

Assistant Mayor Grasso led in the Pledge of Allegiance to the Flag.

The Dondero School Chorus and Diane McGee, Music Instructor performed three songs for the City Council.

Mayor Sirrell thanked Diane and the Chorus for their performance and wished Diane the best in her upcoming retirement.

### **PROCLAMATION**

1. The Red Hat Society Day – June 23, 2005

Assistant Mayor Grasso read the Proclamation declaring June 23, 2005 as Red Hat Society Day. Mayor Sirrell presented the Proclamation to a member of The Red Hat Society who accepted it with thanks and appreciation.

Councilor Ferrini moved to suspend the rules in order to take up Item IX. J. – Letter from Fire Chief Christopher LeClaire requesting Sale of Fire Engine 5. Seconded by Assistant Mayor Grasso and voted.

City Manager Bohenko advised the City Council that Fire Chief LeClaire is requesting to dispose of Fire Engine 5 with a purchase price of \$51,500.00. He said that this vote would require a two-thirds vote because it was not done as a sealed bid.

Councilor Pantelakos moved to authorize the Fire Department to sell the 1994 International Fire Apparatus in the amount of \$51,500.00. Seconded by Councilor Hynes. On a unanimous voice vote, motion passed.

## **PRESENTATION**

### 1. New Library Building Committee Update – John O’Leary

John O’Leary, Chair of the New Library Building Committee and Library Director List unveiled a 3D portrait representing the appearance of the New Library. He advised the City Council that a copy of the photo would be on display in the Mayor’s Office and the Library for review.

## **V. ACCEPTANCE OF MINUTES – MAY 16, 2005**

Councilor St. Laurent moved to accept and approve the minutes of the May 16, 2005 City Council meeting. Seconded by Councilor Whitehouse and voted.

## **VI. PUBLIC COMMENT SESSION**

Joel Carp thanked the City Council and City Manager Bohenko for their involvement and support of not renewing the scrap metal operation contract at the Port. He said although the PDA voted to renew the contract he is certain that the City Councils’ involvement was very important and now you are on record in opposition to the renewal of the contract.

Rick Horowitz said he was pleased when Councilor Marchand proposed a 4% cap on the budget, but is disappointed now to know that the City Council will not stick to the 4% limit. He advised the City Council that the elderly on fixed incomes and the middle class will be hit hard by any increase over 4%. He said that the City Council also needs to consider the impact of the proposed closure of the Portsmouth Naval Shipyard to this area. He said that the City is paying \$14,500.00 per pupil, which is the highest in the State.

City Manager Bohenko announced that the Public Hearing on the budget will be reconvened on Wednesday, June 8<sup>th</sup> at 7:00 p.m. in the Council Chambers.

Harold Ecker spoke to the process used in repaving streets in the City and the need for improvement.

Ms. Byrd said that the Halloween Parade will be held on Monday, October 31<sup>st</sup> from 6:30 p.m. – 8:30 p.m. and thanked the City Council for their continued support.

Mary Lou McElwain requested that the City Council hold an additional public meeting on the 301(h) waiver and update the residents on the sewer plans.

## **VII. APPROVAL OF GRANTS AND DONATIONS**

- A. Acceptance of Donations to the Cemetery Committee
- Mainly Gourmet, LLC - \$50.00
  - Citizens Financial Group, Inc - \$50.00
  - J. Verne Wood Funeral Home - \$400.00

Assistant Mayor Grasso moved to approve and accept the donations to the Cemetery Committee as listed. Seconded by Councilor Whitehouse and voted.

- B. Acceptance of Enforcing Underage Drinking Laws Grant to the Portsmouth Police Department - \$7,438.00
- C. Acceptance of Donation to the Portsmouth Police Honor Guard from Coast Pontiac-Cadillac-GMC, Inc. - \$300.00
- D. Acceptance of Donation to the Portsmouth Police Explorer Program from The Fuller Foundation - \$1,000.00

Councilor Whitehouse moved to approve and accept the grant and donations to the Portsmouth Police Department as listed. Seconded by Councilor St. Laurent 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 \$16,000,000.00

Councilor St. Laurent moved to pass first reading and hold a public hearing and adoption of the Resolution at the June 20<sup>th</sup> City Council meeting. Seconded by Assistant Mayor Grasso and voted.

- B. First reading of Ordinance amending Chapter 7, Article II, Section 7.219 – Rates for Taxi Fares by Increasing the rate for each additional One-eighth 1/8 Mile from Twenty-five Cents to Thirty-five Cents

Councilor Whitehouse moved to pass first reading, as submitted, and hold a public hearing and second reading at the June 20<sup>th</sup> City Council meeting. Seconded by Assistant Mayor Grasso.

Councilor Whitehouse read his memorandum dated May 16, 2005 to the City Council regarding the request from the Taxi Commission to increase the taxi fare for each additional one-eighth mile. He advised the City Council that the Taxi Commission believe this increase is necessary due to the increase costs for fuel and insurance. He urged the City Council to pass this ordinance as soon as possible.

Motion passed.

- C. Third and final reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location – to rezone the properties located off Mirona Road at Assessors Map 252, Lot 3 and Map 253, Lot 4 from Industrial (I) to General Business (GB)

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

Councilors Whitehouse and St. Laurent said they would vote against the ordinance because the City Council should preserve industrial land.

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

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

- A. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
- Starbucks Coffee – 4 tables and 8 chairs
  - Choozy Shooz – 1 bench and 1 A-frame sign

Councilor Ferrini moved to refer to the City Manager with power. Seconded by Councilor St. Laurent.

Councilor Reynolds advised the City Council that he has received complaints about the number of cigarette butts on the ground near establishments with tables, chairs and/or benches. He requested that the City Council require merchants to address this matter immediately.

Councilor St. Laurent said that the merchants should also remove any debris in front of their establishment as well, from patrons utilizing the tables, chairs and/or benches.

City Manager Bohenko said he would work with City Clerk Barnaby on preparing a letter to the merchants advising them to address this issue.

Motion passed.

- B. Request for Sidewalk Obstruction License from Patrick Burns, Online Communications to place 1 A-frame sign in front of establishment

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

- C. Letter from Margaret Brennan, Portsmouth Coaching Coalition, requesting permission to hold a potluck dinner at Langdon Park on Thursday, June 23, 2005 from 6:00 p.m. – 9:00 p.m.

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

- D. Letter from Mary Clifton Horrigan requesting the City to keep the tide gate to the South Mill Pond open May through September

Councilor Pantelakos moved to refer to the City Manager for a report back. Seconded by Councilor Reynolds.

City Manager Bohenko advised the City Council that the gate was closed all the time up until 1998. He said he has no problem leaving the gate open, except for when the model boating events are taking place. He said that all future events would be scheduled around the tide.

Councilor Pantelakos spoke in support of keeping the gate open, except during the model boating events.

Councilor Whitehouse spoke in support of our current policy regarding the gate.

Mayor Sirrell passed her gavel to Assistant Mayor Grasso.

Mayor Sirrell said she agrees with Councilor Whitehouse. She said that the gate was closed last summer and there was no odor coming from the pond.

Councilor Reynolds thanked Mrs. Horrigan for bringing this matter to the attention of the City Council. He said he disagrees with Councilor Whitehouse and Mayor Sirrell.

Councilor Ferrini said he would like to have the City Manager provide some biological evidence in his report regarding the millpond.

Motion passed.

Assistant Mayor Grasso passed the gavel back to Mayor Sirrell.

- E. Letter from Stafford-Ames Morse, The Morse Society, requesting permission to place a marble stone with a bronze plaque citing the location of one Obadiah Morse and Elizabeth Ralwin's home off Market Street at the entrance of Commercial Alley

City Manager Bohenko advised the City Council that the marble stone is in place and the plaque would need to be added to the stone.

Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Assistant Mayor Grasso.

City Manager Bohenko advised the City Council that if any issues arise he would bring the matter back to the City Council for referral to the Planning Department or Planning Board.

Motion passed.

- F. Letter from Lisa and Dan Carchidi, Carol Kelly and Tim Griffin, and Jennifer Benjamin requesting no renovation or relocation of the partial sidewalk on Sherburne Avenue Extension

City Manager Bohenko provided the City Council with a map of the sidewalk in question and advised the Council that the sidewalk would be removed.

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

- G. Letter from David Cohen, The Portsmouth Halloween Parade Committee, requesting permission to hold the 11<sup>th</sup> annual Halloween Parade on Monday, October 31, 2005 from 6:30 p.m. – 8:30 p.m.

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

- H. Letter from Mary Lou McElwain requesting a public meeting to update residents on the sewage plans

City Manager Bohenko said he would suggest holding a public informational meeting in early fall to provide an update on the combine sewer overflow project and the 301(h) waiver. He said this could be done possibly in September. He advised the City Council that he would have the Public Works Department staff provide the presentation and open it up for public comment following the presentation.

Councilor Ferrini moved to refer to the City Manager with power. Seconded by Councilor St. Laurent.

Councilor Raynolds said he agrees with the recommendation of the City Manager. He said that the strategy of addressing the source of the problem while requesting a waiver was a sound strategy but we need to learn more.

City Manager Bohenko said that the EPA granted the City a preliminary waiver and they will deliberate on the information received during the public meeting held here over two weeks ago. He advised the City Council that we are unsure of when we will receive a decision by the EPA.

Councilor St. Laurent said he agrees with City Manager Bohenko's recommendation, and a public meeting is important for the residents.

Councilor Whitehouse suggested that the City Council attend a walk through of the treatment plant prior to the public meeting in the fall.

Motion passed.

- I. Letter from Trevor Bartlett, The Music Hall, requesting permission to close Chestnut Street from Congress to Porter Streets for the Annual Telluride by the Sea Weekend Celebration of Film on September 16, 2005 – September 18, 2005

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

- K. Letter from Paul Sorli, Downtown Business Association, regarding the street décor for the Russo-Japanese Peace Treaty

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

- L. Letter from Joan Hamblet regarding Signage Regulations and Development of Community

Assistant Mayor Grasso moved to refer to the City Manager for report back. Seconded by Councilor St. Laurent and voted.

- M. Letter from Betty Hollick thanking the Fire Department for their prompt and professional response on Sunday, May 1, 2005 to her home

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

- N. Letter from Rick Condon, Portsmouth Firefighters Local #1313, requesting permission to hold a voluntary "Boot Drive" in Market Square on July 23, 2005 from 9:00 a.m. – 4:00 p.m. for the Muscular Dystrophy Association

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

- O. Letter from Sherburne Avenue residents requesting a "Children At Play" sign be erected facing Leary Field and that the city consider allowing parking on one side of the street only

Councilor Hynes moved to refer to the Traffic & Safety Committee. Seconded by Councilor Reynolds and voted.

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

### **A. CITY MANAGER**

- 1. Request for Pole License Agreements #63-422; #63-424; #63-417; and #9AAVYA

City Manager Bohenko advised the City Council that the Public Works Department has reviewed the license agreements and is recommending approval.

Councilor Whitehouse moved to approve the request for pole license agreement #63-422 as recommended by the Public Works Department. Seconded by Councilor St. Laurent.

Councilor Whitehouse asked if we would be offering underground services for the new Library. Public Works Director Parkinson responded affirmatively. Councilor Whitehouse expressed concern with the wet area. Public Works Director Parkinson said that there is underground services in that area now and exist in other areas in the City which some may consider wet areas.

Motion passed.

## 2. Monitoring Well Easement Deed

City Manager Bohenko advised the City Council that Northeast Credit Union has granted the City an easement to place monitoring wells at designated locations on its property. He said the wells monitor the quality of groundwater that supplies one of the City's wells. He requested that the City Council authorize him to accept the easement.

Councilor Ferrini moved to authorize the City Manager to accept an easement from Northeast Credit Union for monitoring wells. Seconded by Assistant Mayor Grasso and voted.

## 3. Shortfall in the Snow Removal Budget

City Manager Bohenko said the City Council received a memorandum from Public Works Director Parkinson regarding the \$393,114.00 shortfall in the snow removal budget for FY05. He advised the City Council that the City has been granted FEMA assistance for snow events that occurred on January 22 – 23, 2005 and March 11 – 12, 2005. He recommended that the City Council approve the use of FY04 Contingency for the shortfall.

Councilor Hynes moved to accept the use of FY04 Contingency as recommended. Seconded by Assistant Mayor Grasso and voted.

City Manager Bohenko requested Public Works Director Parkinson address comments made by Mr. Ecker regarding our paving projects.

Public Works Director Parkinson discussed the process used for re-paving streets. He said that if a street requires utility work and the utilities company must dig up the street they are required to pay a fee for the permit which is linked to a certain period of time when new paving was completed by the City.

Councilor Whitehouse requested City Manager Bohenko address the Newcastle Avenue underground utilities project. City Manager Bohenko advised the City Council that the City could not get all residents to enter into the agreement to bury the utilities, therefore he has withdrawn the request for a bond issue. He said that all other aspects of the project would move forward as previously discussed.



**B. MAYOR SIRRELL**

1. Appointments

The City Council considered the following: reappointment of Louis Vinciguerra to the Cable Television and Communications Commission; reappointment of Steve Miller, Allison Tanner, and Brian Wazlaw to the Conservation Commission; reappointment of James Melfi to the Neighborhood Committee; reappointment of Laura Montville and Tara Trafton to the PEDLP Review Committee; appointment of Carlos Castro to the Portsmouth Housing Authority Commission; reappointment of Albert Charest to the Portsmouth Housing Authority Commission; reappointment of Thomas Bolko, Jackie Cali-Pitts, Harry Clark, Kathy Birse Siegel and Elaine Syracuse to the Recreation Board. These appointments will be voted on by the City Council at the June 20, 2005 meeting.

Councilor St. Laurent requested that all future reappointments list the date of original appointment by the City Council.

2. Reports

Mayor Sirrell announced that we have 13 Senators in favor of the Coalition Bill regarding the Statewide Property Tax and Donor towns.

**C. COUNCILOR HYNES**

1. Traffic & Safety Committee Action Sheet and Minutes of the May 12, 2005 meeting

Councilor Hynes moved to accept and approve the action sheet and minutes of the Traffic & Safety Committee May 12, 2005 meeting. Seconded by Councilor Ferrini.

Councilor Whitehouse expressed concern regarding Item 8 relative to the public hearing on Chestnut Street. He said it indicates that the public hearing would be to discuss the partial closing of Chestnut Street. He said he understood that the entire street would be closed.

Councilor Hynes advised Councilor Whitehouse that it is a recommendation of the Committee to close Chestnut Street and no definite decision has been made.

City Manager Bohenko announced that the public hearing on the closing of Chestnut Street will be held on Thursday, June 9<sup>th</sup> at 8:00 a.m. in the Council Chambers.

City Attorney Sullivan said that one end of the street would be closed and the information listed in the legal notice is accurate.

Motion passed.

## **XI. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Pantelakos said she would like to see a performance audit done on the School Department and Police Department to ensure that their request for funding beyond the 4% is justified.

City Manager Bohenko advised the City Council if they want to have an audit completed it should be scheduled following the adoption of the budget. He also requested that the City Council indicate the scope of the audit.

Councilor Reynolds spoke in support of a performance audit and said the idea should be discussed further by the City Council. He suggested holding a work session on this matter.

Councilor Ferrini said we need to move forward with this idea in a detailed and well-analyzed manner.

Councilor Pantelakos said a performance audit would determine whether these departments need these large increases to their budgets each year.

Councilor Marchand said that the City Council would need to focus on their intent in an audit. He said the best done audits are when you get positive ideas from employees in the department.

Councilor Ferrini said he would like the City Council to review companies before a decision is made on who would conduct the audit.

City Manager Bohenko said we could conduct a work session later this summer or early fall to discuss this matter further.

Councilor St. Laurent inquired on the status of the Wentworth School. Assistant Mayor Grasso advised Councilor St. Laurent that the School Board minutes reflect that the school would remain in the School Department's inventory. City Attorney Sullivan said there is no negotiations with any one on this school.

## **XII. ADJOURNMENT**

At 9:05 p.m., Councilor Whitehouse moved to adjourn. Seconded and voted.



Kelli L. Barnaby, City Clerk