

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 5, 2003

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

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

II. ROLL CALL

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

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer for the safe return of our troops serving in the Middle East.

IV. PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS

1. Bike/Walk to Work Day – May 15, 2003

Councilor Lown read the Proclamation declaring May 15, 2003 as Bike/Walk to Work Day. Mayor Sirrell presented the Proclamation to Jonathan Bailey who accepted it with appreciation.

2. Kidney Disease Awareness Day – May 18, 2003

Assistant Mayor Hanson read the Proclamation declaring May 18, 2003 as Kidney Disease Awareness Day. Mayor Sirrell presented the Proclamation to Genai Wickey who accepted it with gratitude. Genai spoke briefly on kidney disease and the need for organ donors.

3. Letter Carriers' Food Drive – May 10, 2003

Mayor Sirrell read and presented the Proclamation encouraging all citizens to participate in the Letter Carriers' Food Drive on May 10, 2003. Acting Postmaster Dennis Pacquin, Letter Carrier Buddy Coleman, Letter Carrier Buddy St. Pierre, and United Way Representative Susan Dewhirst accepted the Proclamation with thanks and appreciation.

4. National Police Week – May 12-16, 2003/Police Memorial Day – May 15, 2003

Councilor Hynes read the Proclamation declaring May 12-16, 2003 as National Police Week and May 15, 2003 as Police Memorial Day. Mayor Sirrell presented the Proclamation to

Captain Janet Champlin who accepted the Proclamation on behalf of the Portsmouth Police Department with gratitude.

5. Older Americans Month (Not on agenda)

Councilor Grasso read the Proclamation declaring May as Older Americans Month. Mayor Sirrell announced that Councilor Grasso would be presenting the Proclamation at the Council of Senior Citizens banquet being held this month.

Mayor Sirrell announced that Maria Noucas and Stephanie Krant of the Portsmouth High School Sophomore Class are here this evening to discuss their latest fundraiser. Maria and Stephanie announced that the Sophomore Class is selling pins for their fundraiser this year. The pins are \$5.00 and include a Clipper ship in the middle with the city name and date of establishment as the maroon border.

PRESENTATION

1. Phase 2 Water System Master Plan Update – David Allen, Deputy Public Works Director and Representatives from Weston and Sampson

David Allen, Deputy Public Works Director said that this is an in-depth study on our future demands for water. He said that the study would provide us with a direction for the future. David introduced Pat Connelly of Weston and Sampson who will be making the presentation on the Phase 2 Water System Master Plan.

Mr. Connelly discussed the future water quality regulations, water quantity needs, reliability of existing sources, security and treatment facility. He reviewed the average and maximum day demands for water advising the City Council that the demands will out pass the supply of water we currently have available.

Major Recommendations

- Pursue water conservation during drought
- Manage wells and reservoir together
- Integrate the Pease wells into the Portsmouth water system
- Pursue upgrades to increase pumping capacity
- Develop additional groundwater supplies and alternative sources for reliability & security
- New Madbury Water Treatment Facility to comply with quality regulations and provide additional production capacity

He identified potential funding sources for the construction of a new facility at Madbury. He said the estimated cost for building a new facility would be \$18 million dollars.

City Manager Bohenko said that these items would be placed in upcoming Capital Improvement Plans. He said that information would be brought forward to the City Council as needed in the future.

V. ACCEPTANCE OF MINUTES – APRIL 14, 2003

Councilor St. Laurent moved to accept and approve the City Council minutes of the April 14, 2003 meeting. Seconded by Councilor Hynes and voted.

VI. PUBLIC COMMENT SESSION

Martin Cameron spoke regarding the budget and its process. He said that the City is suffering due to the statewide property tax and he urged the City to continue the fight against this unfair tax.

Harold Ecker said that there should be no time limit for the public comment session. He said that the session is to hear the views and concerns of the residents and they should be allowed adequate time to express their feelings.

Ed Lawrence said that he has researched the state law in regards to the revaluation of property. He said that the revaluation is unreasonable and should have been deemed unacceptable.

Peter Bresciano spoke regarding the revaluation and the assessment of properties. He said he was told originally that 1/3 of the properties would increase, 1/3 would stay the same and 1/3 would be lower. He said he recently received a letter back from the assessor stating that all properties went up. He advised the Council that residential properties have higher assessments than the commercial properties in the City. He said that assessments of properties should be done on an annual basis not every few years because it creates too great of a hardship on the residents.

Councilor Lown moved to suspend the rules to allow additional speakers to the public comment session that had not signed up to speak. Seconded by Councilor Pantelakos and voted. Councilor Marconi abstained from voting.

Peter Egleston thanked the City Council for their willingness to try the Pedestrian Pilot Program. He said that the downtown will be working hard to make sure that program is a success and will provide the funding necessary to hold the program.

Suzanne Johnson said that the future of wildlife depends on prohibiting hunting in the City. She said that we need to preserve the natural wildlife heritage in the City and hunting should be stopped for the safety of the residents and the animals.

VII. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

A. Letter from Edward Lawrence regarding the revaluation of properties

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

- B. Letter from Audrey Bierhans, Mayor's Blue Ribbon Cemetery Committee, requesting permission to remove any damaged headstones from the North Burial Ground to be stored with Roger Syphers for repair or replacement

City Manager Bohenko expressed concern regarding the storage of the stones. He said that the stones need to remain in the hands of the City.

Councilor St. Laurent moved to refer to the City Manager with power. Seconded by Councilor Pantelakos.

Councilor Grasso said that she is concerned with these stones being stored outside of the City.

Assistant Mayor Hanson asked the City Manager if he would have his assurance that the stones would be stored within the City. City Manager Bohenko said that is his intention and if something other than that were done he would report back to the City Council.

Councilor Pantelakos asked if it was legal to remove these stones from the cemetery.

City Manager Bohenko said that he would have City Attorney Sullivan review the matter before proceeding.

Motion passed.

- C. Letter from James Stankiewicz, Muscular Dystrophy Association, requesting permission to hold the annual Trans-NH Bike Ride on Sunday, June 22, 2003

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

- D. Letter from Elizabeth Claire Prout regarding two hour parking downtown

Councilor Grasso moved to refer to the Parking Committee for a report back with a recommendation. Seconded by Councilor Pantelakos.

Councilor Marconi said that we have an ordinance on the books regarding two-hour parking, therefore we should not have to refer this matter to the Parking Committee for their review.

Councilor Grasso said that there is a need for some four-hour parking locations in the downtown and the Parking Committee will review this matter and report back with a recommendation for possibly locations for four-hour spots.

Assistant Mayor Hanson said that the Parking Committee would review this request and report back to the City Council with a recommendation. He said that we do not get the turn over of spots in some locations downtown because employees feed the meters.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she received a call from Ms. Prout regarding this matter and asked her to submit a letter to the City Council for their review.

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

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

VIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back Re: Proposed Pilot Program to Close Downtown Streets

City Manager Bohenko discussed his recommendation for the Pedestrian Pilot Program. He said that he would work with the Downtown Merchants Association and City staff with a report back to the City Council in August.

Assistant Mayor Hanson moved to refer to the City Manager with power and that all expenses related to this pilot program be paid in advance by the Downtown Business Association. Seconded by Councilor Pantelakos.

Councilor Lown spoke in support of the motion. He said that this is the type of activity that the Study Circle is encouraging to liven up the City. He also said he would not be opposed to amplified music until 9:00 p.m.

Councilor Marconi asked how people would leave the Metro Restaurant parking lot when the streets are closed.

City Manager Bohenko said that we will need police officers to direct people out of the lot and we will be reversing the traffic flow.

Councilor Whitehouse brought forward comments made during the work session of April 7th on this matter. He said that this proposal would hurt the upper Congress Street merchants as well as the merchants at the lower end of State Street. He also expressed concern for the individuals that drive there motorcycles downtown and park in front of Café Brioche. He said that he would not support the motion.

Councilor St. Laurent spoke opposed to closing Market Street. He said it is an entrance into the City and people will need to be redirected. He said he is not opposed to the closing of Pleasant Street. He suggested using the Vaughan Mall for these types of activities.

Councilor Hynes said that innovation stimulates more business and the possibilities of new businesses. He said that this is a great idea and will generate people to visit both the upper and lower end of Congress Street.

Councilor Marconi said that when you exclude traffic it excludes people from shopping in the stores. She said that she is against the motion.

Assistant Mayor Hanson spoke in favor of the motion. He said that this is just a pilot program to see if it will work. He said that Portsmouth is a destination point and people will come to experience the program. He said it is important to give the program a chance.

Councilor Grasso said that she will support the pilot program but she would like to set a date of when the money needs to be received by the Downtown Business Association for the event to take place.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she is in favor of the seeing how the pilot program will work. She said that the Downtown Business Association would pay for all expenses and she is adamantly opposed to any amplified music.

On a roll call vote 6-3, motion passed. Mayor Sirrell, Councilors Grasso, Lown, Hynes, Pantelakos and Assistant Mayor Hanson voted in favor. Councilors Whitehouse, Marconi and St. Laurent voted opposed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Report Back Re: Hunting within City Limits

City Manager Bohenko said that City Attorney Sullivan has provided a detailed memorandum on this matter for your review.

City Attorney Sullivan said that the State of New Hampshire has undertaken to regulate hunting, fishing and the use of firearms throughout the State. He said that the City lacks the authority under its police powers to adopt a citywide ban on either hunting or the discharge of firearms. He said that the City does possess the authority to ban hunting and shooting on property owned by the City. The major exception to the foregoing principle is the Great Bog. As a result of conditions attached to the use of grant funds for the purchase of the Great Bog, "there shall be no posting to prohibit the public from accessing and using for low impact, non-commercial outdoor recreational and educational purposes, including hunting." It was made clear that permitting hunting on the property was absolutely a condition of the receipt of the federal funds used to purchase the Great Bog.

Councilor Grasso moved to accept and place on file the report back from the City Manager regarding hunting within the City limits. Seconded by Councilor Pantelakos.

Councilor Grasso thanked City Attorney Sullivan for this detailed report. She said that we are not a home rule state and cannot make rules and regulations.

Councilor Pantelakos asked if we would need to post City land that we did not want people to hunt on. City Attorney Sullivan said that the City Council could limit access on the land but to post City property does not require an ordinance just a vote of the Council. If the City Council wanted to adopt an ordinance with a penalty we could do that by going through the ordinance process.

Motion passed.

3. Sagamore Creek Property

City Manager Bohenko discussed the potential purchase of the Sagamore Creek property. He said that it is a ten-acre parcel and would remain open space. He advised the City Council that the City could receive a grant to purchase the land and the City would need to provide \$200,000 in funds to come from the Conservation Fund to purchase the land.

Assistant Mayor Hanson moved to refer the proposed acquisition of the Sagamore Creek parcel (Map 223, Lot 25b) to the Planning Board for consideration at its May 15, 2003 meeting, and request a report back to the City Council at the May 19, 2003 meeting. Seconded by Councilor Pantelakos.

Councilor Lown spoke in favor of the motion and the need to preserve open space.

Assistant Mayor Hanson said it is important to note that we set aside money and created this fund for the purpose of purchasing conservation land.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said setting aside conservation funds goes back many years. She said that we must hold onto these treasurers.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

4. Report Back Re: Sidewalk Sale at Hanover Street Parking Lot

City Manager Bohenko provided a report back on the sidewalk sale at the Hanover Street lot. He advised the City Council that 22 businesses would be participating in the sale. He reported that the sale would take place on Sunday, May 18th from Noon to 6:00 p.m.

Councilor Pantelakos moved to accept the City Manager's report back regarding the Sidewalk Sale Pilot Program at the Hanover Street parking lot. Seconded by Councilor Whitehouse.

Councilor Whitehouse spoke in support of the event and would like to see this used at other times during the year.

Motion passed with Councilor Marconi voting opposed.

5. Request for Approval of Pole License Agreement

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

6. Report Back from the Planning Board Re: City's Proposed Purchase of Land for the Purpose of Reactivating the Harrison Well

City Manager Bohenko said that the City Council authorized him to enter into a purchase and sales agreement in March to purchase the property. He said that the Planning Board has reviewed this matter and is recommending that the City purchase the property.

Councilor Hynes moved to accept the Planning Board's recommendation to purchase the property at 497 Sherburne Road for the purpose of reactivating the Harrison Well. Seconded by Councilor Grasso.

Councilor Hynes said that this will provide additional water that is needed and this will not cost the taxpayers any money to purchase the property.

Assistant Mayor Hanson said that the cost of the property would be further reduced by the sale of the home and barn.

Assistant Mayor Hanson moved to amend the motion to authority the City Manager to take any and all action necessary to subdivide the lot after purchase and to sell any portions of the lot not required by the city utilizing whatever methodology deemed appropriate by the City Manager. Seconded by Councilor Grasso.

City Manager Bohenko said that we would hire a local realtor and have a minimum bid either by sealed bid or by auction. He told the City Council that he would keep them advised on the process.

Councilor Grasso asked how long it would take to reactivate the well. Deputy Public Works Director Allen said appropriately 1 year.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell spoke in favor of the motion and said that water is a precious resource.

Motion to amend passed. Main motion as amended passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

7. Approval of FY04 Community Development Block Grant (Not on agenda)

City Manager Bohenko asked the City Council to accept the FY04 Community Development Block Grant.

Councilor Pantelakos moved to accept the FY04 Community Development Block Grant. Seconded by Councilor St. Laurent and voted.

B. MAYOR SIRRELL

1. Donation to the Coalition Legal Fund

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell moved to accept the \$2,000 contribution from the Town of Carroll to be placed in the Coalition Legal Fund. Seconded by Councilor Grasso and voted.

2. New Hampshire for Health Care Resolution

Assistant Mayor Hanson read the Resolution as presented by Mayor Sirrell.

Mayor Sirrell moved to adopt the New Hampshire for Health Care Resolution as presented. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

3. Appointment

The City Council considered the reappointment of Paul Houlares to the Recreation Board. This appointment will be voted on by the City Council at the May 19, 2003 meeting.

4. Reports

Mayor Sirrell announced that the Central Veterans Council has requested the participation of the City Council in the Memorial Day Parade and Services held on Monday, May 26, 2003.

She also informed the City Council that the Blue Ribbon Committee on Trees and Public Greenery would be meeting on Thursday, May 8, 2003 at 3:30 p.m. in the City Manager's Conference Room.

5. Off Highway Recreational Vehicles – OHRV – (Not on agenda)

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she has received a number of complaints regarding off highway recreational vehicles.

Mayor Sirrell moved to authorize the City Manager to post signage prohibiting all off highway recreational vehicles as outlined in RSA 215-A:34 as depicted in the map presented. Seconded by Councilor St. Laurent and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

C. ASSISTANT MAYOR HANSON

1. Parking Committee Action Sheet and Minutes of the April 17, 2003 meeting

Assistant Mayor Hanson moved to accept and approve the Parking Committee action sheet and minutes of the April 17, 2003 meeting. Seconded by Councilor Pantelakos.

Councilor Whitehouse said that the public should be notified of the new downtown parking validation program.

Assistant Mayor Hanson said that the downtown business merchants are working to get people to sign up for the program and we will be issuing a press release regarding the program. He said that the program is limited to four parking in the parking garage.

Motion passed.

D. COUNCILOR LOWN

1. Request for Library Update

Councilor Lown asked City Manager Bohenko to provide an update on the Library.

City Manager Bohenko said the next step is dealing with the historic issue raised by residents. He said that we are dealing with the 106 process and we continue to look towards federal grants. He announced that there is a meeting regarding the 106 process here in the Council Chambers tomorrow night.

Councilor Marconi asked to be allowed to make a presentation regarding the Library at the podium.

Councilor Whitehouse moved to suspend the rules to allow Councilor Marconi to make a presentation on the Library from the podium. Seconded by Councilor Lown. On a roll call vote 8-0, motion passed. Councilor Marconi abstained from voting.

Councilor Marconi made her presentation regarding the Library. She showed the City Council various newspaper articles regarding vacancy rates for the downtown businesses and how people can no longer afford to pay taxes here in the City. She said that we should put the building of a new Library on hold for at least one year. She said that we need to think of the public safety needs of the residents and not the luxury needs of a new Library.

She provided City Clerk Barnaby with the newspaper articles and requested that she provide copies to each of the City Council members.

Councilor Hynes said that this is beyond a personal opinion and all information presented should be stricken from the record.

2. Study Circle Update

Councilor Lown requested to table this item until the next meeting due to the late hour.

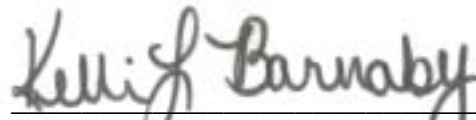
IX. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse asked that City Manager Bohenko to respond to the question raised during the public comment session by Peter Bresciano as to whether or not the assessor is doing an annual review of values.

City Manager Bohenko said that we are doing this annually as he has indicated in the past.

X. ADJOURNMENT

At 10:00 p.m., Councilor Pantelakos moved to adjourn. Seconded and voted.


KELLI L. BARNABY, CITY CLERK