



Non-public meeting in accordance with RSA 91-A:3, II (d) followed by non-public meeting in accordance with RSA 91-A: 3, II (d) to discuss property acquisition and a non-public meeting regarding collective bargaining in accordance with RSA 91-A:2, I(a) to be held at 5:30 pm

City Council Meeting
Minutes
August 12, 2013
City Council Chambers
7:00 p.m.

1. The Mayor Pro Tem called the meeting to order at 7:00 p.m.
2. Invocation by Rabbi Robin Nafshi, Temple Beth Jacob.
3. Pledge of Allegiance.
4. Roll Call. Councilors Bennett, Blanchard, Bouchard, Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, Mayor Pro Tem St. Hilaire and Councilor Shurtleff were present. Mayor Bouley and Councilor Werner were excused.
5. Resolution in recognition of the services of Lieutenant Paul Leger. (7-27)
Action: Lieutenant Paul Leger was not present for the resolution.
6. Creative Concord – public art on Main Street presentation.
Action: Creative Concord was not present for the presentation.
7. Approval of the July 8, 2013 Meeting Minutes.
Action: Councilor Nyhan moved approval of the July 8, 2013 meeting minutes. The motion was duly seconded. Councilor Kretovic asked that page 7 of the minutes change the last name Cowen to Cohen. The motion, as amended, passed with no dissenting votes.
8. Mayor Pro Tem St. Hilaire provided an overview of the agenda. He noted he would like Council to consider holding the public hearing for items B and C first since the public hearing for item A will be long. There was no Council objection to this request.

- Consent Agenda Items -

Referral to the Facilities Naming Committee and the Recreation and Parks Advisory Committee

9. Communication from Bob Hatch asking that City Council consider renaming the courts at Keach Park, Hatch Courts, in memory of his father Paul O. Hatch.

Referral to the Traffic Operations Committee

10. Communication from the Deputy City Manager – Development asking that an examination of the performance of the Regional Drive/Chenell Drive intersection be made.

Referral to Community Development and the Planning Board

11. Communication from Nicholas Golon, TFM, on behalf of their client, Public Service Company of New Hampshire (PSNH) requesting release of a future road right-of-way located on land owned by PSNH in Concord, tax map 122, block 2, lot 28.

Items Tabled for an September 9, 2013 Public Hearing

12. Resolution accepting and appropriating the sum of \$48,315 in unmatched grant funds from the New Hampshire Department of Safety Homeland Security Grant Program; together with report from the Fire Chief.
13. 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; Program Coordinator and Recreation Supervisor; together with report from Human Resources Director.
14. Ordinance amending the Code of Ordinances, Title III, Building and Housing Codes; Chapter 27, Housing Maintenance and Occupancy Code; Article 27-1, Housing Maintenance and Occupancy Code, Section 27-1-5, Amendments to the International Property Maintenance Code/2009; together with report from Code Administration.
15. Resolution relative to the public highway discontinuance of a portion of North State Street between Church Street and Bouton Street in Concord, New Hampshire; together with report from the City Planner.
16. Resolution appropriating the sum of \$1,570,000, including acceptance of \$560,000 in Community Development Investment Program Tax Credits from the NH Community Development Finance Authority and authorizing the issuance of \$1,010,000 in bonds and notes; said amount being the private sector supported match for construction of the Downtown Complete Street Project (CIP # 460); together with report from the Assistant for Special Projects.

17. Report from the Director of Real Estate Assessments regarding a payment in lieu of taxes agreement between the City of Concord and Briar Hydro Associates for Rolfe Canal Falls, Penacook Upper Falls & Penacook Lower Falls.
18. Resolution accepting and appropriating \$12,200 from the New Hampshire Division of Historical Resources Certified Local Government (CLG) Program for the conduct and preparation of a study of the historic carriage houses and urban barns within the City of Concord's West End Neighborhood; together with report from the City Planner.
19. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 17, Vehicles and Traffic, Article 17-6, Miscellaneous Rules, Section 17-6-7, Truck Routes in the City of Concord; together with report from the Legal Department.
20. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-8, Parking Time Limited in Designated Places, Schedule III; Charles Street; together with report from the Parking Committee.

From the City Manager

21. Positive Citizen Comments.

Consent Reports

22. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,126.30 as provided for under the preauthorization granted by City Council.
23. Diminimus gifts and donations report from the Human Services Director requesting authorization to accept monetary gifts totaling \$700 as provided for under the preauthorization granted by City Council.
24. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$19,714.40 as provided for under the preauthorization granted by City Council.
25. Report from the City Planner in response to a communication from Richard Uchida, Hinckley Allen Snyder LLP, on behalf of the Grappone Companies requesting rezoning of a portion of property located at 94 Manchester Street in Concord. (3-9)
26. Report from the Legal Department in response to a communication from Robert Baker requesting the development of a policy in regards to hockey on White Park Pond. (1Sus1)
27. Report from the Legal Department in response to a petition, signed by New Hampshire citizens, requesting the City of Concord establish and enforce a code to create a buffer zone of 35', the distance at which demonstrators and protesters must stay from the property of reproductive health care clinics within the City. (5-8) (7Inf8)

28. Report from the General Services Department in response to a communication from Herbert Leisy asking for increased vigilance in addressing recurring refuse by the City in an attempt to restore residential quality of life in the Old Loudon Road area. (6-10)
29. Semi-Annual Report of Contracted Solid Waste and Recycling Services.
30. Report to Council from the General Services Department announcing the establishment of e-billing for City utility bills.
31. Fiscal Year 2014, CIP #283, revenue budget correction report from the Deputy City Manager – Finance
32. Comprehensive Annual Financial Report Award report from the Deputy City Manager-Finance and the Assistant Finance Director.
33. Report from the Traffic Operations Committee in response to a petition requesting the installation of a four way stop intersection at the intersection of Thorndike and South State Streets as well as a request that additional improvements in that area be considered. (5-9)
34. Report from the Traffic Operations Committee in response to a communication from Judi King requesting a speed zone sign on Church Street between North State Street and Bouton Street. (7-8)
35. Quarterly current use report from the Director of Real Estate Assessments.

Consent Resolutions

36. Resolution authorizing the City Manager to enter into a memorandum of agreement (MOA) for up to \$225,000 with the New Hampshire Fish and Game Department to administer the Mitigation Management Plan associated with the environmental impacts to the designated conservation zone for the Taxiway B construction project; together with a report from the Associate Engineer.

Consent Communications

37. Street closure request for a neighborhood block party to be held on Sunday, August 25, 2013.
38. Street closure request for a YMCA block party/barbecue to be held on Friday, September 13, 2013.
39. Street closure request for the 8th Annual Multicultural Festival to be held on Saturday, September 28, 2013.
40. Street closure request from Bishop Brady High School for a homecoming parade to be held on Saturday, September 28, 2013.

Appointments

41. City Manager's proposed reappointment to the Building Board of Appeals.
Richard Burpee, Ed Rimm, Peter Welch
42. Mayor's proposed reappointment to the Recreation and Parks Advisory Committee.
Chiara Dolcino, Lauren Flieder, Glen Mathews
43. Mayor's proposed reappointment to the Solid Waste Advisory Committee.
Melanie Doiron, Mike Russell
44. Mayor's proposed reappointments/appointments to the Public Safety Advisory Board.
Anthony Bourque, Jim Cotsana, Steve Edwards, Jim O'Neill and Michael Russell, Carol Hargrove and Lisa Brown
45. Mayor's proposed reappointment to the Everett Arena Advisory Board.
Dan Arndt
46. Mayor's proposed reappointments to the Golf Course Advisory Committee.
Vera Buck, Dave Croft, Richard Holden, Frances Hunt, Roger Jobin, Robert Vachon, Charles Vanasdalan and William Veroneau
47. Mayor's proposed reappointments to the Airport Advisory Committee.
Richard Bartle, Ernest Loomis and James MacKay

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

48. **August 12, 2013 Public Hearings**

Council held public hearings for items B and C first. Public hearing for item A followed these two public hearings.

- B. 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. (7-15)

Action: City Clerk Janice Bonenfant read the titles for both items B and C.

City Manager Tom Aspell provided an overview for items B and C.

Mayor Pro Tem St. Hilaire opened the public hearings for both items B and C.

Public Testimony

Kit Morgan, Conservation Commission Chair, asked for Council's approval of these two items. He highlighted a few advantages of this property and the reasons why they feel it should be in city ownership including: recreational asset; significant wildlife resource; part of one of the largest areas of unfragmented open space; area where there's a strong possibility of a number of rare species; and productive forest lands. He added that the acquisition of the Broken Ground area has been a recommendation to the city's master plan since at least 1978. He provided an overview of the history and negotiation of the purchase.

Claudia Rein, Concord resident, spoke in support of the purchase.

Gail Page, Concord resident, spoke in support of the purchase of the land for preservation and conservation.

Doug Ponusky, Concord resident, submitted and read a letter of support from Daniel and Sharman Estabrook. He stated that he concurs with the content of the correspondence. (Correspondence on file at the City Clerk's Office).

Roy Schweiker, Concord resident, noted his support. He added that he feels that the land is being purchased at more than the assessed value of the property. He noted that he would like consideration be given as to whether this would be the sort of place that the city can entice a high end corporation to locate on one small part of the land.

Councilor Nyhan questioned what Mr. Schweiker's research showed as the assessed value. Mr. Schweiker responded that he had that information written down but he has since lost that information.

Dan Williams, Concord resident, noted his agreement with Mr. Morgan's comments. He listed off some of the wildlife that has been seen within this area.

Matthew Baldwin, Concord resident, spoke in support of the purchase and conservation of this property.

Fran Philippe, Concord resident, spoke in support of the purchase and urged Council to support the purchase of this property for conservation.

Allan Herschlag, Wildflower Drive, spoke in support of the purchase and indicated that he is glad this property will not be developed in the future if Council votes to place it in a conservation easement. He strongly urged the Council to consider the recommendations made by others before him.

Matthew Paul, South Curtisville Road, spoke in support of this item noting that this is an opportunity that the city can't let pass. He feels that it's pivotal for Concord to make the action now to purchase this land.

Jules Townsend, Concord resident, spoke in support of the purchase of the land.

Christopher Nelson, Hampshire Drive, spoke in support of the acquisition of this property.

Stefan Mattlage, Concord resident, filled out a testimony card in support of these items but did not wish to speak.

There being no further public testimony, the Mayor Pro Tem closed the hearings for items B and C.

- C. 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. (7-16)

Action: Public hearing for this item taken with item public hearing B.

- A. 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. (7-13) *(Public testimony received) (Additional public testimony received; copy of Concord Police Department PowerPoint presentation distributed)*

Action: Police Chief John Duval provided a powerpoint presentation on the grant to acquire specialized transportation and rescue vehicle, Bearcat vehicle. (Printed powerpoint presentation on file at the City Clerk's Office).

Councilor McClure inquired as to how the original vehicle was purchased. Chief Duval responded that the original vehicle was surplus that they received from another department who had upgraded their vehicle to better serve their needs. Councilor McClure noted that there was 16 Concord police officers on the original team; now that the unit is comprised of 20 communities, how many individuals are on the unit. Chief Duval responded that there are 25 to 30 individuals on the team. Councilor McClure inquired whether there was representation from every community. Chief Duval replied that there is from most communities. Councilor McClure asked how often the Peacekeeper was used and asked for a few examples of when it was used. Chief Duval explained that, as it's currently used, it doesn't deploy for normal patrol operations. In order for it to respond as part of the special ops unit, certain conditions have to apply. He indicated that they have rules and by-laws that dictate when a member community makes

a request for the team certain conditions have to apply such as: barricaded subject, weapons involved, hostage situation, a lethality situation to name a few. Chief Duval read some of the call outs that have been made since 2007: armed burglary with shots fired at police officers; high risk warrant service; delusional subject armed with a knife; search warrant with drugs; search and rescue; barricaded armed subject; burglary with unsecured weapons in home; homicide suspect in a hotel; riot at the Merrimack County jail; armed subject at a high school.

Councilor Grady Sexton asked for an estimate as to how much the city is paying annually for the Peacekeeper in terms of repairs and housing and further questioned how much is required for the city to pay for the Bearcat. Chief Duval responded that the motor was replaced a few years ago and, since then, it has been in a state of disrepair; replacement of tires and mechanical component costing thousands of dollars. He explained that the SOU would be taking care of fuel, maintenance costs, insurance and everything else so the taxpayers of the city will not be exposed to any financial liability to the vehicle. Councilor Grady Sexton inquired whether the city would be responsible for training costs for officers to be able to use the Bearcat. Chief Duval responded that training for the vehicle is provided by the manufacturer and that not just anyone would be able to drive it because there's certain criteria that must be meant in order to drive it. He added that they have their own training costs but there is no additional training costs for the vehicle.

Councilor Kretovic noted that when she was doing research in regards to this Bearcat she came across an article that Manchester is the community that donated the Peacekeeper to the city. Chief Duval indicated that to be correct. Councilor Kretovic inquired whether Manchester is part of the SOU. Chief Duval explained that Manchester has their own SWAT team for their city; the SOU encompasses over 1,000 square miles and over 150,000 citizens.

Councilor Blanchard asked if it was true that if the city did not accept this federal money that it would simply go to another community for the same purpose. She further questioned whether this federal money is specifically for this vehicle. Chief Duval responded that there is certain money set aside for public safety and if the Council chooses not to accept the money, it would then go back to that pool in which there would other communities for other projects that would apply for and compete for that same amount of financial resource.

Councilor Keach asked whether the Chief sees this vehicle as more of an offensive vehicle or a defensive vehicle. Chief Duval replied that the vehicle allows police officers to get to a place to perform their tasks in exceptional situations and to do so with as much safety as one could possibly prepare for. He indicated that it's defensive and has no weapons on the vehicle and is not an offensive asset whatsoever. Councilor Keach indicated that he concurs with this pointing out that it has no mounted weapons and gets people in and out of danger. He further indicated that he takes exception to the inclination that this is a tank and that he sees it as a defensive piece of equipment.

Councilor Coen asked what the specifications are for the current Bearcat as far as options. Chief Duval explained that the options include: a diesel 6.7 liter turbo engine; G3 four wheel off-road upgrade package; four door configuration – driver’s door, passenger door, two doors in the rear, and also has doors on the side enhancing the capabilities of rescue; radio prep package; intercom system inside and outside; front mounted receiver with ram post and plate; hydraulic ram upgrade; rear auxiliary air conditioning and heat; radiation detection package; and explosive gas detection package.

Councilor McClure noted that the city is a member of the Central NH SOU and it was mentioned that that group is responsible for maintaining the vehicle. She inquired as to Concord’s commitment, monetarily, to the SOU. Chief Duval responded that it is \$3,000 per year. Councilor McClure questioned how long this has been going on. Chief Duval replied that up until recently it was \$2,500 and that it was just increased. He pointed out that other teams in the state are up to \$5,000 and that having twenty communities contribute allows them to buy vests, replace weapons, ammunition, other clothing items, and vehicle repairs. Councilor McClure questioned what other communities in NH have similar vehicles. Chief Duval responded that other communities include Belknap County, Manchester, Keene, Southern NH Special Operations Unit, Portsmouth, a Seacoast Team, and Nashua. Councilor McClure asked who the city would call if they needed a vehicle because they didn’t have one. Chief Duval explained that over a year ago they had an individual who barricaded themselves on Hoit Road and while the police officers were on the scene, unprotected, three shots rang out of that home. He noted that they did not have access to the Peacekeeper due to mechanical problems so they called upon Belknap County.

Mayor Pro Tem St. Hilaire asked for the response time from Belknap County. Chief Duval indicated that it was four hours. Mayor Pro Tem St. Hilaire asked what the response time would be for this proposed unit. Chief Duval responded that it would essentially be immediate; within 10 to 15 minutes at the most. Mayor Pro Tem St. Hilaire asked what other surrounding towns belong to the Central NH SOU. Chief Duval responded that they are Allenstown, Ashland, Boscawen, Bradford, Chichester, Concord, Enfield, Groton, Hanover, Haverhill, Hebron, Lincoln, Merrimack County Sheriff’s Office, Pembroke, Pittsfield, Plymouth State University, Sugar Hill, Sutton, Tilton and Waterville Valley. He added that there have been a few additions and subtractions since this application so some of these may not be accurate.

Councilor Kretovic noted that it’s come to discussion that the State Police has one of these as well as the National Guard in Concord and questioned whether this was accurate. Chief Duval responded that the State Police does not have a Bearcat and doesn’t believe that the National Guard has one either.

Councilor Bennett noted that it is his understanding that there are twelve SWAT teams in the state. He indicated that he believes that Lebanon has a SWAT team and do not have a vehicle but if they need assistance they call the State of NH. He asked if the state would

come to Concord's aid if they are called. Sergeant Mike Pearl responded yes and indicated that Concord would help them if called upon.

Councilor Grady Sexton noted that as the Chief read down the list of all of the situations in which a vehicle is necessary, her mind unfortunately goes to the horrific and tragic events that happened in Greenland. She questioned whether they had a vehicle like this that they were able to use to enter that home. Chief Duval explained that a Bearcat was used as a critical asset including removing the remains of the Chief that had fallen so that they could do so safely without leaving him there for hours. He added that another component of this is a rescue vehicle in which there are situations where a vehicle like this can be used to protect citizens. He explained that a year ago Christmas in upstate New York firefighters were shot upon and killed and a Bearcat was used in that situation to rescue 30 citizens. He stated that New York is not that far away and they can't predict what's going to happen and for the Capital City, he felt that it was needed and he doesn't really have another option other to protect his officers.

Councilor Blanchard asked if the SOU is considered a SWAT team. Chief Duval responded that the SOU has a SWAT component but also has a search and rescue component and are trained in crowd control as well.

Referencing the event occurring in Manchester today, City Manager Tom Aspell indicated that the news showed Manchester using a vehicle similar to what is being proposed. Chief Duval indicated that it was the Manchester SWAT team using their Bearcat vehicle at the scene allowing them to pull up to the building and deploy quickly.

Councilor Grady Sexton asked that, if the Council were to reject this application and not accept the federal funding, would staff anticipate coming back and asking the Council to pay for a similar vehicle or a Bearcat with city funds in the future. Chief Duval replied that he feels that the benefit of this grant is that it allows many communities to see the benefit of a resource that protects their officers and their citizens. He stated that he doesn't know if he would come asking the taxpayers of the city to underwrite an asset for all the other communities.

Councilor Coen pointed out that the grant mentions that there is a national presence because of political campaigns that come to the state and the resources that the city is asked to provide from the Secret Service and others. He stated that this is another key to this item. Chief Duval responded that this is key noting that there are a lot of layers beyond this in which people don't even realize for political candidates and dignitaries.

Mayor Pro Tem St. Hilaire explained that under the Council Rules, the Council can limit public testimony. He noted that he is asking that it be limited to one minute per person. There was no Council objection to this change.

Mayor Pro Tem St. Hilaire opened the public hearing.

Public Testimony

Carla Gericke, Free State Project President, indicated that free staters are productive people moving to NH because of the shared values with their neighbors of small government and more personal responsibility and are not terrorists. She stated that they do not pose daily challenges to the City of Concord and is deeply offended that a grant application was used in a fraudulent and misleading manner. As president of the free state project, she indicated she is publicly calling for the retraction of the Department of Homeland Security grant and asked for a list of the daily challenges that they present and further asked for a public letter of apology for the 14,600 free state project participants that were defamed in the application. (Full written testimony on file at the City Clerk's Office)

Michael Little, Concord resident, spoke in support of the purchase of the Bearcat vehicle for the safety of the citizens and police officers.

Pam Ean, Concord resident, spoke in opposition of the Bearcat vehicle.

Scott Hilliard, Merrimack County Sheriff, spoke in support of the Bearcat vehicle indicating that it not only service officers but also the citizens.

Christopher Gronski, Wolfeboro resident, spoke in opposition of the Bearcat vehicle.

Kim Murdoch, Concord resident, spoke on behalf of the Concord Public Safety Foundation in support of the Bearcat vehicle. (Full written testimony on file at the City Clerk's Office)

Theresa Earle, Henniker resident, spoke in opposition of the purchase of the Bearcat vehicle.

Representative JR Hoell, Dunbarton resident, spoke in opposition of the Bearcat vehicle.

Representative Emily Sandblade, Manchester resident, spoke in opposition of the Bearcat vehicle.

Councilor Keach asked whether Ms. Sandblade feels that there is a legitimate use for a piece of this equipment in Concord. Ms. Sandblade responded yes if the US was invaded by some foreign power but feels that it's hard to see the use of military equipment against civilians.

Jim McConaha, Concord resident, spoke in opposition of the Bearcat vehicle noting that Council should look at the money coming from the federal government as if it were their own money, money coming out of their residents pockets.

Irena Goddard, Concord resident, spoke in opposition of the Bearcat vehicle. (Full written testimony on file at the City Clerk's Office)

Representative George Lambert, Litchfield resident, spoke in opposition of the Bearcat vehicle.

Karl Appleby was not present when his name was read from the testimony card.

Samantha Clattenburg, Concord resident, spoke in opposition of the Bearcat vehicle. (Full written testimony on file at the City Clerk's Office)

Sandra Pierre, Weare resident, did not speak she had given up her time to allow Carla Gericke longer testimony (filled out card in opposition to the Bearcat vehicle).

Craig Greenman, Concord resident, spoke in opposition of the Bearcat vehicle.

Paula Werne, Boscawen resident, spoke in opposition of the Bearcat vehicle.

Pete Martino, Epsom resident and retired Marine Corp Colonel, spoke in opposition of the Bearcat vehicle.

Gray Fitzgerald, Concord resident, spoke in opposition to the Bearcat vehicle.

City Manager Tom Aspell noted that one of the concerns of people is the identification of the three parties related to in the application being labeled domestic terrorists. He stated that Ms. Gericke had an idea which was that the language relating to the domestic terrorists piece and the labeling of those three organizations was removed from the application and the application was resubmitted and if it floated on its own then it floated on its own but if it did not, the feds could take the money. He noted that he had spoken to Chief Duval about this and he sent a letter to the Department of Safety with the recommendation to remove all the references to the three parties and the labeling of domestic terrorists to any of those parties and questioned whether they would consider the application again and determine whether or not the funding would still be appropriate. He indicated that the Department of Safety sent the city a letter stating that they would accept the amendment to the application and based on findings in the rest of the application, standing on its own, the city is still eligible for the grant. He asked if this was a reasonable accommodation that allows the city and organization to move forward and replace a vehicle.

Ms. Gericke noted that she feels that this is a great step in the right direction and does address some of their concerns as an organization. She stated that there are other issues that still concern her.

Seth Hipple, Concord resident, spoke in opposition of the Bearcat vehicle.

Kristine Boncer, Northwood resident, spoke in opposition of the Bearcat vehicle.

Laurel Leisses, Concord resident, spoke in opposition of the Bearcat vehicle.

Christopher Booth, Concord resident, spoke in opposition of the Bearcat vehicle.

Brian Blackden, Concord resident spoke in opposition of the Bearcat vehicle.

Tim Bauman, Concord resident, spoke in opposition of the Bearcat vehicle.

Neal Conner, Concord resident, elected not to speak but filled out a card in opposition of the Bearcat vehicle.

Leah Wolczko, Manchester resident, spoke in opposition of the Bearcat vehicle.

Kevin Bloom, Concord resident, noted that there are only about seven free staters that live in Concord and indicated that they are not a threat to the city.

Alva Myrddall, Occupy NH representative, spoke in opposition of the Bearcat vehicle.
(Full written testimony on file at the City Clerk's Office)

Mike Lowry, Enfield resident and former US Air Force veteran, spoke in opposition of the Bearcat vehicle.

Monica MacKeachan, Concord resident, noted that she does not feel safe with the police as it is now.

Joseph Haas, Gilmanton resident, spoke in opposition of the Bearcat vehicle.

Carrie DePhillips, Lincoln resident, provided Council with a correspondence from Devon Chaffee from the ACLU (on file in the City Clerk's Office). Ms. DePhillips encouraged people to watch the Bearcat video noting that it doesn't show it being used for rescue but shows it being used as an attack vehicle.

Jesse Mertz, Pembroke resident, also encouraged people to watch the Bearcat video speaking in opposition of it.

Shane Fletcher, Concord resident, indicated that he feels these dollars could be spent on something more positive rather than on the Bearcat vehicle.

Marco Martino, Epsom resident, spoke in opposition of the Bearcat vehicle.

Tara Powell, Canterbury resident, spoke in opposition of the Bearcat vehicle.

Emily Spencer, Concord resident, noted that she doesn't feel that the Bearcat vehicle reflects Concord's values and hopes that Council hears that this isn't what Concord needs.

James Copley, NH resident, spoke in opposition of the Bearcat vehicle.

Tonya Rochette, Concord resident, indicated that she appreciates the passion that people have but is a bit concerned with the disregard for ground rules set by the Council in respect to time and the cheering. She asked Council to accept this grant and the funds made available to protect the community.

William Ostrick, Manchester resident, provided an overview of the company that manufactures the Bearcat vehicle speaking in opposition of purchasing the vehicle.

Christian Panapacker, Concord resident, noted that free staters are not terrorists.

Charles Davidson, Concord resident, spoke in opposition and urged the Council to reject this vehicle.

Travis Patterson, Keene resident, spoke in opposition of the Bearcat vehicle.

Keith Ammon, resident west of Manchester, spoke in opposition of the Bearcat vehicle.

Jason Rokeach, Manchester resident, spoke in opposition of the Bearcat vehicle and the use of federal funds.

Alex Sweade, biochemist at UNH, spoke in opposition of the Bearcat vehicle.

Ian Underwood, Concord resident, feels that the dollars can be used for other uses and questioned, if the city gets the Bearcat vehicle, whether they could sell it and use the money elsewhere.

Zeke Gable, Concord resident, spoke in opposition of the purchase of the Bearcat vehicle.

John Bolomo, Londonderry resident, urged Council to view the Bearcat video and spoke in opposition of the vehicle.

Darren Tapp, Chichester resident, spoke in opposition of the purchase of the Bearcat vehicle.

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

- D. 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. (7-9)

Action: City Manager Tom Aspell provided a brief overview.

Referencing the length of time, Councilor Coen indicated that there are sections and questioned whether the sections, once concluded, would convert back to the original ordinance or is it until the whole project is completed. Mr. Aspell responded that the idea is being until the whole project is completed but if a section is completed and they can enact the ordinances related to that, they would do that at that time. He added that he can see pieces moving back and forth as time goes on so they wouldn't want to be backing or changing the same section of street three or four times during a 2 ½ year process.

Mayor Pro Tem St. Hilaire opened the public hearing.

Public Testimony

Roy Schweiker, Concord resident, noted that his understanding is that the Police Chief already has the authority to create special no parking zones as necessary so he doesn't feel that the city should pass this ordinance. Referencing the south end of Storrs Street, he suggested that the city give a lease to Intown Concord so they can take over that section of parking. He noted that instead of spending money to repair garages, the city should consider privatizing them.

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

- E. 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. (7-10)

Action: City Manager Tom Aspell explained that, within this proposed ordinance, the Parking Manager and Assistant for Special Projects positions would be deleted and the positions of Account Revenue Specialist, Parking Supervisor and Director of Redevelopment, Downtown Services & Special Projects would be created; also, within this ordinance, the City Clerk, Deputy Fire Chief, Deputy Police Chief and Human Services Director positions would be reclassified from Grade 23 to Grade 24. He indicated that the Director of Redevelopment, Downtown Services & Special Projects position would be primarily focused on Downtown Concord and Penacook; would administer the Community Development Block Grant Fund program and the revolving loan program; primary support staff to the Community Development Advisory Committee; oversee the three tax increment finance districts providing support for each of these advisory committees; manage the 79-E program; oversee the financial administration of the Parking Division including strategic planning, all lease agreements and coordination of all capital projects; oversee the maintenance and activities undertaken by all city departments and contractors within the garages and all parking properties; primary support to the Parking Committee; oversees all property acquisitions

related to tax deeded properties; manages the high profile and complex capital projects. Mr. Aspell added that the Parking Supervisor position would be four pay grades lower from a labor grade 21 to 17.

Jennifer Johnston, Director of Human Resources and Labor Relations, provided a brief overview of the reclassification of the City Clerk, Deputy Fire Chief, Deputy Police Chief and Human Services Director positions from Grade 23 to Grade 24.

Mayor Pro Tem St. Hilaire opened the public hearing.

Public Testimony

Roy Schweiker, Concord resident, noted his concern for the parking situation and management indicating that he feels that the parking garages should be placed under the Public Properties division and the kiosks under the IT department.

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

- F. 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. (7-11)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

- G. 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. (7-12)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing.

Public Testimony

Christopher Booth, Concord resident, noted that he doesn't feel that there is any necessity of a parallel taxiway. He indicated that there is a closed runway and feels that this should be reopened.

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

Councilor Coen moved to suspend the rules to continue the meeting past 11:00 p.m. The motion was duly seconded and passed, 7 to 5 on a show of hands vote.

- H. 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. (7-14)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

- I. 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. (7-17)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

- J. 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. (7-18)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

- K. 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. (7-19)

Action: City Manager Tom Aspell provided a brief overview.

City Solicitor Jim Kennedy pointed out, with respect to the Council rules under Section 3, it requires a 2/3rd vote of the Council present to go beyond 11:00 p.m.

Councilor Bouchard moved to reconsider the earlier vote to go past 11:00 p.m. The motion was duly seconded and passed with the required 2/3rd votes, 12 to 1 show of hands vote.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

- L. 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. (7-20)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

- M. 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. (7-21)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Pro Tem St. Hilaire opened the public hearing. There being no public testimony, the Mayor Pro Tem closed the hearing.

July 8, 2013 Public Hearing Action

49. 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)*

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

50. 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) (Supplemental report from Engineering submitted)*

Action: City Manager Tom Aspell pointed out that there is a supplemental report that was submitted because at the last meeting Council asked what it would cost to bring the underground utilities down past the Capitol Center for the Arts noting that the cost would be approximately \$1.5 million in addition to the \$2.5 million currently before Council.

Councilor Coen asked whether the additional \$1.5 million could be included this evening. Mr. Aspell responded that they would need a separate public hearing to increase an appropriation by \$1.5 million.

Councilor DelloIacono questioned whether there is any more data on bringing it in from the side streets instead of burying underground. City Engineer Ed Roberge responded that part of the solution does include coming in from some of the side streets and that it's not a fully underground system but predominantly in most of it, in that particular area, includes some aerial connections on the backside; it's a combination of aerial and underground.

Councilor Shurtleff moved approval. The motion was duly seconded and passed 13 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, Mayor Pro Tem St. Hilaire and Councilor Shurtleff voting yes.

Councilor Blanchard moved acceptance of the consent agenda. The motion was duly seconded and passed with no dissenting votes.

August 12, 2013 Public Hearing Action

51. 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. (7-13) (*Public testimony received*) (*Additional public testimony received; copy of Concord Police Department PowerPoint presentation distributed*)

Action: (Vote for this item taken after item 57 on the agenda) Councilor Kretovic moved to table action on this item until the September City Council meeting. The motion was duly seconded. Councilor Nyhan requested a roll call vote. Councilors Nyhan, Bennett, Coen and Grady Sexton voted no. Councilor Patten, Mayor Pro Tem St. Hilaire, Councilors Shurtleff, Blanchard, Bouchard, DelloIacono, Keach, Kretovic, and McClure voted yes. The motion to table until the September Council meeting passed 9 to 4.

52. 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. (7-15)

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

53. 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. (7-16)

Action: Councilor Kretovic moved approval. The motion was duly seconded and passed 13 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, Mayor Pro Tem St. Hilaire and Councilor Shurtleff voting yes.

54. 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. (7-9)

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

55. 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. (7-10)

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

56. 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. (7-11)

Councilor Nyhan moved approval. The motion was duly seconded and passed 13 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, Mayor Pro Tem St. Hilaire and Councilor Shurtleff voting yes.

57. 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. (7-12)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 13 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Coen, DelloIacono,

Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, Mayor Pro Tem St. Hilaire and Councilor Shurtleff voting yes.

(Vote for item 51 taken here – see action in item 51)

58. 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. (7-14)

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

59. 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. (7-17)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 13 to 0 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, Patten, Mayor Pro Tem St. Hilaire, and Councilor Shurtleff voting yes.

60. 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. (7-18)

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

61. 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. (7-19)

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

62. 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. (7-20)

Action: Action: Councilor Nyhan moved approval. The motion was duly seconded and passed 12 to 1 on a roll call vote with Councilors Bennett, Blanchard, Bouchard, Coen,

DelloIacono, Grady Sexton, Keach, McClure, Nyhan, Patten, Mayor Pro Tem St. Hilaire, and Councilor Shurtleff voting yes. Councilor Kretovic voted no.

63. 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. (7-21)

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

Appointments by the Mayor

Reports

New Business

Unfinished Business

64. 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) (7-39) (*Action on this item tabled following a July 9, 2012 public hearing*)

Action: Item remains on the table.

65. 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) (7-4) (*Action on this item tabled following a February 2013 public hearing*)

Action: Item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Blanchard informed Council and the public that she will not be running for re-election in November.

City Clerk Janice Bonenfant indicated that the filing period for the upcoming election begins Friday, September 6th and runs through Monday, September 16th for anyone wishing to file for the office of Mayor, City Council, or Ward Official positions. The filing fees for Mayor and City Council is \$5.00 and for a Ward Official position the fee is \$1.00.

Councilor Nyhan commented that Council received a lot of feedback this evening basically calling the integrity and trustworthiness of the Police Chief to question. He noted that he can't

say enough that the city is blessed to have him and feels that he is a person of utmost integrity, and is trustworthy and loyal.

Comments, Requests by the City Manager

Consideration of Suspense Items

A resolution was submitted to Council this evening: a resolution authorizing the City Manager to enter into a contract for the disposal of the City's solid waste.

City Manager Tom Aspell explained that this resolution would allow him to enter into a contract.

Councilor Nyhan moved to suspend the rules to consider this item which was not previously advertised. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved approval of the resolution. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 11:24 p.m., Councilor Shurleff moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*