

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, COUNCIL CHAMBERS
DATE: MONDAY, AUGUST 5, 2002

PORTSMOUTH, NH
TIME 7:00PM

At 6:00 p.m. – An anticipated non-meeting with Counsel was held.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:14 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

V. VOLUNTEER COMMITTEE REPORTS

- Marge Hubbard, Tourism Manager, Greater Portsmouth Chamber of Commerce
Re: Quarterly Report on Tourism Activities

Mayor Sirrell introduced Marge Hubbard and asked her to present the quarterly report on tourism activities. A quarterly report was distributed during the meeting along with brochures that have been printed for tourism. Ms. Hubbard highlighted the activities from the last quarter report.

- Jennifer Quinlan, Business Development Manager
Re: Quarterly Report on eCoast Activities

Mayor Sirrell introduced Jennifer Quinlan for her quarterly report on eCoast Activities. Jennifer Quinlan explained that many businesses have come together to assist with their assessments and meetings. She explained future plans as well as current activities.

VI. ACCEPTANCE OF MINUTES – JULY 15, 2002

Councilor St. Laurent moved to accept the minutes of the July 15, 2002 City Council meeting. Councilor Marconi seconded the motion, voted all in favor.

VII. PUBLIC COMMENT SESSION

Robert Hassold - Pedestrian Pilot Program: He feels that the program is a great proposal, however Market Street is the wrong street. He feels that Pleasant Street should be closed. He cannot see how people can enjoy themselves on Market Street. He discussed his ideas

of why Pleasant Street would be a better street to close.

Legh Burns - Pedestrian Pilot Program: He supports the idea if there were more details along with written restrictions. He felt that Market Street is not just a street to close but is part of downtown as a whole. He is concerned that his business, Celtic Crossing, would be greatly effected along with other businesses on lower Congress Street.

Peter Bresciano - City Business: He questioned if City contracts were ever discussed as he requested for information in earlier meetings. He also discussed the revaluation issue from his home status before and now. He is also upset with the tax card itself as he feels it is very meaningless and filled with useless information.

Martin Cameron - Route 33 Mall Petition: He would like to state that residents he spoke to on Ocean Road do not want a mall on Route 33. He feels that it would be a health hazard and a decrease in the common good. He thanked the Council for their vote at the last meeting.

Jim Melfi - Taxes: He feels that opening Country Club Road is a great idea for convenience. He also said that most Pannaway Manor residents would like to have the road open. He does not feel that opening the gate on Sherburne Road because it was opened one day this week and it was quite a problem with speed. He is concerned that he does not know the new tax rate until October because he needs to budget. He feels that an advance notice would be appropriate in the future. He feels that the tax cards are flawed and felt that the revaluation hearings are ineffective.

Bernie Pelech - Pesce Blue: He wanted to know why other businesses were given approval before. He does not have a problem with the City Manager's motion however a precedent was set before. He feels that many other businesses have outdoor café's and were not denied.

Edward Lawrence - Revaluation: He said that this revaluation shows that the recent sales have unduly influenced the tax rate. He feels that purchases by out of state people has affected the sales as well. He believes the valuations are invalid per common practices.

Lee Roberts - Livermore Street driveway: She wanted to support the Livermore Street proposal. She said that originally Livermore Street actually went to the end of the South Mill Pond. She does not believe that this area is part of Haven Park. This would allow the owners to have a driveway for car parking and that way tourists and visitors have more street parking spaces.

David Burdick - Waste Water Improvements: Mayor Sirrell explained that his topic would be covered in the Public Hearing.

Joachin Sand Bichler: He read a letter from Martha Fuller Clark supporting his request for outdoor café seating. He is happy to be in Portsmouth and this is his first business and was willing to pay a premium price for the outdoor seating. He said that many people will not sit outside as they are not able to have wine with dinner. He has been in the restaurant business for many years and is accredited for many restaurants and urban renewals.

VIII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO THREE MILLION NINE HUNDRED NINETY THOUSAND DOLLARS (\$3,990,000) FOR CITY IMPROVEMENTS

Mayor Sirrell read the Resolution and passed the introduction to City Manager Bohenko.

City Manager Bohenko explained that the improvements that were discussed in a work session and in other discussions. He said that a public hearing is required as per the City Charter.

Mayor Sirrell opened the public hearing and asked for speakers.

Edward Lawrence: He appreciated the City Manager's brief overview of the improvements however he feels that it did not cover all of the improvements.

Mayor Sirrell closed the public hearing with no more speakers.

- B. RESOLUTION AUTHORIZING PARTICIPATION IN THE STATE REVOLVING FUND FOR COSTS RELATED TO THE PHASE III SEWERAGE IMPROVEMENT PROGRAM. PARTICIPATION SHALL NOT EXCEED TWENTY-TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$22,500,000)

Mayor Sirrell read the Resolution and passed the introduction to City Manager Bohenko.

City Manager Bohenko explained that this program is as per the Master Plan and as per the vote of the Council back in 1998. He introduced David Allen and asked him to present a slideshow on this matter.

David Allen said that most of this portion would take care of sewer issues in the south end. He said that we have been very successful with funding. He noted that while the City makes sewer modifications that other amenities are also taken care of such as water improvements as well as repaving.

Frank Underwood from Underwood Engineers presented a brief history of why improvements were needed and what has been done so far. He explained the New Hampshire Department of Environmental Services programs for funding these projects. The Phase I sewerage achievements were discussed. The phase and summary of costs were highlighted. The Phase II achievements completed to date were highlighted. He highlighted the goals of Phase III that the public hearing is based upon.

City Manager Bohenko wanted to clarify the administrative order based upon the United State Environmental Protection Agency. He said that this was part of the 1989 order and each year we revise our plans. He also said it was important to note that it will not affect the taxpayers until 2010.

David Burdick: He spoke for the plan, as there have been great improvements. He saw great success in the south end.

Mary McElwain: She supports the plan and says it is a long time coming. She wanted to know the amount of fines and subsequent charges. City Attorney Sullivan explained that there was a one-time charge of \$100,000 in 1989. City Manager Bohenko said that the US EPA views Portsmouth differently as we are making a full commitment to make changes.

Edward Lawrence: He explained that based upon his understanding that the South Mill Pond will not be addressed for eight years. He feels that this should be the first and only priority. He gave his description of sewage, sludge, and bacteria. He discussed his petition submitted last year for action at South Mill Pond.

Mayor Sirrell asked for third and final speakers. Mayor Sirrell closed the public hearing with no further speakers.

- C. AMENDMENTS TO CHAPTER 7 – VEHICLES, TRAFFIC PARKING, OMNIBUS PARKING ORDINANCE, APRIL 20, 2001 THROUGH APRIL 19, 2002 (ONE PUBLIC HEARING TO ADDRESS ALL FOUR AMENDMENTS)
1. CHAPTER 7, ARTICLE III, SECTION 7.327 – LIMITED PARKING – TWO HOURS – STATE STREET: NORTHERLY SIDE FROM MIDDLE STREET 250 FEET WESTERLY
 2. CHAPTER 7, ARTICLE IVA – BUS STOPS, TAXICAB STANDS & HORSE DRAWN CARRIAGES – 7-A.402 BUS STOPS DESIGNATED – HANOVER STREET AND SECTION 7A-403 PARKING TIME LIMITS IN BUS STOPS C (2 HOURS)
 3. CHAPTER 7, ARTICLE IVA - BUS STOPS, TAXICAB STANDS & HORSE DRAWN CARRIAGES – 7-A.402 BUS STOPS DESIGNATED – MARKET STREET AND SECTION 7A-403 PARKING TIME LIMITS IN BUS STOPS B (15 MINUTES)
 4. CHAPTER 7, ARTICLE III, SECTION 7.324 – LIMITED PARKING – ONE HOUR – BY THE DELETION OF WASHINGTON STREET

Mayor Sirrell read the amendments to the Ordinance. Mayor Sirrell passed the introduction to Assistant Mayor Hanson as the Chair of Traffic and Safety.

Assistant Mayor Hanson explained the changes for each of the amendments.

Mayor Sirrell opened the public hearing and called for speakers. Mayor Sirrell closed the public hearing after the third and final call with no speakers.

D. ORDINANCE AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.712 – PENALTY – BY THE ADDITION OF ITEM A – THE PENALTY FOR PARKING ON A SIDEWALK IN THE CENTRAL BUSINESS DISTRICT PURSUANT TO SECTION 7.315 SHALL BE \$25.00 PER VIOLATION

Mayor Sirrell read the amendment to the Ordinance. Mayor Sirrell passed the introduction to Assistant Mayor Hanson.

Assistant Mayor Hanson said that this is a new charge. He said that this would preserve the brick sidewalks from damage.

Mayor Sirrell opened the public hearing and called for speakers. Mayor Sirrell closed the public hearing after the third and final call with no speakers.

Assistant Mayor Hanson moved to suspend the rules and take up item XII. D. 1. Councilor St. Laurent seconded the motion, voted all in favor.

D. COUNCILOR ST. LAURENT (UNDER SECTION XII.)

1. Country Club Road

Councilor St. Laurent moved to authorize the City Manager to include in the FY04 Capital Budget an appropriation sufficient to reopen Country Club Road, in accordance with the recommended plan presented to the City Council at its work session held on June 10th. Further, that if funds are available in the 4th quarter of FY03, that the Manager bring back a recommendation to the City Council to reappropriate funds from contingency to complete the work to reopen Country Club Road. Councilor Pantelakos seconded the motion.

Councilor St. Laurent said that the residents have wanted this road open for quite some time. He said that the neighbors did not have the opportunity to voice their concerns before and there was no public hearing to close the road. He said that opening the road is beneficial for emergencies and for convenience to the residents. He does not believe it will be a heavy traffic issue. He suggested that a sign could be placed for a resident only road.

Councilor Pantelakos said that before the road opens that the City follows the recommended actions by the NH DOT Engineer. She said that this is not budgeted for this year but would recommend the project added to the budget next year.

Councilor Whitehouse wanted to know the cost that was quoted at the work session. City Manager Bohenko estimated it would be an expense of \$43,000.

Assistant Mayor Hanson said that he would not vote for any resident only sign for that street.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that we are talking about lives. She felt that with the events of September 11th that a second access to and from the area is necessary.

Councilor Whitehouse would like to see a study report on opening the back gate and look at the traffic count, the demand, and any possible ramifications.

Councilor Marconi wanted clarification on Country Club Road. She wanted to know if this was the road that cannot be salted due to the well. City Manager Bohenko said that the road couldn't be salted due to the well.

Mayor Sirrell said that if the City will not salt that road then why do we salt Griffin Road. She said if that is the case then she calls for no salt use on Griffin Road as well.

City Manager Bohenko asked David Allen to explain the differences of the well. David Allen explained that on Griffin Road that the well was there before any roads. He said that there is a zone around the well for protection and that is not the same case for Country Club Road.

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

Assistant Mayor Hanson passed the gavel to Mayor Sirrell.

At 8:50 p.m., Councilor Pantelakos was excused from the meeting.

IX. APPROVAL OF GRANTS & DONATIONS

- A. Request for approval of grant award in the amount of \$295,000 from the US Department of Justice, Office of Justice Programs, for continuation of the Internet Crimes Against Children Task Force.

Assistant Mayor Hanson moved to approve and accept the grant award to the Portsmouth Police Department. Councilor Grasso seconded the motion, voted all in favor.

- B. Request for approval of grant award in the amount of \$39,839 from the Office of the NH Attorney General for continued participation in the NH Drug Task Force

Assistant Mayor Hanson moved to approve and accept the grant award to the Portsmouth Police Department. Councilor St. Laurent seconded the motion.

Councilor Whitehouse questioned which line item did the matching grant funds come from in the budget book. Police Chief Russ said that the line item was salaries. He noted that it was not listed separately as this is for an undercover operation.

Voted all in favor.

- C. Request for approval of grant award in the amount of \$2,665.20 from the NH Highway Safety Agency for Portsmouth DWI Patrols

Councilor St. Laurent moved to approve and accept the grant award to the Portsmouth Police Department. Councilor Lown seconded the motion, voted all in favor.

- D. Request for approval of grant award in the amount of \$19,000 from the NH Highway Safety Agency for In-Cruiser Video Systems

Assistant Mayor Hanson wanted to comment that other towns have had problems with the video equipment. Police Chief Russ ensured that he has researched this issue and that everything is in order.

Councilor Grasso moved to approve and accept the grant award to the Portsmouth Police Department. Councilor Lown seconded the motion, voted all in favor.

- E. Acceptance of Donations for the Honor Guard totaling \$300.00
- \$50 from the Seacoast Trolley Company
 - \$50 from the Kiwanis Club of the Seacoast
 - \$100 from Regal Limousine
 - \$100 from JCM Management Company, Inc.

Councilor Grasso moved to approve and accept the donations to the Portsmouth Police Department for the Honor Guard. Councilor Marconi seconded the motion, voted all in favor.

- F. Coastal Zone Management Grant for Peirce Island East End Trails Project

Assistant Mayor Hanson moved to authorize the City Manager to apply for, accept and expend a Coastal Zone Management Grant in the amount of \$100,000 from the NH Coastal Zone Management Program in support of the Peirce Island East End Trails Project. Councilor Whitehouse seconded the motion, voted all in favor.

- G. Acceptance of Donation from Leslie and Ann Dorr of the ship model "Spirit of America"

Assistant Mayor Hanson moved to accept the generous donation of the "Spirit of America" ship model from Leslie and Ann Dorr with gratitude. Councilor St. Laurent seconded the motion, voted all in favor.

Assistant Mayor Hanson said it is a remarkable model that will be with us forever. He hopes that it can be included in the new library.

X. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue of up to Three Million Nine Hundred Ninety Thousand Dollars (\$3,990,000) for City Improvements

Councilor Lown moved to adopt the Resolution authorizing a bond issue of up to \$3,990,000 for the City improvements in accordance with the City's Capital Improvement Plan for the period FY2003-2008, which was adopted on April 1, 2002. Councilor Marconi seconded the motion.

Councilor Whitehouse said he voted against this before but he would support the 201 Study however he would not support the rest of the improvements. He said that we should look back at what has been done and look at the current economic conditions. He said the city would be fine with a one year break on improvements.

Assistant Mayor Hanson noted that right now we have the best interest rates in ten years. He said that many years ago we held off a year and we are now playing catch up.

Councilor St. Laurent wanted to know when this would be on the backs of the taxpayers. City Manager Bohenko said that it would be added to the debt service.

A roll call vote was requested. On a 7-1 roll call vote, motion passes. Voting in favor was Assistant Mayor Hanson, Councilors Grasso, Lown, Hynes, Marconi, St. Laurent, and Mayor Sirrell. Voting opposed was Councilor Whitehouse.

- B. Adoption of Resolution Authorizing Participation in the State Revolving Fund for costs related to the Phase III Sewerage Improvement Program. Participation shall not exceed Twenty-Two Million, Five Hundred Thousand Dollars (\$22,500,000)

Councilor Whitehouse moved to adopt the Resolution authorizing participation not to exceed \$22,500,000 in the State Revolving Fund for costs related to Phase III Sewage Improvement Program. Councilor St. Laurent seconded the motion.

On a requested roll all vote, motion passes unanimously.

- C. Second reading of Amendments to Chapter 7 – Vehicles, Traffic Parking, Omnibus Parking Ordinance, April 20, 2001 through April 19, 2002
1. Chapter 7, Article III, Section 7.327 – Limited Parking – Two Hours – State Street: northerly side from Middle Street 250 feet westerly
 2. Chapter 7, Article IVA – Bus Stops, Taxicab Stands & Horse Drawn Carriages – 7-A.402 Bus Stops Designated – Hanover Street and Section 7A-403 Parking Time Limits in Bus Stops C (2 hours)
 3. Chapter 7, Article IVA - Bus Stops, Taxicab Stands & Horse Drawn Carriages – 7-A.402 Bus Stops Designated – Market Street and Section 7A-403 Parking Time Limits in Bus Stops B (15 minutes)

4. Chapter 7, Article III, Section 7.324 – Limited Parking – One Hour – by the deletion of Washington Street

Assistant Mayor Hanson moved to pass second reading and hold third and final reading at the August 19th City Council meeting. Councilor Grasso seconded the motion, voted all in favor.

- D. Second reading of Ordinance amending Chapter 7, Article VII, Section 7.712 – Penalty – by the addition of Item A – The penalty for parking on a sidewalk in the Central Business District pursuant to Section 7.315 shall be \$25.00 per violation

Councilor Grasso moved to pass second reading and hold third and final reading at the August 19th City Council meeting. Councilor St. Laurent seconded the motion, voted all in favor.

- E. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330, No Parking – Porter Street and Article X, Section 7.1001, Tow Zones – Porter Street

Councilor St. Laurent moved to pass the third and final reading. Councilor Whitehouse seconded the motion, voted all in favor.

- F. Third and final reading of Ordinance amending Chapter 10, Article II, Section 10.202 and Article III, Section 10.302(A) – Rezoning of property located off Lang Road

Councilor Marconi moved to pass the third and final reading. Councilor Grasso seconded the motion, voted all in favor except Councilor St. Laurent voted opposed.

XI. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Paul Sorli, Portsmouth Gas Light Co., requesting consideration of a Pedestrian Pilot Program on Market Street whereas vehicular traffic from Bow Street to Market Square would be banned on Saturday evenings from 6:00 p.m. to 11:00 p.m.

Councilor Grasso moved to refer to the City Manager for a report back. Councilor Marconi seconded the motion.

Councilor Grasso said that she was dismayed to read the article in the paper before she received the documentation or information herself. She said that the line of communication was not followed.

Councilor Whitehouse said that not everyone on that street supports the street closing. He wanted to know what happens to the vehicle traffic that leaves the Metro Restaurant and the cigar shop.

Councilor Marconi said that the City liability with street vendors and street performers must be considered.

Councilor Lown supports the idea of a street closing but feels Pleasant Street is better suited.

Councilor Hynes supports the motion because the City owes this accommodation to the business community.

Mayor Sirrell noted that she received a letter late from the Downtown Association and that letter would be placed on the next agenda.

Voted all in favor.

- B. Letter from Peter Hamelin, Greater Portsmouth Chamber of Commerce, supporting the Pedestrian Pilot Program

Assistant Mayor Hanson moved to accept and place on file. Councilor Grasso seconded the motion, voted all in favor.

- C. Letter from Barbara Massar, Pro Portsmouth, Inc. requesting permission to hold the 2003 Winter Solstice Celebration beginning December 6th through December 21st

Assistant Mayor Hanson moved to refer to the City Manager with power. Councilor Whitehouse seconded the motion, voted all in favor.

- D. Letter from Attorney Bernie Pelech regarding Pesce Blue Restaurant
 1. Request to place tables and chairs on city owned property
 2. Request permission to serve alcoholic beverages with the outdoor seating

Councilor Whitehouse moved to refer to the City Manager for a report back at the next City Council meeting with a recommendation(s) and actions. Councilor Grasso seconded the motion.

Councilor Lown said the proposal was reasonably presented. He was concerned in the delay of communications back to Mr. Pelech. City Manager Bohenko clarified that he had been working on the issue and had been in contact with Mr. Pelech. He said that he has an informal working relationship with the local attorney's. City Manager Bohenko was disappointed with the correspondence, and he will consider in the future formal business communications.

On a requested roll call vote, motion passed unanimously.

Councilor Whitehouse moved to allow Mr. Pelech to speak on this issue. Councilor Lown seconded.

Councilor Hynes said that the argument is in favor of his client. He said that the issue is where the location of the outside tables and chairs are. He said some other businesses have their setup not in view and far away from pedestrians.

City Attorney Sullivan clarified that he has responded to Mr. Pelech and his statement is inaccurate.

Mayor Sirrell said that the letter had been addressed when she saw it. She said that she was sorry that he did not work with the city on this matter.

On a voice vote, motion failed 4-4. Voting in favor was Assistant Mayor Hanson, Councilors Lown, Hynes, and Whitehouse. Voting opposed was Councilors Grasso, Marconi, St. Laurent, and Mayor Sirrell.

- E. Petition from Martin Cameron, Ocean Road and MapleHaven Neighborhood Association regarding Packard Development on Route 33

Councilor Grasso moved to accept the petition and forward to the City Manager. Councilor Whitehouse seconded the motion, voted all in favor.

- F. Request for approval of Sidewalk Obstruction License – Kaya Co. – 1 A-frame sign

Councilor Whitehouse moved to refer to the City Manager with power. Councilor Marconi seconded the motion, voted all in favor.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request to Establish a Work Session Re: Solid Waste Ordinance

City Manager Bohenko requested a work session to discuss Portsmouth's solid waste ordinance dealing with recyclable and non-recyclable materials. He requested this session on Monday, September 9th at 6:30 p.m.

Assistant Mayor Hanson was concerned that the suggested work session date of September 9th was the night before an election and did not feel it was the best time.

Assistant Mayor Hanson moved to table this issue. Councilor Whitehouse seconded the motion, voted all in favor.

- 2. Victim/Witness Advocate Position

City Manager Bohenko explained that this is an increase to the salary of the Victim/Witness Advocate Position due to a cost of living increase. He explained that the salary of this position is grant funded.

Assistant Mayor Hanson moved to approve the change in the salary for the Victim/Witness

Advocate, as listed. Councilor Whitehouse seconded the motion, voted all in favor.

3. Report Back from Planning Board Re: Livermore Street

Councilor St. Laurent moved to approve the request of Mr. and Mrs. Scagliotti to use a portion of a paper street right-of-way on Livermore Street subject to the conditions outlined by the Planning Board which are:

- a. That the paved portion of Livermore Street be extended 60 feet similar to the existing pavement, and at no expense to the City (see attached Site Plan);
- b. That the new street extension, as well as the existing paved section, be marked by the City to identify appropriate parking spaces (it is anticipated that more parking spaces would be identified than exist presently);
- c. Some parking spaces should have time limitations so they can be made available through the day for users of the park and by neighborhood residents in the evening;
- d. A granite bench should be provided to the City for use by visitors to the park and should be located in proximity to the parking area along Livermore Street;
- e. The present street bollards should be replaced with granite ones per the specifications of the Department of Public Works. These should be located at the proposed terminus of the paved portion of Livermore Street (see attaches Site Plan);
- f. From the City's perspective, it would be preferred if the remaining 100 or more feet of the unpaved portion of the Livermore Street right-of-way could not be proposed for possible residential purposes;
- g. At the May meeting, the Board asked the applicant to consider donating their ownership within the right-of-way to the City, and if this offer was made, the land from this right-of-way should then be deeded to the City and added to Haven Park;
- h. If this donation is made, the area of Haven Park would be increased by more than 2,200 square feet, however, a landscaping easement should be allowed that recognizes some planted areas; and
- i. With this donation, any private rights to this right-of-way would cease and a conforming subdivision would not be possible under the City's present Zoning Ordinance.

Assistant Mayor Hanson seconded the motion, voted all in favor.

City Manager Bohenko requested the City Attorney to explain this matter. City Attorney

Sullivan explained the history of the request. He explained that the Planning Board agreed unanimously to approval conditions. He explained that the conditions include that the paved portion of Livermore Street be extended sixty feet similar to the existing pavement, a bench will be placed, and the street bollards will be replaced. He noted that this will be at no cost to the City. He further explained that the property owners are willing to offer right-of-way ownership to the City. He feels that this will put the issue of what is Haven Park versus Livermore Street to a close. He said that advantages include no cost to the City and more parking spaces on the street.

Councilor Lown wanted to welcome the Scagliotti's to Portsmouth and thanked them for their patience.

Councilor Marconi thanked Attorney Loughlin for his thoroughness with his report.

4. Request of New England Glory, LLC for a Quitclaim Deed from the City

City Manager Bohenko presented the details of the request along with the Planning Board approval recommendations.

Councilor Grasso moved to authorize the City Manager to execute an agreement between the City and New England Glory permitting the actions as recommended by the Planning Board. Councilor Marconi seconded the motion, voted all in favor.

Councilor Lown said that this proposal resembling the adopt a spot program.

5. Request for Approval of Polling Hours for September 10, 2002 State Primary Election

City Manager Bohenko explained that the City Clerk is requesting that polling hours be set for the State Primary Election.

Assistant Mayor Hanson moved to approve the polling hours for the State Primary Election on September 10th from 8:00 a.m. – 7:00 p.m. Councilor Grasso seconded the motion, voted all in favor.

6. Request to Install Municipal Telecommunications Equipment on the Spinney Road Water Tower

City Manager Bohenko explained that the tower would be placed on top of the water tower. He explained that it is a thin antenna and it should not change the current aesthetics.

Assistant Mayor Hanson moved to approve the installation of telecommunications equipment on the Spinney Road water tower. Councilor Marconi seconded the motion, voted all in favor.

B. MAYOR SIRRELL

1. Appointments

The following appointments were considered and will be voted upon at the August 19, 2002 City Council Meeting: Ralph Fabrizio, Lisa Destefano, and Chester Keefe II to the Building Code Board of Appeals.

Councilor Marconi moved to appoint the following applicants. Councilor St. Laurent seconded the motion, voted all in favor.

- Elaine Syracuse, Harry Clark - Recreation Board – appointed until April 1, 2005
- John Ricci – Planning Board Alternate– appointed until December 31, 2002 filling the unexpired term of Donald Coker.
- Robert Ricci, Jeffrey Nawrocki – Building Code Board of Appeals – appointed until July 1, 2007
- Rockingham Planning Commission & Seacoast Metropolitan Planning Organization: Representatives Councilor Hynes, Planning Board Chair Smith, State Representative currently vacant, and Planning Director Holden; Alternates Traffic and Parking Engineer Burke, Public Works Director Parkinson, City Manager Bohenko, and Deputy Public Works Director Allen.

2. Exemption for the Disabled

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell requested the City Manager to read the state statute. City Manager Bohenko presented the statute and paraphrased the purpose. He explained that the exemption for the disabled resembles the elderly exemption. He noted that in order to adopt this that a resolution would need to be voted on. City Manager Bohenko requested that he work with the Assessor for further information and a proposal.

Mayor Sirrell moved to authorize the City Manager to work with the Assessor to determine the exemption for the disabled. Councilor Grasso seconded the motion.

Councilor Grasso asked the City Manager for term “disabled”. City Manager Bohenko said it is defined in statute.

Councilor Lown would like to see an estimate of how many people would qualify. City Manager Bohenko said he would check into the statistics but he was concerned that this information may not be public record.

Councilor Hynes said that he appreciates the high bar standards for this exemption.

Councilor Marconi questioned what the actual disability is from the statute. City Manager Bohenko said he would provide that definition.

Voted all in favor.

Assistant Mayor Hanson passed the gavel to Mayor Sirrell.

City Manager Bohenko offered that he could report back on elderly exemption information as well if the Council was in agreement to this. The Council agreed to this report.

3. Establishment of Blue Ribbon Committee on Cemeteries

Mayor Sirrell presented a proposed Blue Ribbon Committee on Cemeteries. She said that the committee members are very interested and have extensive knowledge on the local cemeteries.

Mayor Sirrell moved to appoint Audrey Bierhans as Chair, Louise Tallman and Roger Syphers as Ex-Officio's. Councilor Marconi seconded the motion, voted all in favor.

C. COUNCILOR GRASSO

1. "Americans for the Arts"

Councilor Grasso gave a verbal report on the Americans for the Arts 2002 results. She explained that the Blue Ribbon Committee on Arts and Culture gathered a list of non-profit organizations, received an expenditure summary, and conducted 750 surveys during certain events to gather data. This information was submitted to Americans for the Arts. The results were that arts organizations are spending \$8,585,553, audiences are spending \$17,509,400, which totals \$26,094,953. She noted that the money spent while in Portsmouth for arts events doubled from the national average. She said that more data will follow and that anyone who is interested in the current data could obtain it from their website americansforthearts.org.

XIII. ADJOURNMENT

Assistant Mayor Hanson moved to adjourn 9:50 p.m. Councilor Marconi seconded the motion, voted all in favor.

Minutes taken and typed by:

B. Christopher Maxwell

Deputy City Clerk