

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 17, 2001

PORTSMOUTH, NH
TIME: 7:00PM

At 6:15 p.m., an Anticipated "Non-Meeting" with counsel was held regarding the Supreme Court ruling on the state wide property tax issue.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Clews, Councilors Hanson, Grasso, Hynes, Marconi, Whitehouse and Pantelakos

Absent: Councilor Wagner

III. INVOCATION

Father Angelo Pappas, chaplain to the Portsmouth Fire Department began with a prayer for the victims and the families that have been effected by the act of terrorism of September 11th.

IV. PLEDGE OF ALLEGIANCE

The Portsmouth All Star Little League teams led in the Pledge of Allegiance to the Flag.

Wendell Purrington, the Portsmouth School Department sang the National Anthem.

Anne Kristyn Bernier, Portsmouth Police Department sang America the Beautiful.

Mayor Sirrell read a statement of Sympathy and Resolve

Anne Kristyn Bernier lead everyone in singing God Bless America.

Councilor Marconi read a letter of sympathy from Carrickfergus, Ireland, Councilor Hynes read a letter of condolence from Parnu, Estonia, Councilor Grasso read a letter of sympathy from Portsmouth, England. Assistant Mayor Clews announced that she received a message of condolences from France.

Jeff Caro read a letter of condolences from Ken Hicks of Petersfield, England.

PROCLAMATION

1. Constitution Week

Assistant Mayor Clews read the Proclamation declaring September 17th – September 23rd as Constitution Week.

Tylene Jousse accepted the Proclamation with thanks.

PRESENTATION

1. Great Bog Grant

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Sherry Godlewski of NH DES presented Mayor Sirrell with a check in the amount of \$138,000 for the water quality protection of the Great Bog.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

2. Northern Utilities Grant for Improvements to Sherburne Park (Not on agenda)

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Nancy Carmer, Community Development Office announced that \$50,000 has been allocated for improvements to Sherburne Park. She introduced Carla Groleau of Northern Utilities who presented Mayor Sirrell with a check in the amount of \$12,500 for improvements to the Park. Carla said that this is a challenging grant.

Representatives of the Sherburne Civil Association presented Mayor Sirrell with a check in the amount of \$684.00 for improvements to the park.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

MAYOR'S AWARD

1. Little League Champions

Mayor Sirrell presented the Little League players with Mayor's Awards along with a hat and the City of Portsmouth pin in recognition for their outstanding season.

At 8:00 p.m., Mayor Sirrell declared a brief recess. Mayor Sirrell called the meeting back to order at 8:15 p.m.

V. ACCEPTANCE OF MINUTES – AUGUST 20, 2001

Councilor Marconi moved to accept the minutes of the August 20, 2001 City Council meeting. Seconded by Councilor Pantelakos and voted.

VI. PUBLIC COMMENT SESSION

Bruce Soiett, Newmarket resident and Portsmouth vendor, discussed a petition he circulated through out the downtown area regarding fair trade and the protest of certain policies and actions taken by Pro Portsmouth in reference to vending during special events. He requested that the City Council protect the rights of vendors.

Fire Chief Rick Plummer, Portsmouth resident, spoke regarding the terrorist attacks of September 11th and thanked residents of the community for showing their support to the Fire Department and donations received for the New York Firefighters that lost their lives during the attack.

VII. PUBLIC HEARINGS

A. PROPOSED AMENDMENT TO THE SALARY ORDINANCE FOR NON-UNION EMPLOYEES

Mayor Sirrell read the legal notice, declared the Public Hearing open and called for speakers.

City Manager Bohenko said that this ordinance deals with the reorganization of the Police Department and the elimination of the business administrator position and the creation of a Budget Coordinator. He said that the Budget Coordinator would serve the needs of the Police and Fire Departments.

After three calls and no speakers, Mayor Sirrell declared the Public Hearing closed.

B. PROPOSED AMENDMENT IN THE SALARY SCHEDULE FOR UNCLASSIFIED POSITIONS REGARDING VICTIM/WITNESS ADVOCATE

Mayor Sirrell read the legal notice, declared the Public Hearing open and called for speakers.

City Manager Bohenko said that this is a grant-funded position in the Police Department budget.

After three calls and no speakers, Mayor Sirrell declared the Public Hearing closed.

C. ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SPEED LIMITS BE AMENDED BY CREATING A NEW SUBSECTION TO SECTION 7.1100 SPEED LIMITS ENTITLED G. SPEED LIMIT: 10 MPH – MT. VERNON STREET

Mayor Sirrell read the legal notice, declared the Public Hearing open and called for speakers.

Councilor Hanson said that Mt. Vernon Street is now one way traffic because it is the rear access to the Police Department. He said that the street is narrow, therefore the speed limit should be 10 MPH.

Jack McEnany, Portsmouth resident spoke in support of the ordinance and urged the City Council to adopt the ordinance.

Susan Alex, Portsmouth resident spoke in favor of the ordinance and requested that the City Council support its passage.

Bob Hassold, Portsmouth resident spoke in favor of the ordinance and urged the City Council to adopt the ordinance.

After three calls and no further speakers, Mayor Sirrell declared the Public Hearing closed.

Councilor Hanson moved to suspend the rules in order to take up Item XI A – Approval of Grants/Donations. Seconded by Councilor Pantelakos and voted.

2. Acceptance of Grants to the Portsmouth Fire Department from the Federal Emergency Management Agency's (FEMA) for the purchase of fire equipment for the Rapid Intervention Team

Fire Chief Plummer discussed the grant with the Council and explained the equipment that would be purchased by these funds.

Councilor Hanson moved to accept the \$26,037 grant from FEMA to the Portsmouth Fire Department to purchase fire equipment for the Rapid Intervention Team. Seconded by Councilor Grasso and voted.

Councilor Hanson commended Fire Chief Plummer for writing the grant.

Councilor Hanson moved to appropriate \$2,604 in matching grant funds from the Contingency Fund. Seconded by Councilor Pantelakos and voted.

1. Acceptance of Donation to the Peirce Island Committee from Banyan Trust Fund for the production of Peirce Island Informational Video

Councilor Marconi moved to accept the \$5,000 donation from the Banyan Trust Fund to the Peirce Island Committee. Seconded by Councilor Grasso and voted.

Jerry Howe, Peirce Island Committee announced that the video has been shot and they should be receiving the final video next week. He requested that the Council allow the Committee to make a presentation and show the video at an upcoming Council meeting.

Assistant Mayor Clews moved to amend City Council Rules and Order #7 – Order of Business, by placing Acceptance of Grants and Donations after Public Hearings, therefore Acceptance of Grants and Donations shall become Item IX under the Order of Business. Seconded by Councilor Pantelakos and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of a Proposed Ordinance amending Chapter 7, Article III, Section 7.329 – No Parking, sub-section A, Farm Lane

Councilor Whitehouse moved to pass first reading and hold a public hearing and second reading at the October 1st City Council meeting. Seconded by Councilor Pantelakos and voted.

- B. Second reading of Proposed Amendment to the Salary Ordinance for Non-Union Employees

Assistant Mayor Clews moved to pass second reading of the amendment to the Non-Union Salary Ordinance and hold third and final reading at the October 1st City Council meeting. Seconded by Councilor Pantelakos and voted.

- C. Second reading of Proposed Amendment in the Salary Schedule for Unclassified Positions regarding Victim/Witness Advocate

Councilor Hanson moved to pass second reading of the amendment to the Salary Schedule for Unclassified Positions Re: Victim/Witness Advocate and schedule a third and final reading at the October 1st City Council meeting. Seconded by Councilor Grasso and voted.

- D. Second reading of Ordinance amending Chapter 7, Article XI, Speed Limits be amended by creating a new subsection to Section 7.1100 Speed Limits entitled G. Speed Limit: 10 MPH – Mt. Vernon Street

Councilor Grasso moved to pass second reading and hold third and final reading at the October 1st City council meeting. Seconded by Councilor Marconi and voted.

- E. Third and final reading of Ordinance amending Chapter 5, Article VII, Section 5.702, Paragraphs A, E, and F – Blasting Permit Required

Councilor Grasso moved to pass third and final reading. Seconded by Assistant Mayor Clews and voted.

- F. Third and final reading of Ordinance amending Chapter 13, Mobile Home Ordinance, Article VI, Allowed Locations Space and General Layout, be amended by the addition of new Section 13.612 entitled Signage Requirements

Councilor Pantelakos moved to pass third and final reading. Seconded by Councilor Grasso and voted.

Councilor Whitehouse asked City Attorney Sullivan if we received a letter from the owners of Hillcrest Estates indicating that they would comply with the ordinance.

City Attorney Sullivan replied in the affirmative, however the signs are still not in place.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Christie Clifford-Salema, Cystic Fibrosis Foundation requesting permission to hold the annual 2002 Great Strides Walk on Saturday, May 18, 2002 at 10:00 a.m.

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

- B. Sidewalk Obstruction License Application – Portsmouth Provisions – 1 A-frame sign

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

- C. Letter from Jane Porter regarding light pollution from street lights

Councilor Hanson moved to refer to the Planning Board for a report back. Seconded by Councilor Whitehouse and voted.

- D. Letter from Violet Murray regarding a new City of Portsmouth sign at the entrances to the City

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

- E. Letter from Penny Reynolds, League of Women Voters of Portsmouth requesting permission to reserve the Council Chambers for Candidate's Night three Wednesday evenings in October, October 17th, October 24th and October 31st from 6:30 p.m. – 9:00 p.m.

Councilor Hanson moved to refer to Mayor Sirrell with power, and further that the City Council Candidate's Night be held on October 24th. Seconded by Councilor Grasso and voted.

- F. Letter from Leonore Weiss Bronson requesting that all City Council members consider attending the Night-Out Neighborhood Activities by dividing up the neighborhoods among Councilors

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Mayor Sirrell said that she leaves the decision up to the City Councilors as to what neighborhoods they would visit on National Night Out. She said that next year she would work with the Councilors to try and split up the neighborhoods between the Councilors.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

Councilor Marconi moved to accept and place the letter on file. Seconded by Councilor Grasso and voted.

- G. Letter from Police Commissioner Mortimer regarding Harvard Street – All Terrain Vehicles

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

- H. Letter from Paula Glynn, City-Wide Neighborhood Committee Chair regarding PDA Board hearing on the Wetlands Buffer Zone and contaminated sites

Mayor Sirrell announced that the City-Wide Neighborhood Committee voted in favor of a 100 foot buffer zone at the Tradeport.

Councilor Hanson moved to accept and place the letter on file. Seconded by Councilor Grasso and voted.

- I. Letter from Douglas Knight, Pro Portsmouth requesting permission to hold "First Night Portsmouth 2002"

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

- J. Petition to the City Council to take action to protect the rights and interests in conducting fair trade within the limits of the City and protest certain policies and actions taken by Pro Portsmouth in reference to vending during special events

Councilor Hanson moved to accept and place the letter on file and send a copy of the letter to Pro Portsmouth. Seconded by Councilor Whitehouse and voted.

Councilor Marconi asked that Mr. Knight consider that Pro Portsmouth not take such a strong stance on this matter in the future.

Councilor Grasso suggested meeting with Pro Portsmouth in the Spring to discuss their plans for Market Square Day and bring up the petition again at that time.

Assistant Mayor Clews suggested having the Downtown Committee present during the meeting with Pro Portsmouth.

Councilor Hanson said that there are many individuals that signed the petition that do not have a business downtown and the City Council needs to consider that as well.

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Mayor Sirrell said that she has discussed some of these issues with Pro Portsmouth and recommended scheduling a work session to discuss this matter further. She also requested that Councilor Pantelakos reactivate the Vendor's Committee to discuss various issues.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

- K. Letter from David Cohen, Portsmouth Halloween Parade Committee, requesting permission to hold the 7th annual Halloween Parade on October 31st

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

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Schedule a City Council Work Session

Councilor Grasso moved to reschedule the work session with the Ocean Road Study Committee from October 22nd to October 29th at 6:30 p.m., and schedule a work session with the Arts and Culture Committee on October 22nd from 5:30 – 6:30 p.m. Seconded by Councilor Pantelakos and voted.

2. Request for Approval of Pole License Agreements

Councilor Whitehouse moved to approve the pole license agreements, #63-362, #63-364, #63-365, #63-373, and #63-376, as recommended by the Public Works Department. Seconded by Councilor Grasso and voted.

3. Letter from Reverend Timothy Rich, St. John's Church requesting that the City waive the \$300 fee for a health permit to operate their kitchen facilities (Not on agenda)

Councilor Pantelakos moved to waive the \$300 fee for St. John's Church to operate their kitchen facilities. Seconded by Assistant Mayor Clews and voted.

B. MAYOR SIRRELL

1. Appointments/Resignations

Councilor Whitehouse moved to accept with regret the resignation of Stephen Mowry from the New Library Building Committee. Seconded by Councilor Pantelakos and voted.

The City Council considered the appointments of Steven Miller as an alternate to the Conservation Commission, Father Angelo Pappas to the Portsmouth Housing Authority, Jerrett Celli to the Cable Commission. These appointments will be voted on by the City Council at the October 1st City Council meeting.

Councilor Grasso moved to accept with regret the resignation of Al Cloutier from the Cable Commission. Seconded by Councilor Pantelakos and voted.

2. Old State House Resolution

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Councilor Whitehouse read the Old State House Resolution as requested by Mayor Sirrell.

Mayor Sirrell said that this Resolution was prepared so that the State House Committee can begin their fund raising. She said that the Committee would like to have a model made of the Old State House to display here at City Hall. She said that no funds from the City or residents are being requested.

Councilor Whitehouse moved to accept the Resolution. Seconded by Councilor Pantelakos.

Councilor Marconi said that she is against this Resolution if it is to enable the Committee to find a location within the City for the Old State House.

Councilor Hanson moved to amend Item 2 of the Resolution by the addition of the words "*operational expense endowment*" after the word reconstruction in the final sentence. Seconded by Councilor Pantelakos.

Councilor Marconi spoke against the motion.

Councilor Whitehouse said that the Committee is working hard and no site has been selected.

Councilor Grasso spoke in support of the construction of a model to use as an educational tool.

Councilor Pantelakos said that the Resolution shows that the City Council supports the Old State House coming back to the City of Portsmouth where it was originally built.

Assistant Mayor Clews passed the gavel to Mayor Sirrell to allow her to speak to the motion.

Assistant Mayor Clews asked if the passage of the Resolution requires the City to follow through with the project.

City Attorney Sullivan said no it does not, it allows grants to be applied for.

Mayor Sirrell passed the gavel back to Assistant Mayor Clews.

On a roll call vote 7-1, amendment to the Resolution passed. Councilor Marconi voted opposed.

Main motion as amended passed. Councilor Marconi voted opposed.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

3. Reports

Mayor Sirrell announced that the City-Wide Neighborhood Group would be holding a forum on Monday, September 24th at 7:00 p.m. in the Council Chambers regarding Deregulation of Power.

C. COUNCILOR HANSON

1. Traffic & Safety Committee Action Sheet and Minutes of the August 16, 2001 meeting

Councilor Hanson moved to accept the Traffic & Safety Committee action sheet and minutes of the August 16, 2001 meeting. Seconded by Councilor Pantelakos and voted.

XII. ADJOURNMENT

At 9:45 p.m., Councilor Hanson moved to adjourn. Seconded by Councilor Whitehouse and voted.

KELLI L. BARNABY, CITY CLERK