

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 6, 2002

PORTSMOUTH, NH
TIME: 7:00PM

At 6:15 p.m., an Anticipated "Non-Meeting" with Counsel was held regarding Cable Contract Negotiations.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Pantelakos, Whitehouse, Marconi and St. Laurent

Absent: None

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.

PROCLAMATION

1. Older Americans Month

Assistant Mayor Hanson read the Proclamation declaring May as Older Americans Month. Mayor Sirrell announced that she would be presenting the Proclamation at the Older Americans luncheon on Friday, May 17th at Yoken's Restaurant.

PRESENTATIONS

1. Letter Carriers Food Drive – Patricia Hersey & Buddy Collins

Postmaster Hersey announced that the annual food drive would be taking place on Saturday, May 11th and encouraged residents participation.

2. City of Portsmouth Poet Laureate Maren Tirabassi – Portsmouth Unabridged: New Poems for an Old City

Maren presented Mayor Sirrell with the book entitled Portsmouth Unabridged: New Poems for an Old City. Mayor Sirrell announced that the book would be on display in the Mayor's Office for people to view.

V. ACCEPTANCE OF MINUTES – APRIL 15, 2002

Assistant Mayor Hanson moved to accept and approve the minutes of the April 15, 2002 City Council meeting. Seconded by Councilor Whitehouse and voted.

VI. PUBLIC COMMENT SESSION

Martin Cameron, discussed the effects of radiation and the need for monitors which measure the amount of radiation. He said those municipalities within a 10 miles radius of a nuclear plant are entitled to receive a monitor. He urged the City to look into obtaining a monitor for the City of Portsmouth to protect the health and safety of its residents.

Shaler McReel, said that he and his wife own and operate Pheasant Ridge Farm and would request permission to move up to the Municipal Complex to operate as a vendor when the Farmers' Market moves at the end of June.

Councilor Grasso moved that the concerns expressed by Martin Cameron are forwarded to the City Manager with power to review what could be done to get a radiation monitor for the City. Seconded by Councilor St. Laurent and voted.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation for the Restoration of the Stephen Chase Tombstone in North Cemetery

Councilor Grasso moved to accept the \$50 donation from Rodney Rowland toward the Stephen Chase Tombstone restoration. Seconded by Councilor Whitehouse and voted.

- B-E. Acceptance of Grant from the NH Highway Safety Agency for Enforcement Patrols; Acceptance of Grant from the U.S. Department of Justice for Operation Streetsweeper; Acceptance of Donation from the Portsmouth Regional Hospital for the Police Honor Guard; Acceptance of Donation for training and the purchase of equipment

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 1, Article III, Section 1.3 – Boards

Assistant Mayor Hanson moved to pass first reading and hold a Public Hearing and second reading at the May 20th City Council meeting. Seconded by Councilor Whitehouse.

Councilor Lown said that State Law governs conflicts of interest, which is sufficient. He said that we should make sure that this is not a problem in the future, therefore he would like to remove any prohibition from people being able to serve on a board or commission.

City Attorney Sullivan said having a member of the Board of Adjustment, School Board or City Council would create a person having a tremendous influence in the City, which is not prohibited in the State Law but is in the City ordinance.

Councilor Marconi said she feels we are making a special exemption for one person by amending the ordinance and she would vote against it.

City Attorney Sullivan said that this ordinance would apply to all election officers and this would not be retroactive for Mr. Parrott to serve on the board unless a vacancy came up for a position on the board after the ordinance was adopted.

Motion passed with Councilors Grasso and Marconi voted opposed.

- B. Third and final reading of proposed amendment to Chapter 10, Article II, Section 10.202 for the Rezoning of Land on Deer Street

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

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Alanson Sturgis, Chairman of Conservation Commission, requesting permission to plant a tree to honor Mrs. Straus and her long service to the Commission

Councilor Pantelakos moved to approve the request to plant a tree to honor Mrs. Straus. Seconded by Councilor Whitehouse and voted.

- B. Request for Approval of Sidewalk Obstruction Licenses for the following businesses with no changes from last year:
 - Runner's Alley – 1 A-frame sign
 - Moe's of Portsmouth, Inc – 1 A-frame sign

Councilor Hynes moved to refer to the City Manager with power. Seconded by Councilor Lown and voted.

- C. Letter from Carl Walton, Central Veterans' Council, requesting the participation of the City Council in the Memorial Day Parade and Services on Monday, May 27, 2002

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

- D. Letter from Lucy Tillman and Shaler McReel, Pheasant Ridge Farm, requesting permission to continue to be a vendor and relocate to the Municipal Complex during the Farmers' Market

Assistant Mayor Hanson moved to refer the request of Pheasant Ridge Farm to the City Manager for review with the City Attorney for a report back at the first meeting in June with a recommendation. Seconded by Councilor Pantelakos and voted.

- E. Letter from Ingrid Getman, Richards Avenue Residents Association requesting permission to hold the 6th Annual Richards Avenue Memorial Day Relay Race and the closing of Richards Avenue on Monday, May 27, 2002 from 11:00 a.m. – 12:00 p.m.

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

- F. Letter from Shelley Coughlin, Cystic Fibrosis Foundation, requesting permission to hold the Seacoast Safari for CF Bicycle Tour on Saturday, July 20, 2002 through Sunday, July 21, 2002

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

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request for Approval of Pole License Agreements

Councilor Lown moved to approve the requests from PSNH for pole license agreements, #63-387 and #63-388, as recommended by the Public Works Department. Seconded by Councilor Pantelakos and voted.

- 2. Request to Establish a Work Session on Monday, June 10th at 6:30 p.m.

City Manager Bohenko said that the Work Session would provide an update to the City Council on public transportation services in the City.

Councilor St. Laurent moved to establish a Work Session on Monday, June 10th at 6:30 p.m. to discuss recommendations from the Public Transit Task Force.

- 3. Cable Contract Negotiations (Not on agenda)

Assistant Mayor Hanson moved to authorize the Cable Commission the authority to commence negotiations with AT&T Broadband for the renewal of the City's Cable Contract scheduled to expire November 16, 2004 and further, to conduct all necessary hearings required under the Cable Communications Policy Act of 1984. Seconded by Councilor Low and voted.

City Manager Bohenko announced that the Cable Commission would be holding a public informational and input session on June 10th at 7:30 p.m. in the Council Chambers.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

B. MAYOR SIRRELL

Letter of Apology from Edward Lawrence (Not on agenda)

Mayor Sirrell read a letter of apology from Edward Lawrence for past violations to the Public Comment Session stating that he would abide by City Council Rule #43 as well as all other rules of the City Council.

Mayor Sirrell moved to accept the letter of apology from Edward Lawrence and allow him to speak at future Public Comment Sessions. Seconded by Councilor Marconi and voted.

1. Amendment to City Council Rule 45 – Public Hearings

Mayor Sirrell read proposed City Council Rule 45 regarding Public Hearings.

Mayor Sirrell moved to adopt City Council Rule 45 as submitted. Seconded by Councilor Grasso.

Councilor Whitehouse said he feels that this rule is big government dictating to the little people. He said the time allowed for a person to speak should not be limited under the control of the Mayor.

City Attorney Sullivan said that the Mayor could be overruled by five votes of the City Council.

Councilor Marconi spoke in support of the rule. She said that individuals speaking at a public hearing should stick to the issue.

Councilor Lown said that the Mayor has a right to control the rules of the City Council.

Councilor Pantelakos said that this rule does not interfere with any ones right to speak.

Councilor St. Laurent said that this rule is not necessary.

Councilor Grasso said the important part of this rule is for individuals to stick to the purpose of the public hearing.

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

2. Acceptance of Donation to the Coalition Legal Fund

Mayor Sirrell moved to accept the \$4,500 contribution from the Town of Dublin to be placed in the Coalition Legal Fund. Seconded by Councilor Grasso and voted.

3. Acceptance of Donation from Duncan MacCallum for Save the Old State House Committee

Mayor Sirrell moved to accept the donation of \$250 from Mr. Duncan J. MacCallum for the Old State House Fund. Seconded by Councilor Pantelakos and voted.

5. Open Letter to People for Ethical Treatment of Animals

Mayor Sirrell read an open letter to People for Ethical Treatment of Animals for their recent demonstration at the Portsmouth Middle School last week.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

4. Appointments

Councilor Marconi moved to reappoint John Leith to the Portsmouth Housing Authority until April 1, 2007. Seconded by Assistant Mayor Hanson and voted.

Councilor Grasso moved to appoint Tara Trafton to the Portsmouth Economic Development Loan Program (PEDLP) until May 6, 2005. Seconded by Councilor Marconi and voted.

6. Reports

Mayor Sirrell announced that the Community Council of Senior Citizens would be holding their annual Expo at Yoken's Restaurant on May 8, 2002 at 10:00 a.m.

C. ASSISTANT MAYOR HANSON

1. Traffic & Safety Committee Action Sheet and Minutes of the April 18, 2002 meeting

Assistant Mayor Hanson moved to accept and approve the Traffic & Safety Committee action sheet and minutes of the April 18, 2002 meeting. Seconded by Councilor St. Laurent and voted.

D. COUNCILOR GRASSO

1. Report from the Joint Building Committee

Councilor Grasso announced that renovations are currently under way at the New Franklin School. She said that a meeting was held last week regarding the construction costs for the High School. She said that a price of \$31 million was given for the construction, however the Joint Building Committee voted to allow for \$30 million. She said that this is the largest project ever undertaken by the City. She reviewed the various areas of construction and renovations with the City Council. She advised the Council that the Joint Building Committee also voted to hire a Clerk of the Works to oversee the project and ensure that everything is done in the best interest of the City.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

Mayor Sirrell announced the upcoming meetings of the City Council.

- Wednesday, May 8th 7:00 p.m. Work Session re: Fire Department FY03 Budget
- Monday, May 13th 6:30 p.m. Work Session re: Municipal FY03 Budget
- *Monday, May 20th 7:00 p.m. Regular City Council Meeting/Public Hearing FY03 Budget*

XII. ADJOURNMENT

At 8:30 p.m., Councilor Whitehouse moved to adjourn. Seconded and voted.

KELLI L. BARNABY, CITY CLERK