

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 19, 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

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

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Hanson led in the Pledge of Allegiance to the Flag.

MAYOR'S AWARD – RAYMOND WILL, SECRETARY OF CITY-WIDE NEIGHBORHOOD COMMITTEE

Mayor Sirrell presented a Mayor's Award to Raymond Will in recognition of his nine years of service as the Secretary to the City-Wide Neighborhood Committee. Ray accepted the award with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – MAY 5, 2003

Councilor St. Laurent moved to accept and approve the City Council minutes of the May 5, 2003 meeting. Seconded by Councilor Lown and voted.

VI. PUBLIC COMMENT SESSION

Mark Henholz, IAFF Local 1313, spoke in support of the request for the MDA boot drive in Market Square on July 19, 2003. He said the funds collected would go towards sending a child to the Jerry's Summer Camp program.

Richard Bosa, said he is outraged at the amount of money that is going outside the City of Portsmouth to the State and County. He said other communities are using our money to build up their city and towns. He said that we need to continue fighting the battles to eliminate the state wide property tax.

Peter Bresciano inquired on the status of City employee contracts. He suggested holding public hearings for the residents to express their opinions on what is contained in the contracts. He recommended that the City create their own retirement system for future employees instead of being part of the state system.

Ed Lawrence spoke on the disposition process of the JFK/Armory building. He said that the building is in good shape and should not be demolished.

VII. PUBLIC HEARING

A. PROPOSED FY JULY 1, 2003 THROUGH JUNE 30, 2004 BUDGET

City Manager Bohenko made a brief presentation regarding the FY04 Budget. He informed the residents that the City would be sending \$5.9 million dollars to the State for the state wide property tax. He said that the tax rate would be less if there was no state wide property tax. He discussed the guideline set by the Joint Budget Committee for a 0% increase in the budget. He thanked all department heads, the Joint Budget Committee, and the Finance Department for their work in preparing the FY04 budget.

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

Richard Philbrook former owner of Green's Pharmacy, spoke in support of the Police Department budget and said public safety for the residents is important.

Bill Mortimer, Portsmouth resident, spoke in support of the Police Department budget. He expressed concern with the effect of a 0% increase in the budget for the Police Department.

Jack Kelley, Police Commissioner, thanked the City Council and City Manager Bohenko for their time during the Police Department Work Session regarding the budget. He said that the residents have one of the safest communities to live in because of the dedication of the Police Department. He urged the City Council to approve the budget request of the Police Department.

Paul Berton, Portsmouth resident, spoke in support of granting the budget request of the Police Department. He said that public safety is important to the residents.

Bill McQuillen, Portsmouth resident, urged the City Council not to go with a 0% increase in the Fire Department budget. A 0% increase would bring them to ridiculously low levels of manpower. He said that the Fire Department needs to maintain their manning for the safety of the residents.

Ed Lawrence said all employees should receive equal dollars and not percentages in raises. He said that there are many people that can no longer afford to live in the city because of the high taxes.

At 7:50 p.m., Mayor Sirrell declared a brief recess. Mayor Sirrell called the meeting back to order at 7:55 p.m. and reopened the public hearing.

Peter Bresciano thanked the City Manager for his presentation on the budget. He said that the City Council should send a copy of the presentation to the governor, legislation and chief justice for their review. The budget is out of control because of the state wide property tax. He said that we are sending \$5.9 million dollars outside the City of Portsmouth. He said that we

could have built a new library with the amount of money that we have sent to the state for the state wide property tax.

Jerry Howe, Police Commissioner, said that all departments have done an exceptional job in preparing their budgets this year. He commended the City Council for their hard work and budget planning for the needs of the City. He urged the City Council to support the Police Department's budget request.

Martin Cameron expressed his frustration with the budget because of the state wide property tax. He said that the School Department made the cuts asked of them and it would be difficult for them to swallow if other departments are given more than the 0% increase. He said that the School Department lost teachers and positions because of the 0% increase to the budget. He also spoke opposed to the closing of Fire Station 2 on Lafayette Road. He said that we need to think of safety for the residents and the City.

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. NH Department of Environmental Services Grant Application Re: Madbury Well #2 MtBE Investigation/Remediation

Assistant Mayor Hanson moved to authorize the City Manager to accept and expend up to \$80,000.00 in grant funds from the NH Department of Environmental Services to address the MtBE investigation and follow-up. Seconded by Councilor Grasso and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the Amount of \$16,000,000.00

Councilor Whitehouse moved to pass first reading and hold a public hearing and adoption of the Resolution at the June 2nd City Council meeting. Seconded by Councilor Grasso.

City Manager Bohenko explained why this Resolution is necessary because we bill our taxes in arrears.

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

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from M. Marguerite Mathews, Pontine Theatre, requesting permission to stage a series of performances on city property on Saturday, June 21, 2003 and Sunday, June 22, 2003

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

Councilor Whitehouse expressed concern with the performances being held at Goodwin Park.

Councilor St. Laurent said he would like to receive more information on the subject matter before voting for this event.

Motion passed with Councilor St. Laurent voting opposed.

- B. Letter from Jeffrey Gabel, The Music Hall, requesting permission to close Chestnut Street for the Telluride by the Sea on September 20, 2003 and the opening gala for The Music Hall 125th Anniversary Jubilee on October 4, 2003

Assistant Mayor Hanson moved to refer to the City Manager with power. Seconded by Councilor Grasso and voted.

- C. Letter from Rick Condon, Portsmouth Professional Fire Fighters, requesting permission to hold a voluntary "Boot Drive" in Market Square on July 19, 2003 (rain date of July 20, 2003) from 9:00 a.m. to 4:00 p.m. to raise money for the Muscular Dystrophy Association

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

- D. Letter from Purnell Ross Jr., NAACP Branch 2070, requesting a location in the City suitable for their meetings held the first Monday of the month from approximately 5:45 p.m. until 9:00 p.m.

Mayor Sirrell said that the organization is looking to hold their meetings at the Recreation Department Facility on Greenleaf Avenue.

City Attorney Sullivan said the City Council makes space available to one group you would need to make space available for other organizations as well.

Councilor Pantelakos asked if we could rent the space.

City Attorney Sullivan said the City Council could rent the space.

Councilor Whitehouse moved to refer to the City Manager for a report back at the next meeting. Seconded by Councilor Grasso.

City Manager Bohenko said he would work with the group to find a private location for their meetings. He suggested tabling this matter at this time.

Councilor Lown moved to table the request. Seconded by Councilor Pantelakos and voted.

- E. Letter from Paul McEachern regarding the Historic District Commission

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

- F. Letter from Gail Bradbard, Cabot House, requesting permission to use the adjacent street to Cabot House Parking Lot for the 10th annual Tent Sale on June 21st and June 22nd

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

- G. Request for Sidewalk Obstruction License from The Press Room for 1 A-frame sign

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

- H. Letter from Legh Burns, Celtic Crossing, requesting permission to have street performers in the Vaughan Mall and along the sidewalk on Congress Street from 6:00 p.m. – 8:30 p.m. the first Friday of each month beginning June 6th through the fall

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

Councilor Whitehouse spoke in support of the program in the Vaughan Mall but he is against expanding this along to Congress Street.

Councilor Marconi said that we need to be careful and not show preferential treatment for one area and not the other.

Councilor St. Laurent said that he would like to receive more information relative to this program before voting on the request.

Motion passed with Councilor St. Laurent voting opposed.

- I. Letter from Eric Weinrieb, Rotary Club of Portsmouth, requesting permission to hold the 11th annual Chicken Bar-B-Que and Road Race on Thursday, August 7, 2003

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Bring Back for First Reading Proposed Ordinance Amendments Regarding Revisions of Building Construction Code

City Manager Bohenko said that the Building Inspector has provided a detailed memorandum regarding this matter. He said that the last adjustments to the Construction Code were made 7 years ago. He informed the City Council that the Building Inspector has met with contractors to review the necessary adjustments.

Councilor St. Laurent moved to authorize the City Manager to bring back for first reading at the June 2nd City Council meeting the proposed building construction code ordinance changes as submitted. Seconded by Councilor Grasso.

Assistant Mayor Hanson requested that the contractors that attended the informational meeting held by the Building Inspector be notified of the public hearing in order to provide input.

Motion passed.

2. Report Back from Planning Board Re: Sagamore Creek Property

City Manager Bohenko said this matter was referred to the Planning Board for a report back and they are recommending approval of the request to purchase the 10 acres.

Councilor Hynes moved to approve the aforementioned Actions #1, #2, #3, and #4 as recommended by the City Manager. *Actions are as follows:*

1. Accept the Planning Board's report back
2. Authorize the City Manager to apply for, accept, and expend funds from the Coastal and Estuarine Land Conservation Program (CELCP) through the National Oceanic and Atmospheric Administration (NOAA) in the amount of \$1,987,000.
3. Upon approval of the grant, authorize the City Manager to take any and all action to secure the Sagamore Creek property, Map 223, Lot 25b
4. Authorize the expenditure of up to \$200,000 from the Conservation Fund to be used as a cash match for the federal grant to purchase the property

Councilor Grasso said that this is a win win situation for the City and the residents.

Councilor St. Laurent asked how we would replenish the \$200,000 from the Conservation Fund.

City Manager Bohenko said when property comes out of current use funds go into the Conservation Fund.

Motion passed.

City Manager Bohenko asked Deputy City Manager Jankowski to come forward and provide a status report for the City Council on House Bill 717.

Deputy City Manager Jankowski provided a status report regarding House Bill 717. He informed the City Council that there are 3 bills dealing with the state wide property tax issue. He said if House Bill 717 with the amendment passes, it would become effective in 2006. He said that we continue to work with the senate leadership and the state budget is having great difficulties and they need the funds from the state wide property tax.

Assistant Mayor Hanson commended Deputy City Manager Jankowski for his hard work on this matter.

City Manager Bohenko reminded the City Council that the Final Budget Review Work Session would be held on Wednesday, May 21st at 7:00 p.m. in Conference Room A.

B. MAYOR SIRRELL

1. Appointment

Councilor Whitehouse moved to reappoint Paul Houlares to the Recreation Board until April 1, 2006. Seconded by Councilor Marconi and voted.

2. Seacoast Metropolitan Planning Organization Appointments

Assistant Mayor Hanson moved the following representatives and alternates to the Seacoast Metropolitan Planning Organization. City Councilor, John Hynes; Planning Board Chair, Kenneth Smith; State Representative, MaryAnn Blanchard; Planning Director, David Holden; Alternate, Parking & Transportation Director, John Burke; Alternate, Public Works Director, Steve Parkinson; Alternate, City Manager, John Bohenko; and Alternate, Deputy Public Works Director, David Allen. Seconded by Councilor Whitehouse and voted.

C. COUNCILOR MARCONI

1. Library

Councilor Marconi said that the building of a new Library should be postponed. She discussed the increase in taxes and the difficulties preparing the budget for FY04. The cutting of police officers and firefighters is frightening and the Library is a luxury that we will all have to pay for. She said that there are many homes for sale because people can no longer afford to pay the taxes. She urged the City Council to postpone the building of a new Library for one year.

Councilor Whitehouse asked if someone makes a motion to delay the building of a Library whom would it have to come from.

City Attorney Sullivan said any member of the City Council could make the motion. He said that the agenda did not sufficiently indicate it, however a motion could be made on the matter of the Library.

Councilor Marconi said that she was under the impression that the Council member who voted in the negative could not bring the issue up again.

City Attorney Sullivan said that Councilor Marconi is referring to the issue of reconsidering a motion. He explained the process for the reconsideration of a motion.

Councilor Hynes moved to accept and place on file Councilor Marconi's report. Seconded by Councilor Grasso.

Councilor Whitehouse said that Councilor Hynes motion is inappropriate at this time.

Councilor Hynes withdrew his motion and Councilor Grasso her second to the motion.

Councilor Whitehouse requested that the item of the library be placed under his name for the June 2nd agenda. He advised the City Council that he would be making a motion to have a question placed on the November Municipal Election ballot to find out if the residents are in favor of the location for the new library. He said that he would ask the City Attorney to report back with proper language for a question to be placed on the ballot.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that we have voted on the library by referendum vote in the past and when people go into a voting booth and vote on a matter the City Council should follow through with the vote of the people. She said that the people have spoke and want a library.

Councilor Pantelakos asked City Manager Bohenko how the bonding for the library would effect the tax rate.

City Manager Bohenko said the first impact on the \$7,000,000.00 bond issue would be in FY05 for a \$.23 increase in the tax rate and an average of \$.17 increase per year for the next 20 years.

Councilor Pantelakos asked if the fence near the former JFK belongs to the City or the residents and did we provide plowing for that parking lot. She said that we have been trying to build a new library in this City for the last 22 years.

Assistant Mayor Hanson asked if the City Council would need to vote to demolish the JFK. City Attorney Sullivan responded affirmatively.

City Manager Bohenko said that the City owns the lots and in 1998 the City allowed people to park in the lot during the winter months in order to get vehicles off the streets for plowing. He

said that this lot does not provide for permanent parking and people would not be allowed to park there if the City has another use for the lot. The lot was also used for parking for youth leagues and that is why the area was plowed.

Councilor St. Laurent said we should postpone building the new library if the state wide property tax is still in place in FY05.

Councilor Whitehouse said that this is a very controversial issue and we need to let the people decide on the location for a new library.

Mayor Sirrell asked City Manager Bohenko to provide her with a list of the meetings that have been held regarding the new library.


Councilor Grasso said that a great group of people were here for the meeting regarding the 106 process on May 6th. She said that there were 8 people that were against the location for the new library and 54 that were in favor of the location.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

Assistant Mayor Hanson said that at no time has interest rates been lower for borrowing money. He said that we would be saving the City thousands of dollars by locking in at a low rate now. He said it is time to move forward with the project and build a new library.

XIII. ADJOURNMENT

At 9:40 p.m., Assistant Mayor Hanson moved to adjourn. Seconded by Councilor Grasso and voted.


KELLI L. BARNABY, CITY CLERK