

# CITY COUNCIL MEETING

DATE: SEPTEMBER 23, 2002  
MUNICIPAL COMPLEX, COUNCIL CHAMBERS

TIME: 7:00 P.M.  
PORTSMOUTH, N. H.

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## I. CALL TO ORDER

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

## II. ROLL CALL

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

Absent: Assistant Mayor Hanson

## III. INVOCATION

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

## IV. PLEDGE OF ALLEGIANCE

Councilor Pantelakos led in the Pledge of Allegiance to the flag.

## PROCLAMATION

1. Constitution Week – September 16, 2002 – September 21, 2002

Mayor Sirrell requested Councilor Grasso to read a Proclamation declaring September 16<sup>th</sup> to September 21<sup>st</sup> Constitution Week and urged citizens to reaffirm the ideals the Framers of the Constitution had in 1787. Mayor Sirrell presented the Proclamation to Tylen Jousse who accepted the Proclamation and thanked the City Council.

## V. ACCEPTANCE OF MINUTES – AUGUST 19, 2002

Councilor Marconi moved to accept the August 19, 2002 City Council Meeting minutes. Councilor St. Laurent seconded the motion, voted all in favor.

## VI. PUBLIC COMMENT SESSION

Martin Cameron - Water Resources: He expressed concern about the proposed water plant in Nottingham because it would draw from the water supply that many local towns use. He believes that the City needs to protect the resources with an ordinance or law. He believes that the water supply is held in a public trust but the Nottingham residents have not seen support from the state.

Ralph DiBernardo - Revaluation: He stated that his assessment is the highest in the neighborhood. He spoke with the CLT staff and the value was described. He said that a significant factor was an adjustment based on a desirability factor. He feels that the factor is not equitable because approximately thirty percent of residents did not allow the adjusters in their homes and they did not receive the desirability factor. He feels that everyone should pay fairly.

Wayne Ecker - City Business: He stated that the Council is elected and that they need to consider the best interests of the residents. He believes that the Council should consider not paying these excessive taxes. He does not feel that the revaluation is equitable because not every town is on the same level.

David Hudlin - Petition: He discussed the petition submitted and said it is based on equity and fairness. He clarified that this is not a challenge to the assessment process. He feels that it is not fair to pay more taxes because of where he lives. He said that the petition focuses on how we can get better control in the City to make the formula equitable.

Roger Wood - Revaluation: He said that he signed the petition calling for equalization in valuations in the city neighborhoods. He believes upper South Street is part of the new battle. He feels that the valuation should consider the heavy traffic flows along with the Seabrook Station alert pole. He said that many people would have to consider developing their green space land in order to afford their taxes.

Ed Lawrence - Inflation: He spoke about the history of inflation. He said that many people are paying the inflated prices. He said that the Assessor did not have the total number of sales in five years to determine the increase. He completed the survey and determined the increase was over \$100,000 per property. He feels that the inflated cost should be reduced based upon a calculation.

Peter Bresciano - Recreation: He wanted to thank the Recreation Department for their outstanding work on Leary field. He believes that one of the little league fields at Pease Tradeport looks great and feels that it was a good idea to have a Portsmouth Representative on the PDA Board. He also noted that more areas at Pease Tradeport could be used for recreational purposes.

Tina Gleisner - Property Taxes: She moved from California and explained the California valuation system. She explained that the rate is based upon 1% of purchase price, which works well for the long established residents and the elderly. She said that in three years her taxes have increased fifty-seven percent and is afraid that an increase will happen again. She questioned the commercial rates versus residential rates. She exemplified that the commercial property across the street is assessed for not much more than her property. She feels that this is subsidizing others.

## **VII. PUBLIC HEARINGS**

### **A. RESOLUTION FOR A DISABLED PROPERTY TAX EXEMPTION**

Mayor Sirrell read the legal notice and requested City Manager Bohenko to further explain the exemption. City Manager Bohenko explained that a few months ago the issue of establishing an exemption for the disabled was discussed and brought forward. He explained that this exemption follows both state and federal statutes. He clarified that in the Resolution there was a typographical error in line five as it should state "own and occupy." He presented research results from polling other local towns on this exemption and social security research as well.

Mayor Sirrell opened the public hearing and asked for speakers.

Councilor Grasso read a letter submitted from Carol McCabe who was unable to attend but wanted to speak in favor of the exemption. She feels that the proposed exemption should have been offered long ago. She said that foreclosure rates have reached an all time high that would worsen after the new tax rate.

Ed Lawrence said that the average cost of living has been two or three percent. Mayor Sirrell reiterated that the purpose of the public hearing was to discuss the exemption. Mr. Lawrence said he was in favor.

Mayor Sirrell closed the public hearing with no further speakers.

### **B. RESOLUTION TO INCREASE THE ELDERLY PROPERTY TAX EXEMPTION**

Mayor Sirrell read the legal notice and requested City Manager Bohenko to explain the exemption. City Manager Bohenko explained that this is a modification of the existing exemption changing the exemption amounts, income limits, and asset restrictions. He said that one hundred twenty residents used the exemption last year. He noted that the asset restrictions were modified because various benefit plans that are drawn from are not defined which increases the asset limit even though they only receive a small portion.

Mayor Sirrell opened the public hearing and asked for speakers.

Councilor Grasso read a letter submitted from Jean Ordiorne who was unable to attend but wanted to speak in favor of the increase. She said that she lives in the south end and wants to live there and has been there for forty-six years.

Peter Bresciano questioned how the exemption increase was derived. City Manager Bohenko said that it was based on research. He said that last year to keep in line with the revaluation numbers and the delay, values have increased more than was anticipated and the numbers needed to be increased to keep with purpose of the

exemption. Mr. Bresciano believes that since 1994 the formula should equate to \$25,000 more than what is proposed because of fixed income.

Tina Gleisner explained that she recently completed research on retirement incomes. She suggests that if a resident has lived in their home and owns the home for over ten years that the taxes should freeze at tax amount when they reach age sixty-five.

Ed Lawrence said that he wants truth based upon his research. He feels that based upon the total number of sales that the valuations never brought in two other main factors. He questioned if the exemption is considered a loan or a grant. City Manager Bohenko answered that it is a reduction in taxes that are not paid back.

Mayor Sirrell closed the public hearing with no further speakers.

## **VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Underage Drinking Laws Program Grant Award from the NH Office of the Attorney General

Councilor Grasso move to approve the grant award to the Portsmouth Police Department as listed. Councilor Lown seconded the motion, voted all in favor.

- B. Portsmouth Police Honor Guard Grant Award from the Henry M. Frechette Memorial Fund
- C. Donations for the Honor Guard Program

Councilor Lown moved to approve and accept the grant award and donations to the Portsmouth Police Department as listed. Councilor Marconi seconded the motion.

Councilor Whitehouse requested that the amounts be read. City Manager Bohenko read the donation information as Councilor Whitehouse requested.

Voted all in favor.

- D. Donation towards the Goodwin Park Restoration Project

Councilor St. Laurent moved to accept the \$1,000 donation as listed. Councilor Marconi seconded the motion, voted all in favor.

City Manager Bohenko explained that the Grazier Chiropractic Health Center held a "Patient Appreciation Day" on behalf of the Cabot Street Area Neighborhood Association.

E. Request for Approval of US Fish and Wildlife Service Partners for Wildlife Habitat Restoration Grant

City Manager Bohenko explained that the grant funds are available for restoration work in the Great Bog. He noted that the Seacoast Land Trust is organizing the restoration work and has a work plan for habitat restoration.

Councilor Whitehouse moved to authorize the City Manager to enter into an agreement with the US Fish and Wildlife Service to receive a grant in the amount of \$2,000.00 for FY02 for habitat restoration on City owned land, specifically the Great Bog. Councilor Grasso seconded the motion, voted all in favor.

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

A. Adoption of Resolution for a Disabled Property Tax Exemption

Councilor Pantelakos moved to table until the October 7<sup>th</sup> City Council meeting. Councilor Marconi seconded the motion.

Councilor Lown questioned the motion.

Mayor Sirrell answered that some Councilors feel that we need to know the impacts of the exemption.

Councilor Lown questioned if that information could be obtained. City Manager Bohenko said that the information presented is what was obtained. He explained that beyond that, all he could do is calculate estimates of the number of people based on assumptions and put a dollar amount on that.

Councilor Lown stated that he would oppose the motion because it seems that we have all of the information.

Councilor Pantelakos believes that two weeks does not make much difference and that Councilors need further information.

Mayor Sirrell passed the gavel to Councilor Grasso.

Mayor Sirrell agrees that the information is needed for the Council to ensure that the exemption passes.

Councilor St. Laurent expressed concern with the number differences in data. He would like a few more weeks before the final vote.

Voted all in favor.

Councilor Grasso passed the gavel to Mayor Sirrell.

B. Adoption of Resolution to increase the Elderly Property Tax Exemption

Councilor Pantelakos moved to table until the October 7<sup>th</sup> City Council meeting pending further information.

Councilor Grasso requested the number of exemptions based upon the new assessments.

Mayor Sirrell passed the gavel to Councilor Grasso.

Councilor Whitehouse said that the City Attorney stated that it would be a conflict of interest for him to vote on this as he could be a recipient of the exemption and he would not vote.

Councilor Pantelakos requested more information to determine how much this would cost the taxpayers.

Councilor Marconi said that we need the amounts since other taxpayers are picking up the exemption amounts. She wants to be assured that we can afford the exemption. She noted that she does not receive the exemption so there is no conflict.

Councilor Hynes said that we could not receive amounts based upon future estimates.

Voted all in favor. Mayor Sirrell and Councilor Whitehouse abstained from voting.

Councilor Grasso passed the gavel to Mayor Sirrell.

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

A. Letter from Patricia Newhall regarding save our groundwater

Councilor Whitehouse moved to accept and place the letter on file. Councilor Marconi seconded the motion, voted all in favor.

B. Letter from Christie Clifford-Salema, Portsmouth Great Strides, requesting permission to hold its annual Great Strides Walk to cure Cystic Fibrosis on Saturday, May 17, 2003 at 10:00 a.m.

Councilor Marconi moved to refer to the City Manager with power. Councilor Grasso seconded the motion.

Councilor Whitehouse was concerned that the route of walkers passes through Middle and State Streets and believes a volunteer is needed at that intersection. He requested

City Manager Bohenko to consider that when issuing the permit. City Manager Bohenko said that he would address that.

Voted all in favor.

- C. Petition from David Hudlin and various residents of the City regarding Taxation Discrimination in Portsmouth (Petitioners: Tina Gleisner, Ted Blank, Randy Buccini, Mark Syracuse, Dan Bogannam, Barbara Borsa)

Councilor Pantelakos moved to accept and place on file. Councilor Hynes seconded the motion, voted all in favor.

Councilor Marconi questioned the total number of petitions received. City Manager Bohenko said that approximately eighty petitions were received and letters would be sent to the petitioners.

Mayor Sirrell stated that the agenda listed Peter Bresciano as a petitioner and his letter is regarding revaluation.

City Manager Bohenko believes that the article in the paper on Saturday explained the revaluation in detail and accurately. He clarified that Portsmouth does not have a home rule law so the City must adhere to state laws. He explained that a prior speaker, Ms. Gleisner, exemplified a tax proposal that cannot take effect because we do not have the authority. He believes that we need to work together as a community and address with the legislature that change is needed.

Councilor Whitehouse asked what people should do if they are unhappy with their December tax bill. City Manager Bohenko requested Assessor Lauren Elliott to discuss the appeal process. Assessor Elliott explained that once the bill is received a taxpayer has until March to file an abatement. After that, a taxpayer could appeal to the State Board of Land and Tax Appeals or to Superior Court.

Councilor St. Laurent wanted to know the application fee for the state appeal. Assessor Elliott recalls the fee was \$65.00.

Councilor Grasso said that revaluations rebalance communities. She believes that the idea from Ms. Gleisner is a good idea but without state funding, it could not be done.

Councilor St. Laurent wanted to know what could be done. City Manager Bohenko said that we must work with the legislature to amend the current legislation.

Councilor Marconi stated that she is waiting for clarification of the three bodies of government because the current form she feels is unconstitutional.

Councilor Pantelakos clarified that the State Wide Property Tax was passed by the legislature and not the court system.

Voted all in favor.

D. Letter from Peter Bresciano regarding Revaluation

Mayor Sirrell stated Mr. Bresciano's letter should be acted on separately.

Councilor Pantelakos moved to accept and place on file. Councilor Marconi seconded the motion.

Councilor Lown requested that the letter be forwarded to CLT for an answer to his questions.

Voted all in favor.

E. Petition regarding Pedestrian crossing – Greenland Road

Mayor Sirrell passed the gavel to Councilor Grasso.

Mayor Sirrell spoke on behalf the local residents in her neighborhood. She feels that something must be done because many walkers, joggers, bicycles, and families attempt to cross the street and vehicles do not stop. She would like to see the same signs erected as the signs at Hannaford's and a clearly marked crosswalk.

Mayor Sirrell moved to install yield signs on both sides of the road and clearly mark the crosswalk. Councilor Pantelakos seconded the motion.

Councilor Whitehouse questioned if the Council should be bypassing the Traffic and Safety Committee. Mayor Sirrell agreed to provide the Traffic and Safety Committee a copy of the motion for their information.

Mayor Sirrell stated that she would like to see police presence at the crosswalk and to use the police notice sign. City Manager Bohenko said that he would send a memorandum to the police department.

Voted all in favor.

Councilor Grasso passed the gavel to Mayor Sirrell.

F. Letter from David Cohen, Portsmouth Halloween Parade Committee, requesting permission to hold the 7<sup>th</sup> Annual Halloween Parade on Thursday, October 31<sup>st</sup> from 6:30 p.m. – 8:30 p.m.

Councilor Grasso moved to refer to the City Manager with power. Councilor St. Laurent seconded the motion, voted all in favor.



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

### **A. CITY MANAGER**

#### 1. Proposed Gift of Land to the City of Portsmouth

City Manager Bohenko explained that this is a proposed donation of land for conservation use off of Arthur Brady Drive. He is requesting that this be referred to the Planning Board for a report back.

Councilor Lown moved to refer the Hyder Family's gift of five acres of land off Arthur Brady Drive, Tax #0238-0010-0001, owned by Michael A. Hyder, Edward A. Hyder, Irrevocable Trust of 1993 to the Planning Board for a report back. Councilor Grasso seconded the motion, voted all in favor.

#### 2. Proposed Outdoor Liquor Policy

City Manager Bohenko explained that the Council requested an Outdoor Liquor Policy and this draft is based upon discussion at the prior Council meeting. He requested the Council to review the policy and it could be discussed at the next meeting. He clarified that since this is not an ordinance, it enables the Council to amend the policy as needed.

Councilor Lown moved to bring the proposed Outdoor Liquor Policy back for formal action at the October 7<sup>th</sup> City Council meeting. Councilor Marconi seconded the motion.

Councilor Whitehouse expressed concerned with outside entertainment and requested that it be considered. City Manager Bohenko said that this policy addresses entertainment.

Voted all in favor.

#### 3. Request for Authorization to Execute a Lease for the Cottage Senior Housing Project (1895 Building)

City Manager Bohenko explained that under the Council's direction he worked with the Portsmouth Housing Authority to plan the creation of twenty units of affordable elderly housing at the 1895 building. He said that the building would generate tax revenue for the City and there would be no cost to the taxpayer. He highlighted the information documented in his memorandum.

Councilor Hynes moved to authorize the City Manager to negotiate and take other actions necessary to execute a lease agreement between the City and the Cottage Senior Housing Partnership for the lease of the 1895 building for use as senior housing. Councilor Pantelakos seconded the motion.

Councilor Lown supports this project. He said before he thought the lease was too long but based upon federal requirements he does support the lease because it is an advantage for the City.

Councilor Whitehouse questioned City Manager Bohenko if the number of units would be twenty or more. City Manager Bohenko referred the question to Ruth Griffin, Portsmouth Housing Authority Chair. Chair Griffin introduced William Shanahan, CFO, NH Housing Investment Fund, who explained that twenty units would be the maximum due to historic preservation.

Councilor St. Laurent questioned the square footage of the apartments. Mr. Shanahan said that the apartments are between five hundred to six hundred square feet. He said that the units are very specific within the building and follow state and federal guidelines.

Mayor Sirrell passed the gavel to Councilor Grasso.

Mayor Sirrell said that she cut the ribbon during the ceremony and was proud to do it. She said that about fifteen seniors have already approached her with an interest in residing there.

Councilor Grasso said that the building history reported in the newspaper was excellent. She also noted that since the building is on the National Historic Register, that the building will be monitored closely during the construction process.

Councilor Whitehouse said that he is happy to see that something will be done with the building. He said in 1998 he made the suggestion and it is finally being done.

Chair Griffin stated that the Portsmouth Housing Authority voted in support.

Councilor St. Laurent questioned the parking lot for the elderly. City Manager Bohenko answered that the allotted parking spots would be on the south side upper lot.

Voted all in favor.

#### 4. Polling Hours for November 5, 2002 State General Election

City Manager Bohenko explained that the City Clerk is requesting polling hours be set for the November election and that she is requesting the hours of 8:00 a.m. to 7:00 p.m.

Councilor Pantelakos moved to set the polling hours for the State General Election on November 5<sup>th</sup> from 8:00 a.m. to 7:00 p.m. Councilor Grasso seconded the motion.

Councilor St. Laurent noted that he worked at the polls and said that some people came early due to a newspaper error and hopes that the newspaper does not do that again.

Mayor Sirrell stated that absentee ballots are the best alternative for those voters working out of town.

Councilor Marconi noted that she keeps applications at her restaurant and that absentee ballots are easy to do and there is no reason not to vote.

Councilor Pantelakos agreed with Councilor Marconi. She pointed out that the election officials at the polls are there over eleven hours and worked very hard.

Voted all in favor.

## **B. MAYOR SIRRELL**

### 1. Appointments/Resignation

The following applicants were considered and will be voted on at the October 7<sup>th</sup> City Council meeting:

- George Savramis, Planning Board
- Kate Leith, Blue Ribbon Committee on Youth
- Audrey Bierhans, Blue Ribbon Committee on Cemeteries
- Paul Harvey Sr., Economic Development Commission
- Lee Lorusso, Board of Library Trustees
- Ann Walker, Save the Old State House Committee

Councilor St. Laurent moved to appoint Paul Staples and Gia Yannekis to the Citizens Advisory Committee. Councilor Whitehouse seconded the motion, voted all in favor.

Councilor Whitehouse moved to accept the resignation of Board of Adjustment Member Jack Blalock with regret and send a letter of appreciation (resignation effective December 1, 2002). Councilor Grasso seconded the motion, voted all in favor.

### 2. Circuit Breaker Proposal

Mayor Sirrell passed the gavel to Councilor Grasso.

Mayor Sirrell read her proposal for a Circuit Breaker Proposal which would put a breaker in effect once a person's property taxes exceed ten percent or more of their income. She explained that this would need to pass through the Legislature for the bill to become law.

Councilor Whitehouse questioned who we could look towards for assistance. City Manager Bohenko recommended that we start gathering data as a beginning for the legislature. He explained that this would be a way to bring forth discussion and for people to have an outlet to discuss this issue.

Mayor Sirrell moved to support the Circuit Breaker Program. Councilor Pantelakos seconded the motion.

Councilor Pantelakos said that the legislature would not take action until next year.

Councilor Marconi requested that in the future that this be presented in advance because she does not like having no notice.

Councilor Hynes noted that nothing could be done until next year but we need to make it clear that people have a right to vote for the right person who will help and listen.

Councilor Whitehouse questioned if the City Manager could do this by the next legislative meeting and if it would need to be done with outside staff for a fee. City Manager Bohenko responded that it could be done internally with the assistance of the Legislative Delegation. He noted that other states have done such and we could look to them for assistance.

Councilor Lown believes it is an idea that makes sense however, he expressed concern on the effect of middle incomes.

Councilor Pantelakos stated that it is a burden to everyone.

Voted all in favor.

Councilor Grasso passed the gavel to Mayor Sirrell.

### 3. Reports

Mayor Sirrell explained that the closure of ProPortsmouth has caused a number of events to be displaced and we need to take action. She believes a work session should be held for discussion on this matter. She noted that the Chamber of Commerce, Prescott Park Arts Festival, and others should be invited in order to receive their input. She suggested October 8<sup>th</sup> at 6:30 p.m. for the work session.

Councilor Whitehouse suggested that Paul Sorli, President of the Downtown Association be invited.

All Councilors agreed with the work session and the date.

## **C. ASSISTANT MAYOR HANSON**

### 1. Traffic and Safety Action Sheet and Minutes of August 15, 2002 meeting

Councilor Pantelakos moved to accept and approve the Traffic & Safety Committee Action Sheet and Minutes of the August 15, 2002 meeting. Councilor Marconi seconded the motion, voted all in favor.

2. Parking Committee Action Sheet and Minutes of August 15, 2002 meeting

Councilor Pantelakos moved to accept and approve the Parking Committee Action Sheet and Minutes of the August 15, 2002 meeting. Councilor Marconi seconded the motion, voted all in favor.

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

1. River Walk (not on agenda)

Councilor Whitehouse believes that a meeting should be established as informational about the River Walk for the public. He is concerned that there may be opposition. City Manager Bohenko answered that it may be effective as a presentation during a Council meeting. He noted that it could be done in November.

2. Informational Item 1

Councilor Marconi read a letter from Jocelyn Frechette thanking the Police Department. She noted that she sent a letter to the Portsmouth Herald also expressing her appreciation and she is proud of their accomplishments.

**XIII. ADJOURNMENT**

Councilor Marconi moved to adjourn at 9:14 p.m. Councilor Whitehouse seconded the motion, voted all in favor.

Minutes taken and typed by:  
B. Christopher Maxwell, Deputy City Clerk