



Non-public meeting in accordance with RSA 91-A: 3, II to discuss the City Manager's Annual Evaluation to be held from 5:30 p.m. to 6:35 p.m. prior to the Council meeting.

Non-public meeting in accordance with RSA 91-A: 2, I (b) to discuss collective bargaining to be held from 6:40 p.m. to 6:45 p.m. prior to the Council meeting.

City Council Meeting

Minutes

March 14, 2011

Non-public meeting in accordance with RSA 91-A: 3, II (d) to discuss property acquisition 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 Bennett, Blanchard, Bouchard, Mayor Bouley, Councilors Coen, DelloIacono, Grady, Keach, McClure, Nyhan, Patten, St. Hilaire, Shurtleff, Stetson and Werner were present.
5. Approval of the February 14, 2011 meeting minutes.

Action: Councilor St. Hilaire moved approval of the February 14, 2011 meeting minutes. The motion was duly seconded and passed with no dissenting votes.

6. Councilor Keach presented a resolution in recognition of the services of Deputy Fire Chief Timothy G. McGinley. (1-29)
7. Councilor St. Hilaire presented a resolution in recognition of the services of City Prosecutor, Scott W. Murray. (2-39)
8. 1883 Black Ice Pond Hockey Presentation – Chris Brown and David Gill

Action: Chris Brown distributed copies of the media exposure from the event and recognized committee members present including Rick Fournier, Kent Bradley, Jim Roberts, Joe Farrelly and Dave Palisi. He thanked everyone who helped with the event indicating that it was an overwhelming success with overwhelming support from the community. He acknowledged that there were 49 teams which competed on six rinks for three days. Mr. Brown indicated that they had received positive feedback from all the spectators noting that they felt that the overall theme and feeling about the event was that it was great to see the park used in that capacity. He noted that with this, they have a tremendous opportunity to make this an annual event. He indicated that they have January 27, 2012 as the date for year two. He stated that another reason he was present this evening is that under the

agreement with the City of Concord, they were to make a contribution and presented the city with \$10,000.

9. Red Cross Presentation – Maria White

Action: Maria White indicated that the Red Cross works with fire departments and the work that the Red Cross does in Concord is important because it is a big city and thus the response that they have in Concord is very important that they continue to partner with the Fire Department, City Council and the residents to help them prepare for and respond to emergencies. She noted that over the last few years they have helped over 25 residents in the city during times of disaster in which they provide food, shelter, medications and mental healthcare. She added that they also provide training to residents of Concord and bring business to the city through their post-secondary school. She thanked the city for partnering with them and announced that it was Red Cross month.

10. Transportation Policy Advisory Committee 2010 Bicycle Master Plan. (2-59)
(Public testimony submitted)

Action: Peter Rhoades, TPAC Bicycle Subcommittee Chairperson, explained that the subcommittee took the section from the transportation section of the Concord Master Plan and have created a supplemental for it. He pointed out that it was prepared by Central NH Regional Planning Commission with extensive input from the public, adding that they had three public meetings with 120 people attending between the three meetings.

Craig Tufts provided a powerpoint presentation on the findings and recommendations. He briefly discussed the concept of the Merrimack River Greenway Trail and showing photos of proposed routes.

Dick Lemieux, TPAC and Bicycle Subcommittee member, indicated that they have uncovered some opportunities for funding explaining that they would like to fund this without any contribution by the city. He explained that what they would like from Council this evening is a show of support and instruct them to move forward.

Councilor Bouchard thanked the committee for bringing this forward and all the thought and hard work that went into this. She noted that she feels that this will be a huge asset to the city when it's completed.

Mayor Bouley thanked the committee and noted that this is a great example of what happens in Concord in which there are citizens committees who work on these endeavors.

Councilor McClure moved to accept the report and recommendations and authorize the committee, with the assistance from staff, to submit applications for grants with the understanding that these proposals won't obligate the city to contribute any city funds. The motion was duly seconded.

City Manager Tom Aspell inquired whether the Planning Board had already adopted this as an addendum to the master plan or do they intend to. Mr. Lemieux responded that it is their understanding that the Planning Board will discuss this at their meeting on Wednesday. He noted their hope is that the Planning Board will adopt this as an addendum to the current master plan. Mr. Aspell encouraged the Council, as part of this vote, to send a signal to the Planning Board that this is important to the community.

Councilor McClure's motion passed with no dissenting votes.

11. Agenda overview by the Mayor.

- Consent Agenda Items –

Note: Items listed as pulled from the consent agenda will be discussed at the end of the meeting following unfinished business.

Councilor Nyhan moved approval of the consent agenda, as amended, with items 31 and 38 moved to the end of the agenda for discussion. The motion was duly seconded. The consent agenda, as amended, passed with no dissenting votes.

Referral to the Traffic Operations Committee

12. Communication from Alex de Nesnera, 2 Fogg Street, requesting City Council consider the removal of two stop signs on School Street, at the intersection of North Fruit and School Streets.

Referral to the Legal Department and the Police Department

13. Communication from Richard Guignard, Coins & Treasures, 25 South Street, noting his disapproval of the license fee approved within Ordinance No. 2806 regarding pawnbrokers/second hand dealers.

Items Tabled for an April 11, 2011 Public Hearing

14. Ordinance amending the Code of Ordinances, Title I, General Code; Chapter 1, Government Organization, by amending Schedule I and Schedule II of Article 1-5, Fees, Fines and Penalties; together with report from the Deputy City Manager – Finance.

15. Non-ordinance fees

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

17. Resolution appropriating the sum of \$61,900 from the Parking Fund for installation of parking kiosks in the Capital Commons Parking Garage; together with report from the Deputy City Manager – Development. (2-36)

18. Resolution appropriating and authorizing the expenditure of \$290,000 and authorizing the issuance of \$290,000 in bonds and notes for SCADA Implementation at the Wastewater Treatment Plant, CIP #104; together with report from the General Services Department.

19. Resolution accepting and appropriating the sum of \$338,134.41 from the sale of the former Allied Leather Tannery Complex located at #4 Crescent Street, Penacook and rescinding the sum of \$300,000 previously authorized by resolution #8147 as amended, CIP #508; together with report from the Assistant for Special Projects.

20. Resolution appropriating the sum of \$475,000 including the authorization for the issuance of bonds and notes in the amount of \$475,000 for replacement of the concrete floor and bedding piping at the Everett Arena, CIP # 64; together with report from the General Services Department.
21. Resolution approving the acquisition of open space property northerly of Hopkinton Road, as approved by the Conservation Commission; together with report from the Conservation Commission.
22. Ordinance amending the Code of Ordinances, Personnel Class Specification Index, Life Safety Officer, Assistant Life Safety Officer, Assistant Fire Marshall; together with report from the Fire Chief.

From the City Manager

23. Positive Citizen Comments.
24. Council meeting date calendar.

Consent Reports

25. Appropriation Transfer Report: February 2011.
26. Diminimus gifts and donations report from the Library Director requesting authorization to accept monetary gifts totaling \$2,985 as provided for under the preauthorization granted by City Council.
27. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$3,450 as provided for under the preauthorization granted by City Council.
28. Diminimus gifts and donations report from the Police Department requesting authorization to accept monetary gifts totaling \$2,300 as provided for under the preauthorization granted by City Council.
29. Report from the Golf Course Advisory Committee proposing new Golf Course Twilight Permit Rates for the 2011 Season.
30. Report from Community Development in response to a communication from New Hampshire Lottery requesting a license to erect a sign on Manchester Street directing customers to lottery headquarters on Integra Drive. (2-9)
31. Report from the City Engineer on the status of capital projects managed by the Engineering Services Division.

Action: This item was removed for discussion at the end of the agenda.

Consent Resolutions

32. Resolution in recognition of the services of Master Police Officer Michael W. Kulak.
(*For presentation in April*)

33. Resolution authorizing the City Manager to submit an application for a New Hampshire Conservation License Plate Grant to digitize the five scrapbooks compiled by Judge Elwin Page about Concord's White's Opera House between 1875 and 1920; together with report from the Library Director.
34. Resolution authorizing the City Manager by way of the Police Department to submit an application for reimbursement to the United States Department of Justice – Bulletproof Vest Partnership Grant Program in the amount of not more than \$10,000; together with report from the Police Department.
35. Resolution authorizing the City Manager to enter into a Trail Agreement on land owned by the State of New Hampshire, northerly of Interstate 89, which will permit the public use of existing trails on the property and allow for their inclusion in the city's trail system; together with report from the Conservation Commission.
36. Resolution authorizing the City Manager to enter into a Trail Agreement on land owned by the Marion A. Crosby Revocable Trust, northerly of Currier Road, which will permit the public use of the trail and allow the inclusion of the trail in the city's trail system; together with report from the Conservation Commission.

Consent Communications

37. Street closure request for the Concord Cooperative Market's Annual Spring into Healthy Living Fair to be held in Concord on Saturday, April 16, 2011.
38. Street closure request for a Revolution Cyclery bicycle criterium to be held on Sunday, August 21, 2011. (*Pulled from the consent agenda by Councilor Nyhan; public testimony received*)

Action: This item was removed for discussion at the end of the agenda.

Appointments

39. City Manager's proposed appointment to the Conservation Commission.
Courtney Lockwood
40. Mayor Bouley's proposed appointments to the Community Development Advisory Committee (CDAC). *Jeffrey Bart and Janet Sprague*
41. Mayor Bouley's proposed appointment to the Economic Development Advisory Council (EDAC).
Brad Hosmer
42. Mayor Bouley's proposed appointment to the Contoocook River Local Advisory Committee.
Muriel Lajoie
43. City Manager's proposed appointment to the Zoning Board of Adjustment.
Jim Marshall

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

44. **March 14, 2011 Public Hearings**

- A. 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; Knight Street; together with a report from the Parking Manager. (2-10)

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.

- B. 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; Rumford Street; together with a report from the Parking Manager. (2-11)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Roy Schweiker spoke in favor of the proposed ordinance.

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

- C. Capital Improvement Program (CIP) Out Years. (2-12) (*Public testimony submitted*)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Five Minute Public Testimony

Wendy Follansbee, Penacook resident, indicated that the library foundation supports the findings of the city's needs assessment and the Library Task Force report. She added that they understand that there are numerous worthy projects and that resources are tight, they hope that the library needs and the value that it plays in the community remains a priority in the years ahead. They request that Council leave "as is" the building projections as currently found in the 10 year CIP.

Ruth Perencevich, Concord/Penacook Library Foundation member, submitted a letter from the foundation chair and a NY Times article about libraries. Ms. Perencevich echoed Ms. Follansbee testimony. She noted that it is their feeling that a fully functional public library with updated materials and technology is a statement by the city that: 1) an educated populace is important and 2) literacy is important and that the city supports all individuals in being all that they can be.

Inez McDermott, Concord Public Library Board of Trustees representative, noted that they whole heartedly support the statements that have been made by the foundation and ask that the CIP years remain as they are and that they continue the plan.

Don Hill, Concord resident, spoke in regards to the new multi-generational community center and feels that it is needed here in Concord. He suggested to the school board that they gift Dame School to the city for the use of a community center recalling that the city gifted the school district a choice piece of real estate between Warren and Pleasant Streets for student parking.

Maryann Leon, Centennial Senior Center Chair, spoke in support of the concept of the multi-generational community center. She indicated that they would like to partner with the city on a multi-generational center noting that they need specific space designated to seniors needs, very unique needs. She indicated that they would also like space that they could share with other generations because they feel this is a much better approach to meeting seniors' needs to be integrated in the community with others.

Vivian Green, Centennial Senior Center Executive Director, noted that they are committed to supporting this project. She shared some statistics and background with the Council in regards to seniors and senior centers. She stated that she feels that this would be a good first step to acknowledging the wisdom and contributions of seniors to the city and would also be very significant in the potential to set an example for the rest of the state.

Don Jewell, Concord resident, indicated that there is a need for more capacity and more facilities to support a lot of sport programs and other activities. He stated that he doesn't know that a multi-generational facility is the right way to go about that. He indicated that a concern that he has is what restrictions would be placed on the use of a multi-generational facility in terms of what organizations can access it and how the public can use it for their use.

Kris Bregler, Assistant Director of Elder Service of Community Action Program, offered support to the proposed multi-generational community center.

Roy Schweiker noted his support the concept of having the multi-generational community center at Dame School but does not like some of the plans associated with it: staff members moving to the center leaving White Park unstaffed; utilization of the school gyms instead of building another one; taxpayers shouldn't have to pay for an indoor grassy field and track. He suggested an off-site storage facility for books for the library, a non-mobile bookmobile, so that the library does not have to throw books out to make room for new ones.

Judy Brickett spoke in support of the proposed multi-generational community center.

Steve Leavenworth spoke in favor the proposed multi-generational community center.

Paul Maggiotto, Concord resident, testified in favor of a proposed multi-generational community center and what it offers the youth of Concord in the future. He noted that the city needs a facility like this to enhance the programs that are already available. He feels that mixing it with multi-generational use is a great idea so that there is interaction.

Chiara Dolcino, Concord resident and RPAC member, testified in strong support of a multi-generational community center.

Kim Murdoch spoke in strong support of the multi-generational community center noting that it will create and strengthen relationships and will benefit the entire city.

Three Minute Public Testimony

Roy Schweiker indicated that the lane lines on Main Street need to be repainted and suggested that the city paint the lanes for three lanes instead of four lanes. Referencing the fire ladder truck, he noted that he feels that before purchasing a new one, the current one should be reserved for use for occurrences that require a ladder and shouldn't be used for medical calls. In regards to the proposed library, he suggested that the city look at three existing buildings and try to get it cheaper; the Walker School, the old Stuart Nelson building and the State Unemployment building.

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

- D. Report from the Recreation Director recommending increased rental fees for users of indoor and outdoor recreation facilities. (2-13)

Action: City Manager Tom Aspell provided a brief overview.

Mayor Bouley opened the public hearing.

Public Testimony

Katie Dodge Manson, Regional Director for Girls Inc. Concord, explained that they are working closely with Recreation to develop new ways to share the space so that they can maximize revenue for the city as well as decrease their expenses at Girls Inc. She indicated that their funding has increased 61 percent for youths and families that have been cut off by state child care assistance. She noted that their expenses have increased and they want to continue to have a great relationship with the city and asked that the rent remain the same for this year.

Joe Russell, Concord resident and Concord American Little League President, noted that although they are not in favor of any fee increase they don't have a problem with the five percent increase. He indicated that they typically would pass the additional charge to the parents but don't plan to do that.

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

- E. Ordinance amending the Building and Housing Codes by adopting the 2009 Editions of the International Building Code and the International Residential Code; together with a report from the Code Administrator. (2-14)

Action: There being no Council objection, items E and F were read together.

City Manager Tom Aspell provided a brief overview.

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

- F. Ordinance amending the Housing Maintenance and Occupancy Codes by adopting the 2009 Edition of the International Property Maintenance Code. (2-15)

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

- G. Resolution reaffirming and readopting the Community Development Block Grant Program Code of Ethics Policy and Financial Management Plan; together with report from the Community Development Advisory Committee. (2-16)

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

March 14, 2011 Public Hearing Action

45. 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; Knight Street; together with a report from the Parking Manager. (2-10)

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

46. 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; Rumford Street; together with a report from the Parking Manager. (2-11)

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

Mayor Bouley noted that the request had been brought forth by a resident at 44 Rumford Street. Referencing the map, he indicated that 44 Rumford Street is near the School Street side and it is being proposed to eliminate parking on Rumford Street between Centre and School Streets. He inquired whether the city has talked to the other residents of 48 to 62 to solve this problem which was at the request of one resident. He asked whether this is supported by the entire street, asking why the committee chose the entire street.

Councilor Coen, Parking Committee Chair, responded that they are finding that all day street parking makes it very difficult to pull out of the residence on the east side of the street to turn out on the west side.

Councilor Patten attested to this statement noting that he is familiar with the residence at 44 Rumford Street.

The motion to approve passed with no dissenting votes.

47. Capital Improvement Program (CIP) Out Years. (2-12) (*Public testimony submitted*)

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

Councilor Blanchard noted that a very large capital improvement project is a ladder truck for the Fire Department. She asked that the City Manager, when he prepares the budget, reconsider this and get feedback as to why it is needed this year versus moving it out another year.

Councilor Bouchard brought to Council's attention the correspondences within the packets from citizens in favor of the multi-generational community center. Referencing the petition received by Council, she pointed out that not only does it support the proposed community center but also asks the Concord School district to give the property, at no cost, to the City of Concord.

The motion to approve passed with no dissenting votes.

48. Report from the Recreation Director recommending increased rental fees for users of indoor and outdoor recreation facilities. (2-13)

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

Councilor St. Hilaire moved an amendment to read that Girls Inc. rent remains the same and not be increased. The motion was duly seconded.

Councilor St. Hilaire stated that he would like to keep the rent the same mainly because when looking at the users, there are people involved in sports and that many families will split the costs of the fee increases when they play in club sports. He pointed out that with Girls Inc. those families are the least able to afford this kind of an increase.

Mayor Bouley noted that what he was going to suggest is that they don't accept the report explaining that these fees were just increased in 2009 and in many cases they were increased substantially from what they previously had been paying. He indicated that he realizes that the increase is only five percent but remembers that some of these fees had been increased by significant margins.

Recreation Director David Gill responded that the youth fee that they apply to little leagues who have unlimited use for fields six days a week, the fee went from \$50/season to \$500/season three years ago. He indicated that two years ago the fee went from \$500 to \$520 and this year he is proposing an increase of \$5. He restated that this is for the youth groups that can pass on the fee.

Mayor Bouley indicated that a few years ago when the fees were increased staff was advised to give a good assessment of actual costs. The Recreation Department gave some specific amounts as to what the costs were but that General Services provided very rough numbers. He pointed out that later this evening, Council will be discussing reorganization and asked that if Council agrees with this reorganization, that next year Council will be able to ask Recreation what the real costs are so they can set the fees appropriately. Mr. Gill responded that that is his hope. He explained that part of it is how they are going to capture the data to make sure they can do the analytical review. He stated that it may be more than a year to accomplish this because they will need to go through a whole season to capture the data and look back at the use. Mayor Bouley pointed out that the reorganization, if

approved, would occur April 1st so staff could come back a year from now because he feels that they should be able to cover most of the outdoor fields costs within that time period. Mr. Gill agreed.

Councilor McClure inquired as to the total proposed increase in revenue. Mr. Gill responded that he was unsure and would get back to her with that exact figure. He guessed that it was less than \$10,000 in the budget.

Councilor Nyhan noted that, in part, the proposed cost increases are affordable relative to what is being discussed. He indicated that he supports these increases because there was a lot of thought that went into this and the groups that are going to incur these fees, with Girls Inc. potentially being an outlier, can sustain these increases.

Councilor Keach noted his support of the Mayor's position. He indicated that he feels that the current Grounds Division has done an inadequate job in providing the numbers and would be more comfortable in waiting and tying fees to actual costs.

Councilor Coen indicated his support of the amendment. He noted his concern with not implementing the increases and holding off for a year or two, in which may result to what happened a few years ago in which the fees would have to be increased at higher percentages at one time.

The amendment passed on a voice vote.

The report, as amended, passed 8 to 7 with a show of hands vote.

49. Ordinance amending the Building and Housing Codes by adopting the 2009 Editions of the International Building Code and the International Residential Code; together with a report from the Code Administrator. (2-14)

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

50. Ordinance amending the Housing Maintenance and Occupancy Codes by adopting the 2009 Edition of the International Property Maintenance Code. (2-15)

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

Mayor Bouley asked that if what is pending before Council is to adopt what the state has proposed and what is in front of them is the amendments that staff would like to suggest different from what the state adopted. Mike Santa, Code Administrator, responded that the state doesn't actually adopt a property maintenance code only building codes/construction codes. He explained that this is a city code that sets a minimum standard for every dwelling unit. Mayor Bouley questioned whether these are the changes since 1994. Mr. Santa replied that most of the changes are something that was in their original code and just brought forth. He explained that they tried to update some state laws such as smoke detectors and carbon monoxide detectors that have come in more recently. Mayor Bouley questioned how often staff find themselves going out enforcing, dealing with exterior structures, insect screens on page 7. Lissa Dorfman, Housing Inspector, indicated that she does inspect for these

since they are ninety percent complaint driven; for example someone may call to let them know that a landlord hasn't put any screens in.

Referencing carbon monoxide detectors, Councilor St. Hilaire indicated whether multi-unit dwelling means a residential house or could it also encompass an office building. Ms. Dorfman responded this could be a conjunctive effort between the Chief Building Inspector because there is commercial and she would take care of the residential part. She indicated that if there is an office area that is affecting a residential in the same building or vice versa, she usually takes care of both so that she would have to refer back to the other building codes. Mr. Santa clarified that this is a housing code and staff does not use it for commercial structures.

The motion to approve passed with no dissenting votes.

51. Resolution reaffirming and readopting the Community Development Block Grant Program Code of Ethics Policy and Financial Management Plan; together with report from the Community Development Advisory Committee. (2-16)

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

Reports

52. Parks & Recreation Reorganization Report.

Action: City Manager Tom Aspell provided a detailed overview explaining that the proposal is for the creation of a department of Parks and Recreation noting he believes the city needs to improve the recreational opportunities and experiences we make available to the community; and improve the quality of our parks and facilities. He noted that to do so the city needs to improve both the product and the delivery systems. He indicated that staff took a look at leading parks and recreation systems throughout the country and through this he brings forth three recommendations: (1) bring the city's golf course and park maintenance functions (including responsibilities for the cemeteries), into a single consolidated parks and recreation department; (2) strengthen existing position of Director of Recreation; and (3) restructure a portion of the General Services Department. Mr. Aspell added that as part of the discussion, the field of public parks and recreation is at a crossroads both in Concord and nationally; to thrive the city will need to better engage our residents and businesses to enhance the value of parks and recreation; to become more successful, a repositioning of the management decision making function and a reconfiguration of the other functional areas is needed to improve product delivery. He stated that these functions are currently divided into four separate areas: programming in the Recreation Department; within the General Services Department exist the Grounds Division, which amongst other areas, oversees the Beaver Meadow Golf Course and our cemeteries; the CDD - Planning Division oversees various park improvements, land acquisitions, planning efforts and concept design functions; and the CDD - Engineering Division oversees actual project design and many times, construction management. He noted that the city's current system creates inefficiencies and hampers a coordinated strategic recreational approach; impedes the necessary coordination between planners, programmers, and maintenance aides; and obliterates clear lines of accountability. Referencing the provided charts, he indicated that charts one, two and three are the existing organizational structure amongst three different groups. He pointed out that chart four proposes consolidating a portion of the General Services Department Grounds Division and the Recreation Department into a new department, namely the Department of Parks and Recreation. He explained that

the Grounds Superintendent will be responsible for the golf course, cemeteries and parks maintenance and upkeep and the current Assistant Recreation Director will move over to Recreation Supervisor and will continue performing the programming duties, while a new part-time program coordinator will maintain and expand the programming responsibilities that are handled by the current Recreation Director, this cost will be offset overtime with new revenues. He added that the position of Director of Parks and Recreation is crucial to: achieve goals and resolves challenges in a timely and equitable manner; coordinate planning, maintenance and programming functions; and be the decision making authority in the organization. Mr. Aspell provided a few details including: the General Services Department Public Properties Division will continue to maintain the Arena, the Green Street Community Center and handle the utility bills, conduct monthly inspections and provide cleaning supplies at the community centers; Public Properties will continue to take care of the heating plants and minor projects at each center and the summer maintenance of the seven neighborhood pools will also remain in Public Properties at this time. He indicated that the reorganization does not impact the continued sharing of Grounds Division and Highway Division staff for both snow removal and grounds activities. He explained that the new department will now be responsible for the scheduling of events and programs at the City Hall Auditorium noting that the Friends of the Audi are a vital partner and that administrative support staffing efforts will be realigned to reflect the change in responsibilities. He clarified that related overhead costs will be reallocated to the new and appropriate departments. Mr. Aspell indicated that the next steps include: rebranding – the Director of Parks and Recreation is tasked with developing a brand for this new department that clearly articulates its mission and approach; Customer Service Training provided for all staff within the new department in which they will undertake a comprehensive customer service training program which will emphasize the purpose and mission of the department; long-term vision – expected outcome is to create the best parks and recreation experiences, facilities and programs in the state, while at the same time recognizing that public resources will be significantly restrained for the foreseeable future; the city will improve park signage and information; will create a Special Revenue Account as of January 1, 2012; the creation of a Recreation Foundation - the City will create a foundation so as to develop our programs and facilities in a manner that ensures that resources received are allocated directly to recreational programs and facilities and not consumed by other governmental expenses; sponsorship program development & volunteer program – build on; planning for a new community center. the mission statements of both the Beaver Meadow Golf Course Advisory Committee and the Recreation and Park Advisory Committee will be reviewed with each of the committees to determine appropriate modifications as necessary so as to best align missions with the new department and the creation of the Parks and Recreation Foundation. Recommendations for modifications will be made to the City Council for its review and action. He added that down the road a bit he sees the maintenance of the community centers and the neighborhood pools; concession and vending contracts; conservation property usage and trails; and Enterprise Fund full costing allocation. He noted that the effective timing is for April as the city transitions from winter operations to preparing for the spring.

Councilor McClure asked where trees are going to be taken care of and how they are taken care of now clarifying that she is referring to the planting of trees and taking care of them. Mr. Aspell responded that currently, within the Grounds Division, there is a two person tree crew and when he looked at this originally he intended to move the tree crew into this new department but when looking at it further he found out that 80 to 90 percent of their activity actually occurs in the city's right of ways along the streets. He stated that these two members will be transferred to the Highway Department within General Services.

Councilor Blanchard asked the ratio of the trees taken down versus replaced. Mr. Aspell replied 1 to 10.

Councilor St. Hilaire asked for an explanation why staff didn't want to fold in the arena into this. Mr. Aspell responded that the arena is primarily run through the Public Properties Division and thinks that this is something for the future. He explained that Public Properties is currently short handed and that there is a Public Properties Superintendant who is starting on March 21st and that he is going to ask him, as part of his goal over the next year, to take a look and see how this best can be done. He pointed out that Public Properties not only maintains the arena but also maintains the pools and can see this being a real strong element into this department.

Councilor DelloIacono pointed out that there is the addition of a position but that there doesn't appear to be any new overhead for this department. Mr. Aspell responded that the Program Coordinator will have additional costs, will be a seasonable, part-time position and the revenue that the position will generate will cover the cost.

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

53. Report from the Recreation Director on creating a Parks & Recreation Foundation.

Action: Recreation Director David Gill noted that this time last fall staff came to Council to use the money that they receive annually from the Charitable Foundation to look at whether there is a need, is there a desire from the community to support a Parks & Recreation Foundation.

Brett St. Clair, Louis Karno & Company Communications, explained that their firm was hired to explore the feasibility of a foundation to provide alternative funding for parks and recreation and conducted two areas of research: 1) talked one on one with opinion leaders; 2) researched other park and recreation foundations around the country. He noted that, based on their research, they developed a SWOT analysis looking at strengths, weaknesses, opportunities and threats and as a result of this analysis their findings indicated that a Parks and Recreation Foundation here in Concord was very feasible and had a high likelihood of success as long as the foundation followed the recommendations that they outlined in their report.

Referencing the report, Mr. Gill noted that it calls for the continued guidance to work with City Administration to create a Parks and Recreation Foundation that is very closely tied to the approved Parks and Recreation master plan. He stated that having a 501(c)(3) set up with a clear memorandum of understanding with the city for the purposes of the money collected and joint projects is a good thing going forward. He added that he does not believe that they will have immediate returns but there is a lot of interest for legacy gifts. Mr. Gill stated that his recommendation is to work with the City Manager by October 2011 to work out a memorandum of understanding and an agreement as to how this could work for the city.

Councilor McClure questioned as to the definition of a SWOT analysis. Mr. St. Clair responded that it's an acronym for strengths, weaknesses, opportunities and threats. He noted that these are outlined in the report. Councilor McClure referenced the report indicating that there are four recommendations in which there is a timeline for recommendation one and inquired whether there are timelines for two, three and four. Mr. Gill responded that he hopes to be able to bring these all together at once. He indicated that he thinks that the opportunity going forward is looking at the CIP noting that there is probably 3 to 5 items that may interest private donors, companies and individuals.

Councilor Coen inquired as to the goal set for a deadline to have this up and running. Mr. Gill replied by October 2011. Councilor Coen asked whether this report is available on the city's website. Mr. Gill responded that they can make it available on-line.

Councilor Blanchard asked whether it was safe to assume that when people make donations to the library or various departments of the city that they are not tax deductible. Mr. Gill replied that that is his understanding.

Councilor St. Hilaire stated that he is a president of a board for the McAuliffe-Shepard Discovery Center and the reason that they have a 501(c)(3) is because if someone makes a donation to a government entity it is not tax deductible.

Mr. St. Clair stated that a lot of businesses will not give to public entities if it did not have a 501(c)(3) because it's not tax deductible. Councilor St. Hilaire added that there is a stigma that if you are giving to the government, you don't get anything out of it because it is the government so it's hard to get donations in the first place.

City Manager Aspell added that a government is restricted from applying to a lot of groups for dollars. Mr. St. Clair indicated that the foundation could apply for and be eligible for grants but the city wouldn't be able to.

Councilor DelloIacono inquired as to who is seen managing this. Mr. Gill responded that this is part of the recommendation in which they will need to include how they get appointed, who they are and what the terms are.

Councilor Bouchard noted her concern with competing with the Discovery Center, Red River Theatre and Capitol Center for the Arts for the same limited dollars in the community. Mr. Gill responded that unfortunately they will be a little bit but thinks the city needs to change how they handle opportunities available to them and have the tools necessary to do so.

Councilor McClure noted that it was indicated that this idea was feasible as long as the city follows the recommendations in the report. She asked if they could speak a little bit to what recommendations have been made that is thought to be crucial for the success of this effort. Mr. St. Clair responded that Council just made the first one which is the reorganization. He stated that they need to be clear that the purpose of the foundation is more for parks and recreation meaning that it's for new capital improvements and projects such as a community center and not for what would be considered less which would be funding operations. Mr. St. Clair indicated that in terms of branding the foundation, having one organization that handles everything in terms of operating programs and maintaining facilities, will go a long way to success.

Councilor Coen asked whether the Library Foundation was a 501(c)(3). Mr. Aspell confirmed that to be correct. Councilor Coen clarified for the public that the Library Foundation is a non-profit and is tax deductible.

In response to Councilor McClure's question, Councilor Nyhan noted that they already reached out to the IT Department through the ITAC to work with different departments, in particular the Recreation Department, for branding to help promote some of these new organizational elements. He noted that he hopes to see this coming forward in the next budget cycle.

Councilor St. Hilaire indicated that the branding component is important and asked whether the contract they have with Louis Karno & Company Communications also include some help with the branding. Mr. Gill responded that, at this point, the city's relationship with Louis Karno & Company is ceased explaining that the project is completed as tasked but there is an interest on their part to continue the conversation of how to move forward and is there dollars there for branding.

Councilor Keach noted that it is his sense that there is a lot of enthusiasm and organizations in the community that want to see better recreation facilities built. He stated that rather than taking away from other entities, this really creates an avenue so organizations can get involved.

Councilor Nyhan moved to accept the report and move forward with this. The motion was duly seconded and passed with no dissenting votes.

New Business

Mayor Bouley indicated that he is happy to report that the City has entered into a four-year contract with its UAW member employees. The UAW is largely made up of Code Enforcement officials, Water and Sewer Department officials and City-wide clerical staff. There are approximately 100 employees affiliated with this union. He noted that while this is a fiscally conservative contract and, at the same time, recognizes the value that these employees bring to the City. In this four-year contract, the UAW received a 0% COLA in Year 1, a .5% COLA in Year 2, a .5% COLA in Year 3 and a COLA TBD for Year 4, which is determined upon what the AFSCME union (general services) employees secure for a COLA in that year.

Councilor Shurtleff moved to ratify the contract. The motion was duly seconded.

Mayor Bouley thanked the employees for doing an outstanding job and recognized the negotiating team for the city-side noting that he feels that this is a fair contract.

The motion passed with no dissenting votes.

Unfinished Business

54. 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.

55. 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.

56. 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 Coen referenced the Wastewater Treatment Plant discharging excess material into the Merrimack River causing some pollution down river and along the seacoast last weekend. He noted that this was a great concern to him and questioned whether the Wastewater Treatment Plant has ever had this effect in which there has been an overrun of sewage into the river since the 1970's. Mr. Aspell responded no, there has not. He indicated that the city just received a notification from DES on the Penacook Plant for its superb results and they congratulated the city on how well it is managed. Mr. Aspell clarified that the discharge in which Councilor Coen was referring to was the Hooksett Plant. Councilor Coen added that this shows what a great job the city and its employees does. Mr. Aspell concurred that they do a great job but pointed out that a lot of this is due to the Council who had the foresight to do the combined sewer operations separation program back in the 70's or 80's.

Referencing an article in the Concord Monitor about a water break on Shawmut Street and Mountain Road, Councilor Coen pointed out that an editorial indicated that the city has a problem with its infrastructure. He noted that if he understands correctly, this wasn't a problem with the infrastructure. Mr. Aspell explained that it was a faulty coupling and had to do with the frost driving the coupling down. He stated that they looked at the pipes and that the pipes are in good condition.

Mayor Bouley indicated that Council had adopted a new pawnbrokers ordinance in the city and noted that he has some concerns about the ordinance. He explained that he has a draft of what he has come up with as some possibilities. He pointed out that there is an item in this evening's agenda, a referral to the Legal and Police Departments and that he was going to use this referral to sit down with them to go over some suggestions that he has. He added that if there was anyone present that wishes to sit in on that meeting to participate with him, he welcomed them to let him know if they are interested in doing so.

Comments, Requests by the City Manager

Mr. Aspell noted that there are significant changes occurring at the library on a daily basis and will continue between now and the middle of May. He added that working with the Library Director they have developed significant improvements at very low cost dollars in which he will provide to Council at a future date.

Consideration of items pulled from the consent agenda for discussion

Items 31 and 38 were pulled from the consent agenda to be discussed following unfinished business items on the agenda.

31. Report from the City Engineer on the status of capital projects managed by the Engineering Services Division.

Action: Councilor Bouchard made the Council aware that the NH House leadership is making significant cuts to the state highway fund that will impact the city moving forward with the Sewalls Falls Bridge and other projects. She encouraged the city to keep in touch with NHDOT because at this moment the city will not have the funding to go forward with the Sewalls Falls Bridge and with the block grant aid, the city will be losing \$145,000 that the city was expecting to get. She added that going forward with the remaining eight years in the ten year plan; the city will actually be losing over \$1 million in block grant aid. She also indicated that house leadership is looking to lay off half of the DOT staff.

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

Mayor Bouley noted that Council receives periodical reports from the Legal Department regarding the status of cases and this is the first one that he can remember in which Council received a comprehensive report on the status of all of the city's capital projects. He stated that it was extremely well done and makes it easier to answer questions when individuals ask for updates. He indicated that he looks forward to the same thing in the future.

The motion to approve the report passed with no dissenting votes.

38. Street closure request for a Revolution Cyclery bicycle criterium to be held on Sunday, August 21, 2011. (*Pulled from the consent agenda by Councilor Nyhan; public testimony received*)

Action: Councilor Nyhan explained that he received a phone call in regards to the potential impacts of this criterium on worship services in this area. He pointed out that the proposed hours for closure is 6:00 a.m. to 4:00 p.m. and that there will probably be at least three churches that may be impacted. He moved to refer this request to the Police Department for consultation with the places of worship that will be impacted. The motion was duly seconded.

Mayor Bouley noted that this is a great event and will bring a lot to the downtown but agrees with Councilor Nyhan that there is the need to coordinate better with the churches since this event is scheduled for a Sunday. He indicated that he hopes that there is a safe and fair resolution to this and looks forward to being a spectator at this event.

The motion to refer to the Police Department passed with no dissenting votes.

Adjournment

The time being 9:55 p.m., Councilor Nyhan moved to enter into a non-public meeting in accordance with RSA 91-A: 3, II (d) to discuss property acquisition. The motion was duly seconded and passed with no dissenting votes.

A true copy; I attest:

*Michelle Tiffany
Deputy City Clerk*