

Non public session in accordance with RSA 91-A: 3, II (d) to discuss contract negotiations and property acquisition and non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies to be held at 5:30 p.m.

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

- 1. The Mayor called the meeting to order at 7:00 p.m.
- 2. Invocation by the Reverend Kate Atkinson, St Paul's Episcopal Church.
- 3. Pledge of Allegiance.
- 4. Roll Call. Councilors Bennett, Blanchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady Sexton, Keach, Kretovic, McClure, Nyhan, St. Hilaire and Shurtleff were present. Councilor Bouchard was late. Councilors Patten and Werner were excused.
- 5. Councilor St. Hilaire presented a resolution in recognition of the services of Master Police Officer William Dexter, Jr.
- 6. Approval of the October 15, 2013 Meeting Minutes.

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

7. Agenda overview by the Mayor.

- Consent Agenda Items -

Note: item listed as pulled from the consent agenda will be discussed at the end of the meeting.

Action: Councilor Nyhan moved approval of the consent agenda with item 23 being removed to the end of the agenda for discussion. The motion was duly seconded and passed with no dissenting votes.

Referral to the Recreation and Parks Advisory Committee and the Legal Department

8. Communication from James Rosenberg, President, and Concord National Youth Softball League requesting consideration be given to expanding their current lease agreement with the City of Concord to include a second field at Martin Field on Iron Works Road in Concord.

Items Tabled for a December 9, 2013 Public Hearing

- 9. Ordinance amending the Code of Ordinances, Title V, Administrative Code; Chapter 30, Article 30-2, Municipal Departments; Section 30-2-20, Community Development Department; together with a report from the Deputy City Manager Development.
- 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, Adult and Technical Services Manager/Adult Services Manager; together with report from the Director of Human Resources and Labor Relations.
- 11. Ordinance amending the Code of Ordinances, Title I, General Code, Chapter 5, Public Works; Article 5-8, Solid Waste Flow Control; together with a report from the General Services Director.
- 12. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing and Parking, Knight Street; together with report from the Traffic Engineer.
- 13. Resolution appropriating \$7,000 to the Sewer Fund to harvest timber at the Hall Street Wastewater Facility; together with report from General Services.
- 14. Resolution repurposing \$15,000 from completed and unexpended SCADA (Supervisory, Control and Data Acquisition) Instrumentation Improvement Project (CIP #124) to support a Water Treatment Plant Staffing Study; together with report from General Services.
- 15. Resolution accepting and appropriating the sum of \$125,000 from the Capital Regional Development Council's (CRDC) Brownfields Sub-Grant Program for environmental cleanup of the former Allied Leather and Amazon Realty sites located at 5-35 Canal Street, Penacook, CIP #508; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects.

From the City Manager

16. Positive Citizen Comments.

Consent Reports

17. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$1,800.71 as provided for under the preauthorization granted by City Council.

- 18. Diminimus gifts and donations report from the General Services Director requesting authorization to accept monetary gifts totaling \$50.00 as provided for under the preauthorization granted by City Council.
- 19. Diminimus gifts and donations report from the Parks and Recreation Director requesting authorization to accept monetary gifts totaling \$4,848.04 as provided for under the preauthorization granted by City Council.
- 20. Report from the Parks & Recreation Director regarding the Weekend on the Water festivities recently held in the City of Concord.
- 21. Report from the Parks & Recreation Director on cemetery plaques for the graves of unmarked children.
- 22. Report from the Public Safety Board in follow-up to a report from the Fire Chief on Life Safety Evaluations and Standby Personnel at Special Events. (9-13)
- 23. Report from the Planning Board in response to a communication from Nicholas Golon, TFM, on behalf of their client, Public Service Company of New Hampshire (PSNH) recommending that the City Manager be authorized to execute a release of an existing right of way easement deed across land owned by PSNH in Concord, tax map 122, block 2, lot 28, easterly of Farmwood Road. (8-11) (*Pulled from consent by Councilor McClure*)

Action: Item removed from the consent agenda for discussion.

- 24. Current Use change tax quarterly status report from the Director of Real Estate Assessments.
- 25. September Fiscal Year to Date Financial Statements from the Deputy City Manager Finance.
- 26. Semi-annual PAYT status report from the General Services Department.
- 27. Report from the Planning Board in regard to two properties taken for Tax Title in 2013, advising that there is no public purpose in retaining either the single family residence at 114 Iron Works Road, or the vacant multi-family residence at 280 North State Street.
- 28. Report from the City Manager recommending City Council authorize the City Manager to enter into an agreement between the City of Concord, the Concord School District and Concord Community TV for the purposes of a two-year contract extension.

Consent Resolutions

- 29. Resolution proclaiming December 2013 as Capital Region Food Program Month. (*For presentation in December*)
- 30. Resolution in recognition of the services of Police Dispatcher Susan F. Murphy. (For presentation in December)

Consent Communications

31. Street closure request for the 12th Annual Rock N' Race to benefit the Payson Center for Cancer Care to be held on Thursday, May 15, 2014.

Appointments

- 32. Mayor Bouley's proposed appointment to the Public Safety Board *Donald Carter*
- 33. Mayor Bouley's proposed appointment to the Board of Ethics. *Craig Greenman*

End of Consent Agenda

34. November 12, 2013 Public Hearings

A. 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, Communications Coordinator, Management and Budget Analyst; together with reports from the Director of Human Resources and Labor Relations. (10-8)

Action: Jennifer Johnston, Director of Human Resources and Labor Relations, provided a brief overview in regards to the Communications Coordinator position.

Councilor Coen asked for clarification as to whether this position would be dealing with communications with the public rather than actual traffic issues. Ms. Johnston responded that to be correct.

Councilor DelloIacono asked how many inquiries are received. Ms. Johnston responded that year to date, from February 2013, 1,683 were received and further stated that 88 percent of these were for General Services. Councilor DelloIacono noted that it appears this position would be primarily dealing with inquiries with the addition of social media work and some administrative work. He stated that he is having a hard time with this being a full time position. Ms. Johnston explained that the person who left this position handled a lot of administrative functions and they took a few of the administrative functions out to add in this component to build the social media presence and to handle the internet traffic. She stated that it's really blending two positions into one. City Manager Tom Aspell added that the FTE's are still the same and that it's not an additional body; it's a reallocation of resources.

Mayor Bouley indicated that he does understand that this is not adding an additional person but it does increase the labor grade from a 13 to a 16 so that there is a budgetary impact. Mr. Aspell explained that the first through the fourth years is a savings because of the salary of the previous person that was in the position. He stated that after the fourth year they are looking at an initial cost impact but feels that by then, things will

have changed in terms of the way they are doing this. He added that this will save the taxpayers money over the next four years.

Councilor St. Hilaire noted that this sounds like an IT position rather than a General Services position. Ms. Johnston responded no explaining that they are gearing it more towards a communications type of position and not a technical position. Councilor St. Hilaire inquired whether this position would be issuing press releases on behalf of the department. Ms. Johnston responded that this is one of the functions of the position. Councilor St. Hilaire questioned whether the press releases would be strictly for General Services. Ms. Johnston indicated that to be correct.

Referencing press releases, Mayor Bouley noted that he assumes that if there is a spokesperson for the city it would be the City Manager or himself. Mr. Aspell explained that the idea is that because they are trying to do more through the web and email blasts for items occurring on a regular basis; this is a way to get more information out to people. For example, people receiving a notice in regards to trash pickup days due to the holiday schedule.

Ms. Johnston provided a brief overview in regards to the Management and Budget Analyst position.

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

B. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-2, Assessment and Collection, Article 20.2-1-3; Administration, and Chapter 28, Zoning Ordinance; Glossary; together with report from the City Planner. (10-9) (*Revised report submitted*)

Action: Carlos Baia, Deputy City Manager-Development, provided a brief overview.

Councilor Keach asked for an explanation of the difference between a waiver and an exemption. Mr. Baia explained that an example of an exemption is if somebody is coming in today for a change of use, typically they wouldn't have to go through the Planning Board; they can pull a permit and that is typically when the impact fee is assessed. He indicated that a waiver creates another layer of bureaucracy in which they would need to go through.

Councilor Bouchard, in regards to waiving the transportation fee, noted that she understands that staff expects these new residents to be more walkers but indicated that, at the same time, she feels that they would want a more enhanced public transportation system. She asked whether impact fees go towards any public transportation. Mayor Bouley indicated that impact fees have to be used for adding additional capacity and believes the answer is no.

Councilor Blanchard asked if there is any concern for the people that have already paid impact fees. Mr. Baia responded that any impact fees paid to date would still be in compliance with this and there would be a refund of those if they couldn't expend this properly. He explained that if the fees are not expended for an allocated project within six years, they would be refunded. He stated that this is a better situation for the business community moving forward and that they are trying to encourage a Council priority, the redevelopment of the downtown.

Councilor McClure asked why new development wasn't included. Mr. Baia responded that there are multiple reasons for that: they didn't want to encourage the tearing down of historic properties and wanted to incentivize property owners to work within the infrastructure that they have downtown; if there is a project significant enough for example that would change the character of downtown, a new project/a new building, it's likely going to qualify or at least be considered for another portion of the impact fee ordinance which calls for priority projects receiving a reduction to impact fees. Councilor McClure questioned whether it is felt that the existing opportunities for waivers or adjustments is almost equivalent to waiving of the fee altogether. Mr. Baia responded that he wouldn't say its equivalent of waiving of the fee altogether because there are different provisions built in for different types of reductions in the impact fee ordinance. He stated that at least there are provisions there for projects to have a portion of their impact fees waived if they meet certain priority status for the city.

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

 C. Resolution accepting and appropriating \$10,035 from the United States Department of Justice Bullet Proof Vest Program for a 50% reimbursement of eligible costs for CIP #370; together with report from the Police Department. (10-10)

Action: City Manager Tom Aspell provided a brief overview.

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

D. Resolution adopting the Concord Municipal Airport Minimum Standards 2013 and replacing in its entirety "The Minimum Standards and Procedures for Concord, New Hampshire Municipal Airport" originally adopted on March 12, 1984 and all amendments thereto; together with report from the Deputy City Manager – Development. (10-11)

Action: Carlos Baia, Deputy City Manager-Development, provided a brief overview.

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

November 12, 2013 Public Hearing Action

35. 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, Communications Coordinator, Management and Budget Analyst; together with reports from the Director of Human Resources and Labor Relations. (10-8)

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

36. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Article 29.2-1-2, Assessment and Collection, Article 20.2-1-3; Administration, and Chapter 28, Zoning Ordinance; Glossary; together with report from the City Planner. (10-9) (*Revised report submitted*)

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

37. Resolution accepting and appropriating \$10,035 from the United States Department of Justice Bullet Proof Vest Program for a 50% reimbursement of eligible costs for CIP #370; together with report from the Police Department. (10-10)

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

38. Resolution adopting the Concord Municipal Airport Minimum Standards 2013 and replacing in its entirety "The Minimum Standards and Procedures for Concord, New Hampshire Municipal Airport" originally adopted on March 12, 1984 and all amendments thereto; together with report from the Deputy City Manager – Development. (10-11)

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

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) (7-39)(8-64) (9-36) (10-34) (Action on this item tabled following a July 9, 2012 public hearing)

Action: No action taken on this item.

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) (7-40) (8-65) (9-37) (10-36) (Action on this item tabled following a February 2013 public hearing)

Action: No action taken on this item.

41. 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. (8-14)(9-26C; 9-29) (10-37) (Action on this item was tabled after a public hearing was held on September 9, 2013.)

Action: No action taken on this item.

Comments, Requests by Mayor, City Councilors

Councilor Kretovic noted that beginning November 30th through December 28th there will be Saturday bus service through the holiday season.

Councilor Shurtleff indicated that tomorrow evening, November 13th, the Concord 250 is holding a public forum in Council Chambers to talk about plans for the 250th anniversary taking place in 2015.

Councilor DelloIacono stated that on November 19th the Creative Concord Front Door Charette committee is having a public event at the Grappone Conference Center beginning at 5:30 p.m.

Mayor Bouley thanked the City Clerk's Office and ward officials for a successful election.

Comments, Requests by the City Manager

City Manager Tom Aspell indicated the Library Director Pat Immen will be retiring in January.

Consideration of items pulled from the consent agenda for discussion

Item 23 has been pulled from the consent agenda for discussion.

23. Report from the Planning Board in response to a communication from Nicholas Golon, TFM, on behalf of their client, Public Service Company of New Hampshire (PSNH) recommending that the City Manager be authorized to execute a release of an existing right of way easement deed across land owned by PSNH in Concord, tax map 122, block 2, lot 28, easterly of Farmwood Road. (8-11) (*Pulled from consent by Councilor McClure*)

Action: Councilor McClure questioned why the city was not seeking compensation for release of the right of way. Councilor McClure moved to refer this item to Planning and the Legal Department to look into whether or not compensation could be sought in this case or others and what the policies the city should establish in these areas should be.

City Manager Tom Aspell indicated that the city doesn't have a policy for extinguishing rights of ways and seeking compensation associated with this. He noted that this is two tracks here that Council is asking: what is the value of this one in particular; what should be the city's policy in terms of the extinguishment of right of ways and in terms of compensation from the people that receive those.

Mayor Bouley clarified that the motion is to refer this to Planning and the Legal Department with the two questions being: a) what should the future policy be; b) should they be receiving compensation for this particular case.

Councilor McClure indicated that to be correct.

Councilor McClure's motion to refer this item to Planning and the Legal Department was duly seconded.

Councilor St. Hilaire referenced the report which indicates that the reason why they are putting in a substation was to ensure the viability of the electrical service in that area. He stated that that area loses power from time to time for various reasons. He asked how long this delay would be and whether it would be a factor for electrical service for the people that live within that area. He questioned whether they will be starting to construct this during the fall or whether they will fall into a different construction season.

Steve Henninger, City Planner, indicated that the proposal is to eliminate a right of way that was originally conveyed in 1985 with the thought that Farmwood Road would continue forward in later phases to connect to Graham Road or maybe Sanborn Road. He noted that subsequent to after the construction of Farmwood Road the Public Service of NH bought the property and built a substation at the end of the road, the Oak Hill station. He stated that what's being proposed is a switching station which facilitates the smart grid renovations that they are going to arm throughout New England. He explained that the proposed right of way falls between the two pads, one for the substation and one for the switching station, and would go through of what today is a large wetland area and two areas that are very difficult to develop. He added that if for some reason Council did not want to continue this it would still not impact either one of the existing facilities.

Councilor St. Hilaire asked for clarification that if Council decides not to act on this that it won't affect the facilities anyway. Mr. Henninger responded that it would not affect the facilities. Councilor St. Hilaire asked whether they needed the right of way. Mr. Henninger replied that they did not need the right of way.

Councilor Keach asked if staff was aware as to whether there was any connection to the Northern Pass Project to this parcel of land. Mr. Henninger responded no explaining that this parcel is part of a plan to implement a smart grid throughout the region. He noted that

even though the adjacent corridor might be the location of the Northern Pass this was identified completely separately and is a needed improvement without the Northern Pass.

The motion to refer this item to Planning and the Legal Department passed with no dissenting votes.

Consideration of Suspense Items

Councilor St. Hilaire moved to suspend the rules to consider items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

11 Sus 1 Canvass of the Votes for the Municipal Election held on November 5, 2013. (*Not previously distributed*)

Action: Councilor Nyhan moved acceptance of the Canvass of the Votes. The motion was duly seconded and passed with no dissenting votes.

11Sus 2 Referral to the Police Department, Code Administration, the Fire Department and General Services

Street closure request from New Hampshire Distributers for the Black Ice Pond Championship to be held January 23rd through January 27, 2014.

Action: Councilor Nyhan moved to refer this communication. The motion was duly seconded and passed with no dissenting votes.

Adjournment

The time being 7:50 p.m., Councilor St. Hilaire moved to enter into non- public session in accordance with RSA 91-A: 3, II (d) to discuss contract negotiations and property acquisition. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to exit the non-public session. The motion was duly seconded and passed with no dissenting votes.

Councilor DelloIacono moved to set the following resolution for a public hearing at the December Council meeting: a resolution accepting and appropriating the sum of \$80,626 from Public Service Company of New Hampshire to be applied towards the purchase of open space land off of Curtisville Road and Portsmouth Street, also known as Whispering Heights, as mitigation for a New Hampshire Department of Environmental Services wetlands permit; and authorizing the conveyance of conservation restrictions and covenants on a portion of the open space property. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

Michelle Mulholland Deputy City Clerk