

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, JULY 10, 2006

PORTSMOUTH, NH  
TIME: 7:00PM [or thereafter]

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

Mayor Marchand called the meeting to order at 7:05 p.m.

### **II. ROLL CALL**

Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Pantelakos, Whitehouse, Smith and Hynes

Absent: Councilors Dwyer and Raynolds

### **III. INVOCATION**

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

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

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

### **PROCLAMATIONS**

1. National Night Out in Portsmouth – August 1, 2006

Mayor Marchand read the Proclamation declaring August 1, 2006 as National Night Out in Portsmouth. Mayor Marchand presented the Proclamation to Officer Nicole Mercier who accepted it on behalf of the Police Department with thanks and appreciation.

2. United Way of the Greater Seacoast 2006 “Business of the Year”

Mayor Marchand read the Proclamation congratulating the United Way of the Greater Seacoast being named the 2006 “Business of the Year” by the Greater Portsmouth Chamber of Commerce. Mayor Marchand presented the Proclamation to Sue Suter, Executive Director of the United Way of the Greater Seacoast who accepted it with thanks and appreciation.

3. Nathaniel Holloway – Zoning Board of Adjustment

Mayor Marchand read the Proclamation recognizing Nate’s many years of service on the Zoning Board of Adjustment and to the community. Mayor Marchand presented the Proclamation to Nate who accepted it with thanks and appreciation.

### **V. PUBLIC COMMENT SESSION**

There were no speakers.

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item X. C. - Letter from Reverend Dawn Shippee, North Congregational Church of Portsmouth, requesting that Church Street remain closed until October 30, 2006 in order to complete the restoration of the steeple of the North Church building. Seconded by Councilor Grasso and voted.

X. C. - Letter from Reverend Dawn Shippee, North Congregational Church of Portsmouth, requesting that Church Street remain closed until October 30, 2006 in order to complete the restoration of the steeple of the North Church building

City Manager Bohenko advised the City Council that the North Church is requesting formal approval to keep Church Street closed until October 30, 2006 to complete the restoration of the steeple. He said that the staff is recommending approval of this request.

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

Councilor Smith said that currently there is a fee being paid by the construction company for the closure of the street and asked if that fee would be waived. City Manager Bohenko said that he would request that the fee be waived. Assistant Mayor Ferrini said that is acceptable to him as part of referring this matter to the City Manager with power.

Councilor Whitehouse said the condo association should be made aware if use of the underground garage is available they would need to come from Porter Street the wrong way onto Church Street to enter the garage. City Manager Bohenko said that the staff will make a note of this and look into the matter.

Motion passed.

## **VI. PUBLIC HEARING**

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING – TANNER COURT:
- NORTHERLY SIDE FROM PARKER STREET TO A POINT 78' WESTERLY OF TANNER STREET
  - SOUTHERLY SIDE FROM PARKER STREET TO A POINT 78' WESTERLY OF TANNER STREET

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

Rubens Esteban, Portsmouth resident, spoke in favor of the ordinance. He advised the City Council that people are parking along the wall of the furniture store and it makes it difficult to get out of the parking area.

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

## VII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donations to the Coalition Legal Fund from the Town of Easton in the amount of \$310.00, Town of Carroll in the amount of \$1,000.00, Town of Hampton Falls in the amount of \$1,000.00, Town of Rye in the amount of \$1,000.00 and the Town of Newington in the amount of \$1,000.00

Assistant Mayor Ferrini moved to accept the \$310.00 contribution from the Town of Easton; \$1,000.00 from the Town of Carroll; \$1,000.00 from the Town of Hampton Falls; \$1,000.00 from the Town of Rye; and \$1,000.00 from the Town of Newington to be placed in the Coalition Legal Fund. Seconded by Councilor Whitehouse and voted.

- B. Acceptance of NHSCA Community Arts Development Grant - \$5,000.00

Assistant Mayor Ferrini moved to accept the NHSCA grant award and authorize the City Manager to administer the grant. Seconded by Councilor Smith and voted.

## VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Tanner Court:
- northerly side from Parker Street to a point 78' westerly of Tanner Street
  - southerly side from Parker Street to a point 78' westerly of Tanner Street

Councilor Grasso moved to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the August 7, 2006 City Council meeting. Seconded by Councilor Smith and voted.

## IX. CONSENT AGENDA

- A. Acceptance of Donations to the New Library Building Fund
- Heather Armitage - \$20.00
  - R B Cole - \$25.00
  - Patricia A. & Jack I. Palmer - \$50.00
  - Aquila Chase - \$100.00
  - Shaun T. Rafferty - \$100.00
  - Miriam B. Fairbanks - \$100.00
  - Catherine Giordano - \$260.00
  - Charles & Barbara Bickford - \$1,000.00

***(Anticipated action – move to approve and accept the donations to the New Library Building Fund as listed)***

- B. Acceptance of Grants and Donations to the Cemetery Committee
- New Hampshire Humanities Council Grant Award for NH Cemeteries - \$200.00
  - New Hampshire Humanities Council Grant Award for NH Cemeteries - \$200.00
  - NHSCAR (affiliated with The New Hampshire Society Sons of the American Revolution) - \$1,000.00

***(Anticipated action – move to approve and accept the grants and donation to the Cemetery Committee as listed)***

- C. Letter from Nicole Gregg, New Hampshire Film Expo, requesting permission to use the Connie Bean Center for the 6<sup>th</sup> Annual New Hampshire Film Expo on October 12, 2006 – October 15, 2006 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Rick Condon, Portsmouth Professional Fire Fighters, requesting permission to hold a voluntary “Boot Drive” in Market Square on July 22, 2006 to raise money for the Muscular Dystrophy Association from 9:00 a.m. to 4:00 p.m. (rain date of July 23, 2006) ***(Anticipated action – move to refer to the City Manager with power)***
- E. Request from John Golumb, Poco’s, to place 1 bench and 1 A-frame sign in front of establishment located at 37 Bow Street ***(Anticipated action – move to refer to the City Manager with power)***

Councilor Hynes moved to adopt the Consent Agenda as presented. Seconded by Councilor Whitehouse and voted.

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

- A. Letter from Phyllis Eldridge and Paul McEachern, New Library Fundraising Committee, requesting that the City Council endorse the New Library Gala Celebration scheduled for Saturday, October 21, 2006

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

Councilor Whitehouse expressed concern with the Committee’s request for the cash sale of alcoholic beverages. He said that no alcohol shall be served in a City owned building.

City Manager Bohenko said that the City Council would need to authorize the sale and could authorize the request.

Councilor Whitehouse said that the Committee could construct a tent next to the facility there by meeting the requirements of no alcohol beverages in a municipal building.

Assistant Mayor Ferrini asked City Attorney Sullivan to offer his opinion on this matter. City Attorney Sullivan said it is his belief that the City Council has the authority by adopting the recommendation contained in the last paragraph of the letter dated June 22, 2006 which is to endorse the New Library Gala Celebration as described in the letter.

Councilor Pantelakos asked where the rule is located which prohibits alcohol beverages in municipal buildings. City Attorney Sullivan said that there is a City ordinance that prohibits the sale or consumption of alcoholic beverages in municipal buildings without City Council approval.

Assistant Mayor Ferrini moved to amend the motion to suspend the rule which disallows the utilization of alcohol beverages on any City property such that those beverages might be allowed as per request in the letter dated June 22, 2006. Seconded by Councilor Pantelakos. Amendment passed with Councilors Grasso and Whitehouse voting opposed.

Main motion passed as amended with Councilor Whitehouse voting opposed.

Councilor Hynes said that the building is under construction and the City has not accepted the building therefore, it is not a City owned building.

- B. Letter from Lenore Weiss Bronson, The Frank Jones Farm Neighborhood Association, regarding longstanding adverse effects of illegal truck traffic on Woodbury Avenue and the traffic-calming project

Councilor Pantelakos asked for an explanation of the traffic calming project.

Public Works Director Parkinson advised the City Council that the Association submitted a request several years ago for a traffic calming project on Woodbury Avenue. He reported that the project was submitted to the State and it continues to be foot noted and identified in the Capital Improvement Plan to date. He also advised the City Council at the present time the State has not funded the project or put it into its plan other than to note it in its 10-year plan.

Councilor Whitehouse moved to accept and place the letter on file and send a response to Ms. Bronson outlining information regarding this matter provided by Public Works Director Parkinson. Seconded by Councilor Pantelakos and voted.

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

### **A. CITY MANAGER**

#### **1. Players' Ring Request for Grant Match to Repair City-Owned Building**

City Manager Bohenko advised the City Council that earlier this year, the Players' Ring initiated an effort to raise grant funds and donations necessary in order to carry out phased building improvements including roof replacement, and replacement and repair of rakes, soffitts, gutters, downspouts and several exterior doors. He announced that they have been awarded a \$5,000.00 grant from the McIninch Foundation for building improvements, with the specific condition that the City of Portsmouth provides a \$5,000.00 match. City Manager Bohenko reported that because this is a city owned building we would have to deal with these issues if Players' Ring was not in the building.

Councilor Pantelakos asked if we brought the issue up of repairs to Players' Ring last year. City Manager Bohenko advised the City Council that we asked Players' Ring to find some funding sources to make some of the repairs and if they could raise funding that we would try to match.

Councilor Grass moved to expend \$5,000.00 from prior year contingency funds to match the conditional grant from the McIninch Foundation for improvements to the Players' Ring building on Marcy Street. Seconded by Councilor Whitehouse.

Councilor Smith said that the Players' Ring does a great job but he would vote against the motion. He said that they lease the building for \$1.00 per year and it is in the lease that they must handle the maintenance for the building. He requested that they do more work to raise additional funds for the improvements.

Councilor Whitehouse said he does not want the Players' Ring to bypass the Historic District Commission and that they replace in kind the shingles, copper gutters, copper downspout, and soffitt. Councilor Whitehouse asked City Manager Bohenko if they could circumvent the Historic District Commission and replace wooden shingles with asphalt shingles. City Manager Bohenko said he does not know the answer to that, but he advised Councilor Whitehouse that the City has been working with them closely and certainly they would properly have Historic District Commission involvement. He said that he would make a note of this and pass it along to the Historic District Commission.

Councilor Pantelakos said she is concerned with granting this because of this difficult budget year.

City Manager Bohenko said if we don't do this we will have problems. He said we would be receiving \$10,000.00 worth of work for \$5,000.00. He said if the Players' Ring was to vacate the building the City would be responsible for the improvements.

Assistant Mayor Ferrini said that this is similar to requests for the Capital Improvement Plan. He said that we would be receiving \$10,000.00 of work for \$5,000.00.

Councilor Grasso requested that Players' Ring provide the City Council with a list of what the money will be used for. She advised Councilor Whitehouse that they would need to go before the Historic District Commission because it is work on the outside of the building.

Mayor Marchand read a statement from Councilor Dwyer in favor of the request for funds. The statement indicated that the Players' Ring staff and board have worked hard over the past year to honor the agreement they have with the City to support maintenance of the building.

Motion passed with Councilor Smith voting opposed.

2. Request for Approval of Pole License #63-430

City Manager Bohenko advised the City Council that the Public Works Department is recommending approval of the pole license request.

Assistant Mayor Ferrini moved to approve the request from PSNH for pole license agreement, #63-430, as recommended by the Public Works Department. Seconded by Councilor Smith and voted.

City Manager's Informational Items

City Manager Bohenko advised the City Council that a news release has been issued regarding the rebroadcast of the Planning Board meeting on the HarborCorp proposal prior to the City Council July 17<sup>th</sup> public hearing on the issue.

Councilor Whitehouse said the meeting held by the Planning Board was 5 hours and asked if the meeting could start earlier. City Manager Bohenko advised Councilor Whitehouse that the legal notices have been advertised for the public hearing to be held at 7:00 p.m.

Mayor Marchand said he would be asking speakers not to do a full blown presentation as was done at the Planning Board level. He said the purpose of the meeting is the rezoning request. City Manager Bohenko said he would advise the applicants to keep their comments brief.

**B. MAYOR MARCHAND**

1. Appointment

Councilor Grass moved to appoint June Rogers to the Mayor's Blue Ribbon on Trees and Public Greenery. Seconded by Councilor Whitehouse and voted.

The City Council considered the appointment of Nancy Beach as an alternate to the Cable Television and Communications Commission filling the unexpired term of Brian Gregg who was appointed as a regular member. The appointment of Duncan MacCallum from an alternate to a regular member of the Zoning Board of Adjustment. Duncan will fill the unexpired term of Nathaniel Holloway who recently resigned from the Board. The City Council will vote on these appointments at the August 7, 2006 City Council meeting.

2. Appointment of the Joint School Advisory Committee (JSAC) – (Not on agenda)

Mayor Marchand announced the appointment of the Joint School Advisory Committee (JSAC). The Committee will consist of nine members. Three members of the School Board, City Council, and public. The School Board will announce their members in the near future. The City Council representatives to the Committee are Assistant Mayor Ferrini, Councilors Grasso and Reynolds. The public representatives are Tony Coviello, Rose Sulley and Eric Weinrieb. He also advised the City Council that the Ex-officio's will be but are not limited to John Stokel, Middle School Principal; Dr. Robert Lister, Superintendent; Steve Bartlett, School Business Administrator; and Helen Maldini, Chair of Newington School Board.

**C. COUNCILOR SMITH**

1. Traffic & Safety Committee Action Sheet and Minutes of the June 8, 2006 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the June 8, 2006 Traffic & Safety Committee meeting. Seconded by Councilor Whitehouse.

Councilor Smith advised the City Council that Item 5 regarding Jenkins Street off Summit would require an ordinance amendment. He said that the ordinance would be for no parking either side on Jenkins Avenue from Summit to Rockaway and at the end of Jenkins at Rockaway, to post "No Parking 7:00 a.m. – 3:00 p.m." Monday through Friday, which would allow neighborhood parking.

Councilor Whitehouse spoke to Item 3 regarding New Castle Avenue/Marcy Street. He advised Councilor Smith that this was a touchy area. Councilor Smith advised Councilor Whitehouse that the area is narrow and the Committee wanted that area looked at during the construction. He said that no parking is important. Councilor Whitehouse said that it is dangerous for on coming cars and they would need to cross the yellow line.

Motion passed.

Councilor Whitehouse spoke regarding the moving of utility poles on New Castle Avenue by Public Service of New Hampshire. City Manager Bohenko advised Councilor Whitehouse that the poles will be moved at no cost by Public Service of New Hampshire through an agreement with the City. City Manager Bohenko also advised that the staff would be discussing the moving of the poles with the neighborhood.

Councilor Grasso asked for a status update regarding the replacement of the Power House roof. City Manager Bohenko advised the City Council that we are looking into the matter and the cost for replacing the roof is very expensive.



Councilor Pantelakos thanked Coast Cadillac for their entrance improvements which have resolved safety issues in the area.

**XIII. ADJOURNMENT**

At 8:10 p.m., Councilor Whitehouse 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