

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, DECEMBER 16, 2002

PORTSMOUTH, NH  
TIME: 7:00PM

At 6:30 p.m., an Anticipated "Non-Meeting" with counsel was held regarding personnel matters – RSA 91-A:2, I(b-c).

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

Mayor Sirrell called the meeting to order at 7:00 p.m.

### **II. ROLL CALL**

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 in memory of the four youths from Massachusetts that lost their lives over the weekend.

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

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

### **PRESENTATION – DONDERO SCHOOL KINDERGARTEN CLASS**

Diane McGee, Dondero School Music School Teacher introduced the Kindergarten Class which sang a holiday song for the City Council.

### **PRESENTATION – MELANSON, HEATH & COMPANY, P.C. AUDITORS' FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 2002**

City Manager Bohenko said annually the City audits its financial statements and Scott McIntyre from Melanson, Heath & Company is here to make the presentation to the City Council.

Scott McIntyre said that this was another successful financial year for the City. The City has been given a clean audit opinion and there were very few audit adjustments needed. He advised the City Council that the City had a surplus in the undesignated fund balance of \$5 million and that the City collected \$1.3 million more in revenues than anticipated.

### **V. ACCEPTANCE OF MINUTES – DECEMBER 2, 2002**

Councilor St. Laurent moved to accept and approve the City Council minutes of the December 2, 2002 meeting. Seconded by Councilor Grasso and voted.

## VI. PUBLIC COMMENT SESSION

Dr. Melanie Harden spoke opposed to a zero increase in the FY03/04 budget. She said that the safety of residents should not be put at risk in order to cut taxes.

Peter Bresciano said he was please that the Joint Budget Committee recommended a zero increase for the FY03/04 budget. The reason the City is in such financial hardship is because of the statewide property tax.

Michael Hughes, Fire Commissioner, spoke regarding the recent fire at the Urban Forestry Center on Elwyn Road. He said that if it had not been for the fully staffed night shift the outcome could have been very different. The men and women of the Portsmouth Fire Department did an exceptional job and the Police and Public Works Department all worked together to help with this fire. He urged the City Council to consider these things when voting on the budget and a zero percent increase.

Vassilios Pamboukes, representing the Fire Officers Union, said a zero increase in the budget would devastate the Fire Department. The Fire Department provides a multitude of services for the City and is very concerned and alarmed at the recommendation of a zero increase. He said that the City Council needs to realize that the Fire Department is stretched dangerously thin now and if there is a zero increase the department would lose firefighters that are desperately needed.

Ed Lawrence spoke regarding the revaluation recently conducted in the City. He said that the revaluation should be reasonable and the increase in taxes caused by the revaluation is unreasonable.

Bill McQuillen, President of the Professional Firefighters Union, urged the City Council not to adopt a zero increase for the budget. He said that the City needs to remember that we still need to operate and a reduction in personnel is ridiculous. He said that the department currently operates below the national safety standards for staffing levels.

Phyllis Abell, representing Seacoast Peace Response requested that the City Council grant permission to the organization to hold a walk on Saturday, December 21<sup>st</sup>. The event is entitled Giving the Gift of Peace.

City Manager Bohenko advised the City Council that the request from Seacoast Peace Response was received via e-mail this afternoon and informed the organization that the request would need to be considered by the Police Department because the item missed the deadline for the City Council agenda.

Ms. Abell said that she would speak with the Police Chief and thanked the City Council and City Manager for their time.

## VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.336 – ONE WAY STREET BY THE ADDITION OF SHEAFE STREET: IN A WESTERLY DIRECTION FROM CHAPEL STREET TO PENHALLOW STREET
- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SECTION 7.1100 – SPEED LIMITS BY THE ADDITION OF SECTION C: 15 MPH – MARKET STREET (BETWEEN DEER AND DANIEL STREET); SECTION D: 20 MPH – MADISON STREET; SECTION E: 25 MPH – MARKET STREET (BETWEEN THE INTERSECTION AT NOBLES ISLAND AND DEER STREET; AND SECTION G: 35 MPH MARKET STREET (EXCEPT THAT PORTION BETWEEN THE NOBLES ISLAND INTERSECTION AND DEER STREET WHICH SHALL BE 25 MPH, SEE SECTION E AND BETWEEN DEER STREET AND DANIEL WHICH SHALL BE 15 MPH, SEE SECTION C)
- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING BY THE ADDITION OF ALDRICH ROAD: BOTH SIDES FROM SEWALL ROAD A DISTANCE OF 150 FEET EASTERLY; FRIEND STREET: EASTERLY SIDE OF FRIEND STREET; MARCY STREET: EASTERLY SIDE OF MARCY STREET FROM NEW CASTLE AVENUE TO HOLMES COURT

Assistant Mayor Hanson read the legal notices at the request of Mayor Sirrell.

Assistant Mayor Hanson advised the City Council that the Traffic & Safety Committee are recommending these ordinance amendments.

Mayor Sirrell declared the Public Hearings open and called for speakers. After three calls and no speakers Mayor Sirrell declared the Public Hearings closed.

Assistant Mayor Hanson moved to suspend the rules in order to take up Item XI A.3. – Request from the Police Commission for Approval of Employment Agreement between the Police Commission and Police Chief Designee Michael J. Magnant. Seconded by Councilor Pantelakos and voted.

City Manager Bohenko said that the City Council met in non-meeting to discuss the employment agreement and he would recommend its approval by the City Council.

Assistant Mayor Hanson moved to approve the proposed Employment Agreement for Police Chief Designee Michael J. Magnant for the period January 3, 2003 through January 3, 2008, as requested by the Police Commission in their December 5<sup>th</sup> comments. Seconded by Councilor Grasso.

On a unanimous roll call vote 9-0, motion passed.

Michael thanked the City Council, Police Commission and Chief Brad Russ for their support. He said he is looking forward to working with the City Council and Police Commission.

## VIII. APPROVAL OF GRANTS/DONATIONS

### A. Acceptance of Donation received by the Portsmouth Fire Department

Councilor Pantelakos moved to accept the \$1,000 contribution from the Wal-Mart Foundation to be used towards the purchase of EMS Equipment. Seconded by Councilor Grasso.

Councilor Grasso said that Wal-Mart was very gracious in donating these funds to allow the City to purchase EMS Equipment.

Motion passed.

### B. Acceptance of Donation for *Portsmouth Listens* Initiative

Cindy Hayden, Community Development Director advised the City Council that the City has been working with the *Portsmouth Listens* group and was challenged to raise \$10,000 for the City to match to establish a study group to assist in the development of the City's Master Plan. She introduced Peter Lamb representing Greater Piscataqua Community Foundation and Russ Cole of Ocean National Bank who have made generous donations. She also advised the City Council that Seacoast Newspapers has also made a donation but John Tabor was unable to be here this evening.

Mr. Lamb said that this is a wonderful project and a great way to get people involved in the master plan.

Mr. Cole said that Ocean National Bank is pleased to participate in the program and make this donation to the City.

City Manager Bohenko recognized the organizations and the amounts donated. He said that the City will match the donation and thanked everyone for meeting the challenge to raise the funds.

Councilor Grasso moved to accept the donations to the *Portsmouth Listens* initiative \$5,000 from Ocean National Bank, \$2,500 from the Greater Piscataqua Community Foundation, and \$2,500 from Seacoast Newspapers. Seconded by Councilor Whitehouse and voted.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

### A. Second reading of Ordinance amending Chapter 7, Article III, Section 7.336 – One Way Street by the addition of Sheafe Street: in a westerly direction from Chapel Street to Penhallow Street

Councilor Whitehouse moved to pass second reading and hold third and final reading at the January 6, 2003 City Council meeting. Seconded by Marconi and voted.

- B. Second reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits by the addition of Section C: 15 MPH – Market Street (between Deer and Daniel Street); Section D: 20 MPH – Madison Street; Section E: 25 MPH – Market Street (between the intersection at Nobles Island and Deer Street; and Section G: 35 MPH Market Street (except that portion between the Nobles Island intersection and Deer Street which shall be 25 mph, see Section E and between Deer Street and Daniel which shall be 15 mph, see Section C)

Councilor Hynes moved to pass second reading and hold third and final reading at the January 6, 2003 City Council meeting. Seconded by Councilor Grasso and voted.

- C. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking by the addition of Aldrich Road: both sides from Sewall Road a distance of 150 feet easterly; Friend Street: easterly side of Friend Street; Marcy Street: easterly side of Marcy Street from New Castle Avenue to Holmes Court

Councilor Grasso moved to pass second reading and hold third and final reading at the January 6, 2003 City Council meeting. Seconded by Councilor Marconi and voted.

- D. Third and final reading of Ordinance amending Chapter 7, Article XII, Section 7.1200 – Parking for the Walking Disabled

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

- E. Third and final reading of Ordinance amending Chapter 3, Article III, Section 3.111 – Garbage Receptacles and Chapter 8, Article I, Section 8.103 – Dumping Prohibited, and Chapter 3, Article II, Section 3.2 – Disposal of Non-Recyclable and Recyclable Materials and Chapter 14, Article I, Section 14.108 – Garbage and Rubbish Disposal be deleted in its entirety

Councilor Grasso moved to pass third reading. Seconded by Councilor Marconi.

Councilor Grasso commended City Manager Bohenko for installing the recycling receptacles in the lobby of City Hall.

City Manager Bohenko said that mandatory recycling will start in January, however no monetary fines would be associated the first six months of the program.

Motion passed.

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

- A. Letter from Paula Glynn requesting that future Holiday Parades be held in the afternoon

Mayor Sirrell said that this letter was provided to her during the last City-Wide Neighborhood Committee meeting. She said most people felt that the parade should be earlier in the afternoon to accommodate families.

Mayor Sirrell moved to refer to the City Manager to establish a work session with the Chamber of Commerce, the Downtown Business Association, the Neighborhood Associations and all other interested parties. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

- B.1. Letter from Robin Najjar, The Seacoast Land Trust requesting that the City dedicate the small pocket park on State Street in honor of Jay Smith by naming its "Jay's Pocket Park"
- B.2. Letter from Jeffrey Gabel, The Music Hall supporting the dedication of the small pocket park on State Street in honor of Jay Smith by naming it "Jay's Pocket Park"

Councilor Pantelakos moved to refer to Mayor Sirrell for a report back at the January 6, 2003 City Council meeting. Seconded by Councilor Whitehouse.

Councilor Whitehouse asked what policy does the City Council have for naming buildings or parcels of land.

City Attorney Sullivan said that the policy requires the request to be referred to the Mayor for a report back to the City Council.

Councilor Lown spoke in favor of the request.

Motion passed.

- C. Letter from Audrey Bierhans, Blue Ribbon Cemetery Committee requesting the city open an account to deposit funds raised by the committee and that the Gravestones By Dusk be granted permission to conduct tours in the Point of Graves Cemetery

Assistant Mayor Hanson moved to refer to the City Manager with power. Seconded by Councilor St. Laurent.

Councilor Marconi requested that the City Manager report back as to the cost of the tours and where the funds would go collected from the tours.

Councilor Whitehouse expressed concern with tours being held in the cemeteries.

Motion passed.

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

### **A. CITY MANAGER**

#### **1. Request to Extend Lease of the Creek Athletic Club**

City Manager Bohenko said that the Creek Athletic Club would like to extend their lease. He is recommending a one-year lease at this time. He said that he would speak with them to discuss their future plans and the status of the club.

Assistant Mayor Hanson moved to authorize the City Manager to extend the lease between the Creek Athletic Club for the property at 251 Bartlett Street with the City of Portsmouth for one year, April 1, 2003 through March 30, 2004. Seconded by Councilor St. Laurent and voted.

#### **2. Request to Extend Lease of Sons of Italy, Lodge #2303**

City Manager Bohenko said he would like to renew the lease for three years with a two-year option. He said that the lodge has just installed a new roof at their own expense.

Assistant Mayor Hanson moved to authorize the City Manager to extend the lease between the Sons of Italy, Lodge #2303, and the City of Portsmouth for the property known as the Plains School House for a term of three years, April 1, 2003 through March 30, 2006. Seconded by Councilor Grasso and voted.

#### **4. Proposed FY04 Budget Guidelines**

City Manager Bohenko said that the Joint Budget Committee met to discuss the guidelines for the budget and is recommending a zero percent increase. He said that he has brought this matter forward at the request of Assistant Mayor Hanson Chair of the Joint Budget Committee. He requested that the City Council ratify the action of the Joint Budget Committee. He said that there is a long process to follow for the budget and the City Council will act on the final budget in June 2003. He reported that a zero increase will mean a reduction in services and a vote to establish this guideline would not lock the City Council into anything.

Councilor Whitehouse moved to ratify the actions of the Joint Budget Committee on Thursday, December 5<sup>th</sup> which set a guideline of a zero increase in operating budgets for FY03 to FY04 for police, fire, school, and other municipal departments. Seconded by Councilor Marconi.

Councilor Pantelakos spoke opposed to the motion. She said that a zero increase is not realistic and we could potentially lose 7 firefighters, 5 police officers, 5 municipal workers and 27 teachers.

Councilor Lown said that many people are suffering great hardships from the state wide property tax. He said that this is only a goal and there is a long process to go through and at the end of the process we will vote what is best for the City.

Councilor Hynes said that public hearings would be held regarding the budget and we need to consider the residents needs.

Councilor St. Laurent said that he ran for office for the people and to keep taxes down. He said that this goal would require everyone to work together. He said are we going to have city services at the expense of people losing their homes.

Councilor Marconi spoke in support of the motion. She said that a zero increase is necessary. She said that we are at the mercy of the state because of the state wide property tax. She said that our State Representatives need to be more vocal in Concord and fight for the City of Portsmouth.

Assistant Mayor Hanson said that a zero increase would force departments to prioritize and that is an important step. He said that there is a great deal of people hurting and every department must be critical with their budget.

Councilor Grasso said that we will be sending over \$10 million outside the City this year. She said a with a zero increase we will still face an increase in the tax rate.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell said that people need to realize the effect the state wide property tax and the county tax is having on our City. She urged residents to write letters to the newly elected Governor expressing our concerns and need for relief from the state wide property tax. She said that she would like to organize a march to Concord and would like the Fire Department and Police Department to accompany her to explain what is happening to the City.

Councilor Pantelakos said that we are all facing hard times. She expressed concern starting the budget process like this because we are putting everyone on edge thinking they could lose their job.

Councilor Marconi requested that the State Representatives join Mayor Sirrell in the march to the Governor's Office.

On a roll call vote 8-1, motion passed. Mayor Sirrell, Councilors Grasso, Lown, Hynes, Whitehouse, Marconi, St. Laurent and Assistant Mayor Hanson voted in favor. Councilor Pantelakos voted opposed.

City Manager Bohenko announced that he has placed a hiring freeze, any positions that need to be filled would be considered on a case by case basis.



5. Request to Seek Proposals for Lobbying Services for Submission to the City Council and the Coalition Communities

City Manager Bohenko said he would like to retain lobbying services for an individual to go and track the bills in Concord relative to the state wide property tax. He said that we would obtain two or three proposals for the review of the Coalition Communities and the City Council.

Assistant Mayor Hanson moved to authorize the City Manager to seek proposals for Lobbying Services for Submission to the City Council and the Coalition Communities for the FY03 Legislative Session. Seconded by Councilor Pantelakos and voted.

**B. MAYOR SIRRELL**

1. Donations to the Coalition Legal Fund

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell moved to accept the \$5,000 contribution from the Town of Sandwich, \$1,000 from the Town of Stoddard, and \$5,000 from the Town of Newington to be placed in the Coalition Legal Fund. Seconded by Councilor Whitehouse and voted.

2. Donation for the New Library Building Fund

Councilor Grasso moved to accept the \$150.00 contribution from Deanna Boutilier for the New Library Building Fund. Seconded by Councilor St. Laurent and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

3. Appointment

The City Council considered the reappointment of Jameson French to the Trustees of the Trust Fund. This appointment will be voted on by the City Council at the January 6, 2003 meeting.

4. Reports

Mayor Sirrell announced that vacancies to various Boards and Commissions would be listed on Channel 22 and the City's Website. Anyone wishing to apply for a Board or Commission can obtain an application from the City Clerk's Office or the Mayor's Office.

Mayor Sirrell reported on the Holiday Celebration held for the crew and families of the USS Albuquerque on Thursday, December 5<sup>th</sup>. She expressed her sincere appreciation to Jason Page, Elaine Boucas, Councilor Pantelakos, Patrick McCartney, Jardiniere Florist, and Carl Walton for their assistance with the celebration.

### **XIII. ADJOURNMENT**

At 8:45 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor St. Laurent and voted.

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KELLI L. BARNABY, CITY CLERK