

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 23, 2006

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

At 6:30 p.m., a Work Session was held regarding the Madbury Water Treatment Plant.

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:40 p.m.

II. ROLL CALL

Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Hynes

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

V. ACCEPTANCE OF MINUTES – DECEMBER 5, 2005, DECEMBER 19, 2005 & JANUARY 9, 2006

Councilor Whitehouse moved to accept and approve the minutes of the December 5, 2005 City Council meeting. Seconded by Councilor Grasso and voted. Councilor Smith abstained from voting.

Councilor Grasso moved to accept and approve the minutes of the December 19, 2005 City Council meeting. Seconded by Assistant Mayor Ferrini and voted. Councilor Smith abstained from voting.

Councilor Grasso moved to accept and approve the minutes of the January 9, 2006 City Council meeting. Seconded by Assistant Mayor Ferrini and voted.

VI. PUBLIC COMMENT SESSION

Joel Carp urged the City Council to keep the Port issues active on the agenda. He said that the scrap contract at the Port will be expiring soon and he asked the City Council to continue the effort to ensure that the operation is functioning appropriately.

Tom Carroll thanked the City Council for their efforts regarding the operation at the Port. He said that it is important that the City continue to stay active on this matter.

Catherine DiPentima, Osprey Landing Homeowners Association, said that they are asking for a separation of commercial traffic from local traffic. She said that this is a safety issue that needs to be addressed. She suggested the creation of a breakaway gate or a cul-de-sac.

Rich DiPentima echoed the comments of Catherine. He said that there is a need for a breakaway gate for safety issues due to traffic. He expressed concern with the development of the area and the construction of a large hotel. He said that the property owners and the developers would share in the cost for a breakaway gate. He suggested that a traffic survey be conducted of the area.

Elaine Langer said that her peaceful quiet neighborhood has changed dramatically due to the recent clearing of trees by Portsmouth Toyota. She said that the neighbors were never notified of the clear cutting because they are less than 400 feet from the property, therefore they are not considered abutters. She asked the City Council for their assistance with this matter.

City Attorney Sullivan said he was advised on January 13, 2006 by Environmental Planner Peter Britz that the clear cutting was done and that it effected the protective wetlands area. He said the owners of Portsmouth Toyota were advised that the City would bring a lawsuit against them and that the area needed to be re-dressed. He said that we are currently awaiting a meeting with Attorney Pelech who is representing Portsmouth Toyota.

Rodney Rodriguez thanked City Attorney Sullivan for the information regarding the clear cutting of the trees. He said that the clear cutting is a concern to him and the neighborhood. He advised the City Council that 250 trees were cut and removed from the land. He said their quality of life has been effected by this situation.

Carmen Durain spoke regarding the clear cutting of trees by Portsmouth Toyota. She said that this has created a safety hazard for the children of the neighborhood because the area is becoming a thruway by Portsmouth Toyota.

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item XII. A.1. – Approval of Contract Extension for Association of Portsmouth Teachers. Seconded by Councilor Pantelakos and voted.

Councilor Grasso moved to approve the contract extension for the Association of Portsmouth Teachers through June 30, 2008, as presented. Seconded by Councilor Hynes and voted.

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item XII. A.2. – Approval of Tentative Five (5) Year Agreement for Deputy Police Chief Len DiSesa. Seconded by Councilor Pantelakos and voted.

Councilor Whitehouse moved to approve this five (5) year agreement to expire on October 10, 2010 with Len DiSesa, Deputy Police Chief. Seconded by Councilor Pantelakos and voted.

VII. PUBLIC HEARING

A. ORDINANCE AMENDING CHAPTER 1, ARTICLE II, BY THE ADDITION OF SECTION 1.2 – POLITICAL CONTRIBUTIONS TO CITY COUNCIL CANDIDATES

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

City Attorney Sullivan said he drafted the ordinance with the recommended amendments received by the City Council during discussion at first reading of the ordinance. He discussed the reporting mechanism and advised the City Council, if a candidate does not file a report the candidate would not be sworn in if elected.

James Horrigan, Portsmouth resident, said he is unclear what brought this ordinance forward. He said the current process to run for City Council is very simple and this would make the process more difficult and some residents may be discouraged from running because of this ordinance. He suggested the creation of a threshold figure for the reporting of names of contributors. He advised the City Council that the federal level has created a threshold of \$200.00. He said that this ordinance is problematic.

Steve Durgin, Portsmouth resident, spoke in favor of the ordinance. He said that local elections should be by the people and for the people. He said all donations should be considered from political parties.

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

VIII. APPROVAL OF GRANTS AND DONATIONS

A. Acceptance of FEMA Grant to the Portsmouth Police Department - \$25,000.00

City Manager Bohenko reported that this grant is for a redundant dispatch center, which would be located at the Public Works Facility.

Assistant Mayor Ferrini moved to approve and accept the grant to the Portsmouth Police Department as listed. Seconded by Councilor Smith.

City Manager Bohenko discussed the grant process and disbursement of funds.

Councilor Whitehouse asked if there was room at the Public Works Facility for the creation of this center. City Manager Bohenko said we always intended to have a center located at the facility. He advised the City Council that the center would be located next to the engineering area.

Motion passed.

- B. Acceptance of Donation to the New Library Building Fund for the Naming of the Children's Room - \$90,000.00

Councilor Pantelakos moved to accept a donation to the New Library Building Fund in the amount of \$90,000.00 for the naming of the Children's Room. Seconded by Councilor Smith.

City Manager Bohenko said that Library Director List is here to discuss this donation. Library Director List advised the City Council that many opportunities have been made for people that wish to make a sizable donation. She reported that this family wishes to remain anonymous at this time and they will name the Children's Room at the new Library.

Motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing a Bond Issue of up to Six Hundred Thousand Dollars (\$600,000.00) for Improvements to City Roadways and New Castle Avenue Seawall (Roadway Improvements New Castle Avenue to Marcy Street) (Local Match)

City Manager Bohenko reported that we have been working with the NH Department of Transportation since the year 2000 on this project. He discussed the primary goals of the project, which include restoring the structural integrity of the seawall, roadway and sidewalks, improving bicycle and pedestrian safety and enhancing the aesthetic and scenic qualities of the corridor. He advised the City Council that the project has been delayed due to the proximity of the roadway and seawall to the wetland areas, which requires a lengthy environmental process to obtain the necessary permits. He said additional delays were encountered while funding options were investigated to underground the overhead utilities within the project area. He reported that the NHDOT would be contributing approximately \$1,888,000.00 of Federal funds as their share of the construction.

Councilor Grasso moved to pass first reading and hold a public hearing and adoption of this Bonding Resolution at the February 13, 2006 City Council meeting. Seconded by Councilor Hynes.

Councilor Whitehouse asked when we would go out to bid for the project. Public Works Director Parkinson advised the City Council that the project just went out to bid because of the environmental issues that need to be addressed in order to start the project in April.

Councilor Raynolds expressed concern with the height of the seawall. Public Works Director Parkinson advised Councilor Raynolds that the seawall has gone through substantial environmental requirements.

Councilor Smith expressed his disappointment with the utilities not being placed underground. He said we are losing another opportunity to clean up an eye sore and if there is any way to keep that item on the table he would like us to look at it.

City Manager Bohenko advised Councilor Smith that a valiant effort has been made by the City staff to get the utilities place underground. He spoke to the 50/50 match with the neighborhood and that the neighborhood chose to back out of the arrangement. He said we cannot wait any longer, we need to move this project forward.

Motion passed.

- B. Second reading of Ordinance amending Chapter 1, Article II, by the addition of Section 1.2 – Political Contributions to City Council Candidates

City Attorney Sullivan advised the City Council that this ordinance would not effect candidates until the 2007 Municipal Election. He said if the City Council would like to make further amendments to this ordinance to provide him with the changes and he would bring them forward at the next meeting.

Councilor Pantelakos moved to table this ordinance for further discussion after passage of the budget. Seconded by Councilor Grasso.

Councilor Whitehouse said he would vote against the tabling motion because he would vote opposed to the ordinance in its present form.

Councilor Grasso said if the City Council was to vote on this ordinance as presented she would vote opposed. She said further discussion is needed on this ordinance.

Councilor Reynolds said that there is no great need to pass this ordinance this evening because the next Municipal Election is in 2007. He said he planned on offering an amendment this evening to address Mr. Horrigan's concerns addressed during the public comment session regarding establishing a threshold amount.

Assistant Mayor Ferrini spoke in favor of tabling the ordinance.

Councilor Smith said he would oppose the ordinance in its present form.

City Attorney Sullivan advised the City Council if the tabling motion passes the ordinance would be tabled indefinitely.

Councilor Smith suggested holding a work session to discuss this ordinance further.

Councilor Dwyer said she does not want to wait too long to get this ordinance on the books and spoke in favor of holding a work session for further discussion on the ordinance.

Councilor Whitehouse expressed concern regarding the issues the City of Dover is facing relative to campaign contributions. He said that this ordinance is another avenue towards big government to restrict people from running for office.

Councilor Pantelakos spoke in favor of holding a work session on the ordinance.

Mayor Marchand passed the gavel to Assistant Mayor Ferrini.

Mayor Marchand said he agrees with Councilor Dwyer's comment on not waiting too long before this ordinance is passed. He said some contributions could come in before the campaign season starts. He said we are currently in the middle of an election cycle. He said that there are good reasons for a threshold.

Assistant Mayor Ferrini returned the gavel back to Mayor Marchand.

Councilor Pantelakos said she feels the campaign cycle starts at the time she signs up to run for office.

Councilor Pantelakos moved to amend the motion to hold a work session regarding the ordinance on May 1, 2006. Seconded by Councilor Grasso and voted.

Main motion passed as amended.

X. CONSENT AGENDA

Mayor Marchand informed the City Council if there is any item they would like to remove from the Consent Agenda they may do so and the item will be acted upon later in the meeting. Mayor Marchand read the various items on the Consent Agenda.

Assistant Mayor Ferrini moved to adopt the Consent Agenda as presented. Seconded by Councilor Hynes and voted.

- A. Acceptance of NH Charitable Foundation Piscataqua Region Grant - \$1,000.00
(Anticipated action – move to accept the NH Charitable Foundation Piscataqua Region Grant from the Otto Fund and authorize the City Manager to oversee administration of the grant)

- B. Acceptance of Wellness Grant - \$3,400.00 ***(Anticipated action – move to accept the Wellness Grant in the amount of \$3,400.00 from the Trust's Health Promotion WELLDollars Grant Program)***

- C. Acceptance of donations to the Cemetery Committee
 - Allen & Terie Norelli - \$25.00
 - Bettencourt Chiropractic - \$25.00
 - John Goyette & Marjorie Long - \$50.00***(Anticipated action – move to approve and accept the donations to the Cemetery Committee as listed)***

D. Acceptance of donations to the New Library Building Fund

- Ruth & Michael Sadowsky - \$10.00
- Nicholas & Lea Aeschliman - \$100.00
- Todd & Lisa Hanson - \$100.00
- Seacoast Airport Service, Inc. - \$100.00
- John & Ann Walker - \$100.00
- Seacoast African American Cultural Center - \$250.00
- Benoit R. & Andrea St. Jean - \$500.00
- John & Skye Maher - \$1,000.00
- Phyllis Eldridge - \$1,000.00
- Barbara Franzoso - \$2,000.00
- Thomas Ahearn - \$2,000.00

(Anticipated action – move to approve and accept the donations to the New Library Building Fund)

E. Acceptance of Donations to the Coalition Legal Fund ***(Anticipated action – move to accept the \$500.00 contribution from the Town of Hebron and the \$3,000.00 from the Town of Sandwich to be placed in the Coalition Legal Fund)***

F. Letter from Sarah Curtin, American Foundation for Suicide Prevention, requesting permission to hold the 2nd annual Out of the Darkness Community Walk on Saturday, September 30, 2006 from 10:00 a.m. to 3:00 p.m.
(Anticipated action – move to refer to the City Manager with power)

G. Request for Sidewalk Obstruction License from Annie Loomis, Making Faces, to place 1 A-frame in front of establishment ***(Anticipated action – move to refer to the City Manager with power)***

H. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to install temporary signage at the Plains and Hislop Park baseball fields during the 2006 baseball season ***(Anticipated action – move to authorize the Portsmouth Little League to place temporary signage at the Plains and Hislop Park baseball fields during the 2006 baseball season with the signs facing inside the field)***

I. Letter from Jeffrey Purtell regarding New Castle Avenue Improvements/Wire Utilities ***(See attached response from City Attorney's Office) (Anticipated action – move to accept and place the letter on file)***

J. Request for Sidewalk Obstruction License from Gail Licciardello, Paradiza, to place 1 A-frame sign in front of establishment ***(Anticipated action – move to refer to the City Manager with power)***

- K. Letter from Marjorie Hubbard, Greater Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail flags at 26 key sites for the 2006 season (***Anticipated action – move to refer to the City Manager with power***)
- L. Letter from Beth Hartnett, Step It Up Seacoast, requesting permission to hold the Spring Kick-Off The Season Community Walk on Saturday, April 8, 2006 at 9:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)
- M. Letter from Mary Carey Foley, Student Council Adviser, and Nora Happny, Student Council President, requesting permission to hold Student Government Day 2006 on Tuesday, April 18, 2006 (***Anticipated action – move to refer to the City Manager with power***)

The Consent Agenda indicates the anticipated action for each item following the vote by the City Council to adopt the Consent Agenda as presented.

XI. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Attorney David Klingebiel requesting the approval of easements and licenses for footings and building features that protrude under and over City property at 154, 156 & 158 Fleet Street.

City Manager Bohenko advised the City Council that the property is located across from Gilley's and directly behind the Franklin Block Building. City Attorney Sullivan reported that the Planning Board unanimously granted Site Review approval for a new 4-story building replacing the existing 2 ½ story wood framed building. He also informed the Council that Historic District Commission approval has been granted. He said that he will review and approve the documents as to content and form as a stipulation of the Planning Board.

Councilor Smith moved to authorize the City Manager to negotiate and execute any licenses, easements or other similar agreements as may be required by Fleet Street Properties, LLC relative to the use of certain public areas along 154, 156 & 158 Fleet Street. Seconded by Councilor Whitehouse.

Councilor Smith asked if there would be any fees associated with the overhang. City Attorney Sullivan said there are no fees associated with this. He said that this request is similar to others that the Council has granted and no fees were associated with those agreements.

Motion passed.

- B. Letter from Attorney Thomas Keane requesting that the City Council reconsider its December 19, 2005 approval of the Bond Resolution for a Fifteen Million Dollar (\$15,000,000.00) bond to purchase the garage to be built by HarborCorp LLC

City Attorney Sullivan reported that he has reviewed Mr. Keane's letter with Bond Counsel and the City's Financial Advisor and they have both indicated that this resolution was properly before the City and passed by the City Council. He advised the City Council that he concurs with the findings of our Bond Counsel and Financial Advisor. He recommended that the City Council accept and place the letter on file. He did advise the City Council that Attorney Keane on behalf of Ocean Properties might file a lawsuit considering this matter.

Councilor Reynolds moved to accept and place the letter on file. Seconded by Councilor Grasso.

Councilor Pantelakos asked if this would delay the project. City Attorney Sullivan said he is not sure if it would but if the lawsuit is for the resolution, he does not believe so.

Councilor Reynolds asked if there is anything that requires Ocean Properties to file the suit. City Attorney Sullivan said that a lawsuit would need to be brought in a timely manner on the resolution.

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

- C. Letter from Attorney Malcolm McNeill regarding Public Parking Facility Bond Resolution

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 3. Approval of Worth Lot Settlement Agreement

City Manager Bohenko advised the City Council that this is a comprehensive proposal on the Worth Lot. He reported that Worth Development Corporation would abandon its claim for air rights and will deed the Worth parking lot to the City. He reported after the deeding, but before the City should build any parking garage or other structure on the site, the Worth Development Corporation and its successors and assigns would continue to have use of 23 parking spaces. Worth Development Corporation would be required to pay the City the daytime rate, which would ordinarily be charged for vehicles to park in the High Hanover Parking Facility. He said this portion of the agreement would terminate on the commencement of construction of a garage or other facility in the Worth Lot. He reviewed other aspects of the agreement with the City Council.

Councilor Whitehouse moved to accept title to the Worth Development Corporation lot on Maplewood Avenue in accordance with the terms and conditions which have been presented to the Council and that the City Manager be authorized to negotiate, execute, receive, deliver and record any documents necessary to accomplish that result. Seconded by Councilor Smith.

Councilor Dwyer said that we should clarify that the spaces are for daytime use in the agreement.

Councilor Raynolds thanked the City and Worth Development Corporation for negotiating this agreement. He said it was important that the City be able to use the area for whatever use the City feels necessary. He said he would like the City Council to consider the potential reuse of the lot to develop something similar to the Portland Public Market.

Councilor Raynolds moved to refer the information regarding the Portland Public Market to the Economic Development for consideration as a potential reuse of the Worth Lot. Seconded by Assistant Mayor Ferrini.

Councilor Hynes indicated that this motion was out of order without a suspension of the rules.

Councilor Raynolds moved to suspend the rules in order to take up an item not listed on the agenda. Seconded by Assistant Mayor Ferrini and voted.

Councilors Grasso, Pantelakos and Hynes indicated that they would abstain from voting because they had not had an opportunity to review the information provided by Councilor Raynolds.

Mayor Marchand suggested that Councilor Raynolds place this item on the agenda for the February 13, 2006 City Council meeting for consideration.

Councilor Raynolds withdrew his motion and Assistant Mayor Ferrini the second to the motion.

Councilor Raynolds requested that this item be placed under his name on the City Council Agenda for the February 13, 2006 meeting.

4. Request to Renew Lease of Seacoast Area Lodge No. 2303 Order of Sons of Italy in America

Councilor Grasso moved to authorize the City Manager to extend the Lease with the Seacoast Area Lodge No. 2303 Order Sons of Italy in America for the property known as the Plains School House at One Plains Avenue, for a period of March 31, 2006 through March 30, 2007. Seconded by Councilor Hynes.

City Manager Bohenko said he is only allowing one-year renewals to allow the City Council the opportunity to consider these leases.

Mayor Marchand said people have stated an interest in reviewing the City's inventory of buildings with leases and unused buildings, by the creation of a committee.

Councilor Smith said he agrees with Mayor Marchand on the suggestion of creating a committee to review the buildings. He suggested that a member of the Planning Board be appointed to such committee, if one is created. He also indicated his desire to serve on such a committee.

Motion passed.

5. Request to Dispose of Surplus Vehicles

City Manager Bohenko advised the City Council that there are 7 surplus vehicles to dispose of.

Councilor Whitehouse moved to authorize the City Manager to dispose of surplus vehicles by the sealed bid process. Seconded by Councilor Pantelakos.

Councilor Raynolds suggested the possibility of placing these vehicles on Ebay. City Manager Bohenko said he feels more comfortable with the sealed bid process.

Councilor Smith suggested listing these vehicles in the community newsletter.

Motion passed.

6. Request to Fund through Contingency \$60,000.00 for Overtime Performance Audit

City Manager Bohenko reported that the City received 6 responses to our proposal. He advised the City Council that 3 firms were interviewed and of the 3 firms interviewed, it was unanimously agreed that Matrix Consulting Group, of Waltham, Massachusetts should be chosen to undertake this performance audit.

Councilor Pantelakos moved to authorize the City Manager to enter into a contract with Matrix Consulting Group for the purposes of completing a Citywide Overtime Audit and to expend no more than a total of \$60,000.00 from contingency funds to complete a Citywide Overtime Audit. Seconded by Councilor Grasso.

Councilor Whitehouse said he would like the City Council to receive the report prior to receiving the budget.

Councilor Smith spoke in favor of the audit but expressed concern with only looking at 5% of the School Department. City Manager Bohenko said that this audit would be used as a tool to build on. He said there might not be large items found in the School Department but this sets the foundation.

Councilor Dwyer suggested that the City Council receive an interim report in order to give the City Council a sense of direction, even if it was for just one department. City Manager Bohenko said he would look into the possibility of providing an interim report to the City Council.

Mayor Marchand passed the gavel to Assistant Mayor Ferrini.

Mayor Marchand said he is excited about the process. He suggested that the City Council be provided with an executive summary.

Assistant Mayor Ferrini returned the gavel to Mayor Marchand.

Councilor Raynolds thanked City Manager Bohenko and staff that interviewed the firms. He said he is also excited with the work that will be done with this audit.

Motion passed.

B. MAYOR MARCHAND

1. Appointments

The City Council considered the reappointment of Frederick Gray, Jr.; Herb Bunnell; and John Connors to the Traffic & Safety Committee. The appointment of Jerry Hejtmanek from an alternate to a regular member of the Planning Board. The appointment of Lisa DeStefano filling the expired term of Mark Simpson to the Economic Development Commission. The appointment of Betsy Shultis filling the expired term of Phyllis Eldridge to the Library Board of Trustees. The City Council will vote on these appointments at the February 13, 2006 City Council meeting.

Councilor Whitehouse moved to reappoint Jameson French to the Trustee of Trust Funds until January 23, 2009. Seconded by Councilor Grasso and voted.

2. Blue Ribbon Committee – “Committee On Board and Commission Appointment Process”

Mayor Marchand announced that he has established a Blue Ribbon Committee on the Board and Commission Appointment Process. He reported that Eric Spear will Chair the Committee and Assistant Mayor Ferrini and Councilor Raynolds will serve on the Committee. He said that he would provide City Clerk Barnaby with a list of all members that will serve on the Committee.

Mayor Marchand announced that there would be a Non-Meeting with Counsel Monday, January 30, 2006 at 6:30 p.m. in Conference Room A and that the Work Session regarding the Capital Improvement Plan would be held at 7:00 p.m. in the City Council Chambers.

Councilor Grasso moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Assistant Mayor Ferrini and voted.

Councilor Whitehouse suggested that a committee be established for the reuse of the Children’s Museum. He said that he would like to serve on that committee, if one is created. Mayor Marchand said he would take that suggestion under advisement.

C. ASSISTANT MAYOR FERRINI

1. Implementation of Master Plan Zoning Regulation Amendments

Assistant Mayor Ferrini requested a report back from the City Manager on how we could accomplish getting half of the Master Plan Zoning Regulation amendments written in six months.

City Manager Bohenko advised the City Council in FY06 we budgeted \$100,000.00 and have \$95,000.00 remaining. He said we anticipate budgeting another \$100,000.00 for FY07 for the amendments to the zoning regulations. He said he would provide a report back to the City Council on Assistant Mayor Ferrini's request at the February 13, 2006 City Council meeting.

D. COUNCILOR DWYER

1. Public Art Ordinance

Councilor Dwyer advised the City Council that this proposed ordinance would implement a provision of the Master Plan. She said that the Master Plan makes provision for 1% of programs related to municipal construction of public buildings. The proposed ordinance would govern the bases for generating revenue as well as the commissioning and oversight process. She spoke to her memorandum dated January 12, 2006. She said that this would relate mostly to large scale projects and new construction.

Assistant Mayor Ferrini moved to refer to the City Attorney to draft an ordinance for first reading at the March 6, 2006 City Council meeting. Seconded by Councilor Grasso.

Councilor Grasso suggested that the ordinance allow for payments to be made quarterly and before a certificate of occupancy is issued. City Attorney Sullivan said that the ordinance would be specific to the City and not private developers. Councilor Grasso suggested including all development.

Councilor Reynolds said he would like to know what other communities have an ordinance similar to this proposal.

Councilor Pantelakos said she is not sure the City could have this ordinance effect all development because the State of New Hampshire does not have home rule.

Motion passed.

E. COUNCILOR WHITEHOUSE

1. Community Council of Senior Citizens

Councilor Whitehouse said he is disappointed that this much needed organization is closing due to the lack of funding. He advised the City Council that the programs are being transferred to Compass Care. He said that Community Council of Senior Citizens have expressed their gratitude to the City for forgiving the last two months of their rent.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Grasso asked if there was anything the City could do relative to the concerns expressed regarding Dunlin Way and its residents. City Manager Bohenko said he would address the issues raised with City staff. He said we need to move slowly and carefully on this matter. Councilor Grasso said the Traffic & Safety Committee should review the traffic in the area.

Councilor Grasso advised Mayor Marchand that he needs to appoint two more City Council representatives to serve on the Joint Building Committee to comply with State law.

Mayor Marchand appointed Assistant Mayor Ferrini and Councilor Pantelakos to serve on the Joint Building Committee. Assistant Mayor Ferrini, Councilors Grasso and Pantelakos previously served on this Committee.

Councilor Smith reported to the City Council that Traffic & Safety did review the issues on Dunlin Way and a sitewalk was done of the area. He advised the Council that the issue has been tabled and will be reviewed in the future.

Councilor Pantelakos said that the residents have indicated promises were made relative to traffic issues on Dunlin Way. City Attorney Sullivan advised the City Council a review of City records show that no promises were made by the City, it appears that promises may have been made by the real estate agent.

XIV. ADJOURNMENT

At 10:20 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor Raynolds and voted.



Kelli L. Barnaby, CMC
City Clerk