

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 5, 2007

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

At 5:30 p.m., a reception was held for Eileen Dondero Foley in the Portsmouth Room. At 6:30 p.m., the formal dedication of the Portsmouth City Council Chambers in honor of Eileen Dondero Foley was held.

A Proclamation was presented by Mayor Marchand and the City Council to Eileen Dondero Foley dedicating the Portsmouth City Council Chambers in her honor. The Council Chambers will now be known as "Eileen Dondero Foley Council Chambers".

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:45 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

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

V. ACCEPTANCE OF MINUTES – FEBRUARY 12, 2007

Councilor Pantelakos moved to approve and accept the minutes of the February 12, 2007 City Council meeting. Seconded by Councilor Whitehouse and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll thanked City Manager Bohenko for his work and representing Portsmouth's interest relative to the Port. He advised the City Council that the city benefits from City Manager Bohenko's actions. Mr. Carroll expressed his concerns relative to recent comments by Councilor Smith relative to the scrap metal operation at the Port. He spoke to the damage that the Port has suffered, as well as the city, and its residents from the scrap metal operation.

Rose Sulley spoke regarding the possible relocation or renovations to the Middle School. She advised the City Council that the repairs needed to the existing building would need to be made if the Middle School remained at the current location. Ms. Sulley also addressed state standards for class room sizes. She provided Mayor Marchand with a copy of her comments.

Elena Maltese, The Music Hall, spoke against gambling of any nature coming to the Pease Tradeport or any location within the City of Portsmouth.

Shari Young, Representing HarborCorp, spoke regarding the legislation to create gambling at Pease Tradeport and changes to the Port. She spoke opposed to gambling coming to the City of Portsmouth.

Martin Cameron spoke regarding the School Department and a prevailing attitude that has been displayed there over the last year. He advised the City Council that he was informed that someone was denied the right to review minutes of a School Board meeting.

Donald Coker said it is important for the Port to remain in the hands of the City of Portsmouth. He said the Port Use Ad Hoc Committee has prepared a report and encouraged the City Council to review the information. He also spoke in support of the scrap metal operations and urged the City Council to support the Port remaining as a working Port.

VII. PUBLIC HEARINGS

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2008-2013

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

City Manager Bohenko said a presentation will be conducted by various staff members outlining the plan and review the projects. He advised the City Council the Capital Improvement Plan was approved by the Planning Board on January 18th and the general fund appropriation would be \$1,500,000.00. City Manager Bohenko informed the City Council that action on the Capital Improvement Plan will take place at the March 19, 2007 City Council meeting.

Various staff members provided a presentation of the Capital Improvement Plan reviewing the projects and the requests for funding.

Martin Cameron, Portsmouth resident, questioned why there was no funding in the plan for school improvements. He suggested moving the \$30,000.00 for television studio upgrades to channel 22 to the School Department for necessary improvements. City Manager Bohenko advised Mr. Cameron on page 60 of the plan there is \$500,000.00 in FY08 designated for school facilities capital improvements such as but not limited to, roofs, sprinkler systems, windows, boilers, and bleachers. School Business Administrator Bartlett advised Mr. Cameron that all projects for the school are prioritized.

Peter Bresciano, Portsmouth resident, spoke in support of funding for traffic calming improvements to Woodbury Avenue. He expressed concern as to why the funding was moved from FY08 out to FY11. Mr. Bresciano advised the City Council that the neighborhood has requested improvements since 2000 and that traffic calming and safety measures are needed to Woodbury Avenue. He also addressed the need for additional signage and the redirection of traffic. He urged the City Council to move the funding for this project to FY08.

City Manager Bohenko advised that the City Council will vote on the plan at the March 19, 2007 City Council meeting but the funding for projects would take place during the adoption of the budget.

Anthony Coviello, Portsmouth resident, spoke to funding for the Middle School. He advised the City Council that he is in favor of moving the project forward for FY09. Mr. Coviello expressed his concern for this project turning into the library project. He also expressed support in bringing Portsmouth Listens in to conduct study circles on this matter.

Dave Perkins, Portsmouth resident, spoke in support of the traffic calming project for Woodbury Avenue and urged the City Council to move the funding up to FY08.

Iiro Lehtinen, Portsmouth resident, spoke in support of the Woodbury Avenue traffic calming project. He spoke in support of the project moving forward to address the safety issues facing Woodbury Avenue. Mr. Lehtinen addressed the need for a redesign of the road to assist with the safety concerns of the residents on Woodbury Avenue.

Walter Lewis, Portsmouth resident, spoke to the safety issues residents' face on Woodbury Avenue. He addressed the importance of the approval of the traffic calming project to Woodbury Avenue and moving the funding up for approval in FY08. Mr. Lewis advised the City Council that Woodbury Avenue is like a bypass and the speed continues to escalate. He urged the City Council to approve the funding as soon as possible.

Tom Sweeney, Portsmouth resident, said he does not understand why the Woodbury Avenue traffic calming project funding was moved out to FY11. He spoke in support of the funding and its approval for improvements to be made in FY08.

Rebecca Emerson, Portsmouth resident, said that she is thankful that she lives on the one sided section of Woodbury Avenue. She advised the City Council that speeding is a real issue and the crosswalks are invisible. She urged the City Council to move the project forward and approve the funding for FY08.

Michael Keefe, Portsmouth resident, spoke in support of the Woodbury Avenue traffic calming project and requested that funding be approved for FY08.

Bill St. Laurent, Portsmouth resident, said he would favor a reduction in the Capital Improvement Plan. He advised the City Council that the funding for the CIP should not be more than \$1,000,000.00. Mr. St. Laurent expressed his opposition to the funding of \$30,000.00 for the television studio and said that the funding for this project should be from a non-profit organization, not the taxpayers of the City of Portsmouth. He also suggested the removal of \$100,000.00 for the Ceres Street improvements and a reduction of \$10,000.00 for the tree planting program. He asked if the funding for the enterprise fund will increase the water and sewer rates. Deputy Public Works Director Allen said that there is a projected rate increase for water and sewer and a meeting will be held by staff to discuss that matter further.

City Manager Bohenko said much of the funding in the enterprise fund is from the state revolving loan fund. He also advised Mr. St. Laurent that our water rates are the lowest in the state.

Eric Anderson, Portsmouth resident, spoke regarding funding for the water and sewer plant and questioned why the funding was not in the plan for 5 years. He advised the City Council that he is not concerned with the funding for FY08 but the expenses increase in FY09 and FY10. He also requested that the summary provided of the CIP include how the funding will affect the tax rate. City Manager Bohenko said that the affect on the tax rate is available within the entire document of the plan which is available on the website, at the Library and the City Clerk's Office for review by the public.

City Manager Bohenko said that we identify major projects in the plan but they may not always receive funding approval.

Lenore Weiss Bronson, Portsmouth resident, spoke regarding the need for funding of the Woodbury Avenue traffic calming project. She advised the City Council that she is representing the neighborhood and their support of this project and its funding. Ms. Bronson expressed concern with the funding not moving forward for FY08 and urged the City Council to approve the funding for the project to commence in FY08.

Peter Bresciano, Portsmouth resident, said if the funding for the Woodbury Avenue project is not approve for FY08 the costs will continue to increase. He advised the City Council that this is a quality of life issue.

Martin Cameron, Portsmouth resident, spoke regarding the funding for the television studio. He said that the funding was not discussed or authorized by a vote of the City Council.

City Manager Bohenko said that the Capital Improvement Plan is in accordance with the City Charter and departments provide projects they feel are necessary. He said that the Cable Advisory Committee identified the television studio as a project. Further, the City Council makes the determination to reduce or remove projects.

Virginia Geraci, Portsmouth resident, spoke in support of funding the Woodbury Avenue traffic calming project. She said that traffic is a major concern and safety has become an issue that needs immediate attention.

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

At 9:35 p.m., Mayor Marchand declared a brief recess. Mayor Marchand called the meeting back to order at 9:55 p.m.

Councilor Grasso moved to suspend the rules in order to take up Items XII. B.1. and B.2. Seconded by Assistant Mayor Ferrini and voted. Councilor Whitehouse voted opposed.

B. MAYOR MARCHAND

1. Appointments to be Considered:

- Thomas Heany, Portsmouth Housing Authority
- Charles LeMay, Zoning Board of Adjustment
- Thomas Grasso, Alternate to the Zoning Board of Adjustment
- Elena Maltese, Alternate to the Historic District Commission

The City Council considered the appointment of Thomas Heany to the Portsmouth Housing Authority; appointment of Charles LeMay as a regular member to the Zoning Board of Adjustment; appointment of Thomas Grasso as an alternate to the Zoning Board of Adjustment; and Elena Maltese as an alternate to the Historic District Commission. The City Council will vote on these appointments at the March 19, 2007 City Council meeting.

2. Reports

Mayor Marchand passed the gavel to Assistant Mayor Ferrini.

Mayor Marchand advised the City Council that the Senate will be considering a bill for the Pease Tradeport to become a facility for gambling. He provided the City Council with a copy of his remarks which will be made at the hearing tomorrow in Concord. Mayor Marchand requested that the City Council pass a motion to support the remarks outlined, and that we are not in favor of gambling in the City of Portsmouth.

Mayor Marchand moved that the City Council is opposed to gambling in any form at the Pease Tradeport, the Port of New Hampshire or any where in the City of Portsmouth. Seconded by Councilor Whitehouse.

Councilor Whitehouse suggested an easier approach would be to eliminate Section 2 under #284-B:4 – Bidding and Locations of the bill.

Mayor Marchand said he wants the motion to include that we are not in favor of gambling any where in the city.

Councilor Pantelakos said that she is interested in eliminating gambling

Councilor Smith said that this matter was first brought to the attention of the City Council in January. He said that this is one of several bills regarding gambling in the legislature at this time. Councilor Smith asked Mayor Marchand to express his opposition to allow gambling on any state land in the city.

Mayor Marchand agreed to a slight change to the motion that would include all land within the boundaries of the City of Portsmouth including State land.

Councilor Dwyer expressed her concern with the social costs related to having a gambling establishment in the city.

Councilor Reynolds said that he is not in favor of gambling in any part of the seacoast and spoke to the social ills that are created from gambling.

Councilor Hynes said that the City Council should vigorously oppose any gambling in the boundaries of the city or its borders.

On a unanimous roll call 9-0, voted that the City Council is opposed to gambling in any form at the Pease Tradeport, the Port of New Hampshire or all land within the boundaries of the City of Portsmouth including State land.

Assistant Mayor Ferrini returned the gavel to Mayor Marchand.

Assistant Mayor Ferrini moved to suspend the rules in order to take up Item XI. E. - Letter from Paul Sorli Requesting a Revocable License for a Canopy over a portion of a City sidewalk at 78 Market Street. Seconded by Councilor Pantelakos and voted.

XI. E. Letter from Paul Sorli Requesting a Revocable License for a Canopy over a portion of a City sidewalk at 78 Market Street

Assistant Mayor Ferrini moved to grant a revocable license to KRS Realty LLC as proposed in memorandum from Chief Planner Lucy Tillman dated February 28, 2007. Seconded by Councilor Pantelakos and voted.

Councilor Whitehouse expressed concern regarding the construction of the canopy.

VII. PUBLIC HEARINGS

B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION TO \$30,600.00 FOR SINGLE AND \$37,740.00 FOR MARRIED AND TOTAL ASSETS MAY NOT EXCEED \$102,000.00 WHETHER SINGLE OR MARRIED

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

City Manager Bohenko advised the City Council that the increase is in accordance with the CPI.

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

C. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION TO \$30,600.00 FOR SINGLE AND \$37,740.00 FOR MARRIED AND TOTAL ASSETS MAY NOT EXCEED \$102,000.00 WHETHER SINGLE OR MARRIED

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

- D. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING – MAPLEWOOD AVENUE BY THE ADDITION FROM THE US ROUTE 1 BYPASS NORTHBOUND OFF RAMP TO PROSPECT STREET

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

Parking Manager Frederick reviewed the proposed amendment with the City Council.

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

- E. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.321 (G) – SNOW EMERGENCY PARKING BAN; SECTION 7.324 – LIMITED PARKING – ONE HOUR BY THE DELETION OF CHATHAM STREET: SOUTHERLY SIDE FROM SUMMER STREET TO WINTER STREET; SECTION 7.326 – LIMITED PARKING – 15 MINUTES BY THE ADDITION OF HANOVER STREET: NORTHERLY SIDE, FIRST TWO SPACES EAST OF HIGH STREET; NORTHERLY SIDE, TWO SPACES 246 FEET WEST FROM THE INTERSECTION OF HIGH STREET; SECTION 7.327 – LIMITED PARKING – TWO HOURS – BY THE ADDITION OF CHURCH STREET: EASTERLY SIDE, TWO SPACES 26 FEET SOUTH OF STATE STREET; SECTION 7.330 – NO PARKING – HANOVER STREET BY THE ADDITION OF THE SOUTHERLY SIDE FROM MARKET STREET TO A POINT 285 FEET EAST OF FLEET STREET; AND SECTION 7.403 TO BE ENTITLED LENGTH OF VEHICLES – VEHICLES PARKING IN OFF-STREET PARKING AREAS SHALL NOT EXCEED 19 FEET IN LENGTH

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation to the New Library Building Fund
- Attorney Robert A. Shaines - \$5,000.00 (*Second payment of 3-year pledge*)
 - Frank and Tracey Clarkson - \$5,000.00
 - William S. and Theresa P. Holden - \$1,000.00

Councilor Grasso moved to approve and accept the donations to the New Library Building Fund as listed. Seconded by Councilor Smith and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption to \$30,600.00 for single and \$37,740.00 for married and total assets may not exceed \$102,000.00 whether single or married

Assistant Mayor Ferrini moved to adopt the Resolution Amending Elderly Exemption Income and Asset Limits as presented. Seconded by Councilor Grasso and voted. Councilor Whitehouse abstained from voting.

- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption to \$30,600.00 for single and \$37,740.00 for married and total assets may not exceed \$102,000.00 whether single or married

Councilor Grasso moved to adopt the Resolution Amending Disabled Exemption Income and Asset Limits as presented. Seconded by Councilor Smith and voted.

- C. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Maplewood Avenue by the addition from the US Route 1 Bypass northbound off ramp to Prospect Street

Councilor Grasso moved to pass second reading and hold third and final reading at the March 19, 2007 City Council meeting as presented. Seconded by Councilor Smith and voted.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.321 (G) – Snow Emergency Parking Ban; Section 7.324 – Limited Parking – One Hour by the deletion of Chatham Street: southerly side from Summer Street to Winter Street; Section 7.326 – Limited Parking – 15 Minutes by the addition of Hanover Street: northerly side, first two spaces east of High Street; northerly side, two spaces 246 feet west from the intersection of High Street; Section 7.327 – Limited Parking – Two Hours – by the addition of Church Street: easterly side, two spaces 26 feet south of State Street; Section 7.330 – No Parking – Hanover Street by the addition of the southerly side from Market Street to a point 285 feet east of Fleet Street; and Section 7.403 to be entitled Length of Vehicles – Vehicles Parking in Off-Street Parking Areas shall not exceed 19 feet in length

Assistant Mayor Ferrini moved to pass second reading and hold third and final reading at the March 19, 2007 City Council meeting as presented. Seconded by Councilor Smith and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

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

(Anticipated action – move to approve and accept the donation as listed, to be placed in the Coalition Legal Fund)

- B. Acceptance of Donation to the New Library Building Fund
- David M. Holden and Laurinda L. Hill - \$200.00
 - Ashlie W. and N. Tim Peters - \$100.00

(Anticipated action – move to approve and accept the donations as listed, to be placed in the New Library Building Fund)

- C. Letter from Matt Lyman, March of Dimes, requesting permission to hold the annual WalkAmerica on Saturday, April 21, 2007 ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Jeanine Sylvester, Runner's Alley, requesting permission to hold the 10th annual Runner's Alley/Redhook Brewery Memorial 5k on Sunday, May 27, 2007 ***(Anticipated action – move to refer to the City Manager with power)***
- E. Letter from Jay Diener, Seacoast Half Marathon, requesting permission to hold the 2nd Annual Seacoast Half Marathon on Sunday, November 11, 2007 ***(Anticipated action – move to refer to the City Manager with power)***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from David A. Smith requesting permission to place a granite bench in Prescott Park in memory of his son Dean

Councilor Grasso moved to refer to the Trustees of the Trust Fund for report back. Seconded by Councilor Pantelakos and voted.

- B. Letter from Attorney Malcolm McNeill, Jr., McNeill, Taylor & Gallo, P.A., regarding Proposed Zoning Amendments for a parcel of commercial land formerly known generally as "Woodbury Gardens"

Assistant Mayor Ferrini moved to refer to the Planning Board for report back. Seconded by Councilor Whitehouse and voted.

- C. Letter from Attorney Malcolm McNeill, Jr., McNeill, Taylor & Gallo, P.A., regarding Proposed Zoning Amendments of 37 acres of land frequently called "Islington Woods" located off of Islington Street

Assistant Mayor Ferrini moved to refer to the Planning Board for report back. Seconded by Councilor Smith and voted.

- D. Letter from Lindsay Hanson, Events Coordinator for New Hampshire Public Radio regarding the City of Portsmouth hosting the National Public Radio Program StoryCorps and requesting a parking space for a mobilebooth from July 2, 2007 through July 28, 2007

Councilor Whitehouse moved to refer to the City Manager with power with a report back. Seconded by Councilor Hynes.

Councilor Whitehouse expressed concern relative to where the mobile units would be stored for several days.

Motion passed.

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request to Grant an Easement to Verizon New England, Inc.

City Manager Bohenko advised the City Council that this is an easement on behalf of Verizon New England (Nextel) and a map has been provided outlining the location of the easement.

Councilor Whitehouse moved to authorize the City Manager to negotiate and execute an easement to Verizon New England (Nextel) as presented. Seconded by Councilor Hynes and voted.

- 2. Report Back Re: Blunt Painting Request

City Manager Bohenko said that this is a report back on the letter from Deborah Childs requesting permission for the Portsmouth Historical Society to borrow the painting entitled "A View of Portsmouth from Freeman's Point" by John S. Blunt. He outlined the steps to be followed if the request is granted.

Plan as Outlined in City Manager's Memorandum

- A. *City will have the painting professionally appraised by Michelle DuBois of Manomet, MA and insured for the appropriate amount. This will enable the City to enter into the necessary agreements with the Historical Society to borrow the painting. Note: The painting was appraised on February 20th.*
- B. *City will have the painting professionally stabilized and cleaned by conservator Anthony Moore of York, Maine prior to being professionally removed from the City Council Chambers. Note: Estimated cost for this work is \$2,500 with Portsmouth Historical Society contributing \$500. PHS will explore lending another Portsmouth-themed art piece to hang in Council Chambers until the Blunt painting is returned.*
- C. *Following cleaning and stabilization, the painting will be professionally transported to the John Paul Jones House for the Portsmouth Historical Society Blunt exhibit scheduled for June 1- October 31, 2007.*
- D. *Following the exhibit, the painting will be professionally transported back to the conservator to have the painting's backing repaired and ultimately returned to the City. Cost for this work is roughly \$3,000. The City is exploring a grant from the NH Moose Plate program for this work.*

City Manager Bohenko advised the City Council that \$2,000.00 for the cleaning of the portrait would be expended from the contingency fund.

Councilor Grasso moved to authorize the City Manager to enter into such agreements as may be necessary to implement the plan outlined in the City Manager's memorandum dated March 2, 2007. Seconded by Councilor Whitehouse and voted.

3. License Agreement with PSNH for Emergency Access to Atlantic Heights Neighborhood

City Manager Bohenko reported that discussion has been held with PSNH with regard to the creation of an emergency access to and from the Atlantic Heights neighborhood. He reviewed the aerial map with the City Council which outlined the area in question. City Manager Bohenko advised the City Council that PSNH is prepared to grant the City of Portsmouth a revocable license for emergency access. The access would only be available for those emergencies when access via the public ways is not available. The access would be limited by gates (their service road is currently gated) and both PSNH and the City would have necessary keys. The City would, in the first instance, be responsible for making any improvements to the service road that the City deems necessary to make it passable, such as clearing brush or grading. Thereafter, PSNH would keep it passable and plowed.

City Manager Bohenko informed the City Council that PSNH has requested to be held harmless and indemnified from any losses as a result of the City's use of the road. He said if the City Council authorizes him to enter into this license agreement, he will meet with representatives from PSNH, the Police, Fire, and Public Works Departments to develop a protocol for its use in emergency situations. Subsequent to the development of that protocol, he will establish a meeting with the neighborhood to discuss on what conditions and circumstances this emergency access will be utilized.

Councilor Pantelakos moved to authorize the City Manager to negotiate and execute a license agreement with PSNH for the purpose of creating an emergency access for the Atlantic Heights neighborhood. Seconded by Councilor Dwyer and voted.

4. Report Back Re: Maxam Land Acquisition and Conservation Easement

City Manager reported on February 15, 2007 the Planning Board voted to recommend acceptance of the Maxam Property as a City owned parcel and execute the conservation easement deed. He reviewed the map that has been provided for the City Council showing the 27 acre area in question.

Councilor Pantelakos moved to authorize the City Manager to accept this parcel and execute the conservation easement deed for the property. Seconded by Councilor Smith.

City Attorney Sullivan reported that the Public Works Department has raised some minor issues with the utility line and there may be a need for some minor changes to the deed.

Motion passed.

5. Planning Board Report Back Re: Proposed Amendments to Central Business A District

City Manager Bohenko requested that the City Council accept the report back from the Planning Board. Planning Director Holden advised the City Council that the Planning Board held a work session on the ordinance and that a public hearing would be held on March 15, 2007. He informed the City Council that the initial ordinance should be left to expire on its own time. He further advised the City Council that this is a new ordinance, and this would replace the initial ordinance previously considered by the City Council.

Councilor Smith moved to accept the report back from the Planning Board. Seconded by Councilor Pantelakos.

Councilor Whitehouse said that this is not exactly what he wanted in terms of the height issue however, he would support the ordinance.

Motion passed.

Informational Items

1. *Student Government Day*

City Manager Bohenko informed the City Council that at the March 19th City Council meeting, students participating in Student Government Day will be sitting down with Council members.

2. *Mayor's Blue Ribbon Committee on Boards & Commissions Term Limits*

City Manager Bohenko advised the City Council in response to the work session on Boards and Commissions Terms Limits, attached is a memorandum from City Attorney Robert Sullivan, which has interesting possibilities to address this issue. He further advised the City Council if they wish to discuss this matter it may be brought forward at a future City Council meeting.

Composition of Taxi Commission (Not on agenda)

Councilor Whitehouse requested that City Attorney Sullivan review the Taxi Ordinance in regards to the Composition of the Taxi Commission to see if an amendment is necessary.

C. COUNCILOR SMITH

1. Traffic & Safety Committee Action Sheet and Minutes of the February 8, 2007 meeting

Councilor Whitehouse moved to approve and accept the action sheet and minutes of the February 8, 2007 Traffic & Safety Committee meeting. Seconded by Assistant Mayor Ferrini and voted.

2. Parking Committee Action Sheet and Minutes of the February 8, 2007 meeting

Councilor Hynes moved to approve and accept the action sheet and minutes of the February 8, 2007 Parking Committee meeting. Seconded by Councilor Grasso and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse asked City Manager Bohenko about the March 19, 2007 City Council meeting in regards to the adoption of the Capital Improvement Plan. City Manager Bohenko advised Councilor Whitehouse that the Capital Improvement Plan would be brought forward and any City Councilor could make an amendment. City Manager Bohenko asked if any City Councilor wishes to make an amendment that they contact him in order to draft the appropriate amendment. He advised the City Council that areas of concerns with the plan expressed this evening are the traffic calming project for Woodbury Avenue, the funding for the television studio and the \$25,000.00 for a planning study that would provide information about school facility capacities.

Councilor Dwyer provided the City Council with a memorandum regarding her proposal for amendment to the Capital Improvement Plan. She reported that she would be recommending an addition to the Capital Improvement Plan for FY08 to provide for a planning study that would provide information about school facility capacities and future needs in light of population projections, estimated for Capital Improvement Plan planning purposes at \$25,000.00.

Councilor Dwyer informed the City Council that the study would:

1. estimate the projected numbers of students at each grade level over a 15-20 year period;
2. examine a variety of possible models of grade configurations based on population and existing/planning facilities; and
3. identify the advantages and disadvantages of various alternative building uses and grade configurations

Assistant Mayor Ferrini expressed concern with a review of grade configurations as that is under the control of the School Board.

Councilor Pantelakos said that the City Council needs to allow the School Board to do their job.

Councilor Smith inquired if the City Council would be receiving a final report from the Joint School Advisory Committee. Councilor Grasso advised Councilor Smith that the minutes have been provided as required, but there is no formal report.

Mayor Marchand said that the School Board takes the information and votes on the matter. City Attorney Sullivan said that the site selection is made by the School Board.

Assistant Mayor Ferrini said he feels if the City Council was to have a summary they would look beyond that.

Councilor Smith said he would like a summary as to how the Joint School Advisory Committee made the decision they made relative to the middle school issue. Assistant Mayor Ferrini reported that the Joint School Advisory Committee received site plan and building plan data and it is important to look at the uses from a global perspective.

Councilor Reynolds said that both sites were viable and agreed with Assistant Mayor Ferrini that a summary would not be beneficial to the City Council.

Councilor Smith requested that the City Council conduct monthly meetings with the State Legislature while they are in session to keep the City Council informed on upcoming legislation.

XIV. ADJOURNMENT

At 11:30 p.m., Assistant Mayor Ferrini moved to adjourn. Seconded and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC
City Clerk