

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 17, 2009

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

At 6:00 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:10 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Pantelakos and Hejtmanek

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

V. ACCEPTANCE OF MINUTES (*There are no minutes on for acceptance this evening*)

VI. PUBLIC COMMENT SESSION

Allen Nelson spoke opposed to looking at just one location option for the Middle School. He encouraged more overview of the project and stated that Parrott Avenue is not necessarily the best location. Mr. Nelson suggested placing a question on the ballot regarding the location for a new Middle School for the voters to decide.

Larry Gray spoke to his 3 children attending Portsmouth schools and said the proposed bonding resolution would cost the taxpayer an additional \$3,000.00 in taxes per year. He expressed concern with the State providing funding for the Middle School and said when you choose renovation for a building you are stuck with the footprint. Mr. Gray advised the City Council that he feels it would cost more to renovate than to build new. In addition, he asked the Council to seriously consider the lack of parking as an issue at the Parrott Avenue location and urged the City Council to vote opposed to the adoption of the resolution this evening.

Pat Gormley urged the City Council to approve the bond issue this evening for the Middle School and said it is a reasonable amount for what the City will receive in a new school. She asked the City Council to continue the process and move forward.

Susana Polidura urged the City Council to have a referendum question on the ballot regarding the Middle School. She spoke to the difficult financial times facing the residents and asked for the Council to consider that issue before voting on the bond resolution.

Erik Anderson said that the bond issue represents \$1,000,000.00 for artificial turf which was removed from the Capital Improvement Plan for the High School and now is part of the bonding resolution for the Middle School. He asked that the City Council remove the \$1,000,000.00 from the project and that there be consideration for the taxpayers' ability to pay for an increase in taxes.

David Forman said any changes to the overall bond amount would be enough to design construction and expand space needs required for curriculum. He said whether the funds are expended for the Middle School the building will need to be renovated.

Christian Callahan asked if the \$37,500,000.00 factors in the interest and its affect to the taxpayer.

Carl Diemer spoke regarding transparency for the Middle School project and addressed the Feasibility Committee and Study Circles. He said the parking issues have not been adequately reviewed. Mr. Diemer urged the City Council to consider the Master Plan and said this project does not complete the puzzle and feels it was not well thought out. He also suggested that a referendum question be placed on the ballot regarding this matter.

Steve Scott said that the Middle School has a great deal of history and needs to be renovated now. He advised the City Council that we are at a point where interest rates are at there lowest and waiting could add to the cost of the bond. In closing, Mr. Scott said the City would be better served by acting now.

Rick Chellman said that this has been a long road to get to this point in the process. The time is right to pass the bond for the Middle School and believes it is a supportable amount. It is important that the process moves forward as time is of the essence. He advised the City Council that the responsibility lies with them and not a referendum vote.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donation to the Coalition Legal Fund
 - Town of Hampton Falls - \$1,000.00

Councilor Smith moved to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Kennedy and voted.

- B. Acceptance of Public Health Emergency Response Grant; and Acceptance of Assistant Secretary for Preparedness and Response Grant. - \$42,495.00

Councilor Smith moved to authorize the City Manager to accept and expend two grants from the New Hampshire Department of Health and Human Services for the purpose of funding the ongoing H1N1 planning and preparedness activities of the Greater Portsmouth Public Health Network. These two grants, which total \$42,495.00, include a \$30,000.00 Public Health Emergency Response grant and a \$12,495.00 Assistance Secretary of Preparedness and response grant. Seconded by Councilor Kennedy and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue of up to Thirty Eight Million Three Hundred Thousand Dollars (\$38,300,000.00) for School Improvements

Assistant Mayor Blalock moved to remove the proposed Resolution from the table. Seconded by Councilor Dwyer and voted.

Councilor Dwyer moved to suspend the rules in order to allow for discussion regarding the bond. Seconded by Councilor Pantelakos and voted.

Councilor Novelline Clayburgh asked about proposed parking and the designated areas. James LaPosta, JCJ Architects, provided an outline of the Parrott Avenue Parking Plan as follows:

Portsmouth Middle School

Required	97 spaces
Provided On-site	52 spaces
<u>Permitted Street</u>	<u>45 spaces</u>

Total 97 spaces

Portsmouth Public Library

Required	+/- 70 spaces
Provided	
Front Lot (4 hr)	18 spaces
Shared Lot	31 spaces
Shared Lot (2 hr)	20 spaces
<u>Accessible</u>	<u>2 spaces</u>

Total 71 spaces

Note:

2 hour spaces in Share Lot will be used by both Middle School visitors and Library patrons.

Councilor Kennedy spoke to the importance of getting the project started and how time is of the essence. She asked Mr. LaPosta if it would be possible to move the students out of the building and if it could shorten the construction time. Mr. LaPosta said there would not be a real difference. He spoke to the costs associated with bringing in modular units for the students to utilize during the construction period.

Councilor Hejtmanek inquired as to a reduction in costs due to the economic times. Mr. LaPosta informed the City Council that projects that have gone to bid in the recent weeks have seen a 4% savings and if the City was shovel ready you could take advantage of considerable savings. He reported that next year is looking like there will be modest increases with minimal inflation.

Councilor Pantelakos asked where construction crews will place their equipment during the construction process. Mr. LaPosta responded that the Joint Building Committee will need to appoint a construction manager for the process who will designate specific staging areas. He anticipates that the area would be designated on the far left of the physical education fields.

Councilor Dwyer asked where the building would be in terms of LEED certification. Mr. LaPosta advised the City Council based on CHPS (Collaborative for High Performance Schools) it would be similar to Silver LEED certification however, he emphasized that the costs associated with completing the documentation has not been included in the price of the project.

Councilor Novelline Clayburgh asked if having a court yard as part of the construction increases the cost. Mr. LaPosta said no, it actually adds efficiencies to the building.

Discussion followed regarding materials such as brick and air conditioning costs.

Assistant Mayor Blalock moved to amend the amount of the Resolution from \$38,300,000.00 to \$37,500,000.00. Seconded by Councilor Spear.

City Manager Bohenko asked for a minor amendment to the language of the resolution to reflect the useful life of the project from 20 years to 30 years.

Assistant Mayor Blalock as the maker of the motion and Councilor Spear as the second to the motion accepted the minor amendment. The motion now reads as follows: *Move to amend the amount of the Resolution from \$38,300,000.00 to \$37,500,000.00 and further amend the language to reflect the useful life of the project from 20 years to **30 years**.*

On a unanimous roll call 9-0, voted to amend the amount of the Resolution from \$38,300,000.00 to \$37,500,000.00 and further amend the language to reflect the useful life of the project from 20 years to 30 years.

Assistant Mayor Blalock moved to adopt the Resolution as amended. Seconded by Councilor Dwyer.

Assistant Mayor Blalock said that there is a large contingent in support of the bonding for the Middle School and now is the time to move forward. He spoke to the ability of the City to be able to take advantage of savings in materials and other costs associated with the project.

Councilor Dwyer concurred with Assistant Mayor Blalock relative to the savings in material costs as well as the advantage of a low interest rate. She said the time is now to move forward with the project. Councilor Dwyer also spoke relative to the parking issues related to the location but said it is important to remember that parking is an issue throughout the City.

Councilor Smith asked if the building aid is guaranteed by the State. City Manager Bohenko informed the Council that we have a letter from the State indicating that the project meets the perimeters for funding aid. School Business Administrator Bartlett advised the City Council that the City received approval from the State and the project is part of the State funding schedule.

Councilor Pantelakos asked how much the City is still owed from the State for the High School project. City Manager Bohenko responded that we started receiving funding from the State for the High School project approximately 6 years ago and it is a 20 year bond.

Councilor Dwyer requested that Superintendent McDonough appoint someone from the Taxpayers Association to the Joint Building Committee in order to provide a perspective of the taxpayer.

Councilor Spear spoke to the public and democratic process that has taken place for this project. He said that this was not a light decision for Council to make but it needs to be made and the Middle School is in need of renovations.

Councilor Pantelakos said that she would be voting opposed to the motion. She spoke to Bedford, NH building a new school in the last 3 years for \$25,000,000.00. Councilor Pantelakos indicated that she respects the work of the School Board and comments made by the public but does not feel that the City can afford this kind of bonding at this time. She expressed her opposition with the location of the new Middle School and feels the issue should be placed before the voters as a referendum question on the ballot.

Councilor Hejtmanek said the tax increase to the taxpayer for this bonding will be \$.75 and it will not take affect for 4 years. He further added that there are compromises with the site but we have a low interest rate and it is time to move the project forward.

Councilor Smith said he agrees that something needs to be done about the Middle School but we need to realize the economic times and financial issues residents are facing and the prices to the taxpayers are driving individuals out of the community. In addition, Councilor Smith expressed concern relative to the State funding beyond this year. He said a major issue with this project is parking and will impact those residents in surrounding neighborhoods. He said he feels that major questions need to be addressed before moving forward.

Councilor Novelline Clayburgh said she has been involved in this process since the beginning and does not feel that this is the right location for a new Middle School. She spoke to the difficulty with finding a parking space currently at the Library and it will only become more congested with the new Middle School. In addition, Councilor Novelline Clayburgh said she would support moving the Middle School out to the High School and creating a campus style environment which would also address the playing fields as well. She also said that every school built in New Hampshire over the last 3 years has been done for \$25,000,000.00 or less.

Councilor Novelline Clayburgh said that she would not support \$37,500,000.00 but would prefer \$32,000,000.00 - \$34,000,000.00. She also addressed the other projects in the pipe line for the City and the impact of that added expense to the taxpayers.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini thanked everyone for their patience in addressing this project. He said if we do not move forward with this project the costs will increase and further impact the taxpayer. He said that these decisions are hard but we need to move forward.

Councilor Smith asked about a referendum vote on this matter. City Attorney Sullivan said a referendum question would be advisory only.

On a roll call 6-3, voted to adopt the Resolution as amended. Assistant Mayor Blalock, Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted in favor. Councilors Novelline Clayburgh, Smith and Pantelakos voted opposed.

At 8:50 p.m., Mayor Ferrini declared a brief recess. Mayor Ferrini called the meeting back to order at 9:00 p.m.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Sister Mary Agnes, St. Charles Children's Home requesting permission to hold a 5k Road Race at Pease International Tradeport on September 7, 2009 at 9:00 a.m. (***Anticipated action – move to refer to the City Manager with power***)

- B. Letter from Zhana Morris, Production Manager for The Music Hall requesting Parking Meter bags for the Music Hall's 2009-2010 season (***Anticipated action – move to refer to the City Manager with power***)

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Jerry Tostenson regarding the Recreation Needs Study

Councilor Novelline Clayburgh moved to accept the letter and place it on file with a copy to be sent to the Recreation Board for their review. Seconded by Councilor Smith and voted.

- B. Letter from Charles A. Griffin, Esquire regarding Release of Paper Street, Portion of McClintock Avenue to Richard B. Duddy and Sue Ellen Duddy (***Sample motion – move to refer to the Planning Board for a report back***)

Councilor Smith moved to refer to the Planning Board for a report back. Seconded by Councilor Dwyer and voted.

- C. Request from James McSharry, Jumpin' Jay's Fish Café, requesting permission for a Sidewalk Obstruction License to place a bench on Middle Street in front of his establishment

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

- D. Request from Roger's Café Inc. requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of his establishment

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

- E. Request from Stuart Tulchinsky, Headlines Boutique requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of his establishment

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for a Special City Council Meeting

City Manager Bohenko requested that the City Council schedule a Special City Council meeting on August 31, 2009 due to time sensitive issues.

Councilor Pantelakos moved to establish a special City Council meeting on Monday, August 31, 2009. Seconded by Councilor Smith.

Councilor Dwyer advised the City Council that she will be unable to attend on August 31, 2009. Councilor Kennedy also indicated that she would be unable to attend on August 31, 2009 as well.

City Manager Bohenko suggested the Council meet on Tuesday, September 1, 2009.

Councilor Pantelakos as maker of the motion and Councilor Smith as second to the motion accepted the change to the date.

The motion now reads as follows: Move to establish a special City Council meeting on Tuesday, September 1, 2009.

Motion passed.

2. Request for Approval of PSNH Pole License #63-0480

Councilor Smith moved to approve the request from PSNH for Pole License Agreement #63-0480, as recommended by the Public Works Department. Seconded by Councilor Pantelakos and voted.

3. Polling Hours for November 3, 2009 Municipal Election

City Clerk Barnaby requested that the City Council accept her recommendation and set the polling hours for the November 3, 2009 Municipal Election from 8:00 a.m. – 7:00 p.m.

Councilor Smith moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 3, 2009. Seconded by Councilor Novelline Clayburgh and voted.

City Clerk Barnaby announced that the filing period for the Municipal Election will begin on Tuesday, September 1, 2009 through Tuesday, September 15, 2009.

B. MAYOR FERRINI

1. Reports

Mayor Ferrini announced that he would be moving forward with appointments to the Joint Building Committee for the Middle School.

C. COUNCIL DWYER

1. Status of Major Approved Development Projects (*See Attached Memo*)

Councilor Dwyer reviewed the memorandum from Planning Director Taintor regarding the status of major approval development projects. She advised the City Council that she will be requesting these updates on a regular basis as a means for the Council to receive this vital information from the Planning Department. Councilor Dwyer spoke to this information being used as a financial indicator for the City Council.

Councilor Smith said that this is a great idea. Mayor Ferrini concurred with Councilor Smith and said that this will be a useful form of information for the City Council.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Dwyer said there were several statements made during the public comment session that are clearly wrong and feels the correct information needs to be brought forward. She suggested that when information is brought forward that is incorrect she would like City Manager Bohenko to correct the record. City Manager Bohenko said he does not feel a policy is necessary and that Mayor Ferrini could direct him to correct the inaccurate information. Councilor Kennedy said she would encourage City Manager Bohenko to correct any misinformation at the end of the meeting.

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 9:15 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Pantelakos and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk