

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 19, 2008

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

At 6:30 p.m., an Anticipated "Non-Meeting" with counsel was held regarding litigation – RSA 91-A:2 I (c).

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:05 p.m.

II. ROLL CALL

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

III. INVOCATION

Mayor Ferrini asked everyone to join in a moment of silent prayer in memory of Harold Ecker who recently passed away.

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

2. School Board Status Report Re: Portsmouth Middle School Project – Mitchell Shuldman, School Board Chair

Dr. Shuldman, School Board Chair provided a status updated on the Middle School project. He spoke to the two community workshops which were recently held with presentations by JCJ Architects. He announced that the School Board is conducting a work session tomorrow regarding the Middle School project and the School Department will seek to have the meeting video taped and made into a DVD for the public to view. Dr. Shuldman said that the School Board anticipates voting on the site and size of the Middle School building at an upcoming meeting. In closing, he informed the City Council that there will be two additional community sessions held in June.

Councilor Kennedy suggested having the broadcast of the meetings made available on the website for public viewing. City Manager Bohenko said he would look into having this done. Dr. Shuldman advised Councilor Kennedy that there may be issues with the quality of audio for these meetings held outside of the Chambers.

3. Overtime Tracking Report Re: Police, Fire and Public Works Departments

City Manager Bohenko said that the City Council requested to receive an update on the Overtime Tracking Report.

Police Chief Magnant reviewed the various areas in the department for which overtime is tracked. He spoke to the form used to track overtime and the process of approval. He informed the City Council that there are minimal staffing requirements that are not contractual. Chief Magnant reported that he and Deputy Chief DiSesa audit the overtime in the Police Department and it is reviewed monthly.

Councilor Kennedy asked how the Chief felt about cross-training of employees for the Fire and Police Departments. Chief Magnant said that they are both different occupations that require different types of extensive training. He advised Councilor Kennedy that he would not support the cross-training of employees for the departments. Chief Magnant said it is important to note that the Police Department overtime costs are 30% lower than other communities.

Councilor Dwyer said overtime in the Police Department is lower and asked Chief Magnant if that could be attributed to the management strategies that the department has put in place and inquired if there could be further changes. Chief Magnant spoke to the management changes and said he feels the department is in line.

Fire Chief LeClaire outlined the categories for overtime in the Fire Department. He informed the City Council that the department has created an earned time policy for sick and annual leave. Chief LeClaire said the department does not enough personnel and therefore it requires overtime.

Councilor Kennedy asked Chief LeClaire how he feels about the possibility of cross-training between the Fire and Police Departments. Chief LeClaire said he agrees with the comments made by Police Chief Magnant and said it is unworkable. He said there are some communities that have tried cross-training and are now moving away from it. Councilor Kennedy asked Chief LeClaire to provide examples of communities that are moving away from cross-training. Councilor Kennedy asked Chief LeClaire if he has one person out per shift each day. Chief LeClaire responded that there are usually 2.5 employees out per shift per day in the department.

Discussion followed relative to adding personnel to the Fire Department as a way to reduce overtime costs. Fire Chief LeClaire said that the City Council needs to remember that with additional personnel there are costs involved for benefits and it is less expensive to pay overtime than to pay for salaries and benefits. He advised the City Council that you would need to hire in groups of four and for every four firefighters it would cost \$280,000.00. Chief LeClaire advised the City Council that the Fire Department overtime is in line based upon the Matrix Report.

Assistant Mayor Blalock thanked the Fire Chief and Police Chief for the overtime report. He said there is a misconception that we have overpaid police and fire personnel and that is simply not true. He said we ask a great deal from our employees and we provide excellent service to the City of Portsmouth and its residents.

Councilor Reynolds said he echoes Assistant Mayor Blalock's comments. He said that the services provided by the Police and Fire Departments are a testament to our community and they should be seen as an investment.

Councilor Pantelakos said that the Police, Fire and Public Works Departments need to insure that they budget appropriately for overtime because there is no control over when there will be a crime, fire or snowstorm.

Councilor Novelline Clayburgh said she spoke with Fire Chief LeClaire regarding the department and its overtime. She said that Chief LeClaire has researched other communities and she was very impressed by the information provided to her.

Councilor Kennedy asked about mutual aid and our policy. Chief LeClaire spoke to mutual aid and how it is handled. He advised the City Council that mutual aid is a great service that is valuable to the community.

Public Works Director Parkinson reviewed the overtime report for the Public Works Department. He reported that the department constantly looks for ways to provide savings in providing services. He spoke to the policy of having employees come in early to complete a job as a way to save in overtime. Public Works Director Parkinson informed the City Council that Public Works does not replace one for one and bring in individuals at overtime. He also informed the City Council that some employees take comp time versus overtime which provide savings in overtime costs. In addition, the Matrix Report showed that Portsmouth is significantly lower compared to other communities in terms of overtime costs.

1. Retirement Bill (HB1645) – State Senator Martha Fuller Clark

City Manager Bohenko spoke to the impact of HB1645 on the community. Senator Clark reviewed the process followed by the House and Senate for this bill and the difference in the versions. She said there needs to be a greater sense of balance between the employees and employers. Senator Clark said she realizes removing the age requirement is a concern for the City of Portsmouth but the Senate needs to look at the entire State as a whole.

She outlined the estimated total fiscal impacts of HB1645 on State and Political Subdivisions – FY2010 only

Current Law:

- *No Transfer*
- *Medical Subsidy Continue to Grow 8%*
- *Rates = 25% of Total Contributions*

House Version:

- *Transfer \$250 Million from Special Account to Corpus of Fund*
- *8% Growth FY 2009, then freeze medical subsidy level*
- *Rates = Lesser of solvency or 25% of total contributions*

Senate ED&A Version

- *Transfer same as House*
- *Freeze medical subsidy for 4 years, then 4% growth*
- *Rates setting same as House*

Estimated Total Fiscal Impacts of HB1645 on all Groups – FY2010 only

Current Law:

- *No Transfer*
- *Medical Subsidy Continue to Grow 8%*
- *Rates = 25% of Total Contributions*

House Version:

- *Transfer \$250 Million from Special Account to Corpus of Fund*
- *8% Growth FY 2009, then freeze medical subsidy level*
- *Rates = Lesser of solvency or 25% of total contributions*

Senate ED&A Version

- *Transfer same as House*
- *Freeze medical subsidy for 4 years, then 4% growth*
- *Rates setting same as House*

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini asked Senator Clark if she could tell the City Council what this will cost the taxpayers for this community. Senator Clark said she understands that the increase would be \$232,362.00. Mayor Ferrini asked if the Senate looked at the age of retirement. Senator Clark said the policy for police and fire is age 45 with 20 years but teachers must work until age 60. She said that they were looking to increase the age to 50 and that will be brought back to the table when the bill goes to conference. Mayor Ferrini asked if the Senate has heard from other communities relative to the age requirement. Senator Clark said that the cities want the Senate to increase the age to 50 and there may be some cost saving but not immediate for communities.

City Manager Bohenko advised Senator Clark when the City spoke in support of increasing the age it was for all new hires going forward. Senator Clark said she understands it is prospective.

Mayor Ferrini questioned that Board of Trustees members and the need to allow for municipal representation. Senator Clark said the make up of the Committee will be under debate and its representation. Mayor Ferrini asked if Senator Clark would raise that issue and Senator Clark responded that she would.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

Councilor Dwyer advised Senator Clark that this bill is a real concern and would affect the community greatly. She said that the Senate needs to think of long term solutions. She asked Senator Clark if the estimates provided by the Senate have any more creditability. Senator Clark said no actuaries, but the State is putting professionals in place to assist with the issues relative to the retirement system. She said the Board of Trustees did not take advantage and use the best investment management available.

Councilor Spear said that we should have people that do not have a vested interest at the table. Senator Clark said that there will be more aggressive reporting.

Councilor Reynolds said he cannot believe that the State did not have access to professional investment management over the funds. Senator Clark said the State is moving towards being more transparent.

Councilor Pantelakos asked Senator Clark where the two subcommittees will come from. Senator Clark said that the subcommittees are independent from the board.

In closing, Senator Clark informed the City Council that she will keep them informed regarding HB1645.

V. ACCEPTANCE OF MINUTES – MAY 5, 2008

Councilor Pantelakos moved to approve and accept the minutes of the May 5, 2008 City Council meeting. Seconded by Councilor Smith and voted.

VI. PUBLIC COMMENT SESSION

James Horrigan spoke opposed to the request for signage at Leary Field by the City Soccer Club. He said he is not in favor of using signage for commercial businesses on City property. Mr. Horrigan spoke to the allowed use of signage by the Babe Ruth and advised the City Council that the signage was suppose to be removed in September and it did not come down until after Thanksgiving. He requested that the City Council consider the neighborhood when reviewing the request.

John Wright said he has a request before the City Council this evening to operate a pedicab business in Portsmouth. He said that this is an environmentally friendly business that will provide service to the residents.

Robin Hackett said that the residents of Ridges Court want to preserve the dock on Fernald Court and access to the water. She asked for the assistance of the City Council in achieving this.

Attorney Joanne Stella advised the City Council that there is an emergency hearing for an injunction to prohibit the removal of the dock on Fernald Court tomorrow at Rockingham County Courthouse. She informed the City Council that the waterfront property is owned by Rebecca Harvey. Ms. Stella reported that the City Attorney has indicated that this is a public right-of-way to the water. She said that the neighborhood wants to make sure that the water access is not impacted. She reported that DES did not issue a permit to Ms. Harvey because you cannot have two docks on the same property and as long as ownership is an issue there will be no permit issued. She said that the neighborhood association will provide a \$1 million dollar insurance binder to cover the dock.

Michael Rainboth said that Judge McCue will hear the petition tomorrow to not tear down the dock. He said that harm will occur with the dock being removed and the court needs to know the merits related to the case. He said the City owns the right-of-way and asked that the City Council instruct City Attorney Sullivan to advise the court that the dock should be preserved.

At 9:15 p.m., Mayor Ferrini declared a brief recess. Mayor Ferrini called the meeting back to order at 9:30 p.m.

VII. APPROVAL OF GRANTS/DONATIONS

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

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing Borrowing in Anticipation of Revenues and Taxes in the amount of \$16,000,000.00

Councilor Smith moved to pass first reading and hold a public hearing and adoption of the Resolution at the June 2, 2008 City Council meeting. Seconded by Councilor Spear and voted.

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation for Overnight Art Event
- Susan Conway - \$1,000.00
 - Fidelity Charitable Gift Fund for George Friese - \$1,000.00
 - Jumpin Jay's Fish Café - \$500.00
 - Dos Amigos Burritos - \$500.00
 - Empresa Resource Group - \$200.00
 - Karen & Anthony Maneen - \$100.00
 - Susan Carlisle - \$100.00
 - The Betty LaBranch Agency - \$50.00

(Anticipated action – move to approve and accept the donations for Overnight Art)

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

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Monte Bohanan, The Music Hall, requesting permission to close Chestnut Street on Saturday, May 31, 2008 from 9:00 a.m. – 4:00 p.m. to hold their on sale date for next season

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

- B. Letter from John Wright, Granite State Pedicabs, requesting permission to operate a pedal driven tricycle with a two passenger cab (Pedicab) for rides around the city

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

- C. Letter from Cindi Blanchette, Portsmouth City Soccer Club, requesting permission to offer local businesses to hang banners at Leary field during the soccer season – mid August to mid November

City Manager Bohenko said that the issue of signage has been referred to the Planning Board for review in the past. He informed the City Council that this matter could be referred to another agency for a report back or referred to him with power and report back.

Councilor Dwyer moved to refer to the Planning Board for a report back with a consideration of alternatives for banners. Seconded by Councilor Kennedy.

Councilor Kennedy asked City Manager Bohenko to research when the signage was removed from Leary Field last year. City Manager said he will look into the matter and provide the City Council with an answer.

Councilor Raynolds expressed concern with allowing signage for commercial businesses on City property. City Manager Bohenko said that the league moved to signage rather than tagging. Councilor Novelline Clayburgh suggested that the signage be in place for games and removed at the conclusion of each game.

Motion passed.

- D. Letter from John Dussi, Northern Tier Real Estate Acquisition & Development, LLC, requesting to plant 5 or 6 eastern redcedar juniper evergreen bushes on the sidewalk in front of 172 Hanover Street

City Manager Bohenko recommended that this request be referred to the Trees and Public Greenery Committee for report back.

Councilor Smith moved to refer this matter to the Trees and Public Greenery Committee for report back to the City Council. Seconded by Assistant Mayor Blalock.

Councilor Dwyer asked if Mr. Dussi plans to place the trees in pots or to take up space on the sidewalk. City Manager Bohenko said there are a number of issues that will be discussed by the Trees and Public Greenery Committee.

Motion passed.

- E. Letter from School Administrative Unit Fifty supporting the School Board's proposed 2008/2009 budget

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

- F. Letter from Lynne Langley & Cristy Cardoso, Atlantic Heights Community Garden Committee, requesting to create a Community Garden project in the Atlantic Heights Neighborhood on City property located on Bedford Way

Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Assistant Mayor Blalock and voted.

Councilor Raynolds moved to suspend the rules in order to take up the issue of Fernald Court which is not on the agenda. Seconded by Councilor Pantelakos and voted.

Councilor Reynolds moved to instruct the City Attorney to tell the court at the hearing tomorrow that the City is interested in seeing the dock preserved and supports the injunction to prevent the destruction of the asset. Seconded by Councilor Pantelalkos.

City Attorney Sullivan said that Fernald Court is shown on City tax maps as running to the water. He reported that sometime in the 1960's Mr. Kinch, a former City employee, with out approval from the City and no permits of any kind, constructed a dock on one half, the left side as you are looking towards the water of the paper street portion of Fernald Court. The City has consistently maintained that Fernald Court is public property to the water and the City Council re-enforced that very significant view 2 years ago by obtaining a deed from the Macleod's that own the underlining portion on the right half of Fernald Court going to the water. The dock is built on the other half adjacent to property owned by Rebecca Harvey. He said that the City's consistent position, with an actual vote of the City Council in 1998 was that the City has no interest in that dock. City Attorney Sullivan said if the dock belongs to any one the City Council determined in 1998 that it belongs to Rebecca Harvey. The City Council said at that time if it was not interested in removing the dock itself but that if any arrangements could be made they should be done between the Harvey's and who ever wants to keep the dock and the City was not interest in the issue. He said his view has always been in analyzing the paper street that if any one owns the dock it is Rebecca Harvey. City Attorney Sullivan reported the extension of the paper street when nothing is built; is subject to public servitude. He said that we do not have a deed to Fernald Court the public servitude operates like any easement. The owner of the underlying property of Fernald Court would be who ever owns either side of the middle. This leads to the Macleod's owning one side and Rebecca Harvey owning the other. The City obtained a deed from the Macleod's to guarantee public access to the water regardless of how the paper street issue is analyzed. He advised the City Council that we assured the neighbors that they can get to the water and it is used sort of as a community beach. City Attorney Sullivan reported that we have no such deed from Rebecca Harvey and with regards to the existing dock itself. He advised the City Council that he is very leery because the dock is not built to any codes or standards; it was totally built without permits. He said the dock has been improved upon in recent years but again with no permits. He expressed his liability concerns. He said he is further concerned and so was a previous City Council whether other residents should be bearing the burden of owning or controlling the dock when there is one neighborhood that uses it. City Attorney Sullivan said that this is a policy decision of the City Council. He advised the City Council that the neighborhood has proposed different ways of dealing with this matter. One of the possibilities is the neighborhood could try to get Rebecca Harvey to give the City an easement like the Macleod's gave the City so that it became clear that the City controlled the area were the dock is located and after that took place the City could then lease, rent, or license making further agreements between the City and the neighborhood association that the association would control the dock. In order to address liability concerns the association would purchase insurance that would be reviewed to insure that it covers what the City requires. The City requires \$2,000,000.00 in liability coverage and the neighborhood is able to secure a \$1,000,000.00 policy. In the end, these are all policy decisions of the City Council and a past City Council has decided to stay away from the problem. The last vote of the City Council was in 1998 saying that it was not something the City wanted to be involved in.

Mayor Ferrini asked the City Attorney if the motion is precise before he rules it out of order. City Attorney Sullivan said he understood the motion requested by Attorney Stella was that the City Council supports the injunction. City Attorney Sullivan said Ms. Harvey through her Attorney Peter Loughlin has advised numerous parties including the City that they would like to tear down the dock. The injunction is a request of the court to order that Ms. Harvey not tear the dock down. He reported that the injunction would be on a temporary basis. If the order was granted it would order Ms. Harvey not tear the dock down until there is such time for an evidentiary hearing. He further advised the City Council that the motion would have the effect of instructing him to go to court tomorrow and tell the judge that the City Council would like to see a temporary injunction granted.

Mayor Ferrini said if that is the way we understand the motion we are not taking a position in chief as regards to our ownership we are really saying to the court we would like to see the injunction granted. Mayor Ferrini asked if that was Councilor Raynolds intent of the motion, Councilor Raynolds it was. Mayor Ferrini said there is nothing in the intent in regards to ownership.

Mayor Ferrini asked what the legal affect would be. City Attorney Sullivan said he believes that the Court and the judge would be affected by such a vote of the City Council. City Attorney Sullivan said that his position and prior City Council is that we have no interest in that dock, it is Ms. Harvey's dock. He said he would advise the court that the City does not have any interest in the dock we believe it belongs to Ms. Harvey but the Council has instructed him to advise the judge that the City Council supports a temporary injunction.

Councilor Raynolds said his intent is narrow and the motion made was clear and he is open to fine tuning it. Mayor Ferrini said he rules the motion out of order because it is not clear.

Councilor Pantelakos said the dock has been in existence for 40 years and the City has not done anything to have the dock removed or repaired. She said that she feels we are taking something away from the community.

Assistant Mayor Blalock moved to support the injunction to preserve the dock temporarily. Seconded by Councilor Pantelakos.

City Attorney Sullivan said paper street issues are complex and a complete title search must be conducted on where and how the paper street came in existence and what level of public use and maintenance has occurred.

Councilor Smith asked City Attorney Sullivan if the dock becomes ownership of the City are we required to bring it up to code. City Attorney Sullivan said a deed could be given to the City from Ms. Harvey or there could be a trial and if either happens the City would be responsible for bringing the dock up to code.

Councilor Dwyer said in supporting the injunction we are supporting a neighborhood association as it attempts to work out a solution to this matter.

Assistant Mayor Blalock said the intent of the motion is to allow the neighborhood association to work on the matter.

Councilor Novelline Clayburgh said she is uncomfortable because this issue is not on the agenda and feels that it would be better if Ms. Harvey had representation here this evening. She said that the City Council should hear from both sides.

Councilor Spear said he agrees with Councilor Novelline Clayburgh and the need to hear from both sides. He said the only position the neighborhood is taking is that the ownership of the dock will be by the City and he would vote against the motion.

Councilor Smith said he is uncomfortable with this issue and motion as well. He said he would support the motion for only the purposes to allow for negotiations. He said that the association needs to take in account the liability costs and the policy needs to be in the amount of \$2,000,000.00.

Councilor Pantelakos said she supports the motion because we need to allow them a chance to negotiate with Ms. Harvey.

Mayor Ferrini said that the City Council does not believe we own the land but support the neighborhood association to have negotiations with Ms. Harvey regarding the dock.

City Attorney Sullivan said he feels we will be sued on this matter and it creates inconsistencies with the previous vote of the City Council.

On a roll call 6-3, voted to ask the City Attorney. Assistant Mayor Blalock, Councilors Dwyer, Smith, Kennedy, Raynolds and Pantelakos voted in favor. Councilors Novelline Clayburgh, Spear and Mayor Ferrini voted opposed.

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request from School Department to Establish Work Session on a Quarterly Basis Re: Education Issues

City Manager Bohenko advised the City Council that the School Board and Dr. Lister are requesting to meet quarterly with the City Council in a work session to discuss educational issues. He said based on the request is would recommend scheduling work sessions on September 15, 2008 and December 15, 2008 and once the City Council schedule is established for the next calendar year, the Council could schedule future work sessions.

Councilor Smith moved to schedule work sessions on September 15, 2008 and December 15, 2008. Seconded by Councilor Novelline Clayburgh.

Councilor Dwyer said to have quarterly work sessions with the School Board would be a unique undertaking. She asked if we could have the City Manager speak with Dr. Lister to receive additional information and clarification of the request. City Manager Bohenko said he would receive better clarification on the request. Councilor Dwyer said quarterly work sessions seem too frequent.

Mayor Ferrini asked if other departments have a mechanism for quarterly reports. City Manager Bohenko informed the City Council through the Charter we attain those through our financial reports.

Councilor Pantelakos moved to table this matter. Seconded by Councilor Kennedy and voted.

Councilor Kennedy requested if the School Board has a specific issue that they communicate with an agenda request for a work session on a case-by-case basis.

2. Request to Establish First Reading Re: Authorizing Payment by Credit Card Pursuant to RSA 80:52-C

Councilor Smith moved to authorize first reading of an ordinance at the June 2, 2008 City Council meeting that would authorize water and sewer bill credit card payments in accordance with state law. Seconded by Councilor Kennedy.

Councilor Kennedy said if we are going to do monthly water and sewer billing we have to institute payments be credit cards.

Motion passed.

City Manager Bohenko announced that the City received notification that our comprehensive annual financial report (CAFR) for the fiscal year ending June 30, 2007, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting, and its attainment represents a significant accomplishment by a government and its management. The City has received this award consecutively since 1995. City Manager Bohenko recognized Finance Director Belanger and the Finance Department staff for this award.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - Ruth Griffin – Reappointment to Portsmouth Housing Authority
 - Cristy Cardoso – Appointment to Mayor's Blue Ribbon Citywide Neighborhood Steering Committee
 - James Melfi – Reappointment to Mayor's Blue Ribbon Citywide Neighborhood Steering Committee
 - William St. Laurent – Reappointment to Mayor's Blue Ribbon Citywide Neighborhood Steering Committee

The City Council considered the above appointments and announced that they will be voted on by the City Council at the June 2, 2008 meeting.

2. Central Veterans Council – Memorial Day Parade and Services

Mayor Ferrini announced that the Central Veterans Council will be holding the Memorial Day Parade and Services on Monday, May 26, 2008 at 1:00 p.m.

3. July 7, 2008 City Council Meeting

Mayor Ferrini said because of the July 4th weekend, it has been discussed about changing the July 7th meeting to another date. Historically, the City Council has had one meeting in July and in August, but over the past few years, we have had more than one meeting in these months. He said he would suggest going back to one July meeting inasmuch as July 4th falls on Friday and the City Council would meet on July 7th.

Councilor Smith moved to cancel the July 7, 2008 City Council meeting. Seconded by Assistant Mayor Blalock and voted.

C. COUNCILOR SMITH

1. Mayor's Blue Ribbon Consolidation of Committees

Councilor Smith advised the City Council that Councilors Dwyer, Pantelakos and himself met to review the existing menu of committees and develop suggestions for consolidations and streamlining of existing committees for the purpose of better utilization of staff and Council resources. He informed the City Council that moving through this process may take several months.

City Manager Bohenko recommended taking one recommendation at a time.

Councilor Smith moved to instruct the City Attorney to draft an ordinance to create a new Recreation, Parks, and Open Space Committee that would assume the functions of the existing Recreation, Peirce Island, Cemetery and Dog Committees. In addition, once this item has been addressed the Report on the AD Hoc Restructuring Committee will come back to the City Council for consideration of the remaining four recommendations. Seconded by Councilor Dwyer.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said we need a report back from the City Attorney as to what this will entail. He said that there are moving parts that we need to fully understand.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

Councilor Kennedy said she does not feel that this is the right time to bring this matter up. She said we should know how much city staff time is being used for these committees.

Councilor Dwyer said the next steps have been identified under the advice of City Attorney Sullivan. She said all things are legally possible. She said some functions of committees are very important and she would like to see the first committee to move to the level of land use.

City Manager Bohenko said the City Council would receive a document to show how the committees could be combined. He said that policy discussion would need to take place amongst the City Council.

Councilor Raynolds said he supports the motion and the recommendations have been well thought out by the three City Councilors.

Motion passed.

D. COUNCILOR RAYNOLDS

1. Sagamore Creek Bridge

Councilor Raynolds spoke to the letter he drafted to send to the Department of Transportation Commissioner relative to upgrading the Sagamore Creek Bridge.

Councilor Raynolds moved to send the letter to the Department of Transportation from the City Council asking that they take interim measures to address the safety of the Sagamore Creek Bridge. Seconded by Councilor Pantelakos.

City Manager Bohenko advised Councilor Raynolds that the City owns the bridge and it is not necessary to send a letter to the Department of Transportation. Councilor Raynolds said he was not aware that the bridge was City property and if he had known he would not have prepared this letter.

Councilor Raynolds withdrew his motion and Councilor Pantelakos the second to the motion.

Councilor Raynolds said the bridge is a long standing hazard to bicyclist and he submitted for the record a petition with over 330 signatures requesting that the bridge be made safe for bicyclist. He said he would like to see the City do something in the near future to address the hazards of the bridge at a limited cost.


Councilor Raynolds said that the Sagamore Creek Bride and Route 1A are part of the route of the East Coast Greenway, a national project aiming to connect cities and towns of the East Coast with a continuous, inter-urban route spanning 3,000 miles from Calais, Maine to Key West, Florida. Councilor Smith said when the Greenway project met with the Traffic & Safety Committee they indicated that the route would not go over the Sagamore Creek Bridge and if Councilor Raynolds has documentation that indicates otherwise, he would request a copy.

Councilor Raynolds requested a report back from City Manager Bohenko with a recommendation on creating safe, smooth bicycle lanes on either side of the bridge.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 11:00 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Pantelakos 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/CNHMC
City Clerk