

Non-public meeting in accordance with RSA 91-A: 2, I (a) to discuss collective bargaining strategies to be held at 6:30 p.m.

City Council Meeting Minutes January 10, 2011

Non-public meeting in accordance with RSA 91-A: 2 I (b) consultation with legal counsel to discuss pending litigation; and non-public session in accordance with RSA 91-A: 3, II (d) to discuss contract negotiations, Concord TV to be held following the City Council meeting.

City Council Chambers 7:00 p.m.

- 1. The Mayor called the meeting to order at 7:00 p.m.
- 2. No clergy was present for invocation.
- 3. Pledge of Allegiance.
- 4. Roll Call. Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner were present. Councilor Bennett was excused.
- 5. Approval of the December 13, 2010 meeting minutes.

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

- 6. Councilor St. Hilaire presented a resolution in recognition of the services of Detective Sean P. Dougherty. (12-30)
- 7. Presentation in recognition of the services of the Concord Police Department by the NH Police Standards & Training Council.

Action: Director Don Vittum, NH Police Standards and Training Council, made a presentation in recognition of the service of the Concord Police Department. He noted that the support from the Concord Police Department is outstanding and that they have helped to shape, mold and help young men and women for many years in the police community. He explained that the basic recruit academy is a fourteen week program and that they could not do it without the support and help of the Concord Police Department. He added that the city has one of the finest police departments in the state and they should be recognized for their dedication and service.

8. Presentation by City Administration – Hutchins Street Water Plant Energy Rebate.

Action: Phil Bilodeau, Deputy General Services Director, indicated that as part of the 2005 capital improvement program the General Services Department commenced the water master planning effort and have accomplished it in three different phases: phase one – water supply; phase two – water treatment; phase three – distribution and storage. He explained that phase two of the treatment portion made recommendations for the treatment plant in order for the city to position itself for the long term water supply needs of the city. He noted that as a first priority of that master plan, phase two, at the treatment plant was the replacement of the back wash water pumps which were original equipment from 1974 providing high volumes of water to clean the four filters. He explained that in 2009, staff came to Council for authorization to fund the two back wash water pumps replacements and some concrete repair in the sedimentation basin, also from 1974. Mr. Bilodeau indicated that the project was designed and bid in FY2010 and started construction in summer 2010 and near completion now. He added that the project was approximately \$650,000 of construction and the General Services Department was successful in accepting a \$245,000 grant to fund a portion of the back wash water pump replacements. He noted that the city made an application to Unitil and after careful consideration and deliberative analysis; Unitil has presented the city with a rebate check of \$128,873.00.

On behalf of Council, the Mayor thanked staff and asked Mr. Bilodeau to extend a thank you back to the individuals at the water division.

City Manager Tom Aspell added that the check represents a one time payment as a rebate. He indicated that the power savings associated with the back wash pumps will be saving \$200 a year and creating 1,200 pounds less of CO2 a year; the well water pump will save \$1,100 a year and reduce CO2 creation by 6,000 pounds per year; the finish water pump will create 60,000 pounds less of CO2 per year and save \$10,500 in energy costs.

- 9. Presentation of New Hampshire Military Community Covenant. (*Presentation to take place in February*)
- 10. Final Report Mayor's Task Force for a 21st Century Library

Action: In reference to items 10 and 11, Mayor Bouley explained that this evening Council is not appropriating any money but only doing what he feels that Council is responsible to do which is to plan for the future of the community, look at the needs for the future of the community and when moving forth to plan, they are going to listen to people who are experts or community members and to talk about what they have found in some of their findings. He explained that, like any other project, it's a long process; there are many public hearings and an open process. He told people to take a deep breath because no shovels are going to go into the ground.

Councilor McClure presented a detailed powerpoint presentation on the final report on the Mayor's Task Force for a 21st Century Library. A copy of the presentation is on file in the City Clerk's Office.

Mayor Bouley thanked Councilor McClure for chairing this task force and to all that have participated and given their time to a worthy endeavor. He encouraged anyone who is interested in the project to read the report because it was really well done and thorough.

Councilor Coen questioned where someone would be able to read a copy of the report. Library Director Pat Immen responded that the report is available in hard copy at the Concord Public Library and also on the city's website.

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

11. CIP #443: City Wide Multi-Generational Community Center Final Report Presentation.

Action: Matt Walsh, Assistant for Special Projects, provided a detailed powerpoint presentation on the final report on the City Wide Multi-Generational Community Center. A copy of the presentation is on file in the City Clerk's Office.

Councilor McClure wondered why staff decided to keep the West Street Ward House asking what is different about this than the others. Mr. Walsh replied that it is currently used for voting purposes and when they had public participation there was a segment of the community that was concerned about losing the West Street Ward House because of the purpose to which it was built by the city and the fact that it is still used for voting. He noted that there were other city needs for storage and the building, although it needs approximately \$700,000 of improvement, there may be a municipal use for it and staff is recommending that it be kept for those purposes.

Councilor Bouchard moved to accept the report. The motion was duly seconded.

Mayor Bouley asked what the intention was to the motion indicating that there is the acceptance of the report and also several recommendations. He noted that it seems like the 3rd, 4th and 5th bullets would be taken up on January 18th or during the budget process; the first two bullets seem to be more immediate; the last two would be that Council would be asking Administration to come back with in either the form of an ordinance or a recommendation.

Councilor Bouchard clarified that her intent was to move forward with all the bulleted recommendations.

Councilor McClure questioned whether Councilor Bouchard is suggesting that if Council accepts the report they are also moving forward on the recommendations within the report.

Councilor Bouchard indicated that she was moving to accept the report and felt that Council would go into the report more when they go over the CIP in the budget but would certainly support accepting the recommendations and fast tracking this moving forward on the East Side Community Center.

Councilor McClure noted her confusion.

Mayor Bouley explained that he feels that the first two bullets are important; the next three bullets seems like items that Council is going to discuss on January 18th when they look at the out years of the capital budget; the last two bullets are important that if Council agree with the recommendations as presented this evening and the pro formas, that they ask

Administration to revise the impact fee ordinance so that they could be collecting impact fees regarding this community center. He stated that the current motion is to accept the report with the recommendations below.

Councilor Blanchard noted her confusion to accepting this prior to the meeting next week.

City Manager Aspell explained that he believes what Councilor Bouchard is saying is that she accepts the report and prefers to do it all at once because she is strongly behind the project; what he believes that Councilor McClure is saying to take it in pieces and do it over time.

Councilor Blanchard noted that Council could be voting on just to accept the report and the first bulleted item. Mayor Bouley indicated that they could but he is asking Council to consider not just accepting the first bullet but to go a step further and take the second bullet and to ask Administration to go to the school district to talk to them as soon as possible because if they are serious about Dame School he feels that they should move forward. He feels that it is also important to ask Administration to come back with a revised impact fee ordinance so the city can start collecting impact fees.

Councilor McClure stated that she is comfortable with the way bullet three is worded because it's a recommendation of staff but bullets four and five indicate that they are accepting the report and the recommendations directing staff to revise the CIP. She stated that she is not comfortable with this noting that she feels this should be done in the context of the entire CIP review.

Councilor Nyhan indicated that he is in support of the project but feels that \$700,000 was high for the West Street Ward House but feels that it is a valuable facility. He added that it should be kept on the asset rolls but that the estimate appears to be very high. He stated that this is a well written report and is consistent with the direction that Council has given staff at looking at this project. He noted that he supports the motion as is knowing that Council will be looking at this again next week.

Councilor Bouchard amended her motion to accept the report and the 1st and 2nd bullets and the last two bullets. The motion was duly seconded and passed with no dissenting votes.

12. Agenda overview by the Mayor.

- Consent Agenda Items -

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

Items Tabled for a February 14, 2011 Public Hearing

13. Resolution appropriating the sum of \$13,400 for the costs to demolish, remove and dispose of the hazardous building at 149 Rumford Street, Concord, New Hampshire, and said funds to be withdrawn from the operating and maintenance account for tax deeded property; together with a report from the Code Administrator.

- 14. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-2 Pawnbrokers; together with report from the Legal Department. (11-43B; 11-45) (*Revised report submitted*)
- 15. Ordinance amending the Code of Ordinances, Title IV, Subdivision Code; Chapter 29.2, Public Capital Facilities Impact Frees Ordinance; Section 29.2-1-2, Assessment and Collection; together with a report from the Planning Board on the Annual Review of the Public Capital Facilities Impact Fee Ordinance.
- 16. Resolution amending the North End Opportunity Corridor Tax Increment Development Program and Financing Plan for the established North End Opportunity Corridor Tax Increment Finance District to allow for annual meetings of the NEOCTIF Advisory Board; together with a report from the Deputy City Manager Development.
- 17. Resolution accepting and appropriating the sum of \$3,927 in grant funds from the New Hampshire Highway Safety Agency to be utilized towards the purchase of two (2) radar traffic data recorders; together with report from the Police and Engineering Departments.

From the City Manager

- 18. Positive Citizen Comments.
- 19. Council meeting date calendar.

Consent Reports

- 20. Appropriation Transfer Report: December 2010.
- 21. Diminimus gifts and donations report from the Recreation Director requesting authorization to accept monetary gifts totaling \$1,070 as provided for under the preauthorization granted by City Council.
- 22. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$510 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 \$980 as provided for under the preauthorization granted by City Council
- 24. Interim report from the Library Director on grants and gifts to the Concord Public Library.
- 25. City Street Tree Removal Policy report from the General Services Director.
- 26. Report from the Golf Course Advisory Committee recommending Beaver Meadow Golf Course rates for the 2011 season.
- 27. Quarterly status of pending court cases report from the City Solicitors' office.

28. Report from the Traffic Operations Committee in response to a petition from residents of Florence V. Hodges Apartments requesting the City program all of the pedestrian signal lights on Loudon Road with traffic signal lights. (11-13)

Consent Resolutions

- 29. Resolution in recognition of the services of Deputy Fire Chief Timothy G. McGinley. (*For presentation in February*)
- 30. Resolution authorizing the City Manager to apply for up to \$45,000 to the New Hampshire Department of Environmental Services for Household Hazardous Waste Collection and Special Project Grants; together with report from the General Services Director.

Consent Communications

31. Street closure request from Concord Farmer's Market to be held Saturday's from June 4, through October 29, 2011, weather permitting.

Appointments

From the Mayor

32. Communication from the Mayor regarding the City Manager's Annual Performance evaluation.

End of Consent Agenda

33. January 10, 2011 Public Hearings

A. Resolution accepting and appropriating the sum of \$7,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (12-10)

Action: City Manager Aspell provided a brief overview.

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

B. Resolution authorizing the City Manager to accept and appropriate a donation of up to \$75,000 from Capital Regional Health Care Corporation, Inc to complete a traffic analysis and environmental impact feasibility study associated with the Phase 3 improvements of the Langley Parkway Project, CIP #40; together with report from the City Engineer. (12-11)

Action: City Manager Aspell provided a brief overview.

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

C. Ordinance amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; and Section 18-1-8, Parking Time Limited in Designated Places, Schedule III, Pillsbury, South Main and Dakin Streets; together with report from the Traffic Engineer. (12-12)

Action: City Manager Aspell provided a brief overview.

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

D. Ordinance amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; Section 18-1-10, Parking Positions Designated for Certain Streets, Schedule IV; and Article 18-2, Restricted Parking Residential Areas, Schedule XIX, locations adjacent to the University of New Hampshire Law School; together with reports from the Traffic Engineer and the Planning Board. (12-13) (Supplemental report from the Planning Board submitted) (Public testimony submitted)

Action: There being no Council objection, public hearing items D and E were read together.

City Manager Aspell provided a brief overview.

Mayor Bouley opened the public hearings for items D and E. There being no public testimony, the Mayor closed the hearings.

E. Ordinance amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Section 17-4-3, One-Way Streets, Schedule VI.; locations adjacent to the University of New Hampshire Law School. (12-14)

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

F. Ordinance amending the Code of Ordinances, Title II, Traffic Code, Chapter 18, Parking Schedules, Schedule VII, Bus and Taxicab Stands, for two relocated and two new bus stops on North Main Street, South Main Street and Storrs Street for Concord Area Transit (CAT); together with a report from the Assistant City Planner. (12-15)

Action: City Manager Aspell provided a brief overview.

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

G. Resolution closing a capital project account and making the remaining balance available for the purpose – effluent flow meter upgrade – CIP #104; together with report from the General Services Department. (12-16)

Action: City Manager Aspell provided a brief overview.

Councilor Coen inquired about a lightning rod preventing the damage from happening in the future. Phil Bilodeau, Deputy General Services Director, responded that the new equipment won't be of the same nature as the electrical connections that were made in the past and will be protected from the lightning as part of the installation.

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

H. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate Community Development Block Grant (CDBG) proceeds of up to \$500,000 on behalf of Fisherville 107 Manufactured Housing Park Cooperative, as well as re-adopting the City's Housing and Community Development Plan and the City's Displacement and Relocation Policy Statement and Procedures; together with a report from the Community Development Advisory Committee (CDAC). (11-20) (12-34G; 12-41) (Supplemental report submitted)

Action: Matt Walsh, Assistant for Special Projects, provided a brief overview explaining that Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects as well as a feasibility studies that primarily benefit low and moderate income persons. The City of Concord is eligible to apply for up to half a million dollars each calendar year for public facilities, housing rehabilitation projects and economic development projects as well as emergency funds, in addition feasibility study funds are available for up to \$12,000 a year. The purpose of this particular Community Development Block Grant application is to request that the City Council authorize the City Manager and the City of Concord to apply on behalf of Fisherville 107 Manufactured Housing Cooperative to repair and replace portions of their sewer infrastructure system as well as related infrastructure. In addition, the purpose of this public hearing is also to secure public testimony concerning the City's Housing and Community Development Plan as well as it's residential anti displacement and relocation assistance plan both of which are required by the US federal government for CDBG monies which will be specifically re-adopted by the city as part of this approval process and part of the resolution authorizing the city to apply for these funds. This Community Development Block Grant project conforms to the goals and objectives of the city's housing community development plan as well as its relocation plan. He stated that there is no relocation involved in this project. He further stated that although there is no displacement of persons or businesses associated with this project that if the city were or its sub-grantees were to undertake a project involving community development block grant funds which involved a relocation, they would follow that policy. He indicated that plan specifically outlines the measures that the city would take or its sub-grantee to find comparable suitable housing for persons or businesses that are displaced or temporarily relocated. He asked that Council open the public hearing on the city's up to \$500,000 application in Community Development Black Grant funds for this purpose as well as the re-adoption of the City's Housing and Community Development Plan and Residential Anti-Displacement and Relocation Assistance Plan.

Mayor Bouley opened the public hearing.

Public Testimony

Brenda Norton, Vice President of the Board of Directors Fisherville 107 Cooperative, thanked the city for its support and for putting the application in for the sewer pipes.

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

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34. Resolution accepting and appropriating the sum of \$7,000 from the Episcopal Church, Diocese of New Hampshire; together with report from the City Manager. (12-10)

Action: Councilor St. Hilaire moved approval. The motion was duly seconded.

Councilor Nyhan thanked the Episcopal Church Diocese for this contribution.

The motion passed 14 to 0 on a roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner voting yes.

35. Resolution authorizing the City Manager to accept and appropriate a donation of up to \$75,000 from Capital Regional Health Care Corporation, Inc to complete a traffic analysis and environmental impact feasibility study associated with the Phase 3 improvements of the Langley Parkway Project, CIP #40; together with report from the City Engineer. (12-11)

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

36. Ordinance amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; and Section 18-1-8, Parking Time Limited in Designated Places, Schedule III, Pillsbury, South Main and Dakin Streets; together with report from the Traffic Engineer. (12-12)

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

37. Ordinance amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 18, Parking; Article 18-1, Stopping, Standing, and Parking; Section 18-1-6, Parking Prohibited at All Times in Designated Places, Schedule I; Section 18-1-10, Parking Positions Designated for Certain Streets, Schedule IV; and Article 18-2, Restricted Parking Residential Areas, Schedule XIX, locations adjacent to the University of New Hampshire Law School; together with reports from the Traffic Engineer and the Planning Board. (12-13) (Supplemental report from the Planning Board submitted) (Public testimony submitted)

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

38. Ordinance amending the CODE OF ORDINANCES, Title II, Traffic Code; Chapter 17, Vehicles and Traffic; Section 17-4-3, One-Way Streets, Schedule VI.; locations adjacent to the University of New Hampshire Law School. (12-14)

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

39. Ordinance amending the Code of Ordinances, Title II, Traffic Code, Chapter 18, Parking Schedules, Schedule VII, Bus and Taxicab Stands, for two relocated and two new bus stops on North Main Street, South Main Street and Storrs Street for Concord Area Transit (CAT); together with a report from the Assistant City Planner. (12-15)

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

40. Resolution closing a capital project account and making the remaining balance available for the purpose – effluent flow meter upgrade – CIP #104; together with report from the General Services Department. (12-16)

Action: Councilor Nyhan moved approval. The motion was duly seconded.

The motion passed 14 to 0 on a roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner voting yes.

41. Resolution authorizing the City Manager to submit an application in an amount of up to \$500,000 and to accept and appropriate Community Development Block Grant (CDBG) proceeds of up to \$500,000 on behalf of Fisherville 107 Manufactured Housing Park Cooperative, as well as re-adopting the City's Housing and Community Development Plan and the City's Displacement and Relocation Policy Statement and Procedures; together with a report from the Community Development Advisory Committee (CDAC). (11-20) (12-34G; 12-41) (Supplemental report submitted)

Action: Councilor Stetson moved approval. The motion was duly seconded.

The motion passed 14 to 0 on a roll call vote with Councilors Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner voting yes.

Unfinished Business

42. Report from the Deputy City Manager - Community Development in response to a communication from Holly Carlson on behalf of Manchester Street businesses requesting

City Council consider a zoning change to the existing sign ordinance. (4-10) (8-39) (9-48) (10-39) (11-38) (12-40) (1-53) (2-47) (3-48) (4-61) (5-68) (6-53) (7-54) (9-42) (10-44) (11-52) (12-47) (Report tabled at the September 14, 2009 City Council meeting; supplemental report submitted to Council April 12, 2010; no action taken)

Action: This item remains on the table.

43. Resolution approving the acquisition of open space property northerly of Clarke Street, and authorizing the expenditure of up to \$11,000 from the Conservation Fund for this purpose, as approved by the Conservation Commission; together with report from the Conservation Commission. (5-10) (6-54) (7-55) (8-40) (9-43) (10-45) (11-53) (12-48) (Tabled setting this item for a public hearing at the May 10, 2010 City Council meeting)

Action: This item remains on the table.

44. Report from Community Development in response to a report from the Heritage Commission in response to a communication from Councilor Shurtleff requesting East Street, located in the village of Penacook, be renamed Canal Street. (3-9) (5-25) (8-38) (9-44) (10-46) (11-54) (12-49) (Report approved for a future public hearing at the August 9, 2010 City Council meeting)

Action: This item remains on the table.

Comments, Requests by Mayor, City Councilors

Councilor Werner notified Council and members of the community of an upcoming meeting to be held on Thursday, January 20th at 6:45 p.m. in Council Chambers, Button Up NH program. He noted that this is a great opportunity for people to come and learn about how best to tighten up their homes and save money during the winter months.

Councilor Coen, Parking Committee Chair, explained that at their last meeting they recommended bringing forth to the Council an ordinance to lift the parking ban citywide. He stated that they were hoping to have it before Council this evening but unfortunately they missed the process to get it on this evening's agenda. He questioned whether there was any way to bring this forth on January 18th for the February Council meeting. City Manager Tom Aspell responded yes indicating as long as there is an ordinance. Carlos Baia, Deputy City Manager – Development, stated that his draft report is nearly complete but was unsure as to where the ordinance stands but imagines that it can be worked on as quickly as possible. Mayor Bouley asked if staff could have a draft ordinance prepared for January 18th. Mr. Baia responded yes.

Comments, Requests by the City Manager

City Manager Tom Aspell pointed out that over the last six months the library has been able to raise \$29,000 in revenue and had over 1,300 volunteer hours contributed to their support.

Brian LeBrun, Deputy City Manager – Finance, explained that on January 5th the city did sell \$7.6 million in general obligation bonds and did receive an interest rate of 3.23 percent. He indicated that this is a favorable rate and the city received eleven bids and the winning

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investment company was Morgan, Keegan and Company. He added that both Moody's and Standard and Poors were extremely impressed by the city's balance budget on a budgetary basis. He noted pointed out that they did recognize the city's strong management, economic strength and improved financial status.

Adjournment

The time being 9:07 p.m., Councilor Nyhan moved to recess the meeting and enter into non-public meeting in accordance with RSA 91-A: 2 I (b) consultation with legal counsel to discuss pending litigation; and non-public session in accordance with RSA 91-A: 3, II (d) to discuss contract negotiations, Concord TV. The motion was duly seconded and passed with no dissenting votes.

Councilor Shurtleff moved to come out of non-public. The motion was duly seconded and passed with no dissenting votes.

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

The time being 10:00 p.m., Councilor Stetson moved to adjourn the meeting. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

Michelle Tiffany Deputy City Clerk