

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 31, 2003

PORTSMOUTH, NH  
TIME: 7:00PM

### **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**

Father Pappas led in prayer for the safe return of our Armed Forces in the Middle East and for peace in our nation.

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

The American Legion Color Guard Unit posted the colors followed by the Pledge of Allegiance led by Commander of the Post Carl Walton.

### **PRESENTATION**

1. Bob Hassold, Downtown Businessman & Kathleen Metterville, Assistant Principal, PHS  
Re: Environmental Clean-a-Thon in Downtown Portsmouth

Bob Hassold and Kathleen Metterville spoke regarding the Environmental Clean-a-Thon taking place in the downtown from April through August.

### **V. VOLUNTEER COMMITTEE REPORTS**

1. Economic Development Commission Proposal Re: Chamber Partnership and Guide to the Seacoast

Tom Ferrini, Economic Development Commission, Chair and Everett Eaton, Representative of the Chamber of Commerce spoke regarding the partnership between the Chamber and the City and the Guide to the Seacoast. Tom advised the City Council that the Economic Development Commission unanimously approved the \$40,000 expenditure from UDAG to continue the Partnership and the Guide to the Seacoast. Everett reported on the benefits of the Guide to the Seacoast and said that this is an investment, which is beneficial to all.

Assistant Mayor Hanson moved to suspend the rules in order to take up Item XI. E. – City/Chamber Partnership. Seconded by Councilor Marconi and voted.

Councilor Hynes moved to approve the recommendation of the Economic Development Commission to expend \$40,000 in UDAG funds to continue the partnership between the City and the Chamber of Commerce. Seconded by Assistant Mayor Hanson.

Councilor Whitehouse said that we should take a second look at this expenditure next year. He suggested putting these funds into other areas that could be more beneficial to the City.

Councilor Marconi spoke in favor of the motion and said that this is good for businesses in the City not just the downtown area.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she voted against this issue last year because the Police Department was asking for additional funding at that same meeting and she felt it was inappropriate for the Council to provide \$40,000 for the partnership at that time. She spoke in favor of the motion and thanked the Chamber of Commerce for their efforts.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

## **VI. ACCEPTANCE OF MINUTES – MARCH 17, 2003**

Councilor St. Laurent moved to accept and approve the City Council minutes of the March 17, 2003 meeting. Seconded by Councilor Whitehouse and voted.

## **VII. PUBLIC COMMENT SESSION**

Mayor Sirrell announced that eighteen speakers have signed up to speak during the Public Comment Session she asked the City Council if they wanted to limit the session to ten speakers to allow each one three minutes or allow all speakers for two minutes each.

Assistant Mayor Hanson moved to allow two minutes for each speaker under the Public Comment Session. Seconded by Councilor Lown and voted.

Dan Hicks said that he is a veteran and is ashamed that a resolution could come forward against the War in Iraq. He said that our men and women are fighting for our freedom and the public should support them. He urged the City Council to vote opposed to the resolution.

Carl Walton said that he is a veteran and we are fighting for peace in a part of the world where none exists. He said no one likes war but sometimes it is necessary to take action in order to protect our way of life.

Steve Miller updated the City Council on the work of the Advocates of the North Mill Pond and their studies.

Peter Bresciano spoke in favor of the City Council passing a resolution in support of our troops. He said that there have been many conflicts in which the United States has been involved and no anti-war demonstrators were here to protest.

Harold Ecker said he is not against hunting but he believes there is a proper place for it. He urged the City Council to pass an ordinance prohibiting hunting within city limits.

Nancy Brown asked the City Council to pass the peace resolution. She said that it is her democratic right to speak against the war and she is a proud American.

Doug Bohan spoke in favor of the peace resolution and said it is unfortunate that this issue was not addressed at the last meeting. He said that there are many areas in the United States that are against this war and they have passed peace resolutions. He said that this war is about control over Iraq resources.

Martin Cameron spoke in support of the troops. He said that he is a veteran from Vietnam and he remembers being spit on by people and called a baby killer. He said he does not want to see that happen again when our troops return. He said that the troops are defending our freedom and rights as an American.

Mark Lavoie spoke in favor of the city taking over ownership of Ocean Road. He said that the truck traffic has overtaken Ocean Road and something needs to be done and the families of Ocean Road are asking for the help of the city.

William Mortimer spoke against the peace resolution. He said that the City Council represents the entire City of Portsmouth not just a select few and urged them to vote against the resolution. He said our military is in harms way and deserve our full support.

Sue Madden spoke in support of the peace resolution. She said that people have a right to express their opinions regarding this war. She said that our military is not defending the United States because Iraq is not a threat to the United States.

Ken Cardinal spoke in support of continuing hunting in the Great Bog. He said hunting keeps the wild life in control.

Jeff Cantara said that he has done a great deal of work in the Great Bog and there are high levels of Lyme disease in this area. He said that the City Council should not govern wildlife management because it is governed by the State.

Macy Morse spoke in support of the peace resolution. She said that this war is effecting the children of the community and they need to feel safety. She urged the City Council to pass the resolution.

Melissa Bernardin urged the City Council to vote in support of the peace resolution. She said that both of her grandfathers are veterans and are opposed to the war.

Dino Papas spoke in support of the peace resolution. He said there are many veterans against the war. He said that this war is not necessary and it is a national tragedy.

Frederick Watson spoke in support of our troops and the veterans that allow us all the freedom of speech today. He said that he is a veteran of the Korean Conflict and knows how important it is for our military forces to have the support of our Country.

Reverend Arthur Hilson said he is a veteran of the Vietnam War and we should support our troops. There are many that support the peace effort as well. He spoke in support of peace for our Nation and support for our troops that are serving our Country.

Assistant Mayor Hanson moved to suspend the rules in order to take up Item X. A. – Petition from concerned citizens and residents requesting that the City Council pass a resolution expressing opposition to United States military action in Iraq. Seconded by Councilor Grasso and voted.

Assistant Mayor Hanson read the peace resolution submitted for consideration of the City Council.

Assistant Mayor Hanson moved to reject acceptance of the resolution. Seconded by Councilor Marconi.

Councilor Whitehouse moved to suspend the rules in order to take up Item X. E. – Letter from Peter Bresciano requesting that a resolution be passed by the City Council in support of men and women serving in the Armed Services. Seconded by Councilor St. Laurent and voted. Councilor Grasso voted opposed.

Councilor Whitehouse read the letter submitted by Peter Bresciano in support of our troops. He spoke in support of the motion. He said that he was a veteran of two wars by the time he was 23 years old. He said that he supports the President in his decision to enter into war with Iraq.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that no one wants to go to war but we must protect our freedom. She said we need to remember how freedom was won for us and our soldiers are laying their lives on the line for our children and us. She said that her prayers go out to the soldiers and their families.

Councilor Lown said that he respects people that have signed the petition for the resolution but we needed to enter into war in light of the attacks on us on September 11, 2001.

Councilor Marconi said peace comes at a high price. She said that her husband served in the army and made this country safe and free for all. She said that we need to stand behind our President and troops. She said that she is an American every day not just when it is convenient.

Councilor Pantelakos said that she respects an individual's right to protest but we need to support our troops because the decision has been made to enter into war.

Councilor St. Laurent said he would support the motion because we need to support our President. He said he is a veteran and remembers what happened when the soldiers returned home after the Vietnam War and he doesn't want to see that happen again.

Councilor Grasso spoke in support of the troops and that this peace resolution should be dealt with by the US Senate and US Congress not the Portsmouth City Council.

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

At 8:30 p.m., Mayor Sirrell declared a brief recess. Mayor Sirrell called the meeting back to order at 8:40 p.m.

### **VIII. PUBLIC HEARING – CAPITAL IMPROVEMENT PLAN (CIP) FY2004-2009**

City Manager Bohenko said that he would like the City staff to make a brief presentation on the CIP. He said that this is a six-year plan that has been approved by the Planning Board. He said that we usually approve \$1,000,000.00 but because of the budget restraints we have cut back the plan to \$750,000.00. He advised the City Council all rolling stock has been frozen to maintain the tax rate and there is no new bonding other than what as already been approved.

The City staff provided a brief presentation on the CIP and the various projects that are comprised in the plan.

City Manager Bohenko said that a great deal of work will be done with the limited funds available under this plan. He said that 90% of the funds of the six-year plan would be returned from grants.

Mayor Sirrell read the legal notice, declared the public hearing open and called for speakers.

Martin Cameron asked about the project regarding Fire Station 2.

City Manager Bohenko said that we need to determine if the station needs to be replaced. He said there is a great deal of work still needed for this and we have included this in the plan for identification purposes in the future.

Mark Lavoie asked why Banfield Road improvements were not listed in the plan.

City Manager Bohenko said a public hearing on Banfield/Ocean Roads would be held here on April 10<sup>th</sup>.

Peter Bresciano spoke in favor of the CIP and expressed his anger with the statewide property tax. He said the statewide property tax has caused the City to cut funding from the CIP.

Hugh Jencks spoke in favor of the improvements for Peirce Island listed within the CIP. He said that Peirce Island is the largest park in the City and we need to continue to preserve it. He said that on behalf of the Peirce Island Committee he would like to recognize Community Development Director Cindy Hayden for all of her work with the Committee. He said because of her expertise, Cindy has received a number of grants for the funding of projects at Peirce Island.

Steve Miller said that the City Council received a detailed presentation of the CIP during their work session last week. He spoke in support of the water and sewer projects scheduled under this plan and thanked the staff for their work.

Martin Cameron asked if the water at Pease Tradeport is safe to drink.

Deputy Public Works Director Allen said that the water is safe and meets all safe water drinking acts.

After three calls and no further speakers, Mayor Sirrell declared the public hearing closed.

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

### **A. Acceptance of Watershed Restoration Grant for Peirce Island**

Assistant Mayor Hanson moved to authorize the City Manager to accept and expend a Watershed Restoration Grant in the amount of \$48,000.00 from the NH Department of Environmental Services for the purpose of constructing shoreline stabilization measures. Seconded by Councilor Marconi and voted.

### **B. Acceptance of Juvenile Accountability Incentive Block Grant to Police Department**

Councilor Grasso moved to approve and accept the grant award to the Portsmouth Police Department as listed. Seconded by Councilor Pantelakos and voted.

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

### **B. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year:**

- Water Monkey – 2 A-frame signs
- RiverRun Bookstore – 1 table and 1 A-frame sign
- The Genip Tree – 1 A-frame sign
- Neptune's – 1 A-frame sign

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

Councilor St. Laurent moved to suspend the rules in order to take up Items XI. F.1., X. C. and X. F. in regards to Ocean Road. Seconded by Councilor Whitehouse and voted.

Councilor Pantelakos moved to request the City Manager to pursue all the avenues necessary for the City of Portsmouth to take control over Ocean Road with a report back of the progress at the July 14, 2003 City Council meeting. Seconded by Councilor St. Laurent.

Councilor Pantelakos said that the City needs to see if they can take over Ocean Road. She said that truck traffic has significantly increased on Ocean Road since 1999. She said that truck traffic needs to be restricted from Ocean Road.

City Manager Bohenko said that the City needs to discuss this matter with the Department of Transportation.

Assistant Mayor Hanson said when this issue is being researched the entrance to the truck stop is located on Ocean Road and that being the case we can't stop the truck traffic from accessing Ocean Road to go to the truck stop.

City Attorney Sullivan said that Assistant Mayor Hanson is correct we cannot stop the truck traffic for entering Ocean Road to go to the truck stop.

Councilor Lown said that all of these issues would be addressed by the City Manager and he would report back at the July 14<sup>th</sup> meeting with his findings.

Councilor Grasso requested that the City Manager provide information on how taking ownership of Ocean Road would effect the budget in his report back at the July 14<sup>th</sup> meeting.

Councilor Pantelakos suggested holding a public hearing on this matter.

Motion passed.

G. Letter from John F. Buchalski in support of our military personnel and President Bush

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

D. Letter from Steve Mayo, RPL Properties, LLC, withdrawal of request to change street name of Ledgewood Drive to Winway Place

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

Councilor Lown said that the Planning Board voted to table the matter in order to determine where the street began and ended.

Motion passed.

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

### **A. CITY MANAGER**

1. Public Hearing Re: Adoption of Capital Improvement Plan (CIP) FY2004-2009

City Manager Bohenko advised the City Council that action on the CIP would need to take place at the April 14, 2003 City Council meeting.

2. Proposed Agreement with Seacoast Growers' Association Re: 2003 Farmers' Market

City Manager Bohenko said that the Seacoast Growers' Association had a successful year in 2002 and the move to the Municipal Complex was also a success.

Councilor Marconi moved to authorize the City Manager to enter into a License Agreement with the Seacoast Growers' Association as presented. Seconded by Councilor St. Laurent.

Councilor Whitehouse suggested adding an item to the agreement under other conditions, which requires the general contractor of the construction project to the 1895 building to remove all materials every Friday afternoon during the Farmers' Market season.

City Manager Bohenko said he would make a note of the item but it does not require a change to the agreement.

Councilor St. Laurent said the vendors that participate in the Farmers' Market should be parking towards the rear of the parking lot to allow customers the closer parking spots.

City Manager Bohenko said he would make the change for vendor parking.

Motion passed.

3. Water Service Easement – Micronics Realty Trust

City Manager Bohenko said that this is a condition of site review approval and City Attorney Sullivan is requesting that the City Council accept the easement.

Assistant Mayor Hanson moved to accept the Water Service Easement from Micronics Realty Trust for property located at 200 West Road. Seconded by Councilor Whitehouse and voted.

4. Request of Whalesback Light to Install Sidewalk Radiant Heat

City Manager Bohenko advised the City Council that Whalesback Light is requesting permission to install sidewalk radiant heat in front of their establishment in order to melt snow and ice.



Councilor Marconi moved to refer to the City Manager with power. Seconded by Councilor Grasso and voted. Councilor Lown abstained from voting.

5. Proposed Purchase of 497 Sherburne Road to Reactivate the Harrison Well

City Manager Bohenko said this is a proposal to purchase 497 Sherburne Road to secure the Harrison Well. He said that this matter was discussed by the City Council in a non-meeting on March 17, 2003.

Councilor Hynes moved to formally authorize the purchase of the 497 Sherburne Road property, in accordance with the attached Purchase and Sales Agreement; and, refer this matter to the Planning Board for a report back. Seconded by Councilor Marconi.

City Manager Bohenko identified the sources of funding to purchase the property. He said that Lonza Corporation is contributing funds due to the expansion of their facility and we will also receive funds from the sale of the house. He said that this is a great source of water for the City.

Councilor Grasso said that the City Council received a detailed presentation on this matter during their non-meeting on March 17, 2003.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell said that we have been looking for new water sources and this is a wonderful proposition.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

6. Request for Approval of Pole License Agreement

Councilor Lown moved to approve the pole license agreement as recommended by the Public Works Department. Seconded by Councilor St. Laurent and voted.

City Manager Bohenko provided a status report regarding the Riverwalk Project at the request of Councilor Whitehouse. He said that the City is working in partnership with the business owners and we are currently working on the design plans for the walk.

Councilor Whitehouse suggested holding a Public Informational Meeting regarding the Riverwalk Project.

**B. MAYOR SIRRELL**

1. Donation to the Coalition Legal Fund

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell moved to accept the \$3,000.00 contribution from the Town of Sandwich to be placed in the Coalition Legal Fund. Seconded by Councilor Grasso and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

## 2. Appointments

The following applicants were considered by the City Council and will be voted upon at the April 14, 2003 City Council meeting.

- Carlton McNeil and Charles Cormier – Reappointments to the Conservation Commission
- Dennis Moulton – Alternate to the Building Code of Appeal's
- James Melfi, Robin McIntosh, William St. Laurent, Diane Lavigne and Mark Lavoie – City-Wide Neighborhood Steering Member
- Paula Glynn – Chairperson of the City-Wide Neighborhood Committee
- Patrick McCartney and Carl Diermer – Reappointment to the Recreation Board
- Stephen Wrenn – Reappointment to the Cable Commission
- Ruth Griffin – Reappointment to the Portsmouth Housing Authority

Councilor Marconi moved to reappoint Alanson Sturgis to the Conservation Commission until April 1, 2006. Seconded by Councilor St. Laurent and voted.

Councilor Pantelakos moved to appoint Suzanne Foley to the Library Trustees filling the unexpired term of Michael Pennington until October 1, 2003. Seconded by Councilor Grasso and voted.

## 3. Reports

Mayor Sirrell read a letter from Mary Carey Foley and Zachary Rahn thanking the city staff and officials for making Student Government Day on March 27, 2003 a success.

Mayor Sirrell reminded everyone of the City Council Work Session scheduled for Monday, April 7, 2003 to discuss the proposed Pedestrian Pilot Program. She also announced that the Portsmouth Listens Group would be meeting with the Planning Board on Thursday, April 3, 2003.

Mayor Sirrell requested that City Manager Bohenko have the City Council Work Session on the proposed Pedestrian Pilot Program televised.

### **C. ASSISTANT MAYOR HANSON**

#### 1. Traffic & Safety Committee Action Sheet and Minutes of the March 20, 2003 meeting

Assistant Mayor Hanson moved to accept and approve the Traffic & Safety Committee action sheet and minutes of the March 20, 2003 meeting. Seconded by Councilor Marconi and voted.

2. Parking Committee Action Sheet and Minutes of the March 20, 2003 meeting

Assistant Mayor Hanson moved to accept and approve the Parking Committee action sheet and minutes of the March 20, 2003 meeting. Seconded by Councilor Marconi and voted.

**D. COUNCILOR GRASSO**

1. Request the City Attorney to draft an ordinance prohibiting hunting within city limits

Councilor Grasso moved to request that the City Manager and City Attorney look at all issues concerning a ban on hunting within city limits and report back to the City Council. Seconded by Councilor Marconi.

Councilor Grasso said that she is not opposed to hunting but expressed concern with people hunting in the Great Bog and other areas of the city.

Councilor Pantelakos asked City Attorney Sullivan if state law allows cities and towns to ban hunting.

City Attorney Sullivan said that cities and towns cannot ban hunting only the Fish and Game Department has that authority.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

City Attorney Sullivan said that he and the City Manager are aware of the concerns and will address all issues with their report back to the City Council.

Mayor Sirrell said she received a number of calls on this issue and feels that the Council should walk away from the issue. She said that this issue is governed by the state.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Report from Joint Building Committee

Councilor Grasso said that the Joint Building Committee meets monthly on the improvements and the foundation for the addition to the High School is near completion. She reported that a great deal of work is being done at the High School and the process is going well.

**XIII. ADJOURNMENT**

At 10:25 p.m., Councilor Marconi moved to adjourn. Seconded and voted.

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KELLI L. BARNABY, CITY CLERK