

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 15, 2010

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

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

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

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

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

V. ACCEPTANCE OF MINUTES – MARCH 1, 2010

Councilor Smith moved to approve and accept the minutes of the March 1, 2010 City Council meeting. Seconded by Councilor Lister and voted.

Councilor Smith said he spoke with City Clerk Barnaby and requested that the reference to Councilor Dwyer on page 12 be removed from the minutes as she was not in attendance.

VI. PUBLIC COMMENT SESSION

Jim Horrigan spoke against the use of brick sidewalks in the City and said that concrete should be used. He further added that brick sidewalks are hazardous as opposed to concrete.

Grace Flaherty, York Beach, ME, requested a separate hearing to receive input regarding the indoor pool. She spoke to the benefits she receives from using the pool and urged the City Council to keep the indoor pool open.

Frank Snyder, Hampton, NH said he feels there needs to be more discussion regarding the proposed closure of the indoor pool and would like to see a separate meeting. He spoke to the importance of the pool remaining open for those that utilize it especially the Portsmouth Swim Team that his daughter is a member of.

Ken Walsh spoke in support of the indoor pool remaining open.

Michael Frandzel said he is opposed to the possible closure of the indoor pool. He further added that the usage of the pool has been understated and that the cost to run and make upgrades to the pool have been overstated.

Gail Mitchell, Rochester, NH spoke in support of the indoor pool remaining open. She said she has used the pool for over 15 years and would like the Council to hold an input session on this matter to allow for further discussion.

Jeff Berlin, York, Maine, said a separate public input session should be held on the proposed closure of the indoor pool.

Larry Drake would like the City Council to set up a separate public input session to discuss the proposed closure of the indoor pool. He said it merits further discussion and the City Council should agree to such.

Lea Sullivan, Rye, NH spoke in support of the indoor pool remaining open and said a separate public input session is needed.

Tara Mickela spoke in support of a separate public input session regarding the possible closure of the indoor pool. She said that the City Council needs to ensure they have done everything possible before the pool is closed.

Alfred Arcidi, Rye Beach, NH requested a separate public input session to discuss the possible closure of the pool. He said people from ages 6 – 19 use that pool for the swim team and it is important for the pool to remain open.

Jennifer Zorn supports the comments made this evening and would like a separate public input session on the pool held by the City Council.

Judy Ringer said she has always used the indoor pool and believes a separate public input session should be held on this matter.

Gina Patch spoke in support of the indoor pool and said her daughter is part of the Portsmouth Swim team. She also requested a separate public input session for the public to voice their feelings on this matter.

Sean Sullivan said he supports the indoor pool and feels there needs to be a separate public input session.

Liz Wright spoke in support of the pool and said it is an asset to the community.

George Wright spoke in support of the pool and is in support of a separate public input session regarding this matter.

Sarah Cullen said she has been a user of the pool for the last 20 years and feels it deserves to remain open. She further requested that a separate hearing on this matter should take place in order to allow public input.

Chuck Doleac requested a separate public input session on this matter.

Kirsten Morella supports a separate public input session on this matter and feels the pool should and could be saved.

Jean Robinson, North Hampton, NH asked the City Council to reconsider whether it costs \$500,000.00 to run the pool.

Karen Jacoby asked that the City Council hold a separate public input session on the indoor pool and that full consideration should be given regarding this matter.

Pamela Shore, Portsmouth Swim Team Board requested the City Council hold a separate public input hearing on the pool.

Tom Conneen spoke in support of keeping the pool open and feels there are operational changes that are needed. He also expressed his support for a separate public input session.

Mike Chubrich spoke in support of the pool and said it is the jewel of the Recreation Department. He said there should be a separate public input session in order to hear from the community relative to this matter.

Richard Orkin spoke in support of the indoor pool and asked the City Council to hold a separate public input session in order to hear from the community. In addition, he feels a study should be completed on the indoor pool to gather further information.

Rachel Haskovec echoed the comments of others and would like to have a separate public input session on this matter.

Carole Helliwell, Kittery Point, ME spoke in support of keeping the indoor pool open. She would like a separate public input session regarding this matter to allow further discussion of the issues.

Charlie Griffin said he supports the comments made here this evening. He urged the City Council to listen to the residents and hold a separate public input session to receive further input from the community.

Petar Ramadandvic said a separate hearing should be held on the pool.

Robert Royem supports a separate hearing on the pool.

Peter Somssich spoke in support of a separate hearing on the pool. He said further information is needed and discussion should continue regarding this issue prior to a decision by the City Council.

Mayor Ferrini said that this matter regarding the pool could be discussed at the second public hearing on the budget. He further informed the residents that City Manager Bohenko will be presenting his budget to the City Council on April 9th for their review followed by department work sessions.

Councilor Smith moved to suspend the rules in order to take up Item IX. F. – Letter and Petitions from “Save the Indoor Portsmouth Pool” (SIPP) citizens group requesting a separate public hearing with regard to the possible closure of the indoor pool. Seconded by Councilor Coviello and voted.

Councilor Smith moved to conduct a separate public input session after April 9th when the City Manager submits his budget to the City Council. City Manager Bohenko will report back with a date for the public input session at the April 5th City Council meeting. Seconded by Councilor Hejtmanek.

City Attorney Sullivan said a mandated public hearing must be held for adoption of the budget as required by the Charter. It is important not to have two separate public hearings with one on the budget and one for the indoor pool. The indoor pool would need to be a public input session for informational purposes.

Councilor Smith spoke in support of a public input session on this matter. He said it would be a lengthy discussion while we keep to the track of the budget. City Manager said the public input session would be specific to the indoor pool and we would hear from the “SIPP” Committee. He said the establishment of a subcommittee is a policy decision as you go through the budget and does not feel it is good process. He said that “SIPP” could have 4-5 spokespeople address the City Council.

Council Smith said he agrees with the City Manager regarding a subcommittee. He said we need to have an input session and it should be held after April 9th when the Council receives their budget.

City Manager Bohenko said he could come back at the April 5th City Council meeting with a date for a public input session regarding the indoor pool.

Councilor Dwyer suggested holding the public input session during the April 19th City Council meeting.

City Manager Bohenko said he would not suggest holding the input session the same night of the Municipal Budget Work Session.

Councilor Coviello said he would like “SIPP” to attend the first budget public hearing to hear all the constraints of the budget.

Councilor Kennedy said we need figures in advance before the meeting so the City Council has an opportunity to review them. City Manager Bohenko said Councilor Kennedy makes a good point and requested that the figures from “SIPP” be provided to him directly in order to distribute them to the City Council.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said we need to hear from the public and said the process is welcomed. He said the City Council considers all issues with great concern.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Motion passed.

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10, Article XI, subsection 10.1115.40 and subsection 10.1115.42 – Amount of Payment in Lieu – the fee per space as of January 1, 2010 shall be \$2,000.00

Assistant Mayor Novelline Clayburgh moved to pass first reading of the proposed Ordinance amendment, as submitted, and schedule a public hearing and second reading at the April 5th City Council meeting. Seconded by Councilor Coviello.

City Manager Bohenko said a comprehensive memorandum has been provided by Planning Director Taintor for the City Council to review. The Planning Department felt it was necessary to bring this matter forward and have the fee returned to what it was prior to the adoption of the ordinance.

Councilor Dwyer said she was surprised that the Planning Board selected the narrow interest group over people that do not want to pay this fee. She said she hopes there is more process than a focus group to review this issue and said that these are policy issues.

City Manager Bohenko said it was expanded out with an Economic Development Commission member and this is not the only work done on this matter. He said we are hearing from the businesses and this will not be one sided.

Deputy City Manager Hayden said that the Planning Board feels this is an issue around economic development and is happy there is a member from the Commission to review this matter.

City Manager Bohenko said we need to hear from the development community. He said this will not be done in a vacuum; we will evaluate all information in order to come forward with a recommendation.

Councilor Spear said he is in support of the focus group. He said we are getting a broad perspective on this matter.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said we had an impact and made a decision to make an interim step. He said consistency is important in moving forward.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Motion passed with Councilor Dwyer voting opposed.

- B. First Reading of Ordinance Deleting Chapter 11, Article III, Section 11.310 – Construction Work Requiring Uniformed Policemen and Section 11.311 – Penalty for Non-Compliance; and Adopt New Provision – Chapter 8, Article VI: Construction Work Required Certified Flag Personnel

Councilor Coviello moved to approve the first reading of the proposed ordinance as submitted and schedule a public hearing and second reading at the April 5th City Council meeting. Seconded by Councilor Lister.

Mayor Ferrini said given that this issue has come before the City Council quickly, if the Police Commission would like to discuss this matter at this time, they are welcomed to do so.

City Attorney said in accordance with the Rules and Orders of the City Council a suspension of the rules would be required.

Councilor Smith moved to suspend the rules in order to allow the Police Chief and Police Commission to address the City Council on this matter. Seconded by Councilor Hejtmanek.

City Attorney Sullivan said that this would replace the current ordinance with the proposed ordinance which the Public Works Department could require certified flaggers.

Councilor Coviello asked if we are leaving the suspension of the rules issue open. Councilor Coviello said he does not want to act on any amendment until they hear from City staff. He asked who maintains the current ordinance. He said it seems like construction details are followed with a Police officer all the time.

Public Works Director Parkinson said there is a process where if it is a low impact project on the roadway, the Public Works Department would use their own people. If it is a high volume road there would be a police detail.

Councilor Kennedy said she is willing to hear from the Police Chief or the Police Commission to have an opportunity to ask questions.

Councilor Hejtmanek asked Public Works Director Parkinson what is the average rate of a certified flagger. Public Works Director Parkinson said the City of Rochester bids that out and this year it came in at \$19.00 per hour.

Councilor Lister would like to hear about the flexibility of the ordinance.

City Manager Bohenko provided a breakdown of the costs associated with the \$51.00 per hour for an officer and advised the City Council that there is an additional \$12.00 fee for a cruiser.

Discussion followed regarding Section 125 of retirement costs and that impact on the City.

Motion to suspend the rules passed.

Police Commissioner Howe said the Commission is concerned with sacrificing the safety of the community because of the new Section 125 law which is part of the reason this ordinance amendment is being considered. He said we need to insure the safety of the residents when high volume streets have projects occurring on them.

Councilor Coviello would like to know how the streets are chosen by the Police Department. Councilor Dwyer asked what events are covered. Councilor Lister suggested questions to be forwarded to the City Manager, Police Commission and Police Chief for answers during the second reading of the ordinance. Mayor Ferrini requested all questions be sent to the City Manager by March 31st.

Police Chief Ferland said the current ordinance has been in use for 20 years. He informed the City Council that many times contractors prefer to hire a Police Officer for their projects to insure public safety. He also said there is no easy answer to the legislature change to Section 125 and would like an opportunity for more time to look at the issue. Chief Ferland advised the City Council that this is an emotionally charged issue for Police Officers.

Councilor Coviello asked if there was an application process used. Chief Ferland said presently there is no application process.

Public Works Director Parkinson reported that the Federal Government is concerned with the cost of private details because NH is 3 times higher than other States. He also informed the Council that the City of Manchester is reviewing this matter as well and most communities use certified flaggers.

Councilor Smith moved to make amendments as recommended by the Police Commission and schedule a public hearing and second reading at the April 5th City Council meeting. Seconded by Councilor Kennedy.

Councilor Smith said the amendment is an important traffic and safety issue.

On roll call 4-5, motion to make amendments as recommended by the Police Commission and schedule a public hearing and second reading at the April 5th City Council meeting failed to pass. Councilors Dwyer, Coviello, Kennedy and Smith voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear and Mayor Ferrini voted opposed.

On a unanimous roll call 9-0, voted to pass main motion to approve the first reading of the proposed ordinance as submitted and schedule a public hearing and second reading at the April 5th City Council meeting.

At 9:00 p.m., Mayor Ferrini declared a brief recess. At 9:05 p.m., Mayor Ferrini called the meeting back to order.

VIII. CONSENT AGENDA

Councilor Smith requested to remove Item B. - Bach Realty – 21 Brewster Street from the Consent Agenda.

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Kathy Beebe Keefe, Sexual Assault Support Services, requesting permission to hold the 3rd Annual KidSAFE 5k Run/Walk on Pease International Tradeport on Saturday, April 10, 2010 (***Anticipated action – move to refer to the City Manager with power***)
- B. Renewal of Boarding House Permits
- G. Edward Gowen, Jr., 350-352 Hanover Street
 - Paul H. White & Janet White-nay, 278 Cabot Street
- (***Anticipated action – move to approve and authorize the City Manager to issue the aforementioned annual Boarding House permits***)
- C. Acceptance of Donations for Art-Speak for Overnight Art
- Ann Whitney – Architect - \$50.00
 - Laurie Chandler - \$100.00
 - Jonathan & Valerie Sobel - \$100.00
 - Worldly Goods, LLC - \$100.00
 - 100 Market Street, LLC - \$500.00
 - Piscataqua Savings Bank - \$500.00
 - Portsmouth Brewery - \$1,500.00
- (***Anticipated action – move to accept and approve the donations to Art-Speak for Overnight Art, as presented***)
- D. Acceptance of Donations for Art-Speak
- Nicholas & Molly Ferrara - \$50.00
 - People's United Bank – Ocean Bank - \$250.00
- (***Anticipated action – move to accept and approve the donations to Art-Speak for operations, as presented***)

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

- B. Renewal of Boarding House Permits
- Bach Realty, 21 Brewster Street

Councilor Smith moved to table the issuance of this permit for a report back from the City Manager at the April 5th City Council meeting. Seconded by Councilor Dwyer.

Councilor Smith said that this boarding house has had concerns brought forward over the years. He would like a report back on specific issues and how they have been addressed. He said neighbors are against the license.

Councilor Kennedy said if there were issues that needed to be addressed with this boarding house the, Council would have been made aware of them and since they we have not heard anything, she will vote opposed to the tabling motion.

Motion passed with Mayor Ferrini and Councilor Kennedy voting opposed.

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Cliffe Arrand, Pesce Italian Kitchen & Bar, requesting permission to utilize approximately 500 square feet of the city owned Vaughan Mall for expansion of existing outdoor dining patio for a trial period commencing April 15, 2011 through October 15, 2011

Councilor Spear moved to refer to the City Manager for report back. Seconded by Councilor Smith.

Councilor Coviello asked if there is a policy in place for alcohol on the sidewalks.

Councilor Kennedy asked how this affects sending people to the Vaughan Mall for events. City Manager Bohenko said this will be part of the report back.

Councilor Smith said we allow alcohol on City land for Poco's.

Motion passed.

- B. Letter from John Chagnon, Ambit Engineering, Inc, requesting permission to place the relocated Seabrook Station siren pole at the Former DPW Facility within the Conservation Easement

Councilor Lister moved to refer to the Planning Board for report back. Seconded by Councilor Kennedy and voted.

- C. Letter from Nancy Pollard, Friends of the South End requesting an update on the Peirce Island Sewer Treatment Plant's relocation plan and copies of all reports and figures stemming from the extensive studies of the plant's performance capabilities and the long-range sewer needs of the City

Councilor Kennedy moved to refer to the City Manager. Seconded by Councilor Lister and voted.

- D. Sidewalk Obstruction License Application from Sharon Platt, The Antiquarium, requesting to place 3 planters in front of establishment located at 25 Ceres Street

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

- E. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to place a permanent memorial bench at the Plains Field in the Memorial Grove in memory of Joe Grattan

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

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Adoption of Proposed Capital Improvement Plan (CIP) FY2011-2016

City Manager Bohenko informed the Council that the CIP is before them to approve however, there will be no appropriation made until passage of the budget.

The City Council agreed that *Page 67 – Jones Avenue Conceptual Master Plan (\$25,000.00)* that \$12,500.00 will remain in the General Fund with the remaining \$12,500.00 to go into the Conservation Fund.

Councilor Smith moved to adopt the Capital Improvement Plan for FY 2011 – FY 2016. Seconded by Councilor Lister.

Councilor Spear asked if the City Manager could come back next year with a fund for public art within the CIP. He also requested we look at funding for new sidewalks for the new middle school. City Manager Bohenko said he would make a note of this and bring it forward in next years CIP.

Councilor Spear asked if a youth recreational center is part of the plan. City Manager Bohenko said it would be brought forward in the FY12 plan.

Motion passed.

- 2. Ratify Cable Commission's Proposed Candidates Re: Board of Portsmouth Public Media

City Manager Bohenko said you have the list of candidates for the initial Board of Portsmouth Public Media before you for approval.

Assistant City Attorney Woodland stated that as indicated by City Manager Bohenko, the candidates will need to be approved by the City Council. She reported that we initially received 21 applicants and 11 have been selected for the Board.

Councilor Hejtmanek moved to ratify the Cable Commission's proposed Candidates for the initial Board of Portsmouth Public Media. Seconded by Assistant Mayor Novelline Clayburgh.

Board of Directors – Portsmouth Public Media as follows:

Chase Bailey, Frank Cook, C. Daniel Freund, Glenn Gardner, Sara Hamilton, John Herman, Christopher Ostrom, Samuel Peret, Sharon Cuddy Somers, Jack Thorsen, and David Underhill

Councilor Kennedy spoke to two of the candidates not being Portsmouth residents and expressed concern.

Councilor Dwyer asked if staggered terms have been set up. Assistant City Attorney Woodland said that would be discussed among the Board.

Motion passed.

B. MAYOR FERRINI

Mayor Ferrini said we are engaging in more of a heavy work load and if Councilors are proposing to place an item on the agenda, it would be helpful to have a memorandum explaining the item as part of the packet for the Council to review.

1. Appointments to be Considered:
 - Tim Allison – Reappointment to the Economic Development Commission
 - Ron Zolla – Reappointment to the Economic Development Commission
 - Jody Record – Reappointment to the Board of Library Trustees
 - Megan Tehan – Reappointment to the Board of Library Trustees
 - Christina Westfall – Reappointment to the Traffic & Safety Committee

The City Council considered the above referenced appointments which will be voted on at the April 5th City Council meeting.

2. Appointments to be Voted:
 - Robert Marchewka – Appointment to the Economic Development Commission

Councilor Smith moved to appoint Robert Marchewka to the Economic Development Commission until October 1, 2012. Mr. Marchewka is filling the unexpired term of William Gladhill. Seconded by Councilor Dwyer and voted.

3. Charge and Appointment of Operational Efficiencies (Blue Ribbon Committee)
(See Attached)

Mayor Ferrini reviewed the charge of the Operational Efficiencies Blue Ribbon Committee.

Councilor Smith moved the appointment of an Operational Efficiencies Blue Ribbon Committee and accept the charge as prepared by Mayor Ferrini. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Spear asked if it would be of value to have a member of the community to serve on the Blue Ribbon Committee.

Mayor Ferrini asked if 1 member would be sufficient. Councilor Spear said he would like to see 2 members from the community.

Councilor Kennedy moved to amend the membership by the addition of 2 residents to serve on the Committee. Seconded by Councilor Spear and voted.

Main motion passed as amended.

Mayor Ferrini announced that Councilors Lister, Hejtmanek and Smith would serve on the Blue Ribbon Committee.

Charge:

The OEC shall be charged with determining opportunities for operational efficiencies all departments of city government and reporting to the City Council with findings and/or recommendations for operational efficiencies prior to the commencement of the fiscal 2012 budget process.

4. *Appointment of Rockingham Planning Commission Council Representative – Councilor Kennedy

Mayor Ferrini announced that he has appointed Councilor Kennedy to serve on the Rockingham Planning Commission as the Council Representative until December 31, 2011. Councilor Kennedy is filling the unexpired term of Councilor Dwyer.

5. City Charter Advisory Committee (Blue Ribbon Committee) Draft Membership and Charge (*See Attached*)

Councilor Coviello moved the appointment of a City Charter Advisory Blue Ribbon Committee and accept the charge as prepared by Mayor Ferrini. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Kennedy moved to amend the motion to include a sunset date for the Committee to be June 30th with a report back to the City Council. Seconded by Councilor Smith and voted.

Main motion passed as amended.

Charge:

The CCAC shall be charged with determining public interest in potential changes to the City Charter and with presenting to the City Council such proposed changes arising from public interest. The CCAC shall hold at least one public hearing regarding proposed changes at the beginning of their deliberations and at least one public hearing at the end of their deliberations after a report out of their findings and/or recommendations, if any. The Committee shall sunset on June 30th with a report back to the City Council.

C. COUNCILOR SPEAR

1. Informational Article - Vouchers cut Malden's Controversial Garbage Fees

Councilor Spear said this article was supplied for informational purposes.

D. COUNCILOR DWYER

1. *Youth Recreation Center – Middle School

Councilor Dwyer provided a memorandum outlining the stages of decision making associated with planning for a Youth Recreation Facility (YRF) at the Middle School to replace the Connie Bean Center.

- 1) *Design:* We need to formalize the request of the architects to add the full design of the YRF into the existing design contract, based on the Recreation Department's analysis of programming needs.

Council Decision: Commit to covering design costs of up to \$136,000.00 which will only be necessary if no contingency amount is remaining in the architects' contract at the end of the design phase. Source of design funding can be fund balance.

- 2) *Phasing and Temporary Classrooms:* Over next 6 weeks, the architects and construction manager will be working together on phasing of building construction which includes the timing of moving students out of portions of building that are under construction. They will prepare multiple options including: leasing of temporary classrooms; and housing students in temporary classrooms constructed in the frame of the YRF. There is potential for schedule benefits as well as cost benefits for using the frame of the YRF. Information due April 28th.

The Council may have five options to consider as we approach construction documents (Fall 2010):

- a. middle school with no YRF
- b. middle school with YRF site preparation only
- c. middle school with YRF site preparation and frame
- d. middle school with YRF site preparation, frame, and temporarily constructed classrooms
- e. middle school and full YRF and the completion of the project.

Council Decision: Based on the information about cost trade-offs (that accrue from schedule compression as well as reduction in the need to lease temporary classrooms), the Council will discuss in the Fall 2010 how far it wants to proceed with the YRF.

- 3) *Construction Bids:* When we go out to bid for construction in December 2010, it is possible to pose some requests for alternate bids so that we would have firm numbers on YRF options. The contractor selection will be made in February 2011.

Council Decision: At that point, the Council can finalize a decision about how far it wants to proceed with the YRF and bond as necessary.

Councilor Dwyer said that this would be investing in costs now. She said there still may be a need for 1 or 2 portables.

Councilor Kennedy said she feels this is a back door approach to getting a second gym. Councilor Dwyer said we need to explore the options and no decision on this matter would take place until the fall.

City Manager Bohenko said during the Council Retreat the Council asked us if there was another option available. Councilor Coviello said he does not agree with Team Design that you need full contract documents for the placement of pilings. He feels that the City Council is being held over a barrel on this matter. City Manager Bohenko said he needs to rely on what the engineers are telling him.

Councilor Dwyer moved to commit to covering design costs of up to \$136,000.00 which will only be necessary if no contingency amount is remaining in the architects' contract at the end of the design phase. The source of design funding can be fund balance. Seconded by Councilor Spear.

Assistant Mayor Novelline Clayburgh said she would oppose the motion. She feels the Council needs more information before voting on this matter. She recalls a figure of \$56,000.00 to install pilings at the Council Retreat not \$136,000.00.

Councilor Kennedy moved to suspend the rules in order to continue the meeting beyond 10:00 p.m. Seconded by Councilor Lister and voted.

Councilor Lister agrees with Assistant Mayor Novelline Clayburgh that more information is needed before a vote takes place.

Councilor Hejtmanek said he would like to know a rough estimate of the costs associated with the request. Councilor Dwyer said it is important to note that the rough estimate is different from the hard estimate.

Councilor Spear said we need to know the figures for the design to make an informed decision.

City Manager Bohenko said that there are timing issues with this matter. He informed the Council that we are at 69% of schematic design.

Councilor Smith said he is in favor of conservative costs but feels we need more information. He would like to see this come back to the City Council at the next meeting with more concrete numbers. Councilor Dwyer said concrete numbers are difficult to get to until the end of the project.

Councilor Coviello said he would support the motion because the overall design is reasonable.

Councilor Smith moved to table until the next meeting. This motion received no second.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini said this City Council does not do things lightly. He said the Committee has a right to bring items forward. He said we need to replace the Connie Bean Center and feels it maybe rolled into the project and contract.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini

On a roll call 5-4, voted to commit to covering design costs of up to \$136,000.00 which will only be necessary if no contingency amount is remaining in the architects' contract at the end of the design phase. The source of design funding can be fund balance. Councilors Spear, Dwyer, Coviello, Smith and Mayor Ferrini voted in favor. Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek and Kennedy voted opposed.

2. *Policy Discussion Re: Tax Rate

Councilor Dwyer said she would like the Council to have a policy discussion on the tax rate at a future meeting. She said before we move forward we need to have a decision among the City Council on this issue. She requested that the Council agree to hold a work session on this matter.

Councilor Spear spoke in support of the request to hold a work session on this matter.

City Manager Bohenko said he would like to get the budget to the City Council and the matter could be discussed with the budget process. He said he does not want to discuss this before the budget is provided to the City Council.

The City Council agreed to hold a work session in order to discuss the tax rate.

E. COUNCILOR KENNEDY

1. *Wastewater Treatment Plant

Councilor Kennedy said she would like to discuss the Wastewater Treatment Plan because there are concerns among the residents. She would like to know what it will cost to move the plant. City Manager Bohenko reported that the Quarterly Report on the Wastewater Treatment Plant will be provided at the April 5th City Council meeting.

Councilor Kennedy said she would like to have a question and answer session in order to have a discussion on this matter.

F. COUNCILOR COVIELLO

1. *Policy Regarding Brick Sidewalks

Councilor Coviello said it would be a great time to establish a written policy on brick sidewalks.

The City Council agreed to have a City Council Policy drafted regarding Brick Sidewalks to come back for review after adoption of the budget takes place.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

XII. ADJOURNMENT [AT 10:00PM OR EARLIER

At 10:30 p.m., Councilor Kennedy moved to adjourn. Seconded by Councilor Coviello and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk