

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 17, 2005

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:30 p.m., an Anticipated “Non-Meeting” with counsel was held regarding Negotiations – RSA: 91-A:2, I (b-c)

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, Whitehouse, and St. Laurent

Absent: Councilor Raynolds

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Hynes led in the Pledge of Allegiance to the Flag.

MAYOR’S AWARDS

1. Portsmouth Babe Ruth Baseball – 15 year old All Stars

Mayor Sirrell presented Mayor’s Awards and gifts to the members of the Portsmouth Babe Ruth Baseball State Championship team in recognition of their accomplishment.

Peter Goodwin, President of Babe Ruth League, thanked Mayor Sirrell and the City Council for recognizing the team and their accomplishments this year. He advised the City Council that it has been 50 years since a Portsmouth Babe Ruth League has won a championship. He presented Mayor Sirrell with a game ball and a game shirt, which will be framed for displaying here at City Hall.

Keegan Pafford read a letter from his father Coach Scott Pafford thanking the City Council for recognizing the team and their accomplishments.

PRESENTATION

1. Presentation and Acceptance of Donation to the New Library Building Fund from the Pinehurst Neighborhood – Everett Eaton

Everett Eaton presented Mayor Sirrell and the City Council with a donation in the amount of \$775.00 from the Pinehurst Neighborhood for the New Library Building Fund. Mayor Sirrell and the City Council accepted the donation with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – OCTOBER 3, 2005

Councilor St. Laurent moved to approve and accept the minutes of the October 3, 2005 City Council meeting. Seconded by Councilor Pantelakos and voted.

VI. PUBLIC COMMENT SESSION

Irwin & Audrey Bierhan, Cemetery Committee, provided the City Council with a verbal report on the Cemetery Committee and their efforts over the last two years. Mr. Bierhan discussed the replacement of stones and the improvement of signage at the various cemeteries. He advised the City Council that the Cemetery Committee is in the process of working on a 5-year budget plan. He discussed the various programs through the Committee and donations received for future programs. He thanked the City Council for continued support of the Committee.

Dorothy Kierstead spoke regarding the project between Madison and Cass Street and its effects on the neighborhood. She discussed the flooding she and other residents are experiencing on Lovell Street from this project and lack of proper drainage. She asked the City Council for their assistance with this problem.

Delmira Morse spoke to the petition and letter she has submitted asking for assistance with the noise from the I-95 Bridge. She said that the neighborhood needs a sound barrier installed by the State to assist with this problem.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SECTION 7.1100 –
SPEED LIMITS – HILLCREST DRIVE AND WOODLAWN CIRCLE – 20 MPH

Mayor Sirrell read the legal notice, declared the public hearing open and called for speakers. City Manager Bohenko said that this ordinance amendment is a recommendation of the Traffic & Safety Committee. 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
- DeAnna Boutilier - \$350.00
 - George and Karen Pierce - \$500.00

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Church Street: both sides from State Street to Court Street

Assistant Mayor Grasso moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the November 14th City Council meeting. Seconded by Councilor Pantelakos and voted.

Councilor Whitehouse questioned if there is a boundary issue related to this area. City Attorney Sullivan said significant time has been spent on this matter and the City Council has the authority to pass this ordinance.

- B. Second reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits – Hillcrest Drive and Woodlawn Circle – 20 MPH

Councilor St. Laurent moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the November 14th City Council meeting. Seconded by Councilor Whitehouse and voted.

- C. Third and final reading of Ordinance amending Chapter 10, Article II, Section 10.202 – Location (2005 Zoning Map)

Councilor Ferrini moved to pass third and final reading of the amended ordinance, as submitted. Seconded by Councilor St. Laurent and voted.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from A. Robert Thoresen, Coventry Assets, Ltd, requesting to purchase an unnamed lane abutting Pleasant Street

Assistant Mayor Grasso moved to refer to the Planning Board for a report back. Seconded by Councilor Ferrini.

Councilor Whitehouse said that this is a small area behind the North Church. He expressed concern with allowing this lane to be purchased. He said that the lane is the only place that a bucket truck can gain access to the back of the North Church.

Mayor Sirrell expressed her concerns as well. She asked City Attorney Sullivan if this is a paper street. City Attorney Sullivan responded that this is a type of paper street. She said that she is opposed to giving up any paper street.

Councilor Pantelakos echoed the concerns of Mayor Sirrell and said we should hold on to the lane.

Motion passed with Mayor Sirrell voting opposed.

- B. Letter from Stuart Wisong requesting the installation of four streetlights along Pleasant Street and repainting of crosswalk markings at the corners of Mill, Pleasant and Marcy Streets

Councilor Whitehouse moved to refer to the Traffic & Safety Committee for a report back. Seconded by Councilor St. Laurent and voted.

- C. Letter from Catherine Gray praising Aquacize Class and its instructor at the Spinnaker Point Adult Complex

Councilor Marchand moved to accept and place the letter on file. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Grasso requested a copy of the letter be sent to Recreation Director Wilson.

- D. Letter and petition from Delmira Morse regarding the noise pollution from the Interstate 95 Bridge, which abuts the Atlantic Heights neighborhood

Assistant Mayor Grasso moved to refer the letter to the Interstate Bridge Authority. Seconded by Councilor Ferrini.

Councilor Pantelakos said she understands the concerns of the neighborhood but advised Ms. Morse that the capital budget for the State has been approved and no new projects will be added at this time. She urged her to contact her State Representatives to have this project addressed during the next legislative session.

Councilor Ferrini said he would like a formal communication from the City Council regarding this matter.

Motion passed.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Proposed Joint Development Agreement Re: Parking Garage and Conference Center/HarborCorp (Sheraton Hotel)

City Manager Bohenko advised the City Council that this agreement would need to be tabled until the November 14th City Council meeting. He advised the City Council that there are some language issues and assurances requested by the City. The contract language that the City is seeking requires review by HarborCorp's lending institution to insure the wording is acceptable for them.

Councilor Hynes moved to table this matter until the November 14th City Council meeting. Seconded by Councilor St. Laurent and voted.

2. Proposed Transfer of Banana's/Backwater Holdings License

City Attorney Sullivan discussed the transfer of license for the Vaughan Mall Solarium from Banana's to Backwater Holdings. He advised the City Council that all back payment for license fees have been paid.

Councilor Hynes moved that the Vaughan Mall Solarium be transferred to Backwater Holdings, LLC. Seconded by Councilor Whitehouse and voted.

3. Proposed Easement Re: Deer Street Pumping Station Property

City Manager Bohenko advised the City Council that the City is making improvements to the Deer Street Pumping Station. He said that this easement will allow the burying of overhead utility lines and improve the esthetic of the approach to the Historic Downtown Area.

Councilor St. Laurent moved to authorize the City Manager to execute documents for an easement from the City to PSNH on the Deer Street Pumping station property. Seconded by Assistant Mayor Grasso and voted.

4. Letter from Howard Siegel requesting the removal and transfer of three graves located on his property in accordance with RSA 635:6 (Not on agenda)

City Manager Bohenko said the request is to remove three graves and their stones from his property. He said that the graves and stones will be relocated to another site.

Councilor Whitehouse moved to authorize the City Manager to make a report back to the Division of Historical Resources in accordance with RSA 635:6 and further authorize the City Manager to allow for the transfer of grave markers as requested by Howard Siegel, President of Ralph's Truck Sales, in his letter dated October 14, 2005. Seconded by Councilor Hynes.

Councilor St. Laurent requested that the City Council receive a report back on where the graves are relocated.

On a unanimous roll call 8-0, motion passed.

Assistant Mayor Grasso asked about the status of the negotiations with John Golumb for Poco's Deck. City Attorney Sullivan advised the City Council that the negotiations are on going and there is no time limit on getting the agreement in place. He said that Mr. Golumb has been away and something will be brought forward to the City Council in the future. Assistant Mayor Grasso said she felt the City Council should have an agreement in place before the end of the year. City Manager Bohenko said he would try to get the agreement to the City Council for action by the end of the year.

City Manager's Informational Items

Report Back Re: Amendments to Chapter 7 Regarding Pearl Street

City Manager Bohenko advised the City Council that Public Works Director Parkinson anticipates a recommendation from the Traffic & Safety Committee will come out of the November meeting. He said upon receipt of the recommendation the matter will be brought forward to the City Council.

Mayor Sirrell discussed the letter and petition from Portsmouth residents, business owners and customers urging the City Council to consider re-examining the current parking impact fee (Not on agenda). City Manager Bohenko said that this matter has been referred to the Economic Development Commission. He said Councilor Marchand had requested allowing parking impact fees to be paid over time for the smaller businesses with cash flow issues. He said that the Economic Development Commission would explore that. Councilor Ferrini said the City should consider personal guarantees to enforce that the payments are made over time.

B. MAYOR SIRRELL

1. Appointments/Resignation – Board of Library Trustees

The City Council considered the appointment of Brian Gregg as an alternate to the Cable Television and Communications Commission. This appointment will be voted on by the City Council at the November 14th meeting.

Councilor Hynes moved to appoint John Connors to the Traffic & Safety Committee until January 1, 2006. Seconded by Councilor Whitehouse and voted.

Councilor Ferrini moved to accept with regret the resignation of Theresa Garabedian from the Board of Library Trustees. Seconded by Councilor St. Laurent and voted.

2. Reports

- Letter from US Senator Judd Gregg regarding the Paul Dobles Army Reserve Center Property

Mayor Sirrell asked Assistant Mayor Grasso to read the letter from US Senator Gregg which states that he contacted the Office of the Chief, Army Reserve to let him know of the City's interest in this property and to inquire into the subsequent stages in the process.

Mayor Sirrell read a statement regarding the water and sewer issues and the infrastructure improvements that have been made over the last several years. She indicated how fortunate we are to have had these improvements made. She said if these improvements were not made, we would have had significant issues with flooding due to the recent rainstorms. She urged the City Council to continue to support these infrastructure improvements for the future of the City.

Councilor Whitehouse asked City Manager Bohenko what we could do to assist Ms. Kierstead that spoke under the public comment session of the agenda. City Manager Bohenko said he will meet with the City Attorney, Planning staff and the engineering department to find out what commitments have been made by the developer and enforce those requirements as agreed upon.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pantelakos read a letter from the Cheshire/Sullivan County Flood Relief Committee. She said she would like to propose a motion to send funds to this committee to assist with the flood relief.

Councilor Whitehouse moved to suspend the rules in order to take action on this matter, as it was not listed on the agenda. Seconded by Councilor Ferrini and voted.

Councilor Pantelakos moved to send \$2,500.00 to the State Treasurer for the communities in the State of New Hampshire who have suffered due to the recent floods from the FY06 Contingency Fund. Seconded by Councilor Hynes.

Assistant Mayor Grasso moved to amend the motion to send \$5,000.00 to the State Treasurer for communities in the State of New Hampshire who have suffered due to the recent floods from the FY06 Contingency Fund. Seconded by Councilor Ferrini and voted. Councilor Whitehouse voted opposed.

On a unanimous roll call, 8-0 voted to pass the main motion as amended.

XIII. ADJOURNMENT

At 8:35 p.m., Councilor St. Laurent moved to adjourn. Seconded and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC
City Clerk