

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 12, 2005

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:00 p.m., an Anticipated "Non-Meeting" with counsel was held regarding negotiations.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:00 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 Whitehouse led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Grant for \$6,200.00 from PSNH for Gosling Road Pump Station Energy Rebate

Deputy Public Works Director Allen advised the City Council that the Public Works Department worked with Public Service of New Hampshire on this project to look at equipment that would save the City energy. Donna Keeley, of PSNH presented Mayor Sirrell and the City Council with this grant award in the amount of \$6,200.00 for the Gosling Road Pump Station. She advised the City Council that the grant was increased from \$6,000.00 to \$6,200.00. City Manager Bohenko said that this is part of our sustainable practice project and the same process will be used for the other two pump stations.

MAYOR'S AWARDS

1. Outgoing Art-Speak Executive Board Members – M. Christine Dwyer and Roger Goldenberg

Mayor Sirrell presented Mayor's Awards to outgoing Art-Speak Executive Board Members M. Christine Dwyer and Roger Goldenberg. Chris thanked Mayor Sirrell and the City Council for this award.

PROCLAMATION

1. Constitution Week 2005

Assistant Mayor Grasso read the Proclamation declaring September 11, 2005 – September 17, 2005 as Constitution Week. Mayor Sirrell presented the Proclamation to Tylene Jousse who accepted it on behalf of the Daughter's of the Revolution with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – AUGUST 15, 2005

Councilor Pantelakos moved to approve and accept the minutes of the August 15, 2005 City Council meeting. Seconded by Assistant Mayor Grasso and voted.

VI. PUBLIC COMMENT SESSION

Susanne Delaney, Portsmouth Criterium Bike Race, thanked the City Council and City Manager Bohenko for their support and assistance with the upcoming bike race. She extended an invitation to the City Council and City Manager to attend the race on Sunday, September 18th.

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 1, ARTICLE IV, SECTION 1.40 – CABLE TELEVISION AND COMMUNICATIONS COMMISSION BY THE ADDITION OF ONE ALTERNATE COMMISSIONER

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

Brian Gregg, spoke in support of the ordinance and the need for an additional member to serve as an alternate to the Cable Television and Communications Commission.

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

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING – GREEN STREET: BOTH SIDES FROM RUSSELL STREET TO VAUGHAN STREET

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 AND DONATIONS

- A. Acceptance of Grant for \$6,200.00 from PSNH for Gosling Road Pump Station Energy Rebate

Councilor Raynolds moved to approve and accept the grant for \$6,200.00 from PSNH for Energy Efficient Upgrades to the Gosling Road Pump Station. Seconded by Councilor St. Laurent and voted.

- B. Acceptance of Donations to the New Library Building Fund
- Mr. & Mrs. Timothy B. Allison - \$25.00
 - Jardiniere Florist of Portsmouth, Inc. - \$50.00
 - Anonymous - \$50.00
 - Diane Kleist Physical Therapy - \$50.00
 - JCM Management Co., Inc. in the Name of Osprey Landing - \$50.00
 - Atlantic Media, Ltd - \$100.00
 - Shaughnessy Seagull, Inc d/b/a Allegra Print & Imaging - \$100.00
 - Robert Davis - \$100.00
 - Martha Fuller Clark - \$100.00
 - Yudy's of Portsmouth, Inc. in memory of Nancy J. Davis - \$100.00
 - Susan J. Conway - \$100.00
 - Lo's Seafood & Oriental Market in honor of Seng Lo - \$100.00
 - 30 Maplewood Avenue Trust - \$100.00
 - Robert J. & Cynthia A. Lister - \$200.00
 - Mark Landsperge, Extreme Forces USA - \$200.00
 - JCM Management Co., Inc. in the name of Osprey Landing - \$200.00
 - Altus Engineering, Inc. - \$200.00
 - Nickerson-Remick - \$250.00
 - Anne F. & David D. Sears in memory of Anne Frisby - \$300.00
 - Northeast Credit Union - \$500.00
 - Northern Utilities, Inc. - \$500.00
 - Winthrop, Inc. - \$500.00
 - William A. & Margaret B. McConnell - \$1,000.00
 - Mary C. Horrigan Revocable Trust - \$1,000.00
 - Forum Group, LLC - \$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.

- C. Acceptance of Donations to the Cemetery Committee
- Anonymous - \$65.50
 - Anonymous - \$81.12
 - Anonymous - \$103.75

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

- D. Acceptance of Donations to the Portsmouth Police Honor Guard
- Ms. McLaughlin - \$5.00
 - Port City Nissan - \$300.00

Councilor St. Laurent moved to approve and accept the donations to the Portsmouth Police Department as listed. Seconded by Councilor Whitehouse and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location (2005 Zoning Map)

Councilor Ferrini moved to accept the recommendation of the Planning Board and pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the October 3, 2005 City Council meeting. Seconded by Assistant Mayor Grasso and voted.

- B. Second reading of Ordinance amending Chapter 1, Article IV, Section 1.40 – Cable Television and Communications Commission

Councilor Whitehouse moved to pass second reading of the amended ordinance, as submitted, and hold a third and final reading at the October 3, 2005 City Council meeting. Seconded by Councilor St. Laurent and voted.

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

Councilor St. Laurent moved to pass second reading of the amended ordinance, as submitted, and hold a third and final reading at the October 3, 2005 City Council meeting. Seconded by Councilor Pantelakos and voted.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from the Seacoast African American Cultural Center requesting to relocate the Center at the South Meetinghouse (currently known as the Children's Museum) when it becomes available

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

City Manager Bohenko referred the City Council to his memorandum dated September 12, 2005 regarding an opportunity to work with University of New Hampshire's Whittemore School of Business and Economics on a study of the South Meetinghouse. He said that the City is considering working with Art-Speak, the City Cultural Commission, to submit a project to undertake a financial feasibility study of the South Meetinghouse as a multi-tenant cultural center.

Councilor Raynolds asked Councilor Pantelakos to consider withdrawing her motion to accept the letter and place it on file. He said the use of future buildings is very important and the decision should be made after an evaluation by several bodies within the City.

Councilor Pantelakos declined Councilor Raynolds request to withdraw her motion. She said that requests should be granted on a first come, first serve basis.

Assistant Mayor Grasso said that City Manager Bohenko could place the letter on file and wait for action at another point and time in the future. She said that the motion to refer to the City Manager with power does not mean that City Manager Bohenko will negotiate with this group.

Councilor Ferrini said he concurs with comments made by Assistant Mayor Grasso. He said that this request was made some time ago and should be considered by the next City Council.

City Attorney Sullivan said that their request would be kept on file for consideration.

Councilor St. Laurent said he would like to sell the building to get it back on the tax rolls.

City Attorney Sullivan provided the City Council with an explanation of the motion. He said when the process is established the Seacoast African American Cultural Center would be eligible to participate in the process.

Mayor Sirrell passed her gavel to Assistant Mayor Grasso.

Mayor Sirrell said that Vernis Jackson of the Seacoast African American Cultural Center came to her years ago inquiring about relocating to the South Meetinghouse but, the property was not available at that time. She said that she would like to see the Seacoast African American Cultural Center relocated to the South Meetinghouse.

Assistant Mayor Grasso returned the gavel to Mayor Sirrell.

Motion passed.

B. Letter from Joe Arnstein regarding wi-fi service expansion in Portsmouth

City Manager Bohenko said that wi-fi service has been discussed with the Economic Development Commission and there are presently three sites available within the City. He advised the City Council that wi-fi service is available at Prescott Park, the kiosk in Market Square and the Library. He recommended referring this letter to the Economic Development Commission for review.

Assistant Mayor Grasso moved to refer to the Economic Development Commission. Seconded by Councilor Ferrini.

Councilor Reynolds moved to amend the motion to forward a copy of the letter to the Cable Commission for consideration. Seconded by Councilor St. Laurent and voted.

Main motion passed as amended.

C. Letter from Marie Beaupre truck traffic on Peverly Hill Road

Councilor Whitehouse moved to refer to the Traffic & Safety Committee and City Attorney. Seconded by Councilor Pantelakos.

Councilor Pantelakos requested City Attorney Sullivan review the letter for the possible drafting of an ordinance.

Motion passed.

- D. Letter from Alex McEachern regarding the City acquiring the Paul A. Dobles Reserve Center on Cottage Street if it becomes available

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

Councilor Whitehouse requested that a copy of the letter be sent to the Economic Development Commission for review.

Councilor Ferrini said that the Economic Development Commission could review the request to see if it is feasible for us to take over the building. He said the Economic Development Commission evaluates these requests and it is a good place for a quick turn around.

City Manager Bohenko said he would send a letter to Senators Gregg and Sununu if the motion passes.

Motion passed.

- E. Letter from Jen Liallee, City Year New Hampshire requesting permission to hold the 2005-2006 City Year New Hampshire Opening Day on Friday, September 30, from 12:00 p.m. to 1:30 p.m. in Market Square

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

- F. Letter from Sharon Jenkins Jones, Hurricane Katrina Benefit Concert Organizing Committee, requesting the City provide free parking at the Hanover Street parking lot for the concert being held on Saturday, September 17, 2005 from 6:00 p.m. – 8:00 p.m. at the St. John's Episcopal Church

Ms. Jones requested that the City Council consider suspending meter enforcement at 5:00 p.m. that day.

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

Councilor Whitehouse suggested providing a free meter for parking near the Church for the event.

Motion passed.

City Manager Bohenko advised the City Council that he would be speaking with Ms. Jones regarding her request.

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 that this item was tabled by the City Council at the last meeting.

Assistant Mayor Grasso moved to remove the aforementioned agreement from the table. Seconded by Councilor Ferrini and voted.

Assistant Mayor Grasso moved to approve the amendment to the collective bargaining agreement between the City of Portsmouth and the Portsmouth Association of Clericals in Education as proposed. Seconded by Councilor Pantelakos.

Councilor Whitehouse said he does not believe in reopening a contract, therefore he will vote opposed to the motion.

Councilor St. Laurent said he concurs with Councilor Whitehouse and he also will vote against the motion.

Councilor Hynes said that this is a small group and a small amendment that has no monetary effect. He said that he would support the amendment and urged the City Council to vote in favor of the motion.

Councilor Ferrini said he concurs with Councilor Hynes and asked the City Manager or City Attorney to explain the amendment.

City Manager Bohenko explained that this group was one of the first units to settle their contract and agreed to a 19 percent co-pay for insurance with all other units receiving an 18 percent co-pay. He advised the City Council that this unit has agreed to give back one sick day as a concession for this request which is a wash in value to the City.

Councilor Ferrini said that this is a very minor change and this is a small unit. He urged the City Council to support the amendment.

Councilor Pantelakos said that the City Council does not need to reopen any contracts unless they agree to.

Councilor Marchand said that this unit settled their contract early and there is something to be said for coming to the table first. He said that this unit gave something back in order to get something they wanted.

Councilor Raynolds said that he would support the motion, this unit is a group of low paid employees and the amount they pay for health insurance is more of a significant cost than other higher paid employees.

On a roll call vote 7-2, motion passed. Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds and Mayor Sirrell voted in favor. Councilors Whitehouse and St. Laurent voted opposed.

2. Polling Hours for November 8, 2005 Municipal Election

Councilor Whitehouse moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 8, 2005. Seconded by Councilor Pantelakos and voted.

3. Proposal by the Foundation for Seacoast Health Regarding the Placement of Temporary Signs in the Central Business District for a Health Related Walking Trail

City Manager Bohenko advised the City Council that the Planning Board has approved the request with conditions outlined in his memorandum to the City Council dated September 9, 2005.

Councilor Hynes moved to accept the recommendation of the Planning Board to place six signs in an area largely encompassing the Central Business District subject to the aforementioned conditions. Seconded by Councilor Marchand.

Planning Board's Recommendations:

- 1) *That this year should serve as a trial period extending through to December 1st;*
 - *As such, these signs are temporary;*
 - *Sign locations shall be approved by Department of Public Works*
 - *Sign locations shall be limited to existing poles or posts;*
 - *Locations shall be limited to locations within the public right-of-ways;*
 - *All signs shall be removed by the Foundation for Seacoast Health at immediate conclusion of this trial period;*

- 2) *A scale mock up of the sign should be provided for review/recommendation by the Planning Board (completed);*
 - *Signs shall not contain any advertising (completed);*
 - *Signs shall be limited in size and appropriate to a walking trail (completed);*
 - *No pamphlets shall be provided at sign locations;*
 - *Any pamphlet distribution shall be limited to interior spaces [no open displays].*

Assistant Mayor Grasso requested that the City Manager provide a report back following the trial period addressing if the process was successful and if there were any problems.

Councilor Raynolds requested that the report back also include the status of the City's review to implement a system for signage in the city.

Motion passed.

4. Report Back Re: Proposed Pedestrian Walkway Connecting Johnson Court through to the Municipal Complex along the Shore of the South Mill Pond

Planning Director Holden advised the City Council that the landowner would like a public walkway along the South Mill Pond. He said that the Planning Board has reviewed the request and has proposed recommendations for consideration by the City Council.

Assistant Mayor Grasso moved to accept the recommendation of the Planning Board to authorize the City Manager to take the necessary steps in order to implement this proposed public walkway. Seconded by Councilor St. Laurent and voted.

Planning Board Recommendations:

- A determination of what approvals/permits may be required at the local, state, and federal levels;
- The preparation of a land survey for the area under consideration;
- Planning Board consideration of a subdivision for two or more lots that will include the consideration of waivers to street requirements;
- Likely Board of Adjustment consideration of non-conforming lot(s); and,
- City Council approval of the terms and conditions of the transaction, including the acceptance of a deed to the proposed walkway property.

5. Acceptance of Easement from Joseph Scarlotto

Councilor St. Laurent moved to authorize the City Manager to accept an easement from Joseph Scarlotto for drainage. Seconded by Assistant Mayor Grasso.

Mayor Sirrell passed her gavel to Assistant Mayor Grasso.

Mayor Sirrell said that this easement is needed and she is in favor of the motion.

Assistant Mayor Grasso returned the gavel to Mayor Sirrell.

City Manager's Informational Items

City Manager Bohenko announced that Household Hazardous Waste Collection Day is scheduled for Saturday, September 24, 2005 from 8:00 a.m. to noon at the Department of Public Works located at 680 Peverly Hill Road.

City Manager Bohenko provided the City Council with a draft of the work session agenda for Monday, September 19th regarding Performance/Operational Audits. The City Council approved the agenda as presented.

City Manager Bohenko said that there has been many inquiries since the hurricane in the gulf coast regarding our readiness in case of an emergency. He advised the City Council that we hold tabletop exercises on a regular basis and work with the State Emergency Management Office. He said that we have a plan in place and a very active team.

Councilor Pantelakos asked if we have a policy on how the Department of Public Works will conserve fuel. City Manager Bohenko said we have a no idling policy in place.

B. MAYOR SIRRELL

1. Donations to the Coalition Legal Fund

Mayor Sirrell passed her gavel to Assistant Mayor Grasso.

Mayor Sirrell moved to accept the contributions of \$310.00 from the Town of Easton; \$500.00 from the Town of Center Harbor; \$1,000.00 from the Town of Hampton Falls; \$1,000.00 from the Town of Rye; \$2,000.00 from the Town of North Hampton; \$2,500.00 from the Town of Newington; \$3,000.00 from the Town of Moultonborough and \$5,000.00 from the Town of Tuftonboro to be placed in the Coalition Legal Fund. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Grasso returned the gavel to Mayor Sirrell.

2. Appointments

The City Council considered the reappointment of Calvin Couch to the Portsmouth Housing Endowment Fund. This appointment will be voted on by the City Council at the October 3, 2005 City Council meeting.

3. Additional Appointment to the New Fire Substation Building Committee

Mayor Sirrell announced that she is appointing Councilor Raynolds to the New Fire Substation Building Committee.

4. Reports

- Thank you letter from Governor Lynch regarding the Portsmouth Peace Treaty
- Press Release

Mayor Sirrell said she received a thank you letter from Governor Lynch regarding our assistance to help New Hampshire commemorate our role in the negotiation and signing of the Portsmouth Peace Treaty.

Mayor Sirrell spoke to her press release announcing that she would not be running for re-election to the City Council.

C. COUNCILOR HYNES

1. Traffic & Safety Committee Action Sheet and Minutes of the August 11, 2005 meeting

Councilor Hynes moved to approve and accept the Traffic & Safety Committee action sheet and minutes of the August 11, 2005 meeting. Seconded by Councilor Whitehouse.

Councilor Whitehouse referred to item #2 of the action sheet relative to Pearl Street and asked the City Manager when the new Traffic Engineer would be arriving. City Manager Bohenko responded September 21, 2005. Councilor Whitehouse asked what we would do about the ordinance relative to this item that was tabled by the City Council. City Attorney Sullivan said the issue could be held until the end of the year before third reading is passed. Councilor Whitehouse said he would like the ordinance brought back for the next City Council meeting. City Manager Bohenko recommended bringing the ordinance back at the October 17, 2005 City Council meeting.

Councilor St. Laurent asked if the Coast Pontiac Cadillac request meets with the neighborhood group. Councilor Hynes said the Traffic & Safety Committee had a site review of the area and this will be going to the Board of Adjustment for consideration and review.

Assistant Mayor Grasso expressed concern relative to the request and said that she would vote against the minutes because of this item.

City Manager Bohenko suggested removing the item from the minutes and action sheet.

Mayor Sirrell passed the gavel to Assistant Mayor Grasso.

Mayor Sirrell said if the reserve center is given to the City the traffic would change.

Assistant Mayor Grasso returned the gavel to Mayor Sirrell.

Councilor Pantelakos moved to remove item #3 Coast Pontiac Cadillac from the action sheet and minutes of the Traffic & Safety Committee to table. Seconded by Assistant Mayor Grasso.

Councilor Whitehouse said he would not support removing this item. He said that he feels comfortable with the review by the Traffic & Safety Committee and this is a dangerous situation that needs attention.

Councilor Pantelakos said she does not want to delay the project therefore, she will withdraw her motion and Assistant Mayor Grasso withdrew her second to the motion.

Councilor Hynes advised the City Council that the Traffic & Safety Committee reviewed this request in great detail. He said the matter is now going before the Board of Adjustment for review and consideration.

Motion passed with Assistant Mayor Grasso voting opposed.

D. COUNCILOR PANTELAKOS

1. Letter requesting the City Council view a videotape recorded by Mr. Tom Carroll regarding the operations at the Port at the October 3, 2005 City Council meeting

Councilor Pantelakos said she would like the City Council to view the video recorded by Mr. Carroll on the operations of the Port.

City Manager Bohenko said he does not feel it is effective to view the tape in the Council Chambers and suggested that the City Council see the tape at 6:45 p.m. in Conference Room A.

Councilor Pantelakos suggested viewing the tape at 6:30 p.m. and requested that it be open to the public.

The City Council agreed to view the videotape in a Work Session prior to the regular City Council meeting on Monday, October 3, 2005 at 6:30 p.m. in Conference Room A.

Councilor Pantelakos announced that she introduced a bill today in Concord to increase the payment in lieu of taxes to \$100,000.00 to be paid by the Port. She said they presently pay \$30,000.00 and that fee has not been increased in years. She requested the support of the City Council on this bill.

E. COUNCILOR RAYNOLDS

1. Climate Change Report

Councilor Raynolds thanked Mayor Sirrell for her action on signing the letter urging the Governor to address the issue of global warming and its effects on the environment. He said that he would bring forward a resolution in October for the City to join the campaign on the awareness of global warming.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Sirrell said that she averages 15 to 20 appearances each week and asked the City Council members to consider taking some of those appearances. She said that she needs their assistance because she cannot attend all of the functions herself.

XIII. ADJOURNMENT

At 9:30 p.m., Councilor St. Laurent moved to adjourn. Seconded by Councilor Pantelakos and voted.



Kelli L. Barnaby, City Clerk