

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 15, 2003

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., a non-meeting with Counsel regarding negotiations was held.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:10 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 Ginny MacBride.

IV. PLEDGE OF ALLEGIANCE

Councilor Grasso led in the pledge of allegiance to the flag.

MAYOR'S AWARD

Citizen Advisory Committee and Community Development Department

Mayor Sirrell presented a Mayor's Award to Bob Layton and Nancy Carmer in recognition of the Goodwin Park and monument project.

PRESENTATION

1. City Councilors Lown, Marconi, and St. Laurent

Mayor Sirrell presented Councilors Lown, Marconi, and St. Laurent with a gift for their service to the City Council.

3. Melanson, Heath & Company, P.C. Auditors' Financial Report for the Year Ending June 30, 2003

Scott McIntyre from Melanson, Heath & Company reviewed the City's financial report for the year ending June 30, 2003.

V. ACCEPTANCE OF MINUTES – DECEMBER 1, 2003

Councilor Marconi moved to accept and approve the minutes of the December 1, 2003 City Council meeting. Seconded by Councilor St. Laurent and voted.

VI. PUBLIC COMMENT SESSION

Dan Bogannam asked the City Council to reconsider the demolition of the JFK building. He said that it is an important part of the City's history and felt that the library should be at the McIntyre building.

Jeff Cooper spoke opposed to building the library at the JFK building and felt that it should be at the McIntyre building.

Natalie Hassold said that the JFK is not the best site for the library and that the building should be saved.

Jerry Lapriore said that the revaluation in 2000 gave proper notice and information however the 2003 valuation did not provide notice. He feels that the values are unfair.

Bob McElwain said that he would not visit the library as much if it is at the JFK site and feels it should be in downtown.

Peter Bresciano said that people are not happy with the newly assessed values and urged the public to attend the valuation meeting on Friday.

Carol Stowe said that the new library should be at the McIntyre building.

Robin Najjar spoke concerning the violation of the Perice Family Trust. She feels the City should look at the restrictions regarding the trust. Councilors Grasso stated that no violations were made to the trust.

PRESENTATION

2. Peter Loughlin – Report Back from the Mayor's Blue Ribbon Committee on Trees and Greenery

Peter Loughlin provided a report back as requested regarding the creation of a Trees and Public Greenery Commission.

Councilor Grasso moved to send a copy of the report for consideration of the preparation of the Capital Improvement Plan. Seconded by Councilor Pantelakos and voted.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM DESIGNATED FUND BALANCE FOR NECESSARY EXPENDITURES FOR CONTRACTUAL OBLIGATIONS IN THE AMOUNT OF \$995,000

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

City Manager Bohenko said that this resolution is for a supplemental appropriation for collective bargain agreements. He recommends that the City Council accept the resolution as presented. He noted that this does not effect the tax rate and all wages were delayed and will be effective January 1, 2004.

Kent LaPage spoke in support of the resolution and urged the City Council to adopt the resolution.

Peter Bresciano said that the public should be made aware of the negotiation process.

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

Councilor Whitehouse moved to suspend the rules in order to take up item IX. C. Adoption of Resolution. Seconded by Councilor Grasso and voted.

IX.C. Adoption of Resolution Authorizing a Supplemental Appropriation from Designated Fund Balance for Necessary Expenditures for Contractual Obligations in the amount of \$995,000

Councilor Lown moved voted to approve the Resolution for supplemental appropriation from designated fund balance in the amount of \$995,000 for necessary expenditures for contractual obligations. Seconded by Councilor Marconi.

City Manager Bohenko advised that the budget would be amended based on the resolution in the monthly reports.

Motion passed on a unanimous roll call vote.

VIII. APPROVAL OF GRANTS/DONATIONS

A. Acceptance of Grant from Ocean National Bank for the Cultural Commission

Councilor Grasso moved to accept the \$1,000 grant awarded to the City of Portsmouth Cultural Commission from Ocean National Bank. Seconded by Councilor St. Laurent and voted.

B. Acceptance of Donations for Peirce Island Trails Project

Councilor Grasso move to accept the donation in the amount of \$500 from Citigroup Charitable Foundation and the Portsmouth branch of Smith Barney; accept the donation in the amount of \$300 from Steve Greenberg, and the donation in the amount of \$300 from the Pfizer Foundation to be used for the Peirce Island East End Trails Project. Seconded by Councilor St. Laurent and voted.

- C. Acceptance of Police Department Donations
- Tyco Telecommunications - \$100.00
 - Sheraton Harborside - \$500.00
 - LifeSize Graphics - \$50.00
 - Highliner Foods, Inc. - \$250.00
 - Piscataqua Savings Bank - \$150.00
 - Kelley Seacoast Realty - \$500.00

Assistant Mayor Hanson moved to approve and accept the donations to the Portsmouth Police Department as listed. Seconded by Councilor Whitehouse and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 - No Parking Vaughan Street, northerly side from northwest corner of the building at 299 Vaughan Street easterly 20 feet

Assistant Mayor Hanson moved to pass first reading of the amended ordinance, as submitted, and schedule a Public Hearing and second reading at the January 26th City Council meeting. Seconded by Councilor St. Laurent and voted.

- B. First Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 - No Parking subsection A regarding Porter Street

Assistant Mayor Hanson moved to pass first reading of the amended ordinance, as submitted, and schedule a Public Hearing and second reading at the January 26th City Council meeting. Seconded by Councilor St. Laurent and voted.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Michael Kelly, Bethany Church, requesting permission to sing Christmas Carols in Market Square on Sunday, December 21st from 4:45 p.m. – 5:45 p.m.

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

- B. Letter from David Kniola, AIDS Walk Chair, requesting permission to hold the Seacoast AIDS Walk on Sunday, May 2nd

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request from the Professional Management Association for Approval of Five Year Agreement

City Manager Bohenko said that this is a five-year agreement through June 2008. He highlighted the contract and recommended approval.

Councilor Grasso moved to approve the five-year agreement commencing July 1, 2003 through June 30, 2008 with the Professional Management Association. Seconded by Councilor Whitehouse and voted.

2. Request from the Portsmouth Police Commission for the Approval of Three Year Agreement between IBPO Local #402 (Police Officers)

City Manager Bohenko said that this is a three-year agreement through June 2006. He said that this agreement follows the City Council guidelines.

Councilor Hynes moved to approve the three-year agreement commencing July 1, 2003 through June 30, 2006 between the Portsmouth Police Commission and IBPO Local #402. Seconded by Councilor Grasso and voted.

3. Appointment of Business Member to the Route 1 Bypass Advisory Committee

City Manager Bohenko said that he recommends Henry Dutkowski as a representative to the committee.

Councilor Whitehouse moved to approve the appointment of Henry Dutkowski as the business representative for the Route 1 Bypass Advisory Committee. Seconded by Councilor St. Laurent and voted.

Mayor Sirrell announced that Councilor Pantelakos would serve as the City Council representative.

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 \$300 contribution from the Town of Easton to be placed in the Coalition Legal Fund. Seconded by Councilor Hynes and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Resignation from Library Board of Trustees

Assistant Mayor Hanson to accept the resignation of George Pierce from Library Board of Trustees at the end of his term. Seconded by Councilor Grasso and voted.

3. Reports - Thank you to Cool Jewels

Mayor Sirrell read a letter thanking Cool Jewels for their donation of sweaters for the needy at the Thanksgiving dinner at the Metro Restaurant.

C. COUNCILOR PANTELAKOS

1. Property Reassessments

Councilor Pantelakos said that it is not in the authority of the City Council to ask for a vote for tax assessments. She spoke opposed to the annual assessments and said that the City Council should have been better informed on the annual assessment process. She said that many people received a big shock on their new assessments. She suggested holding a work session on the process of annual assessments.

Councilor St. Laurent spoke opposed to yearly assessments. He feels that taxpayers are being unfairly taxed already with the State Wide Property Tax.

Councilor Hynes said that the situation is complicated and the public should be educated.

Councilor Lown said that the public was not informed of the annual assessments. He said annual assessments reduce the number of abatements. He agreed to a work session.

Councilor Whitehouse thanked Councilor Pantelakos for bringing this item forward and that he is opposed to the annual assessments.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell spoke opposed to the annual assessments. She said that people cannot afford their homes because of the taxes.

Councilor Marconi said that she is taxed one third higher than her neighbors who have more land. She said that the taxes are too high.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

Councilor Grasso moved to hold a work session on this matter open to the public in the Council Chambers televised. Seconded by Councilor Whitehouse and voted.

Assistant Mayor Hanson said that the residents need approximate values for their upcoming tax bill.

Mayor Sirrell said that every City Councilor has a right to receive a copy of the book that outlined the properties were properties increased.

Councilor Pantelakos requested to know if the City follows the law on having 25% of the reassessments done with a physical inspection.

Councilor Hynes requested that the City Council receive accurate information before the work session regarding the function of the state and local levels for assessments.

City Manager Bohenko said he would report back with a possible date for the work session.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pantelakos spoke opposed to the parking attendant at the indoor pool. City Manager Bohenko said that there are sixteen parking spaces available due to construction at the high school. He said that this is a City facility and that patrons need to have parking.

Councilor Grasso agrees that parking spaces need to be reserved for patrons.

XIII. ADJOURNMENT

At 9:15 p.m., moved to adjourn, seconded and voted.

A handwritten signature in cursive script that reads "Kelli L. Barnaby". The signature is written in dark ink and is positioned above the printed name.

KELLI L. BARNABY, CITY CLERK