

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 18, 2010

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

I. CALL TO ORDER [7:00PM or thereafter]

Mayor Ferrini called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy and Smith.

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PROCLAMATION

1. USS Virginia

Councilor Lister read and presented a proclamation to the USS Virginia Commander, Captain Tim Salter and Master Chief Machinist Mate Chad Schultz who will be in the community during the 14 month work period of the USS Virginia at the Portsmouth Naval Shipyard.

Mayor Ferrini presented both officers with tokens of welcome and they in turn presented the Mayor with a USS Virginia ball cap.

Captain Salter thanked everyone for making them feel welcome and for the party held in their honor recently and stated that they feel very welcome and looks forward to further interactions.

V. ACCEPTANCE OF MINUTES – October 4, 2010

Councilor Smith moved to accept the minutes of October 4, 2010. Seconded by Councilor Coviello and voted.

VI. PUBLIC COMMENT SESSION

Bill St. Laurent – spoke regarding the assessments stating that people have been calling him and other members of the taxpayers association to try and figure out what is going on as people are confused. He cited some examples of various frustrations people have had when trying to set up meetings with the Assessor's office and feels that something needs to be done.

Erik Anderson – spoke regarding the assessments stating he has never seen such a variety of concerns over the assessments issue and has heard that the assessments have been subjective and may not be consistent. He stated that if there is a flaw in the process revealed, the Council needs to investigate.

Gloria Guyette – spoke regarding the assessments stating she has a great respect for the appraising profession and understands they are highly trained and educated. She stated she knows the scope of the recent assessment took the city-wide sales from April 2008 to April 2010 to determine current market values. She stated she was unaware however, that the process was underway until receiving her reassessment. She stated that she met with the Assessors office and was told that she was “lucky” that her assessment only went up a little bit as some of her neighbors had gone up a lot. She stated that there are vacant properties on Hancock Street and doesn’t understand what prompted the increase in her area. She stated she wants answers and an independent auditor hired to review the process. She concluded by submitting letters for the record.

Sharon Churchill – spoke regarding the assessments stating she doesn’t object to paying her fair share but her property value increased 42% and feels that is not a fair evaluation.

Kirsten Cunningham – spoke regarding assessments stating she understands that assessed values increase with property improvements, but over the last 2 assessments her property value has gone up 302%. She stated she has been told that it will be adjusted, but she knows her situation is not unique. She stated she is concerned that the process is flawed and there is supposed to be transparency but she feels it doesn’t exist. She stated that an abatement can be applied for but it costs money and even if they use the City Assessors, it is still their money. She asked that the old assessed values for properties also be put on the web site.

Hollis Broderick – spoke regarding assessments stating he spoke on this a couple of weeks ago and stated he still feels threatened by the City with the recent revaluation. He reviewed the history of his ownership of the property and feels that the assessors did a “drive-by” assessment and didn’t get a full picture of the problems with the property. He stated that many people and businesses are suffering in this economy, including his own business, and feels that the City is trying to make up revenues by this revaluation. He concluded by stating that this is a flawed system and there is no criteria out there that the taxpayers can use to figure this out.

Buzzy Doyle – spoke regarding assessments and gave his cell phone number so that the Council could call him for more specific, private thoughts on the subject. He stated there is something very wrong with the process as there has been a 30-50% increase imposed with only one month’s notice which is a big problem for people. He feels the process is flawed.

Paige Trace – spoke regarding assessments stating she is confused and like every one else, angry that there is zero transparency. She stated she gets answers, but not to the questions she is asking. She stated she has just submitted a letter to City Assessor Lentz requesting the Assessor’s Manual information pursuant to RSA 91-A, right to know. She specified that it is not the reference manual already on the website that she is looking for, but the one required by the Assessor with specifics to this assessment. She stated when she bought the property at 27 Hancock Street, which was falling down before the restoration, she was told it was in the

South end neighborhood, but now it is in the Strawberry Banke Neighborhood. She stated that there are 25 properties in the Washington Street/Hancock Street which the city would get significant increased revenue from this reassessment.

Mayor Ferrini closed the public comment session stating that if Mr. Kelly, who had signed the sheet to speak but was called away comes back to the meeting, he will allow him to speak at that time.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Primex Grant for Safety Equipment in the amount of \$10,000.00.

Councilor Kennedy moved to approve and accept the Primex grant for safety equipment, as presented. Seconded by Councilor Lister and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading on Proposed Bonding Resolution of up to Six Million Four Hundred Thousand Dollars (\$6,400,000) for Capital Improvement Projects identified in FY 2011 Budget.

Assistant Mayor Novelline Clayburgh moved to pass first reading and bring back for a public hearing and adoption of the proposed resolution, as presented, at the November 8th City Council Meeting. Seconded by Councilor Smith and voted.

- B. First Reading on Proposed Bonding Resolution for the sum of Five Hundred Thousand Dollars (\$500,000) for Lease Purchase to Replace Fire Engine Number 6.

Councilor Lister moved to pass first reading and bring back for a public hearing and adoption of the proposed resolution, as presented, at the November 8th City Council Meeting. Seconded by Councilor Dwyer and voted.

- C. First Reading on Proposed Ordinance amending the City Ordinances, Chapter 1, Article IV, Section 1.404(A)(1) – Commissions and Authorities, Historic District Membership.

Assistant Mayor Novelline Clayburgh moved to pass the first reading and schedule a second reading and public hearing on the proposed ordinance, as presented, at the November 8th City Council Meeting. Seconded by Councilor Coviello and voted.

- D. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4, Section 10.420 – District Location and Boundaries and the Zoning Map. (Rezoning of former Fire Station 2).

Councilor Smith moved to pass the third and final reading of the proposed Ordinance and Map, as presented. Seconded by Councilor Coviello and voted.

- E. Third and Final Reading of Proposed Ordinance amending the City Ordinances, Chapter 10 – Zoning Ordinance, Article 4 and 5.

Councilor Coviello moved to pass the third and final reading of the proposed Ordinance as presented. Seconded by Assistant Mayor Novelline Clayburgh and voted.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Kelly Sicard, Breathe New Hampshire, requesting to hold 26th annual Seacoast Bike Tour on May 14 and 15, 2011. ***(Anticipated Action – move to refer to the City Manager with Power)***
- B. Acceptance of Donation in the amount of \$25.00 for Peirce Island Committee from Joanne Angier Revocable Trust. ***(Anticipated Action – move to approve and accept the donation to the Peirce Island Committee as presented)***
- C. Acceptance of Donation for Art-Speak for Overnight Arts Sponsorship from Nahcotta Gallery in the amount of \$100.00. ***(Anticipated Action – move to accept and approve the donation to Art-Speak for Overnight Art Sponsorship, as presented.)***
- D. Letter from Patti Hanley McCabe, Arthritis Foundation, requesting to hold the Portsmouth Jingle Bell Run and Walk on November 20, 2010. ***(Anticipated Action – move to refer to the City Manager with Power)***

Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Coviello and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jeffrey H. Marple, USS Virginia Blue Ribbon Host Committee, requesting permission to place banner between 254 State Street and the Rusty Hammer Building at 49 Pleasant St.

Councilor Lister moved to refer to the City Manager with power. Seconded by Councilor Smith and voted.

- B. Letter from Will Abbott, Society for the Protection of New Hampshire Forests regarding loop trail linking Creek Farm with the Wentworth-Coolidge Estates.

Councilor Smith moved to refer to the Conservation Commission for a report back. Seconded by Councilor Kennedy and voted.

- C. Letter from Mr. and Mrs. Robert Driscoll requesting the relocation of the Farmers Market.

Councilor Spear moved to accept and place the letter on file. Seconded by Assistant Mayor Novelline Clayburgh and voted.

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action

1. Request for License Agreement Re: 337 Pleasant Street

Councilor Spear moved to authorize the City Manager to negotiate and enter into a license with Nick Gray Builders LLC, to facilitate construction activities at 337 Pleasant Street. Seconded by Councilor Hejtmanek and voted.

Informational Items

1. Events Listing
2. City Council Draft Schedule for 2011

B. MAYOR FERRINI

1. Appointments to be Considered:

The following appointments were considered and will be brought back to be voted at the November 8th Council Meeting.

- Paul Ford - Taxi Commission (Taxi Company representative)
- Lisa Destefano – Economic Development Commission (Reappointment)
- Dana Levenson – Economic Development Commission (Reappointment)
- Joshua Cyr – Economic Development Commission (Reappointment)

2. Appointment to be Voted:

- William Gladhill – Historic District Commission (Planning Board representative)

Councilor Smith moved to approve the appointment of William Gladhill (Planning Board representative) to the Historic District Commission. Seconded by Councilor Coviello and voted.

C. COUNCILOR DWYER

1. *Update on Middle School Project

Councilor Dwyer gave an update of the recent summit held regarding the drainage for the new

Middle School building stating that 3 engineering firms and the city staff have come up with a workable solution. She reviewed the various steps that will be taken to solve the drainage problem including raising the grade, installing a filtration system, pervious pavement, rerouting water that is currently going under the field to go around the perimeter, and joining the storm water flow to the South Mill Pond as a part of the sewer separation project. She stated they are re-sequencing the events so that the outflow will be addressed sooner and not require a separate permit. Secondly, she addressed some recent articles in the Herald stating that people need to read beyond the headlines to get the full story regarding some expenses that have arisen that weren't expected, but they are looking for tradeoffs and not relying on contingency or discounts when bidding.

Councilor Spear stated that the City staff did excellent work over the past month on this challenging site. He stated that the word "trade-offs" is a good word and he is looking for some input for ideas to that solution. He stated that the decisions need to be made between now and January before the bids go out.

Councilor Dwyer agreed and reminded everyone that the JBC meetings start with a public comment session.

D. COUNCILOR KENNEDY

1. *City Assessments

Councilor Kennedy began by distributing a report that she has compiled with her interpretation of the assessment issue and the specific questions that residents have had regarding the process. She stated she appreciates the information that the Assessor's office has put on-line, but she wants information more representative to Portsmouth such as what are the proportions of increase, decrease, where the biggest jumps are, etc.

Mayor Ferrini introduced Steve Hamilton, Director of the Appraisal Division, Department of Revenue Administration and City Assessor Rosann Lentz.

City Assessor Lentz once again reviewed the process that has been undertaken over the last several months in relation to the State mandated reappraisal for the City of Portsmouth. She explained that the recent informal hearing process is an important part of gathering information for the manual she is required to produce by January 1, 2011.

Mr. Hamilton explained that the report due on January 1st must comply with the requirements and uniform standards of the professional Assessor's Board.

Councilor Dwyer stated she feels that the terminology "manual" is being confused and feels that people are really looking for the procedures being used to determine the values.

Mr. Hamilton reviewed the overall process, stating it is not perfect and is why there is an abatement application option.

Further discussion ensued regarding information being readily available for taxpayers to understand how their revaluations were determined.

City Assessor Lentz stated that the appeal process will begin when the tax bills go out, with March 1st being the deadline.

Councilor Kennedy asked about hiring an outside contractor and that certain information is required to be provided relating to that individual. City Assessor Lentz stated that Mr. Oakes is subcontracting on her behalf as a part of the City's revaluation and is not an outside contractor.

Discussion ensued regarding the effect of the tax levy on the tax rate. Deputy City Manager Hayden stated that the tax rate doesn't change, but the division of payment changes based on the revaluations.

City Assessor Lentz assured taxpayers that her door is always opened and there is no charge. She stated she suggests people come to her before paying money to anyone else.

Councilor Lister thanked Mr. Hamilton, Assessor Lentz and Councilor Kennedy for their information regarding the revaluation. He stated he agrees with Councilor Dwyer that the terminology is being confused and feels the question that people want answered is who and how this was decided. He feels that the manual the Assessor puts out will be the "cookbook" in how to understand the process. He stated he had previously asked if we could start looking at the pockets in the City i.e., waterfront, downtown, etc. that are being most affected as he feels people want to stay here and are willing to pay their fair share. He stated the bottom line is the tax bill and the taxpayers need to understand how it came to be that amount.

Councilor Kennedy stated that she thought that we were already going to be proactive as 10 years ago during a reassessment these same issues were discussed.

Councilor Smith moved to suspend the rules to allow Mr. Kelly (who had signed up for public comment session) to speak. Seconded by Councilor Coviello and voted.

Jim Kelly stated he is representing his mother-in-law who has a problem with understanding why her taxes went up and the information presented to her means nothing to her. He stated that the manual is coming out after the fact and feels that information should have been laid out to people prior to starting the process. He stated he has met with the Assessor and feels more confused. He stated they had an appointment with a city appraiser who didn't show up and feels that since his mother's house has had no major improvements and no one has come through the door, she should not have had the "A" rating that her property received. He stated there needs to be more transparency in the process.

Councilor Dwyer asked Mr. Hamilton how much of an increase is typical over a 5 year period state-wide. Mr. Hamilton stated that this is a small state, but there are no two places that are the same. He related some statistics of various communities which illustrated his point.

Councilor Coviello asked City Assessor Lentz if there is a formula established, why can't people walk into her office to find out the math used for the increase. City Assessor Lentz stated that people can come into her office where they will explain the tables and figures. Councilor Coviello clarified that the answer is yes.

Councilor Kennedy announced that on Monday, October 25th at 6:30 p.m. the South-end neighborhood is hosting a support session at the library for people with questions.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Smith asked Deputy City Manager Hayden about the report of properties paying “in lieu of taxes” and non-profit properties and for clarification of how the tax exempt status is achieved. Deputy City Manager Hayden stated there is already a list of the properties in question.

Mayor Ferrini stated that is something that can be discussed at the retreat.

Councilor Smith then referred to the resolution regarding bonding for the fire truck stating that this is something below \$1,000,000. and wonders why we don't get a municipal loan for this so as not to have the expense for bonding.

Finance Director Judie Belanger explained that all bonding is consolidated so it doesn't cost any more. She further explained that this is a policy decision of whether to bond or not by State RSA they have to bond or lease.

Councilor Smith stated this could also be discussed at the retreat.

Councilor Kennedy stated she would also like added to the retreat agenda legislation discussion regarding legislative solutions to provide relief to the elderly and new families regarding assessments.

ADJOURNMENT [AT 10:00PM OR EARLIER]

Councilor Coviello moved to adjourn at 8:50 p.m. Seconded by Councilor Smith and voted.

Valerie A. French
Deputy City Clerk I