



***Non-public session in accordance with RSA 91-A: 3, II to discuss the
City Manager's Evaluation to be held at 6:00 p.m.***

City Council Meeting
Minutes
March 10, 2014
City Council Chambers
7:00 p.m.

***Non-public meeting with legal counsel in accordance with RSA 91-A: 2, I (b) followed
by non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective
bargaining strategies and a non-public session in accordance with RSA 91-A: 3, II (d) to
discuss property acquisition to be held following the March City Council meeting.***

1. The Mayor called the meeting to order at 7:00 p.m.
2. Invocation by the Reverend Kate Atkinson, St Paul's Church
3. Pledge of Allegiance.
4. Roll Call. Councilor Bennett, Mayor Bouley, Councilors Champlin, Coen, Grady Sexton, Herschlag, Keach, Matson, Nyhan, St. Hilaire, Shurtleff, Todd and Werner were present. Councilors Bouchard and McClure were excused.
5. Approval of the February 3, 2014 the February 10, 2014 and the February 18, 2014 Meeting Minutes.

Action: Councilor Grady Sexton moved approval of the February 3, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor Grady Sexton moved approval of the February 10, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes. Councilor St. Hilaire moved approval of the February 18, 2014 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

- 5A. Presentation on plan to end homelessness in the City of Concord.

Action: Patrick Tufts, Concord Steering Committee to End Homelessness member, thanked the Mayor and Council for the opportunity to present the ten year plan to end homelessness. David Frydman, committee member, noted that the steering committee consisted of a broad representation of members and had a very extensive public outreach process that the committee went through. He explained that, through the process, they looked at the

increased impacts Concord has seen regarding homelessness; identifying particular issues affecting the perceived increase of homelessness in Concord and how it was impacting the community; what services are available; quantifying the cost to the community around public safety. He indicated that the plan was adopted unanimously by committee members after extensive discussion and outreach. Mr. Frydman stated that there are five recommended goals: 1) increase access to healthy, safe environments for all homeless and precariously housed people of the community; 2) increase the number of quality, permanent, affordable rental units for very low income individuals; 3) increase knowledge about homelessness in Concord, costs to the community, services available and future needs; 4) increase public and private funding available to meet needs; 5) ensure broad representation and engagement of stakeholders in implementing and moving forward with this plan. He stated that their hope is that the Council will affirmatively and formally approve and adopt this plan noting that they would then take it through the Concord Coalition to End Homelessness as well as in partnership with the city, the non-profit community, the business community, and the for-profit community to start working on these action items.

Referencing page 12 of the plan, Councilor Coen questioned item 4 within number 7 asking what hospital is being referred to. Mr. Frydman responded that it's both the Concord Hospital and the state hospital.

Councilor Champlin complimented the committee for all the work that they did and stated that this would benefit from public input.

Councilor Champlin moved to set this plan for a public hearing in April. The motion was duly seconded.

Councilor Werner asked what is thought to be the most important aspect of the plan. Mr. Frydman responded that it's hard to choose just one because there are so many complexities involved but in light of this he feels that it would be creating an effective coalition coordinated approach of all the resources that exists in the city.

Mr. Tufts added that it's the collective response to the issue that is so important and feels that the plan itself is the most important part of the plan.

Mayor Bouley thanked the entire committee stating that they are a very dedicated group.

Councilor Champlin's motion passed with no dissenting votes.

6. 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 Recreation and Parks Advisory Board

7. Communication from Michael Royce asking that the City consider lighting the Blossom Hill Cemetery Chapel on a nightly basis.

Referral to Community Development

8. Communication from Michael Reed, CATCH Neighborhood Housing requesting that the City of Concord grant them a license to install a ramp within the city sidewalk at 4 Pleasant Street Extension, Endicott Hotel.

Items Tabled for an April 14, 2014 Public Hearing

9. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance.
10. Non-ordinance fees
11. Resolution appropriating the sum of \$10,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager.
12. Resolution authorizing the City Manager to continue implementation of the Community Development Revolving Loan Fund Program and appropriating the sum of \$535,761; together with report from the Director of Redevelopment, Downtown Services & Special Projects.
13. Resolution accepting and appropriating the sum of \$1,830,861 for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30, including \$1,647,775 in grant funds from the Federal Aviation Administration (FAA), \$91,543 from the State of New Hampshire, and \$91,543 from the City of Concord and authorizing the issuance of bonds and notes for CIP #73; together with report from Engineering.

From the City Manager

14. Positive Citizen Comments.

Consent Reports

15. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$6,056.57 as provided for under the preauthorization granted by City Council.
16. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$17,100 as provided for under the preauthorization granted by City Council.

17. OEDP Annual Report.
18. Report from Community Development in response to a communication from the United States Post Office requesting permission to place a six-unit neighborhood delivery collection box unit at the corner of Cypress and Noyes Streets to ensure the safety of postal delivery personnel while continuing postal service to the residents on Cornell Street. (12-8)
19. Status report from the Police Chief on Panhandling in the City of Concord.
20. Report from the City Engineer on the status of capital projects managed by the Engineering Services Division.
21. Report from Planning regarding revisions to lease agreements with Green Gold Farm and Bartlett Farm to exchange the Bartlett Farm leasehold at the Gully Hill Conservation Area with an area of equal tillable land at the West Portsmouth Street Conservation Area and to expand the Green Gold Farm leasehold at the Gully Hill Conservation Area to include the tillable land previously leased by Bartlett Farm.
22. Report from the General Services Director recommending the City Manager be authorized to accept the free leak detection survey from the New Hampshire Department of Environmental Services and enter into a promotional partnership agreement with the United States Environmental Protection Agency.
23. January Fiscal Year to Date financial statements from the Deputy City Manager – Finance.
24. Report from the Deputy City Manager – Finance outlining Finance Department staffing changes.
25. Report on FY2015 proforma model from the Deputy City Manager – Finance.
26. Report from Community Development in response to a communication from Ron Ferrante, 95 Loudon Rd LLC, asking the city to consider entering into a line lot adjustment to annex a small portion of city owned land off Thomas Street to the property at 95 Loudon Road and move the driveway from Loudon Road to Thomas Street. (12-9)

Consent Resolutions

27. Resolution transferring the sum of \$110,500 from contingency to General Services Snow and Ice Control Accounts; together with report from the Deputy City Manager – Finance.
28. Resolution authorizing the City Manager to submit an application to the Federal Aviation Administration (FAA) and the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics, for up to \$340,000 in grant funds for the purpose of purchasing a new front end loader for the Concord Municipal Airport; together with report from Engineering.

29. Resolution authorizing the City Manager to submit an application to the Federal Aviation Administration (FAA) and the New Hampshire Department of Transportation (NHDOT), Division of Aeronautics, for up to \$1,830,861 in grant funds for the purpose of constructing the westerly portion of the Parallel Taxiway for Runway 12/30 at the Concord Municipal Airport; together with report from Engineering.
30. Resolution authorizing the City Manager to enter into a grant agreement for up to \$1,830,861 with the New Hampshire Department of Transportation (NHDOT), Bureau of Aeronautics, for the purpose of constructing Phase II of the Parallel Taxiway to Runway 12/30 at the Concord Municipal Airport and to revise the total grant request for Phase I and Phase II to a total of \$3,031,847.

Consent Communications

31. Street closure request from Intown Concord for the 40th Annual Market Days Festival to be held Thursday, July 17, 2014 through Saturday, July 19, 2014.
32. Street closure request from the Concord Farmers Market Association requesting Capitol Street be closed on Saturdays from 6:00 a.m to 1:00 p.m. beginning May 10, 2014 with an anticipated closing date of October 25, 2014.
33. Street closure request from the Greater Concord Chamber of Commerce's Creative Concord Committee for the 3rd annual Midsummer Night Magic to be held on Friday, June 20, 2014.
34. Street closure request from the Christa McAuliffe School for a Christa McAuliffe Fun Fair Carnival to be held on Thursday, May 22, 2014.

Appointments

From the Mayor

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

35. March 10, 2014 Public Hearings

- A. Resolution accepting and appropriating the sum of \$34,323 from Bindery Redevelopment, LLC for the construction of sidewalk improvements along South Main Street in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with a report from the City Engineer and Senior Planner. (2-12)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker, resident, noted that he would like to make sure that by Council voting to accept this money, they are not promising to do anything particular downtown. He indicated his concern that the level of downtown improvements that are made may not be the sort of improvements that were considered when this amount of money was offered to the city. He further noted his concern with the downtown Main Street project and asked that Council table this item until they work out the costs for downtown.

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

- B. Resolution repurposing \$5,437.76 from completed and unexpended lobby/scoreboard replacement project (CIP #64) to support the replacement of two heaters at the arena (CIP #64); together with report from General Services. (2-13)

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.

- C. Resolution authorizing the Annual Appraisal of Real Estate at Market Value per RSA 75:8-b; together with report from the Director of Real Estate Assessments. (2-14) *(In accordance with RSA 75-8-b public hearings must be held in March and April, with Council action to take place in May)*

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

- D. Resolution accepting and appropriating the sum of \$17,000 from the Central NH Bicycle Coalition for bike lane striping and directional signage throughout the City (CIP #35); together with report from the City Engineer. (2-15)

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.

- E. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16) *(Report from the Deputy City Manager – Development requesting that the public hearing on this item either be tabled or recessed)*

Action: City Manager Tom Aspell explained that the Planning Board has requested additional information so Council is being asked to hold off on this item for another month.

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

- F. Resolution accepting and appropriating the sum of \$475,000 in unmatched funds from the State of New Hampshire's Oil Discharge, Disposal, and Cleanup Fund ("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 report from the Director of Redevelopment, Downtown Services, & Special Projects. (2-17)

Action: City Manager Tom Aspell provided a brief overview explaining that cleanup activities commenced November 2013 and, as cleanup has progressed, the scope of petroleum contamination of the property proved to be more extensive than initially anticipated. He indicated that, because of these circumstances, the cost of petroleum remediation will likely to exceed the original \$275,000 appropriated. He stated that staff is requesting that Council approve up to an additional \$475,000 in ODD Fund dollars explaining that ODD Fund dollars are unmatched grant funds from the State of NH; no matching funds are required nor is there any costs to the city for accepting these grants.

Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, noted that he anticipates that, of the total \$750,000 in ODD Fund dollars, they will be spending approximately \$350,000. He indicated that staff will be coming back in April requesting an additional \$220,000 of city money to deal with some overages that they have run into as the project has gone on for the past several months. He explained that the \$220,000 would be comprised of money from the Penacook Village TIF District as well as from the city's Economic Development Reserve.

Councilor Coen asked if there was any way to use the \$750,000 towards the \$220,000. Mr. Walsh responded that they could not because the ODD Fund is strictly dedicated to petroleum issues. Councilor Coen inquired as to what caused the overage. Mr. Walsh replied that the primary factors driving the \$220,000 includes: additional buried foundations at the site, coal ash, piping with liquid found, and the discovery that the concrete vaults were contaminated with hexavalent chromium which is more complicated to deal with because it's more toxic.

Councilor Keach questioned if this is the end of the environmental issues for this site. Mr. Walsh explained that they are fifty percent of the way through and indicated that there is approximately 1,000 tons of chromium soils that needs to be removed. He stated that he feels that they will know more over the next few weeks but, at this point, a \$220,000 appropriation would help take care of the overages but also leave a \$43,000 contingency to finish the rest of the project.

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

- G. Resolution accepting and appropriating the sum of \$10,612 from the NH Department of Transportation (NH DOT) for a portion of the design of the municipal water main relocation across the Exit 12 bridge over I-93; together with report from the Associate Engineer. (2-18)

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.

- H. Resolution appropriating the sum of \$10,001,080 for the purposes of construction for the Sewalls Falls Bridge replacement project (CIP #22), including accepting and appropriating \$8,000,000 in U.S. Department of Transportation, Federal Highway Administration Bridge Aid Funds, and authorizing the issuance of bonds and notes in the amount of \$1,940,000, and utilizing \$61,080 from impact fees; together with report from the City Engineer. (2-19)

Action: Ed Roberge explained that City Council had previously appropriated \$1.5 million for the design portion and this will complete the appropriation for the funds to build the project that is before Council this evening. He provided a project status update.

Tom Kendrick, McFarland Johnson Project Manager, noted that it is anticipated for construction starting in 2015 and completing in 2016. He explained that, as part of the process for the bridge aid program, they did a type, size, location study report looking at different bridge alternatives, different lengths and alignments, accurate bridge costs for comparison purposes and a decision matrix process. He presented a slide showing an aerial photo of the project location noting that the two truss spans that currently exist, approximately 340 feet in length. He noted that they are looking at replacing those spans with a three span bridge that will be 400 feet in length, removing the approach spans in their entirety and replacing those with embankment. In a powerpoint presentation, Mr. Kendrick highlighted some traditional and non-traditional bridge alternatives. He further highlighted the decision matrix noting that they looked at items such as construction duration, long term maintenance, aesthetics and costs and pointed out that alternatives A, B and C fit within the project budget.

Councilor Coen noted that the question that he has been asked over the past several years is why it took so long to have the bridge rebuilt. He asked how much it cost to deal with the environmental and design issues with any project of any scope today versus eighty years ago. Mr. Roberge responded that there are a number of regulatory processes that are referred to now that were not there years before. He pointed out that they had a previous alternative that Council endorsed in 2010 and, once they concluded additional study, they found that the alternative wasn't feasible so they had to re-engineer the process. He stated that it's clearer to say that it is more expensive today to do projects

than it would be 40 to 60 years ago because of all the programs that are out there but he cannot estimate how much of a percentage more for costs.

Referencing alternatives C and D, Councilor Nyhan asked if the higher costs are due to the aesthetic appeal of these alternatives. Mr. Roberge responded that what concerns them is the long term sustainability of it and explained that with truss and signature bridges comes more costs to maintain. Councilor Nyhan asked for clarification that there is no functional value to those design elements. Mr. Roberge replied that one may argue that it may be less functional in terms of the structural limitations that a truss bridge may bring.

Councilor St. Hilaire noted that the photo of the concrete bridge includes lights and the steel one does not. He questioned whether this was just the drawing or whether this added the extra \$200,000 to the project. Mr. Kendrick responded that they just wanted to show different options. Councilor St. Hilaire inquired whether there was a preference to concrete and steel as far as longevity. Mr. Kendrick responded that generally they are both considered to be of equal durability and both require the same level of maintenance.

Councilor Herschlag questioned how much it would change the cost if the bridge was constructed in one construction season as opposed to two seasons. Mr. Kendrick responded that they selected the 18 month timeframe because it should result in the lowest total cost and is a normal timeframe to construct a bridge. He noted that during the final design they are going to look at shortening that timeframe but at some point they will reach a point of adding costs to the project. He added that they are just starting the environmental process this spring and they are unsure at this point what their in stream work windows will be; they will need to pinpoint as to when the contractor will be allowed to work in the stream. Councilor Herschlag asked if the timeframe would add to the cost if all the elements fell into place or would this be a consequence of ease of construction. Mr. Kendrick responded that, at this point, they can't say it's possible to construct it in twelve months but it is possible to do it more quickly than the eighteen months that they have presented within the timeframe.

Councilor Matson noted that she didn't see anything specific about what type of longevity is expected out of the bridge once it's constructed. Mr. Kendrick replied that the normal practice is for a 75 year design line and they are striving to increase this closer to 100 years with some of the materials they are putting into the bridge.

Councilor Coen asked what department or agency makes the decision as to how long and when they can go into the river. Mr. Kendrick responded that there are multiple permitting agencies that they'll work with during the permitting process including the Army Corp, Department of Environmental Services, and the New Hampshire Fish and Game.

City Manager Tom Aspell asked the City Engineer to highlight some of the items that they will be doing in the water. Mr. Roberge responded that there are mussels in the river that need to be relocated and there will be the drilling of piles.

Councilor Todd asked if there was a timeframe for the maximum amount of time this construction would be completed. Mr. Kendrick responded that they are comfortable with the eighteen month timeframe contained within the report but it's always possible that in work windows are less than they could be and is also possible that the contractor could run into problems along the way.

Councilor Champlin asked if it was intended that there is going to be lighting included on this bridge. Mr. Roberge replied that there is currently no lighting on the bridge and the concern that they have is a significant change in terms of the approach. He stated that they proposed likely to not have lighting out there; looking at costs and how the roadway is used today so there isn't additional impact on abutting properties. Councilor Champlin stated that it would be nice to see something that made it a bit more aesthetically interesting. He pointed out there are proposed five foot safety lanes that bicyclist may be using and noted that, for safety sake, it would be helpful to have lighting on the bridge. He asked that consideration is made for lighting and also for designs that give it a little bit of character.

Referencing mussel relocation, Councilor Coen inquired as to the cost of this. Mr. Roberge responded that they tried to plan for this within the existing budget so it fits within the construction costs. There was no accurate cost available but Mr. Roberge stated that they estimated it costing under five figures pointing out that it's too early to guess a number at this time.

Councilor St. Hilaire noted his disagreement with Councilor Champlin's comments in regards to lighting. He stated that it's a pristine area and it's nice to have it dark for astronomers to see the stars in this area of Concord. He suggested banners or other treatments to make the bridge aesthetically appealing.

Mayor Bouley pointed out that lighting is not currently included within the project costs before Council this evening.

Councilor Werner noted his agreement with Councilor St. Hilaire. He wondered if consideration was made for any type of reflective material or markings that would assist bikers at dusk or dark. Mr. Roberge responded that there will be full pavement markings that are highly reflective but there is not anything that they specifically looked at but can be explored.

Mayor Bouley opened the public hearing.

Public Testimony

Liz Blanchard, Penacook, noted that she wanted to assure residents that it has not been the Council's fault that this has dragged on so long. She noted her support in the construction of a new bridge and trusts this Council to make the right decision.

Roy Schweiker, resident, noted that he hopes that if any issues arise that it comes back to Council for the public to comment on. He pointed out that where the steel and concrete are fairly close, it's not an unusual practice to bid an alternate design and let the contractor bid one or another and pick the lowest one.

Ron Rayner, resident, questioned whether there will be any temporary span or bridge crossing during the eighteen month period. City Manager Tom Aspell responded no.

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

- I. Resolution amending and restating the Development Program and Financing Plan for the North End Opportunity Corridor Tax Increment Finance District (NEOCTIF) ; together with a report from the Director of Redevelopment, Downtown Services, & Special Projects. (1-13) (2-45E; 2-50) (*Supplemental report from the North End Opportunity Corridor Tax Increment Finance District Advisory Board submitted*) (**Action to be taken in April, in accordance with RSA 162-K:4**)

Action: There being no Council objection, items I and J were read together.

Matt Walsh, Director of Redevelopment, Downtown Services, & Special Projects, provided an overview on items I and J explaining that what Administration is proposing is that the city move forward with the acquisition of the so called "Tsunis" property. He stated that the goal is to buy the property and merge it with other properties currently owned by the city in order to facilitate the establishment of a right of way to connect Storrs Street to Constitution Avenue and South Commercial Street. He indicated that the \$361,000 assessment assumed only one acre of land was developable instead of all four acres and that it also had a different neighborhood rating. He pointed out that since the date that the report was written, the City Assessor has reviewed the assessment and revised it determining that the assessment would be somewhere between \$535,000 (assuming a connection through the city property to the Tsunis property which would require a roadway) to \$1.25 million (assuming that access was off of Storrs Street). He noted that if these are averaged together you end up with a price of \$892,500; the project for this particular acquisition is \$1,050,000 which includes the acquisition of the property, related costs associated, and costs to remove all vegetation as well as stored concrete pipe, grade, loam and seeding the site. He indicated that the financing plan entails \$450,000 of fund balance from the NEOCTIF district and a \$600,000 bond with a five year term exclusively supported by the TIF district. He explained that the NEOCTIF district is expected to sunset in fiscal year 2016 but the addition of this new debt service will extend that date to fiscal year 2019; this date assumes that no money is appropriated

for the future construction of the roadway. Mr. Walsh pointed out that there are three key issues that are affiliated with this property that will have to be worked out: there is a railroad easement crossing of 734 square feet which is held by the Tsunis family and is critical because the city is hoping that it would allow them to have an at grade crossing over the railroad tracks so they do not have to build a bridge; there are parcels inside the Tsunis property called escheated rights which have reverted back to the State of NH and the city will have to work with the state to get title to those; there is a railroad siding agreement that was in place with the state and the Tsunis family dating back to 1989 that needs to be reviewed. He noted that the NEOCTIF Advisory Board met to discuss this proposal and voted to endorse that Council move forward with this.

Councilor Coen asked whether any of this property will be available for development in the future. Mr. Walsh responded that it's going to depend on the final design of whatever the roadway might be. He indicated that a fair amount of this parcel will be dedicated to right of way adding that they will need to relocate the railroad tracks which will take up additional land. That said, he hopes that when the final design is done that they will have residual property that they can offer to the private sector for redevelopment.

Councilor St. Hilaire noted that there have been a few articles lately about the high speed rail and inquired whether the state would be thinking about moving the set of tracks away from this property closer to the bus station. Mr. Walsh responded that the concept that they are currently working with was actually prepared by the State of NH Department of Transportation.

Referencing the flat crossing of the rail, Councilor Keach inquired whether this is part of the title or a separate item that needs to be negotiated. Mr. Walsh replied that there is an easement that runs with the land and they will probably need to talk to the individuals who control the railroad lines just because that particular easement is fixed to a location on the Tsunis property and will most likely have to be moved to accommodate the construction of the roadway. Councilor Keach asked, if the city purchases the land, if it means that they don't necessarily have that easement. Mr. Walsh responded that if the city purchases the land the easement runs with the land so the easement would be the city's however they will need to negotiate with the railroad about possibly relocating the easement on the Tsunis property; the crossing is there and the only issue the city would have to negotiate is relocating it on the property.

Councilor Herschlag asked what opportunities Tsunis Holding Company had to develop the land without escheated rights. Mr. Walsh responded that the rights were key to the Tsunis family developing the extension that they wanted to do. He explained that the city was involved in securing these rights by doing a "friendly" eminent domain process to clear the title in such that they could get to the point of letting the state sell those parcels to the Tsunis family. Councilor Herschlag asked what they would be able to do with that property without those rights. Mr. Walsh noted that there is a "swiss cheese" effect because of the location of the escheated rights parcels because they are sprinkled throughout the property. He indicated that the land likely has some development value.

Councilor Herschlag asked what this does to the valuing of the property if they no longer have those rights. Mr. Walsh replied that they are working under the assumption that they will be able to secure the rights from the State of NH. He stated that he is fairly confident that the city will be able to get those rights for a reasonable price. Councilor Herschlag questioned how this affects the assessed value by the Tsunis family not having those rights to the property; is the city paying too much or does it take into account not having those rights. City Manager Tom Aspell stated that the values that the Assessor gave staff considered the escheated properties within the property.

Mayor Bouley opened the public hearings for items I and J.

Public Testimony

Roy Schweiker, resident, spoke in opposition stating that he is skeptical of the value of the property and feels that it's excessive. He noted that he feels that the project is premature and further noted his concern in regards to the TIF district.

Christian Pannacker, resident, questioned whether there was a demand from the citizens of Concord for this noting that he feels that it's working as it currently is.

There being no further public testimony, the Mayor closed the hearings for items I and J.

- J. Resolution authorizing the City Manager to enter into a Purchase and Sales Agreement with Tsunis Holdings, Inc. for real estate located on Storrs Street and appropriating the sum of \$1,050,000 including \$450,000 from NEOCTIF undesignated fund balance and the issuance of \$600,000 in NEOCTIF supported bonds and notes, to facilitate acquisition of property and related activities. (1-14) (2; 45F; 2-51) (*Action to be taken in April, in accordance with RSA 162-K:4*)

Action: Public hearing for this item taken with item I.

- K. Resolution modifying the Elderly Exemption Criteria for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

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

- L. 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; and Schedule Va, Four-Way Stop Intersections; Regional Drive at Chenell Drive; together with report from the Traffic Engineer. (2-23) (*Public testimony submitted*)

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.

March 10, 2014 Public Hearing Action

36. Resolution accepting and appropriating the sum of \$34,323 from Bindery Redevelopment, LLC for the construction of sidewalk improvements along South Main Street in conjunction with the Downtown Complete Streets Improvement Project (CIP #460); together with a report from the City Engineer and Senior Planner. (2-12)

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

37. Resolution repurposing \$5,437.76 from completed and unexpended lobby/scoreboard replacement project (CIP #64) to support the replacement of two heaters at the arena (CIP #64); together with report from General Services. (2-13)

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

38. Resolution accepting and appropriating the sum of \$17,000 from the Central NH Bicycle Coalition for bike lane striping and directional signage throughout the City (CIP #35); together with report from the City Engineer. (2-15)

Action: Councilor Nyhan moved approval. The motion was duly seconded and passed with no dissenting votes receiving the necessary two-thirds vote.

39. Ordinance amending the Code of Ordinances, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-6, Sign Regulations, Section 28-6-7, Signs Prohibited Under this Ordinance and Glossary; together with a report from the Zoning Administrator. (2-16)
(Report from the Deputy City Manager – Development requesting that the public hearing on this item either be tabled or recessed)

Action: No action taken on this item. The public hearing for this item was recessed.

40. Resolution accepting and appropriating the sum of \$475,000 in unmatched funds from the State of New Hampshire's Oil Discharge, Disposal, and Cleanup Fund ("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 report from the Director of Redevelopment, Downtown Services, & Special Projects. (2-17)

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

Councilor Coen inquired as to how much money has been spent to date on the Allied Leather Tannery and Amazon Realty sites. Mr. Walsh responded that the city has made a net investment of \$4,636,711 going back to 2001; this excludes the additional appropriation that is before Council this evening. He noted that of this total: \$2.8 million are grants and money from other parties; \$75,000 was from an insurance reimbursement when the Penacook Mill collapsed; the net cash amount that the city has put into the project is \$1,718,184.

Councilor Herschlag thanked Mr. Walsh for working diligently in regards to this site. He stated that he feels, without the city's involvement, there wouldn't be any opportunity to development. He noted that they are finally getting to a point where this property can be developed, start to generate some taxable income for the community, and serve as a cornerstone for redevelopment for the village.

The motion to approve passed with no dissenting votes receiving the necessary two-thirds vote.

41. Resolution accepting and appropriating the sum of \$10,612 from the NH Department of Transportation (NHDOT) for a portion of the design of the municipal water main relocation across the Exit 12 bridge over I-93; together with report from the Associate Engineer. (2-18)

Action: Councilor Coen moved approval. The motion was duly seconded and passed with no dissenting votes receiving the necessary two-thirds vote.

42. Resolution appropriating the sum of \$10,001,080 for the purposes of construction for the Sewalls Falls Bridge replacement project (CIP #22), including accepting and appropriating \$8,000,000 in U.S. Department of Transportation, Federal Highway Administration Bridge Aid Funds, and authorizing the issuance of bonds and notes in the amount of \$1,940,000, and utilizing \$61,080 from impact fees; together with report from the City Engineer. (2-19)

Action: Councilor Nyhan moved approval of the resolution moving forward with Alternative A. The motion was duly seconded.

Councilor Herschlag urged staff, when they put out the bids for this, to also look at the difference in cost between the estimated eighteen month period and a reduced timeframe of one construction season.

Councilor Keach noted that he does not feel that the construction schedule is much of an issue at this time. In terms of lighting and aesthetics, he stated that this is a rural crossing and not a prominent crossing or a focal point of the city. He stated that the least expensive option is his choice.

Councilor Nyhan's motion to approve the resolution moving forward with Alternative A passed with no dissenting votes receiving the necessary two-thirds vote.

43. Resolution modifying the Elderly Exemption Criteria for the City of Concord pursuant to the provisions of RSA 72:27-a; together with report from the Director of Real Estate Assessments.

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

44. 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; and Schedule Va, Four-Way Stop Intersections; Regional Drive at Chenell Drive; together with report from the Traffic Engineer. (2-23) (*Public testimony submitted*)

Action: Councilor Grady Sexton moved approval. The motion was duly seconded.

Mayor Bouley indicated that meeting with individuals on Regional Drive they have heard many concerns about this particular intersection in regards to near misses and vehicles traveling at high speeds. He noted that this came about from the recommendations of the businesses on the street. He pointed out that the Traffic Operations Committee feels that this does not warrant a stop sign in this area.

Councilor St. Hilaire noted that vehicles seem to go faster than the posted 30 mph on this road.

Councilor Herschlag asked how many accidents are contributed because of the difficulty at this intersection. Mr. Aspell responded that there are two per year.

Councilor Coen stated that this is an awkward intersection and noted that by having a stop sign at Chenell Drive it may cause a calming effect to keep the speeds down. He noted that although the volume doesn't warrant a stop sign in this area he will still vote to approve this item.

Mayor Bouley shared that it was pointed out to him that there would most likely be potential backups during certain times of the day with a stop sign noting that he explained this to the individuals within this area.

Councilor Bennett stated that he doesn't support this because he feels that this is a problem that only occurs for a few hours a day. He pointed out that the road was built for a reason; to make it compete with Loudon Road and allow people to access the Heights without having to go through all the traffic lights and congestion on Loudon Road. He feels that by adding a stop sign where it's not warranted is the wrong thing to do.

Councilor Todd noted his agreement with Councilor Bennett's comments. He stated that it appears to him that a stop sign is not the best choice to solve the problem and feels that it

may exasperate the problems in the area in terms of back up. He noted that Mr. Lemieux's written testimony outlines the way he feels about this intersection.

Councilor Herschlag noted his agreement with Councilor Bennett's assessment that Regional Drive connector was put in to reduce some of the impact of the traffic on Loudon Road.

Mayor Bouley asked whether, when Council voted to put a stop sign in at the top of Liberty Street, this intersection warranted a stop sign. Mr. Aspell responded that he did not believe so.

Councilor Champlin indicated that he will not be supporting this proposed traffic sign.

Councilor St. Hilaire noted that he sees a potential need for the stop sign but it does trouble him that any advocate for the sign did not appear for the hearing this evening.

The motion to approve the stop sign failed on a voice vote.

Councilor Shurtleff moved to accept the staff report. The motion was duly seconded and passed with no dissenting votes.

Appointments by the Mayor

Reports

New Business

Unfinished Business

45. 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) (11-40) (12-37)(1-42) (2-56) (*Action on this item tabled following a February 2013 public hearing*)

Action: This item remains on the table.

46. 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) (11-41) (12-38) (1-43) (2-57) (*Action on this item was tabled after a public hearing was held on September 9, 2013.*)

Action: This item remains on the table.

47. Ordinance amending the Code of Ordinances, Title IV, Zoning Code; Chapter 29.2, Public Capital Facilities Impact Fees Ordinance; Section 29.2-1-2, Assessment and Collection; together with report from Acting City Planner. (1-9) (2-45A; 2-46) (***Action tabled on this item; item also referred to the Impact Fee Committee after a public hearing was held February 10, 2014***)

Action: This item remains on the table.

48. Ordinance amending the Code of Ordinances, Title II, Traffic Code; Chapter 18, Parking, Storrs Street; together with report from the Director of Redevelopment, Downtown Services & Special Projects. (1-10) (2-45B; 2-47) (*Public hearing held on February 10, 2014; action tabled pending additional options from City Administration*) (***Supplemental report and revised ordinance from the Director of Redevelopment, Downtown Services & Special Projects***)

Action: City Manager Tom Aspell provided a brief overview.

Councilor Shurtleff moved to remove this item off the table. The motion was duly seconded and passed with no dissenting votes.

Councilor Shurtleff moved approval of the supplemental report dated February 27, 2014 along with the revised ordinance. The motion was duly seconded.

Councilor Bennett questioned whether this included parking near Hermanos. Mr. Aspell responded that it is on the easterly side of Storrs Street near the end.

Councilor Herschlag pointed out that the sign under the overpass says permit parking only and inquired whether this still applies. Mr. Aspell responded that this would be eliminated and new signage would be put up.

The motion to approve passed with one dissenting vote.

Comments, Requests by Mayor, City Councilors

Councilor Shurtleff announced that there is a public forum for the Penacook Village Zoning Study Committee taking place on Thursday, March 13th at 6:00 p.m. at the United Church of Penacook.

Councilor Shurtleff informed the Council that former Ward Eight City Councilor Jim Rowe passed away.

Councilor Grady Sexton announced that the AmeriCorps National Service program is turning twenty years old this year and there will be a kick off to celebrate their anniversary this Friday, March 14th at 9:00 a.m. at the auditorium of the Technical Institute.

Councilor Coen inquired as to the status of snow removal in the city since the last storm. Mr. Aspell responded that with the budgeting that they have done they should have adequate supplies. He indicated that there will be a transfer coming up shortly from the contingency for this purpose to the fund to handle final costs of snow removal.

Councilor Todd announced the third public forum for the Concord 250 on Wednesday, March 26th at 6:00 p.m. in Council Chambers.

Comments, Requests by the City Manager

In response to Mr. Pannabacker's question in regards to the Tsunis property, Mr. Aspell explained that back in the mid 90's the city made a decision to help develop contaminated property which is essentially the Concord Lumber site. The concern that the city had was that it's too separated from downtown and to really develop into a conference center that would be available and accessible downtown there needed to be a connection made to downtown eventually. He indicated that the idea was that they would eventually bring Storrs Street through to Constitution Avenue. The property Coastal Concrete, shortly thereafter, was acquired. He explained that the city has been acquiring pieces of property over the years at the request of the community to make this connection. He noted that the State of NH decided that it wants to do I-93 planning and a plan was developed, in cooperation with the city, to take I-393 and eliminate Stickney Avenue and make a connection along Storrs Street. He stated that if the Storrs Street connection can be made down by Exit 13 this traffic can be removed from 93 the state wouldn't have to build an eight lane section of highway and would only need a six lane section of highway. This would save the federal government 10's of millions of dollars, have a much less environmental impact, and the city would work with them to have a road that would then access an open developable property. Mr. Aspell stated that the development potential and the tax potential for the city would be tremendous and it would open up the frontage to the downtown.

Carlos Baia, Deputy City Manager-Development, introduced the new City Planner Nancy Larson.

Consideration of Suspense Items

Councilor Nyhan moved to consider items not previously advertised. The motion was duly seconded and passed with no dissenting votes.

3 Sus1 City Manager's proposed appointment to the Board of Trustees of Trust Funds.
Karen A Levchuk

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

3 Sus2 Proclamation proclaiming April 2014 as Child Abuse Prevention and Sexual Assault Awareness month in the City of Concord. (*For presentation in April*)

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

Adjournment

The time being 9:29 p.m., Councilor Champlin moved to enter into non-public meeting with legal counsel in accordance with RSA 91-A: 2, I (b) followed by non-public session in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies and a non-public session in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to exit out of the non-public meeting at 10:34 p.m. The motion was duly seconded and passed with no dissenting votes.

Councilor Nyhan moved to seal the minutes of the non-public meetings. The motion was duly seconded and passed with no dissenting votes.

Upon exiting the nonpublic session concerning property acquisition negotiations for the NH Employment Security property located at 32-34 South Main Street, Councilor Nyhan moved that the City formally reject the two development proposals as submitted by the ReArch Company and the Duprey Joint Venture. Councilor St. Hilaire seconded the motion. The motion carried unanimously on a voice vote.

The City Manager noted formal rejection of these proposals will allow the City to enter into discussions with other interested parties who have expressed interest in partnering with the City to redevelop the property. He also noted that rejection of the two proposals does not preclude the City from having further discussions with the ReArch Company or the Duprey Joint Venture.

Councilor Shurtleff moved to approve a new three year collective bargaining agreement with Local 2232, the International Union of United Automobile, Aerospace and Agricultural Implement Workers of America. The motion was duly seconded and passed on a voice vote.

A true copy; I attest:

*Michelle Mulholland
Deputy City Clerk*