

CITY COUNCIL WORK SESSION

Middle School Design Concept

June 23, 2008 – 6:30 p.m.

Eileen Dondero Foley Council Chambers

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

Staff Present: John P. Bohenko, City Manager; Susan Woodland, Assistant City Attorney; Dr. Robert Lister, School Superintendent, Stephen Bartlett, School Business Administrator, Brendan Ristanino, School Board Vice Chair, Rebecca Emerson, Ann Walker, Dexter Legg, Elizabeth Sweet, Sheri Ham Garrity, Kent LaPage, Leslie Stevens and Dr. Mitchell Shuldman, School Board Chair, and Dianne M. Kirby, Deputy City Clerk

Others Present: James LaPosta, Douglas K. Roberts and Lisa B. DeStefano, JCJ Architecture and Edward Murdough, New Hampshire Department of Education

Mayor Ferrini called the work session to order at 6:30 p.m. He stated that Dr. Mitchell Shuldman and Leslie Stevens of the School Board would be present by telephone. He turned the meeting over to City Manager Bohenko.

City Manager Bohenko stated that this meeting was set up as a joint City Council and School Board work session to review the Middle School design concepts. He turned the meeting over to Dr. Lister, School Superintendent.

Dr. Lister, School Superintendent stated that JCJ Architecture and DeStefano Architects were charged with coming up with designs for the Middle School and they are here tonight to present their design alternatives project. He introduced James LaPosta, Douglas Roberts and Lisa DeStefano as the project design team and turned the meeting over to James LaPosta of JCJ Architecture.

James LaPosta, JCJ Architecture stated that the team reviewed the existing conditions and space program updates, interviewed faculty and staff, held a New Hampshire Department of Education meeting, Programming Community Workshops, a School Board Program Presentation, Schematic Design Concepts meetings and Community Workshops, City Regulatory Staff Meetings and tonight they are prepared to present the designs to the City Council and School Board in this joint work session. He stated that there was strong support for the Parrot Avenue site and the team explored all Parrot Avenue options to the right of the school, to the left of the school, on the existing site only, and by closing or re-routing streets. Mr. LaPosta, JCJ Architecture, explained in detail design option right and design option left. He explained the floor plans and building designs for each option as well as construction phase schedules and estimates of probable costs for each option.

Mayor Ferrini stated that as we look at owner's costs, and those are probably going to be part of our considerations. He asked the Assistant City Attorney to do a brief discussion on the Peirce Land and what that means and then the City Manager will address how that may work. Assistant City Attorney Woodland stated that the property to the left of the Middle School is owned by the City with restrictions to be used as a park. She said that the City can, through a legal process, undertake to clear the restriction and utilize the property should the City Council and the School Board desire to do so. City Manager Bohenko stated that before moving ahead on any final design or commitment from the board, the City Council should hear back from the School Board as to which option they recommend. He said that what we would need from the City Council then would be the authority to go in and start certain procedures to gain control of that land. He stated that his suggestion would be when the School Board moves forward that they come up with a preferred option and then come back to the City Council and have the City Council authorize the Attorney's office to move forward in whatever direction that might be. He said we would then have a public hearing as it relates to the possible taking of the land. He said that if we go to the right we would need to talk to the three property owners and in the ideal situation we would get an option to purchase each one of those properties for a price that has been set.

Councilor Pantelakos stated that it was her impression that we were going to renovate the Middle School. She said that this presentation looks like we are building a new school. Mr. LaPosta, JCJ Architecture, said that they are preserving a significant portion of the Middle School. He stated that they would be removing the back portion of the school, which is the newer part, leaving the front which is the older part of the school intact. Councilor Pantelakos asked if the cost of purchasing the property is included in the cost estimate. Mr. LaPosta, JCJ Architecture, stated that they are not. He said they are listed as to be determined costs.

Council Dwyer asked what the approximate State reimbursement would be. Mr. Roberts, JCJ Architecture, said that it would be at about 30% reimbursement rate. He said there is an opportunity for this to be a high performance school and if so, there are additional reimbursements. He stated that our goal is a 43% reimbursement rate on eligible costs.

Councilor Dwyer said that that Mr. Murdough, New Hampshire Department of Education, mentioned a waiver. She requested if this is a waiver relative to something like the music program or is it a fixed deal. Mayor Ferrini asked what other waiver's are available for additional programs. Mr. Murdough, New Hampshire Department of Education, stated that there are three waivers available. He stated that the size of the site, the size of the building and the use of artificial turf are the three waivers that would be available. He stated that construction costs are waiverable and the State will work with the City on this. Mr. Murdough, New Hampshire Department of Education, said that the square footage is the big issue. He stated that this design is approximately 50% larger than the State limit. He said the City can build any size building they want, but building aid might be limited. He said that the State does have the authority to

waive that, but compared to other Middle Schools constructed in the State in recent years, this proposal is absolutely huge. He stated that the State will look at all the justification and issues, but his guess, at this point, is that the State might be willing to settle on a number somewhere in between. City Manager Bohenko stated that we are looking at about \$13,000,000.00 total reimbursement on the principle only.

Councilor Spear asked what would be the cost savings if we combined some of the common areas. Dr. Lister, School Superintendent, stated that we do not have cost estimates on everything, but we are looking at a Middle School concept with regard to the space required for teams and team areas.

Rebecca Emerson, School Board asked if we would need a waiver for going above the minimum size limit. Mr. Murdough, New Hampshire Department of Education, stated that by using the existing building as part of the project, there may very well be things in the existing building that can not reasonably be changed and that is grounds for a waiver. He said that this is not the case here. He said the City is over the minimum due to special classrooms.

Councilor Kennedy said that she does not see why we can't look at something creative like an auditorium and gymnasium together. She stated that we have to look at the money. She asked if, with the left option, could some of these buildings be used as parking. She also asked why we couldn't use the present library and do away with building a library within the school.

Sheri Ham Garrity, School Board requested Mr. LaPosta address how he got the number 636 to 696 with a core of 650. Mr. LaPosta, JCJ Architecture, stated that he looked at the number of teams which is presently two teams per grade or six teams which were multiplied by the number of classrooms. He stated that they increased the classroom size from 600 square feet to 900 square feet which allowed more students in each classroom. He said that the core equals the reasonable number of students per classroom.

Dexter Legg, School Board stated that when the School Board heard from the Middle School staff that there is a large music program within the school, they decided that an Auditorium was necessary. He stated that the City could also use the auditorium. He requested that City Council give the School Board some guidance on the notion of having this space used by the community.

Kent LaPage, School Board asked if we go to the left would it cut back on acreage. He asked if this required another waiver. Mr. LaPasta, JCJ Architecture, stated that it would require a site size waiver.

Kent LaPage, School Board said that we made a mistake 38 years ago by tearing down the gym. He said that we will be saving the exterior parts of the building, but in order to meet the needs of the Americans with Disabilities Act and yet we will be losing the beautiful woodwork of this area. Mr. LaPasta, JCJ Architecture, stated that it would be a large renovation. He said they have to upgrade to disabilities act specifications. He said they will reuse some of the cabinets and will try to restore as much as possible.

Councilor Smith asked if there is a plan that the Council can get a copy of. Mayor Ferrini stated that most are online. Mr. Roberts, JCJ Architecture, stated that there is not a new educational narrative. He said that they built on the old one. He stated that they did interview the staff and they should update the narrative.

Councilor Smith asked if there are any restrictions to Parrot Street parking. City Manager Bohenko stated that there was and we have had it relieved. Suzanne Woodland, Assistant City Attorney stated that this is correct.

Dr. Mitchell Shuldman, School Board stated that 900 square feet for a classroom is the standard size that the State would be looking for us to address. Mr. Murdough, New Hampshire Department of Education, stated that this is correct.

Dr. Mitchell Shuldman, School Board asked if the 636-696 figure is acceptable to the State. Mr. Murdough, New Hampshire Department of Education, stated that it is the School Boards decision, but that it sounds reasonable to him.

Dr. Mitchell Shuldman, School Board stated that the State would reimburse 101,000 square feet and we are asking for approximately 155,000 square feet. He said that Mr. Murdough's comment was that this is huge because Portsmouth offers programs that are not common throughout the State. Mr. Murdough, New Hampshire Department of Education, stated that he said that Portsmouth had spaces not common to the State not programs. Dr. Mitchell Shuldman, School Board asked if Mr. Murdough could elaborate on the spaces we are asking for that are not common. Mr. Murdough, New Hampshire Department of Education, stated that the auditorium, the very large art and special education space and fitness rooms are not common. He said that one third of the space in the building is for art and special education and this is not typical for a Middle School.

Ann Walker, School Board stated that going to the left would require eminent domain. She requested if this would tie up time and what would be the cost. Suzanne Woodland, Assistant City Attorney stated that we own the property and we would just have to lift the restriction by eminent domain. She stated that it takes approximately six months or so. She said we would have to pay for damages, but probate court working with the City we could give another piece of property for another park.

Councilor Reynolds asked how much of a requirement is there for athletic fields for the Middle School. Mr. Murdough, New Hampshire Department of Education, stated that there is no stated requirement.

Councilor Spear stated that there are other community auditoriums and the Middle School could use other surrounding areas. He requested to know the square footage of the auditorium and how many days would the auditorium be used for Middle School only. Mr. Posta, JCJ Architecture, stated that the auditorium is 10,000 square feet for seating with an additional 2,000 square feet for storage. He stated that an auditorium does cost more than classrooms per square foot.

Elizabeth Sweet, School Board stated that the driving force for the auditorium was to support the current programs. She said there is no requirement for Middle School athletics fields, but the School Board wants to support the programs we presently have. She said when we talk about using community areas, that the School Board's concern is to keep the students safe within our schools. She requested if there is one program/option that phases in the renovations to eliminate disruption better for the students. Mr. LaPosta, JCJ Architecture, stated that both options are about even with regards to phasing.

Brendan Ristaino, School Board stated that we are hearing about wish lists and saving dollars, but the driving force behind these designs is the community's large voice in what is important to them. He requested if the City gets the deed restriction removed, can a citizen bring any legal action. Suzanne Woodland, Assistant City Attorney stated that legal action can arise, but once we begin the eminent domain process it would get sorted out through the probate court process.

Council Dwyer stated that the Council's job should be to question the square footage. She stated the driving force for the reason behind keeping the school on Parrott Avenue is because of the closeness of other areas such as the library and Connie Bean Center. She said the community wanted our children to use our present spaces. She said a lot of ways to capture back some of this 50,000 square feet space. She said half of it would be a combination music, choral, auditorium and some community use.

Dr. Mitchell Shuldman, School Board stated that the School Board will meet on July 1, 2008 to discuss the site, size and cost. He said these items need to have more discussion by the School Board.

Councilor Spear stated that the overall square footage needs to be reduced and the School Board needs to do this. He also stated that he was impressed with both designs and would be in support of either.

Councilor Kennedy stated that she hopes the School Board does their discussion on a public level. She encouraged the School Board to televise the meeting on Channel 22.

Rebecca Emerson, School Board stated that in order for the School Board to come up with a direction, she asked if we use the deed restricted land, would we technically be paying ourselves. Suzanne Woodland, Assistant City Attorney stated that the amount of dollars that would be required to clear the restriction on Alumni Field would be

decided by the probate court in Rockingham. She said there is an existing trust to handle recreation funds if the probate court thought that was an appropriate way to work with those funds or they might propose something else. She said that no matter what the something else is the intent is to honor the grantors wish that there be a park.

Rebecca Emerson, School Board stated that if we move to the right we would be purchasing the property at fair market value. She requested if there would be any responsibility to the City to help relocate the senior citizens since they are part of the Housing Authority. City Manager Bohenko stated that is why he thought it would be useful if the School Board chose to have the option to the right to have a conversation with those property owners and negotiate those options to purchase rather than have a purchase and sales agreement. He stated that there is no one that would have to be relocated. He said the only time we would have to do this would be if we took the property by eminent domain and if there was housing. He stated that the City could ideally like to go out and talk to these property owners to negotiate and get an option to purchase and then come back to the City Council and let the Council know the things that these property owners want and at what price.

Rebecca Emerson, School Board asked if the City Manager wanted the School Board to make the option decision first. City Manager Bohenko said that is how the statute reads. He said the School Board needs to decide where they want to place their school. Rebecca Emerson, School Board asked if we choose to go to the left, the dollars spent to purchase the property would go from one pocket to another pocket within the City to be used for whatever the City chooses. She further stated that if we choose to go to the right, the dollars spent would go into the property owner's pockets to be used for whatever they choose. City Manager Bohenko stated that this is correct. Mayor Ferrini asked if we could pursue both properties so that if one fails, we have the other already in process.

City Manager Bohenko stated that this could send out mixed signals. He said that from a staff perspective we should know which direction to go.

Sheri Ham Garrity, School Board stated that it is her understanding that whatever option they choose they become responsible for maintaining it and it becomes part of the School Department. She asked if the parking deck was built would the School Department then be responsible for maintenance of the 100 spaces. City Manager Bohenko stated that the school is a department of the City and the parking deck could be a joint venture with the school using it by day and by night and weekends it would become extra public parking.

Sheri Ham Garrity School Board asked if the School Board just has to pick an option. City Manager Bohenko stated that there is a lot of work to be done yet. He stated that the City Staff would like one site chosen so they can start to finalize the purchase of the property. Brendan Ristaino, School Board asked if the next task for the School Board would be to choose a preferred option. City Manager Bohenko said this is correct. He stated the choice would then go to the City Council and the Council would direct that he or the City Attorney move forward.

Ann Walker, School Board stated that every time our children go to the Music Hall the children pay. She said if we have an auditorium that the community would use, they would not be paying for their use of it. She said that although she is opposed to eminent domain, she would rather pay another City owned organization than someone else.

Dexter Legg, School Board, asked if there is anything that the City Manager has seen that could rule out either option. City Manager Bohenko stated that there isn't anything that would rule out either of the options. He said one of the challenges would be to limit the disruption of existing facilities. He said it would be key to take the softball field and relocate it to another part of the City. He said that moving the tennis and basketball courts, the dog park, and parking would not be productive.

Councilor Pantelakos stated that she has no intention of voting to spend \$50,000,000.00 for a Middle School.

Councilor Novelline Clayburgh asked if we could redo Clough field. She said the kids from the Middle School could walk to Clough field if it was to be repaired.

Rebecca Emerson, School Board stated that the open space committee is a great idea. She said that she is a huge supporter of the arts, but she does not think an auditorium is a wise use of dollars and space. She said she feels it would be cheaper to rent the Music Hall whenever it is needed than pay to heat an auditorium.

Mayor Ferrini asked if the auditorium was removed, how much money would be saved. Mr. LaPosta, JCJ Architecture, stated that the building would be smaller and therefore, it would be about a \$3,000,000.00 reduction.

Councilor Reynolds stated that he agreed with Councilor Dwyer about the community wanting it to stay within the community and consolidating usage within the City. He stated that he can not justify the building of an auditorium and the connection with the library. He stated that he likes option left.

Councilor Spear asked if the design for the high performance Middle School includes LEEDS Certification. Mr. Murdough, New Hampshire Department of Education, stated that the two systems are very similar but different. He said there are some requirements in LEEDS that are not in CHIPs and vice versa. He said many of the standards are the same but the driving factor for this actually is the legislation.

Mayor Ferrini asked if we request the School Board give them a preferred option, which should be the next step, then we can say that we obviously have to look at cost and square footage.

Dr. Mitchell Shuldman, School Board stated that the School Board has a meeting tomorrow and July 1, 2008. He stated that the School Board needs to look at the matrix that Mr. LaPosta was talking about in terms of square footage options. He said he did think the School Board needs to begin to have that conversation about looking at square footage and auditorium space. He said that by July 1, 2008, the School Board should be ready to choose a preferred option. He encouraged the public to attend the July 1, 2008 meeting and voice their opinions.

Dr. Lister, School Superintendent, stated that the City Clerk's office has been very helpful with reserving the Council Chambers for their meetings.

Councilor Pantelakos stated that if a board is having a meeting that she is interested in, she makes it a point to be there. She said she doesn't understand why everyone thinks that all these meetings are done as open meetings with minutes and everything else. She said if they want to know what is going on they should attend the meetings.

Ann Walker, School Board stated that the Middle School is not on the agenda for tomorrow night's School Board meeting.

At 9:15 p.m., Mayor Ferrini closed the meeting.

Respectfully submitted by

Dianne M. Kirby, Deputy City Clerk