

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 15, 2005

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:30 p.m., an Anticipated "Non-Meeting" with counsel was held regarding negotiations.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Grasso, Councilors Ferrini, Marchand, 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

Councilor St. Laurent led in the Pledge of Allegiance to the Flag.

PROCLAMATION

1. The Community Diversion Program

Assistant Mayor Grasso read the Proclamation recognizing the Community Diversion Program and their 10 years of service to the families of Portsmouth and the Seacoast area. Mayor Sirrell presented the Proclamation to Jackie Valley of the Community Diversion Program who accepted it with thanks and appreciation. Jackie thanked Mayor Sirrell and the City Council for the Proclamation and recognizing this much-needed program. She said it is an honor to work in this community and serve its youth.

V. ACCEPTANCE OF MINUTES - AUGUST 1, 2005

Councilor Whitehouse moved to accept and approve the minutes of the August 1, 2005 City Council meeting. Seconded by Councilor St. Laurent and voted.

VI. PUBLIC COMMENT SESSION

There were no speakers for the Public Comment Session.

VII. PUBLIC HEARINGS

A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000.00) FOR CITY IMPROVEMENTS FOR THE FY 06 CAPITAL IMPROVEMENT PLAN

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

City Manager Bohenko asked Deputy Public Works Director Allen to speak on the various projects in this Resolution. Deputy Public Works Director Allen discussed the various projects:

- Roof Replacement Municipal Complex and Connie Bean Recreation Center
- New Sidewalks for Middle Road
- Rehabilitation of Aviation Drive

City Manager Bohenko advised the City Council that these projects were addressed in the Capital Improvement Plan.

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

B. RESOLUTION AUTHORIZING THE BORROWING OF UP TO THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) THROUGH THE ISSUE OF BONDS AND NOTES OR THE EXECUTION OF LEASE PURCHASE AGREEMENTS FOR THE ACQUISITION OF ONE FIRE APPARATUS

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

City Manager Bohenko asked Fire Chief LeClaire to discuss the replacement of this apparatus. Chief LeClaire advised the City Council that this is part of the apparatus replacement program and was identified through the Capital Improvement Plan.

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

C. RESOLUTION AUTHORIZING PARTICIPATION IN THE STATE REVOLVING LOAN FUND (SRF) FOR COSTS RELATED TO FIVE WATER SYSTEM IMPROVEMENTS PARTICIPATION UP TO TEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$10,100,000.00)

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

City Manager Bohenko asked Deputy Public Works Director Allen to address the projects relative to this Resolution. Deputy Public Works Director Allen advised the City Council that all of these projects were identified in the Capital Improvement Plan. The projects are as follows:

- Maplewood Avenue Waterline Replacement;
- Greenland Well Replacement and System Pressure Improvements;
- Water Source Augmentation;
- Madbury Water Treatment Plant - Raw Water Mgt and
- Madbury Water Treatment Plant - Design Phase

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

D. HAZARD MITIGATION PLAN 2005

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

City Manager Bohenko asked Fire Chief LeClaire to address this plan. Fire Chief LeClaire said that this plan was developed by the Emergency Operation Center and the Department of Public Works. He said that the plan has been reviewed by FEMA and now needs approval of the City Council. David West, Rockingham Planning Commission, advised the City Council that once the plan is adopted the City would be eligible for grants or funding in case of a natural disaster.

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

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donations to the New Library Building Fund
- Roger A. & Jennifer A. Lemire - \$25.00
 - Chance B. & Edward R. Allen - \$25.00
 - Ambit Engineering, Inc. - \$50.00
 - IDEA Outfitters - \$75.00
 - Stephen Lichtenstein & Karen Jacoby - \$100.00
 - Richard D. Antal, MD - \$100.00
 - Anonymous - \$100.00
 - Anonymous - \$200.00
 - Keith W. Eveland, DMD - \$250.00
 - Georgia-Pacific Corporation - \$500.00
 - Alanson H. Sturgis, Jr. & Anne H. Sturgis - \$500.00
 - First Signature Bank - \$500.00
 - Jeremy R. Waldron - \$1,000.00

Assistant Mayor Grasso moved to approve and accept the donations to the New Library Building Fund as listed. Seconded by Councilor Pantelakos and voted.

- B. Acceptance of Donations to the Cemetery Committee
- Anonymous - \$57.00
 - Anonymous - \$113.00
 - Farrell Funeral Home, Inc. - \$200.00

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 1, Article IV, Section 1.40 - Cable Television and Communications Commission

Councilor Whitehouse moved to pass first reading of amended ordinance, as submitted, and hold a public hearing and second reading at the September 12, 2005 City Council meeting. Seconded by Councilor St. Laurent and voted.

- B. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 - No Parking - Green Street: both sides from Russell Street to Vaughan Street

Councilor Ferrini moved to pass first reading of amended ordinance, as submitted, and hold a public hearing and second reading at the September 12, 2005 City Council meeting. Seconded by Assistant Mayor Grasso and voted.

- C. Adoption of Resolution Authorizing a Bond Issue of up to Nine Hundred Fifty Thousand Dollars (\$950,000.00) for City Improvement for the FY 06 Capital Improvement Program

Councilor Marchand moved to adopt the Resolution Authorizing a Bond Issue of up to Nine Hundred and Fifty Thousand Dollars (\$950,000.00) for City Improvements for the FY 06 Capital Improvement Program. Seconded by Assistant Mayor Grasso.

Councilor Raynolds spoke in support of the sidewalk and bike lane projects for Middle Road.

Motion passed.

- D. Adoption of Resolution Authorizing the Borrowing of up to Three Hundred and Fifty Thousand Dollars (\$350,000.00) through the Issue of Bonds and Notes or the Execution of Lease Purchase Agreements for the Acquisition of One Fire Apparatus

Councilor Hynes moved to adopt the Resolution Authorizing the Borrowing of up to Three Hundred and Fifty Thousand Dollars (\$350,000.00) through the Issue of Bonds and Notes or the Execution of Lease Purchase Agreements for the Acquisition of One Fire Apparatus. Seconded by Councilor Pantelakos.

Councilor St. Laurent asked Chief LeClaire why the vehicle could not be rehabbed. Chief LeClaire advised Councilor St. Laurent that the vehicle is beyond rehabilitation and it is time to purchase a new vehicle.

Motion passed.

- E. Adoption of Resolution Authorizing Participation in the State Revolving Loan Fund (SRF) for Costs Related to Five Water System Improvements Participation up to Ten Million One Hundred Thousand Dollars (\$10,100,000.00)

Councilor Pantelakos moved to adopt the Resolution Authorizing Participation in the State Revolving Loan Fund (SRF) for Costs Related to Five Water System Improvements Participation up to Ten Million One Hundred Thousand Dollars (\$10,100,000.00). Seconded by Councilor Hynes.

Councilor Whitehouse said he would like to slow the City down on development. He said he would vote against this Resolution. He said that we should step back; look at where we are and where we are going. He suggested waiting until 2007 before proceeding with this project.

City Manager Bohenko said he understands Councilor Whitehouse's comments but it is important to remember that we are talking about our water supply for the City. He said all of these projects identified in the Resolution are to the benefit of the residents in this City. He said that the funding is through the State Revolving Loan Fund at a low interest rate and we do not start repaying the loan until the projects are complete. He said he does not recommend delaying these projects because they are too important to the City.

Councilor Ferrini spoke in support of the Resolution and the projects as outlined.

Assistant Mayor Grasso said it is important for the City Council to support this Resolution and the various projects. She said it is important that we have safe water.

Councilor St. Laurent said he understands where Councilor Whitehouse is coming from however, the funding is coming from the State Revolving Loan Fund at a low interest rate, and therefore he would support the projects and the Resolution.

Councilor Pantelakos said that water is a valuable resource that we need to protect. She said that these projects cannot be delayed and we must move forward.

Councilors Marchand, Hynes and Raynolds spoke in support of the Resolution.

Mayor Sirrell passed the gavel to Assistant Mayor Grasso.

Mayor Sirrell said that we need to protect our water and its resources. She said it is important for the City Council to support the Resolution and move forward with these projects.

Assistant Mayor Grasso passed the gavel back to Mayor Sirrell.

On a roll call 8-1, motion passed. Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds, St. Laurent and Mayor Sirrell voted in favor. Councilor Whitehouse voted opposed.

F. Adoption of Hazard Mitigation Plan 2005

Councilor Pantelakos moved to adopt the Hazard Mitigation Plan 2005. Seconded by Councilor Ferrini.

Councilor Whitehouse questioned why the South Mill Pond was not on the list of locally identified flood areas on page 15 of the Plan. City Manager Bohenko said that this is just for identification of potential flood areas and illustration only. Deputy Public Works Director Allen said we need to recognize the detail in this is generalized and this is a large-scale identification map. He said that the South Mill Pond was identified as a 10-year flood plan zone. Councilor Whitehouse requested that the South Mill Pond be added to the list on page 15 of the Plan.

City Manager Bohenko said that this is an emergency management document to identify what areas have emergency issues. Fire Chief LeClaire said that past history was looked at in preparing this map. He said that we need to identify what areas in the City that storm surge or floods could affect.

David West, Rockingham Planning Commission said that all areas have been designated and identified through the 10-year plan. City Manager Bohenko said that the South Mill Pond would be added to the list in the Plan.

Motion passed.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Tina Peiffer, Portsmouth Percussive Dance Festival, requesting permission to hold the 2006 Dance Festival Monday, June 26, 2006 through Sunday, July 2, 2006

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

- B. Letter from Thomas Tosi, Tosi Productions, requesting permission to use the Pine Street playground to shoot an independent film on Saturday, October 15, 2005

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

Councilor Pantelakos asked that the City Manager ensure that the park remains open to the public during the filming.

Councilor Whitehouse requested that the City Manager ensure that no streets are blocked or closed during the filming.

Motion passed.

- C. Letter from Barbara Zulkiewicz, Whipple School Condominiums Owner's Association, requesting that the William Whipple portrait be displayed in the corridor of the Whipple School Condominiums building

City Manager Bohenko said we need to find out if the portrait is City property and if it is on loan if we want to allow the Association to use it.

Assistant Mayor Grasso moved to refer to the City Attorney for report back. Seconded by Councilor Marchand.

Councilor Raynolds requested that the report include information and a recommendation of placing City property on loan to a private organization versus remaining on City property.

Motion passed.

- D. Letter from Richard Dozier offering to donate the 2005 Christmas Tree to the City

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

City Manager Bohenko said he would send a thank you letter to Mr. Dozier and he will have the Public Works Department examine the tree to make sure that it is appropriate and meets our needs.

- E. Letter from Zhana Morris, The Music Hall, requesting use of parking meters for the 2005-2006 Season

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request for Approval of an Amendment to the Collective Bargaining Agreement between the City of Portsmouth and the Portsmouth Association of Clericals in Education

City Manager Bohenko said this is regarding reopening the contract that was discussed during the non-meeting this evening. He said that the City Council has three options available to them, vote to approve, vote to deny or vote to table the contract.

Councilor St. Laurent moved to table this item until the September 12, 2005 City Council meeting. Seconded by Councilor Whitehouse.

On a roll call 5-4, motion passed. Councilors Marchand, Reynolds, Whitehouse, St. Laurent and Mayor Sirrell voted in favor. Assistant Mayor Grasso, Councilors Ferrini, Pantelakos and Hynes voted opposed.

2. New Zoning Map

City Manager Bohenko said he would like to bring back this item for a first reading at the September 12, 2005 City Council meeting.

Councilor Ferrini moved to schedule first reading for the September 12, 2005 City Council meeting. Seconded by Councilor Whitehouse.

Councilor Ferrini said that this is a helpful map and looks forward to dealing with written descriptions within the master plan.

Motion passed.

City Manager Informational Items

1. *Taxpayer Assistance Center (TAC)*

City Manager Bohenko reported that IRS Commissioner Mark Everson's has decided to suspend the proposed closure plan of its Taxpayer Assistance Centers.

2. *New Traffic Engineer*

City Manager Bohenko announced that Deborah Finnigan has been hired as the new Traffic Engineer and she will begin her new position on Monday, September 19th.

3. *Invitation to PNS Appreciation/Old Fashion NE Family Picnic*

City Manager Bohenko announced that the Seacoast Shipyard Association is holding an Appreciation/Old Fashion NE Family Picnic on Saturday, August 13, 2005, from 2:00 p.m. to 5:00 p.m.

4. *Portsmouth High School Dedication*

Assistant Mayor Grasso announced that the Portsmouth High School Dedication has been changed from August 28th to Saturday, August 27th at 4:00 p.m. due to Fenway Park declaring August 28th as New Hampshire Day.

B. MAYOR SIRRELL

1. Donation to the Coalition Legal Fund

Mayor Sirrell passed the gavel to Assistant Mayor Grasso.

Mayor Sirrell moved to accept the \$1,000.00 contribution from the Town of Bridgewater to be placed in the Coalition Legal Fund. Seconded by Councilor Pantelakos and voted.

2. Appointment of New Fire Substation Building Committee

Mayor Sirrell announced that she would be recommending Councilors Ferrini, Whitehouse and St. Laurent to serve on the New Fire Substation Building Committee.

Mayor Sirrell moved to appoint Councilors Ferrini, Whitehouse and St. Laurent to the New Fire Substation Building Committee. Seconded by Councilor Pantelakos.

Councilor Whitehouse said that he would be taking a very conservative view while serving on this Committee.

Councilor St. Laurent urged the public to contact him with any suggestions relative to the project or the Committee.

Councilor Ferrini said he would be serving on this Committee with a complete open mind with the information received.

Motion passed.

Assistant Mayor Grasso passed the gavel back to Mayor Sirrell.

3. Appointments

Councilor St. Laurent moved to appoint Kevin Lafond to the Board of Library Trustees filling the expired term of Phyllis Eldridge until October 1, 2007. Seconded by Assistant Mayor Grasso and voted.

Councilor St. Laurent moved to reappoint Steven Berg to the Portsmouth Housing Endowment Fund Advisory Board until June 17, 2008. Seconded by Councilor Ferrini and voted.

Councilor Ferrini moved to reappoint Robin McIntosh to the Citywide Neighborhood Committee until April 1, 2008. Seconded by Councilor St. Laurent and voted.

Councilor Reynolds moved to appoint Anthony Coviello as an alternate to the Planning Board until December 31, 2008. Seconded by Councilor St. Laurent and voted.

Councilor St. Laurent moved to appoint Steven Berg as a regular member of the Zoning Board of Adjustment filling the unexpired term of James Horrigan until December 1, 2006. Seconded by Councilor Whitehouse and voted.

4. Correspondence Re: Police Department Supplemental Budget

Mayor Sirrell advised the City Council that the Police Commission has requested to delay placing this item on for action at this meeting. The Police Commission will wait until the end of the first quarter to evaluate their needs.

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

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse suggested holding a work session with the School Board on their deficit problem. City Manager Bohenko said that we should wait until the year-end audit is complete. He said deficit issues are not uncommon when dealing with special educational needs in the school.

Councilor Whitehouse said we always receive the audit report the second meeting in December and would like to receive it prior to that to allow for more review by the City Council. City Manager Bohenko said he would endeavor to have the report to the City Council the first meeting in December.

Councilor Pantelakos said that the City Council should review the audit report before a work session is held.

XIII. ADJOURNMENT

At 8:30 p.m., Councilor Pantelakos moved to adjourn. Seconded by Assistant Mayor Grasso and voted.



Kelli L. Barnaby, City Clerk