

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 7, 2011

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

At 6:15 p.m. an Anticipated “Non-Meeting” with Counsel was held regarding Negotiations – RSA-91-A:2, I (b-c).

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

Mayor Ferrini called the meeting to order at 7:03 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy (arrived at 7:15) and Smith.

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Novelline Clayburgh led the Pledge of Allegiance.

PROCLAMATION

1. Music in Our Schools Month

Councilor Spear read the Proclamation declaring March as “Music in Our Schools” Month. Mayor Ferrini presented the Proclamation to Steve Cirillo. Mr. Cirillo accepted the proclamation with thanks and appreciation and gave an update of various school musical activities.

V. ACCEPTANCE OF MINUTES – FEBRUARY 22, 2011

Councilor Smith moved to accept the Minutes of the February 22, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.

VI. PUBLIC COMMENT SESSION

Bill St. Laurent – spoke regarding the Lease of the South Meeting House to the Portsmouth Public Media Group stating that he is concerned that they will not be able to afford the upkeep of the building i.e. heating, etc. and will come back on the taxpayers in addition to the money they have already received. He stated the city has spent a lot of money and put a lot of work into this building.

Richard Gamester, Chair of the Fire Commission – spoke regarding the budget shortfall in the Fire Department stating that as of March 3, 2011 the staffing has changed from 13 to 12 in response to a projected 100,000.00 shortfall. He stated it is not due to mismanagement, but to underfunding for the last 2 years. He stated that for 2 consecutive years the fire department came in with a zero increase or below budget. He stated that the reduced staffing level results in one of the 2 ambulances being out of service, meaning that one ambulance will cover the entire city with mutual aid ambulances being called. He stated that we can only bill for our EMT services if we transport patients and therefore, the revenue will be decreased by approximately \$110,000.00. He concluded by stating they are bringing this to the Council's attention to show what happens when essential city functions are underfunded. He stated that the Council should fulfill its longstanding promise to provide the supplemental appropriation of approximately \$100,000.00 for the year 2011 to ensure the departments 3 stations are adequately staffed and be able to run 2 ambulances.

Steve Gagnon – stated he is speaking now on a public hearing item as his son Luc needs to go home and go to bed. He then introduced Luc to speak. Luc Gagnon stated that he and his friends would all like to have a gym to play basketball.

Mary Maurer – stated she also is speaking on the public hearing item as she needs to get home. She stated that she wants everyone to remember and consider the parking issues when discussing the youth recreation facility being added to the Middle School renovation. She stated that the parking there was especially difficult with the snow this winter.

VII. PUBLIC HEARINGS

A. PROPOSED RESOLUTIONS APPROPRIATING FUNDS FOR THE CONSTRUCTION OF A YOUTH RECREATION FACILITY:

- RESOLUTION APPROPRIATING THE SUM OF FIVE HUNDRED TWELVE THOUSAND, SEVEN HUNDRED DOLLARS AND FIFTY-EIGHT CENTS (\$512,700.58) FROM THE PREMIUM THE CITY RECEIVED FROM THE SALE OF ITS \$17,300,000.00 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS FOR EXPENSES RELATING TO THE CONSTRUCTION OF A YOUTH RECREATION FACILITY
- RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNDESIGNATED FUND BALANCE FOR NECESSARY EXPENDITURES FOR THE CONSTRUCTION OF A YOUTH RECREATION FACILITY. THE CITY COUNCIL HAS DETERMINED THAT THE SUM OF ONE MILLION EIGHT HUNDRED THOUSAND (\$1,800,000.00) DOLLARS BE APPROPRIATED TO PAY A PORTION OF THE COSTS OF THE CONSTRUCTION OF THE YOUTH RECREATION FACILITY

A presentation was given by Rus Wilson, Recreation Director and John Stokel, Middle School Principal, outlining the proposal to build a new Youth Recreation Facility in conjunction with the Middle School Renovation.

City Manager Bohenko explained the \$512,700.58 represents the premium the City received from the sale of its general obligation bonds in May 2010 which State law requires that the use of the bond premium be allocated for a capital project with a useful life of 20 years. He stated the \$1.8 million of fund balance represents the amount over 10% undesignated fund balance recommended by the bond agencies to set aside, and should be used on a non-reoccurring capital projects and not operating expenses. He stated that using both of those funding options we will not have to use tax money. He stated this also meets our goal of not having any additional bonded items in the general fund for FY 2012. He stated that the reason we received the \$512,000 in bond premium is because of our good rating and having bonds that are desirable.

Mayor Ferrini opened the public hearing.

Charlie Griffin – stated that he feels this proposal is indefensible at this time when city departments are being asked to level fund their budgets and losing personnel. He stated the perception is that there is an extra \$1.8 million dollars available that should be put toward the budget, even though that is not technically true. He stated that with the economy still low, we should share in the sacrificing and use the existing facilities until there are better times.

John Bouchard – stated he supports the new Youth Recreation Facility as it is needed by the city and there are no other options to replace the Connie Bean Center. He feels this is a good opportunity to combine it with the Middle School renovation.

Christine Davidson – stated she feels it is foolish to put the recreation facility next to the Middle School as the parking for library patrons, day or night, is very difficult already. She stated she also doesn't think the city can afford to do this, but the parking issue is the most important.

Patrick Ellis – stated he supports building the youth recreation facility as there will be a loss of gymnasium space that needs to be replaced. He stated that people need to remember that there was a gymnasium in the space that the library now occupies. He continued that this also will allow the combination of more Athletic Director duties to the Recreation Director by adding the Middle School to his current duties as PHS Athletic Director. He continued that regarding parking, this was already known when the decision was made to renovate the existing middle school instead of relocating it and the recreation programs will be run after school hours. He stated that Richards Avenue should be made a one-way street and hopes that is a part of the bus transportation plan. He concluded by stating that it will cost a lot less to build this in conjunction with the Middle School renovation than it would to do it separately at another time.

Harold Whitehouse – stated that at first he didn't take this seriously but now that the money has been spent he has begun attending the JBC meetings. He stated that he came away with the quote of the century regarding parking; "We do not see it as an issue at this time, we'll address it later". He continued to list the various parking issues in the area stating it is a dangerous situation and adding more people is like using a shoehorn. He stated that using \$1.8 million of our undesignated fund balance is not a good idea. He stated that our \$10

million dollar fund balance could be wiped out with one natural disaster, earthquake, hurricane, etc. and feels that we should keep all of that money as a rainy day fund. Finally, he discussed the history of the Connie Bean Center building which had been originally designated as a Army/Navy Association for service men and was always meant to be used as a recreational facility. He stated he would like to see that building brought up to code.

Mitch Shuldman – stated he is speaking for himself and not as a representative of the School Board. He stated that he supports the recreational facility stating it offers more physical education options to the Middle School students and allows further efficiencies i.e. custodial, maintenance, supplies, electricity, etc. He stated when he was making his decision as to whether to support this it was based on 2 criteria; first that there would be no Middle School renovation funding spent on it and secondly, that there would be adequate parking.

Tom Morgan – stated he agrees with Mr. Whitehouse's earlier comments regarding the Connie Bean Center stating it should be used as a recreational facility. He stated that the basketball court is small but is a good size for the K-5th grade kids as the regulation basketball courts and hoops are too big for them. He continued that there could also be a different delivery of recreation programs by bringing the programs to the kids at the elementary schools. Finally, he stated he agrees with Mr. Griffin that this is a poor time to talk about spending money on a gym.

Jacqueline Cali-Pitts, Recreation Board member and a State Representative - stated she understands the budget concerns but if we don't do this now, when will it get done. She stated she previously served on a committee to build an ice rink and it never got done and feels that this will be the same if it doesn't get done now because it will only cost more in the future.

Bill St. Laurent – stated he has a lot of issues with this project. He stated that we should sell the Connie Bean Center to add to our tax base. Secondly, he feels putting 2 gyms side by side is futile and if we are already building one new gym at the middle school, why can't the recreation programs be run from that one since they are after school hours anyway. He stated that the parking is already a problem and to say we will handle it later means we will end up putting that cost on the taxpayers even though this supposedly isn't going to cost the taxpayers anything. He stated that if we do 2 separate gyms as 2 separate projects, then we will have to allow \$300,000.00 total for Arts projects. He concluded by stating that he feels nobody cares about the taxpayers and there are ways to do this without adding another \$2 million dollars.

Amy O'Neil – stated she supports the Youth Recreation Facility because it will give our children the opportunity for exercise and will pay off with the health of our children.

Cory Sirmaian – stated that as a Recreation Board member and part time coach, he supports this facility and the funding. He stated he has spent a lot of time at the Connie Bean Center and there is an inability to grow with this facility as it is small and outdated. He stated that based on the funding options that are available, now is the right time to build the Youth Recreation Facility.

Lori Hebert – stated she does not support this proposal especially with the school positions that are being cut.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

B. PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FY2012-2017 (*Action on this matter will be taken at the March 21, 2011 City Council meeting*)

A presentation of the FY2012-2017 Capital Improvements Plan was given by various City Staff.

Mayor Ferrini opened the public hearing.

Bill St. Laurent – stated he is glad that the first year was kept at \$1,000,000.00 but would still like this number reduced if possible to achieve level funding through these tough economic times. He suggested Prescott Park improvements as a place to cut as he thought the money comes from the Trusts. He also suggested the Master Plan, Way-finder system, Tree replacement program as other possible items that could be moved out to future years.

Erik Anderson – stated he agrees that the first year of this CIP is lean but hopes that in regards to the Enterprise Funds, Water and Sewer, that these also will not be increased. He stated he understands they are fees and not taxes, but it is still an impact on the taxpayers. He continued that regarding the recreational funding, he feels that the undesignated fund balance is usually held close to the cuff and hopes the council is conscious of using this and the chances of any unforeseen circumstances.

Councilor Spear moved to recess at 9:48 p.m. Seconded by Assistant Mayor Novelline Clayburgh and voted. Meeting reconvened at 9:58 p.m.

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant from the Seacoast Crime Stoppers in support of the upcoming 2011 Citizen Police Academy in the amount of \$1,000.00

Councilor Smith moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Kennedy and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.321, Sub-section G – Snow Emergency Parking Ban

Councilor Smith moved to accept the Parking Committee's recommendation and pass first reading and schedule a public hearing and second reading of the proposed

ordinance amendment to Chapter 7, Article III, Section 7.321 for the March 21, 2011 City Council meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- B. Adoption of Proposed Resolutions Appropriating Funds for the Construction of a Youth Recreation Facility:
- Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents (\$512,700.58) Resolution (***Sample motion – move to adopt the Resolution in the amount of Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents \$512,700.58, in accordance with the attached Resolution***)
 - One Million Eight Hundred Thousand (\$1,800,000.00) Dollars Resolution (***Sample motion – move to adopt the Resolution in the amount of One Million Eight Hundred Thousand (\$1,800,000.00) Dollars in accordance with the attached Resolution***)

Councilor Dwyer moved to adopt both resolutions appropriating funds for the construction of a Youth Recreation Facility, seconded by Assistant Mayor Novelline Clayburgh.

Assistant Mayor Novelline Clayburgh stated she is in favor of this project for many reasons. She stated that a year ago the Operational Efficiencies Committee was formed to find ways to combine services and this is an excellent way to do that as they will share custodial, maintenance, electricity, oil, etc. and will be a valuable asset to the city. She continued that the Recreational Needs Assessment study also recommended replacing the Connie Bean Center and it will be more efficient to do it now in conjunction with the Middle School project. She stated regarding the parking issue, it has been discussed quite a lot and it should probably go to the Parking Committee as well, but she feels that if the recreation programs don't start until 4:00 p.m., the teachers will be gone, and there is also the South Mill Lot that is available. She concluded that she feels that this facility could be another Connie Bean Center and not just a gym as it will have a health room, a common area, a stage area, so the dances could still be held there as well as other types of programs.

Councilor Dwyer stated she agrees with Assistant Mayor Novelline Clayburgh and stated that in terms of the construction dollar for the investment, this is the optimal time to do this project. She stated that \$2.3 million is the outside cost and the JBC is still getting bids and feel good about what they are seeing in terms of costs.

Councilor Coviello stated he agrees with the points made, but the currently proposed state budget is asking for a one year leave of the bond for the Portsmouth High School. City Manager Bohenko stated they have skipped or reduced a payment before but have made it up later, but now it is being proposed to reduce it by 40% and not replacing it. He stated there is a promise of the money from the State, but he doesn't know what will happen. He stated the Governor's budget is the Governor's budget and the legislature has to act on it. Councilor Coviello stated if we are going to commit to the youth recreation facility, we should

do it, but it is the payment of it and the time issue and a sense of being rushed. He stated that the Council has deliberated this enough, but it is the State budget issue that he is concerned with.

Councilor Kennedy stated she had the same issue as Councilor Coviello because the State budget does down shift costs to the city and schools and there are also fuel price increases to consider. She continued that we have turned down contracts for less money than this. She stated she has a hard time putting this money out there knowing these economic times right now. She stated that she heard a speaker say that if we don't do it now, it won't get done, but feels that if we really want it done, it will get done. She stated we just need to understand the impact better and she will not let the taxes go up if she can help it.

Councilor Smith stated it is a tough call for him as well. He stated we need a new Recreation Center and it should be called the Connie Bean Center, but he doesn't know if this is the right time especially in light of the Fire Department shortfall. He stated that parking is an issue and we should know how this will be handled before approving this project. He stated he understands this is a one-time expenditure but the State increase at this point is 41 cents and the County increase is 6% and we haven't even done anything yet. He stated he would like to see this tabled and sent to the Parking Committee which is meeting March 10, 2011.

Councilor Lister stated that this was a recommendation as a Youth Recreation Center but this no more than an extra gym and an office. He stated he doesn't feel rushed in deciding if we need a second gym and continued that the time is right given what we are doing with the Middle School. He stated he is also very concerned with the parking but feels that given the creative proposal for funding the Recreation Center, the fact that we won't build it anywhere else, and the efficiencies that will be realized, he supports this project.

Councilor Hejtmanek stated that with all of the State budget issues going on and such he can see both sides. He stated he would like to know the guaranteed cost of the Middle School before deciding this and asked if we put it off for a month would we have that figure. Councilor Dwyer stated they will probably know by early April. She continued by clarifying that the operational budget is not related to this i.e. the shortfall of the Fire Department budget, and she doesn't think we will know any more in a month to help decide this issue. She continued that she attended an LGC meeting and there was outrage at the Governor's proposal and feels that the downshifting will not occur.

Councilor Coviello stated that the \$1.8 million from fund balance is being taken out of our rainy day fund. He stated that we are going to be voting on a parking omnibus proposal and he hopes that there will be new revenues as a result and we could keep the \$1.8 million as a nest egg.

Councilor Spear stated he has heard the speakers and other Councilors and he is in favor of tabling and agrees that we should be more aggressive with generating revenue.

Councilor Kennedy stated that the CIP has general funds we use 1 time, so technically we are looking at the big picture and we can use them to do one-time deals, but we don't know what will happen in a few years.

Councilor Dwyer stated if we used the money to replace waters pipes, we wouldn't blink an eye, but the Recreation Center is not a frill. She stated that regarding Parking Revenues that they are assuming will pass, they will go into the Parking Fund, so they won't offset general or capital costs.

Councilor Hejtmanek stated that \$1.4 million of the parking fund is going into the general fund and so it does offset the taxes and he is assuming the omnibus will pass.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini stated that he has listened to everyone's well thought out comments, but what he hasn't heard from anyone is that we have to decide the cost effective solution to the community, when we have to close the Connie Bean Center in 2-3 years and need a Recreation Facility. He stated he understands the situation with the State budget, but that is the same every year, but we have to make hard decisions in hard times and no Councilor has come up with a more cost effective way to do this in 2-3 years when we need it. He stated that he is looking at the amount being spent out of fund balance is because of our good bond rating and if we have to build this in 4-5 years on the same spot, it will cost a lot more.

Assistant Mayor Novelline Clayburgh moved to table to the March 21, 2011 City Council Meeting. Seconded by Councilor Coviello.

Councilor Smith stated parking has been reviewed in relation to the Middle School renovation only and feels that the Parking Committee should review it in relation to the Recreation Facility as well.

Councilor Smith moved to amend the motion to table to add that it be referred to the Parking Committee at the March 10, 2011 meeting, and referred to the March 21, 2011 City Council Meeting. Seconded by Assistant Mayor Novelline Clayburgh and voted on a 6-3 roll call. Councilors Lister, Dwyer and Mayor Ferrini voted opposed.

Councilor Dwyer stated this has been discussed at the Planning Board, with city staff and Site Review Technical Advisory Committee, so in terms of precedence of tabling after all of that review, she can't support tabling. She stated she doesn't know what waiting another month will accomplish.

Councilor Smith stated that the Parking Committee did not have the opportunity to review the Recreation Facility effect on parking in the area.

Assistant Mayor Novelline Clayburgh asked if the Parking Committee will have a report available by the March 21, 2011 Council Meeting. Councilor Smith stated yes.

Councilor Lister stated he feels this is disrespectful to not take all of the expertise into consideration.

Councilor Coviello stated he agrees with Councilor Dwyer that he doesn't know how much difference another month will make.

Assistant Mayor Novelline Clayburgh stated that she has stated several times that if we sell the Connie Bean Center it will mean more tax revenue for the city which would be another way to offset the cost. Councilor Coviello stated that historically, Council's have short memories when it comes to earmarking funds for specific projects and it can change from Council to Council.

Discussion ensued regarding upcoming deadlines for the JBC in relation to the Middle School project with Councilor Dwyer stating that the JBC will make the final decision on April 13, 2011.

Motion to table as amended passed on a 6-3 roll call vote. Councilors Dwyer, Lister and Mayor Ferrini voted opposed.

- C. Third and final reading of Ordinance amending Zoning Ordinance, Article 7, Section 10.730 – Gateway Development, Subsection 10.735 – Sustainability Standards

Councilor Coviello moved to pass third and final reading of the proposed Zoning Ordinance, as presented. Seconded by Assistant Mayor Novelline Clayburgh and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Sarah Curtin, Seacoast Suicide Prevention Coalition, requesting permission to hold the 7th annual Out of the Darkness Community Walk on Saturday, September 24, 2011 (***Anticipated action – move to refer to the City Manager with power***)
- B. Letter from Dee Dee Schreitmueller, The New England Relay, requesting permission to hold the 24 hour relay running race on Saturday, June 11, 2011 and Sunday, June 12, 2011 (***Anticipated action – move to refer to the City Manager with power***)
- C. Letter from Kathie Lynch, President of Portsmouth Little League, Inc, requesting permission to place temporary signage at the Plains and Hislop Park baseball fields during the 2011 baseball season and maintain signage to the rear of the Plains scoreboard (***Anticipated action – move to refer to the City Manager with power***)

- D. Acceptance of Donations for USS Virginia
- James L. Colbert - \$50.00
 - Jay S. & Jean L. Smith - \$100.00
- (Anticipated action – move to approve and accept the donations for the USS Virginia, as presented)***
- E. Acceptance of Donations for Art-Speak’s Annual Appeal
- Nicholas & Molly Ferrara -\$25.00
 - Russ & Katie Grazier - \$50.00
 - Dennis Moulton & Maureen Gallagher - \$50.00
 - Diane Cabell (Firstgiving) - \$185.00
 - Peter Michaud - \$200.00
- (Anticipated action – move to accept and approve the donations for the Art-Speak for operations, as presented)***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Tom and Zelita Morgan regarding the proposal to erect a youth recreation facility on Alumni Field

Assistant Mayor Novelline Clayburgh moved to accept and place on file. Seconded by Councilor Dwyer.

Councilor Smith stated this will be discussed at the Parking Committee meeting. Councilor Coviello stated this issue was discussed by the Council tonight as well.

Motion voted.

- B. Letter from Attorney Peter Loughlin, regarding Connector Roadway – Lang Road to Long Meadow Road

Councilor Hejtmanek moved to refer to the Planning Board for report back. Seconded by Councilor Lister.

Councilor Smith stated that when this was discussed at the Traffic and Safety Committee meeting, there was an issue with snow storage across the street and wants to make sure this is considered in case there is a need for legal agreements.

Motion voted.

- C. Letter from Paul Mahoney regarding labor unions rally held on Saturday in Market Square

Councilor Coviello moved to accept and place on file and to forward a copy to the Fire Commission. Seconded by Councilor Spear and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Pilot Program Re: Use of City Property for Outdoor Seating with Alcohol Service

City Manager Bohenko reviewed the Pilot Program and stated that there is a possibility that Pesce will change ownership and if so, he will advise the Council. He continued that it is the intention to keep the pilot program in place and if other businesses express interest, they will be added to a list for evaluation.

Councilor Smith moved to approve the pilot program for use of city property. Seconded by Councilor Lister.

Councilor Coviello asked what will happen if adjacent restaurants want the same space. City Manager Bohenko stated it won't be a problem with this space, but it could be an issue in the future. He further explained that there will have to be direct access and the area will have to be enclosed.

Mayor Ferrini asked if the Council could receive an interim report so that other restaurants can make requests for the 2011 summer season. City Manager Bohenko stated the Council can request a report when they would like, but stated that this is a pilot program and not yet a policy so he will be reporting to the Council again. He stated he understands the request and will be collecting names and information of other interested parties in the meantime.

Motion voted.

2. Proposed Lease of South Meeting House by the Portsmouth Public Media, Inc.

Councilor Kennedy moved to approve the proposed Lease between the City of Portsmouth and Portsmouth Public Media, Inc. and authorize the City Manager to execute the necessary documents. Seconded by Councilor Lister.

City Attorney Sullivan stated there will be some minor adjustments to the final document.

Councilor Smith moved to suspend the rules to allow Jack Thorsen to address the Council. Seconded by Assistant Mayor Novelline Clayburgh and voted.

Councilor Dwyer asked if the Portsmouth Public Media, Inc. needs Council approval before they can talk to Comcast and how does this affect timing. Mr. Thorsen stated it will not take any longer than 30 days as they have already started the process and received a response from Comcast.

Motion voted.

3. Report Back Re: 54 Rogers Street

City Attorney Sullivan reviewed the background of this property in relation to the Middle School renovation project stating that if the Planning Board determines a lot line adjustment is okay to do, they can attach conditions and pass it onto the Council to authorize the City Manager enter into an agreement.

Councilor Spear moved to refer to the Planning Board for a recommendation and report back to the City Council, seconded by Councilor Hejtmanek.

Councilor Dwyer stated she is not making a formal amendment but would like the Planning Department and Planning Board to consult with JBC in making their determination.

Councilor Coviello clarified that this is not a gift, but a conversation and negotiations. City Attorney Sullivan stated that is correct.

Motion voted.

4. Request for Approval of Pole License #63-0506

Councilor Smith moved to approve the request from PSNH for Pole License Agreement, #63-0506, as recommended by the Public Works Department, seconded by Assistant Mayor Novelline Clayburgh.

Councilor Spear asked why the Council has to approve these licenses and what happens if the Council votes not to approve. City Manager Bohenko stated if the Council says no, then they can't install the pole. He stated this has happened in the past when some older poles weren't being removed and the Council at that time used that as leverage.

Motion voted.

5. Report Back Re: Regulation of Synthetic Marijuana (K-2)

City Attorney Sullivan gave the background of the K-2 Synthetic Marijuana and some of the side effects. He stated there is interest at the federal level to list it as a controlled drug as well as at the State level. He explained that the City could pass an ordinance but feels that the better option is to wait for the State to act on it and see if it is enabling legislation or make it illegal statewide. He explained the City of Franklin passed an ordinance but have a statement that their ordinance will be void if the State passes a law.

Councilor Smith moved to accept the report and to refer to the City Council Legislative Subcommittee to support this legislation, seconded by Councilor Spear.

Councilor Smith stated he was shocked to learn that this had gone before a State subcommittee and was voted down but hopes it will be adopted by the whole legislation. He stated the FDA is also looking to regulate this but presently it is available for anyone to buy and is in our schools. He stated it is important for the public to be aware.

Motion voted.

B. MAYOR FERRINI

1. Acceptance of Resignation of Betsy Shultis from the Board of Library Trustees

Councilor Smith moved to accept with regret, the resignation of Betsy Shultis from the Board of Library Trustees and to forward a letter of thanks and appreciation. Motion voted.

2. *Questions for FY12 Budget

Mayor Ferrini reminded the Council to get their budget questions in as soon as possible.

3. *Reports

Mayor Ferrini addressed the letter submitted by the Fire Commission regarding the reduction of staffing levels effective March 3, 2011. He stated he would like to have the Fire Commission come to the next meeting to update the Council.

Councilor Dwyer stated that there is usually an update of the budget every month and she did not see anything about this and she would like to know the basis of expectation of this shortfall.

Mayor Ferrini stated he expects there will be a full quantitative explanation.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Spear asked if, when voting on the CIP on March 21, 2011, it will be the time to make amendments. City Manager Bohenko stated yes, and those could be e-mailed to him ahead of time.

Councilor Dwyer asked for clarification as to whether they should only be looking at the first year when making amendments. City Manager Bohenko stated yes, unless they want to eliminate a program entirely.

Councilor Smith asked if the City Manager has seen any effect on the budget yet with the increased fuel costs on the current budget. City Manager Bohenko stated we will be evaluating the situation and try to make it up within the existing budget if necessary but we haven't seen any effect yet.

Councilor Coviello stated the next Charter Committee meeting will be a public input session on March 10, 2011 at 7:00 p.m. Assistant Mayor Novelline Clayburgh asked Councilors to get their suggestions to them to include on the master list.

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

Councilor Smith moved to adjourn at 10:10 p.m. Seconded by Councilor Coviello and voted.

Respectfully submitted:

Valerie A. French,
Deputy City Clerk I