



***Non-public session in accordance with RSA 91-A: 3, II (d)
to discuss property acquisition followed by a non-public meeting regarding collective
bargaining in accordance with RSA 91-A:2, I (a), to be held at 6:15 pm***

City Council Meeting
Minutes
July 8, 2013
City Council Chambers
7:00 p.m.

1. Mayor Bouley called the meeting to order at 7:00 p.m.
2. No clergy was present for invocation.
3. Pledge of Allegiance.
4. Roll Call. Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, Nyhan, Patten, St. Hilaire, Shurtleff and Werner were present. Councilors Bennett and McClure were excused.
5. A) Intown Concord Presentation.

Action: Liza Poinier, Operations Manager and Tonya Rochette, Board President addressed City Council thanking members for their continued financial support as well as to provide Council with an update on recent and upcoming activities in downtown Concord.

Councilor Bouchard inquired as to how Ms. Poinier and Ms. Rochette thought Intown Concord's end of year activities would be impacted by the upcoming construction in the downtown area. Ms. Poinier indicated it would be premature to comment on what the impact might be. Ms. Rochette indicated that the Main Street project will provide great opportunity to showcase Concord. Brief discussion took place about the importance of coordinating events during construction time.

Councilor Kretovic suggested that consideration be given to combining Midnight Merriment and the Christmas Tree Lighting festivities this year in light of the construction. Ms. Poinier and Ms. Rochette indicated their openness to discussing that topic.

B) LPGA Symetra Tour Presentation.

Action: Joe Kasper, Northeast Delta Dental, Joanne Telenger, Concord Hospital and Stephen Bottomley, the Botts Group addressed Council inviting all to attend the upcoming LPGA Symetra Tour to be held at the Beaver Meadow Golf Course July 19th, 20th and 21st.

They thanked members of City Council for their support in bringing this event back to Concord again this year.

6. Approval of the June 6, 2013, June 10, 2013 and the June 20, 2013 City Council meeting minutes and the June 17, 2013 Finance Committee Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the June 6, 2012 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor St. Hilaire moved approval of the June 10, 2013 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor Nyhan moved approval of the June 20, 2013 meeting minutes. The motion was duly seconded. Councilor Kretovic moved to amend the minutes indicating Tonya Rochette's name should be Tonya and not Tanya. The minutes, as amended, were approved with no dissenting votes. Councilor Nyhan moved approval of the June 17, 2013 Finance Committee meeting minutes. The motion was duly seconded and passed with no dissenting votes.

7. Agenda overview by the Mayor.

- Consent Agenda Items -

Action: Councilor Grady Sexton moved approval of the consent agenda. The motion was duly seconded and passed with no dissenting votes.

Referral to the Traffic Operations Committee

8. Communication from Judi King requesting a speed zone sign on Church Street between North State Street and Bouton Street.

Items Tabled for an August 12, 2013 Public Hearing

9. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 18, Parking; granting the City Manager the ability to temporarily waive, modify or suspend parking regulations within the Downtown Complete Streets project area and adjacent environs; together with a report from the Assistant for Special Projects.
10. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 35, Classification and Compensation Plan, Schedule D of Article 35-2, Class Specification Index; together with a report from the Director of Human Resources and Labor Relations.
11. Resolution appropriating the sum of \$76,898 for the purpose of installing frangible mounts and a beacon on the localizer for Runway 17/35 including \$69,208 in grant funds from the Federal Aviation Administration (FAA) and \$3,845 from the State of New Hampshire and \$3,845 from the City of Concord; together with a report from the Associate Engineer.
12. Resolution appropriating the sum of \$1,200,000 for the purpose of constructing Phase I of the Parallel Taxiway to Runway 12/30 including \$1,080,000 in grant funds from the Federal Aviation Administration (FAA) and \$60,000 from the State of New Hampshire and \$60,000 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with a report from the Associate Engineer.

13. Resolution accepting and appropriating \$258,024 in unmatched grant funds from the Office of Domestic Preparedness – State Homeland Security Program and Law Enforcement Terrorism Prevention Program, funds designated for the purpose of purchasing a specialized response/rescue vehicle; together with a report from the Police Chief.
14. Resolution accepting and appropriating the sum of \$27,717 in unmatched grant funds from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program designated for law enforcement related programs; together with a report from the Police Department.
15. Resolution approving the acquisition of approximately 270 acres of open space land located northerly of Portsmouth Street and southerly of Curtisville Road, as recommended by the Conservation Commission and affirming the issuance of \$975,000 in bonds or notes under Resolution No. 7661 of the City Council, adopted on September 13, 2004; together with report from the City Planner.
16. Resolution authorizing and appropriating \$50,000 from the Forestry Trust Fund for the purchase of timber rights on 270 acres of land off of Curtisville Road and Portsmouth Street known as tax map parcels 113/3/3, 113/2/10 and 113/2/9, in conjunction with the purchase of the herein described property.
17. Resolution authorizing the issuance of up to \$3,400,000 in notes to refinance outstanding loans of the city obtained through the state revolving loan fund to achieve interest cost and other savings; together with a report from the City Treasurer.
18. Resolution accepting and appropriating the sum of \$18,083 from the New Hampshire Charitable Foundation for management and maintenance of municipal property; together with a report from the Assistant for Special Projects.
19. Resolution accepting and appropriating the sum of up to \$275,000 in unmatched funds from the State of New Hampshire's oil discharge, disposal and cleanup fund (The "Odd Fund") for environmental remediation of city owned property located at 5, 11, 27, 31, and 35 Canal Street, Penacook known as the former Amazon Realty and Allied Leather Tannery sites (CIP #508); together with a report from the Assistant for Special Projects.
20. Resolution appropriating \$42,500 for the purchase of snack bar equipment and increase other operating expenses to support the operation of the snack bar at the Everett Arena; together with a report from the Director of General Services.
21. Resolution rescinding bond authorization in the amount of \$117,672.42 for the Penacook Wastewater Treatment Plant; together with a report from the City Treasurer.

From the City Manager

22. Positive Citizen Comments.

Consent Reports

23. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$500 as provided under the preauthorization granted by City Council.
24. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,417.20 as provided under the preauthorization granted by City Council.
25. DRA Equalized Valuation Tax Rate Comparison Information from the Director of Real Estate Assessments.
26. Report from the Library Director for the acceptance of a gift from Eugene and Irene Pantzer Trust to the Concord Public Library.

Consent Resolutions

27. Resolution in recognition of the services of Lieutenant Paul Leger.
(For presentation in August)
28. Resolution authorizing the City Manager to submit an application to the United States Department of Justice – Edward Byrne Memorial Justice Assistance Grant Program for funds designated for law enforcement related programs; together with a report from the Police Department.
29. Resolution authorizing the City Manager to enter into a grant agreement for up to \$76,898 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics and a construction agreement with the Federal Aviation Administration (FAA) for the purpose of the installation of frangible mounts and a light beacon on the localizer for runway 17/35 at the Concord Municipal Airport; together with a report from the Associate Engineer.
30. Resolution authorizing the City Manager to enter into a grant agreement for up to \$1,200,000 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics for the purpose of constructing Phase I of the Parallel Taxiway to Runway 12/30 at the Concord Municipal Airport and to revise the total grant request for Phase I and II to a total of \$3,031,847; together with a report from the Associate Engineer.

Consent Communications

31. Street closure request from Sparta Energy for the 33rd Annual ENGVT Concord Criterium Bicycle Race to be held on Saturday, August 3, 2013 from 7:00 a.m. to 5:30 p.m.
32. Street closure request from Sulloway & Hollis, on behalf of the New Hampshire Cycling Club, to close a portion of Liberty Street between Valley and Forest Street on Saturday, September 21, 2013 from 8:00 a.m. and 4:30 p.m.

33. Street closure request from CenterPoint Church for a block party around their facility at 20 North State Street on Saturday, September 14, 2013 from 1:00 p.m. to 5:00 p.m.

Appointments

34. Mayor Bouley's proposed appointment to the Recreation and Parks Advisory Committee
Marilyn Anne Fraser and Althea Barton
35. City Manager's proposed appointment to the Zoning Board of Adjustment.
Andrew S. Winters

****End of Consent Agenda****

36. July 8, 2013 Public Hearings

- A. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Heather Lane; together with a report from the Traffic Engineer in response to a communication from Councilor Nyhan asking the Traffic Operations Committee to consider south end traffic concerns. (10-7) (6-17)

Action: Acting City Manager Carlos Baia provided a brief overview.

Mayor Bouley opened the public hearing. There being no public testimony, the Mayor closed the public hearing.

- B. Resolution adopting an amended and restated Development Program and Financing Plan for the Sears Block Tax Increment Finance District; together with a report from the Assistant for Special Projects. (6-18) (*In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting*)
- C. Resolution appropriating \$2,500,000 including authorizing the issuance of bonds and notes for the installation of underground utilities as part of and within the Sears Block Tax Increment Finance District in conjunction with the Downtown Complete Streets Project. (6-19) (*In accordance with RSA 162-K, vote by Council must be delayed at least 15 days after public hearing is held; vote to be taken at the August Council Meeting*)

Action: Acting City Manager Carlos Baia provided a brief overview of items B & C.

Mayor Bouley opened the public hearings for both of these related items.

Public Testimony

David Fries, Chairman of the Board, and Nicolette Clarke, Executive Director, Capitol Center for the Arts asked City Council to consider extending underground utilities one additional block to the south corner of Concord Street to include the utility pole that sits on that corner. Mr. Fries indicated the the expansion and improvement of the south end of Main Street make their suggested improvement critical for that area, thereby creating a welcoming and impressive gateway to that part of Main Street Ms. Clarke provided pictures of the current utility poles in the area of the Capitol Center for the Arts encouraging Council to extend utilities as requested.

Roger Brooks, Concord resident, urged City Council to extend underground utilities to the south corner of Concord Street to include the utility pole on that corner as requested by the Capitol Center for the Arts.

Roy Schweiker spoke in opposition to this appropriation, specifically using municipal funds for this project. He indicated in his opinion downtown merchants and property owners that will benefit by these utilities going underground should pay for half of the cost of this project themselves. Mr. Schweiker further noted that this appropriation will cost each resident within the city approximately \$60/\$90 per person, further stating that if polled he was confident that taxpayers would not approve.

Allan Herschlag spoke in strong opposition to the two resolutions before Council. He indicated that the Downtown Complete Streets Advisory Committee didn't support this project specifically due to the expense of the project. In summary, he spoke in strong support of leaving the TIF district as is indicating that expanding the TIF district would mean the loan would not be paid off until 2035 or after. He further pointed out that this district was created in 2001; noting that TIF districts in Concord have historically been created for payback within a twenty year period.

There being no additional public testimony, the Mayor declared the hearings closed, indicating that, in compliance with RSA 162-K, action on these items must be delayed at least 15 days after the public hearings are held. Action on these two items will be taken at the August 12, 2013 Council Meeting.

- D. Resolution appropriating the sum of \$190,400 for Communication Services for the Downtown Complete Streets Improvement Project from the City of Concord Economic Development Reserve Fund and authorizing the City Manager to enter into an agreement with Louis Karno & Company, LLC for communication services; together with report from the Deputy City Manager – Development. (6-20)

Action: Acting City Manager Carlos Baia provided a brief overview.

Mayor Bouley opened the public hearing.

Roy Schweiker testified that if Council supports this appropriation and thinks it's a good idea why not ask downtown property owners that would benefit from this service to pay at least half of the cost.

Mike Cohen, Pitchfork Records, spoke in support of this appropriation and the hiring of a marketing firm to help businesses not only survive but thrive during the upcoming construction project for Main Street.

Councilor Werner thanked Mr. Cowen for his testimony and asked him what, in his opinion, would the elements of a good PR plan for the Main Street project include. Mr. Cowen indicated that good communication will be critical, the most important item within this project. He hoped for advance notification about things going on downtown whenever possible, for example – if a water main breaks overnight – he'd love to know about it prior to heading into work on any given day. Mr. Cowen also suggested a marketing program should be considered, perhaps including web cams so that residents could watch progress via the internet and/or free parking for patrons during the construction project. Lastly, he indicated signage for parking as a critical item.

Allan Herschlag noted his agreement with public testimony provided by Mike Cowen. Mr. Herschlag further suggested that the city should also consider a promotional program for downtown Penacook as well. Mayor Bouley indicated the proposal before Council this evening was for downtown Concord. Mr. Herschlag also suggested that the city and the PR firm consider weekly promotions to get residents downtown during the construction project.

Councilor Keach asked Mr. Herschlag if he supported underground utilities in Penacook and not in Concord. Mr. Herschlag indicated that he supports both concepts but not the funding plan as proposed for Concord.

Councilor Shurtleff noted his agreement with Mr. Herschlag's comments about getting information to residents about the upcoming construction in Penacook indicating that a public meeting is scheduled for July 17, 2013 at the Merrimack Valley High School. Councilor Shurtleff encouraged residents to attend.

Byron Champlin, Creative Concord, spoke in support of the appropriation and the importance of this aspect of the Complete Streets Project.

There being no further public testimony, the Mayor declared the hearing closed.

July 8, 2013 Public Hearing Action

37. Ordinance amending the Code of Ordinances; Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Article 17-4, Operation of Motor Vehicles; Section 17-4-1, Stop Required Before Entering a Through Street; Schedule V, Stop Intersections; Heather Lane; together with a report from the Traffic Engineer in response to a communication from Councilor Nyhan asking the Traffic Operations Committee to consider south end traffic concerns. (10-7) (6-17)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes.

38. Resolution appropriating the sum of \$190,400 for Communication Services for the Downtown Complete Streets Improvement Project from the City of Concord Economic Development Reserve Fund and authorizing the City Manager to enter into an agreement with Louis Karno & Company, LLC for communication services; together with report from the Deputy City Manager – Development. (6-20)

Action: Councilor St. Hilaire moved approval.

Councilor Nyhan inquired as to the number of staff members employed at Louis Karno & Company, LLC noting that he may have some concerns if it's a one or two person operation in which they may not be able to keep up with the demands of this project. Brett Sinclair, Louis Karno & Company addressed Council indicating that the company has five full time employees and will be assigning this project to one of their employees to work full time on with other staff members available to assist as well. Mr. Sinclair further stated that as a firm they have a great deal at stake to make this work and work well.

There being no additional discussion, the motion was duly seconded and passed unanimously on roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach Kretovic, Nyhan, Patten, St. Hilaire, Shurtleff and Werner voting in favor of the resolution.

Reports

New Business

Unfinished Business

39. Resolution approving the granting of a conservation easement to the Society for the Protection of New Hampshire Forests (SPNHF) on approximately 114 acres of land southerly and easterly of Gully Hill Road, as approved by the Conservation Commission; together with report from the Conservation Commission. (6-17) (7-36B; 7-38) (8-53) (9-39)(10-31) (11-43) (12-42) (1-52) (2-49) (3-37) (4-36) (5-57) (6-52) (*Action on this item tabled following a July 9, 2012 public hearing*)
40. Resolution amending the official map so as to establish the mapped lines of a future street for a new street from the intersection of Storrs and Theatre Streets southerly to Langdon Avenue; together with report from the Assistant City Planner. (1-16) (2-33I; 2-42) (3-39) (4-37) (5-58) (6-53) (*Action on this item tabled following a February 2013 public hearing*)

Comments, Requests by Mayor, City Councilors

In follow-up to Intown Concord's presentation to Council, Councilor Bouchard spoke in favor of discussing the potential combining of the annual downtown tree lighting ceremony and midnight

merriment to just one weekend this year. She further stated that with the construction going on it would seem that having a conversation about combining both events this year would be worth pursuing with a goal of a better, more creative event for the community in light of the construction. Mayor Bouley agreed with Councilor Bouchard's comments that the conversation was worth pursuing. He further noted that any member of Council wanting to be appointed to a committee to consider this idea should let him know so that he could make appointments to a small committee to pursue potential options.

Councilor Shurtleff mentioned that the Penacook Village Association was holding a neighborhood meeting on July 17th at 6:00 p.m. at the Merrimack Valley High School. He stated that the City Engineer would be present to address any questions or concerns about the upcoming construction project in Penacook.

Councilor Werner referred to the official transmittal of the Energy Chapter for the Master Plan included within the information section of Council packets this evening. He thanked the Planning Department for their hard work in assisting the Energy Committee on putting this together indicating that the committee will come back to Council with some additional information on pursuing some of the specific recommendations within the plan.

Councilor Nyhan indicated that Concord American Legion, Post #21 is hosting the State Legion Tournament this year, beginning on July 30th at Memorial Field.

Mayor Bouley asked Acting City Manager Carlos Baia for a status update on the Sewall's Falls Bridge.

In summary, Mr. Baia indicated that there was more damage than originally thought. He indicated staff was currently trying to isolate those areas that need more intense repair. Mr. Baia indicated that the goal is to make all the repairs possible by the end of the week as long as the weather cooperates. He indicated the bridge is closed throughout the repair process. He noted that he spoke to the City Engineer and in all likelihood the bridge will be downgraded to a three ton capacity bridge. Mr. Baia further stated that if the bridge was downgraded to three ton capacity it was important to note that ambulances would no longer be able to use the bridge.

Councilor Coen asked Mr. Baia if it's the structure itself that spans the Merrimack River that is in dire shape or the ramp on the west side of the river heading east. Mr. Baia indicated that the span is old with some structural issues that were identified in a due diligence engineering report a few months ago. Currently attention is focused on the span headed eastbound, that span is where portions of the concrete have been lost; some portions continue to decay as well, putting a lot more stress on the steel compounding the effect.

Councilor Bouchard asked for confirmation that it was a bridge that lacks redundancy so that if one portion of the bridge goes, it all goes. Mr. Baia invited City Engineer, Ed Roberge, to address Council and answer Councilor Bouchard's question. Mr. Roberge indicated that typically a truss structure like the storrs truss, which is the bridge crossing, is a non redundant structure meaning that if one element goes the entire bridge could collapse. The section that the manager mentioned, that approach span, the approach trestle on the west side of the river is the area with a lot of problems right now. This section is more of a traditional beam girder

supported bridge with a concrete deck that doesn't have the same failure issues that a truss bridge would noting they were dealing with some deck structural issues right now.

Councilor Blanchard asked if the city had lost its opportunity to use federal and state dollars to replace the bridge. Mr. Roberge explained that the city was still involved in the review process indicating that once all environmental elements were cleared, including review of the historic elements of the bridge, final design elements would begin. He further stated that the project is still an eligible project, fully funded at this point.

Mayor Bouley asked for clarification that the city had indeed lost this construction season because of lack of decision from the Federal Highway Administration. Mr. Roberge indicated that the city was not planning on construction in 2013 but rather planning on the process starting in 2014. Mayor Bouley then asked what the drop dead date was for the city to have a decision on this project so that the city would not miss the 2014 summer construction season. Mr. Roberge responded that he thought the city was beyond the 2014 construction season when looking at the project realistically, explaining that when you get into the final design period it's a 12-15 month design process. Mayor Bouley then asked what the first opportunity would be for the city to begin construction on this project. Mr. Roberge indicated that staff hopes to have the design completed sometime late 2014 so that the city could bid, order steel, prepare the bridge for closure and build in 2015.

Mayor Bouley asked for clarification that, because of the federal highway process, staff was advising Council that bridge repairs couldn't begin until the summer 2015. Mr. Roberge responded by saying that he didn't anticipate any construction on this project until early 2015.

Based on the timeline as outlined by Mr. Roberge, Councilor Keach asked if state funding would be jeopardized at all. Mr. Roberge indicated that funding is committed. Further stating that clear funding agreements exist between the city, state and federal agencies involved in this project.

Mayor Bouley inquired as to whether or not there was anything the city could do to make this process move along quicker, indicating that, in his opinion, the condition of the bridge is no longer a nuisance but rather a community public safety issue. Mr. Roberge indicated he wasn't sure of anything additional the staff could do to accelerate this process.

Councilor Kretovic expressed her concern with high water referencing past discussions about the bridge inspections; she asked if erosion on the old granite center posts of the bridge were still being checked and were still a concern. Mr. Roberge indicated scour potential was still an issue with this bridge. He stated that five to six years ago the Department of Transportation (DOT) went in and did some scour prevention enhancements to help that condition. He further stated that the city and members of DOT continue to monitor the bridge on a monthly basis.

Councilor Shurtleff spoke in support of the bridge being repaired stating that perhaps members of the congressional delegation should be involved and be made aware of the roadblocks in moving this public safety issue forward.

Councilor Coen asked if it would be faster to build a new bridge next to the existing bridge. Mr. Roberge indicated that, as part of the process and many discussions about alternatives, the push

was to maintain the existing bridge in its current use as a highway bridge. He reminded Council that he had, based on engineering information, recommended against preserving the current bridge instead replacing the bridge in its current location. One of the alternatives that left the existing bridge where it was, building a new road and new bridge to the north of it, creates an incredible amount of impact to conservation property, private property and wetlands property in the area clarifying that the city along with federal review agencies didn't think that alternative was a good one and was discounted because of all the negative impact to the area.

Councilor Coen asked if preserving the bridge was, at this point required. Is the city committed to preserving the bridge. Mr. Roberge indicated that Council and the community has listened to and heard the alternatives with a final decision made to move forward and replace the bridge. Staff continues to think that replacing the bridge is the most viable, sustainable, economically responsible and safe option to pursue. Mr. Roberge further stated that staff is pushing the decision makers to make a decision; further stating he hopes to see a decision in the coming months.

Councilor DelloIacono asked if staff has been keeping others involved with the current conditions of the bridge. Mr. Roberge indicated he was indeed.

Councilor Bouchard inquired as to what happens if the project costs go over what is currently set aside within state funds. Mr. Roberge indicated that if the project costs go over, it will be a struggle stating that if the project comes in way over budget the choice of the alternative would have to be reviewed. Entities involved would have to consider what's affordable potentially looking for the dollars to make up the difference.

Councilor Bouchard indicated that she felt the City should be very concerned that if the costs go significantly beyond what is committed by the state that the state will not have that amount of money to appropriate to the city. She further stated this specific state program is over extended. She expressed her concern with this project being jeopardized.

Councilor Keach expressed his frustration with this very real public safety issue stating that as a city we should push to get the project done as soon as we can.

Councilor Nyhan expressed his thoughts that there must be something else we could do as a city to get this project moved up in the process. Mayor Bouley provided an update to all, stating that he had received a phone call from Senator Sheehan's staff who is working to assist the city with this project. They are eager to assist and are working to do so. There being no further comments on this topic, the discussion about the Sewall's Falls Bridge ended.

Mayor Bouley addressed Council talking in fond memory of Duncan Ballantyne who passed away on July 6th. Mayor Bouley spoke about the positive influence Mr. Ballantyne had on the Concord community as well as anyone that knew him. Mayor Bouley asked that members of Council keep Duncan's family in their thoughts and prayers.

Comments, Requests by the City Manager

City Council Minutes

July 8, 2013

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Adjournment

There being no further business, Councilor Keach moved to adjourn the meeting at 8:42 p.m. The motion was duly seconded and passed with no dissenting votes.

A true copy: I attest:

Janice Bonenfant

City Clerk